U.S. Congress 137

CONGRESSIONAL RECORD:

4295
6033

CONTAINING

THE PROCEEDINGS AND DEBATES

Pat

OF THE

SIXTIETH CONGRESS, FIRST SESSION.

VOLUME XLII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1908.

AUTHENTICATED
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VOLUME XLII, PART II.

CONGRESSIONAL RECORD,

SIXTIETH CONGRESS, FIRST SESSION.

A bill (S. 4421) to correct the military record of A. J. Arnold; and

A bill (S. 4422) to authorize the President of the United States to appoint John Archibald McAlister, jr., captain and quartermaster in the Army (with an accompanying paper).

He also introduced a bill (S. 4423) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 4424) granting an increase of pension to Timothy Bresnahan, which was read twice by its title and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 4425) granting an increase of pension to Margaret Clark, which was read twice by its title and referred to the Committee on Pensions.

Mr. PILES introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4426) for the relief of Thomas C. Clark; and

A bill (S. 4427) for the relief of Hastings Steamboat Company.

Mr. KITTREDGE introduced a bill (S. 4428) granting an increase of pension to Leonard Davis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4429) for the relief of the estate of Lee Arnold, deceased; and

A bill (S. 4430) for the relief of the estate of Robert McCoy, deceased.

Mr. CULLOM introduced a bill (S. 4431) for the relief of James Finnegan and the heirs of Thomas Nesdall, deceased, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BULKELEY submitted an amendment relative to machine and automatic guns, including their carriages, sights, implements, and equipments for use in the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment relative to the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, and equipments, for use in the Army, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate $1,500 for the employment of "line riders" along the south and east boundary of the North Cheyenne Indian Reservation, in the State of Montana, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. CULBERSON. Mr. President, I offer a Senate resolution, and ask that it be printed and lie on the table. I do not ask that it be read.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. BEVERIDGE. May I ask the Senator if this is the resolution or an amendment of the resolution which has been under consideration for a few days?

Mr. CULBERSON. It is a resolution on the same subject.

Mr. BEVERIDGE. Is it meant to take the place of the resolution the Senate had up yesterday?

Mr. CULBERSON. It is a somewhat different resolution. It is on the same subject, I repeat.

Mr. BEVERIDGE. I should like to have the resolution read.

Mr. CULBERSON. I have no objection if the Senate wants to hear it all read.

Mr. BEVERIDGE. How long is the resolution?

Mr. CULBERSON. It is quite lengthy.

The VICE-PRESIDENT. Does the Senator from Indiana ask that the resolution be read?

Mr. BEVERIDGE. If it is a very long resolution I will not insist on it. I am somewhat interested in this matter. Can the Senator indicate in what particular he has again changed his resolution?

Mr. CULBERSON. I will state to the Senator that it is quite interesting, but it would take an hour probably to read it.

Mr. BEVERIDGE. I am not going to ask that a resolution which is the second amendment of a resolution within three days, and which it would take an hour to read, shall be read, of course.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. Certainly.

Mr. LODGE. I merely wish to ask if we are expected to pass a resolution which would consume an hour in reading without having it read to the Senate?

Mr. BEVERIDGE. The Senator from Texas does not ask to have it passed. He asks that it may go on the table.

Mr. LODGE. I beg pardon.

Mr. CULBERSON. No such request as that has been made. I requested that the resolution be printed and lie on the table subject to call.

Mr. BEVERIDGE. My only remark, I will state for the benefit of the Senator from Massachusetts, was that I asked the Senator from Texas whether this is a further modification of a resolution which was already once modified yesterday, and being informed that it was, I asked that it be read. But then it developed that the resolution has so grown in its modification that it would require an hour to read it, and, of course, I withdrew the request that an hour of the Senate's time should be taken up in hearing the third form of the Senator's resolution within three days.

The VICE-PRESIDENT. The Senator from Texas asks that the resolution submitted by him be printed without reading. Is there objection? The Chair hears none and it is so ordered.

The resolution is as follows:

Senate resolution 81.

Whereas on October 24, 1907, the following bill of complaint was filed in the circuit court of the United States for the northern district of West Virginia:

IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

HITCHMAN COAL AND COKE COMPANY, PLAINTIFF,

v.

JOHN MITCHELL ET ALS., DEFENDANTS.

COPY OF BILL IN EQUITY FILED IN OPEN COURT AT PHILIPPI, OCTOBER 24, 1907.

IN EQUITY.

Hitchman Coal and Coke Company, a corporation organized under and by virtue of the laws of the State of West Virginia, and citizen of said State, having its principal office at Wheeling, in said State and district, plaintiff,

v.

John Mitchell, of Indianapolis, Ind., and a citizen of the State of Indiana, individually and as president of the United Mine Workers of America and of the International Union, United Mine Workers of America; T. L. Lewis, of Bridgeport, Ohio, and a citizen of the State of Ohio, individually and as vice-president of the United Mine Workers of America and of the International Union, United Mine Workers of America; W. B. Wilson, of Blossburg, Pa., and a citizen of the State of Pennsylvania, individually and as secretary-treasurer of the United Mine Workers of America and of the International Union, United Mine Workers of America; William Green, of Coshocton, Ohio, and a citizen of the State of Ohio, individually and as president of District No. 6, United Mine Workers of America; D. H. Sullivan, of Coshocton, Ohio, and a citizen of the State of Ohio, individually and as vice-president of District No. 6, United Mine Workers of America; George W. Savage, of Columbus, Ohio, and a citizen of the State of Ohio, individually and as secretary-treasurer of District No. 6, United Mine Workers of America; A. R. Watkins, of Yorkville, Ohio, and a citizen of the State of Ohio, individually and as president of Subdistrict 5 of District 6, United Mine Workers of America; John Zelenka, of Warrenton, Ohio, and a citizen of the State of Ohio, individually and as vice-president of Subdistrict 5 of District 6, United Mine Workers of America; Lee Rankin, of Dillonvale, Ohio, and a citizen of the State of Ohio, individually and as secretary-treasurer of Subdistrict 5 of District 6, United Mine Workers of America; and Thomas Hughes, of Shadyside, Ohio, and a citizen of the State of Ohio, defendants.

To the honorable the judges of the circuit court of the United States for the northern district of West Virginia:

Hitchman Coal and Coke Company, a corporation organized under and by virtue of the laws of the State of West Virginia, and citizen of said State, having its principal office at Wheeling, in said State and district, brings this its bill of complaint against John Mitchell, of Indianapolis, Ind., and a citizen of the State of Indiana, individually and as president of the United Mine Workers of America and of the International Union, United Mine Workers of America; and T. L. Lewis, of Bridgeport, Ohio, and a citizen of the State of Ohio, individually and as vice-president of the United Mine Workers of America and of the International Union, United Mine Workers of America; and W. B. Wilson, of Blossburg, Pa., and a citizen of the State of Pennsylvania, individually and as secretary-treasurer of the United Mine Workers of America and of the International Union, United Mine Workers of America; and William Green, of Coshocton, Ohio, and a citizen of the State of Ohio, individually and as president of District No. 6, United Mine Workers of America; and D. H. Sullivan, of Coshocton, Ohio, and a citizen of the State of Ohio, individually and as vice-president of District No. 6, United Mine Workers of America; and George W. Savage, of Columbus, Ohio, and a citizen of the State of Ohio, individually and as secretary-treasurer of District No. 6, United Mine Workers of America; and A. R. Watkins, of Yorkville, Ohio, and a citizen of the State of Ohio, individually and as president of subdistrict 5 of District 6, United Mine Workers of America; and John Zelenka, of Warrenton, Ohio, and a citizen of the State of Ohio, individually and as vice-president of subdistrict 5 of District 6, United Mine Workers of America; and Lee Rankin, of Dillonvale, Ohio, and a citizen of the State of Ohio, individually and as secretary-treasurer of subdistrict 5

of District 6, United Mine Workers of America; and Thomas Hughes, of Shadyside, Ohio, and a citizen of the State of Ohio, defendants.

And therefore your orator complains and says:

First. Your orator, Hitchman Coal and Coke Company, is a corporation organized under and by virtue of the laws of the State of West Virginia, having its principal office at Wheeling, in Ohio County, in said State; that it is the owner of about 5,000 acres of coal situated contiguous to its coal mine, which is at Benwood; that its coal mine is equipped with the necessary plant for mining coal and has shipping facilities on the main line of the Baltimore and Ohio Railroad, and its various shipments by rail originate on that road and at its mine; that your orator has been for some time past and is now engaged in mining coal and shipping the same to the open markets of the United States; that the product of its mine is large, amounting to about 1,400 tons per day, and that it has customers residing in all parts of the United States, and that a large portion of its trade is during the summer and fall months, when coal is carried to the Northwest by steamers upon the lakes while navigation is not interrupted by ice, while another portion of its trade has been for years and now is supplying coal for fuel for engines of the said Baltimore and Ohio Railroad Company, delivered by a coaling device to the engines at its tipple and likewise from large storage bins which have been erected and are in use by your orator and by said railroad company, wherefrom to coal their engines, said storage bins being located at the end of a considerable steel structure, trestle, or viaduct located near the roundhouse of said railroad company at Benwood, in the construction of which steel trestle and coal bins your orator has expended and now has invested a large sum of money; that on mining coal the coal as mined is brought to the surface and mouth of the mine and then for interstate commerce is delivered to the common carrier and by it carried to its destination within the United States, but without the State of West Virginia; that your orator has made large contracts for the future delivery of coal to points within and without the State of West Virginia, but within the United States, especially for lake trade; that your orator alone furnishes daily to said Baltimore and Ohio Railroad Company between 500 and 600 tons engine coal; that the profits and earnings of your orator depend largely upon its mining and producing coal during the summer and fall seasons of the year, and especially is this true of this year as to its said contracts not yet filled, but which it has the ability and, unless unlawfully interfered with by the defendants, expects to fill; that prior to April 1, 1906, your orator operated its said mine by employing a large number of men who were affiliated with said United Mine Workers of America, but on April 1, 1906, a strike having been ordered by said association, the employees of your orator who were working for it at that time continued to work until April 16, 1906, and on that day, under renewed demands of said United Mine Workers of America, went out on a strike and ceased to work for your orator, and said strike so declared is still in force so far as your orator and its mine is concerned; that at the time your orator's said employees went out on said strike they had no grievance, had made no complaint to your orator, and your orator had not failed to comply with its then contracts with its said employees with reference to their work; that said strike was ordered by the said association and your orator's said employees went out on said strike as aforesaid in pursuance thereof for the reason that certain coal operators in other sections of the country had refused to accede to certain demands of said association, and the ordering out of your orator's said employees and their going out on a strike as aforesaid were means amongst others used by said association at that time for the purpose of compelling said coal operators to sign a certain scale of wages which had been prepared and was being insisted upon by said association as the price of its permission being given to its members to remain at work for said coal operators; that at that time your orator, being advised of the controversy between said association and said coal operators, proposed to its said employees that they continue at work for your orator pending the signing of the scale by said coal operators, and that on the signing of the scale your orator would pay its said employees any additional sum that would have been earned by them during the time intervening between April 1, 1906, and the signing of the scale, provided that the scale when signed should provide for an advance in wages on work done on and after said April 1, 1906; that while your orator's said employees were ready and willing to accept your orator's proposition, nevertheless the said employees being members of the United Mine Workers of America were by that association ordered to strike, and after having continued in your orator's employ until April 16, 1906, went out on a strike as aforesaid under the renewed orders of said United Mine Workers of America that they should strike, which going out on strike on April 16, 1906, was without justification and without excuse and greatly to your orator's injury, embarrassment in business, and financial loss, owing to its inability to carry out its contracts which it then had for the sale and delivery of coal and for supplying coal to the engines of said Baltimore and Ohio Railroad Company at its tipple and bins aforesaid; that your orator's said mine was shut down and was not operated after April 16, 1906, until June 12, 1906, but upon resumption of operation on June 12, 1906, your orator started to run its mine on a nonunion basis, and each and every man who accepted employment at the mine was told at the time of entering your orator's service that there was no union at the mine, that the company would not allow any, and that no union man could remain in the employ of the company while recognizing and giving paramount allegiance to the union and obeying its orders, and if any employee of the company joined the union he could not work any longer for the company; that under those circumstances and with full knowledge of the said conditions of employment many men applied to your orator for work, and being employed entered the employment of your orator under an express contract not to join the United Mine Workers of America and worked in its mine and have continued so to work until the present time with satisfaction to themselves and to your orator, although from time to time since your orator has been operating its said mine on a nonunion basis efforts have been repeatedly made by officers and agents representing the United Mine Workers of America and its subordinate associations or branches to induce your orator to agree to reunionize its mine and to sign the scale of the United Mine Workers of America; that your orator has repeatedly refused to have anything to do with the United Mine Workers of America, or any of its subordinate associations or branches, or with any of its officers, agents, employees, or servants, and has made known to them and to each of them your orator's determination to run its mine nonunion and its purpose not to permit any interference by said United Mine Workers of America, its subordinate associations or branches, its officers, agents, employees, and servants, with its operation of its mine or with its business, whereupon said United Mine Workers of America, its subordinate associations or branches, by its officers, agents, employees, and servants, have sought and are now seeking *by inducements*, threats, and intimidation, *but so far without physical violence*, to cause the employees of your orator to leave its service and to cause others who have engaged to enter your orator's service to break their engagements of service and not work for your orator, and to prevent others from working for your orator, all with the professed, avowed, and actual purpose, which your orator says is an unlawful purpose, of compelling your orator to recognize the union, to force your orator to employ none but persons who are members of the United Mine Workers of America, to compel your orator to pay such scale of wages as said United Mine Workers of America arbitrarily fix and demand, and to submit your orator's business and its property to the jurisdiction and control of said union, becoming by the union's rules obliged to employ or to discharge whom the said union, its subordinate associations or branches, and its officers, agents, employees, and servants shall direct or require.

Your orator says that the said United Mine Workers of America, including its said subordinate associations or branches, is a secret voluntary organization having certain expressed objects, some lawful and others unlawful, and that it is in the endeavor to carry out its unlawful purposes that the matters and things herein complained of by your orator have arisen.

Your orator says that the said United Mine Workers of America, although not incorporated as aforesaid, was organized on or about January 25, 1890; that from the proceedings of its last annual convention, which was held in Indianapolis, Ind., from January 15 to January 22, inclusive, 1907, it appears that it had a membership of 230,667 in 1906; that its income for the fiscal year ending November 30, 1906, was $1,081,408.32, its expenditures for the same period were $1,232,994.01, and that its balance on hand December 1, 1906, was $337,960.71, and that it is claimed for it that it is the largest labor organization in America.

Indicative of the character and purpose of said United Mine Workers of America and its said subordinate associations or branches, your orator refers to and says that the following are some of the provisions of their respective constitutions:

Excerpts from the constitution of the United Mine Workers of America and of the International Union, United Mine Workers of America.

ARTICLE I.

NAME, OBJECTS, AND JURISDICTION.

SECTION 1. This organization shall be known as the United Mine Workers of America.

SEC. 2. The objects of this union are to unite mine employees that produce or handle coal or coke in or around the mines and ameliorate their condition by methods of conciliation, arbitration, or strikes.

SEC. 3. This organization shall be composed of international, district, subdistrict, and local unions.

SEC. 4. The international union shall have jurisdiction over all districts, subdistricts, and local unions, which shall be governed by this constitution.

ARTICLE II.

OFFICERS AND THEIR DUTIES.

SECTION 1. The officers of the union shall be one president, one vice-president, and one secretary-treasurer and an executive board, to be composed of one member from each district under the jurisdiction of United Mine Workers, each district to elect its member of the international executive board, the president, vice-president, and secretary-treasurer to be members of the board by reason of their position.

SEC. 2. The president shall preside at all general conventions of the union. * * *; from time to time appoint such organizers and workers in the international office or in the field as may be required; * * *; decide all questions of dispute concerning the meaning of the constitution; exercise general supervision over its workings, both in the field and in the international offices, as his judgment dictates or the exigencies of the case require * * * and he shall quarterly name the password for the use of the local unions.

SEC. 3. The vice-president shall act as general organizer, and shall be under the direction of the president, and shall succeed that officer in case of death, resignation, or removal from office.

SEC. 5. The executive board shall constitute an international board of conciliation and arbitration; shall execute the orders of the international convention, and between conventions shall have full power to direct the workings of the organization, also to levy and collect assessments when necessary. * * *

SEC. 6. The international executive board shall have power to order a general strike or suspension by a two-thirds vote at any time during the year that they may deem necessary, and each member shall have one vote and one deciding vote for every two thousand members in good standing, or a majority fraction thereof; provided that all district presidents, vice-presidents, and secretaries be called into joint conference for consideration before any joint strike or suspension order be issued.

SEC. 7. The international executive board shall be convened upon the order of the president or by the secretary-treasurer at the request of eleven members of the board.

SEC. 8. The term of all elective officers shall be from April 1st to March 31st of each year.

ARTICLE III.

QUALIFICATIONS AND SALARY OF OFFICERS.

SECTION 1. Any member in good standing in the organization shall be eligible to hold office in the international union, provided he is not a salaried officer of a subdistrict or district at the same time, and provided he has never been found guilty of misappropriating any funds of the organization intrusted to his care, who has been a member of a local union for one year prior to his election.

SEC. 2. The president's salary shall be $3,000.00 per annum and all legitimate expenses; vice-president, $2,500.00 per annum and all legitimate expenses; secretary-treasurer, $2,500.00 and all legitimate expenses. * * *

ARTICLE IV.

REVENUES.

SECTION 1. Every local union shall pay direct to the international secretary-treasurer a per capita tax of twenty-five cents per month per member, and such additional assessments as may be levied. * * *

SEC. 2. The local secretary-treasurer shall fill out and forward to the international and district secretary-treasurer before the 25th of each month, a report of all members in good standing in the local union on the 1st day of that month, together with all taxes and assessments due to the international and district offices from the same.

SEC. 6. No local union shall be exonerated from the payment of per capita tax or assessments unless their members have been idle for one month or more.

SEC. 7. Where a mine is abandoned indefinitely and all the members of the local union at that mine have gone to work elsewhere, the local secretary shall notify the district secretary of the fact and the district secretary shall make application for exoneration for the local union each month to the international secretary-treasurer, until work is re-

sumed at the mines and the local union is again placed in working condition.

SEC. 9. The local monthly dues to be paid by each member shall not be less than 50 cents per month, together with such assessments as may be levied by the different branches of the United Mine Workers of America.

SEC. 10. The initiation fee shall be $10 for practical miners, and for nonpractical men it shall be left to the discretion of the district where applications for membership are made.

ARTICLE V.

CONVENTIONS AND REPRESENTATIONS.

SEC. 2. * * * And the term "miner or mine worker" includes anyone working in or around the mines and a member of a local union.

ARTICLE VII.

CARDS.

SEC. 4. Any member desiring to leave the mine where his local is located and work elsewhere shall immediately make application to the secretary of the local for a transfer card, and, if he has paid all dues and assessments, the president and recording secretary shall issue a transfer card to him, which shall be attested by the financial secretary, providing the local union is in good standing with the international, district, and subdistrict unions, which shall be accepted in any district, and in case such person can not produce a transfer card he shall pay the regular initiation fee. All transfer cards shall be deposited as the laws of the district where work is secured may direct.

SEC. 8. When a transfer card is issued to any member, it must be deposited by him with some local union or with the international secretary-treasurer within three months after the last day of the month in which it was issued to him, else the card will become void, and he can only become a member again by initiation as a new member.

ARTICLE IX.

ORGANIZERS.

SECTION 1. Commissions as organizer shall be signed by the president and attested by the secretary-treasurer.

ARTICLE X.

STRIKES.

SECTION 1. When trouble of a local character arises between members of a local union and their employers, the officers of said local shall endeavor to effect an amicable adjustment, and failing in this they shall immediately notify the officers of the district to which the affected locals are attached, and said district officers shall immediately investigate the case of complaint; and failing to effect a peaceable settlement on a basis that would be fair and just to aggrieved members, finding that a strike would best serve the interests of the locality affected, they may order the inauguration of a strike, but no local strike shall be legalized or supported by a district unless its inauguration was approved by the officers of the district or by the international executive board, upon an appeal taken by the aggrieved members from the decision of the district officers; any local union striking in violation of the above provisions shall not be sustained or recognized by the international officers.

SEC. 3. When any member of the United Mine Workers is suspended or discharged, it shall be the duty of the mine committee to immediately investigate the case, and, if the member discharged is not guilty of an offense justifying the same, the grievance shall immediately be reported to the subdistrict and district president in writing, under the seal of the local, and if, upon investigation, the report of the local committee is found correct, the subdistrict and district president shall immediately insist upon the reinstatement of the suspended or discharged member.

SEC. 4. The international officers shall at any time they deem it to the best interests of mine workers in a district that is idle, for just and sufficient reasons, order a suspension in any other district or districts that would in any way impede the settlement of the district affected, provided that such action would conserve to the best interests of the United Mine Workers of America.

ARTICLE XII.

DISTRICTS.

SECTION 1. Districts shall be formed with such number and territory as may be assigned them by the international officers and shall be subject to the jurisdiction, laws, rules, and usages of the international union.

SEC. 2. Districts may adopt such laws for their government as they may deem necessary, provided they do not conflict with the international union.

ARTICLE XIII.

SUBDISTRICTS.

SECTION 1. Subdistricts may be formed with such number and territory as may be assigned to them by the districts to which they are attached, and shall be subject to the jurisdiction, laws, rules, and usages of the international and district unions.

SEC. 2. Subdistricts may adopt such laws for their government as they may deem necessary, provided they do not conflict with international and district constitutions or agreements entered into.

SEC. 3. All local unions within the territory of subdistricts already organized in any district shall contribute and become a part of the same and comply with its laws before they are entitled to password or representation in either international or district organizations.

ARTICLE XIV.

LOCALS.

SECTION 1. Local unions shall be composed of miners, mine laborers, and other workmen, skilled and unskilled, working in and about the mines, except mine manager, top boss, and persons engaged in the sale of intoxicating liquors, and shall be given such numbers as the international secretary-treasurer shall assign them.

SEC. 2. All locals shall be under the jurisdiction of the international, district, and subdistrict unions, and may make such laws for their government as they deem neccssary, provided they do not conflict with the international, district, and subdistrict constitutions or agreements entered into. Any local union or members thereof violating this section shall be subject to a fine of not less than $5.

SEC. 4. All local officers and committees shall be elected the last meeting of June in each year by a majority vote of the members present, and shall serve one year or until their successors are elected and qualified.

Your orator says that its mine is located in territory which, under the organization of the United Mine Workers of America, is included within the jurisdiction of Subdistrict 5 of District 6.

Excerpts from constitution of district No. 6, United Mine Workers of America:

ARTICLE I.

NAME AND OBJECTS.

SECTION 1. This organization shall be known as District No. 6 of the United Mine Workers of America.

SEC. 2. One of the objects of this organization is to unite all employees in and around the coal mines of Ohio and the Panhandle district of West Virginia.

ARTICLE II.

SECTION 1. District No. 6 shall be divided into six subdistricts. * * *

ARTICLE III.

OFFICERS AND THEIR DUTIES.

SECTION 1. The officers of this organization shall consist of one president, one vice-president, one secretary-treasurer, and an executive board of nine members, three of whom shall be the president, vice-president, and secretary-treasurer. The president and secretary-treasurer shall act as chairman and secretary of the executive board.

SEC. 2. The president shall preside at all conventions of the district organization. * * * He shall act as general organizer for the district. * * *

SEC. 3. The vice-president shall act as general organizer of District No. 6 and shall be under the direction of the president, and shall succeed that officer in case of death or removal, and when directed by the president in writing to settle any grievance or dispute his decision shall be final.

SEC. 7. The members of the executive board being presidents of subdistricts have the right to organize locals in their respective districts.

SEC. 8. That the term of office of president, vice-president, secretary-treasurer, and members of the executive board shall be from April 1 to March 31 of each year.

ARTICLE VI.

SALARIES OF OFFICERS.

SECTION 1. The salary of president shall be $100 per month, payable semimonthly, * * * with legitimate expenses. * * *

SEC. 2. The vice-president shall be paid $90 per month, on the same condition as the president.

SEC. 3. The secretary-treasurer shall be paid for his services the sum of $100 per month and all office expenditures. * * *

ARTICLE VIII.

GRIEVANCES AND DISPUTES.

SECTION 1. In case of trouble arising in any local with the employer it shall be the duty of the local officers to try to effect a settlement; failing in this, the grievance shall be presented to the subdistrict president in writing, who shall investigate the grievance or dispute and settle, if possible. Should he fail, he shall consult the district president, who shall settle the dispute either by suspending work or such other methods as they may deem best. In case of a direct violation of agreements, the subdistrict president or local union affected are authorized to order a suspension of work.

SEC. 2. When it becomes necessary for a district president to close a mine, or when a mine or mines from some other legitimate cause has been forced to close down, said officers may, if they deem it wise, close every other mine in the district, or may distribute those idle men into any other mine or mines in the district in which said mine or mines so closed may be situated.

ARTICLE IX.

SECTION 1. The initiation fee in District 6 shall be $10, and all persons applying for and securing work in the mines who are not practical mine workers shall pay $10 initiation fee. Any person applying for work at any organized mine shall present a United Mine Workers' card. In case said person can not present such union card he shall pay the regular initiation fee.

SEC. 4. When a member allows himself to be three months in arrears he shall be considered no longer a member of the United Mine Workers of America, and in order to become a member again he must pay uniform initiation fee. * * *

SEC. 8. Each local union must be provided with a seal of the United Mine Workers of America, and no card or communication will be recognized unless the seal of the local be attached.

SEC. 15. Any member of our organization working in or around the mine working on idle days or extra time, in violation of our constitution or agreements, shall be fined $2.50 for each offense.

SEC. 16. The local monthly dues to be paid by each member shall not be less than 50 cents per month, together with such assessment as may be levied by the different branches of the United Mine Workers of America.

SEC. 17. That a fine of $10 [be imposed] in each individual case where it can be proven that a member of the union leaves his district for West Virginia or any other unfair mines, and remains there one month or more without having deposited his transfer card and returns without giving a satisfactory account of why he has not deposited his transfer card; and the fine to be collected by the local union where he works.

Excerpts from constitution of Subdistrict 5 of District 6, United Mine Workers of America:

ARTICLE I.

SECTION 1. This organization shall be known as Subdistrict 5 of District 6, United Mine Workers of America.

SEC. 2. The object of this organization is to unite the mine employees of Belmont, Jefferson, Tuscarawas, Harrison, and Carroll counties in Ohio, and that part of Stark County south of Canton other than the Massillon seam, and Hancock, Brooke, Ohio, and Marshall counties of West Virginia, to ameliorate their conditions by methods of conciliation, arbitration, or strike.

SEC. 3. All men are eligible and must be members of the United Mine Workers of America who work in and around the mines.

SEC. 4. This organization shall have jurisdiction over all local unions of Subdistrict 5 of District 6, United Mine Workers of America.

ARTICLE II.

SECTION 1. The officers of this organization shall consist of a president, a vice-president, a secretary-treasurer, and three members of an executive board, who shall constitute a board of six members. * * *

ARTICLE IV.

SECTION 1. In case of trouble arising in any local with the employer, it shall be the duty of the local officers to try to effect a settlement; failing in this, the grievance shall be presented to the subdistrict president in writing, who shall investigate the grievance or dispute and set-

tle, if possible. Should he fail, he shall consult the district president, who shall settle the dispute either by suspending work or by such other methods as they may deem best. In case of a direct violation of agreements, the subdistrict president or local union affected are authorized to order a suspension of work.

ARTICLE V.

REVENUE AND REPRESENTATION.

SECTION 1. The revenue of this organization shall be derived from local unions under its jurisdiction. They shall pay to the secretary-treasurer the sum of 5 cents per member per month; the same shall be checked off by check weighman, the per capita tax to be forwarded to the secretary-treasurer not later than the 15th of each month for the month preceding.

SEC. 3. The convention shall have power to increase or reduce the per capita tax if they deem it necessary.

ARTICLE VI.

SALARIES OF OFFICERS.

SECTION 1. The salary of president shall be $80 per month and all necessary expenses in the performance of his duties.

SEC. 2. The salary of the vice-president shall be $70 per month, and all necessary expenses in the performance of his duties.

SEC. 3. The salary of the secretary-treasurer shall be $75 per month and all necessary expenses in the performance of his duties.

SEC. 6. The above prices are based on a 90 cent mining rate, and that these prices be increased or decreased the same per cent as the miners.

ARTICLE VII.

NOMINATION AND ELECTION OF OFFICERS.

SEC. 7. All check weighmen employed by members of the United Mine Workers shall be members of the United Mine Workers six months prior to their election, except newly organized locals, and voted for and elected by those who pay to maintain them. Notice of election for check weighman shall be posted in some conspicuous place at the mines where check weighman is to be employed at least three days before the time set for such an election. It shall be the duty of such check weighman to keep a record of all men employed in and around the mine. Under no consideration shall a check weighman be considered an officer of the local union. The term for which a check weighman shall serve shall be left to the discretion of those who employ him. The above will not prevent any local officer from acting as check weighman.

SEC. 8. The term of all officers of Subdistrict 5 of District 6 shall be from April 1 to March 31 of each year.

ARTICLE IX.

SECTION 1. That our initiation fee must conform with the national constitution.

SEC. 2. That a fine of $10 in each case [be imposed] where it can be proven that a member of our union leaves his district for West Virginia or any other unfair mine and remains one month or more without depositing a transfer card and returns without giving a satisfactory account of why he has not deposited his transfer card, and a fine to be collected by the local union where he is working.

SEC. 3. Any member of our organization working in or around the mine, working on idle days or extra time, in violation of our constitution or agreements, shall be fined $2.50 for each offense.

Further indicating some of the purposes of said United Mine Workers of America, your orator refers to and says that the following are some of the provisions contained in the manual of District No. 6 of the United Mine Workers of America and of the manual of Subdistrict 5 of District 6, United Mine Workers of America:

OPENING.

The hour of the meeting having arrived, the president shall take the chair and give one rap with the gavel, upon which all officers and members shall be seated.

If no regular doorkeeper has been appointed, the president shall appoint one of the brothers to see that none but members of the union are admitted.

The oath administered to each member on his admission and initiation is:

"I do solemnly promise, of my own free will, to abide by the laws of this union; to bear true allegiance to and keep inviolate the principles of the United Mine Workers of America; never to discriminate against a fellow-worker on account of creed, color, or nationality; to defend freedom of thought, whether expressed by tongue or pen, to defend on all occasions and to the extent of my ability the members of our organization.

"That I will not reveal to any employer or boss the name of anyone a member of our union. That I will assist all members of our organization to obtain the highest wages possible for their work; that I will not accept a brother's job who is idle for advancing the interests of the union or seeking better remuneration for his labor; and, as the mine workers of the entire country are competitors in the labor world, I promise to cease work at any time I am called upon by the organization to do so. And I further promise to help and assist all brothers in adversity, and to have all mine workers join our union, that we may all be able to enjoy the fruits of our labor; that I will never knowingly wrong a brother or see him wronged if I can prevent it. To all of this I pledge my honor to observe and keep as long as life remains, or until I am absolved by the United Mine Workers of America."

Your orator further says that the paid-up membership of said District 6, United Mine Workers of America, was, in 1906, 36,372, and on March 1, 1907, Subdistrict 5 of District 6, United Mine Workers of America, and 108 locals in good standing and paid-up membership of 12,500.

Your orator says that the defendant John Mitchell is president of the United Mine Workers of America and of the International Union United Mine Workers of America; that the defendant T. L. Lewis is vice-president of the United Mine Workers of America and of the International Union United Mine Workers of America; that the defendant W. B. Wilson is secretary-treasurer of the United Mine Workers of America and of the International Union United Mine Workers of America; that the defendant William Green is president of District No. 6, United Mine Workers of America; that the defendant D. H. Sullivan is vice-president of District No. 6, United Mine Workers of America; that the defendant George W. Savage is secretary-treasurer of District No. 6, United Mine Workers of America; that the defendant A. R. Watkins is president of Subdistrict 5 of District 6, United Mine Workers of America; that the defendant John Zelenka is vice-president of Subdistrict 5 of District 6, United Mine workers of America; that the defendant Lee Rankin is secretary-treasurer of Subdistrict 5 of District 6, United Mine Workers of America, and that the defendant Thomas Hughes is an organizer of the United Mine Workers of America; and that each and all of the said defendants John Mitchell, T. L. Lewis, W. B. Wilson, William Green, D. H. Sullivan, George W. Savage, A. R. Watkins, John Zelenka, Lee Rankin, and Thomas Hughes, have agreed confederated, combined, and formed themselves into a conspiracy, under the name of the United Mine Workers of America, to unlawfully persuade, entice, and procure your orator's miners or mine workers, employed by your orator and working for your orator in or around your orator's mine, to break, violate, and disregard their several contracts with your orator, all with the avowed purpose of compelling your orator to unionize its plant without your orator's consent, and to such end have unlawfully and maliciously agreed, confederated, combined, and formed themselves into a conspiracy to compel, by threats and intimidation and by other unlawful means, your orator's said employees to join the union and to apply to their own relation with your orator, in the matter of their employment, the rules of the union, and to enable said union to apply its rules and regulations to your orator under penalty of closing down your orator's mine, provided your orator still refuses to unionize its plant and recognize the union.

Your orator says that it has no contractual relation whatever with any one of the defendants hereto, and that each of said defendants is fully aware that your orator is operating a nonunion mine and will not consent to operate a union mine; that its employees are nonunion; that said employees are required by your orator, at the time of entering service, to agree not to become connected with the union while employed by your orator, and that if they do join the union their employment with your orator shall cease; that with such understanding your orator's employees enter into its employment, and that they are now working for your orator under such contract and with such conditions, all of which is known to these defendants, and to each of them, as aforesaid.

Your orator further says that the said John Mitchell, T. L. Lewis, W. B. Wilson, William Green, D. H. Sullivan, George W. Savage, A. R. Watkins, John Zelenka, Lee Rankin, and Thomas Hughes, individually, and as officers, agents, employees, and servants, as aforesaid, of said United Mine Workers of America and of its said subordinate associations or branches, are fully aware that your orator's said employees are satisfied with their employment; that your orator is engaged in mining coal and in fulfilling contracts for coal; that it would be impossible to fulfill those contracts without the labor of its said employees, and that it would entail upon your orator great financial loss to have its ability to fulfill its contracts interfered with by the failure of its men to work longer for your orator, and likewise would entail great loss and damage to your orator to have its mine shut down and to have a strike declared; yet your orator says that the said defendants have unlawfully and maliciously agreed together, confederated, combined, and formed themselves into a conspiracy, the purpose of which they are proceeding to carry out and are now about to finally accomplish, namely, to cause your orator's mine to be shut down, its plant to remain idle, its contracts to be broken and unfulfilled until such time as your orator shall submit to the demand of the union; that it shall unionize its plant, and having submitted to such demand unionize its plant by employing only union men who shall become subject to the orders of the union, paramount to the orders of your orator, their employer, and until in thus unionizing its plant your orator shall surrender its control and the management of its business to the union and become subject to and acquiesce in the enforcement by the union of the various rules and regulations laid down by the union, and accede in advance to every demand the said union by its said officers, agents, employees, and servants may take.

Your orator says the effectuating of this purpose is imminent and the damage threatened is great and irremediable, and that your orator's loss so far has been in excess of $2,000, exclusive of interest and costs, while on the accomplishment of said purpose of said defendants and the shutting down of your orator's mine the damage to your orator would be still greater and incapable of definite ascertainment, being incalculable, but amounting to many thousands of dollars.

Your orator further says that it pays as much as the union scale of wages to its said employees, and that the said defendants in thus unlawfully and maliciously agreeing together, confederating, combining, and conspiring to effectuate by unlawful means the unionizing of your orator's mine are simply seeking power for the purpose of strengthening the union in future contests with employers of labor, to compel all miners and mine workers to join the union, establish a monopoly, and force employers of that kind of labor, and especially to force your orator to yield to the union's demands or else to give up its business.

Your orator says that the union is not a competitor of your orator in the labor market; that the union does not employ labor and is not an employer of labor.

Your orator says that at the annual convention of the United Mine Workers of America, held at Indianapolis, Ind., January 15 to January 22, inclusive, 1907, the said defendants, John Mitchell, T. L. Lewis, W. B. Wilson, William Green, D. H. Sullivan, George W. Savage, A. R. Watkins, John Zelenka, and Lee Rankin, were present and participated in its proceedings, during which it was openly stated with reference to the objects of the union: "Organized labor contends that as industry can not exist without labor, labor has the right to say under what conditions it shall be employed, thereby dictating the management of the productive end of the business."

Your orator says that at the same convention the defendant, T. L. Lewis, stated that he had charge of the organizing force under the direction of the president; that there has been a tremendous loss in the membership of the union as a result of the strike of April 1, 1906; that he had been instrumental in building up three national organizations of mine workers, and was one of the delegates and had attended the convention which laid the foundation of the United Mine Workers of America; that the union had "closed shop" wage agreements with operators whereunder 181,384 persons were employed in the year 1905, and that all of those men were required to be members of the union; that the American continent is not large enough to maintain two organizations of miners, and that he favored one organization of the mine workers of the American continent and a complete recognition of the union's right to organize in every mining district in the country.

Said defendant, W. B. Wilson, at said convention read his report as secretary-treasurer, in which he said: That resultant from the strike of April 1, 1906, the union had had a large number of men on strike and a comparatively small amount of money in the treasury, and that the union had been unable to contribute sufficient money to the various districts to enable the payment of very large strike benefits; that this created dissatisfaction and that the question was frequently asked, "What has become of our money?" that he had been in charge of the finances of the organization, and that there was paid for aid to strikers in the years 1900 to 1906, inclusive, $5,191,554.77, and that to this amount the cost of organizing was to be added.

Your orator says that at said convention a committee's report was

unanimously adopted, which contained the following: "Your committee recommend that this convention heartily approve of the board's action in withdrawing a part of our organizing force from active service, as a result of a depleted treasury, but we further recommend that the force be increased whenever, in the discretion of the board, our funds would warrant."

Your orator says that at said convention said defendant T. L. Lewis in making an address in speaking of organizing West Virginia and the unorganized sections of Pennsylvania, said: "We will organize them by a strike movement;" while another delegate in his address at the same convention at the same time said: "I agree with President Green and Vice-President Lewis that you never can get those men organized except at the end of a general strike, but I warn you not to go into it until you are thoroughly prepared;" and in addressing the convention at the same time in the same discussion another delegate in recommending and explaining organization said, speaking of the union's method: "If we are able at a colliery to force all the men to become members of the union, we do so. If we are too weak, we do not attempt it, but keep gradually working among the men until we are able to accomplish our end;" while John Mitchell in addressing the convention as president said: "I believe it is possible, indeed I believe it is probable, that in the not distant future we will be able to inaugurate a movement in West Virginia and the other unorganized fields that will involve them in a strike, and then we will expect you to furnish the sinews of war, as you have done in the past, to keep these men in idleness." And again: "If one year hence it is my judgment that a suspension of mining throughout the United States would be best, I will favor that policy."

Your orator says that at a convention of Subdistrict 5 of District 6, United Mine Workers of America, held at Wheeling, March 14–19, 1907, the said defendants, A. R. Watkins, Lee Rankin, T. L. Lewis, John Zelenka, and Thomas Hughes, were present and participated in the proceedings.

Said defendant, A. R. Watkins, in his report, which he submitted to the convention as president of Subdistrict 5 of District 6, United Mine Workers of America, said: "The general strike in our subdistrict last year was characterized by a great deal of bitter feeling by a few operators trying to operate their mines on a nonunion basis. The attempt of those operators to operate their mines was defeated by the splendid loyalty of our members in standing shoulder to shoulder in that bitter struggle. You and those who stood so loyally to the organization deserve great credit for your conduct under the trying conditions that existed in some sections of the district during the strike." * * *

"At our last annual convention it was unanimously decided that the eastern Ohio scale should apply to the West Virginia Panhandle counties. The operators of those counties refused to meet us in joint convention to sign a general scale. Some of the operators even refused to sign a contract, and this resulted in several local strikes, all of which were settled except the one now on at Elm Grove, where the men are on strike and are standing firm. It is with regret that some of the locals in the Panhandle broke away and the members went to work without any union or without getting a scale signed.

"I am of the opinion that there are many good, active union men in the Panhandle counties, and if we all work together we can organize every mine worker in that section and establish scale rates," and expressed his wish that "Time may enable us by active work to make the United Mine Workers the most glorious and powerful of all trades unions."

The defendant, Lee Rankin, in his report to that convention as secretary-treasurer of Subdistrict 5 of District 6, United Mine Workers of America, said, in speaking of the strike declared April 1, 1906: "After several attempts to reach an agreement with the operators of Subdistrict 5, our members were compelled to strike, and that strike developed into the most bitter struggle that has taken place since the formation of our subdistrict.

"The failure of the district organization to provide each striking member with benefits to the amount of $3 per week caused considerable friction, and this was taken advantage of by the enemies of the organization. What for a time seemed to be a division in our ranks encouraged certain operators with the hope that they could crush our organization. In this hope they were doomed to disappointment, as later developments fully demonstrated.

"When the district organization found that they could not comply with the constitution in the payment of strike benefits, a system of paying relief in orders was established. This policy was condemned and denounced by a few men, who did not stop to consider why the system was established.

"After a great deal of work on the part of your representatives, the reason for adopting such a policy was made clear to the members, who then took renewed courage and showed a determination to win in the struggle that then existed.

"With all the obstacles that we had to overcome last year, we have reason to feel proud that Subdistrict 5 came out of the strike with such credit to itself and the principles of unionism that it represents.

"To the fidelity, unity, and activity of the mine workers of this subdistrict is due the credit for winning in the struggle of last year. If any mistakes were made in that contest, let us profit by the experience of the past and be that much better prepared for the future," and again said: "We have one mine at Bellaire, Ohio, and five mines in the Panhandle district which I believe should be organized. I believe those mines can be organized, and in my opinion this convention should adopt some plan to organize those mines."

Your orator says that the five mines referred to in the statement above made by said defendant, Lee Rankin, are Hitchman Coal and Coke Company, Glendale Coal Company, Elm Grove Coal Company, Richland Coal Company, and Beech Bottom Coal Company.

Adopting that suggestion of the defendant, Lee Rankin, the following resolution was then adopted by the convention:

"RESOLUTION No. 8.

"Whereas there are miners in the Panhandle district and Ohio that are not organized, and believing every mine should be organized, be it

"*Resolved by this ninth annual convention*, That the subdistrict officers, together with the district officers, be authorized to take up the work of organizing every mine in the subdistrict as quickly as it can be done," and

Your orator says that at said convention last mentioned a resolution was also adopted as follows:

"RESOLUTION No. 10.

"Whereas there is a growing tendency among some operators in eastern Ohio to violate contract provisions, and having more than one mine, leave the mine idle rather than comply with the agreements or settle disputes.

"Whereas we believe 'an injury to one is the concern of all,' and believing that disputes should be settled promptly,

"*Resolved*, That we, the delegates of this ninth annual convention, authorize the officers to close all mines of one company when such company fails to comply with contracts or settle disputes."

Your orator says that in the foregoing quotation of the language of the defendant, T. L. Lewis, reading: "It is with regret that some of the locals in the Panhandle broke away and the members went to work without any union or without getting a scale signed," the said defendant, T. L. Lewis, referred to the locals of the United Mine Workers of America which existed at the mine of the Hitchman Coal and Coke Company and at the mine of the Glendale Coal Company at the time the said strike was declared, April 1, 1906.

Your orator says that the Hitchman Coal and Coke Company and the Glendale Coal Company are owned by the same persons; that the same persons are members of the board of directors of each corporation, and that W. H. Koch is a stockholder, a director, and general manager of each of said mines, while the business of the Glendale Coal Company is managed from the office of the Hitchman Coal and Coke Company.

Your orator says that the said defendants and each of them treated the two mines as a single concern, and have so dealt with your orator, and your orator in filing this bill refers to and makes a part of it, so far as the same may be properly done, a similar bill, coincidently prepared and filed in this court, seeking the same redress against said defendants and each of them on behalf of the Glendale Coal Company as your orator in this proceeding seeks on its own behalf and makes such reference and use of all supporting exhibits and affidavits.

Your orator says that in refusing to recognize the union after the declaration of said strike April 1, 1906, and after its men had left your orator's employment, pursuant to said strike, and in thereafter and now running its mine nonunion your orator did not seek to reduce the wages of its said employees nor cause its said employees to work for less than the scale of wages established by said United Mine Workers of America, nor does your orator now seek nor contemplate any reduction in the wages of its present employees. Your orator's sole purpose in running nonunion and in now insisting upon its right to do so, unhampered by and without interruption from said defendants, acting individually and as representative of the said United Mine Workers of America, was and is to escape from the intolerable oppression and vicious intermeddling of the said defendants.

Your orator says that these same defendants have for some years last past been in business such as it is herein shown they are now engaged in; that they are well acquainted, one with the other, and that they constitute a part of certain upper officials of the United Mine Workers, in whose hands the management of the affairs of said union have been centralized.

Your orator says that while your orator's mine remained idle after the shut down April 16, 1906, efforts were frequently made by some one or more of said defendants to induce your orator to sign the scale and run union, but every request of that kind met with a refusal. After your orator started up nonunion about June 12, 1906, as aforesaid, efforts were repeatedly made by one or more of the defendants to induce your orator to unionize its mine, and failing in that, efforts were made by some one or more of said defendants to bring about, by inducement, persuasion, threats, and intimidation, and by various means and devices unlawfully to induce your orator's employees to cease working for your orator, and by use of like means, devices, intimidation, threats, persuasion, and inducements to prevent men willing to work for your orator not to engage to work, or if having engaged to work, then not to go to work for your orator; but despite their efforts your orator was able to increase the number of its employees and to increase its business, which it conducted successfully and peacefully and lawfully from that time until the present.

Your orator says that upon different occasions since starting up nonunion, as aforesaid, the different officials of the United Mine Workers of America, amongst them the defendants, John Zelenka, A. R. Watkins, D. H. Sullivan, and William Green, visited the general manager of your orator at his office at the Hitchman mine and talked to him on the subject of the recognition of the union, the signing of the scale, and a reemployment of your orator's employees, under the technical guise of thus entering into contract relations with your orator's employees as members of the United Mine Workers of America, and for the purpose of doing away with the express provision of your orator's contract with each of its employees that they should not become members of the union, and if they did that their employment should thereby cease, and proposed to your orator that it recognize the union, sign the scale, and so reemploy its men. Your orator refused each and all of these propositions.

Your orator says that about July 1, 1907, the defendants, William Green, John Zelenka, and A. R. Watkins, came to the office of your orator's general manager and had a conversation with him regarding the forming of a miners' union, or rather the putting of your orator's employees under the jurisdiction of the United Mine Workers of America, and while your orator on that occasion, through its general manager, distinctly stated that the proposition of said defendants would not be considered at all, still said Zelenka subsequently reported to your orator's employees, and caused that report to be spread amongst them, that he, Zelenka, Green, and Watkins had had a conference with your orator's general manager and that said general manager had agreed to allow the United Mine Workers of America to put all of your orator's employees into the union, and made the further statement, which he caused to be circulated amongst your orator's employees, that it was up to the employees of your orator to join the union, or else that they would be out of a job at an early day, because only union men would be permitted to work at the mine and that those of your orator's employees who did not join the union would not be permitted to get a job any place else. Your orator says that its general manager shortly after this occurrence complained of the action mentioned and that said Zelenka, Green, and Watkins each denied making any such statement or circulating any such report. Yet your orator says its statement in this respect is true and that in the action referred to and complained of to said defendants said defendants were simply carrying out their unlawful purpose heretofore formed, as aforesaid, to unionize your orator's mine without its consent, there being involved in the said unionizing the doing of the many unlawful acts and for the many unlawful purposes herein stated.

Your orator says that its employees are nonunion men who have entered into employment with your orator with the understanding that your orator shall continue to run a nonunion mine; that some of your orator's employees, employed under such condition and with such understanding, have bought property and homes and expect to have permanent employment with your orator, so running its mine nonunion, and

with the understanding and expectation on their part that while in the employ of your orator they shall be protected in such employment.

Your orator says that some time during the middle of this summer of 1907 the defendants, Green, Watkins, and Zelenka, called on your orator's general manager at his office, and said Green was spokesman. He said he would like to talk organization. Your orator's general manager stated to them then that, while unionizing of the mine was out of the question, yet if they had any business proposition to submit it would be listened to. Green urged that under your orator's present arrangement or contract with its employees the men felt at liberty to do as they pleased and did not feel any restraint, while if your orator would make a contract with him as president of the United Mine Workers (he is president of District 6, United Mine Workers of America) he could hold the men in check, see that all agreements incorporated in the scale were fulfilled and carried out to the letter, and, generally, that he would see that the men lived up to their contract. To this your orator's general manager replied that from personal experience in the past in dealing with the union he had found the facts in reality to be just the opposite from the way Green put it, and that if that was all Green had to offer, there was nothing worth considering. Green then requested your orator's general manager to think the matter over, and said he would see him again about it within a couple of weeks. Several weeks after this said Green, Watkins, and Zelenka met your orator's general manager while the latter was at the McLure House, in Wheeling, and the latter then told Green that he could see nothing in the union's proposition that would interest him in any manner. Green then asked said general manager if he would not put the proposition up to your orator's board of directors. This he did, and your orator's board unanimously refused to have anything whatever to do with the United Mine Workers of America. Shortly after that said defendant, Green, telephoned your orator's general manager, asked if he had submitted the union's proposition to your orator's directors, and was told that the proposition had been submitted and that the directors refused absolutely to consider the matter in any manner whatever.

Your orator says that in the dealings that antedated the declaration of the strike of April 1, 1906, your orator's general manager talked with the defendant, D. H. Sullivan, and also with the defendant, William Green, and told them both that in case they brought your orator's men out on strike they would be taking away from them something they would never be able to give back—that is, reemployment with your orator. Yet despite this warning, the union ordered the strike. Your orator's same official made the same statement to the defendant, Watkins, at about the same time and before April 1, 1906. And these statements have been by your orator's general manager called to the attention of these same men during the repeated conferences they have had on the subject of reunionizing the mine since the declaration of the strike aforesaid.

Your orator says that under the rules of said United Mine Workers of America, enforced against your orator and its employees, while your orator ran its mine union, certain moneys being wages earned by your orator's employees, then members of the union, were withheld by your orator from their pay and paid over, with the consent of the employees, to the secretary-treasurer of the local union at your orator's mine; and at your orator's mine there was paid over by your orator to the secretary-treasurer of the local union during the two years ending April 1, 1906, a total of $9,155.88. A very much less amount was paid over by the Glendale Coal Company, inasmuch as the owners of the Hitchman Coal and Coke Company had become owners of the Glendale Coal Company only a few months prior to said strike, April 1, 1906.

On one or more of the occasions heretofore referred to, when some one or more of said defendants besought your orator to unionize its mine your orator's general manager stated to said defendant that with them as officers of the union it was not so much a question of looking after the interests of the men employed by your orator as it was a question of money, and that they, these defendants, were in the business for what they could get out of it, and their attention was called to the fact that nearly $10,000 had been turned over to them from the Hitchman mine alone in the two years just prior to the strike.

Yet your orator says that, although it has refused to permit it, still the said defendants, further proceeding to carry out their conspiracy, are now endeavoring to unionize your orator's mine, and threaten, and your orator has reasonable ground to fear that they will, and so alleges, close down your orator's mine and keep it closed until your orator will agree to sign the scale and employ none but union labor.

Your orator says that on or about September 7, 1907, the defendant Thomas Hughes was noticed about the Glendale mine and about the Hitchman mine, intercepting the miners, taking lists of names of employees, and trying to induce the men, by persuasion, threats, coercion, and intimidation, and by various other unlawful methods and devices, to quit working for your orator and to join the union, and such efforts said Hughes is keeping up at each mine, although he has been ordered off of the premises of each mine and has been directed to stay off and to let your orator's employees alone.

Your orator says that as a result of the labors of the defendant Hughes, who has been assisted by others of the defendants from time to time, by their counsel and advice aiding and abetting him, with their presence, about your orator's mine and about the Glendale mine, the said defendants succeeded in getting twenty-four of the employees of the Glendale to agree to join the union and to quit the service of the Glendale Coal Company. And your orator says that while the said defendants have so far been unable to bring about or induce your orator's employees to quit its service, still the said Hughes has recently stated to one of your orator's miners, whom he was trying to induce to leave your orator's service and join the union, that he (Hughes) had succeeded in having 125 men at the Hitchman mine sign their names agreeing to become members of the United Mine Workers of America, and that just as soon as he got 25 more names he was going to shut the Hitchman mine down; and in this connection your orator says that 54 of your orator's present employees have in writing signed a statement that they are satisfied with their employment with your orator, with the wages paid to them, and with their work, and that they would like to remain in your orator's employ. Your orator employs from 175 to 200 men at its mines as a general rule, and now has in its employ 160 to 175 men.

Your orator says that the said United Mine Workers of America, the said International Union, United Mine Workers of America, the said District No. 6, United Mine Workers of America, and the said Subdistrict 5 of District 6, United Mine Workers of America, voluntary associations as aforesaid, are, under their constitutions, violating the common and statutory law of the State of West Virginia, as well as the constitution of said State, especially in this, to wit, in the provisions of section 1, section 3, and section 4 of Article X, constitution International Union, United Mine Workers of America, and in the provisions of section 1 and section 2 of Article VIII and section 15 of Article IX, constitution District No. 6, United Mine Workers of America, and in the provisions of section 2 and section 3 of Article I, section 1 of Article IV, section 6 of Article VI, and sections 2 and 3 of Article IX, constitution Subdistrict 5 of District 6, United Mine Workers of America, and as well in the said oath which is administered to each member of the United Mine Workers of America on his initiation.

Your orator files herewith as part hereof the constitution of the International Union, United Mine Workers of America, the constitution of District No. 6, United Mine Workers of America, the constitution of Subdistrict 5 of District 6, United Mine Workers of America, the proceedings of the eighteenth annual convention of the United Mine Workers of America, held in Indianapolis, Ind., January 15 to 22, 1907, and the proceedings of the ninth annual convention of Subdistrict 5 of District 6, United Mine Workers of America, held at Wheeling, W. Va., March 14–19, 1907, to the extent only that they show the constitutional provisions hereinbefore quoted, the members' oath and the statements made during said several conventions particularly pointed out and alleged herein, as well as the said resolutions No. 8 and No. 10 of the said convention of Subdistrict 5 of District 6, United Mine Workers of America, held at Wheeling, March 14–19, 1907, as aforesaid; but asks to be permitted to withdraw the said constitutions and the said proceedings of said conventions, upon filing with the clerk of this court copies of such portions of said constitutions and of said conventions' proceedings as are made part hereof, certified to be such copies by such clerk.

Your orator says that the said John Mitchell, the said T. L. Lewis, the said W. B. Wilson, acting in their several official capacities hereinbefore stated; the said William Green, the said D. H. Sullivan, the said George W. Savage, acting in their several official capacities hereinbefore stated; the said A. R. Watkins, the said John Zelenka, and the said Lee Rankin, acting in their several official capacities hereinbefore stated, are representatives of the said United Mine Workers of America, the said International Union, United Mine Workers of America, the said District 6, United Mine Workers of America, and the said Subdistrict 5 of District 6, United Mine Workers of America, respectively; and that the said Thomas Hughes is acting as an organizer of said United Mine Workers of America, all voluntary associations; that the principal office of said United Mine Workers of America and of said International Union, United Mine Workers of America, is at Indianapolis, Ind.; the office of said District No. 6, United Mine Workers of America, is at Columbus, Ohio; and that said Subdistrict 5 of District 6, United Mine Workers of America, has no office, business being transacted at the places of residence of the said A. R. Watkins, John Zelenka, and Lee Rankin, president, vice-president, and secretary-treasurer, respectively, all residing within the State of Ohio as aforesaid; that the jurisdiction of this court is invoked on the ground that your orator is a resident of the northern district of West Virginia and a citizen of said State, and that each of the said defendants is a resident of a different State, to wit, no defendant is a resident of the State of West Virginia, and that the matter in dispute exceeds, exclusive of interest and costs, the sum of $2,000.

Your orator says that while membership of the said United Mine Workers of America of the said District No. 6, United Mine Workers of America, and of said Subdistrict 5 of District 6, United Mine Workers of America, is large, as hereinbefore stated, yet the names and addresses of the said members of the said several associations are to your orator unknown; that if any of them should happen to be residents of the State of West Virginia they are not necessary parties hereto, are not interfering with your orator in the matters herein complained of, and that they can not be joined without ousting the jurisdiction of this court as to the other parties, the said defendants hereto, of whose actings and doings, purposed and proposed acts and doings, your orator herein complains as hereinbefore set forth.

Your orator further says that unless enjoined by this court the said defendants, acting individually and agreeing, confederating, combining, and forming themselves into a conspiracy under the name of the United Mine Workers of America as aforesaid, will, in pursuance of their unlawful purposes and designs, by enticement, persuasion, or coercion, in one form or the other, bring about the shutting down of your orator's mine and the ultimate destruction of its business, and will without the consent and against the will of your orator compel your orator to recognize said defendants and said associations in the further transaction of its legitimate business in mining and shipping coal, and will compel your orator to contract with its employees through the said defendants as officers of the said associations under such rules and regulations made and enforced by said associations and by said defendant officers as will enable the union to dictate the persons whom your orator shall employ and those whom your orator shall discharge, the wages your orator shall pay, and further will compel your orator to agree that each of its future employees as members of the said United Mine Workers of America shall owe and yield to said union an allegiance which shall in all things be paramount to that which said employees would owe to your orator, and that they will thus take charge of, dictate the management of, and virtually control your orator's business, and thereby perpetrate acts of oppression and wrong upon your orator which distinctly violate your orator's contractual, common law, statutory, and constitutional rights as a citizen of the State of West Virginia.

Your orator further says that in effecting their said object of unionizing your orator's mine the said defendants propose and threaten to, and your orator being so informed and believing it to be true, alleges on such information and belief that said defendants will and are about to indulge in all of the many methods of accomplishing their result by the use of threats, intimidation, force, violent or abusive language, picketing your orator's premises, picketing or patrolling or guarding the streets and approaches to your orator's premises and going to the homes or boarding houses of your orator's employees for the purpose of intimidating or coercing them to leave your orator's employment and to picket railroad and street cars passing to and from or through your orator's premises for the purpose of intercepting your orator's employees in going to or from your orator's premises and for the purpose of intercepting and preventing persons coming to your orator's premises for the purpose of seeking or for the purpose of entering into your orator's employment.

To the end, therefore, that your orator may have that relief which it can only obtain in a court of equity, and that the said defendants may each answer the premises, but not upon oath or affirmation, an answer under oath being hereby expressly waived by your orator, your orator now prays the court that the said John Mitchell, the said T. L. Lewis, and the said W. B. Wilson, each, individually, and as president, vice-president, and secretary-treasurer, respectively, of the said United Mine Workers of America and of the said International Union United Mine Workers of America; the said William Green, the said D. H. Sullivan, and the said George W. Savage, each, individually, and as president, vice-president, and secretary-treasurer, respectively, of the said District

No. 6, United Mine Workers of America; the said A. R. Watkins, the said John Zelenka, and the said Lee Rankin, each, individually, and as president, vice-president, and secretary-treasurer, respectively, of the said Subdistrict 5 of District 6, United Mine Workers of America; and the said Thomas Hughes, and each and every of them, their committees, agents, servants, confederates, and associates, be restrained and strictly enjoined from interfering and from combining, conspiring, or attempting to interfere with employees of your orator for the purpose of unionizing your orator's mine, without your orator's consent, by representing or causing to be represented in express or implied terms, to any of your orator's employees, or to any person who might become an employee of your orator, that such person will suffer or is likely to suffer some loss or trouble in continuing in or in entering the employment of your orator, assigning, representing, or causing to be represented in express or implied terms to such employee or employees that such loss or trouble will or may come by reason of your orator not recognizing the United Mine Workers of America, or because your orator runs a non-union mine;

That the said defendants, and each and every of them, their committees, agents, servants, confederates, and associates, be restrained and strictly enjoined from interfering and from combining, conspiring, or attempting to interfere with employees of your orator for the purpose of unionizing your orator's mine, without your orator's consent, and in aid of such purpose knowingly and willfully bringing about in any manner the breaking by your orator's employees of contracts of service known to them at the time to exist, which your orator now has with its employees, and from knowingly and willfully bringing about in any manner the breaking by your orator's employees of contracts of service which may hereafter be entered into by persons with your orator and be known to them while the relationship of employer and employee, as to such employee so brought to break his contract, exists, and especially from knowingly and willfully enticing your orator's employees, present or future, knowing of such relationship, while the relationship of employer and employee, as to such employee so enticed, exists, to leave your orator's service, giving or assigning, directly or indirectly, as a reason for any such act so brought about, or enticement and leaving of your orator's service, that your orator does not recognize the United Mine Workers of America, or that your orator runs a nonunion mine, or that the interest of the United Mine Workers of America requires that your orator shall not be permitted to run a nonunion mine, or that the interest of the union will be best promoted thereby; that the said defendants, and each and every of them, their committees, agents, servants, confederates, and associates, be restrained and strictly enjoined from interfering and from combining, conspiring, or attempting to interfere with the employees of your orator so as knowingly and willfully to bring about in any manner the breaking by your orator's employees of contracts of service, known to them at the time to exist, which your orator now has with its employees, and from knowingly and willfully bringing about in any manner the breaking by your orator's employees of contracts of service which may hereafter be entered into by persons with your orator, and be known to them, while the relationship of employer and employee, as to such employee so brought to break his contract, exists, and especially from knowingly and willfully enticing your orator's employees, present or future, knowing of such relationship, while the relationship of employer and employee, as to such employee so enticed, exists, to leave your orator's service, without your orator's consent, against your orator's will, and to your orator's injury;

That the said defendants, and each and every of them, their committees, agents, servants, confederates, and associates, may be by this court ordered and commanded to desist and refrain from in any manner interfering with, hindering, or obstructing any of the business of your orator, or its agents, servants, or employees, in the discharge of their duties as such, at and about your orator's mine or elsewhere by trespassing on or entering upon the grounds and premises of your orator, or within its mine, for the purpose of interfering therewith, or hindering or obstructing its business in any manner whatsoever, or with the purpose of compelling or inducing, by threats, force, intimidation, violence, violent or abusive language, or persuasion, any of the employees of your orator to refuse or fail to perform their duties as such employees; also from compelling or inducing or attempting to compel or induce, by threats, intimidation, force, or violence, or abusive or violent language, any of the employees of your orator to leave its service or fail or refuse to perform their duties as such employees, or to compel or attempt to compel, by threats, intimidation, force, violent or abusive language, any person desiring to seek employment in or about your orator's mine and works from so accepting employment therein; also from entering upon or establishing a picket or pickets of men on or patrolling railroad or street cars passing through or adjacent to your orator's property for the purpose of inducing or compelling, by threats, intimidation, violence, violent or abusive language, or persuasion, any employee of your orator to fail or refuse to perform his duties as such, or for the purpose of interviewing or talking to any person or persons on said railroad or street cars coming to your orator's mine to accept employment with your orator, for the purpose and with the intention of inducing or compelling them, by threats, violence, intimidation, violent or abusive language, persuasion, or in any other manner whatsoever, to refuse or fail to accept service with your orator; also from compelling or inducing or attempting to compel or induce, by threats, force, intimidation, or violent or abusive language, any employee of your orator to refuse or fail to perform his duties as such employee, and from compelling or attempting to compel or induce, by threats, intimidation, force, or violence, or abusive or violent language, any such employee to leave the service of your orator, and, by like methods, to prevent or attempt to prevent any person desiring to accept employment with your orator in or about its mine or works or elsewhere, from doing so by threats, violence, force, intimidation, or violent or abusive language;

Also, from interfering in any manner whatsoever, either by threats, violence, intimidation, persuasion, or entreaty, with any person in the employ of your orator who has contracted with and is in the actual service of your orator to entice or induce him to quit the service of your orator or to fail or refuse to perform his duties under his contract of employment, and from ordering, aiding, directing, assisting, or abetting in any manner whatsoever any person or persons to commit any or either of the acts aforesaid; that the said defendants, and each and every of them, their committees, agents, servants, confederates, and associates, may be by this court forbidden and restrained from congregating at or near the premises of your orator, and from picketing or patrolling said premises for the purpose of intimidating your orator's employees or coercing them by threats, intimidation, violence, abusive or violent language, or preventing them, in the manner aforesaid, from rendering their service to your orator, and, in like manner, from inducing or coercing them to leave the employment of your orator, and from in any manner so interfering with your orator in carrying on its business in its usual and ordinary way, and from interfering by threats, intimidation, violence, violent or abusive language, any person or persons who may be employed or seeking employment by your orator in the operation of your orator's mine and works; and that the said defendants and each and every of them, their committees, agents, servants, confederates, and associates, may be by this court restrained and forbidden, either singly or in combination with others, from collecting in and about the approaches to your orator's mine and works, for the purpose of picketing or patrolling or guarding the streets and approaches to the property of your orator for the purpose of intimidating, threatening, or coercing any of the employees of your orator from work in its said mine or works, or any persons seeking employment therein from entering into such employment, and from so interfering with said employees in going to and from their daily work in and about the mine and works of your orator; and that said defendants and each and every of them, their committees, agents, servants, confederates, and associates, may be by this court enjoined and restrained from going, either singly or collectively, to the homes or boarding houses of your orator's employees, or any of them, for the purpose of intimidating or coercing any or all of them to leave the employment of your orator; and that your orator may have such further or other relief in the premises as the nature of the circumstances of the case may require.

May it please your honors to grant to your orator a writ of subpœna to be directed to the said John Mitchell, of Indianapolis, Ind., and a citizen of the State of Indiana, individually, and as president of the United Mine Workers of America and of the International Union United Mine Workers of America; T. L. Lewis, of Bridgeport, Ohio, and a citizen of the State of Ohio, individually, and as vice-president of the United Mine Workers of America and of the International Union United Mine Workers of America; W. B. Wilson, of Blossburg, Pa., and a citizen of the State of Pennsylvania, individually, and as secretary-treasurer of the United Mine Workers of America and of the International Union United Mine Workers of America; William Green, of Coshocton, Ohio, and a citizen of the State of Ohio, individually, and as president of District No. 6, United Mine Workers of America; D. H. Sullivan, of Coshocton, Ohio, and a citizen of the State of Ohio, individually, and as vice-president of District No. 6, United Mine Workers of America; George W. Savage, of Columbus, Ohio, and a citizen of the State of Ohio, individually, and as secretary-treasurer of District No. 6, United Mine Workers of America; A. R. Watkins, of Yorkville, Ohio, and a citizen of the State of Ohio, individually, and as president of Subdistrict 5 of District 6, United Mine Workers of America; John Zelenka, of Warrenton, Ohio, and a citizen of the State of Ohio, individually, and as vice-president of Subdistrict 5 of District 6, United Mine Workers of America; Lee Rankin, of Dillonvale, Ohio, and a citizen of the State of Ohio, individually, and as secretary-treasurer of Subdistrict 5 of District 6, United Mine Workers of America; and Thomas Hughes, of Shadyside, Ohio, and a citizen of the State of Ohio, thereby commanding them and each of them, individually, and in their respective official capacities, at a certain time and under a certain penalty therein to be limited, personally to appear before this honorable court and then and there full, true, direct, and perfect answer make to all and singular the premises, and to stand, perform, and abide by such order, direction, and decree as may be made against them and each of them, individually, and in their said official capacities, in the premises, as shall seem meet and agreeable to equity.

And your orator will every pray.

[CORPORATE SEAL.] HITCHMAN COAL AND COKE COMPANY,
By E. T. HITCHMAN, *its President.*

GEORGE R. E. GILCHRIST, *of Counsel.*

STATE OF WEST VIRGINIA, *County of Ohio, ss:*

Personally appeared before the undersigned, a notary public within and for Ohio County, W. Va., E. T. Hitchman, who, being first duly sworn, says that he is president of the Hitchman Coal and Coke Company, the complainant corporation; that he has read the foregoing bill of complaint and knows the contents thereof; that as to such matters and things therein as are alleged on information and belief, affiant believes them to be true, and the other matters and things therein stated are true in substance and in fact.

E. T. HITCHMAN.

Sworn to before me and subscribed in my presence this 23d day of October, A. D. 1907.

[Notarial seal.] HERMAN A. HUNDT,
Notary Public of, in, and for Ohio County, W. Va.

And whereas afterwards, on said 24th day of October, 1907, the following restraining order was entered in said cause on said bill of complaint, to wit:

RESTRAINING ORDER.

At a circuit court of the United States for the northern district of West Virginia, continued and held in Philippi, in said district, on the 24th day of October, 1907, the following order was made and entered of record, to wit:

IN EQUITY.

Hitchman Coal and Coke Company, a corporation organized under and by virtue of the laws of the State of West Virginia, and citizen of said State, having its principal office at Wheeling, in said State and district, plaintiff,

v.

John Mitchell, of Indianapolis, Ind., and a citizen of the State of Indiana, individually, and as president of the United Mine Workers of America and of the International Union United Mine Workers of America; T. L. Lewis, of Bridgport, Ohio, and a citizen of the State of Ohio, individually, and as vice-president of the United Mine Workers of America and of the International Union United Mine Workers of America; W. B. Wilson, of Blossburg, Pa., and a citizen of the State of Pennsylvania, individually, and as secretary-treasurer of the United Mine Workers of America and of the International Union United Mine Workers of America; William Green, of Coshocton, Ohio, and a citizen of the State of Ohio, individually, and as president of District No. 6, United Mine Workers of America; D. H. Sullivan, of Coshocton, Ohio, and a citizen of the State of Ohio, individually, and as vice-president of District No. 6, United Mine Workers of America; George W. Savage, of Columbus, Ohio, and a citizen of the State of Ohio, individually, and as secretary-treasurer of District No. 6, United Mine Workers of America; A. R. Watkins, of Yorkville, Ohio, and a citizen of the State of Ohio, individually, and as president of Subdistrict 5 of District 6, United Mine Workers of America; John Zelenka, of Warrenton, Ohio, and a citizen of the State of Ohio, individually, and as vice-president of Subdistrict 5 of District 6, United Mine Workers of America; Lee Rankin, of Dillonvale, Ohio, and a citizen of the State of Ohio, individually, and as

secretary-treasurer of Subdistrict 5 of District 6, United Mine Workers of America, and Thomas Hughes, of Shadyside, Ohio, and a citizen of the State of Ohio, defendants.

On this 24th day of October, 1907, Hitchman Coal and Coke Company, a corporation organized under and by virtue of the laws of the State of West Virginia, and citizen of said State, having its principal office at Wheeling, in said State and district, the plaintiff in the above-entitled suit in equity, by George R. E. Gilchrist, its counsel, presented to the court its bill of complaint, duly verified by the affidavit of E. T. Hitchman, president of said Hitchman Coal and Coke Company, and alleging in effect, among other things, that the said defendants are conspiring together to unionize plaintiff's coal mine without plaintiff's consent and against plaintiff's will, and in so doing and in trying to effectuate said unlawful object the said defendants are about to cause a large number of plaintiff's employees to cease working for plaintiff, contrary to the terms of their employment by the plaintiff and in violation of their contract of service with plaintiff; are resorting to the usual experiments of compelling or inducing, by threats, force, intimidation, violence, violent or abusive language, or persuasion, plaintiff's employees to leave its service, also contrary to the terms of their employment by plaintiff and in violation of their contractual obligations with plaintiff, and threaten to close down plaintiff's mine and not permit plaintiff to operate its mine until such time as plaintiff shall agree to unionize its mine and employ none but union labor who are members of the United Mine Workers of America; and also alleging in effect that unless this court shall grant an immediate restraining order preventing said defendants, and each and every one of them, their committees, agents, servants, confederates, and associates, from doing the said things complained of in said bill of complaint and purposed as set forth therein, and especially the enforced shutting down of plaintiff's mine and enforced idleness, unless and until plaintiff shall accede to the demands of said defendants, unionize its mine, and employ only union labor, members of said United Mine Workers of America, irreparable injury and damage will be suffered by plaintiff; and said plaintiff thereupon presented and filed with its said bill, in support thereof, the affidavits of W. H. Koch, E. C. Pickett, James Stewart, Clyde Rowland, J. M. Hart, Robert Myers, S. A. Rowland, E. C. Pickett, Wes Corns, E. C. Pickett, William Daugherty, John Hull, J. W. Logston, C. G. Davis, J. C. McKinley, C. G. Davis and J. C. McKinley.

And the court also considered with said bill of complaint the bill of complaint in equity for injunction presented to this court by the Glendale Coal Company against the same persons defendants in a similar suit and the affidavits of W. H. Koch, C. G. Davis, E. C. Pickett, C. G. Davis, E. C. Pickett, William Daugherty, Mike Freeman, Frank Slocum, C. G. Davis, Paul Leonard, and J. C. McKinley, presented to the court with said bill of said Glendale Coal Company in support thereof; and the court also considered with said bill of complaint the bill of complaint in equity for injunction presented to this court by the Richland Coal Company against the same persons defendants, together with A. J. Bauer, an additional defendant, and the affidavits of J. C. McKinley, Paul Leonard, and J. C. McKinley, presented to the court with said bill of complaint of said Richland Coal Company, in support thereof, the said bills of complaint and supporting affidavits of the said Glendale Coal Company and of the said Richland Coal Company being presented to the court simultaneously with the presentation to the court of said plaintiff's bill.

Upon consideration whereof, the said first-named bill of complaint is ordered to be filed and process is ordered to be issued thereon, and it appearing to the court that a temporary restraining order should be allowed as prayed for in said bill of complaint, it is therefore adjudged, ordered, and decreed by the court that said defendants, and each and every of them, their committees, agents, servants, confederates, be restrained and strictly enjoined from interfering and from combining, conspiring, or attempting to interfere with the employees of the plaintiff for the purpose of unionizing plaintiff's mine, without plaintiff's consent, by representing or causing to be represented in express or implied terms, to any of plaintiff's employees, or to any person who might become an employee of plaintiff, that such person will suffer or is likely to suffer some loss or trouble in continuing in or entering the employment of plaintiff, assigning, representing, or causing to be represented in express or implied terms to such employee or employees that such loss or trouble will or may come by reason of plaintiff not recognizing the United Mine Workers of America, or because plaintiff runs a nonunion mine.

From interfering and from combining, conspiring, or attempting to interfere with employees of plaintiff for the purpose of unionizing plaintiff's mine, without plaintiff's consent, and in aid of such purpose knowingly and willfully bringing about in any manner the breaking of plaintiff's employees of contracts of service known to them to exist, which plaintiff now has with its employees, and from knowingly and willfully bringing about in any manner the breaking by plaintiff's employees of contracts of service which may hereafter be entered into with plaintiff and be known to them while the relationship of such employer and employee, as to such employee so brought back to break his contract, exists, and especially from knowingly and willfully enticing plaintiff's employees, present or future, knowing of such relationship, while the relationship of employer and employee, as to such employee so enticed, exists, to leave plaintiff's service, giving or assigning directly or indirectly as a reason for any such act so brought about, or enticement or leaving of plaintiff's service, that plaintiff does not recognize the United Mine Workers of America, or that plaintiff runs a nonunion mine, or that the interests of the United Mine Workers of America requires that plaintiff should not be permitted to run a nonunion mine, or that the interests of the union will be best promoted thereby.

From interfering or combining, conspiring, or attempting to interfere with the employees of plaintiff so as knowingly and willfully to bring about in any manner the breaking by plaintiff's employees of contracts of service, known by them at the time to exist, which plaintiff now has with its employees and from knowingly and willfully bringing about in any manner the breaking by plaintiff's employees of contracts of service which may hereafter be entered into by persons with plaintiff, and to be known to them, while the relationship of employer and employee, as to such employee so brought to break his contract exists, and especially from knowingly and willfully enticing plaintiff's employees, present or future, knowing of such relationship, while the relationship of employer and employee, as to such employee so enticed, exists, to leave plaintiff's service, without plaintiff's consent, against plaintiff's will, and to plaintiff's injury.

From interfering with, hindering, or obstructing any of the business of plaintiff, or its agents, servants, or employees in the discharge of their duties as such at and about plaintiff's mine, or elsewhere, by trespassing on or entering upon the grounds and premises of plaintiff, or within its mine, for the purpose of interfering therewith, or hindering or obstructing its business in any manner whatsoever, or with the purpose of compelling or inducing, by threats, force, intimidation, violence, violent or abusive language, or persuasion any of the employees of plaintiff to refuse or fail to perform their duties as such employees.

From compelling or inducing or attempting to compel or induce by threats, intimidation, force or violence, or abuse or violent language, any of the employees of plaintiff to leave its service or fail or refuse to perform their duties as such employees, or to compel or attempt to compel by threats, intimidation, force, violent or abusive language any person desiring to seek employment in or about plaintiff's mine and works from so accepting employment therein.

From entering upon or establishing a picket or pickets of men on or patrolling railroad or street cars passing through or adjacent to the plaintiff's property for the purpose of inducing or compelling, by threats, intimidation, violence, or abusive language, or persuasion, any employee of plaintiff to fail or refuse to perform his duties as such, or for the purpose of interviewing or talking to any person or persons on said railroad or street cars coming to plaintiff's mine to accept employment with plaintiff, for the purpose and with the intention of inducing or compelling them, by threats, violence, intimidation, violent or abusive language, persuasion, or in any other manner whatsoever, to refuse or fail to accept service with plaintiff.

From compelling or inducing or attempting to compel or induce, by threats, force, intimidation, or violent or abusive language, any employee of plaintiff to refuse or fail to perform his duties as such employee, and from compelling or attempting to compel or induce, by threats, intimidation, force, or violence, or abusive or violent language, any such employee to leave the service of plaintiff, and, by like method, to prevent or attempt to prevent any person desiring to accept employment with plaintiff in or about its mine or works or elsewhere, from doing so by threats, violence, intimidation, or violent or abusive language.

From interfering in any manner whatsoever, either by threats, violence, intimidation, persuasion, or entreaty, with any person in the employ of plaintiff who has contracted with and is in the actual service of plaintiff to entice or induce them to quit the service of plaintiff or to fail or refuse to perform his duties under his contract of employment, and from ordering, aiding, directing, assisting, or abetting in any manner whatsoever any person or persons to commit any or either of the acts aforesaid.

From congregating at or near the premises of plaintiff, and from picketing or patrolling said premises for the purpose of intimidating plaintiff's employees or coercing them by threats, intimidation, violence, abusive or violent language, or preventing them, in the manner aforesaid, from rendering their service to plaintiff, and, in like manner, from inducing or coercing them to leave the employment of plaintiff, and from in any manner so interfering with the plaintiff in carrying on its business in its usual and ordinary way, and from interfering by threats, intimidation, violence, violent or abusive language, any person or persons who may be employed or seeking employment by plaintiff in the operation of plaintiff's mine and works.

From, either singly or in combination with others, collecting in and about the approaches to plaintiff's mine and works, for the purpose of picketing or patrolling or guarding the streets and approaches to the property of plaintiff for the purpose of intimidating, threatening, or coercing any of plaintiff's employees from work in its said mine or works, or any person seeking employment therein, from entering into such employment, or from so interfering with said employees in going to and from their daily work in and about the mine and works of plaintiff.

And from, either singly or collectively, going to the homes or buildings, houses of plaintiff's employees, or any of them, for the purpose of intimidating or coercing any or all of them to leave plaintiff's employment.

The motion for an injunction in this said suit is set down for hearing in the United States court room at Parkersburg on the 14th day of January, 1907, at 10 o'clock a. m.

This restraining order is not to take effect until said plaintiff, or some responsible person for it, shall enter into a bond in the penalty of $2,000; with surety therein satisfactory to the clerk of this court conditioned that said plaintiff shall pay all such costs and damages as are sustained by the defendants, or any of them, by reason of this restraining order should it be hereafter dissolved.

Service of a copy of this order on the defendants, their committees, agents, servants, confederates, and associates, or any of them, shall be deemed and held sufficient notice of this order.

I, S. R. Harrison, clerk of the circuit court of the United States for the northern district of West Virginia, hereby certify that the foregoing is a true copy of an order entered of record in said court at Philippi, on the 24th day of October, 1907, in the equity cause of Hitchman Coal and Coke Company against John Mitchell et al. therein pending.

Given under my hand and seal of said court at Clarksburg, this 26th day of November, 1907.

(Signed) S. R. HARRISON, *Clerk.*

Be it, therefore,

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, be, and is hereby, directed to speedily investigate and inquire into all of the circumstances connected with the issuance of a restraining order in the case of Hitchman Coal and Coke Company, plaintiff, against John Mitchell and other defendants in the United States circuit court for the northern district of West Virginia, on October 24, 1907, and said committee is directed to report to the Senate whether any additional legislation is necessary for the protection of the rights and privileges of workingmen; and if so, to report such legislation without delay. And for the purpose of carrying out the provisions of this resolution, said committee or subcommittee is hereby authorized to sit at such times and places as may suit its convenience, to administer oaths and affirmations, take testimony, send for persons and papers, employ stenographers to report its hearings, and to have them printed, such hearings to be submitted by said committee to the Senate, and all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

Mr. CULBERSON. The request was that the resolution be printed and lie on the table subject to call.

The VICE-PRESIDENT. The resolution will lie on the table.

Mr. CULBERSON. I move that 500 additional copies of the resolution be printed for the use of the Senate.

Mr. LODGE. The regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded.

Mr. LODGE. That motion is not in order, I think, until 1 o'clock.

Mr. CULBERSON. I should like to state to the Senator from Massachusetts that this is simply for the information of the Senate, and it will conduce to the orderly business of the Senate to-day to let it be done.

The VICE-PRESIDENT. Does the Senator from Massachusetts insist on the regular order?

Mr. LODGE. Perhaps I misunderstand the resolution.

The VICE-PRESIDENT. The Senator from Texas moves that 500 additional copies of the resolution submitted by him this morning be printed for the use of the Senate.

Mr. LODGE. I think we had better wait until we see what it is.

The VICE-PRESIDENT. Objection is made.

Mr. CULBERSON. Very well, Mr. President.

EFFICIENCY OF THE MILITIA.

On motion of Mr. DICK, it was

Ordered, That 3,000 additional copies of the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, be reprinted, 1,500 for the use of the National Guard and 1,500 for the use of the Senate document room.

IMMIGRATION STATION AT PHILADELPHIA, PA.

On motion of Mr. PENROSE, it was

Ordered, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa., and that it be referred to the Committee on Immigration.

HOUSE BILL REFERRED.

H. R. 13102. An act to authorize the County of Elmore, Ala., to construct a bridge across the Coosa River, Alabama, was read twice by its title and referred to the Committee on Commerce.

GOVERNMENT DEPOSITARIES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. STONE on the 20th instant, as follows:

Resolved, That the Committee on Finance be, and hereby is, authorized and directed to inquire, ascertain, and report to the Senate whether the moneys of the United States deposited by the Secretary of the Treasury in depositaries have been distributed, as far as practicable, equitably between the different States and sections as required by law, and if not, then to report, by bill or otherwise, what additional legislation is necessary to compel such equitable distribution.

The VICE-PRESIDENT. The Chair requests Senators kindly to refrain from audible conversation.

Mr. STONE. Mr. President——

Mr. HALE rose.

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. Certainly.

Mr. HALE. The Senator rises to the resolution just read?

Mr. STONE. I do.

Mr. HALE. Let it be read again. There was so much noise I could not hear what it is.

The VICE-PRESIDENT. The Senator from Maine asks that the resolution be again read.

Mr. HALE. Yes; before the Senator from Missouri goes on, I want to know what is in the resolution.

The VICE-PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. STONE. Mr. President, before the resolution is disposed of I desire to submit an observation or two regarding the subject-matter covered by it.

On the 4th day of March, 1907, an act was passed amending section 5153 of the Revised Statutes. I desire to read the section as amended:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of the United States bonds and otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided*, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections."

I call particular attention to the last proviso:

"That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections."

When the currency bill, of which the section I have read was made a part, was under consideration in February of last year there was considerable discussion in the Senate of its provisions; and the proviso to which I have directed especial attention was discussed to a considerable extent and with more or less emphasis by different Senators. The Senator from Georgia [Mr. BACON], the Senator from Minnesota [Mr. NELSON], and others, including the chairman of the Committee on Finance, the Senator from Rhode Island [Mr. ALDRICH], all participated in that rather interesting debate, out of which eventuated the law to which I have called attention.

How has that statutory direction been observed and obeyed by the Treasury Department? What attention has been given to it and how have its provisions been carried out by the Administration? It is in answer to these questions that I desire to speak. I desire to call the attention of the Senate to some facts, and particularly to call the attention of the members of the Committee on Finance to some facts which I have collated from official documents of recent date. I hold in my hand two reports issued by the Comptroller of the Currency, the two latest of his reports, upon the matters to which they relate.

The first is entitled: "Abstract of Reports of Condition of National Banks, No. 55, Treasury Department, Office of the Comptroller of the Currency, Washington, D. C., September 17, 1907.

"Abstract of Reports of Condition of National Banks in the United States on November 12, 1906, January 26, March 22, May 20, and August 22, 1907."

The other document is of exactly the same import, except that it is continued down to December 3, 1907. It is from these documents that I have gathered the data which it is my purpose to lay before the Senate and particularly to lay before the members of the Committee on Finance for their consideration.

Mr. President, it will be observed as I proceed that I have selected for purposes of comparison the two latest dates mentioned in these reports, August 22, 1907, and December 3, 1907.

On August 22, 1907, there was deposited in the national bank depositaries the sum of $143,282,393.15 of public money; on December 3 the amount of deposits had grown to $223,117,082.61, making an increase in about 3½ months of $79,834,689.46, or approximately 55 per cent. This does not embrace, but is exclusive of, deposits made by disbursing officers; it embraces only deposits of Treasury funds made by the Secretary of the Treasury.

This enormous sum of money, as we know, is deposited in these national banks without interest, and is loaned in turn by the banks to their customers.

How are these moneys distributed as between the different States and sections of the Union? The statute I have read requires the Secretary of the Treasury to distribute them equitably as far as practicable. How have they been distributed, as shown by these reports? Let us look at it first from the standpoint of sections. The Comptroller in his report has divided the States into several sections, one embracing the New England States, another the Eastern States, another the Southern States, another the Middle Western States, another the Western States, another the Pacific States, and another the Island possessions. As between these sections the distribution, as shown by the deposits on August 22 and December 3, 1907, was as follows:

The New England States, August 22, had $8,577,417.53 of these deposits; on December 3 that section had $12,633,707.12, an increase in three and one-half months of $4,056,289.59, or approximately 47 per cent.

The Eastern States on August 22 had $58,002,750.82; on December 3, $112,811,046.60, an increase of $54,808,295.78, or an approximate increase of 94 per cent.

The Southern States on August 22 had $21,990,251.15; on December 3 they had $29,541,940.96, an increase of $7,551,689.81, or approximately 34 per cent.

Mr. BEVERIDGE. What was the percentage of increase in the Southern States which the Senator from Missouri stated?

Mr. STONE. There was an increase in those States of about 34 per cent.

The Middle Western States, which division or section as made by the Comptroller embraces the State from which the Senator from Indiana comes as well as my own State, on August 22 had $32,933,852.79; on December 3 they had $44,135,-

001.01, or an increase of $11,201,148.22, or approximately 34 per cent.

The Western States, lying west of Missouri toward the Rocky Mountains, on August 22 had $8,325,282.20; on December 3 they had $9,285,014.53, an increase of $959,732.33, or approximately 11 per cent.

The Pacific States on August 22 had $13,180,823.89, which had been increased on December 3 to $14,437,360.95, or a total increase of $1,256,537.06, or approximately 9 per cent.

The insular possessions on August 22 had $272,014.77, which had been increased on December 3 to $273,011.44, an increase of $996.67, or approximately one-third of 1 per cent.

Mr. President, these figures show what is to my mind a startling disparity in the deposit of these public moneys as between the sections of the Union, and an utter failure on the part of the Treasury officials to observe the requirements of the law which I have read, a law which was adopted by Congress after full debate for a just and definite purpose.

Mr. BEVERIDGE. I wish to ask the Senator from Missouri a question for information. I am profoundly interested in what the Senator is saying, and I repeat, I ask the question for information. The Senator has evidently given very careful and studious attention to this question, and I have not, and that is the reason I ask the question.

The law requires an equitable distribution of these funds. The Senator from Missouri has read figures showing a discrepancy in the percentages assigned to the various sections of the country. Now, would the Senator construe the word "equitable" to mean that there should be an equal division according to the sections, or might it not be true that "equitable" would also include the volume of business done in each of the sections, or the needs of the hour, or the extent of the balances of the sections? Would the Senator have us to infer—and he knows I am merely asking for information—that an "equitable distribution" means that there should be an equal geographical distribution, or might not the elements of business activity or of wealth come in?

Mr. STONE. The inquiry of the Senator from Indiana is pertinent and proper, but, if he will pardon me, I would rather answer him a little later on, for the reason that I intend then to take up that phase of the question.

Mr. BEVERIDGE. Certainly.

Mr. STONE. It would break into the line of my remarks to take up that question now.

Mr. BEVERIDGE. I only wanted, as the Senator used the word "equitable," to state that it raised a question in my mind which I should be glad to have the Senator elucidate, which I am sure he is quite able to do.

Mr. STONE. I shall have something to say about that presently.

Mr. President, continuing in the line of my statement, I want now to call attention to a disparity as between certain cities of the East and West—the Middle West—and to make some comparisons. Of Eastern cities I have taken Boston, New York, Philadelphia, Pittsburg, and Baltimore. Here is what the report shows with reference to the deposits made in those cities:

In Boston on August 22 there was deposited $2,539,523.81; on December 3 there was deposited $6,079,644.83, an increase in actual amount of $3,540,121.02, or approximately 139 per cent.

New York City on August 22 had $28,253,386.58, which had increased on December 3 to $75,829,742.66, or a total increase of $47,576,356.08, being an approximate increase of 168 per cent.

Philadelphia on August 22 had $4,736,477.12; on December 3 it had $6,577,586.72, an increase of $1,841,109.60, or approximately 38 per cent.

Pittsburg on August 22 had $2,921,570.79; on December 3, $5,142,309, or $2,220,738.21 of actual increase, equal approximately to 76 per cent.

Baltimore on August 22 had $3,890,722.84; on December 3, $5,187,547.54, an increase of $1,287,814.70, or an increase of approximately 33 per cent.

In these five cities combined on August 22 there was deposited $42,350,681.14; on December 3, $98,816,830.75, or an increase of $56,466,149.61, being an increase of approximately 133⅓ per cent.

Mr. BEVERIDGE. That is just a little more than the increase of the New York deposits—nearly $9,000,000 more.

Mr. STONE. I have it here in detail.

Mr. BEVERIDGE. Would it interrupt the Senator if I should ask him a question as to those figures?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. Certainly.

Mr. BEVERIDGE. I wish to know whether it is true, or not, that New York is the central banking city through which most of the other cities named transact their business? Is not New York the central banking city for all those cities? That is one question.

The other question to which I wish to call the Senator's attention is, Has he a table of the comparative clearances of the banks of these various cities, showing what the volume of business is in each city? Those two questions I think pertinent to the matter which the Senator is discussing.

Mr. STONE. I have not at hand a table of the volume of clearances, but the question of the Senator is very much along the line of the question he propounded earlier.

Mr. BEVERIDGE. But it is a question of fact—I do not know; but the Senator does—whether New York is not the central banking point for all these cities, and indeed for others?

Mr. STONE. Well, the Senator from Indiana knows as much about that as I do. I think it goes by general consent that New York is in a large sense the financial center of the country.

Mr. BEVERIDGE. Of course the Senator knows—I do not—whether or not that would furnish a prima facie reason, at least, why New York deposits should be increased in a different proportion from the cities to which he has called attention. That is the only point to my question.

Mr. STONE. The Senator from Indiana is interposing, with my permission of course, some suggestions in the way of argument that I think would come better a little later on.

Mr. BEVERIDGE. Then, if the Senator prefers, I will ask him to answer these questions a little later on.

Mr. STONE. Undoubtedly New York is the largest financial center in the country.

Mr. BEVERIDGE. Yes.

Mr. STONE. But notwithstanding that fact, I think these figures, when I am through with them, will convince even the Senator from Indiana that a very gross discrimination has been made in favor of New York as against the cities and States of the Middle West and of the South.

Mr. BEVERIDGE. I will say to the Senator from Missouri that I have not studied this question, while he has; but I wish to submit for his consideration the facts to which I have called his attention.

Mr. STONE. Mr. President, I want to give the figures for some of the cities of the great Middle West, that comparison may be made as between them and the five Eastern cities to which I have called attention.

I take Cincinnati, Cleveland, Indianapolis, Chicago, Minneapolis, St. Paul, St. Louis, and Kansas City. I am giving these figures somewhat in detail because I want them to go into the RECORD. To read them may be a little tedious, nevertheless I will do so.

On August 22, Cincinnati had $1,886,906.35; on December 3, $3,763,301.45, an increase of $1,876,395.10, or approximately 99 per cent.

Cleveland on August 22 had $573,331.95; on December 3 $1,465,100.37, or an increase of $891,768.42, or about 155 per cent.

Indianapolis on August 22 had $1,443,808.71; December 3 $1,566,358.69, an increase of $122,549.98, or 8.4 per cent. I think Indianapolis was entitled to better treatment.

Chicago on August 22 had $2,813,559.75; on December 3 $6,406,550.38, an increase of $3,592,990.63, or about 127 per cent.

Minneapolis and St. Paul together—I read them together—had on August 22 $1,084,729.73; on December 3 $2,360,644.68, an increase of $1,275,914.95, or 117 per cent.

St. Louis on August 22 had $1,993,808.52; on December 3 $2,348,835.33, an increase of $355,026.81, or 17 per cent.

Kansas City on August 22 had $638,559.15; on December 3 $647,538.87, or an increase of $8,979.72, or 1.4 per cent.

These eight cities of the great Middle West on August 22 had all told and combined only $10,434,704.16; and on December 3 they had $18,558,329.77, an increase during the three and a half months of $8,123,625.61, or approximately 79 per cent.

Mr. President, the percentage of increase is not so striking by comparison as is the actual sum of the difference. The actual sums show best the disparity of amounts. For instance, the five Eastern cities increased in three and a half months from $42,350,681.14 to $98,816,830.75, or a total increase in amount of $56,466,149.61, while the eight Middle Western cities, on August 22 had only $10,434,704.16, which was increased during the same period to only $18,558,329.77, or a total increase of only $8,123,625.61. The increase in the five Eastern cities was nearly seven times as great as that of the eight Western cities.

Now, Mr. President, let me make a still more specific comparison. Take the city of Boston, not New York, which the

Senator from Indiana regards, and properly so, as the largest financial center of the country. Take not New York, but Boston, and compare it with Chicago. Boston with less than one-third the population of Chicago, gets practically as much of the public funds put into its national banks as was deposited in the banks of Chicago, the deposits on December 3 being in Boston $6,079,644.83 as against $6,406,550.38 in Chicago. The difference in favor of Chicago is only $326,905.55.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. I do.

Mr. BEVERIDGE. That is a very, very striking discrepancy; and I am wondering whether the Senator in getting this data inquired as to why so comparatively little was given to a great industrial and financial center like Chicago, and so much to a city of lesser consequence in the extent of its industries and trade as Boston. Did the Senator get any explanation?

Mr. STONE. I have not addressed any inquiry to the Treasury Department on that subject.

Mr. BEVERIDGE. Of course they must have had a reason.

Mr. STONE. I have here on my desk part of a speech made by the Treasurer of the United States, Mr. Treat, in South Carolina, a few days ago, in which he undertakes to give some explanation.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Yes.

Mr. SMOOT. I should like to ask the Senator from Missouri if Boston is not the center of a greater population and of greater business interests than is Chicago to-day. Is not that the reason why the same amount of money was deposited at Boston as was deposited at Chicago, and not because of favoritism, or based on the population of the two cities?

Mr. STONE. The Senator asks if Boston is not a greater center of population and business than Chicago.

Mr. SMOOT. From a banking standpoint.

Mr. STONE. I should say not, clearly not, although I have not at hand the clearings of the banks of Boston or Chicago.

Mr. SMOOT. That is just what I was going to ask the Senator, whether he had taken that into consideration.

Mr. STONE. I am not taking anything into consideration at present. All I am doing at this moment is to lay these figures before the Senate for its consideration. I have not come to any discussion of the question, but I do want to lay this information, in this condensed and tabulated form, before the Senate.

Mr. BEVERIDGE. I did not understand the Senator from Missouri to state the question of the Senator from Utah as I understood the latter Senator. He did not say that Boston was a larger center with respect to population or anything of that kind, but he asked the Senator from Missouri whether it is not a fact that it is a larger banking center; that is, whether it does not have tributary to it a larger banking population which it serves than Chicago has which it serves.

Mr. STONE. I do not believe it has a larger banking constituency than Chicago. I should be astounded if that should prove to be true.

Mr. CLARKE of Arkansas. Mr. President——

Mr. STONE. Before the Senator from Arkansas interrupts me I will ask the Senator from Utah if he is prepared to answer his own question?

Mr. SMOOT. I have not here the figures of the clearings, but I have always understood that tributary to Boston there were greater banking interests and population than were tributary to Chicago.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. STONE. I yield.

Mr. CLARKE of Arkansas. May I suggest to the Senator from Missouri that an answer to the inquiry of the Senator from Utah may be found in the fact that the capitalization of the national banks of Boston is $26,050,000, whereas in Chicago it is $27,400,000. It seems from the official record that Chicago is a greater financial center than is Boston.

Mr. SMOOT. That is the city alone. My question went to this point, whether there were not tributary to Boston——

Mr. STONE. What is tributary to Boston?

Mr. SMOOT. Tributary to Boston in a banking sense means the men and corporations who do their business at Boston and do it with Boston banks.

Mr. STONE. That is true of Chicago or any other point.

Mr. SMOOT. From Worcester, and all over the New England States.

Mr. STONE. Boston and New York are not very far apart.

Mr. SMOOT. I would not call Boston tributary to New York, any more than I would call a town near Chicago, doing its banking business with Chicago, tributary to St. Louis.

Mr. BEVERIDGE. Is it not true——

Mr. STONE. The Senator will pardon me. The Senators who are evidently seeking among other things to break somewhat the force of these startling figures can do so in their own way. I have no objection to the interruptions, they will understand, but I can not undertake to speculate upon the reasons which induced the Secretary of the Treasury to make these discriminations.

Mr. BEVERIDGE. The Senator must acquit me of any desire to break the force of his figures. Of course I take the figures to be worthless unless there is some meaning attached to them, which is the point to my question. The Senator said in the beginning that my questions were very proper. With reference to the point the Senator from Utah was making, is it not a fact that Boston is the financial capital of all New England? I take it that is what the Senator from Utah means. Boston is the financial capital of all New England.

Mr. STONE. Suppose that to be true?

Mr. CLARKE of Arkansas. Before the Senator proceeds will he allow me to make another suggestion?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. STONE. With pleasure.

Mr. CLARKE of Arkansas. It will be seen from this report of the Comptroller, dated December 3, 1907, that the individual deposits in national banks in Boston were $130,632,576.08, while the deposits in the national banks in Chicago on the same day were $131,946,741.30, being greater in Chicago than in Boston.

Mr. BEVERIDGE. Does the Senator say that the individual deposits in the banks——

The VICE-PRESIDENT. The Chair will call the attention of all Senators interested in this discussion to the importance of addressing the Chair before they proceed.

Mr. BEVERIDGE. I propound the inquiry whether the mere fact of individual deposits would indicate the comparative consequence of cities as banking centers.

Mr. STONE. It would be surprising to me if it were true that in any point of view, whether in population, in the extent of industries, in the volume of business, in the capitalization of banks, in the deposits in banks, or in any of those things that go to make up a great industrial and financial center, Boston exceeded Chicago. I do not believe it is a fact.

Mr. BEVERIDGE. Well, it is a fact that Boston is the financial capital of New England.

Mr. STONE. Oh, that may be; I do not know, but suppose it is.

Mr. BEVERIDGE. The Senator says, rather inconsequentially, that he does not know. But still it is rather important.

Mr. STONE. Perhaps. I can not answer any more than the Senator can——

Mr. CLARKE of Arkansas. In connection with the last remark made by the Senator——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. STONE. With pleasure.

Mr. CLARKE of Arkansas. I submit, in connection with the inquiry made by the Senator from Indiana, the further statement from the report of the Comptroller, which shows that on December 3, 1907, the loans and discounts of national banks in Boston were $169,054,267.74, whereas on the same day the loans and discounts of national banks in Chicago were $220,157,671.08 some fifty million dollars in excess in favor of Chicago in the matter of loans and discounts.

Mr. STONE. Did I understand the Senator from Indiana to say that that seemed to be convincing?

Mr. BEVERIDGE. I do not know what the Senator did understand of the conversation which was going on, as it sometimes does, between the Senator from Arkansas and myself. I say openly yes; that it seems to be rather a striking set of figures. I do not know what their interpretation is. It is not for me to interpret, because I am not learned on this subject. I have not investigated it as the Senator has. It is for me to inquire. We want to know. We want to learn. The Senator is handling this question. The Senator knows, or should know, the answers to the questions he raises.

Mr. STONE. I can not answer any more than the Senator from Indiana can the question whether Boston is the great headquarters for all the money transactions and business transactions of New England.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I do.

Mr. SMOOT. I should like to call the attention of the Senator from Missouri to the fact that Boston, by his own figures, had an increase of deposits of 58 per cent, while Chicago, a Western city, and complaint being made that it had not been treated fairly in this matter, had an increase of—I forget just the figures. What did Chicago show?

Mr. BEVERIDGE. What is the percentage?

Mr. STONE. Chicago?

Mr. SMOOT. Yes.

Mr. STONE. The increase of Chicago is 127 per cent.

Mr. SMOOT. While the increase in Chicago was 127 per cent, as against 58 per cent in Boston.

Mr. STONE. Now if the Senator will put down the figures of Boston, $2,539,523.81 in August and $6,079,644.83 in December, he will get the increase there.

Mr. SMOOT. Then the Senator from Missouri made an error in stating it was only 58 per cent.

Mr. STONE. I may have made some error in my statement, but you can get it exactly by calculating the per cent on the actual figures given.

Mr. SMOOT. But even with the figures as now given by the Senator from Missouri, the percentage as to cities will be about the same as stated.

Mr. BEVERIDGE. Seventy per cent greater in the case of Chicago than in the case of Boston.

Mr. SMOOT. Yes.

Mr. STONE. No, the per cent of increase is greater at Boston. The per cent at Boston is approximately 139 as against 127 at Chicago. But I stated to the Senate that when comparison is made on the basis of per cent it would not be so striking as when made on the basis of actual amounts deposited.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. As to this very point I should like to say that in the five eastern States there were $56,000,000 deposited during that time—August 22 to December 3—and in the Middle West there was deposited $8,123,000; that is, only seven times as much in the five eastern States as in the western States. The Senator——

Mr. STONE. Are you speaking of Boston or of New England?

Mr. SMOOT. I am speaking of all of them as a whole, as you gave the figures. In the eastern States, including New York and all, there were deposited $56,000,000 during that time. That was the increase.

Mr. STONE. Yes.

Mr. SMOOT. The middle Western States, you stated, had only eight million dollars increase; or, in other words, in round numbers about seven times more in the East than the West. The volume of business done in the eastern States, I believe, is a great deal more than seven times the volume of business done in the Middle Western States.

Mr. STONE. The Senator can hold to that belief if he desires. I am not prepared to give the Senate the aggregate volume of business of all kinds done in the different sections, but I do not believe the Senator's statement is by any means correct.

Mr. SMOOT. I think it is correct so far as the volume of business is concerned; and of the $56,000,000, $47,000,000 was put in New York alone.

Mr. STONE. Yes.

Now I make another comparison. I take St. Louis and compare it with Boston and Baltimore. Those three cities have about the same population. On December 3, Boston had deposited in its banks $6,079,644.83, St. Louis had $2,348,835.33. In other words, Boston held of public money 158.8 per cent more than St. Louis, and Baltimore had at that time $3,899,722.84, or 66 per cent more than St. Louis.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. If the Senator can explain it, it will be very gratifying.

Mr. SMOOT. I also notice that on August 22 the deposits in Boston, in Baltimore, and in St. Louis showed just as great discrepancies as to amounts as they did on December 3. Therefore it could not be favoritism during the financial panic which induced the Treasury Department to deposit more money in one than in the other. In other words, there was no more of an increase in Boston or Baltimore——

Mr. STONE. The Senator will pardon me. I have not said a word about the panic. I am simply laying certain facts before the Senate. I am calling attention to a state of facts, and upon that I predicate the inquiry whether the Treasury Department is obeying or disobeying the law in the distribution of these public deposits.

Mr. SMOOT. I took it for granted that the Senator took the dates here, August 22 and December 3, in order to show that in the deposit of money by the Treasury of the United States to help the banks during this time of stress, banks in certain cities had been favored as against those in other cities.

Mr. STONE. In the Senator's anxiety to defend the Treasury he anticipates and defends against a charge that has not been made.

Mr. SMOOT. Well, Mr. President, if the charge has not been made, I have nothing more to say.

Mr. STONE. Whether it will be made is another question. It has not yet been made. I took for the purpose of comparison the dates August 22 and December 3 because they were the latest dates covered by the two latest reports.

Now, Mr. President, I want to make another comparison—between Pittsburg and Kansas City. In population these two cities are about the same in size. On December 3 Pittsburg had $5,142,309; Kansas City, $647,538.87. During this financial storm through which the country has been passing, and no doubt because of it, one of the largest bank failures that has occurred was the failure of the National Bank of Commerce of Kansas City. With one exception, in the volume of its business, it was the greatest bank west of the Mississippi River. It may be that if there had been a more equitable distribution of the public funds, if more of them had been made available in Kansas City, if there had been an equitable distribution of them, this unfortunate failure might have been averted. I call the particular attention of my distinguished colleague to this comparison, since Kansas City is his home. And yet, Mr. President, in the face of all this the Republicans of Kansas City and that vicinity are still crying halleluiah to Roosevelt and clamoring for a continuation of "my policies."

I wish to make another comparison to which I ask the attention of the Senator from Utah, who seems to be interested in these tabulations. On December 3 the city of New York held of the public deposits $75,829,742.66. Eight Middle Western cities had altogether but $18,558,329.77, an excess in New York of $57,271,412.89. In other words, the excess of deposits in New York, the mere excess, over and above the total of all deposits in all the eight greatest Middle Western cities, was three times as great as the total deposits in the eight Western cities named amounted to. There may be some explanation for this. If there is, it would be interesting to have it.

On December 3—I call the attention of my Southern friends to this—New York, as I have said, had $75,829,742.66, while the twenty-one Middle Western and Southern States combined—twenty-one States—had but $73,676,941.97. There was in the banks of New York $2,152,800.69 in excess of the combined deposits in all the States of the Middle West and South. There may be some explanation for this. It would be interesting to hear it.

And here is another comparison to which I call the particular attention of the Senator from Utah. Washington City, this city in which the Capitol stands and the Treasury is located, on December 3 had $4,581,558.46. The whole State of Iowa on that date had but $3,615,397.46, Minnesota $3,406,535.11, Missouri $4,386,738.13, Texas $2,746,603.65, Kansas $2,148,292.35. In other words, the city of Washington had deposited in its national banks from one and a half to two million dollars more than were deposited in all the banks of Iowa, or in all the banks of Minnesota, or of Missouri, or of Texas, or of Kansas.

Mr. President, talk about resources, industries, and the need for money! Compare, if you will, the industrial and commercial importance and financial needs of such States as I have named with that of Washington City, this great emporium of Government clerks, boarding houses and retail shops. There may be some explanation for this, and if so it would be interesting to have it.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I do.

Mr. SMOOT. I should like to ask the Senator if he knows what was the increase in the deposits in the city of Washington?

Mr. STONE. If the Senator cares he can examine these papers and reports and find an answer to his question.

Mr. SMOOT. I thought the Senator had it before him and could answer it offhand, or I would not have asked the question.

Mr. STONE. No; I could not answer without referring to the reports.

Mr. President, another thing. It is said, and with good rea-

son, that the money placed in Southern and Western banks is not always placed there with the expectation that it is to remain there and serve the needs of the people living and doing business in the vicinity of the banks. I am told that in some instances, in how many I do not know, the stocks of Western and Southern banks are held, sometimes even to the point of control by Eastern banks or bankers, and that the funds nominally deposited in these Western and Southern banks are transmitted at the call of the New York banks to their vaults.

If that be true, as I am told it is, what is shown in these reports is not always reliable, by which I mean that when it appears that a given sum of money is deposited in the banks of the Middle West and South, and while in fact it was nominally deposited there, yet as many of these banks are controlled by the banks of New York, the money is soon transmitted, in large part at least, to that city. That a large amount of these deposits is really held by the banks of New York is shown in the reports.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. I do.

Mr. HALE. Mr. President, I shall not take much of the time of the Senator. As it is almost 2 o'clock there will be no opportunity to reply.

The Senator has arrayed figures showing discrimination as in favor of the East against the West, and has said that there may be some explanation of all this. I only wish to say that the Secretary of the Treasury is engaged day and night in bringing out, in order to submit to Congress, a complete answer not only to the Senator's resolution but to other resolutions. The Senator is not the pioneer of these resolutions; perhaps half a dozen have been introduced; and the Secretary of the Treasury has set to work to answer them. He is encumbered with a vast mass and collection of facts. It ramifies into every part of the country.

But I can assure the Senator that there will be completed, perhaps within a very few days, by the Secretary of the Treasury, who is giving his whole time, days and nights, to this subject, a complete answer upon the proposition that he has hewn to the line under the statutes the Senator has quoted, and that his distribution has been fair and just and equitable. The Senator will get this information at no distant day, as all the Senate will.

Mr. STONE. Mr. President, I make no pretension to being a pioneer in this field or any other. I am aware that resolutions covering different phases of Treasury transactions have been introduced and inquiries made. Possibly (as to that I am not prepared at this moment to speak definitely) information as to the deposits in the different banks of the country has been called for. I hardly think so, for it would be a useless labor to impose upon the Secretary of the Treasury, since all that information appears in the published reports of the Comptroller.

The purpose of my resolution, and it is so expressed in terms, is not to ask information of the Secretary of the Treasury, but to require the Committee on Finance to inquire whether the funds deposited by the Secretary of the Treasury in depositaries have been equitably distributed as far as practicable in pursuance of law, and if not, then to report by bill or otherwise what legislation is necessary to compel obedience to the law.

Mr. BURROWS. Mr. President, will the Senator from Missouri yield to me for a moment?

Mr. STONE. I do.

Mr. BURROWS. If the Senator should have occasion to revise his remarks I would suggest that he will find upon examination of the printed reports of the Treasury Department that in this distribution of the public moneys upon an equitable basis, New England was entitled to 11.1 per cent and received 5.7 per cent; that the Eastern States were entitled to 41.8 per cent and received 50.6 per cent; that taking New England and the Eastern States together they were entitled to 52.9 per cent and they have 56.1 per cent of these funds; that the Southern States as a whole are entitled under an equitable distribution to 13.1 per cent of these funds and they have received 13.2 per cent; that the Middle West is entitled to 23.7 per cent and it has 19.8 per cent; that the Western States are entitled to 5.6 per cent and they have 4.2 per cent, and that the Pacific States are entitled to 4.7 per cent and they have 6.5 per cent.

I think if the Senator will examine——

Mr. STONE. May I interrupt the Senator?

Mr. BURROWS. He will find that the distribution of the deposits is as equitable and fair as could be made.

Mr. STONE. I understand the Senator to say that the distribution had been made on some authorized basis. On what authority? Upon what basis was the distribution made?

Mr. BURROWS. I suppose it was made upon the basis——

Mr. STONE. I mean upon what basis does the Senator fix the percentage?

Mr. BURROWS. I presume it was made upon the basis of the capital and surplus of the banks. That would be a proper basis, I should suppose.

Mr. STONE. The Senator supposes. Does the Senator know upon what basis the distribution was made?

Mr. BURROWS. I do not know, but I presume it was made upon that basis. That certainly would be equitable.

Mr. STONE. I will take that up now. I have here an excerpt from the Washington Post, being part of a dispatch from Columbia, South Carolina, giving extracts from a speech delivered on the 15th instant by Charles H. Treat, Treasurer of the United States, at a dinner given by the Columbia Chamber of Commerce. I wish to read from it:

The speaker said it had been charged by persons well informed that the Secretary of the Treasury showed favor to the New York City banks, in making Government deposits, over those of other sections.

Mr. Treat gave the figures to prove that New York banks were not unduly favored, pointing out that the percentage of public deposits to capital and surplus in those institutions during the months of acute panic was smaller than in some of the Southern States.

Mr. Treat said these figures fairly illustrated that the deposits of the Treasury were put where they were most needed to move the crops of the South, and that much of the money deposited in New York banks was afterwards loaned to Southern banks, so that the South got not only the use of direct deposits, but also a portion of those made to the banks of the North.

That is in accordance with the notion of the Senator from Michigan [Mr. BURROWS]. The Senator and the Treasurer agree. The Senator said he supposed the distribution was made on the basis of capital and surplus. Mr. Treat says the distribution was so made. Very well; let us institute a little comparison on that basis.

On December 3 New York had on deposit $75,829,742.66 and the Middle Western States $44,135,001.01. New York had $31,694,741.65 more than all the Middle Western States. The capital and surplus of the New York City banks at that date, as shown by the report of the Comptroller, were $226,973,500, while the capital and surplus of the banks of the Middle Western States——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be temporarily laid aside until the Senator from Missouri can conclude his remarks.

The VICE-PRESIDENT. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside until the conclusion of the remarks of the Senator from Missouri.

Mr. HEYBURN. Mr. President, I object to laying aside the unfinished business.

The VICE-PRESIDENT. Objection is made to the request. The Secretary will proceed with the reading of the bill.

Mr. STONE. Who objected to the request?

Mr. HEYBURN. Mr. President, in view of the fact that we hope to-day to finish the consideration of the criminal code, the Senator from Missouri will——

Mr. STONE. I hope the Senator will let me conclude.

Mr. BEVERIDGE. Mr. President, I hope the Senator from Idaho will permit the Senator from Missouri to conclude his remarks. It is an ordinary courtesy.

Mr. CULBERSON. I was going to suggest——

Mr. STONE. I can make the speech on the bill when it is taken up——

Mr. CULBERSON. I suggest to the Senator from Idaho——

Mr. STONE. But it is only a matter of ordinary courtesy.

The VICE-PRESIDENT. The Chair will recognize Senators in regular order. Senators will please not address the Senate until after they have been recognized by the Chair. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. I do.

Mr. CULBERSON. I simply desire to suggest to the Senator from Idaho, and to others who are assisting and aiding him, that it is entirely unusual to object to a Senator concluding his remarks.

Mr. BEVERIDGE. I suggest to the Senator from Idaho that he permit the Senator from Missouri to proceed.

The VICE-PRESIDENT. The Chair again calls attention to the rule that the Chair must be first addressed.

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. I have the floor I believe, and I think I can probably unravel this matter in a few words. I would inquire of the Senator from Missouri about how much time he contemplates will be occupied in the conclusion of his remarks?

Mr. STONE. I do not care to put a limit upon the time, but I was approaching the conclusion of what I had to say. I may want to enlarge it.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. I appeal to the Senator from Idaho to permit the Senator from Missouri to conclude his remarks. The Senator knows, as we all know, that that is an ordinary courtesy which is always permitted here. A Senator midway in his address, of course, naturally wants to conclude the remarks which he is making. I hope the Senator will permit that to be done.

Mr. HEYBURN. Mr. President, no appeal is necessary from the Senator from Indiana on behalf of the Senator from Missouri. I think I understand the situation. I would very cheerfully yield to the Senator from Missouri——

Mr. STONE. Will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. I would very cheerfully yield to the Senator, and it was entirely proper that I should inquire of him as to the probable time he would require. The regular order of business was called to the attention of the Senate. I have been in charge of the bill under consideration under that order of business. I desire to finish it as soon as possible. I recognize the fact that the Senator from Missouri would not like to have a break in the middle of his speech, but I desire to say that if I were to agree at all to it it would not be in order that any other Senator might speak on the subject to-day, or that any considerable debate might be engaged in.

I can consider the proposition of yielding for only a brief time; but if the Senator has no idea of the length of time he will require——

Mr. STONE. I ask for no favors of the Senator. Proceed with your bill.

Mr. HEYBURN. I am exactly in the position the Senator is in. I have a measure before the Senate and am proceeding——

Mr. STONE. I ask no favors of the Senator, Mr. President.

The VICE-PRESIDENT. The unfinished business is before the Senate and will be proceeded with.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary proceeded to read section 215.

Mr. CULBERSON. Mr. President, this seems to be a very important matter in the opinion of the other side, and I think there should be a full Senate present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Cullom	Heyburn	Paynter
Beveridge	Curtis	Johnston	Perkins
Borah	Depew	Kean	Piles
Bourne	Dick	Kittredge	Richardson
Brown	Dixon	La Follette	Simmons
Bryan	du Pont	Latimer	Stephenson
Bulkeley	Flint	Lodge	Stone
Burnham	Frazier	Long	Sutherland
Burrows	Frye	McCreary	Taliaferro
Clark, Wyo.	Fulton	McCumber	Taylor
Clarke, Ark.	Gallinger	Nelson	Warner
Clay	Gamble	Newlands	Warren
Crane	Hale	Nixon	Whyte
Culberson	Hansbrough	Overman	

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. HEYBURN. I ask that the unfinished business be temporarily laid aside until the conclusion of the remarks of the Senator from Missouri.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside until the Senator from Missouri concludes his remarks.

Mr. STONE. I object.

The VICE-PRESIDENT. Objection is made, and the Secretary will resume the reading of the bill.

The Secretary read the next section, as follows:

SEC. 215. [Whoever, being a postmaster *or other person employed in the postal service,* shall act as agent for any lottery office, or, under color of purchase or otherwise, vend lottery tickets, or shall *knowingly* send *by mail or deliver any letter, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme,* shall be fined not more than *one hundred* dollars, *or imprisoned not more than one year, or both.*]

Mr. STONE. Mr. President, I move to strike out section 215.

The VICE-PRESIDENT. The Senator from Missouri moves to strike out the section just read.

Mr. STONE. I desire, Mr. President, to submit some observations in support of the motion.

The VICE-PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, when interrupted I was proceeding, in reply to the Senator from Michigan, to make a comparison on the basis of a percentage of bank capital and surplus as between the banks of New York and the States of the Middle West, the Senator being of the opinion that the distribution of deposits was made on that basis and as the Treasurer of the United States affirmed it was. I will go on with that comparison and see if the distribution was equitable even if made on that basis.

On December 3 there was deposited in the banks of New York $75,829,742.66. In all the banks combined in the Middle Western States there was deposited $44,135,001.01. There were in the banks of New York $31,694,741.65 more than in all the banks of all the Middle Western States including, as they do, the cities of Cincinnati, Cleveland, Indianapolis, Chicago, Detroit, Milwaukee, Minneapolis, St. Paul, Des Moines, Dubuque, Kansas City, St. Joseph, and St. Louis, with an aggregate population of probably a million or more greater than that of the city of New York.

On December 3 the capital and surplus of the New York banks amounted to $226,973,500. The capital and surplus of the banks of the Middle Western States—that is, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri—amounted to $343,793,806.08, or an excess in favor of the banks of the Middle Western States of $116,820,306.08 over the capitalization and surplus of the banks of New York.

Mr. BEVERIDGE. Capitalization and surplus?

Mr. STONE. Capitalization and surplus. The Treasurer of the United States gave it out in his speech at Columbus, S. C., that the distribution was made largely upon the capital and surplus of the banks; and that is the contention of the Senator from Michigan [Mr. BURROWS]. But it appears by these reports that the capital and surplus of the banks of these Western States is over 50 per cent greater than the capital and surplus of the banks of New York; and yet the banks in New York received $31,694,741.65 more money than was paid into the banks of these Western States.

Now take the South. On December 3 the deposits of public funds in the banks of the Southern States—that is to say, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee—amounted to $29,541,940.96. At that time New York held of these deposits $46,287,801.70 more than all the Southern States. At that date the capital and surplus of the New York banks, as I have shown, was $226,973,500, while the capital and surplus of the banks of the Southern States was $189,247,759.88. The excess of capital and surplus of the New York banks over the capital and surplus of the banks of the Southern States was $37,725,740.12.

Mr. BEVERIDGE. Mr. President——

Mr. STONE. In a moment. In New York City the percentage of deposits to capital and surplus was about 33 per centum; the percentage of deposits to surplus and capital in the Middle Western States was about 12 per centum, and in the Southern States about 15 per centum.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. Yes, sir.

Mr. BEVERIDGE. Mr. President, I wish to ask the Senator whether he is not now comparing a group of States on the one hand with the city of New York on the other hand, instead of comparing a group of States—the Middle Western States or the Southern States—on the one hand with the Eastern States on the other hand? Of course, the point of that question is clear to the Senator. The Senator from Michigan (Mr. BURROWS) stated that this distribution was based upon capital and surplus. If the Senator is showing whether that is true or un-

true, he would necessarily have to compare one set of States with another set of States, and not one set of States with a single city in another set of States.

Now, just one word more and I am through with my question. The deposits in New York, as the Senator admitted very early in this debate, were caused by the fact that it was the central banking city of that whole region. I do not make these suggestions, Mr. President, in any wise to defend any improper distribution of money, and if anything of that kind is done I shall be against it quite as earnestly as the Senator; but I again ask him if he is not comparing a group of States with a single city in another group of States?

Mr. STONE. That is what I did.

Mr. BEVERIDGE. If that is true, the Senator must admit——

Mr. STONE. I have already compared cities with cities.

Mr. BEVERIDGE. The Senator has compared cities with cities, and now he is comparing a group of States with a city. The Senator from Michigan stated that this distribution was made according to capital and surplus, but the Senator from Missouri is comparing bank capital and surplus in a section of States with the bank capital and surplus in one city of another set of States, instead of comparing one set of States with another set of States.

It has been brought out three or four times here that the excess of deposits in New York City in comparison, for instance, with Philadelphia, Baltimore, and other cities, was due to the fact that New York is the central banking capital not only of the eastern set of States, but of nearly all the States. I submit to the Senator whether he does not himself think that that takes the virtue out of his comparison.

Mr. STONE. I do not.

Mr. BEVERIDGE. I do.

Mr. STONE. On the contrary, I think if the Senator will take the trouble himself to make the comparison that he thinks ought to be made he will find that the discrimination and disparity will still be apparent.

Mr. BEVERIDGE. I never could admit that, I will say—and it perhaps has nothing to do with the debate—because I have sat in this Chamber for some time with the Senator from Missouri, and if ever he has yet admitted a point that would bear very heavily upon a proposition he has advocated I have failed to see it.

Mr. STONE. Mr. President, I have made comparisons now until I have wearied the Senate, and I might go on for a whole day making them. The Senator can take the comparisons that I have made and take the reports of the Comptroller, and get what comfort he can out of them on the lines he has in mind.

Mr. BEVERIDGE. I was merely asking, and then, when I found out, pointing out the fact that the comparisons which the Senator is now making, and which do seem rather outrageous on their face, are between a set of States on one hand, all bunched together, and between a single city in another set of States on the other, the inequity of all of which will appear from the statement.

Mr. STONE. I make this further statement, then, for the benefit of my friend from Indiana. On December 3 the capitalization of all national banks was $901,681,682. The surplus of all the banks was $549,614,684.05, and the deposits at that date in all the banks were $223,117,082.61. The deposits thus loaned without interest equal approximately 24 per cent of the total capital, and approximately 40 per cent of the total surplus of all the banks, and practically one-half of the whole was loaned to the banks in these six Eastern cities, including Washington.

Mr. President, Mr. Treat also says that the money deposited in New York was loaned to the banks of the South, and thus they had the benefit not only of the United States deposits but of their own. I would like to inquire why these public moneys were deposited in such excessive amounts in the banks of New York without interest, that they might be loaned by those banks to the banks of the South at interest——

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. In a moment—when if a fair basis of distribution had been observed, the money would have been placed in the banks of the South in the first instance, and there met the demand of the people for money to move their crops and carry on their business.

Mr. BEVERIDGE. First, does not the Senator think capitalization and surplus is a fair basis of distribution?

Mr. STONE. Mr. Treat said so.

Mr. BEVERIDGE. Then, second, in answer to the point the Senator makes—which is very plausible on its face—the Senator certainly would not have the Government go into the banking business?

Mr. STONE. No; I do not want the Government in the banking business.

Mr. BEVERIDGE. That is the point. Therefore, the Senator would have the deposits made in accordance with capital and surplus, and then have the money distributed according to the banking system and not by the Treasury Department as a banking institution.

Mr. STONE. I do not want the Government to go into the banking business. I have always opposed it, but, as my friend from Arkansas [Mr. CLARKE] suggests in an aside to me, if the Government does go into the banking business, I do not want it all done in one section of the country or chiefly to the advantage of one section of the country.

Mr. BEVERIDGE. Well, of course, Mr. President, with reference to that, I take it that both the Senator from Arkansas and the Senator from Missouri, if they did permit the Government to go into the banking business, would have the Government do banking business at the natural financial and banking business centers, and not according to political distribution or geographical distribution.

Mr. STONE. Whenever I come to the point that I am willing for the Government to go into the banking business at all, I would want it to do it upon a basis that will, in the administration of the law, develop equality among all sections of the country, without showing favoritism to any particular section of the country as against other sections.

Mr. BEVERIDGE. Equality being of course, since the Senator is speaking of the banking business, based upon business and not upon geographical distribution.

Mr. STONE. Business has something to do with it, but I think people have something to do with it also.

Mr. BEVERIDGE. The business the people do.

Mr. STONE. The people need money for business purposes. They do not care to have it for any other purpose that I think of. Money is only a business agency.

Mr. BEVERIDGE. I would ask the Senator whether that is not a little extravagant?

Mr. STONE. But I think, when we come to distribute the fund, population ought to have some consideration. The fact is, as we all know, Mr. President, that the demand for money in New York, the claim made that there was a pressing and immediate need for money in New York, was due to the fact that there was a call from the banks in the South and West for money to be used in moving the crops raised on the wheat fields of the Northwest, on the great corn and grain fields of the Middle West, and on the cotton plantations of the South. There is where the money was most needed for legitimate business. The bankers of New York said so; it was the common understanding, and yet with the banks of New York holding millions of money that belonged to their correspondents in the South and West—the banks of those sections—and refusing to deliver it when it was demanded and sorely needed, the Secretary of the Treasury takes the public funds and places them, without interest, not in the sections where money was most needed, but in the banks of New York, that they might loan the deposits to the banks of the South and West to be in turn loaned at a high rate of interest to the people.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. I do.

Mr. BEVERIDGE. The Senator has touched upon an extremely important and unpraiseworthy practice in our banking system, upon which I wish that he would say just one word. But before I point that out to him, I will say that I condemn as much as does the Senator from Missouri or any other Senator the practice of New York banks in getting hold of all the money they can and using it. But will the Senator point out why it is—because it goes to the heart of all this money congestion in New York—that the Western and Southern banks have their money in New York? I do not want to go on and answer my own question, but I will ask the Senator, who has given profound study to this question, if it is not because of the desire of the bankers of the South and West and elsewhere, to place their surplus money in New York, where they can earn the most on it, instead of keeping it in their own communities for loans to their own constituents? Has not that practice grown up, and is it not the heart of the reason for the congestion of money from our Southern and Western States in the New York banks? The New York banks can not be blamed for taking the money of these fellows if they want to loan it out upon the curb for very high interest. The bankers who send their money there in order to get part of that adventurous profit are entirely to

blame, are they not? I think the Senator now—he knows, and I am asking him—has put his finger upon a very weak place in the whole banking principle.

Mr. STONE. The Senator from Indiana very nearly answers his own question. He asks why the banks of the South and West send their money to New York. For more than one reason; partly that they may meet their exchanges in New York, but chiefly, I assume, because the banks of New York offer them a rate of interest——

Mr. BEVERIDGE. Exactly.

Mr. STONE. On their deposits that tempts them to send it there.

Mr. BEVERIDGE. Therefore, they put their money in hazard by reason of the temptation of this high rate of interest.

Mr. STONE. My friend says "in hazard." It ought not to be in hazard.

Mr. BEVERIDGE. According to the Senator's showing——

Mr. STONE. It ought not to be in hazard. The banks of New York are supposed to be solvent, and for the most part I am sure are solvent. And then if they can have the Treasury of the United States behind them, as they seem to have, money intrusted to them should not be in hazard.

Mr. BEVERIDGE. If that is so, there is no objection to the bankers sending money to New York.

Mr. STONE. There is a very serious objection to it.

Mr. BEVERIDGE. The Senator is getting tangled up.

Mr. STONE. I do not say that money deposited in New York is placed in hazard ordinarily; I do not think it is. But it boots nothing to ask what induces the bankers of the South or West to place their money on deposit in New York. The fact is they do it for reasons of their own. According to the terms of the deposits, they have a right to call it, perhaps on demand, or on time, as the case may be; but the fact remains—and it is a fact of common knowledge—that during the last three or four months, when the Western and Southern banks did call upon the New York banks for their money held on deposit there, it was denied, and they were unable to get a dollar in the usual course of business.

Mr. BEVERIDGE. They had it loaned out.

Mr. STONE. I do not care what they had done with it. They refused to pay a dollar, and I know as a matter of fact—that is to say, I know it upon the assurance of bankers in St. Louis, who are at the head of some of the leading institutions of that city—that during the financial stress they went to New York and bought currency and paid from 1½ to 2 per cent premium for it.

Mr. TELLER. Three per cent.

Mr. STONE. The Senator from Colorado says 3 per cent. I know it was a high per cent. They bought it in New York and had it shipped out to them in the West. They were compelled to buy currency at a high premium, although they had their own money on deposit in New York. It was withheld, and all kinds of devices, such as clearing-house certificates and other kinds of certificates, were resorted to, as we know.

Mr. President, from my point of view, in the face of that state of affairs, for the Treasury Department to take $50,000,000 or thereabout——

Mr. CULBERSON. Forty-seven million dollars.

Mr. STONE. Forty-seven million dollars of public funds and pour it into the vaults of the New York banks that they might loan it out or sell it to the banks of the West and South for use in carrying on the business of those sections is indefensible.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. Always, with pleasure.

Mr. BEVERIDGE. Now, Mr. President, to get the Senator's mind on this question, I would ask him if he were Secretary of the Treasury and had to distribute this money, or thought it wise to do so, would he distribute it upon any other basis than capital and surplus and amount of business done? Would he make a geographical distribution?

Mr. STONE. What is the meaning——

Mr. BEVERIDGE. Of "equitable distribution?"

Mr. STONE. Of the law, which says the money shall be placed among the different "States and sections." There is a geographical description——

Mr. BEVERIDGE. Quite true.

Mr. STONE. Written in the very letter of the law.

Mr. BEVERIDGE. Quite so, if there were not also in the letter of the law the word "equitable." Of course, if the law had meant geographical distribution, it would have said "among the several States and sections," but it did not mean that, and, therefore, the word "equitable" was put in. That was the reason I asked the Senator in the very beginning of this debate whether the word "equitable" did not include the general volume of business done over the country, amount of capital, surplus, etc. Now, I ask the question, since he thinks this involves a criticism—it may be a just criticism, and I am not complaining of the Senator's criticism—whether if he were Secretary of the Treasury and had this distribution to make, he would make it upon any other basis than capital, surplus, extent of business done, and points of pressure?

Mr. STONE. Yankee fashion, I will ask the Senator another question.

Mr. BEVERIDGE. The Senator would not mind answering my question, would he?

Mr. STONE. If the Senator were Secretary of the Treasury and he found that in the banks of New York, for instance, there were already on deposit an amount of public moneys equal to the total amount of such moneys on deposit in the eight great States of the West, and if he found also that the banks in Indianapolis and Chicago and St. Louis had their moneys on deposit in New York and could not get a dollar except by going there and buying it—buying their own money from the banks there and paying a premium for the currency—if he found that state of facts, would he then go and pour another fifty million dollars of Government money into the vaults of those banks that they might loan it out also to his constituents, the bankers of Indianapolis, or to mine, the bankers of St. Louis?

Mr. BEVERIDGE. Mr. President, I will gladly——

Mr. STONE. Would that be equitable?

Mr. BEVERIDGE. I will gladly answer the Senator's question when I have studied the subject as thoroughly as the Senator has studied it; but, since the Senator has thoroughly studied it and I have not, and since he is the teacher and I a learner, and a respectful one, I ask the Senator again to answer my question, which he parried by asking me another. If he were Secretary of the Treasury and had the distribution to make, would he make it upon any other basis?

Mr. STONE. I would make an equitable distribution.

Mr. BEVERIDGE. "Equitable distribution!" I asked the Senator at the beginning of his remarks how he interpreted the word "equitable," and he stated it was a proper and pertinent question and that he would answer it later in his address. So I ask now what the word "equitable" does mean?

Mr. STONE. I will say to the Senator that I think the distribution ought to depend upon several things.

Mr. BEVERIDGE. So do I.

Mr. STONE. It ought to depend somewhat upon geographical divisions—sections and States should be taken into consideration. I think it ought to depend also——

Mr. BEVERIDGE. Mr. President——

Mr. STONE. Wait a moment. Let me get through.

Mr. BEVERIDGE. I want to speak of that geographical matter.

Mr. STONE. It ought to depend also to a greater or less degree upon population in the different sections and States, and it ought to depend also upon the volume of business of all kinds——

Mr. BEVERIDGE. Quite right.

Mr. STONE. Done in the different sections and States; and it ought to depend again at stated intervals as these deposits are made upon the especial need of the different sections and States at a given time.

Mr. BEVERIDGE. Quite right.

Mr. STONE. There are many considerations that ought to obtain in addition to the mere question of capital and surplus of the banks. All these things and others ought perhaps to be taken into consideration in making a distribution.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. Certainly.

Mr. BEVERIDGE. I agree with the Senator. I think he has given a very clear and fair answer to that question in everything except as to the element of geography. I do not believe on second thought the Senator will include the element of geography. If he would include it, I would ask him how much money he would send to Alaska?

Mr. STONE. I cannot answer that.

Mr. BEVERIDGE. Certainly not.

Mr. STONE. The Senator might ask me how much I would send to the Hawaiian Islands.

Mr. BEVERIDGE. Certainly. It shows that geography has nothing to do with it.

Mr. STONE. The Senator might ask me how much I would send to "Bugletown," or some other place.

Mr. BEVERIDGE. Certainly. It shows that geography as an element has absolutely nothing to do with it.

Mr. STONE. But the statute does put that element in it.

Mr. BEVERIDGE. Oh, the statute says "equitably among sections and States."

Mr. STONE. That is what I said; that it should be distributed equitably among the different States and sections, and that the matter of geographical subdivisions——

Mr. BEVERIDGE. Had not a thing to do with it.

Mr. STONE. I think it has something to do with it, and ought to be taken into consideration.

Mr. BEVERIDGE. Mr. President, for instance, suppose it were possible that a certain State or section did not have any business at all and it was as big as all Alaska. Of course, he would not under the law send any money there. The Senator is right in everything except geography and, therefore, he does not answer how much money he would send to Alaska, because he would not send any.

Mr. STONE. We will not further debate the subject of geography.

Mr. BEVERIDGE. We will eliminate that.

Mr. STONE. We will eliminate that.

Mr. President, I am about through with what I care to say. It seems to me that the course taken by the Secretary of the Treasury has been all wrong; it seems to me that it is sectional favoritism on the one hand, and sectional discrimination on the other.

Mr. BEVERIDGE. That is just the reason I asked the Senator about the geographical question.

Mr. STONE. Moreover, it is violative of both the letter and spirit of the law. An investigation should be had with a view to fully developing the facts and the whole truth of the situation, and if it is found that additional legislation is necessary to prevent evasions of the law and to compel executive officers to respect the will of Congress as expressed in its laws then let that legislation be speedily enacted.

I withdraw the motion I made to strike out the section.

Mr. TELLER. Mr. President, I do not care to discuss the financial question, but I think it is but fair to say that the trouble we have had financially—I mean the lack of money—in my opinion arises out of the system we have and not out of the administration of law. It is possible and probable that the Treasury Department did not distribute the money in proportion to banking capital or population. There was one point in the United States which was the storm center of the whole trouble, and that was the city of New York. We, in the West, did not need any money; at least I have heard no complaint from that section. I should not myself have been willing to ask the Department to send any money to Colorado or any other Western State, because I do not think they needed it. The papers announced that the banks of Denver had $11,000,000 in New York and could not draw it; and no doubt that was true. It is true, as has been suggested, that it is a mistake to have so much money put into New York by banks in other cities; but that is their own fault. It is not necessary. There are other reserve cities where they can put it—St. Louis, Chicago, and other cities. Undoubtedly when the banks send their money to New York it induces speculation, overloading, overtrading, and then a panic comes, as panics will come hereafter.

At least panics have always come in every country that had a financial system approximating to ours or anything like it.

The question for the Department to determine was, in my opinion, how it could best conserve the public interest by the distribution of this money. I am not a particular admirer of the financial history of this country, but I think it is only just to say that, in my judgment, the Secretary of the Treasury could not have served the country better than by putting the money in New York City. A large number of trust companies there—anywhere from twelve to fifteen—were just in condition to go to the wall. They needed money. The banks in New York City came to the relief. They raised a large amount of money to save the trust companies. If the trust companies had failed, there would have been practically failure all over the United States. The people of the West were just as much interested in maintaining the integrity of those trust companies as were the people of New York or of New England.

Mr. President, I think we have a vicious system of finance. I expect it will continue. I have no idea there will be any reform in it for years to come. It is a system which has been condemned by the wisest financiers of the world. It has been condemned in this country by men who have given thought and attention to it. Yet we are likely to go on in the same way, and if we do shall have the same trouble.

I am not willing to vote to restrict the Secretary of the Treasury, when such a time comes, to placing the money according to population, according to geography, according to bank capitulation or circulation, or anything of that kind. You leave with one man the authority to control the entire financial system of the United States. It is a vicious principle, Mr. President, but until you abandon that principle you have to trust somebody. In this case I have no doubt the President of the United States practically ordered the distribution, although I do not know that he did.

There is one thing more I should like to say. This is an age of criticism of people who have money. They have been charged with having brought on this panic. I think the panic resulted from overtrading and overspeculation and overloaning and from the price of some securities soaring way beyond what they were worth. Securities had been run up to a hundred and fifty and a hundred and sixty that went down to thirty, and when they got down to thirty they were nearer their real value than when they were at a hundred and sixty.

I think had it not been for some of the rich men of the country, who have been denounced in the public press and in certain magazines as being inordinately rich, there would have been a panic in New York which would have wiped out practically all the trust companies and all the banks. Men there who have been held up to public contempt for years came forward and put their entire capital practically into the breach. One man put in $40,000,000. It may be said that no man ought to have $40,000,000, and I do not think he ought to have, but there is no way to prevent it unless you are going to interfere with the business, the energy, and the skill of mankind.

Mr. President, some of these rich men could have made a great deal of money by letting the banks fail. I think I could name a man in New York City who could have made a hundred million dollars as easily as turning his hand over by withholding the contribution he made to relieve the banks and trust companies in New York City.

I think this ought to be an object lesson to us—not because I think there has been discrimination or unjust treatment by the Secretary—to satisfy us that we have a system of finance which ought to be changed. I do not know whether it can be, although I believe it can. Some other countries have a better financial system than ours; at least they do not have quite so many frightful panics. You can not base the American system of finance upon that of any other country in the world. There is no country like this. There is no country where there are the same progress and push. There is no country where business men will take such chances as they take here. Because we have had that kind of men we have progressed as no other nation in the world has ever progressed. In my opinion it is not possible, legally or properly, to put a stopper, if I may use the term, upon the force and push and energy of the American business men. It will go on. It belongs to us as a nation. It has grown out of the fact that we had a new continent. We had a country of unusual resources. We have had here opportunities to make money that no other people in the world had. We have had incentives to make money that no other people had.

Mr. President, I have said this only because I wished to emphasize the fact that this is a good opportunity, not that I have the slightest hope that it will be availed of, to establish the financial system of this country upon a proper basis. I have some ideas on the subject, but I should gladly surrender them to anybody who could show that they are not sound. I would be glad to join with anybody, yielding my own judgment in many particulars, in adopting a proper financial system. I do not believe we can ever adopt a financial system here so that there may not be these recurring troubles.

We have a large amount of paper money. It is issued by the banks, guaranteed by the Government of the United States. There was not a man during the panic who looked to see what national bank issued a bank note or what State it came from. The possessor knew it was a national-bank bill, issued by a bank, and that the Government of the United States had guaranteed it, and there was no question. The recent panic was unlike the panic which occurred when I was a boy, when bills were scanned for weeks and months before the panic; when banks would not take them on deposit unless you put them in as a special deposit, in order that they might pay you back the bills you put in. That occurred, to my knowledge, just before the outbreak of what we call the rebellion. We have no system of that kind. Our banks are all right.

We have $346,000,000 of paper money issued by the Government of the United States; and now the banks and the Treasury Department and everybody else put it down as lawful money. It is lawful money. Why, Mr. President? In the first place, it will pay any debt you owe, whether to the Government or to anybody else; and that is the function of money which

always maintains it to its standard, unless you have more money afloat than the business of the country requires. Then, if you have gold and silver, it may seek a market in Europe or some place else. Paper money will not, because it will not do money duty abroad. You must restrict the volume of paper money to the needs and demands of commerce.

Mr. President, I presume some gentlemen will tell me that the greenback is at parity with gold, because it is redeemable in gold. British consols have no guaranty of ever being paid. They are not redeemable. They draw interest. They are purchased by people who desire to put away money. It is not necessary that you should guarantee greenbacks in gold. But they are guaranteed in gold.

Mr. President, we saw the greenbacks go from par to 38 cents. Somebody may say that was an object lesson against paper money. But it was not money under the law. We were collecting in the neighborhood of two hundred and fifty or three hundred million dollars in import duties, and we denied to the importer the privilege to use the greenback in the payment of customs dues. The moment Mr. Sherman, who was Secretary of the Treasury, before the time authorized by law in the act of 1873 for the redemption of the greenbacks, made an order, which I think he had the right to do—and I think it was the wisest act of his administration that I ever did know of—to the collectors of the ports to take the greenbacks as they did gold, that minute the greenback went to the value of gold; and it would have been there from the day it was issued until this time if it had had that function, or if, in other words, it had had the full function of money.

Mr. President, under a bill that you will have here after a while we are going to issue under certain conditions what is called "emergency money." I do not think it will remove the trouble.

I doubt very much whether it will meet the wants of the people when trouble comes. It seems to me the way to meet it would be for the Government of the United States to issue $500,000,000 of this paper money, put it in its vaults, and when the time comes put it out. You could not put it out fast enough to meet the emergency by buying something and paying for it. What is to be done with it? What is proposed to be done with it under those circumstances? You will use the banks as the agencies to carry it out. You will have to put the money in the banks just as you do under the present system. I do not suppose anybody would have approved it if the Secretary of the Treasury had said, "I am going to keep the money in the vaults of the nation; I know it is safe here, and I am going to keep it here." What would have happened if he had done that? I can not tell, and nobody else can tell. I do not suppose anybody believes we would have got along as well as we did. Undoubtedly there would have been a panic such as we have never seen in this country. The money had to be put out; and if the Secretary of the Treasury is to distribute the money, he must use his discretion at such time, if he is a useful citizen and if he is to take charge of the finances of this country, which under the present system he practically must do. You can not make any fixed rule by which he shall distribute it. In this instance he put it where I think it ought to have gone—in the city of New York—where the storm center was, where the trust companies were just ready to surrender.

Mr. President, I am not concerned with the trust companies; I do not care anything about them especially; but they held millions of the people's money; they held in their vaults securities that would have greatly depreciated if they had shut their doors.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. TELLER. Certainly.

Mr. CLARKE of Arkansas. Is it not possible the Senator is mistaken when he says the national banks and certain patriotic bankers, not the entire number of national banks, came to the rescue of the trust companies? The statement which the Senator from Missouri [Mr. STONE] presented to the Senate to-day shows that the national banks on the 3d of December owed the trust companies $6,000,000 more than they owed them on the 22d of August, 1907. It looks very much as if the trust companies came to the rescue of the national banks.

Mr. TELLER. I do not care to name the banks, or to call individuals by name; but I will say to the Senator that if he will take the pains to investigate he will find that a few men put out $25,000,000 of money in a single day for the express purpose of saving the trust companies.

Mr. CLARKE of Arkansas. We interpret that differently. It looks to me like they put it there to prevent an avalanche, and to stop the decline in stocks which was then in progress. It was to aid stock speculation, and not the trust companies.

Mr. TELLER. That would have followed. Perhaps they were not entirely lacking in mercenary interest. I do not mean to say they did not have interests to maintain. But I do say that some men who had large amounts of money came to the rescue. Those men might have benefited themselves by letting the bottom fall out, and then buying the securities held by the banks.

Mr. BEVERIDGE. They did it to break the high rate of interest.

Mr. TELLER. And to give the people confidence.

Mr. BEVERIDGE. Certainly.

Mr. TELLER. And to give the people confidence in the institutions where their deposits were, from which they could not for the moment get the money.

Mr. BEVERIDGE. It was, as I understand, unheard of. These men, to whom everybody is grateful, put a vast sum of money on loan at a reasonable rate of interest.

Mr. TELLER. Certainly. It was a pretty good rate of interest—10 per cent.

Mr. BEVERIDGE. Six per cent.

Mr. TELLER. I have been through other panics in my life. I have been interested—not financially to any extent, but as an attorney—in several banks. When people know the money is in the bank they are in no hurry to get it. When they do not know it is there they want to be the first ones at the window. That is the trouble. I have no doubt that during the late crisis there was a billion dollars held by individuals in the United States because they were afraid to put it in bank.

Mr. President, I did not intend to say anything on this subject, but I thought it was a fair opportunity to express my disgust with the present banking system. It is not new to the Senate, because I have expressed my opinion on the subject heretofore.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary read as follows:

SEC. 216. [Whoever, having devised or intending to devise any scheme or artifice to defraud, *or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises*, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the "sawdust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "*green goods*," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, *shall, for the purpose of executing such scheme or artifice or attempting so to do*, place, or cause to be placed, any letter, *postal card, package*, writing, circular, pamphlet, or advertisement, *whether addressed to any person residing within or outside the United States*, in any post-office, or station thereof, or street or other letter box of the United States, *or authorized depository for mail matter*, to be sent or delivered by the post-office establishment of the United States, or shall take or receive any such therefrom, *whether mailed within or without the United States, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement*, shall be fined not more than *one thousand* dollars, or imprisoned not more than *five years*, or both.]

Mr. HEYBURN. I call attention to one change especially, in the latter part of the section, where the law is amended so as to include matter mailed outside of the United States. In order to avoid the provisions of existing law these fraudulent schemers have resorted to the plan of going outside of the United States to mail their fraudulent matter, and the law is amended so as to meet that condition which has presented itself to defeat the purpose of existing law. I do not think there is any other change, which is not obvious upon the face of the bill, that needs any further explanation.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary read as follows:

SEC. 217. [Whoever, for the purpose of conducting, promoting, or carrying on, in any manner, by means of the post-office establishment of the United States, any scheme or device mentioned in the section last preceding, or any other unlawful business whatsoever, shall use or assume, or request to be addressed by, any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States, *or station thereof, or any other authorized depository of mail matter*, any letter, postal card, *package, or other mail matter* addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be punished as provided in the section last *preceding*.]

Mr. HEYBURN. The section is enlarged so as to include

existing conditions that have arisen since the enactment of the original statute. That is to say, there are now other depositories than the post-office in which mail may be placed, and the statute is made sufficiently broad to include them.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary read as follows:

SEC. 218. [*All kinds of poisons, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier; but the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.*]

The VICE-PRESIDENT. The section in italics will be passed over.

Mr. HEYBURN. Section 218 may be passed over for the present.

Mr. CLAY. I will say to the Senator from Idaho that when that section comes up I will be very glad if he will call my attention to it, as I want to be present and discuss it.

Mr. HEYBURN. I suggest that sections which are being passed over, which are what might be termed new sections, will probably be printed separately after we have disposed of the other sections of the bill, and the Senator's attention will be directed to it. It will not be called up until after the other sections are entirely disposed of.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. CURTIS. I desire to know whether notice will be given when section 218 will be taken up. There is an amendment to that section which I should like to offer at the proper time.

Mr. HEYBURN. There are a number of sections which have been passed over that will precede this one, and the sections that are passed over, so far as we may control it, will be taken up in their order. In other words, I think the Senator will have ample notice of the taking up of sections that are passed over as being objected to at present.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary read as follows:

SEC. 219. [Whoever, with intent to defraud, shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or shall willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money order issued by the Post-Office Department, or by any postmaster or agent *thereof;* or whoever shall forge or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post-Office Department of the United States or of any foreign country and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon; or shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money order or postal note; or shall, with intent to defraud, pass, utter, or publish any such forged or altered money order or postal note, knowing any material signature or indorsement thereon to be false, forged, or counterfeited or any material alteration therein to have been falsely made; or shall issue any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States or any officer, *employee,* or agent thereof *any* sum of money *whatever;* or shall, with intent to defraud the United States, *or any person,* transmit or present to or cause or procure to be transmitted or presented to any officer *or employee* or at any office of the Government of the United States any money order or postal note, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall be *fined* not more than $5,000 or *imprisoned* not more than five years, *or both.*]

Mr. HEYBURN. Mr. President, this section is made up from two existing enactments of law of kindred character, but the provisions of which overlap the one upon the other. The two existing sections have two penalties prescribed. The section as reported contains all of the provisions of section 5463 of the Revised Statutes, and also of the act of January 3, 1887. It does not change existing law. The penalties of the two sections are carried into the one.

The Secretary resumed the reading of the bill, as follows:

SEC. 220. [Whoever shall forge or counterfeit any postage stamp, or any stamp printed upon any stamped envelope, *or* postal card, or any die, plate, or engraving therefor; or shall make or print, or knowingly use or sell, or have in possession with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; or shall make, or knowingly use or sell, or have in possession, with intent to use or sell, any paper bearing the watermark of any stamped envelope, *or* postal card, or any fraudulent imitation thereof; or shall make or print, or authorize or procure to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post-Office Department, without the special authority and direction of *said* Department; or shall, after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, deliver the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive it, shall be fined not more than $500, or imprisoned not more than five years, or both.]

Mr. HALE. The section which has just been read is a very embracing section, with reference to postage stamps and imitating them and dealing in such imitations. I wish the Senator would state upon this very important provision in what way the enactment reported in the bill changes the present conditions, so far as covering the subject-matter and the penalties.

Mr. HEYBURN. Mr. President, the penalty is the same as is provided in existing law, except that the minimum punishments are omitted, in pursuance of the universal rule that applies to the entire bill. The changes in the language in no way affect the substance of the enactment. The change in the form of expression is merely in the interest of a better construction of the sentences. The statute was not constructed according to the recognized rules of grammatical construction. No material change is made in the existing law. It really should not have been in brackets, except for the fact that there had been a transposition of language in the interest of better construction.

The Secretary continued the reading of the bill, as follows:

SEC. 221. Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp of any foreign government, shall be *fined not more than $500 or* imprisoned not more than *five* years, *or both.*

SEC. 222. [Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized *by law,* shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster-General such postage shall be remitted. Whoever shall knowingly conceal or inclose any matter of a higher class in that of a lower class, and deposit or cause the same to be deposited for conveyance by mail, at a less rate than would be charged for such higher class matter, shall be fined not more than *$100.*]

Mr. HEYBURN. Section 222 is a composite of two existing provisions of law, and there is no change made in the substance of existing law.

The Secretary read as follows:

SEC. 223. Whoever, being a postmaster, shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster; and shall also be *fined* not more than $5,000 or *imprisoned* not more than one year, or both.

Mr. HEYBURN. That section should have been printed in brackets. It is a composite of two provisions of existing law, but it in nowise changes existing law.

The Secretary read the next section, as follows:

SEC. 224. Whoever shall submit or cause to be submitted to any postmaster, or to the Post-Office Department or any officer of the postal service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be *fined* not more than $500.

Mr. McLAURIN. I suggest to the Senator that in the first line of the section, after the word "shall" and before the word "submit," it would be better to insert the word "knowingly." A person might submit false evidence supposing that it was truthful evidence. If he knowingly submitted it then he should be subjected to the penalty. Otherwise I think we had better not subject a man to the penalty who submits the evidence supposing it to be truthful evidence, when, in fact, it may be false evidence.

Mr. HEYBURN. I call attention to the fact that section 224

is existing law. The word "knowingly" is not in the existing law.

Mr. McLAURIN. I know that.

Mr. HEYBURN. It would necessarily come in the shape of an amendment to existing law. The Senator will find on the opposite page in the third line——

Mr. McLAURIN. I see that; but I think it ought to be amended so as to put in the word "knowingly." Hardly a court would construe a party to be guilty if he were not "knowingly" to submit, or cause to be submitted, the false evidence, but the statute by its language would make him guilty if he were to submit evidence which was false, even though he at the time believed the evidence to be true.

Mr. HEYBURN. That is the existing law. The proposition of amending existing law has been a question rather of policy in considering the bill. It is entirely within the power and province of the Senate to propose amendments to existing law.

Mr. HALE. Undoubtedly.

Mr. HEYBURN. And if it is the judgment of the Senate that the existing law should be amended in this particular, of course it may be done upon motion.

Mr. McLAURIN. If the Senator will accept the amendment, I will move it. I do not want to get into any discussion about it, but I move to amend by inserting the word "knowingly" between the words "shall" and "submit," in the first line of the section. I think that is a good amendment.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be read.

The SECRETARY. On page 120, line 23, after the word "shall," insert the word "knowingly," so as to make the section read:

Whoever shall knowingly submit or cause to be submitted to any postmaster or to the Post-Office Department or any officer of the postal service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be *fined* not more than $500.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was agreed to.

Mr. HEYBURN. Section 225 is in italics, and it may be passed over as belonging to the new sections.

Mr. CULBERSON. Has it been read?

Mr. HEYBURN. It has not been read.

The VICE-PRESIDENT. It has not been read.

Mr. CULBERSON. Let it be read.

The VICE-PRESIDENT. The Secretary will read the section.

The Secretary read the section, as follows:

SEC. 225. *Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, misstate, or conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than $500 or imprisoned not more than one year, or both.*

The Secretary proceeded to read section 226, and was interrupted by

Mr. CLAY. Will the Senator tell us what he means there? I do not thoroughly understand that section. I have read it through two or three times. It changes the present law considerably. It says:

Any money *or property coming into his hands or under his control in any manner whatever, in the execution or under color of his office, employment, or service, whether the same shall be the money or property of the United States or not;*

That is the feature of it which I do not exactly understand.

Mr. HEYBURN. I will explain the purpose of the committee in proposing the section, but I would suggest that the Secretary finish the reading of the entire section and I will then make an explanation as to the whole of it.

Mr. CLAY. I have no objection to that course.

The VICE-PRESIDENT. The Secretary will resume the reading.

The Secretary resumed and concluded the reading of the section, which is as follows:

SEC. 226. [Whoever, being a postmaster or other person employed in or connected with any branch of the postal service, shall loan, use, pledge, hypothecate, or convert to his own use, or shall deposit in any bank, or exchange for other funds *or property*, except as authorized by law, any money *or property coming into his hands or under his control in any manner whatever, in the execution or under color of his office, employment, or service, whether the same shall be the money or property of the United States or not;* or shall *fail or refuse to remit to or* deposit in the Treasury of the United States or in *a designated* depository, *or to account for or turn over to the proper officer or agent, any such money or property, when required so to do by law or the regulations of the Post-Office Department, or upon demand or order of the Postmaster-General, either directly or through a duly authorized officer or agent,* shall be deemed guilty of embezzlement; and every such person, as well as every other person advising or *knowingly* participating therein, shall be fined in a sum equal to the amount *or value of the money or property* embezzled, or imprisoned not more than ten years, or both. Any failure to produce or *to* pay over any *such* money *or property, when required so to do as above provided,* shall be taken to be prima facie evidence of *such* embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the account books of the *Auditor for the Post-Office Department.* But nothing herein shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster-General, for the purpose of remitting surplus funds from one post-office to another.]

Mr. HEYBURN. Mr. President, I would call the attention of Senators to the first portion of the section, which is in italics, and which reads as follows:

Except as authorized by law, any money *or property coming into his hands or under his control in any manner whatever, in the execution or under color of his office, employment, or service, whether the same shall be the money or property of the United States or not.*

Some embarrassment has arisen in the courts in regard to the ownership of the money that was taken by postmasters. For instance, the question has arisen whether it was the property of the sender or the receiver of the letters from which it was taken. In other instances in the case of money taken from dead letters in the dead-letter office, it is a question as to the ownership. The law has made certain provisions in regard to the disposition of that money. In order to avoid the quibbles that continually arise on behalf of parties charged with the taking of money in connection with their office, as to the ownership of the money, we have made it so definite and certain in this statute that a party performing the duties of an officer in the postal Department must truly and honestly account for and pay over the moneys that come into his hands in the performance of any part or character of duty that it may be proper for him to perform.

This enlargement of the provisions of the section is in the interest of the certain administration of justice, where parties are shown to have appropriated money in order that they may not escape upon a quibble as to the ownership of the money, it not being theirs. That, I think, accounts for the first amendment to which our attention has been called by the Senator from Georgia.

The other changes in the statute from existing law are of obvious purpose. They are merely in the interest of molding together the provisions of existing law which are found in sections 4046 and 4053 of the Revised Statutes. This section is a composite of two provisions of existing law enacted at different times.

The Secretary continued the reading of the bill, as follows:

SEC. 227. Whoever, being a person employed in *the postal service,* shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Department, shall be immediately dismissed from office, and shall be *fined not more than $5,000 or imprisoned not more than one year, or both.*

SEC. 228. Whoever shall make use of any official envelope, *label, or indorsement authorized by law,* to avoid the payment of postage *or registry fee* on his private letter, packet, package, or other matter in the mail, shall be *fined not more than* $300.

SEC. 229. Whoever shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mail with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail may pass, shall be fined not more than $20,000 *or* imprisoned not more than five years, *or both.*

SEC. 230. Every foreign mail shall, while being transported across the territory of the United States *under authority of law,* be taken and deemed to be a mail of the United States so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment *or information* for any such offense, the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment *or information* it shall be deemed and held to be, a mail or part of a mail of the United States.

SEC. 231. Every person employed in the postal service shall be subject to all penalties and forfeitures for the violation of the laws relating to such service, whether he has taken the oath of office or not.

Mr. HEYBURN. Section 232 may be read, as it is not strictly within the class of sections to be passed over.

The Secretary read the section, as follows:

SEC. 232. *The words "postal service," wherever used in this chapter, shall be held and deemed to include the "Post-Office Department."*

Mr. SUTHERLAND. Before we pass from the chapter with reference to offenses against the Post-Office Department, I desire to call the attention of the Senate to the fact that one section of the Revised Statutes has been wholly omitted by the committee. In other words, it is proposed to repeal that section.

Mr. BACON. I will ask the Senator to please repeat what he has just said. There was so much confusion in my neighborhood that I could not hear him, and I desire to hear him.

Mr. SUTHERLAND. I was calling the attention of the Senate to the fact that one section of the Revised Statutes with reference to offenses against the postal laws had been entirely omitted by the committee, designedly omitted, and it is proposed to repeal that section. I think we ought not to pass on the subject without calling the attention of the Senate to it. I believe it is the only case in which the committee has undertaken to repeal any provision of existing law.

Mr. BACON. What section is it?

Mr. SUTHERLAND. That section is 3954 of the Revised Statutes, and reads as follows:

Whoever having presented a bid for the transportation of the mails upon any route which may be advertised to be let, and having received an award of the contract for such service, shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his bid or proposal, or having entered into such contract shall wrongfully refuse or fail to perform such service, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

Mr. BACON. Where is that found?

Mr. SUTHERLAND. That is not in the bill. I am reading from an old print of the bill which was before the committee. It is not in the present bill because it has been omitted, but the section is 3954 of the Revised Statutes. The section proceeds, as follows:

The failure or refusal of any such person to enter into such contract in due form, or having entered into such contract the failure or refusal to perform such service, shall be prima facie evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful.

The section in question makes it a criminal offense, punishable by fine or imprisonment, which may extend to a year in the penitentiary, for any person having agreed to do so to fail or refuse to enter into a civil contract; and it also makes it a criminal offense, punishable by fine and imprisonment, for any person having entered into the contract to refuse to carry that contract into effect. It seemed to the committee so obviously not in accordance with proper principles that the committee felt constrained to recommend its repeal. It seems to me an unheard-of proposition to say that any man shall be punished criminally for having violated a civil contract, it makes no difference whether the contract is one entered into with the Government of the United States or with an individual.

Mr. BACON. I will say that, so far as I am concerned, I think the view taken by the committee is eminently proper.

Now, I would inquire of the Senators whether, under the system adopted by them, the simple failure to reenact a statute, or a section of the penal code will operate to repeal it?

Mr. SUTHERLAND. No.

Mr. BACON. Or whether it will not in this bill require a distinct repeal of the section; that there should be affirmative words to that effect?

Mr. SUTHERLAND. I think it would require a specific repeal.

Mr. BACON. I think so, too.

Mr. SUTHERLAND. And of course that has been done.

Mr. BACON. Oh, yes; in another part of the bill.

Mr. SUTHERLAND. The Senator will find in chapter 15, the last chapter of the proposed revision, that we have enumerated various sections, and that this is included in them; but of course it would be lost sight of here in the reading of the bill.

Mr. BACON. That is in another part of the bill which I have not read.

Mr. SUTHERLAND. I know it has been expressly repealed.

Mr. BACON. Yes.

The Secretary resumed the reading of the bill, as follows:

CHAPTER NINE.

OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE.

SEC. 233. [Whoever shall knowingly transport, or deliver or cause to be delivered, nitroglycerine, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such substance or article, *or dynamite or other like explosive*, on board any vessel or vehicle whatever employed in conveying passengers by land or water between any place in a foreign country and any place *in or subject to the jurisdiction of* the United States, or between a *point* in one State, Territory, or District of the United States, *or place noncontiguous to but subject to the jurisdiction thereof*, and a *point* in any other State, Territory, or District of the United States, *or place noncontiguous to but subject to the jurisdiction thereof*, shall be *fined* not more than $10,000, *or imprisoned not more than one year, or both.*]

Mr. HEYBURN. Mr. President, section 233 is broadened so as to apply in all places over which the United States exercises jurisdiction, the jurisdiction of the United States having been very much enlarged since the passing of the existing law. It also prohibits the shipment of dynamite or other like explosives in passenger vessels. The imprisonment clause is added to the fine provided by existing law. The use of dynamite and, in fact, its very existence dates since the enactment of existing law, and this change in the law is merely intended to cover its use and conditions arising out of it.

The Secretary resumed the reading of the bill, as follows:

SEC. 234. [Whoever shall knowingly ship, send, or forward any of the articles mentioned in the section last *preceding*, or shall transport the same by any mode of conveyance upon land or water, between any of the places specified in that section, unless such articles be securely inclosed, deposited, or packed, *in conformity with regulations to be prescribed by the Secretary of Commerce and Labor*, shall be fined not more than $5,000 *or imprisoned not more than one year, or both.*]

Mr. KEAN. Mr. President, I ask to have that section passed over for the present.

The VICE-PRESIDENT. The section will be passed over.

Mr. HEYBURN. Does the Senator suggest that we should pass over the section for the same reason for which we pass over sections in the nature of new legislation?

Mr. KEAN. This is in the nature of new legislation, and I think the Senator from West Virginia will desire to be present when it is considered. I think he wishes to propose an amendment to it.

Mr. HEYBURN. It is existing section 5955 of the Revised Statutes.

Mr. KEAN. It is the one giving the Secretary of the Department of Commerce and Labor power to make rules and regulations.

Mr. HEYBURN. Let it be passed over.

The VICE-PRESIDENT. The section will be passed over.

The Secretary resumed the reading of the bill, as follows:

SEC. 235. [When the death *or bodily injury* of any person is caused by the explosion of any article named in the *two* sections *last* preceding, while the same is being placed upon any vessel or vehicle to be transported in violation *thereof*, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, *the* person knowingly placing or aiding or permitting the placing of such articles upon *any* such vessel or vehicle, to be so transported, shall *be imprisoned* not *more* than *ten* years.]

SEC. 236. [Whoever shall *bring or* cause to be brought into the United States, *or any place subject to the jurisdiction thereof*, from *any foreign country*, for the purpose of disposing of the same, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift *enterprise*, or similar *scheme*, offering prizes dependent *in whole or in part* upon lot or chance, or any advertisement of, *or list of the prizes drawn or awarded by means of*, any such lottery, gift *enterprise*, or similar *scheme; or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry*, from one State, *Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country*, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon, the event of any such lottery, gift *enterprise*, or similar *scheme*, or any advertisement of, *or list of the prizes drawn or awarded by means of*, any such lottery, gift *enterprise* or similar *scheme, or shall knowingly take or receive, or cause to be taken or received, any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported*, shall, *for* the first offense, be *fined* not more than $1,000, or *imprisoned* not more than two years, or both; and *for any subsequent* offense *shall be imprisoned* not more than two years.]

Mr. HEYBURN. Mr. President, this section proposes to amend existing law so as to conform it to the changes made in section 214 of this bill relating to the sending of lottery tickets through the mails. It is believed that the language here used will reach all attempts to bring into the United States or to transport within the United States any lottery or similar ticket. The changes are in the interest of harmony with the section which we have already passed.

Mr. BACON. Mr. President, so far as the section proposes to break up lotteries, I suppose we shall all be in accord in support of it; and it may be that this section does not interfere with any legitimate enterprise. We do know the fact, however, that it is frequently a pretty close question in some of these newspaper enterprises whether or not there is a violation of law, and I am unable myself to determine, upon a casual reading of this section, whether there will be any effect of that kind or not; but I think it is a very common custom on the part of our newspapers or other publications to have enterprises which are not designed to be an infraction of the law, which are very frequently so determined by the Post-Office Department, showing that there is doubt as to what is the exact matter prohibited and what not. It might be well, therefore, to have this section lie over for careful examination. I do not desire it to lie over for the purpose in any manner of opposing the feature of it which relates to lottery enterprises or anything which is kindred to that, but simply for the protection of what may be sometimes innocent enterprises.

Mr. CLAY. I call the attention of my colleague to a section which we have already passed, which prohibits even a guessing contest conducted by any newspaper. If my colleague will pardon me, we have already adopted section 214, which reads:

SEC. 214. No letter, postal card, or circular concerning any lottery, gift *enterprise*, or similar scheme offering prizes dependent *in whole or in part* upon lot or chance; and no lottery ticket or part thereof, or

paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift *enterprise*, or similar scheme offering prizes dependent *in whole or in part* upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, *or scheme;* and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, *or scheme* of any kind offering prizes dependent *in whole or in part* upon lot or chance, or containing any list of the prizes *drawn or* awarded *by means of* any such lottery, gift enterprise, *or scheme*, whether said list *contains* any part or all of *such prizes*, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier.

My colleague will remember that there is a very heavy penalty imposed for the violation of that section.

Mr. BACON. I am quite aware of that fact.

Mr. CLAY. I will say that the old law is proposed to be changed and made more stringent by reason of this provision.

Mr. BACON. That may be; but is the Senator not aware that in each instance it is a prohibition against anything which is dependent upon lottery, or lot, or chance? That is the point that is in my mind. Of course I recognize that as a policy of the Government; and I am not seeking in any manner to contest the propriety of that.

Mr. CLAY. I do not want my colleague to understand me as saying that I agree with the changes that are proposed. I do not. I think the changes are unwise, and that the old law is sufficient.

Mr. BACON. But what I am calling attention to is this language, which seems to me goes beyond the language of the section my colleague has just read, which would condemn some enterprises in which there is no lot or chance. It may be, in my casual reading, that I have made a mistake in that regard, but lines 14, 15, 16, 17, 18, 19, 20, 21, and 22 do not contain the limitation of lot or chance, if I read them correctly, and if I am incorrect, of course I have no suggestion to make in regard to the matter. So far as lot or chance is concerned, I suppose the policy of the law is well defined, but it may be that this language would interfere with some enterprises which have no element of lot or chance. That is the point I am after.

Mr. SUTHERLAND. Is the Senator now referring to section 236 or section 214?

Mr. BACON. Section 236. The lines, the numbers of which I gave, are on the second page of that section. The only interest I have in it is simply to see whether the language is sufficiently clear to limit this penalty to a case where there has been something determined by lot or chance. I suppose it will be recognized that there may be enterprises in which there is no element of lot or chance; for instance, as to one who furnishes the largest number of subscribers to a newspaper or periodical and kindred conditions of that kind. There is no lot or chance in that.

If the Senators in charge of the bill, however, have examined the section carefully in reference to that question, of course I am willing to abide by their judgment about it; but the casual reading which I make indicates that enterprises which have no lot or chance in them may be under condemnation of this section. I think that would be a very great hardship.

Mr. SUTHERLAND. The lines of the section to which the Senator calls attention refer back to the first part of the section. The first part of the section applies to any—

instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift *enterprise*, or similar *scheme*, offering prizes dependent *in whole or in part upon lot or* chance, etc.

Mr. BACON. Does the Senator think that that limitation is intended to apply to the entire section?

Mr. SUTHERLAND. I think so.

Mr. BACON. If he does I am content.

Mr. SUTHERLAND. When we come to read the lines to which the Senator refers, the language is "any such lottery, gift enterprise, or similar scheme," the word "such" referring back to the gift, lottery, or scheme which is described in the forepart of the section, meaning a lottery dependent upon chance.

Mr. BACON. I have no doubt the Senator is correct in that matter, but, reading it casually, I feared the proper limitation was not put in.

Mr. HEYBURN. The limitation is in.

Mr. BACON. Then I am content if the Senator is satisfied as to that.

Mr. HEYBURN. I am.

The Secretary resumed the reading of the bill, as follows:

SEC. 237. [The importation into the United States, *or any Territory or District thereof*, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, *and* such other birds *and* animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States, *or into any Territory or District thereof*, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.]

Mr. BACON. There is no change, I presume, in that section except such as is indicated in italics?

Mr. HEYBURN. No material change.

The Secretary read as follows:

SEC. 238. [It shall be unlawful for any person to deliver to any common carrier *for transportation*, or for any common carrier to transport from any State, Territory, or District of *the United States*, to any other State, Territory, or *District thereof*, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed *or shipped* in violation of the laws of the State, Territory, or District in which the same were killed, *or from which they were shipped: Provided*, That nothing herein shall prevent the transportation of any dead birds or animals during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are *captured or* killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.]

Mr. BACON. Is there any penalty attached to that section?

Mr. HEYBURN. Mr. President, the section comes under the same class as section 237, in which the only change was a general transposition of the language, making this provision apply within any Territory or District of the United States, enlarging the limit of jurisdiction to which the provisions of the act were applicable.

Mr. BACON. The question I asked was whether there was any penalty attached to that section.

Mr. HEYBURN. There is in section 240.

Mr. BACON. I see.

Mr. HEYBURN. In that section will be found an accumulation of the penalties for the three preceding sections.

Mr. BACON. Mr. President, I do not intend to offer any amendment, certainly not at this time, in regard to that section; but I do not think it is a proper section to be in the law. I do not believe in surrounding the citizen with a network of penal statutes, so that he can hardly put his hand out in any direction without becoming involved in the meshes of the law. This is, as I understand it, the existing law.

Mr. HEYBURN. Yes.

Mr. BACON. Then, as I understand, it is a law which seeks to give the courts of the United States criminal jurisdiction in case some one in some State, where it is unlawful to kill birds in certain seasons, may shoot a bird and ship it into another State. I can not dispute but that it is a matter which relates to interstate commerce, a matter in which there can be criminal jurisdiction conferred upon the United States courts, but it is too small a matter for the Federal courts to be having criminal jurisdiction of. It is a subject that the States in their more limited range of duties can very readily deal with. While it is not beyond the jurisdiction of the Government, I think it might be well not to seek to enlarge the criminal jurisdiction of the United States courts so as to reach such small matters as this. Though I am not going to offer to strike it out, I should be very glad if the committee would do so. It reminds me of what was once said in this Chamber by a very celebrated lawyer upon the most celebrated impeachment trial in the history of the United States, when he was inveighing against a very large proceeding for the purpose of correcting a very small offense. He said, "Men do not ordinarily rig a trip hammer to crack a walnut." That is about the nature of this statute.

Mr. HEYBURN. Mr. President, this statute was enacted for the purpose of making effective State laws regulating the seasons during which game could be killed and shipped. It was found that the laws of the States were being evaded by the plea as to the right to kill or the right to receive in the absence of any law prohibiting those acts at the place where the courts could obtain jurisdiction of the party. I remember very well the difficulties which arose in our own section of the country, where there is a very strict law against the killing of pheasants and birds of that kind. They were being shipped in in very large quantities—not just a few casual shipments—for distribution in the markets of the States that had a closed season against the sale or the killing or use of that kind of game. The States are absolutely helpless against such an infraction of their laws. It was because of those conditions that the original statute was passed, and, it being the existing law, we carried it forward.

Mr. BACON. Then, Mr. President, how ridiculous and absurd it would seem that a great United States court, with all its vast powers and great machinery, and with its gowned

judges, should sit up and try a boy for shooting a robin out of season and carrying it across the border of a State; because, while it may be, as stated by the Senator from Idaho, that there are cases in which the law relates to large transactions, the Federal court would absolutely have jurisdiction of just such a case as I have suggested.

Mr. HEYBURN. Mr. President, it is unfortunately true that the United States courts are frequently called upon to deal with what seem at first glance to be very trifling matters; but it is pursuant to a rule that is of general application. I have known, however, United States courts to be engaged for weeks in trying trivial offenses that could better have been disposed of before some justice of the peace or local court, but, because of the necessity of the application of a general rule the courts are often engaged in that kind of business for a long time.

The Secretary resumed the reading of the bill, as follows:

SEC. 239. [All packages containing animals, birds, or parts thereof, when shipped as provided in *the* section *last preceding*, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on inspection of the outside of such packages.]

SEC. 240. For each evasion or violation of *any provision of the three sections last preceding*, the shipper shall be fined not *more than* $200; the consignee knowingly receiving such articles so shipped and transported in violation of *said sections* shall be *fined* not *more than* $200, and the carrier knowingly carrying or transporting the same in violation of said sections shall be *fined* not *more than* $200.

SEC. 241. [Whoever shall *bring or* cause to be brought into the United States or any place subject to the jurisdiction *thereof*, from any foreign country, *for the purpose of disposing of the same*, or shall *therein* knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, *or District* of the United States, *or place noncontiguous to but subject to the jurisdiction thereof*, to any other State, Territory, *or District* of the United States, *or place noncontiguous to but subject to the jurisdiction thereof*, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction *thereof*, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any *drug, medicine*, article or thing designed, *adapted*, or intended for preventing conception, or *producing* abortion, *or for any indecent or immoral use*, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore-mentioned articles, matters, or things may be obtained or made; or whoever shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing *the depositing of which for carriage is herein made unlawful*, shall be fined not more than $5,000 or imprisoned not more than five years, or both.]

Mr. HEYBURN. Mr. President, I would call attention to the fact that the section as read is existing law, except that the jurisdiction is enlarged to conform to existing conditions. It takes in "noncontiguous territory," that being a class of jurisdiction that at the time of existing law was not included.

Mr. KEAN. Does it include the Panama Canal Zone?

Mr. HEYBURN. That is included in the expression "noncontiguous territory."

Mr. BACON. The Senator refers to that part of the world subject to the jurisdiction of the United States, which is sometimes called "the United States improper," instead of "the United States proper." [Laughter.]

Mr. HEYBURN. That is a very entertaining suggestion. I now ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. In the absence of objection, it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m) the Senate adjourned until Monday, January 27, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January, 23, 1908.

INDIAN AGENT.

John R. Howard, of Sauk Center, Minn., to be agent for the Indians of the White Earth Agency, in Minnesota, now in charge of a school superintendent.

PROMOTIONS IN THE ARMY.

Coast Artillery Corps.

Lieut. Col. John R. Williams, Coast Artillery Corps, to be colonel from January 20, 1908, vice Crawford, appointed brigadier-general.

Maj. William C. Rafferty, Coast Artillery Corps, to be lieutenant-colonel from January 20, 1908, vice Williams, promoted.

Capt. Henry D. Todd, jr., Coast Artillery Corps, to be major from January 20, 1908, vice Rafferty, promoted.

Capt. Thomas W. Winston, Coast Artillery Corps, to be major from January 21, 1908, vice Hains, detailed as paymaster.

First Lieut. Richard C. Marshall, jr., Coast Artillery Corps, to be captain from January 20, 1908, vice Todd, promoted.

First Lieut. John O. Steger, Coast Artillery Corps, to be captain from January 21, 1908, vice Winston, promoted.

POSTMASTERS.

NEW YORK.

Henry B. Flach to be postmaster at Attica, Wyoming County, N. Y., in place of Carlton D. Wing. Incumbent's commission expired January 7, 1907.

William Frank Lewis to be postmaster at Arcade, Wyoming County, N. Y., in place of Clark E. Churchill. Incumbent's commission expired January 22, 1907.

Jonathan B. Morey to be postmaster at Dansville, Livingston County, N. Y., in place of Frank J. McNeil. Incumbent's commission expired January 22, 1907.

George M. Nellist to be postmaster at Barker, Niagara County, N. Y. Office became Presidential January 1, 1907.

Robert Nathaniel Roberts to be postmaster at Lockport, Niagara County, N. Y., in place of Charles W. Hatch. Incumbent's commission expired January 22, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1908.

PROMOTIONS IN THE NAVY.

Commander John R. Edwards to be a captain in the Navy from the 3d day of January, 1908.

Mates Frank Holler and Robert Robinson, on the retired list of the Navy, to be mates on the retired list, with the rank and retired pay of the next higher grade—namely, the lowest grade of warrant officers—from the 29th day of June, 1906.

POSTMASTERS.

CALIFORNIA.

Charles H. Dobbel to be postmaster at Palo Alto, Santa Clara County, Cal.

Percy B. Fulton to be postmaster at Dinuba, Tulare County, Cal.

Herman R. Stephens to be postmaster at Exeter, Tulare County, Cal.

Thomas B. Wilson to be postmaster at Cloverdale, Sonoma County, Cal.

COLORADO.

Michael J. Guerin to be postmaster at Salida, Chaffee County, Colo.

Thomas J. Stanley to be postmaster at Manzanola, Otero County, Colo.

FLORIDA.

Christian L. Dohn to be postmaster at New Smyrna, Volusia County, Fla.

John B. White to be postmaster at Mulberry, Polk County, Fla.

ILLINOIS.

August J. Beger to be postmaster at Nauvoo, Hancock County, Ill.

Thomas D. Shipton to be postmaster at Hanover, Jo Daviess County, Ill.

Rollin H. Woods to be postmaster at Rock Falls, Whiteside County, Ill.

KANSAS.

Frank W. Carroll to be postmaster at Toronto, Woodson County, Kans.

MICHIGAN.

George Burkhart to be postmaster at Saline, Washtenaw County, Mich.

Elmer Pryce to be postmaster at Tustin, Osceola County, Mich.

Samuel L. Willits to be postmaster at Remus, Mecosta County, Mich.

MINNESOTA.

John H. Carlaw to be postmaster Balaton, Lyon County, Minn.

Charles H. Latterell to be postmaster at Foley, Benton County, Minn.

Burton J. Robertson to be postmaster at Lyle, Mower County, Minn.

Ole B. Tone to be postmaster at Spring Grove, Houston County, Minn.

NORTH DAKOTA.

Elmer H. Myhra to be postmaster at Wahpeton, Richland County, N. Dak.

WASHINGTON.

Frederick B. Sturgis to be postmaster at Raymond, Pacific County, Wash.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 23, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BONDING TUCSON, ARIZ., FOR REPAIR OF WATER AND SEWER SYSTEM.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the city of Tucson, Pima County, Ariz., pursuant to an election held for that purpose on the 14th day of March, 1907, in said city, is hereby authorized, through its mayor and board of common councilmen, to issue bonds of said city to the amount $300,000, the said bonds to be payable thirty years from the date of their issue and sale and to bear interest at the rate of not more than 4½ per cent per annum, payable semiannually. Of the proceeds of the bonds so issued the sum of $260,000 shall be applied to the extension and repair of the water and sewer system of said city, the sum of $25,000 to the equipment and improvement of the fire department; the balance of $15,000 shall be applied to the erection of a city hall for the use of said city. Said bonds, when issued, shall bear the date of their issue and the date of maturity and the rate per cent of interest, not exceeding 4½ per cent per annum. Each of said bonds shall have sixty annual interest coupons attached to and printed with the bonds, and each coupon shall bear on its face the amount of interest due for six months on the bond and each shall bear a number corresponding with the number of the bond to which it is attached. The interest on said bonds shall be paid semiannually, and as the interest is paid the coupon representing the same shall be detached from the bond and, after being marked paid, shall be filed by the treasurer of said city and preserved as vouchers. Said bonds shall be issued under the seal of said city of Tucson, if it have a seal, and shall be signed by the mayor of said city and attested by the signature of the clerk of the common council.

SEC. 2. That the mayor and common council of said city, after the sale of said bonds, and in addition to all other city taxes, shall cause to be levied, assessed, and collected as other city taxes are levied, assessed, and collected each year a sum reasonably sufficient to meet the interest on said bonds and provide a sinking fund to meet the payment of said bonds at their maturity.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Has this city any other bonds outstanding now?

Mr. SMITH of Arizona. Unquestionably. The city of Tucson in 1900 had 7,000 people. To-day it is a city of 22,000. Our water system can not nearly provide for that city. It is a question of absolute necessity for the protection from fire. We pay every dollar of it ourselves; there is no charge on the Public Treasury. A vote was had by the taxpayers of the city as to whether or not these bonds should be placed on the city, which is eminently able to take care of them, and that vote carried by 15 to 1 in favor of bonding the city.

Mr. PAYNE. The gentleman did not seem to understand my question. Has this city any other bonds outstanding?

Mr. SMITH of Arizona. I did not think it would be necessary to answer that question if I told the other facts. It has other bonds outstanding—$137,000 worth.

Mr. PAYNE. That was the question I wanted answered.

Mr. SMITH of Arizona. I wanted to show that, notwithstanding what debts she might owe, this was a necessity.

Mr. PAYNE. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes. Pending that motion, Mr. Speaker, I desire to ask the gentleman from Georgia [Mr. LIVINGSTON], the minority ranking member of the committee, as to how much time he desires for general debate.

Mr. LIVINGSTON. I suggest that general debate should run the balance of this day, and before we adjourn to-night I will see if I can not come to some definite conclusion with the chairman of the committee.

Mr. TAWNEY. I will say, Mr. Speaker, that that arrangement is entirely satisfactory to me, so that the Members may understand that general debate will continue throughout the day.

Mr. FITZGERALD. Mr. Chairman, I suggest that the gentleman from Minnesota asks that the time be controlled by himself and the gentleman from Georgia.

Mr. TAWNEY. Yes, I make that request, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the time be controlled by himself and by the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection?

There was no objection.

Mr. MANN. Is it the understanding that the bill will not be read to-day under the five-minute rule?

Mr. TAWNEY. Yes; that is the understanding.

Mr. MANN. In any event?

Mr. TAWNEY. In any event.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill, with Mr. LAWRENCE in the chair.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection, and it was so ordered.

Mr. TAWNEY. Mr. Chairman, I feel that it is my duty, in presenting this first appropriation bill of the session, to call attention to the necessity for a practical revision of the estimated ordinary expenditures of the Government for which appropriations are asked for the next fiscal year, to the end that these authorized expenditures may be kept within the estimated revenues for that year. I do this not to excite alarm or to create any apprehension regarding the ability of the Government to meet all of its obligations and legitimate expenditures. I do it from a sense of duty to the House, for unless these estimated ordinary expenditures as submitted to us are revised and materially reduced by the committees having jurisdiction of the several appropriation bills we can not avoid authorizing expenditures for the next fiscal year far in excess of the estimated revenue, which excess expenditures will have to be met either from the surplus in the Treasury or from the proceeds of the sale of Government securities.

However much we may strive to keep these authorized expenditures within the probable revenues for the next fiscal year, we will not, and we can not, succeed unless we appropriate far less than the amounts estimated for by the several Executive Departments and refuse the authorization of much, if not all, proposed new services and all proposed new governmental obligations or exxtraordinary charges upon the revenues for the fiscal year 1909.

I know, Mr. Chairman, that this statement will not be received with applause either here or elsewhere where there is a desire for additional Federal expenditures. I know those who are interested in having the Federal Government assume the exercise of rights and duties belonging to the States or to private individuals or corporations and bear the expense thereof will endeavor to minimize the importance of my statement by appealing to the magnitude and wealth of our country, and be calling attention to my well-known desire to keep Federal expenditures within estimated revenues, and also within the constitutional functions of the Federal Government. But, whatever may be said, this Congress, if it desires to close its first session without facing a certain deficit, is confronted with the herculean task of closing the gap between estimated ordinary governmental expenditures and estimated revenues for the next fiscal year of not less than $100,000,000.

Now, Mr. Chairman, the analysis of the estimates which I have made shows that the total estimate for the fiscal year 1909 aggregate in round numbers $997,000,000. The last annual report of the Secretary of the Treasury gives us his estimate of the revenues for the next fiscal year and places that estimate at $878,123,011.30. It is only fair to say that this estimate was made before the recent financial depression, and in submitting the estimate in his annual report the Secretary says:

It is estimated that upon the basis of existing laws the revenue of the Government for the fiscal year 1909 will be $878,123,011.30.

The Secretary also says:

The above estimates are submitted in pursuance of law. I regret the necessity of submitting them, for they are, for the most part, problematical.

But in closing his detailed statement he adds this:

Total estimated appropriations $912,949,288.96, showing an excess of the total estimate of appropriations submitted by the several Departments over the estimated revenues of the Government for the fiscal year 1909 of $34,826,277.66.

So that on the face of the estimates as they have been submitted to Congress in the Book of Annual Estimates we have an apparent deficit of $118,826,277.66.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes, sir.

Mr. MANN. I do not wish to embarrass the gentleman's argument——

Mr. TAWNEY. It is no embarrassment to me at all.

Mr. MANN. But do these estimates include the estimates for the Isthmian Canal Commission, which are to be paid out of bonds and not out of current income?

Mr. TAWNEY. They do. These estimates include not only the estimated expenditures of the Canal Commission for the fiscal year 1909, aggregating almost $33,000,000, but they also include an item of $25,000,000 for the redemption of national-bank notes, which redemption will be made out of the statutory national-bank redemption fund, but notwithstanding the reduction on account of these facts regarding Panama expenditures and the redemption fund, the estimated appropriations referred to do not include the supplemental estimates we will receive during this session. The amount of these supplemental estimates we can not now estimate, but during the last session of Congress there were submitted, in addition to the regular annual estimates, supplemental estimates aggregating $31,500,000. Now, the estimated revenues for the fiscal year 1909 are in excess of the annual revenues for the fiscal year 1907, $31,395,672. I think it is fair to say that there is no one at all acquainted with the history of financial depressions and the revenues of the Government during such times but knows that our estimated revenue, estimated on the basis of last year when the revenues were larger than ever before in the history of the Government, is in excess, or that the actual revenues will be less than they were last year. But assuming that the revenues of the Government during the fiscal year 1909 will equal the actual revenues for the fiscal year 1907, the estimated revenues are $31,000,000 in excess of what they will actually be. The actual revenue for the fiscal year 1907 was $846,725,339, and the estimated revenue, as I have before stated, is $876,123,011. So that if we deduct $25,000,000, which is included in the estimated expenditures for the redemption of national-bank notes, and assuming that the supplemental estimates during this session of Congress will equal those of last session, and deducting $31,000,000 from the estimated revenues, it shows a deficit on the face of the estimate of at least $150,000,000.

Appropriations for the current year, for fortifications, Military Academy, Navy, and pension bills aggregate $332,563,804. It may be of interest, in view of the apparent deficit upon the face of the estimate, to know wherein the revision of the present estimate should be made principally and where reductions can be made without detriment to the public service, and for that reason I state what the current appropriations are for fortifications, Military Academy, and Navy and pension bills.

Mr. FITZGERALD. I wish to ask at this point if the gentleman is going to consider the deficiencies for the service in the different Departments?

Mr. TAWNEY. I have not in the estimate considered the deficiencies as yet. The estimates for the same purpose—that is, the estimates for fortifications, Military Academy, Navy, and pension bills—for the fiscal year 1909 aggregate $406,011,216. The average expenditure estimated for the next fiscal year on account of the Army and the Navy is more than $1,000,000 every day, and an excess over the current appropriations for that service of $73,447,412.11.

Mr. MANN. What is that?

Mr. TAWNEY. That is, the excess estimated for the Army and Navy for next year over current appropriations for that service; this excess is $73,447,412.11.

Mr. MANN. That is, the excess estimate for next year over the appropriation——

Mr. TAWNEY. For this year. About $75,000,000.

Mr. PRINCE. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. PRINCE. Can the gentleman segregate those items and tell us whether it is the Army or the Navy?

Mr. TAWNEY. It is about equal in both, when the increase for fortifications is included. I can give the exact amount later on. This stupendous sum, Mr. Chairman, of $406,011,216 is asked for simply for the military side of the Government, and is larger than appropriations for the entire expenses of the Government for any fiscal year since the civil war down to 1890, and not appreciably less than appropriations for any fiscal year prior to 1897, or the Spanish-American war. The amount asked for, exclusive of expenses for the War and Navy Departments, which is the amount, I should say, I have just referred to, is asked for, exclusive of expenses incident to the War and the Navy Departments here in the city of Washington, all of which, if added, would increase the amount on account of the military arm of our service $21,000,000, bringing the sum total asked for on account of war and navy expenditures for the next fiscal year to $427,000,000, or considerably more than 50 per cent of the estimated revenues for the next fiscal year, and more than 60 per cent of what I believe the actual revenues of the Government will ultimately prove to be. Now, Mr. Chairman, in view of these facts appearing upon the face of the estimate, and I have endeavored to be conservative in my statement, we are confronted with a probable deficit of about $100,000,000, and this, too, after deducting from the estimated canal expenditures about $30,000,000.

Now, I wish to say, further, that this is entirely exclusive of all new authorizations which this Congress will make, no doubt, as previous Congresses have done. It is entirely exclusive of the four $10,000,000 battle ships that have been recommended. It is also exclusive of the proposed enlargement of the military posts and many other projects for which appropriations are asked throughout the country. All of the projects that are now proposed and pending before this Congress are in excess of the estimated revenues to which I have referred.

So that, Mr. Chairman, all new authorizations only emphasize what I said at the beginning, that it is absolutely necessary for us to practically revise the estimates in making up the several appropriation bills if we are to avoid facing a certain deficit at the end of the first session of this Congress.

Mr. Chairman, with referrence to the urgent deficiency bill reported and now under consideration. However, before I get into that, if any gentleman cares to ask me any question in relation to the estimates I would be pleased to answer it now.

Mr. BOUTELL. Before you pass to the consideration of the bill, I would like to ask the chairman in charge of the bill whether his estimate of expenditures includes the total amount of the sinking fund item.

Mr. TAWNEY. It does.

Mr. BOUTELL. Ought not that to be deducted from your expenditures; because we have never complied with it?

Mr. TAWNEY. Oh, yes; we are complying with it. It is a statutory obligation, and the application of $58,000,000 to the sinking fund, or any part of it, is within the discretion of the Secretary of the Treasury.

Mr. BOUTELL. Absolutely?

Mr. TAWNEY. Yes; absolutely. It is not mandatory upon him to do it; but it is there for the purpose of reducing the bonded indebtedness of the United States.

Mr. BOUTELL. Would that be a desirable consummation at the present time? Would it not be wiser for the sinking fund to be carried on as it has been for the last few years?

Mr. CLARK of Missouri. Mr. Chairman, it is absolutely impossible to hear what the gentleman from Illinois says. We can hear the gentleman from Minnesota.

The CHAIRMAN. The committee will be in order.

Mr. TAWNEY. The sinking fund item is a statutory obligation; to discharge the obligation, however, in whole or only in part, or not all, rests in the discretion of the Secretary of the Treasury. Nevertheless, it is always included in the estimates of public expenditures, and is appropriated for. It is a permanent appropriation. So that I do not think that we are justified at this time in deducting the $58,000,000 from the estimates of expenditures, for the reasons that I have given. But estimating that no part of the sinking fund will be paid, we will still have, upon the face of the estimates, without any new authorizations, without any new obligations, without appropriating a dollar independent of the estimates, a deficit of at least $50,000,000; and when you have deducted the items for the Panama Canal estimates, that can be met from the proceeds of the sale of bonds, and when you have deducted $25,000,000 included in the estimate for the redemption of bank notes, and after making all these reductions, and not applying a dollar of the sinking fund, we would still have a deficit of about $50,000,000, and that, too, independent of any new authorizations at this session of Congress.

Mr. HUGHES of New Jersey. I would like to ask the gentleman how his statement compares with the condition of affairs he gave at this time a year ago when the urgent deficiency bill came in?

Mr. TAWNEY. In regard to the revenue, this time a year ago we had a surplus of $28,000,000, and to-day we have a deficit of about $13,500,000, showing there will be a material, a substantial decrease in the revenues for the fiscal year 1909; and when I make this comparison on the basis of the estimates of next year equaling the actual revenues of the last fiscal year,

I am certainly within the bounds of fairness, and not only within the bounds of fairness in making that comparison, but I think I am ultraconservative in regard to it.

Mr. CLARK of Missouri. I would like to ask the gentleman if this calculation which he has made embraces any appropriation whatever for rivers and harbors and public buildings?

Mr. TAWNEY. Only those that are authorized. I refer to no new authorizations. I will say one thing more. In this estimate, however, should also be included deficiencies and miscellaneous and additional appropriations that will have to be provided for at the next session of Congress and paid out of the revenues of the Government for the next fiscal year. I have not included these, because we can only approximate them by comparison with previous Congresses; but they have in the last four years averaged not less than $25,000,000.

Mr. MANN. I understand these figures are for the fiscal year ending June 30, 1909, and the gentleman makes out a deficit according to the estimate of probable receipts. Now, the gentleman knows that next year is a Presidential year.

Several MEMBERS. This year.

Mr. MANN. I mean the next fiscal year. The gentleman knows that we are promised on that side of the House that if they are successful there will be a revision of the tariff. We are promised on this side of the House, or possibly not on this side, but in other places, that if we are successful there will be a revision of the tariff. Is it not always the case that immediately preceding a revision of the tariff there is a great decline in the customs receipts of the Government?

Mr. TAWNEY. It is not only a fact that there is a decline in the revenue immediately preceding a revision of the tariff, but it is also equally true that there is a decrease in the revenues when there is a declaration in favor of a revision of the tariff, and the power has been once given to the party that makes that declaration to revise the tariff. That is true, for the reason that importers, in anticipation of reduced duties, import only for the immediate demands of their trade.

Mr. MANN. Is it not also true that the estimates of receipts submitted by the Secretary of the Treasury are based upon former receipts, and do not take into consideration the fact that the tariff probably will be revised, or that declarations at least will be made for its revision, and that the receipts will fall off, so that unless Congress is extremely economical—if our friends on the other side of the aisle prevail—they will come into power with an empty Treasury?

Mr. TAWNEY. I will say to the gentleman from Illinois that the Secretary of the Treasury in estimating the revenues did not take into consideration all that the gentleman from Illinois has said, nor did he take into consideration the effect upon the revenues of the Government resulting from the recent financial depression, for the reason that his estimate was made before the depression began and before the revenues of the Government began to fall off.

Mr. LIVINGSTON. In answer to the proposition of the gentleman from Illinois, is the gentleman from Minnesota or the gentleman from Illinois either ready to guarantee a revision of the tariff provided you prevail in this next election?

Mr. TAWNEY. No; but I believe there will, and I am not ready to guarantee that there will be a revision of the tariff if you prevail.

Mr. FITZGERALD. Eliminating this tariff discussion, has the gentleman from Minnesota made any investigation since the Secretary submitted his estimates that would lead him to believe that following the course of events in the past, that following a financial depression, the revenues will be greatly less than they would have been had that depression not taken place?

Mr. TAWNEY. I would say in answer to the gentleman that I have made some investigation with reference to the postal revenues immediately preceding and following the panic of 1873, and also immediately preceding and following the panic of 1893.

In the estimate of revenue for the next fiscal year, made by the Secretary of the Treasury, he estimates the postal receipts at $220,000,000, which is an increase of about $15,000,000 over the actual postal receipts for the last fiscal year. Now, I find, upon examining the statistics in the Post-Office Department as to the revenue preceding and following those two panics to which I have referred, that between the fiscal year 1874 and 1875 there was an increase in the postal revenues of only $300,000, and that between the fiscal year 1894 and 1895 there was practically no increase in the postal revenues. Now, in view of the history of postal revenues immediately preceding and following these two panics, I doubt whether we can possibly hope for such an increase in the postal revenues during the next fiscal year as has been estimated for.

Mr. GAINES of Tennessee. Will the gentleman tell the committee how much revenue would be lost by putting wood pulp on the free list now, as recommended by the President?

Mr. TAWNEY. I can not answer that.

Mr. GAINES of Tennessee. How much was lost when you put coal on the free list to crush out the coal trust?

Mr. TAWNEY. I have not investigated that question at all, as to the effect upon the revenues of placing any article upon the free list.

Mr. GAINES of Tennessee. It did not cripple you any when you put coal on the free list.

Mr. TAWNEY. The estimates are made upon the basis of existing conditions, without any reference to changed conditions.

Mr. FITZGERALD. Is it fair to assume from the gentleman's investigation that this increase in the postal revenue will not take place?

Mr. TAWNEY. I think so. In the investigation of the revenues of the Post-Office Department at the times of these preceding panics I do not see anything to justify an estimate of an increase in the postal revenues to the extent that has been estimated.

Mr. FITZGERALD. So that the gentleman's analysis is more favorable by $15,000,000 than it really should be?

Mr. TAWNEY. I have endeavored to make the analysis as conservative as possible, but I do not care how conservative a man may be in making comparisons, the result will emphasize the fact that if we are going to avoid the largest deficit at the end of the fiscal year of 1909 that the Treasury books ever have shown since the civil war, except when the Democratic party was in control of the executive and legislative branches of the Government, it is absolutely necessary that these estimates be revised and materially reduced. I will now yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman in charge of the bill a question or two with reference to the deficiency in the revenues for the collection of customs. I want some information.

Mr. TAWNEY. If the gentleman from Texas will wait until we begin the consideration of the bill. We have not commenced the consideration of the bill yet. I will yield to the gentleman from Minnesota.

Mr. DAVIS of Minnesota. Leaving out of the question any new authorization by this Congress, I would like to ask the gentleman in charge of the bill what has been the result of the action of the Appropriation Committee upon estimates submitted to previous Congresses. At the beginning of each Congress estimates are submitted, as in this case, by the various Departments as to the probable sums required for the ensuing fiscal year, and the Appropriation Committee usually estimate the receipts of the Government and compare it with the estimates submitted by the various Departments. What is the usual result? Are not these estimates submitted by the various Departments usually scaled down in a considerable amount by the committee in its report to the House for approval? And is not the estimate usually diminished before the appropriation is made?

Mr. TAWNEY. Diminished. I will say for the information of my colleague that at the last session of Congress, upon the estimates submitted, appropriations were made of almost $21,000,000 less than the estimate submitted, but in addition to that Congress appropriated about $25,000,000 independent and in excess of any estimate that was made, which was new authorization.

Mr. DAVIS of Minnesota. I am leaving out any new authorization. Is it not the almost uniform policy of the committee and Congress to cut down the estimates submitted by the Departments?

Mr. TAWNEY. It is. It is not only the policy, but the duty of the committee and of Congress.

Mr. DAVIS of Minnesota. And if such is the case, will not that presumably be the case in this Congress?

Mr. TAWNEY. It will, and it will require an unusual reduction in order to close the gap between the estimated expenditures and the estimated revenue; in other words, a much larger reduction than has heretofore been made at any Congress since I have been in this House. Twenty million dollars was the amount we appropriated below the amount estimated last year.

Mr. DAVIS of Minnesota. Does the gentleman think that reductions will amount to or exceed that this year?

Mr. TAWNEY. It will have to exceed it if we are to avoid a certain deficit at the end of this session.

Mr. DAVIS of Minnesota. The gentleman's estimate upon the ultimate deficit is based upon the present estimates, is it not, and not after probable reduction by Congress?

Mr. TAWNEY. It is based upon the estimates as they have been submitted, including all statutory authorizations at the present time, and including also the sinking fund of $58,000,000.

Mr. DAVIS of Minnesota. In making your estimates as to the probable deficit, you base it exclusively on the estimates now before you?

Mr. TAWNEY. Yes; and with an estimate also of what the supplemental estimates will probably be, using the amount of the last session that was estimated for in supplemental estimates, which was about $30,000,000.

Mr. DAVIS of Minnesota. Are not the supplemental estimates usually brought into Congress?

Mr. TAWNEY. Yes; always.

Mr. DAVIS of Minnesota. Are the supplemental estimates at the present time less than usual?

Mr. TAWNEY. We have none yet to speak of. Some came in just before the close of the holiday recess. We have but very few supplemental estimates as yet. The supplemental estimates come along toward the last of the session, when the other appropriation bills are being considered.

Mr. DAVIS of Minnesota. The departmental estimates for the year at this time are larger than they have ever been, are they not?

Mr. TAWNEY. They are $101,000,000 in excess of what they were last year. That is, the general estimates carried in the Book of Estimates are $101,000,000 in excess of last year.

Mr. HITCHCOCK. The gentleman from New York asks a question of the chairman of the Committee on Appropriations as to whether he had investigated as to the probable falling off in revenues following the panic, judged by past events of that sort, and from him he did not get a definite reply, but got one relating only to the postal revenues. I desire to ask the chairman what has been the falling off in revenues, customs receipts, and the internal revenues for the three months that have elapsed since the panic, and what would be the falling off for the next fiscal year providing the same proportion is maintained?

Mr. TAWNEY. I can only answer the gentleman by saying that during this entire fiscal year the internal revenue, as compared with the same months in the last fiscal year, is about one million and a half less, and I do not know exactly what the customs receipts are, except as shown by the general statement which we all receive every morning, which shows that there is a deficit to-day of almost fourteen millions during this fiscal year, as against a surplus of twenty-eight millions for the same period last year.

Mr. HITCHCOCK. Can the gentleman not state what the deficit in revenue as compared with the corresponding period of last year has been?

Mr. TAWNEY. No; I can not give the gentleman that information. I have been trying to obtain it for this purpose, but I have not succeeded. I hope to get it and publish it with my remarks.

Mr. HITCHCOCK. So that the gentleman can make no estimate for the House as to what the falling off in revenues for the fiscal year 1909 will be, providing the effect of the panic continues?

Mr. TAWNEY. I do not think it has continued long enough as yet to determine with any certainty. I will say for the information of the gentleman that when the Assistant Secretary of the Treasury was before the subcommittee a few days ago, that is, the Assistant Secretary who has control of the collection of the revenues, he informed the committee that although the customs revenues have decreased very materially within the last two months—I think he stated $11,000,000 for this fiscal year—yet there are in the warehouses of the Government at our ports large quantities of goods, upon which the duties have not been paid, and that when those goods are withdrawn and the duties paid upon them, it will in amount about equal the deficiency in the revenue for this year. The storage of these goods he attributes to the inability of the importer to obtain the money from the banks for the purpose of making the withdrawal. My own opinion, however, it that while that may to some extent be the cause, the principal cause for lack of withdrawal is, I think, the falling off in consumption. If that is true, and this decrease in consumption continues, it will probably affect the revenue during the remainder of this fiscal year and also during the next fiscal year.

Mr. BARTHOLDT. I should like to have an authoritative statement, Mr. Chairman, from the chairman of the committee with regard to the old practice of exceeding the appropriations on the part of the Department. Is there a case in this bill in which the appropriation made last year has been exceeded?

Mr. YOUNG. In violation of the law.

Mr. BARTHOLDT. In violation of the law passed at the last Congress.

Mr. TAWNEY. If the gentleman will forego that for a moment, I will say that I have not yet touched on the bill and I intend to cover that very fully in regard to the antideficiency law.

Mr. BARTHOLDT. Is there a case in the bill at this time?

Mr. TAWNEY. I will say to the gentleman from Missouri, the committee has not allowed a single item of deficiency where that deficiency is not a legal deficiency. In other words, the miscellaneous appropriation, where the Departments estimate there will be a deficiency before the end of this fiscal year, are by the antideficiency law required to be apportioned by monthly or other allotments. There were several cases submitted where the apportionment was waived in these cases, but improperly waived, and the items for that reason were rejected. It does not carry a single item of deficiency where the deficiency is not a legal deficiency.

Mr. BARTHOLDT. In other words, the old practice is effectually broken up.

Mr. TAWNEY. The old practice is effectually broken up. The practice of allowing Departments of this Government to fix the standard of public expenditure was broken up or destroyed when the Congress enacted the antideficiency law on the urgent deficiency appropriation bill at the first session of the last Congress, whereby we specified the appropriations that can not be exceeded, and we also required the apportionment of certain appropriations by monthly or other allotments, and then required that such apportionments, when made, must be adhered to, and can not be waived except upon the happening of some extraordinary emergency or unusual circumstance that could not be reasonably anticipated at the time such apportionment was made. The effect of that has been to serve notice upon the Departments that when Congress makes an appropriation for a given service, that that appropriation is the standard of expenditure in that particular Department, and is fixed by Congress, and that they can not by following the practice that obtained for many years of spending their appropriations on the basis of their estimates make a deficiency, and then near the close of that fiscal year coerce Congress into appropriating for their deficiencies on the ground that if it is not done the public service will have to stop or greatly suffer. They are now living within their appropriations, and the bill now before you called a "deficiency bill" is a misnomer. They are practically all additional appropriations. I have not made a careful analysis, but I do not think there is, out of the $24,000,000 reported, to exceed $3,000,000 of actual deficiencies in this bill, and those deficiencies arose by reason of circumstances that could not be reasonably anticipated at the time either of making the appropriation or the apportionment of the appropriation. Gentlemen must remember there are many appropriations which may be exceeded when the statute authorizes the Department to exceed them. I now yield to my colleague from Minnesota.

Mr. DAVIS of Minnesota. I believe that Congress and the people are interested in not having the expenditures exceed the revenues. I am also aware of the fact that the gentleman has been in Congress for a great many years, and perhaps he could, in fact I know he can, enlighten me upon one question. He has been here through at least two revisions of the tariff, and is, perhaps, as familiar as any man on the floor of the House with the provisions of the tariff at the present time. I would like to ask him, as the tariff has been touched upon, whether in his judgment a Republican revision of the tariff in the near future, scaling it down a reasonable amount, a moderate amount, and particularly upon those schedules where the tariff is now prohibitive, would increase or decrease the revenues of the Government?

Mr. TAWNEY. I will say, in reply to my colleague, that in my judgment the greater the facility and ease with which exporters can get foreign-made goods into the United States, the greater in all probability will be the revenue, provided that revision of the tariff is along the lines that he suggests.

Mr. DAVIS of Minnesota. So that a revision downward to a moderate extent would increase revenue rather than diminish it?

Mr. TAWNEY. That depends altogether upon the nature of the revision and the character of the articles the duty on which is revised and the amount of duty fixed. In other words, it depends upon a scientific, sensible adjudication of all questions submitted to the committee that revises the tariff and the Congress that must adopt it. So far as I know, and whatever opinion I might express at this time would be purely speculative, the effect of a moderate reduction of the tariff would be to increase the revenue.

Mr. DAVIS of Minnesota. Such a revision as a Republican Congress, composed of intelligent men, would likely make—that is, a scientific revision.

Mr. TAWNEY. I think a revision by the friends of the tariff would be along the line of providing the Government with sufficient revenue to meet its ordinary expenses.

Mr. MANN. But no revision of the tariff could affect the revenue that the present tariff produces, because it will not become a law during the fiscal year.

Mr. TAWNEY. Not at all.

Mr. MANN. And the effect of revising the tariff might have a tendency to reduce the receipts.

Mr. TAWNEY. That is true.

Mr. FITZGERALD. Does the gentleman believe that side of the House could make such a scientific and intelligent revision of the tariff as to produce sufficient revenue to meet the extraordinary expenditures of this Adminstration, or, if any other party was in control of this House it could produce sufficient revenue to pay these enormous expenditures?

Mr. TAWNEY. I leave the gentleman to answer that question himself. I know no more about that than any other man who guesses about it.

Mr. FITZGERALD. I will try to answer that.

Mr. COCKRAN rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. TAWNEY. I do.

Mr. COCKRAN. Mr. Chairman, I would like to ask the distinguished chairman of the Committee on Appropriations whether he is prepared to furnish the House with some suggestion as to whether the administration of the Government could be maintained at its present efficiency if the reduction in appropriations which he foreshadows could be accomplished by these committees?

Mr. TAWNEY. I do.

Mr. COCKRAN. Now, I understand the gentleman to say that the expenditures as estimated by the Departments, the estimates being now before his committee, would exceed the revenues by some one hundred millions of dollars?

Mr. TAWNEY. Yes, sir.

Mr. COCKRAN. And the gentleman thinks, as I understand, or he affords the committee the gratifying assurance, that it will be possible for this House to reduce these estimates by $100,000,000 without impairing the efficiency of the Government?

Mr. TAWNEY. Yes, sir.

Mr. COCKRAN. I congratulate the committee upon the possession of such a Committee on Appropriations and such a chairman. I will——

Mr. TAWNEY. I have answered the gentleman's question, and I would like to make a statement now in connection with the question which the gentleman has asked.

Mr. COCKRAN. My question was intended to elicit information.

Mr. TAWNEY. I believe, Mr. Chairman, that it is entirely possible for us to close this session of Congress without facing a certain deficit, and that can be done by reducing the estimates and keeping the next year's expenditures within the probable revenues. But this duty, for I consider it a duty, of doing that does not devolve alone upon the Committee on Appropriations. I would have the gentleman from New York [Mr. COCKRAN] to understand that the Committee on Appropriations is not in control and does not report all the principal appropriation bills where this deduction can be made, and, in my judgment, can be made, without any danger or detriment whatever to the public service. The Committee on Appropriations——

Mr. LIVINGSTON. Will my colleague simply mention those two or three Departments and let us have it all out?

Mr. TAWNEY. I have stated in the analysis of the estimate that the Navy and Military Establishments are asking this year in excess of current appropriations, in round numbers, $75,000,000, and that is exclusive of new authorizations which have been recommended to Congress by both. I think there are, and there will be, material reductions in the estimates for appropriations coming from the committee that I have the honor to preside over, but inasmuch as these appropriations, outside of the fortification bill, all relate to the civil service of the Government, it necessarily follows that we must take into consideration the actual demand of the public service in making and preparing our appropriation bills. But if the House of Representatives does not support these committees, or the Committee on Appropriations, when they come in here refusing to give appropriations for doing that which the Government of the United States has no business to do—if the House insists upon appropriating to defray the expense of exercising rights and performing duties by the Federal Government that belong exclusively to the States, to private interests, and to private corporations to do, then it will not be possible for either of the committees having appropriating jurisdiction to keep down the appropriations and keep them within the estimated revenues.

Mr. COCKRAN. Mr. Chairman, would the gentleman supplement the very valuable information which he has already given us by making it a little more precise and definite as to the exact character of appropriations that he thinks could be cut off by due vigilance on the part of this committee?

Mr. TAWNEY. I would say, Mr. Chairman, that in the preparation of an appropriation bill it is first necessary to analyze estimates. It is necessary for the committee to have the men who have submitted the estimates come before it, and to have them carefully examined as to the requirements and the necessity, the urgent necessity, if you please, of making the appropriations for which they have asked. It would be impossible for me at this time, having examined or analyzed only the estimate for urgent deficiency expenditures, to say in detail what particular items can be omitted from the appropriation bill. I might refer to some items that are carried usually in the sundry civil bill; items that have been put on in this House against the protests of the Committee on Appropriations that, in my judgment, are absolutely foreign to any constitutional Federal governmental function.

Mr. COCKRAN. I would appeal to the gentleman to go on and let us know.

Mr. TAWNEY. I will call attention to some of them.

Mr. YOUNG. Before the gentleman leaves this point I wish to say that I see that in this urgent deficiency bill there are items aggregating $3,980,000 for the Military Establishment. I assumed that the Committee on Appropriations deemed that amount necessary, and I wish to ask my friend from Minnesota, in answer to something that seemed like criticism upon the Committee on Military Affairs, if this does not indicate that that committee, instead of being extravagant in the last Congress, pared its appropriations too closely?

Mr. TAWNEY. I am not criticising any committee, Mr. Chairman. The fact is, as I said before, almost all the deficiency appropriations for the Military Establishment arise out of unusual circumstances that have occurred since the committee considered the estimates and reported the Army appropriation bill to the House. Most of it comes on account of Cuban occupation; some, a remnant, on account of the fire and earthquake in San Francisco. Then a part of it is on account of a law that was passed by Congress late in the session, as I now recall it, authorizing and requiring the Coast Artillery to be separated from the Field Artillery and the recruiting of the Coast Artillery. It is made up of items of that character, which are unusual, which were not and could not be anticipated by any appropriation committee of the House. I want to say right here, because every session of Congress is called upon to make appropriations on deficiency and supplemental estimates, that I have not included any of these in the estimated deficiency at the end of the next fiscal year I have given. That is another reason why the estimate and statement I have made to the House is an ultraconservative one.

Mr. Chairman, upon reflection I don't think it would be wise at this time to enter upon any detailed statement in regard to particular items in the appropriation bills which, in my judgment, might be omitted for the ensuing fiscal year. I know that every committee of this House will patriotically endeavor to discharge its duty, and when these bills have been reported to the House it will then be the duty of every Member for himself to scrutinize the various propositions included and for himself to determine whether or not the expenditure is necessary, and if not necessary, in his judgment, then to endeavor by his vote and in every honorable way to prevent it or reduce it.

Now, Mr. Chairman, in regard to the deficiency bill that has been presented. Members of the House will observe from the report that it is made up of a few items. For the Treasury Department there is $1,680,331. The most of that is on account of the increased revenue of the Government during the last year and the current year, and is absolutely necessary in order to carry on this service. The expenditure will be made, and can be made, whether Congress appropriates or not, because it is a statutory authorization. The District of Columbia has $304,000, $107,000 of which is for furnishing and equipping our new municipal building. The balance is made up of comparatively minor items urgently needed.

The CHAIRMAN. The Chair will call the attention of the

gentleman from Minnesota to the fact that he has occupied one hour. Of course he controls the time himself.

Mr. TAWNEY. For the Military Establishment there is carried in this bill $4,000,000 in the aggregate; and this, as I stated before, is made necessary on account of Cuban occupation and an increase in the price of forage, clothing supplies, and other equipment, which increase occurred largely since the estimates were submitted to the Committee on Military Affairs last year; and the average increase, as the Quartermaster-General informs us, is 15 per cent. Gentlemen of the War Department submitted an explanatory note covering fully and explaining in a detailed way this additional appropriation and why it is necessary in order to meet the demands of the service.

The next large item is $300,000 for the payment of back pay and bounty claims. We appropriated $200,000 for this purpose at the last session of Congress. You will all remember that near the close of the last session we passed an act reopening a large number of bounty claims. My recollection is that there are now pending and unsettled with the Auditor of the War Department 90,000 of these claims. This amount is an ascertained amount necessary to pay the claims that have been allowed or will be allowed during the remainder of this fiscal year, and the Auditor informed us that it was doubtful if it would be sufficient.

The Naval Establishment has $1,611,790. It is made up practically of two items—one on account of coals and the other on account of transportation, neither of which appropriation for the current year is within the provisions of the antideficiency law. There was a statute passed in 1861 which gives to the Army and to the Navy express authority to exceed its appropriations for fuel, for transportation of the Army, and other necessary supplies which are specifically mentioned in that act.

The necessity for this additional appropriation, I may say, as appears from the testimony before the committee, grows out of the fact that our fleet is now being transferred from the Atlantic to the Pacific Ocean, and $1,000,000 of this additional appropriation is on account of coal. If you will read the hearing, you will see that the committee went into the question carefully of where this coal has gone to and how much of it has been distributed at the different places.

The Department of Commerce and Labor, $553,000, is largely on account of new buildings at Ellis Island, N. Y.

We appropriate each year, I think, about $400,000 to be expended, in the discretion of the President of the United States, for the purpose of eradicating epidemics, and during the last year the Department, under the direction and authority of the President, has been engaged in that work in the city of San Francisco, trying to eradicate the bubonic plague. I want to say in this connection, not by way of criticism, but as a statement of fact, that to-day San Francisco is contributing for this purpose $10,000 a month, and the Government of the United States is paying $30,000 a month, and the State of California is not paying a cent. I brought to the attention of the officers who appeared before us the fact that before any further expenditures were made on that account it was their duty to endeavor at least to have the State of California contribute something toward the eradication of this plague.

The large item in the bill, in fact, half of it, is $12,178,900 on account of the Isthmian Canal. I will say for the information of the committee that some of the members of the Committee on Appropriations visited the Isthmian Canal in November last for the purpose of examining the estimates for canal expenditure on the ground, and during that visit we ascertained what caused the necessity for this additional appropriation. It is due entirely to the increase in the amount of work that is being done—that is, the excess of work that is being done over the amount it was estimated could be done when the appropriation for this service was made at the last session of Congress. Almost this entire appropriation of $12,000,000 is for skilled and unskilled labor, and for material and supplies, to be expended under the engineering and construction department of the Commission. When we reach the item, doubtless there will be some questions that Members will desire to ask, for the purpose of securing information upon the subject, and any member of the committee I know will be very glad to give any information concerning the details of the expenditure that may be called for.

Now, Mr. Chairman, I do not think it is necessary for me to weary the patience of the committee any longer with any further statement. As the bill is considered by paragraphs, opportunity will be given for full discussion of each paragraph and to obtain all the information that the members of the committee may be called upon to give and that they may be able to give. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUTLER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 10368. An act to authorize Secretary of War to change name of Julius Flemming to his proper name of Jacob John Locher.

The message also announced that the Senate had passed bills and resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 110. An act for the erection of an addition or extension to the post-office and court-house at Sioux Falls, S. Dak.; and

S. 4064. An act to provide for a term of the United States circuit and district courts at Lander, Wyo.

Senate concurrent resolution 20.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized to extend the examination and survey of Cowlitz River, provided for in the river and harbor act of March 2, 1907, up to the head of navigation, at Toledo, Wash.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. I yield one hour to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, the warning the gentleman from Minnesota [Mr. TAWNEY] has just indulged in, notifying the House that unless we retrench in our governmental expenditures and inaugurate a new system of economy at once we may expect to see a deficit in the National Treasury before the end of the next fiscal year, caused by the present financial distress of the country, the reduction of imports from foreign nations, with a corresponding reduction of revenue arising from the taxes levied on imports, brings before us the cause of the present panic and its effect upon the business interests of the country.

As long as time shall last in revolving periods of longer and shorter duration our country will face panics and financial depressions; sometimes arising from one cause and sometimes from another. This has been the history of the past and it will undoubtedly be the story of the future.

Whenever there are times of depression and financial ruin comes to the country there is some cause for the advent; it may be war or pestilence, crop failures or a dearth of money, business mismanagement or reckless speculation that produce these conditions. Whatever the cause may be the country always calls on the Congress for legislation to relieve the situation, and as a rule the relief asked for is a change of our banking laws or our money conditions.

When the patient is sick the doctor must first diagnose the case and determine what is the matter before he can prescribe his remedies for relief. In the case of the present panic we should search thoroughly for the cause that produced it before we attempt to apply the legislative remedies for its cure.

The panic of the nineties (1891–1897) has not yet passed from the memory of man, and a comparison of the conditions existing then with those of to-day may throw light on the question, and may guide our footsteps to a solution of the problems that now confront us. From the time of the panic of 1873 down to 1897 the balance of trade was against the United States, and during that time the exports of gold and silver bullion with which we paid our balances with foreign countries greatly exceeded the imports of the precious metals from abroad. We were being continually drained of the redemption money of the country. On the other hand, since the period of the Spanish war (1897) down to the present time, the importation of gold and silver bullion has greatly exceeded its export to other countries, with the result that although the money in circulation in 1897 amounted to only $22.87 per capita, of which 33.82 percentum represented gold, there has been a constant increase of the volume of money in circulation until at the end of the fiscal year 1907 it amounted to $32.22 per capita, as shown by the report of the Comptroller of the Currency, of which amount 41.90 percentum represented gold.

From the organization of our Government down to 1897 the per capita circulation of money had never exceeded $24.56, but after 1897 it gradually, year after year, increased to the present volume.

Compare the business conditions of the early nineties with those existing in 1907:

	Year.	Number.	Value.
Farm animals	1892	54,067,590	$2,461,755,698.00
Do	1907	72,533,996	4,423,697,853.00
Wool, fine, pounds	1892	294,000,000	.28
Do, do	1906	298,915,130	.33
Wheat, bushels	1892	515,949,000	.624
Do, do	1906	735,260,970	.667
Corn, do	1892	1,628,464,000	.394
Do, do	1903	2,927,416,091	.399
Cotton, middling, bales	1892	9,035,379	.771
Do, do	1907	13,510,982	.1215
Rice, pounds	1892	237,546,900	
Do, do	1906	495,966,000	
Cane, sugar, tons	1892	165,437	
Do, do	1907	243,000	
Gold	1892		33,015,000.00
Do	1903		94,373,800.00
Coal:			
Anthracite, tons	1892	160,115,242	3.975
Bituminous			2.50
Anthracite, tons	1906	369,783,284	4.50
Bituminous			2.75
Petroleum, gallons	1892	2,121,405,594	
Do, do	1906	5,312,745,312	
Pig iron, No. 1 foundry, tons	1892	9,157,000	15.75
Do, do	1906	25,307,191	20.98
Do	1907		25.33
Steel, tons	1892	4,927,581	30.00
Do, do	1905	20,023,947	28.00
Copper, do	1892	154,018	
Do, do	1905	402,637	

INCREASE OF MANUFACTURING INDUSTRIES OF UNITED STATES.

Year.	Wages.	Value of product.
1890	$1,891,228,321	$9,372,437,283
1905	2,611,540,532	14,802,147,087

DEVELOPMENT OF RAILWAYS.

Year.	Passengers.	Freight.
		Tons.
1892	575,769,678	730,605,011
1906	815,774,118	1,610,099,829

WEALTH.

1890	$65,037,091,000
1904	107,104,211,917

POPULATION.

1892	65,086,000
1907	85,593,303

PRICES OF LEADING CLASSES OF NECESSARY ARTICLES OF DAILY CONSUMPTION.

1902	$90,105
1907 (from index number of Dun's Review)	107,264

BANK CLEARINGS.

1892	$60,883,572,438
1907	154,662,515,258

From this comparison of products and prices in the country, before the last panic and the present one, it is shown that the material condition of the country was very different then from what it is now. In the panic of the nineties there was a dearth of money and low values for agricultural products and manufactures. The day before the present panic broke upon the country we enjoyed unrivaled prosperity—all the products of the fields, of the mines, and of the factories were selling for the highest prices they had commanded in a generation—there was a third more money in circulation in the country than ever before, and an enormous demand for labor. The products of the country were consumed by the people.

The production of cotton in 1892, at the beginning of the panic of the nineties, was about 9,000,000 bales; middling cotton was selling in New York—not at the farms, but in New York—at 7 cents a pound; in 1907 we produced about 13,500,000 bales, which sold in New York at an average of 12 cents per pound. Consider how differently the credits of the country were affected by the production and price of these two crops: 9,000,000 bales in 1892 at 7 cents per pound, and 13,000,000 bales in 1900 at 12 cents per pound. Would not this increase in production and price, if left to itself, bring prosperity to the country?

Mr. HARDY. I want to say to the gentleman that just before the panic began cotton was selling on the farm at over 13 cents a pound.

Mr. UNDERWOOD. Unquestionably, the panic condition has to some extent reduced the price of cotton. But, even with the panic, the price is being maintained. Why? Because the demand for cotton is keeping it up, the world demand and the demand at home, showing that this panic is not produced by the lack of consumption of our crops or by crop failures or natural conditions; but there must be some other condition that is the cause of the panic.

Mr. CLAYTON. Will the gentleman yield for a suggestion?

Mr. UNDERWOOD. Yes.

Mr. CLAYTON. My colleague will remember that during the last cotton year, after it had been ascertained that the crop was, in round numbers, thirteen and a half million bales, middling cotton went as high as 13½ cents a pound. He will also remember that during the current cotton year, when it has been ascertained that the cotton crop is eleven and a half million bales, in round numbers, middling cotton has been below 11 cents per pound. This has happened this year, when the wealth of the country is greater than ever before, and this decline has been one of the results of a Republican panic. Does not my colleague believe that if the cotton growers of the South had not held on to a large part of their crop and sold only by degrees that cotton would be much lower than it is? And does he not also believe that if a thirteen million and a half crop of cotton was worth 13½ cents per pound, an eleven and a half million bale crop ought to be worth 15 cents per pound?

Mr. UNDERWOOD. I agree with my colleague from Alabama that the splendid organization of the farmers of the South, coupled with the practical business methods they are now inagurating in the sale of their crops, are largely responsible for the prices that are being paid for cotton in these times of financial depression, but I also contend that there was no falling off in the world's consumption of cotton before the beginning of the present panic.

There were 515,000,000 bushels of wheat produced in 1892, at 62 cents a bushel; in 1906 there were 735,000,000 bushels produced and sold at 66 cents a bushel, an increase in the production of wheat of one-third, and a large increase in the price. The same thing may be said of pig iron. We find that in 1892 there were only 9,157,000 tons of pig iron produced and sold at $15 a ton; in 1906 there were 25,000,000 tons of pig iron produced that sold at $20 a ton. Did that produce this panic? Is it the failure of a wheat crop, the lack of consumption, on the part of the purchaser, of cotton, the failure of the iron manufacturer to find a market in which to sell his product that produced the present panic? It can not be. These figures all controvert that fact. It shows that the country was prosperous when we rolled into the good year of 1907. Why, the wages in 1890 were $1,000,891,000 in the manufacturing industries of the country and the value of the product they produced was $9,372,000,000, whereas in 1905, as shown by the last industrial census, the wages amounted to $2,600,000,000 and the products to $14,800,000,000—an enormous increase, an increase of more than one-third in the wages paid in our industrial establishments and the product of their manufacture. Does that look like the country had arrived at a panic by reason of the inability to consume the product? The wealth of the country in 1890 was only sixty-five billions of dollars and in 1904 it had increased to one hundred and seven billions of dollars. The bank clearings in 1892 were sixty billions of dollars and in 1907, the year of the panic, they had increased to one hundred and fifty-four billions of dollars.

What caused the panic? It was not an act of God, pestilence, fire, or famine. It was not low values and hard times—we had never before been as prosperous. It was not crop failures—for several years past we had harvested the greatest crops the country had ever produced. It was not the burden of debt, for the consuming masses had paid their debts and owed less money than at any time since the civil war. It was not from a contraction of the circulating medium—we have more now than ever before in the history of the country, with a constantly increasing volume of money due to the great production of gold and the balance of trade in our favor.

Some years ago a distinguished Ohio statesman said of a political victory that it had been won by God and the Republican party. It is evident to-day that if such a partnership could have ever existed the combination has been dissolved by the Republican party, for the Almighty has given to our people an abundance of all that makes a people great, prosperous, and happy, and the Republican party has stood idly by and allowed the country to drift into a panic, the cause of which is apparent to all. [Applause on the Democratic side.] What then caused a panic in the midst of plenty? There could be but one cause—loss of confidence by the people. Loss of confidence in whom? Not in the powers of God to send the sunshine and the showers to produce the crops; not in the brawn and sinew of the man who delved in the mine or labored in the factory to continue the great industrial development; not in the markets of this country and the world to consume our products, for the demand

was more than keeping apace with the production. The loss of confidence in whom? In the ability of the banks of the country to return to their depositors their money when they needed it—to maintain solvent credits. Why should this condition exist? Most of our banks are safe and solvent; most of our bankers are honest and conservative. There is probably not one bank in a hundred which was doing business last summer which is not perfectly solvent and which will not pay its depositors every dollar it owes them; but the depositors do not know which is the one insolvent bank and which the ninety and nine solvent ones, and when the lawful reserves in the New York banks went below the legal requirements the depositors became alarmed and went after their money. It is stated that over two hundred millions of dollars went into hiding in a few weeks, which destroyed the basis of credit and stopped the wheels of commerce.

In my judgment, it was not due to lack of character, intelligence, or business ability on the part of the individual bankers, but to the lack of the proper safeguards in the banking laws of the country to protect the depositors.

The national bank act provides that the banks in the smaller towns and cities shall retain 15 per cent of their deposits, and in the larger cities, known as reserve cities, 25 per cent of their deposits, and does not allow the loaning out of these sums. In other words, a bank not in a reserve city or reserve center can only loan to its customers $85 out of every $100 deposited and the bank in a reserve center only $75. It is not necessary for the banks to carry that amount of cash to transact their daily business; 4 or 5 per cent in most cases would be ample, but the law requires it to be held to meet emergencies and unusual conditions. For that purpose it is a very wise provision. The law also provides that the bank not in the reserve center or reserve city may deposit three-fifths of its lawful reserve in a bank in a reserve center. In other words, the bank in Alabama can not lend its lawful reserve to its customers in Alabama, but it can deposit three-fifths of it in a bank in New York City and get interest on it at 2 or 3 per cent. What is the result? The banker is in business to make money for his stockholders; he only needs 4 or 5 per cent of cash on hand to handle the ordinary demands of his business. The balance of his reserves he can not loan at home and therefore he sends it to New York, Chicago, or some other reserve city to get the 2 or 3 per cent interest they offer him.

The result is that the money is not in the bank vaults when an extraordinary emergency arises, and if the reserve bank refuses to return the reserve deposit promptly, as was done in this panic, the banker is deprived of the lawful cash reserve that the law contemplates he should have for the protection of his depositors.

This system of the country banks depositing their money in New York City is more responsible for the recent panic than any other immediate cause.

In the spring and summer when the demand for cash in the South and West was normal, the bankers from those sections of the country sent their reserves to the reserve banks in New York City, because they could get interest on them. When the fall of the year came and cash was needed to move their crops they demanded their money, all at the same time. This year the New York banks could not respond—their reserves fell below the legal requirements, the people became alarmed, withdrew their deposits, and hundreds of millions of dollars went into hiding and out of circulation at the time, above all other times, when the money of the country was most needed in the banks to liquidate the indebtedness of the country.

It should be borne in mind that the primary object of a bank, so far as the business of the country is concerned, is not merely to protect the depositor against loss, but to keep the money in the country in circulation. If "A" hoards his money for future emergencies and buries it under the hearthstone or keeps it locked up in a safety box, it is as much out of circulation as if it had been burned up; but if "A" deposits it in the bank and "B," needing cash to carry on his business, borrows the money, he thereby puts it back into circulation, where it pays the debts and transacts the business of the country.

Most of the business of the country is done on a credit basis; open accounts, notes, mortgages, bills of exchange, checks, and contracts; the stability of this credit system depends upon the ability of the debtor to obtain sufficient cash to pay off his indebtedness at the time it becomes due. The volume of credits is so much greater than the volume of money that there is never a time when the credits could all be paid in cash, but the banks are the clearing houses of the country that facilitate the handling of cash and enable the debtors to readily and conveniently meet their obligations when they become due.

It is obvious to everyone how necessary it is to all classes of people, whether they have money deposited in the banks or not, for the idle money of the country to be in the banks, that it may at once be put back to its work of liquidating the indebtedness of the country and perform the task it was created to do. In the ordinary course of business not more than one dollar in twenty-five that is deposited is called for in cash at the same time, so that the banker can safely return a large amount of these deposits to circulation, but, when his depositors become alarmed, run on the bank, and all demand their money at the same time, the function of the bank ceases; and unless the banker is so fortunate as to have assets that are quickly converted into cash his bank must liquidate and its creditors be paid. When this occurs to a number of banks at the same time, and the cash in the country is not sufficient to pay the outstanding credits, failures follow as a natural consequence, and the country is thrown into a general panic—with business curtailed, idle factories, unemployed labor, and low prices for agricultural products as the result.

Is there a remedy; and if so, what is it?

It should be borne in mind that the volume of lawful money available for use as a circulating medium and as bank reserves can not be changed by a currency plan, as the volume of lawful money will adjust itself according to the course of trade and the prevailing rates of interest; and a circulating medium that is not redemption money will drive the redemption money out of circulation in times of financial distress, as has been demonstrated by the recent issue of clearing-house certificates. The lawful money was immediately hoarded, leaving the bank credits alone in circulation as a substitute for the lawful money of the country.

An addition to the stock of gold can be obtained only from the mines or by importing gold from abroad, either by means of loans or by means of sales of shares or bonds or other property. That states the whole question in a nutshell. Issue asset currency to the country. I do not care whether it is perfectly safe in its ultimate payment or not. What is it? It is merely a forced loan, an issue of indebtedness that you force the people to take for another indebtedness. What is the difference between asset currency and your credit on your bank deposit book?

You take your money and put it in the bank and the cashier enters on your book a credit of so much money. You go to the bank to demand that money. What have you a right to demand? Lawful money of the United States. But if the bank can issue asset currency and give you asset currency, how has it changed its position? The currency can be worth nothing—is good for nothing—will either not circulate at all or will drive all the lawful money in circulation out of circulation unless it is redeemable in gold. Well, then, when they have issued the asset currency, how have they changed the condition in the country? When you had your bank book you went with your check and demanded gold. If they gave you asset currency and it is redeemable in gold, when you get the asset currency and you want the gold you go to the bank and present it and demand your gold again—that is, if the bank redeems it; and if the Government redeems it, then you are giving the privilege to an individual banker to issue a paper—to issue his debts as money—force his debts into the hands of the people and force the United States Government to redeem the banker's debts in gold.

Mr. HARDY. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. HARDY. If that is done, is it not equivalent to making the Government stand sponsor for the redemption of the obligations of the bank?

Mr. UNDERWOOD. Absolutely.

Mr. HARDY. And would it not be better and straighter to make the Government guarantee the deposits of the bank?

Mr. UNDERWOOD. Unquestionably. That is what I am coming to. I will state to the gentleman that I expected to come to that part of the argument in a moment.

The demand for emergency currency can come from but two causes—first, that the credits of the country have so far expanded either from a natural and legitimate growth of business that the lawful money of the country can not sustain and liquidate them, or from wild and reckless speculation. In the first case it is the duty of the Government to see that the lawful money of the country keeps apace with legitimate demands of business. In the second instance it is better to let the interest rates go so high that they will slow down reckless speculation in time to prevent disaster; second, that the depositors, for good reasons or bad, have lost confidence in the banks and are drawing out their money, not for business use, but from fear of loss.

Would an emergency currency of any kind meet this emergency? Various forms of credit currency have from time to time been proposed—some based on bonds and other securities, and some on bank assets, with a tax on the amount in circula-

tion to provide an insurance fund to pay them if the bank failed to do so. I shall not stop to discuss the merits and demerits of these various schemes, for, in my judgment, there is an obstacle that lies in the path of all of them which makes the adoption of such a plan impossible, and that is their redemption in lawful money. If they are not redeemable in lawful money, they will either not circulate at all or they will circulate with lawful money at a premium, and it will then cease to perform its function as money and become a commodity, like wheat and cotton, to be bought and sold.

Then who shall redeem this bank currency in lawful money? Each individual bank? In that case the notes of the strong bank will be good and those of the weak bank worthless; in the end it will depend upon the confidence of the people in the ability of the bank to obtain in times of great stress sufficient lawful money to redeem its notes, and when that confidence failed all the outstanding notes would go to the bank for redemption at once, and we would have a note holders' run on the bank instead of a depositors' run; in all probability we would have both at the same time, which would not relieve the situation, but only embarrass it the more and fill the country with a cheap money.

Some say the power to issue money, and the redemption of it, should be placed in the hands of a great central bank. If we are to have a bank currency at all, I grant this to be the safer and more uniform way to issue it; but this bank must redeem its issue of notes in gold to make it circulate with lawful money, and, on a larger scale, it is subject to the same difficulties that the issue by the individual bank presents to us. Besides, it would create a banking monopoly, of which the American people certainly will not approve.

Another plan suggested is that the Government shall redeem the bank currency in lawful money, and that means in gold, for the Government now redeems all other money in gold, and the new currency must be put on the same level with the balance of our currency, or else it will not be as good. What does this lead to? No matter what limitations you prescribe as to its ultimate solvency and safety, you grant to an individual, or collection of individuals incorporated as a banking association, the power at his will and discretion to issue his notes of indebtedness to circulate as money and put the burden and cost upon the Government of personally paying them. When the banker has loaned out his deposits beyond the power of recall, you authorize him to convert his credits into bank notes and put the cost of finding the gold to redeem them upon the people; for, in times of financial distress, when the gold reserves are not sufficient to redeem the outstanding notes, the Government would have to sell bonds, whether the money was needed for governmental purposes or not, to get the gold to meet obligations not of its own creation or under its control.

On the other hand, if the currency is to be redeemed and protected by the Government, if the Government is standing behind the money that is issued by these banks, why should not the Government issue the money itself if it is necessary to issue it at all? If the Government is selling its bonds, as it would have to do if this asset scheme were carried out to get the gold and bring it into this country to redeem the asset currency, why should it not in the first instance sell its bonds and bring the gold here for the people of the country, rather than allow the bankers to speculate in the Government's credit?

Mr. HARDY. Let me ask you another question right there. As a matter of fact, is it not the practice of the Treasury Department, when they allow the national banks to withdraw their National Government bonds upon which the security for the Government deposits is based, and place instead of Government bonds other collateral approved by the Secretary, have we not an asset currency in practice now which shows itself utterly inefficient in effect in preventing panics?

Mr. UNDERWOOD. The Secretary of the Treasury has attempted to establish a bond-secured currency without the warrant of the law.

Mr. HARDY. And we have two hundred and twenty millions of it.

Mr. UNDERWOOD. And it has proven that it would not meet the emergency.

Consider the proposition in another way, with which we are all familiar—the recent issue of clearing-house certificates. Should the proposition be made to pass a law providing that the Government shall, on demand, redeem clearing-house certificates issued by the banks, in gold—granting for the sake of the argument that the securities behind the issue were safe and the amount limited—will anyone contend that the Government should be forced in this way to bear the burden of the banking business when only the bankers participate in the profits and the United States Treasury bears the burden? Would it be a proper use of the taxing power to collect gold coin in the Treasury for the purpose of aiding a corporation to carry on its business at the expense of the taxpayers of the country?

It should also be considered that, in the event the Government should carry on hand a small amount of gold in its vaults with which to redeem these bank notes, in times of stress and danger it would be at great cost and with great difficulty that it could obtain gold. On the other hand, if it carried a large amount of gold on hand for this purpose, it would take the gold out of the channels of commerce, destroy its use as money for the time being, reduce the amount of redemption money in the country, and, to that extent, reduce commodity values, which, in the end, are measured by the lawful money in the country and not by bills payable, checks, demand notes, and asset currency.

I have endeavored to show that bank panics really arise from two causes—one, the accumulation of the bank reserves in the reserve centers when they are not needed for unusual emergencies, such as the movement of the crops in the fall, and the other is from the depositor becoming alarmed for the safety of his deposit and withdrawing it from fear of loss, and not in the ordinary course of business. If a law can be passed that will prevent the recurrence of these dangers, I believe bank panics will be prevented in the future and any necessity for an emergency currency laid to rest forever.

As to the first cause of trouble, the accumulation of the reserves in reserve centers, this can be readily prevented in two ways, either of which will be effective. Require all national banks to carry their reserves in their own vaults, or prohibit the banks in reserve centers, or reserve cities, from paying interest on balances deposited by other national banks. The banks may desire to carry a small part of their reserves in reserve centers for the purpose of facilitating exchange, but this requires only a small amount of the usual deposits. The bulk of the reserves go to the reserve centers to earn interest, and if the payment of interest on them is stopped the reserves would remain in the bank where they were originally deposited. In cases of emergency there would be no call on the reserve centers, and the strain that now occurs every fall when the crops are moved would be prevented and the business interests of the country would not be alarmed by reason of the contraction of credits in reserve cities due to the calling in of loans to meet the emergency demand for cash.

The other cause of bank panics—the fear of the depositor that he will lose his money—can only be prevented by the removal of all cause for such fear of loss. In the last Congress I introduced a bill that required national banks to pay a tax into the Treasury that should accumulate as an insurance fund to guarantee the depositors against loss, and at this session of Congress I have introduced a bill to protect and secure the depositors, a copy of which I will ask leave to insert in the RECORD.

The most useful legislation we can enact is that which will restore confidence in the banking institutions of the country; it will build up business interests, facilitate trade, raise prices, and give employment to labor and increase the circulation of the money in the country. And how can we do that? Why, the machinery by which we do it is the bank, where the idle money of the country can go and be loaned to the man who wants to put it in industrial circulation. But can you do that when the people of the country are alarmed as to the solvency of the banks? As a matter of fact, we all know that there are hundreds and hundreds of millions of dollars, not only to-day, but in normal times, when no panic conditions exist, that are buried in the ground, locked up in safety-deposit vaults, and hidden away because the people distrust the banks. That same money in circulation would go on doing the business of the country and the per capita circulation we have to-day would be increased threefold in its efficiency and ability to attend to the business of the country if the people of the country took all their idle money and deposited it in the banks. But they will not do it as long as they lack confidence in the solvency of the banks. The minute you restore confidence and let them understand that they are going to get their deposits back out of the banks, under any conditions that might arise, then they will bring their money to the banks.

Now, there is but one way in which that can be accomplished, and that is for the Government that has passed the national banking law, which has created this banking system and has adopted the rules and regulations for its government to make additional new rules and regulations that will force this banking system to protect the money of the depositor at all times. [Applause.] It is a very simple method. The idea is not a new one. It has been proposed for a decade or more that the Government should force the banks to deposit with the Secretary of the Treasury sufficient money to insure their de-

positors against loss. It would not be a heavy tax on the banks.

Mr. CRAWFORD. If you require national banks to secure their depositors, what will become of the State banks?

Mr. UNDERWOOD. I will say to my friend from North Carolina that I am thoroughly satisfied, able as is the body of men that we have in the halls of Congress, that we are no abler than those who constitute the legislatures of the various States. If we pass a law that will protect the depositor of the national bank, and it is a good law and accomplishes the result desired, I have no doubt in the world that the legislatures of the various States will pass laws that will protect the State depositors.

Mr. CRAWFORD. Would not the effect of this policy be to force all the State banks out of business, or go into the national banking system?

Mr. UNDERWOOD. No; not at all.

Mr. HARDY. Oklahoma has already preceded the National Government and passed that law.

Mr. UNDERWOOD. I thank the gentleman for the suggestion. I was just about to call attention to the fact that our friends in the States are wiser than we in the national halls of Congress, and some of them have already taken the step.

Mr. CRAWFORD. I take it for granted that the gentleman from Alabama is in favor of repealing the national 10 per cent tax on State bank issues, in accordance with the Democratic platform of 1892.

Mr. UNDERWOOD. That is irrelevant, so far as this issue is concerned, because that is a question of bank issues. This is a question of bank solvency, a very different question; and, as I said, it would not be a serious tax on the banks of the country. If you levied a tax of one-tenth of 1 per cent, 1 mill, on the average amount of circulation in the national banks to-day, it would raise $5,000,000 a year. It would raise more money every year than the greatest losses that have occurred in any one year in the history of the national banks of the country. It would raise four times as much in one year as the average losses of the national banks since the beginning of the present national banking system. In other words, the tax would only have to be levied, to create this insurance fund, about once every four years, which would be a tax on a national bank having a million of deposits of $250 a year. What does that amount to? A national bank in the country is entitled to loan out 85 per cent of a million dollars of deposits—that is, $850,000, at 5 per cent, which would produce $42,500 a year—$42,500 a year that the banker makes out of his depositors; and to say that he should not be taxed to pay $250 out of that profit to protect his depositors seems to me to be absurd.

Mr. HARDY. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. HARDY. If the question propounded by the gentleman from North Carolina [Mr. CRAWFORD] has any significance, does it not mean this, that if Congress should require a guaranty of deposits in the national banks that would result in driving the State banks out of existence? Would not that fact show that thereby national banks were made far superior to what they are now and, for the interest of the people, would it not be better if they lost the State banks and had their deposits protected?

Mr. UNDERWOOD. I think the gentleman is clearly right, but I do not think that would be the result.

Mr. CRAWFORD. Would a prudent business man deposit in any State bank if the national banks were guaranteed by the Federal Government?

Mr. UNDERWOOD. The gentleman does not understand the proposition. It is not a proposition for the Federal Government to guarantee anything. The proposition is for the Federal Government to force these national banks that are created by the Federal Government to raise an insurance fund, deposited for safety in the hands of the Comptroller of the Currency, to guarantee the depositors against loss. There is no reason on earth why the State banks could not do the same thing.

Mr. CRAWFORD. The State banks are transacting their business absolutely on the reserve required by law and are asking no aid.

Mr. UNDERWOOD. I know; and there is no reason why the same principle would not apply to the State banks as well as to the national banks. Instead of depositing the insurance money with the Comptroller of the Currency, they could deposit the fund with the treasurer of the State. There is no difference, and there is no reason to assume that it would not be done.

The report of the Comptroller of the Currency for 1907 shows that from 1865 to 1907 only 453 out of an average of 3,121 national banks in operation each year failed during that period. The number of failures is only 5 per cent of the total number of banks chartered in the forty-three years since the organization of the national banking system. The total amount of individual deposits in national banks has been $65,763,310,417, and the annual average deposits have been $1,529,339,311. The aggregate claims proved against insolvent national banks was $161,307,663. The loss to creditors amounted to $47,911,583. The annual average amount of claims proven against insolvent banks was $3,751,341, with an annual average loss to depositors of $1,114,223. The annual average per cent of loss, proportioned on the assets of the insolvent bank, was 29.70 per cent, and the annual average loss to depositors, based on the annual average deposits of all the active national banks, was 0.073 per cent. The greatest loss that has ever occurred to depositors of national banks in one year was $4,475,528, in 1893, and in only three other years in the history of these banks did the amount exceed $2,000,000. In 1902 it was only $1,113, all of which shows that the actual loss is very small indeed; that the real cause of runs on banks and bank panics is loss of confidence, which are as often caused by idle and false rumors as by actual conditions.

The bill which I have introduced for the better protection of depositors and creditors of national banks provides that a tax of one-tenth of 1 per cent shall be levied against the national banks on their average deposits each year, to be held by the Secretary of the Treasury as a trust fund to pay losses to depositors and creditors.

The individual deposits in national banks for 1907 were $4,319,035,402. A tax of one-tenth of 1 per cent on this amount would produce about as much as the total loss in the most disastrous banking year on record, and four times as much as the average loss. In order that this tax may not become burdensome and accumulate in undue proportion, the bill provides that when the amount shall reach $10,000,000 the tax shall cease until the fund is depleted below that amount. This fund will be ample to meet all emergencies and will be self-adjusting, and not take from the banks more than is necessary to meet actual losses after the first fund has accumulated. The bill also provides that the Comptroller may pay the depositors the amounts due them as soon as the receiver takes charge of the bank.

Can anyone doubt that the passage of such a law will end all bank panics in the future? There would never be a run on a bank if the depositors knew that if the bank failed an agent of the United States Government, the day after the failure, would pay them the amount the bank owed them in full. Although the bill calls for a tax of 1 mill on the average deposits, one-half of this amount would be sufficient, and the tax would not be called for more than once in three or four years. Consider what a small burden this will be on the banks and what a great boon it will be to the depositors, the banks, and the country.

But there is a far greater reason for insuring bank deposits than the protection of the depositor.

The report of the Comptroller of the Currency for 1907 shows that the total stock of money in the United States on July 1 of last year was $3,115,600,000 and the amount of money held by national and other reporting banks of the United States at that time was $1,106,500,000, about one-third of that in actual circulation.

There can be no doubt that a considerable part of the money in the country and not in the banks, even in normal times, was in hiding; in fact, we know this to be true from common knowledge. Hardly a day passes that we do not see an account in the newspapers of some one's death and the discovery by the heirs of a large amount of money hidden away. The only motive that could cause a sane man to hide his money would be lack of confidence in the banks of the country. When we have an insurance fund guaranteeing the payment of deposits, millions of dollars would at once be deposited in the banks which are now withheld.

In times of panic a larger amount of money is needed than at any other times, but under our present banking laws those are the times when it is withdrawn from the banks. During the panic of the nineties, from 1892 to 1893, the volume of currency in circulation in the country actually increased $118,000,000, but the deposits in the banks of the country decreased $314,000,000, which demonstrates beyond a doubt that the fear of loss on the depositors' part contracts the currency in actual use in the country at the very times it is most required to meet the needs of the people.

There are other provisions in the bill I have introduced that, in my judgment, would restore confidence in our banking system and protect the depositors, but I will not attempt to go further into the details of the bill at this time.

There was no material cause for the panic of 1907—with

bountiful crops, good prices, peace at home and abroad, labor in demand—the tidal wave of prosperity should have rolled on to the music of the thrashing machine and the cotton gin and the roar of the factory and hum of the spindle. Each recurring day should have proclaimed anew our industrial greatness and domestic prosperity. In a day the mighty pyramid of our industrial success was destroyed, a deluge of distrust and disaster was precipitated upon the nation, because we had a banking system that did not command the confidence of the people and was unable to sustain the credits of the country. [Applause.]

APPENDIX.

A bill (H. R. 10547) for the better protection of depositors and creditors of national banks.

Be it enacted, etc., That a tax of one-tenth of 1 per cent per annum shall be levied upon the average amount of deposits of every character held by national banks, the amount derived from said tax so levied and collected to constitute a special fund to be held by the Treasurer of the United States for the better protection of depositors and creditors of national banks.

It shall be the duty of the Comptroller of the Currency on July 1, 1908, or as soon thereafter as practicable, and annually thereafter, to ascertain the average amount of deposits held by each and every national bank reporting to him. This shall be ascertained by adding together the amounts shown by the five reports made to him in 1907 and each year thereafter and dividing such sum by five; when the amounts are thus arrived at, the Comptroller shall notify each bank of its liability under this act, estimating the amount of tax due on such average amount of deposits at one-tenth of 1 per cent per annum, and proceed to collect the same under regulations to be formulated by said Comptroller.

An accurate account of all sums of money collected under this act shall be kept by said Comptroller, and the funds shall be certified into the Treasury of the United States to be held as a separate and special fund.

If upon the failure of any national bank the amount realized from the collection of its assets and the assessment levied upon its stockholders shall not be sufficient to pay depositors and creditors in full of the face value of their claims against said bank, then the Comptroller of the Currency shall certify said amount of deficit as ascertained by him, and the Treasurer of the United States shall proceed to draw his warrant upon such fund for the amount so certified and payable to the receiver of said bank, to be used in settling the balance of said deposits or other proper claims: *Provided, however*, That the Comptroller of the Treasury shall, when such fund is sufficient to enable him to do so, immediately pay the depositors and other proper claims in full, the amount so paid to be returned to said fund from the collection of the bank's assets and the assessment levied upon its stockholders to the extent thereof.

When the fund created by the provisions of this act shall aggregate $10,000,000 the Comptroller shall cease to levy such tax until the amount of the fund shall, in his judgment, require further collections in order to maintain a minimum of such amount of $10,000,000.

Upon the liquidation of any bank contributing to the fund herein authorized the Comptroller shall ascertain if any portion of the fund contributed by said liquidating bank should be returned to said bank after ascertaining its proportion of losses sustained and expenses properly chargeable to said fund, and if any balance is due said bank he shall certify the amount to the Treasurer, who shall draw his warrant for the amount so certified in favor of parties to whom such amount is legally payable.

SEC. 2. That no association organized under the national-bank act shall pay interest on its deposits of any nature or description, except public funds of the United States, on which they are authorized to pay interest at the rate of 2 per cent per annum: *Provided, however*, That said association may continue to pay interest on deposits heretofore made until the 1st day of July, 1909.

SEC. 3. That any national banking association now organized, or hereafter organized, desiring to withdraw its circulating notes, upon a deposit of lawful money with the Treasurer of the United States, as now provided by law, is authorized to deposit lawful money, and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, withdraw a proportionate amount of the bonds held as security for its circulating notes in the order of such deposits.

SEC. 4. That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, may authorize any national banking association, now required at all times to have on hand in lawful money of the United States an amount equal to at least 25 per cent of the aggregate amount of its deposits in all respects, to reduce said amount of lawful money so held, for a time expressed in his order, not to exceed six months, to an amount not less than 12 per cent of its deposits; and any association now required at all times to have on hand in lawful money of the United States an equal amount to at least 15 per cent of its deposits in all respects, to reduce said amount of lawful money so held, for a time expressed in his order, not to exceed four months, to an amount not less than 7 per cent of its deposits.

SEC. 5. That the affairs of each national banking association shall be managed by not less than five nor more than fifteen directors, who shall be elected by the stockholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence business of banking; and afterwards at meetings to be held on such day in January of each year as shall be specified therefor in the articles of association. The directors shall hold office for one year and until their successors are elected and have qualified.

Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or district in which the association is located for at least one year immediately preceding their election, and must be residents therein during their continuance in office.

No person shall be eligible as a director who shall be an officer or director in any other bank, trust company, insurance company, or financial or banking association. Every director must own in his own right at least twenty-five shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right at least ten shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the capital stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

SEC. 6. That no association organized under the national-bank act shall receive or accept deposits in excess of an amount equal to ten times the combined amount of its capital stock and surplus fund.

Mr. KEIFER. Mr. Chairman, I do not rise to make any formal speech. I do not think it necessary now to undertake to say anything in particular with reference to the urgent deficiency bill now before the Committee of the Whole. The chairman of the committee [Mr. TAWNEY] has made a very full and good statement in reference to it. I do not criticise anything in the bill. If it has any defects it consists of what is not in it, but of that later.

The chairman of the Committee on Appropriations has undertaken to say that there is great danger of our appropriations for the future exceeding the revenues of the Government, and he has properly called the attention of the House and all of its committees to the importance of seeing to it that we keep as nearly as possible within the revenues. I differ with some of my colleagues on the committee, and doubtless with many of the Members of this House as to the mode of making appropriations. I have witnessed in the last Congress, and I see the same symptoms coming up here in this one, that which indicates that we are to adopt a policy that to my mind is utterly unbusinesslike and which will in the end lead us to make appropriations that will be largely valueless to the country in the long run, and yet be very great. The plan of appropriating a little here and a little there for various purposes and measures results always in our appropriating in the end large sums of money and in many instances not accomplishing anything of substantial value.

This applies to the appropriations made for our coast defenses, for fortifications, and for various other things. In passing I may say, speaking from memory, that we appropriated in the last Congress, in the river and harbor bill, something over eighty millions of dollars. A large part of it when expended will be distributed here and there over the country in attempting to improve places as waterways, many of which have been appropriated for from time to time in this country since 1806, and many of them have never produced anything that helped to build up water transportation or the commerce of the country. From time to time, if we look at the history of the river and harbor appropriations, we will find that certain rivers and certain inlets and harbors have had money appropriations to improve them and then they have been abandoned, and in the course of a few years we come back again and appropriate something more for their improvement, and the necessities are the same at the time of the last appropriation as they were at the first, and no good has resulted. We could save a very large amount of money if we would appropriate at once a sufficient amount for the places that would produce results and omit the unimportant places, and we might thus retrench in our appropriations. We also adopt the dribbling policy in the matter of coast defenses; notably we refuse to close the mouth of the Chesapeake Bay through a proper appropriation that would render unnecessary all appropriations for places inside the Chesapeake or on the Potomac about Norfolk, Washington, Baltimore, Annapolis, etc. The other policy would save us hundreds and hundreds of thousands, if not millions, of dollars, and at the same time accomplish results that are not now accomplished. There is nothing now to prevent a foreign fleet, if we had war, from sailing into the Chesapeake, and the consequence would be that we would have to use our Navy within the Chesapeake to defend the country, and if we had the Chesapeake closed the Navy could go elsewhere for its service. I give this only as an illustration, and I might say that if we had appropriated a sum of money sufficient to fortify Pearl Harbor, near Honolulu, and perhaps Manila Bay, in the Philippines, we would not be talking so much and hear so much about a foreign war, and we would not have had to incur the expense, that will run into millons of dollars, of sending a fleet of sixteen battle ships around the Horn to the Pacific in order that we may show that we have some spirit left for war, if war should come. Had we made proper and timely appropriations there would have been no need to put up that sort of bluff. But this is enough, Mr. Chairman, for me to say on the subject of the mode or of our policy of making appropriations in peicemeal.

A little politics is attempted to be brought into the discussion here to-day in reference to a mode of increasing our revenues. It is said by some of the Democratic Members that the way to increase the revenues now is to cut down the tariff and thus force the people of this country to purchase foreign products—that is, to force our people to import and pay duties upon foreign manufactured articles and foreign products. The history and the experience of the past show that that result never happened through free trade. We are

now and have been through the lifetime of the Dingley tariff bill importing more goods in value and raising more revenues than we ever did before or ever will when we throw our own people out of employment in order that we may buy the product of foreign people. I am not frightened at the Democratic threat that when they get into power they will so reduce the tariff as to compel our people to buy what they consume and what they need from abroad. This involves impoverishing this country, closing factories and shops, turning the skilled and unskilled laborers out of employment, stopping our mining, and generally stopping business in the country and bringing about disaster. When that comes we will have nothing with which to buy from abroad, and importations will not be so large and our revenues will be materially reduced. Now, I am about through with this line of discussion and I do not intend to dwell upon it here any further.

PANAMA CANAL.

My purpose, Mr. Chairman, when I arose was to say something relating to the appropriation made in this bill to enable the work of constructing the Isthmian Canal to continue as at present and on the scale it is now being prosecuted. This urgent deficiency bill carries an appropriation of $12,178,900 for that purpose, and wisely so. There are no deficiencies now in the existing appropriations for the construction of the Isthmian Canal, but this large sum will be necessary to enable those in charge to continue the work upon the line of this canal to the end of the present fiscal year, June 30, 1908. Unless we conclude that we want to reduce the working force on the line of the canal and delay its completion we are obliged to make this appropriation. If it be the purpose of the United States to hasten as fast as practicable the final completion of the canal it is necessary to make this deficiency appropriation.

The total expenditures and appropriations for and on account of the Isthmian Canal thus far, including the sum carried in the pending bill, are as follows:

Payment to France (1902)	$40,000,000.00
Payment to Panama (1904) for purchase of Zone	10,000,000.00
Appropriations for construction, etc. (1902)	10,000,000.00
Appropriations as deficiency (1906)	11,000,000.00
Appropriations as deficiency (1906)	5,990,786.00
Appropriations for fiscal year 1907	25,456,415.08
Appropriations for fiscal year 1908	27,161,367.50
Deficiency appropriations for fiscal year 1908	12,178,900.00
Total to end of fiscal year 1908	141,787,468.58

Of this total $91,787,468.58 may be called appropriations for construction, and much of this sum has been or will be expended for things not estimated for by the Board of Consulting-ing Engineers when it estimated the cost of the canal project, adopted by Congress, would be $139,705,200. This estimate of the Board was exclusive of sanitation, for which already about $8,000,000 (out of the appropriations above) have been expended. exclusive of expenses of the Zone government, and for waterworks, sewers, and paving in Panama and Colon (made necessary to secure improved health conditions), and for the reequipment of the Panama Railroad. Doubtless other items of necessary expense were omitted by the Board. A change in the size of the dams and in the width of the locks will add at least $5,000,000 to their cost.

It is not at all probable that the Board's estimated cost will prove to be high enough, even with due allowances for excluded items. For myself I wish we were engaged in building a sea-level canal. I believe such a canal is practicable and that its prime cost would not be so much greater than the one we are now building as to forbid its construction, and when built it would cost far less to maintain it, and the commerce of the world would then safely pass through it unobstructed. The cost of construction of all the locks of a width of 110 feet, it is estimated by Colonel Goethals, will be $56,000,000.

Beginning with February, 1913, the United States is to pay the Panama Government $250,000 annually further on account of the acquisition of the Zone and the perpetual right to occupy it.

The estimates for all purposes on account of the canal for the fiscal year ending June 30, 1909, amount to $33,183,143.60, and this amount will doubtless be needed in that year to enable the work to be prosecuted as it should be, as much work on the construction of the locks and dams should be done in that year.

The wisdom of the canal need not be discussed now. The United States has determined to build it, and it will be built. When it will be finished we can not tell. I may say that those engaged in the work believe that they can finish this canal ready for operation by at least January, 1915. There are some of these people who believe the period of completion will be of an earlier date than that. From the time that Balboa waded into the Bay of Panama on September 29, 1513, if I recollect my reading aright, and declared that he took possession of the Pacific Ocean and all its islands for the King of Spain (then called the King of Castile), up to the present there has been talk about an isthmian canal. For a long time after engineers had reported that it was practicable to build a canal across the Isthmus of Panama the country of Europe that was in power and owned and controlled the Isthmus refused to do anything because it was decided by the ecclesiastic authorities that it would be against Divine Providence to attempt to build a channel across that isthmus where the Creator had decided in his creation that it was not necessary to have one.

But we have passed on to other things and other times, and we are going to build the canal. Why did not the French build the canal? They made a heroic effort to do it, an earnest effort to do it. They engaged the best skill of the world in the enterprise; they accomplished a good deal of work, but they failed, Mr. Chairman, because they had not proceeded far enough in scientific knowledge, not engineering alone, but in other things which were necessary to be taken into account before this canal could be built. The principal thing that caused the failure of the French was their inability to control tropical conditions, to overcome the tropical diseases which were prevalent on the Isthmus. The French were not slow about their efforts or sparing in their expenditures. They devoted, unsparingly, life and treasure to succeed. They built the best hospital ever built in a country like that in the world. They resorted to every effort, and we are now enjoying the use of many of their well-built and well-appointed hospitals, but they failed to recognize what is now recognized to be true, that a people can not be properly cared for while engaged in a great enterprise like this or when assembled in armies by merely building hospitals to care for the sick. A preventive policy must be pursued. Hospitals will take care of the sick and provide a way for many to die, but they alone will not keep up the ranks of those employed in large bodies.

We are called in our age to use all the means that advanced science and skill, experience, discovery, and learning, especially in the medical department, has brought out and attained to in the way of preventing disease and its spread. We have accomplished, Mr. Chairman, on the Isthmus that which was not possible ten years ago. I state this on the testimony of Colonel Gorgas and others. We have accomplished the matter of making that Zone a comparatively habitable and a healthful place in which to live and labor. Formerly there was deadly malarial fever all over the Isthmus. This is known by those who were familiar with that period when people used to cross the Isthmus in 1849 and later, attempting to get hastily to the gold mines of California, as "Chagres fever." Thousands then died from this virulent fever. We have now, in a large sense, gotten rid of that. It does not now originate there. There is some malaria there still, but very little, and now more malaria is taken in by people who go there to work than originates there. The anopheles or malarial mosquito that has white legs has been almost exterminated from the Zone and from the line of the canal.

We have also accomplished, Mr. Chairman, the total extermination of yellow fever from the Zone, which was almost continuous there for over one hundred years and up to about the year 1904. Practically there has been no yellow fever on the Zone since 1905. I think the testimony shows that two cases crept by the quarantine into the Zone on the Isthmus in 1905 and one sporadic case appeared in 1906, but there has been none there since; and it is impossible, in view of the conditions which have been brought about by Colonel Gorgas and those engaged with him in the sanitation, for yellow fever to appear there at all unless it is imported there.

We have literally exterminated flies also from the line of the Canal, as well as the anopheles mosquito, believed to be the medium through which malarial fevers are transmitted. We have absolutely exterminated all mosquitoes, of course, including the *Stegomyia faciata* variety that alone can communicate and transmit the disease of yellow fever. The culex, a big mosquito with a band around it, which is harmless, except to bite, has also been exterminated from the Zone.

I have twice, since the adjournment of the Fifty-ninth Congress, March 4 last, been to the Isthmus of Panama, and I have traveled back and forth each time over all parts of the line of the canal, and each time with a considerable party, and I have only found one man of all the party who heard a mosquito on the line of the canal or in the Canal Zone. I have seen none who said they ever saw one there. We were there night and day. In March we were there in the dry season, when there is no rain, or practically none. In November I was there during the rainy season, and it is always hot there, of

course, but not a mosquito was to be found in either season. Through the discoveries which were made by Maj. Walter Reed and other distinguished Army surgeons associated with him in Cuba in 1900, and later where they worked out definite results through years of experimentation, it has been demonstrated that without a mosquito of the variety called *Stegomyia fasciata* it is impossible for yellow fever to be transmitted. There must be first a yellow-fever patient, and that patient must be bitten within the first three days of the disease by a mosquito of the variety just named, and the mosquito must then live for twelve or fourteen days before its bite will transmit the disease; and if there is no patient to be bitten, or if there is a patient to be bitten and no mosquito to bite him and transmit the disease, it is impossible to propagate the disease. So the Isthmus may be said now to be absolutely free from the deadly disease of yellow fever.

The French suffered greatly from yellow fever. They were forced to cut down their force to a few immunes, and their work on the canal consequently practically ceased. They kept no complete statistics of deaths from yellow fever or from any cause, but their imperfect records show that from 1881 to 1889 in Ancon Hospital alone there were 1,200 deaths from yellow fever, and these were among the white French employees. The negroes employed by the French were not liable to the disease.

I give here some extracts from the testimony given by Col. W. C. Gorgas in the hearings before Members who visited the Isthmus in November last.

The CHAIRMAN (Mr. TAWNEY). How long has it been since there has been a case of yellow fever on the Zone, or in either of the two cities, Panama or Colon?

Colonel GORGAS. In May, 1906, the last case occurred in Colon. It was officially reported as yellow fever. There was considerable doubt about its being a case, but it was so officially reported. The case that I myself consider as a case of yellow fever occurred last in Colon in December, 1905; but we have to go on the official reports.

The CHAIRMAN. What diseases are peculiar to that particular climate? What diseases are epidemic there?

Colonel GORGAS. To this part of the country?

The CHAIRMAN. Yes.

Colonel GORGAS. Well, yellow fever is about the only one. Of course we are liable to the bubonic plague. We have never had it, but it is epidemic on the coast above and below us. Yellow fever is the only one that has ever been extensive here.

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The CHAIRMAN. Then, as I understand you, the fever would have to be imported?

Colonel GORGAS. It can not be started here now, under the present condition, unless a case comes in from the outside.

The CHAIRMAN. So that a strict quarantine or a lax quarantine will determine whether or not we will be able to exclude this disease from the Zone?

Colonel GORGAS. The only thing that would absolutely prevent the disease would be to stop commerce altogether. No quarantine could absolutely guarantee you against a case getting in. The incubation period of the disease is six days from the day a man is bitten until he develops the fever.

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The CHAIRMAN. Are measures taken by the doctors of the Marine-Hospital Service? Is there any inspection whatever of people coming out of ports like Colon and Panama?

Colonel GORGAS. They are inspected just as they are in the States.

The CHAIRMAN. So that, as I understand you, the only possibility under the present conditions of introducing yellow fever into the Canal Zone or into the cities of Colon and Panama would be to come from some other place, and just as soon as you have any information of the existence of yellow fever in any of those South American ports they are quarantined against, and the passengers coming from there are detained until their condition is ascertained definitely?

Colonel GORGAS. Yes; that is correct.

The CHAIRMAN. So there is nothing in the conditions here at present naturally to produce yellow fever?

Colonel GORGAS. There has to be that factor of infection introduced from the outside.

The CHAIRMAN. The infection has to be introduced from outside?

Colonel GORGAS. Yes, sir.

Mr. KEIFER. I want to ask you a question or two before going away from the question of yellow fever. It requires a genuine case of yellow fever and the *Stegomyia* in order to inoculate those who are nonimmune?

Colonel GORGAS. Yes; and the presence of a considerable number of nonimmunes.

Mr. KEIFER. Is it possible for the *Stegomyia* to be brought in infected, so that it might, in contact with a nonimmune, spread yellow fever?

Colonel GORGAS. It is entirely possible; but personally I do not look upon it as probable. You see, it is possible, but I do not believe yellow fever is conveyed in that way very often.

Mr. KEIFER. I want to ask you whether the *Stegomyia*, having bitten a yellow fever patient, after, say, a period of four days of the disease, would become so infected that it would spread the disease?

Colonel GORGAS. No: it is considered that the patient will not transmit the disease after the third day.

Mr. KEIFER. I thought it was the fourth.

Colonel GORGAS. No; the third.

Mr. KEIFER. Another question: After the mosquito has bitten the patient within three days, how soon after that is the mosquito in a condition to impart yellow fever to a nonimmune?

Colonel GORGAS. From twelve to twenty days, according to the season; more rapid in the summer than in the winter. If you had a case of yellow fever in, and it was going to spread, it would depend upon the number of nonimmunes.

Mr. KEIFER. Twelve days at least would have to elapse after the mosquito had bitten a patient, and that patient in the first three days of the disease?

Colonel GORGAS. Yes.

Mr. KEIFER. Now, this question: How long would the mosquito continue to be in a condition to impart the disease after the twelve days had elapsed?

Colonel GORGAS. Indefinitely, probably. When we were vaccinating in Habana we had a mosquito that was sixty-five days between the last and first imparting of the disease that it gave.

Mr. KEIFER. Then it would be practically throughout its life?

Colonel GORGAS. Yes.

Mr. KEIFER. If you could screen a patient from the mosquito for the first three or four days there would be no danger?

Colonel GORGAS. Yes; but it is practically impossible to insure that.

Mr. KEIFER. But it does a great deal toward it?

Colonel GORGAS. Yes; but I do not think it is by any means the most important measure. The destruction of the breeding places of the *Stegomyia* is the most important measure.

Mr. KEIFER. Of course, if you have not the *Stegomyia* you will not have the disease at all.

Colonel GORGAS. That is the most practical step toward the destruction of the disease.

I think I will put in my remarks the conclusion that was reached by the board that made the experiments in Cuba. The conclusion reached by that board is this, and I quote it:

1. The specific agent in the causation of yellow fever exists in the blood of a patient for the first three days of his attack, after which time he ceases to be a menace to the health of others.

2. A mosquito of a single species, *Stegomyia fasciata*, ingesting the blood of a patient during this infective period is powerless to convey the disease to another person by its bite until about twelve days have elapsed, but can do so thereafter for an indefinite period, probably during the remainder of its life.

3. The disease can not in nature be spread in any other way than by the bite of the previously infected *Stegomyia*. Articles used and soiled by patients do not carry infection.

The members of that board should be canonized for what they did for humanity, for material progress, and for civilization. Their conclusion was questioned for a time, Mr. Chairman, by learned scientists and medical men of Europe. They sent out boards to experiment about the disease and to attempt to show that yellow fever could be transmitted in some other way and through some other medium than as stated in Major Reed's board, but all of them reached the conclusion that the statement that I have just read concluded the whole subject. But enough of that.

Sanitation is the important thing. It was the essential thing that made it possible for the United States to proceed to construct this great canal. Some of you will wonder how this great sanitation work was accomplished from the Caribbean Sea to the Pacific Ocean, in general a distance of about 50 miles, with a breadth of zone of about 10 miles, through which the canal is being constructed. I can describe it now only imperfectly. First, Colonel Gorgas instituted the policy of draining all places, such as mesas and the like on the mountain sides, that were possible to be drained dry, so that they would not be a nesting or breeding place for any kind of mosquitos. Mosquitos always lay their eggs and breed in stagnant fresh water, never in sea water. When these places were drained dry there were still places where there was stagnant fresh water and where the mosquito could lay its eggs and they would hatch. These places were all carefully covered with oil and kept covered, which had the effect of destroying or preventing the eggs from hatching, and this put an end to the breeding of the mosquito, and in a short time, comparatively, the mosquito disappeared.

It seemed to me at one time as if Colonel Gorgas and his force down there were a little overparticular, but I guess I was mistaken. I believe it is one of his rules to prohibit people who live in the lowlands or on level lands along the line of this canal from keeping cows, because when the rainy season is on they might walk around in the damp places and with their hoofs make holes in the ground that would hold water and later constitute breeding places for mosquitoes. So particular were all these things carried out that there was accomplished what is almost a miracle, as compared with the miracles of old. And now we can proceed to construct this canal in the ordinary way, free almost from deadly tropical diseases. The rate of deaths in the cities of Colon and Panama was at one time about sixty, and for a time among the French it ranged between thirty and fifty per thousand. Now, among the Americans the percentage from death is from three to four per thousand—a marvelous transformation. The sick rate among the employees in October last was twenty-six per thousand, which compares favorably with the sick rate of the Army and Navy, but in the previous calendar year the sick rate was about fifty per thousand. The present sick rate seems to be lower than the French death rate at one period.

There are large and excellent hospitals at both ends (Colon and Ancon) and smaller, or temporary, ones at principal places all along the line of the canal where those who get sick or suf-

fer accidents are cared for, and so this place is better cared for, probably, in sanitation and in medical and surgical attention than any other place in the world, whether tropical or not, where great operations are going on. And this encourages us to go forward with this herculean work to its final completion. While I am speaking on this subject I may say that there are great hospitals located on the heights of Ancon Hill, near and overlooking the Pacific Ocean, extending from near Panama city westward toward and near La Boca, the southern mouth of the canal. These are beautifully situated. All of the appointments are good and everything that is desirable for the care of the sick and injured will be found there. The French erected most of the Ancon hospital buildings. In addition to these and a large hospital at Colon there are, as I have already stated, emergency hospitals or dispensaries at all the principal places along the line of the canal—at Empire, at Culebra, at Bas Obispo, and at other places, perhaps. The purpose of these latter is that when an employee falls sick or an accident overtakes him he may soon be in the care and custody of a physician and nurses and in a temporary hospital at least within an hour. There is hardly a place that an accident could happen to an employee where he would not be cared for comfortably, and just as comfortably as anywhere in the world, within an hour. And then there is a hospital car that passes, I believe, once a day, or oftener if necessary, from one ocean to the other and to the dispensaries or temporary hospitals to pick up those who should go to a permanent hospital. Those who only need temporary treatment are ministered to in these temporary hospitals and then set to work again. There is also on the island of Taboga, in the Pacific Ocean, about 12 miles from La Boca, a convalescent hospital, built by the French, but now owned and run by the United States. It is a charming and healthful island, and the hospital is finely maintained.

This much is stated to give a little hint of what the medical department has accomplished and is accomplishing. We may feel now that we are carrying on a humane work, furnishing free sanitation and free medical treatment to all who are employed in constructing the canal. We have taught the whole world a lesson in sanitation. I have dwelt rather longer on this point than I intended. I have given importance to Col. W. C. Gorgas, one of the Commission, and who has charge of the sanitation of the Zone, and wisely, under the law and the treaty concession, has charge of the sanitation and everything relating to quarantine and to health in the cities of Colon and Panama, both of which lay within the Zone, but neither of which are included, for all purposes, in the Zone, or belong to the United States. But in order to protect everything carefully the United States has charge of the sanitation, including the marine and everything else connected with the quarantine and health departments of the two cities.

The Isthmian Canal Commission is at work, most of the Commissioners being on the ground on the Isthmus actively and personally engaged, and they are doing what I deem, and what I think I may say my colleagues who were with me on both occasions believe, everything possible to hasten the construction and the final completion of the canal. The present Commission is not responsible for all the existing conditions, methods or plans, or policies still pursued in carrying on the work, but I believe it is doing the best it can in the interest of the United States, all the inherited and tropical conditions being taken into account.

Lieut. Col. George W. Goethals, United States Army, chairman of the Commission and the chief engineer and in charge, lives upon the ground (Culebra), and he is to be found daily inspecting the work and giving directions.

Maj. D. D. Gaillard, United States Army, also lives at Culebra, and has, I believe, charge of all excavation and dredging.

Maj. William L. Sibert, United States Army, resides at Culebra, and has charge of the construction of the locks and dams and perhaps other construction work. I will not and can not here undertake to define all the duties of the several Commissioners, and I speak of them because I met them, and saw them at work, and to some extent looked into their mode of handling and managing men.

I should also mention Mr. H. H. Rosseau, United States Navy, civil engineer, who also resides at Culebra, and has charge of the municipal engineering, motive power, and machinery and building.

I met on the Zone my old friend Hon. J. C. S. Blackburn, the governor of the Zone, at present here on some public duty connected with the canal, but his place is on the Zone, and he is soon to return there. He is discharging splendidly the duties of his important position as civil administrator in the interest of good order, peace, and harmony among the entire people down there.

Mr. Jackson Smith (Culebra), one of the Commission, is manager and in charge of labor, quarters, and subsistence.

Mr. Joseph B. Bishop is secretary of the Commission and has his main office at Ancon, and his duties are many and important. Under each of the Commissioners named there are many highly accomplished, skilled, and trained men in charge of important divisions and parts of the work. The work of all kinds is in successful progress all along the line of the canal.

Now, a word or two in reference to the care of the employees. It is very hard in one speech to describe what is being done in that regard. We furnish homes for everybody there. We furnish those who are called bachelors rooms in which to live, with some furniture, water, fuel, baths, and electric light. Men with families have family quarters, and they are likewise furnished these things. These quarters are well constructed on heights near to the canal, and they meet the requirements of the climate. We furnish to the laborers and common employees homes, and to certain of them food. We furnish free schools and free schoolbooks to all classes of employees who have children to be educated. We have built churches all along the line; also public halls for amusements and for meetings of all kinds. The Young Men's Christian Association is well organized at all principal places. There are laundries, bakeries, and eating places for the employees. I have personally eaten with the laborers at their usual eating places down there, and the men complain about as much, and no more, than you do at some hotels in this city, where you live until you have gotten tired of the food. The food furnished is wholesome, abundant, and all that. The water supply is pure and ample. We are doing these things for our employed people, and if there is any just criticism to be offered at all it is because we are doing rather too much than too little for them in addition to the wages that we pay all the several classes of laborers. Employees are paid on two rolls, a gold roll and a silver roll. Those on the silver roll are paid in Panamanian silver. I would prefer to have them paid in United States silver. There are but few from the United States on the silver roll. That roll is chiefly composed of Europeans and Jamaicans. The former receive 40 cents silver (equal to 20 cents gold) and the latter 20 cents silver per hour.

I want to say in general that I believe the present managing board of the Isthmian Canal, collectively and individually, are all working harmoniously, keeping up harmony and a good spirit among the employees, and, as a consequence, the great work is going on everywhere on the Isthmus better than ever before, and in saying this I cast no reflection on other or earlier administrations. For the present management I desire to say that there is no serious criticism which can be made as to them as far as I could discover, and if my colleagues discovered any objection to their management they did not disclose it, and I heard no objection to their methods of proceeding. This is encouraging, and it is some consolation for the large amount of money we have appropriated for this canal in the past, for the large deficiency we propose to cover in this bill, and the larger amounts that will have to be made for some years in the future.

Now, a word or two about the canal. I think, perhaps, I may profitably call your attention to the map before us, so that those of you who are not thoroughly familiar with the location of the canal by having gone down on the ground or from having studied its geography, topography, and other physical conditions, will understand a little better the explanations I am able to give than you could otherwise.

It is common to say that the canal when finished will be 50 miles in length, measured from deep water (50 feet) in Limon Bay on the Atlantic side, to deep water in the Pacific Ocean. More accurately speaking, the canal will be 49½ miles long.

In looking at that map, I wish to say that the right hand of the map is the north part. The map would represent, according to the usual way maps are made or placed, that the canal ran east and west across the Isthmus, but in fact it runs, in general, north and south.

It is common also to speak of the canal extending from Colon on the Atlantic to Panama on the Pacific Ocean, from east to west. This is inaccurate. Colon is not at the initial of the canal on the Atlantic side and Panama City is full 4 miles eastward from the mouth of the canal (La Boca) on the Pacific side. And the Pacific end of the canal will be about 20 miles east of the Atlantic end.

There is a common notion also, that the canal when finished will be principally a narrow channel between banks for the greater part of its length, and that its construction consists mainly in excavation work. This is also far from being the

case. There will be but about 9½ miles of the whole length, when fully completed, that will have the appearance of a canal with adjacent banks.

From deep water on the Atlantic (Caribbean Sea) side to the Gatun locks, a distance of about 7½ miles, it will be sea level, and from deep water on the Pacific side to the locks at Miraflores, a distance of about 9 miles, it will be sea level also, and, of course, sea water. This will make about 16½ miles, or about one-third of the whole line of the canal, a sea-water channel, in the construction of which there will be but comparatively little actual excavation, though dredging will be required, much of which has been done, and in considerable part, by the French.

The intervening distance between Gatun, where the first locks are located on the Atlantic side, and the Miraflores locks on the Pacific side, is, approximately, 33 miles, including all locks. But of this distance the channel or line of the canal will be through two artificial lakes. The larger lake will be formed by the Gatun dam, the surface area of which lake will be equal to 165 square miles, though it will be far from regular in form. Its water will be supplied by the Chagres River that intersects the line of the canal at or near Bas Obispo (Bishop), a distance of 22 miles, or thereabouts, from Gatun. Bas Obispo is called the south end of Lake Gatun and the north end of the canal proper. Bas Obispo is distant from Pedro Miguel, on the south (where locks are located), 9½ miles, and comprises within its limits the great Culebra (Snake) Cut, and actually that part of the whole distance from near Colon to La Boca could technically be termed "canal."

From Pedro Miguel to Miraflores (at each of which there are to be locks) the distance, inclusive of locks, is about 4 miles, about 2 miles of which will be an artificial lake, supplied by the Pedro Miguel River and other small streams. This lake was formerly to be about 5 miles across, the whole distance from Pedro Miguel to La Boca, where the last locks on the Pacific side were to be located.

It will be seen from these facts that a ship passing through the whole line of the canal will pass, going south from the Atlantic to the Pacific side, through 7½ miles of sea-water channel; thence through the locks of Gatun and over the Gatun Lake and through the channel or bed of the Chagres River 22 miles to Bas Obispo (about 10 of this 22 miles will be lake proper); thence 9½ miles through the Culebra Cut and canal proper to Pedro Miguel; thence through the Pedro Miguel locks and through the smaller lake to Miraflores, about 2 miles, and thence through the Miraflores locks into the sea-water channel, and through it, passing La Boca, about 9 miles to deep water in the Pacific, a whole distance, including all the locks, of 49½ miles.

Any seeming inaccuracies in the several distances given is on account of the locks and the length occupied by each. I have no means of accurately estimating their aggregate length, but it will be considerable.

Now, as to the locks, a word and I will pass on or be through. The principal locks will be at Gatun. Wherever a lock is deemed necessary it will be put in in duplicate. That is to say, if they build one series of locks for one line of ship travel, they will build a twin one by the side of it, so that if any accident should happen to one another might be used, and possibly both might be used under some circumstances. It is therefore proper to use the word "locks" instead of the word "lock."

It is proper to say that in the cuts for the canal proper the bottom of the canal through the cut will be 40 feet above sea level, and the mean depth of water that is expected to be maintained and required in the canal will be 45 feet, making the distance from sea level to the top of the water in the canal 85 feet. These are the specific measurements that are given in the plans, but in practice it will be found that this depth of water must be exceeded, especially in so far as the depth of the water in the Gatun Lake is concerned. The dam at Gatun will create the great Gatun Lake. If the water is necessary to be kept in the canal 45 feet deep, as has been calculated by the engineers, it would seem that the water in the lake, in order to provide for what wastage there will be, must ordinarily be more than that, in order that it may keep up to the desired height through the dry season of the year.

There are between four and five months, of the twelve months of the year, of dry season, that is, a period when little or no rain falls on the Isthmus. The dry season extends usually from about December 15 to April 15. If the top of the water in the lake is only 85 feet above sea level at the end of the rainy season, it will be drawn on through the dry season for the water necessary to be used to supply the locks with water when the canal is in operation, and this will require considerable; and its depth would be reduced by leakage, and other wasteage perhaps, and very largely by evaporation and by other natural, if not artificial, causes, so that it will have to be maintained, in fact, more than 85 feet in depth above sea level in the greater lake. I think it is estimated that it should be maintained usually from 5 to 8 feet above the 85 feet to take care of these necessary things.

Now, the locks at Gatun will be in triplet series. The water in each lock will be about 1,000 feet in length for the holding of ships, etc., going or coming, whichever way they may be proceeding. And each lock of the series will be 30 feet in its lifting or lowering capacity.

Then, as each lock will lift the vessel 30 feet, the three in succession at Gatun will bring a ship up 90 feet and into the lake proceeding from the Pacific side. Inversely a ship will be lowered from this lake by the locks. We generally speak of having the locks to lift only 85 feet, but what I have said will explain the necessity of having each of the three locks at Gatun and of the two at Pedro Miguel and of the one at Miraflores 30 feet at least. Now, as I have before stated, these locks are in all cases in duplicate. There are these three successive locks in Gatun, and machinery will have to be provided to control them, with their gates, etc., but I will not go further into that here. I understand that it has recently been decided by the engineers, on recommendation of the Navy Department, to construct all the locks 110 feet wide instead of 100 feet, as was formerly agreed upon, and that this has the approval of President Roosevelt and of Secretary of War Taft. This increase in width from 100 feet, formerly agreed upon, seems necessary to secure the passage of the large modern battle ships, also freight and passenger vessels. At Pedro Miguel there will be two sets of locks to lock up or down 60 feet; each will be 30 feet, as I have just explained, and that will accomplish the object sought. On the south of the small lake at Miraflores there will be another lock of 30 feet, and that brings us down to sea level on the Pacific side. These locks are the difficult things to construct, with the necessary dams; and I may say from what I have gathered from conversations with engineers and from observations on the ground and from hearing the testimony of officials as to the conditions, that it is more than likely that we will be working on the dams and locks and their gates after we have finished the great Culebra Cut and the 9½ miles of canal proper.

The actual work on the dam has hardly commenced. On the locks it is not expected to commence until about January next. Great preparations, however, are being made to do this work, and it may go forward faster than some of us anticipate.

I have said this much as to the physical conditions in order to give some idea, as it appears to me, of the character of this canal when it is finished, and of its capacity to carry the commerce of the world that is soon to pass through it.

It is difficult, Mr. Chairman, to pursue this line of discussion much further with profit, or to give in detail all the information that perhaps the committee would like to have. There is much more that could be said. As I recollect the statements of the witnesses called before us, principally members of the Commission, there was employed in November last on this work of all classes, including the Panama Railroad employees, something like 31,000 men. That number was then on the pay rolls, at least. Perhaps some of them were absent on leave and some sick. There are what they call the "gold employees," principally Americans, in the administrative work. There was an incomplete list given us which shows there were of the American class 4,992, and that there were of the West Indian employees 15,702, and of European laborers 5,134. I can not give from memory the numbers of all employees. It was most encouraging to witness the cheerful spirt of all classes of persons engaged on the work. There are large machine shops for repair of machines, tools, etc., assembling and rebuilding of locomotives at Gorgona, Empire, and other points. We have a great equipment all along the whole line of the canal. I think that the last report which I have seen shows that there were on the line of the railroad and in use in connection with the construction work in November, 1907, 184 locomotives. Some of them were old French locomotives rebuilt, and a considerable number were new American locomotives—above three locomotives to every mile of the canal. I can not now speak of the Isthmian railroad, operated largely in conjunction with the construction work of the canal. It is a most potential and necessary factor. The number of shovels and dredges and all those things that go to make up the equipment for the work I can not give. I do not think it would be of great benefit to undertake to give in detail all this information, if I possessed it, but if any of the committee desires to understand more about this canal and the nature and progress of the work, the care of employees, etc., the hearings that were taken before the mem-

bers that visited the canal in November last will be accessible, and complete information of all kinds will be found embodied there, chiefly in the testimony of members of the Commission.

I have no desire to prolong this discussion further. The map I have called attention to and which is before us shows the location of the canal, and it shows the latest location of locks, dams, lakes, and cuts along the line of the canal very well. I understand those maps are accessible if Members desire to get them. I thank the committee for its attention. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, I now yield to the gentleman from Alabama [Mr. WILEY].

Mr. WILEY. Mr. Chairman, on the first day of the present session of the Sixtieth Congress I introduced a bill (H. R. 536) "To aid in the temporary support of the common schools," a copy of which I send to the Clerk's desk and ask to be read as a part of the remarks I desire to submit on this occasion.

The Clerk read as follows:

Be it enacted, etc., That for eight years next after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit: The first year the sum of $7,000,000, the second year the sum of $10,000,000, the third year the sum of $15,000,000, the fourth year the sum of $13,000,000, the fifth year the sum of $11,000,000, the sixth year the sum of $9,000,000, the seventh year the sum of $7,000,000, the eighth year the sum of $5,000,000; which several sums shall be expended to secure the benefits of common school education to all the children of the school age mentioned hereafter living in the United States.

SEC. 2. That such money shall annually be divided among and paid out in the several States and Teritories in that proportion which the whole number of persons in each who, being of the age of 10 years and over, can not write, bears to the whole number of such persons in the United States; such computation shall be made according to the census of 1880.

SEC. 3. That no State or Territory shall receive any benefits of this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the character of the common school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of schoolhouses; whether the common school facilities are afforded to the white and colored children therein, and, so far as is practicable, the sources from which revenues are derived; the manner in which the same were apportioned to the use of the common schools; the number of white and the number of colored common schools; the average attendance in each class, and the length of the school term. No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded: *Provided*, That separate schools for white and colored children shall not be considered a violation of this condition. The Secretary of the Interior shall thereupon certify to the Secretary of the Treasury the names of the States and Territories which he finds to be entitled to share in the benefits of this act, and also the amount due to each.

SEC. 4. That the amount so apportioned to each State and Territory shall be drawn from the Treasury by warrant of the Secretary of the Treasury, upon the monthly estimates and requisitions of the Secretary of the Interior as the same may be needed, and shall be paid over to such officers as shall be authorized by the laws of the respective States and Territories to receive the same.

SEC. 5. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws.

SEC. 6. The money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein by the Secretary of the Interior.

SEC. 7. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

SEC. 8. That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools, or in extending opportunities for normal or other instruction to competent and suitable persons, who are without necessary means to qualify themselves for teaching, and who shall agree in writing to devote themselves exclusively, for at least one year after leaving such training schools, to teach in the common schools for such compensation as may be paid other teachers therein.

SEC. 9. That no part of the educational fund allotted to any State or Territory shall be used for the erection of schoolhouses or school buildings of any description, nor for rent of the same.

SEC. 10. That the moneys distributed under the provisions of this act shall be used only for common schools, not sectarian in character, in the school districts of the States and Territories, in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child an equal opportunity for education. The term "school district" shall include all cities, towns, parishes, and other territorial subdivisions for school purposes, and all corporations clothed by law with the power of maintaining common schools.

SEC. 11. That no second or subsequent allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory as required by section 8 of this act, and also of the number of public, common, and industrial schools, the number of teachers employed, the total number of children taught during the year and in what branches instructed, the average daily attendance, and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein. If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. The Secretary of the Interior shall have power to hear and examine any complaints of misappropriation or unjust discrimination in the use of the funds herein provided, and shall report to Congress the results thereof.

SEC. 12. That on or about the 1st day of September of each year the Secretary of the Interior shall report to the President of the United States whether any State or Territory has forfeited its right to receive its apportionment under this act, and how forfeited, and whether he has withheld such allotment on account of such forfeiture; and each State and Territory from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress.

SEC. 13. That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories, through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department. And the power to alter, amend, or repeal this act is hereby reserved.

SEC. 14. That no State or Territory that does not distribute the moneys raised for common school purposes equally for the education of all the children shall be entitled to any of the benefits of this act.

Mr. WILEY. To explain briefly, this measure has been drafted carefully, with a view to place the school question beyond the realm of politics, out of the reach of designing men who might desire to manipulate it for selfish ends, and with a sincere purpose to avoid the slightest interference with the different States in their sovereign capacity; in short, to utilize simply the wondrous resources of this Republic, unequaled in the history of the human race, which God in His goodness has given us, in order to roll back the dark cloud of illiteracy, which hangs like a deadly pall over many sections of this fair land.

The object of the bill is to give Federal aid temporarily to the common States of the country. It appropriates $7,000,000 the first year, ten millions the second year, fifteen millions the third year, thirteen millions the fourth year, and so on in graduated amounts, to five millions the eighth year—in all $77,000,000. The money is to be distributed to the States in the proportion that the whole number of persons of 10 years of age and over in each State who can not write bears to the whole population of the United States, provided that no State is allowed to receive a greater sum than shall equal what is expended out of its treasury for the maintenance of the common schools, not including certain amounts spent in the erection of school buildings. No money shall be paid to any State that shall not have provided by law a system of free common schools for all of its children of school age; but separate schools for white and colored children are permitted when required. It is further provided that not exceeding one-tenth part of the amount apportioned to a State may be applied to the support of normal schools for the training of teachers. Failure to comply with the conditions of the act or misapplication of the money apportioned to the State shall forfeit all claim to later apportionments, until compliance is assured and money misapplied is paid back or replaced by the State.

There are many other provisions in the bill, all designed to carry into effect its declared purposes of aiding the common schools and at the same time protecting the Federal Treasury against neglect or fraud in the application of the money appropriated.

Congress is not even allowed to say how the money shall be applied, while all control of studies is left to the State.

The General Government can not assume any control whatever over, or interfere with, the management of the educational system of the States. The bill does not, in the slightest manner, propose to change or alter any State law, to abridge the reserved rights of the States, or to meddle in any wise with the domestic economy of the people themselves or their right of

control or regulation in their respective States. The measure is simply designed, by aiding our common schools with Federal money, to improve thereby what is everywhere recognized to be insufficient and struggling systems.

Amongst those rights with which our Creator has endowed us and defined in the Declaration of Independence as "unalienable" are life, liberty, and the pursuit of happiness; to secure which "governments are instituted among men, deriving their just powers from the consent of the governed." The true aim and end of civilized government are not only to secure the citizen in the enjoyment of his life, liberty, property, and happiness, and to protect him at home and abroad, but also to uphold his character and honor, to preserve his health and safeguard his morals. To effectuate these beneficent purposes in this grand American Union we must build up and maintain throughout the country a splendid and adequate system of common schools. I may be pardoned for indulging the trite saying that the well-being of communities depends in a large degree upon the establishment of a thorough system of efficient public schools for the education of the youth of the land—of those who are to come after us, who are to take our places when we have gone away, and who are, therefore, the prop and support, the stay and hope, for the preservation of that civil liberty which was won by the valor of our Anglo-Saxon forefathers.

Under our theory of government, the people are the rulers. They are the source of all legislative, judicial, and executive power. From them all political authority emanates. For this reason in the enactment of laws we seek to protect the rights of the individual in his sovereign capacity. It concerns the general welfare of the nation to educate its own citizens, every one of whom is presumed to possess kingly attributes. This general welfare of the nation creates the duty to provide the means of education and gives to the cause "all its importance as an affair of public concernment." As has been well said: "It is, of human things, the highest interest of the State to put the means of obtaining a good school education within easy reach of the largest number of her children." It results that the man, or set of men, who opposes Federal aid in support of popular education is lacking in both judgment and sagacity.

To quote the eloquent words of another—

> The public school question is as big and far-reaching as all other questions of human activities combined. Without knowledge a man is a superstitious brute; with a one-sided development man is a bigot, a boodler, or a monster. And so the school question must be discussed in all its far-reaching and varied utilities as touching the individual and the masses, as touching church and state, as touching home and government. Our schools must become the living and vitalizing soul of every community. They are a great mill into which we pour every kind and condition of people and expect that superior grist, American citizenship. How varied and yet how steadfast must be the influences to accomplish this great work, and what fullness of time they should have therefor!

It is plain that universal suffrage must be supplemented by universal education. This irresistible conclusion prompted the illustrious Vest, Missouri's great orator-statesman-Senator, to proclaim in yonder Senate Chamber:

> Universal education is the only instrumentality that can exorcise the evils that attend free suffrage.

In different phraseology Governor Hughes, of New York, in a public address, recently gave utterance to the same thought:

> In order to maintain democratic ideals it is necessary, as a fundamental principle, to open the door of opportunity to all classes.

Edward Everett declared:

> Education has become, in this country at least, one of the public birthrights of freemen.
> Our system of free schools has opened a straight way from the threshold of every abode, however humble, in the village or in the city, to the high places of usefulness, influence, and honor.

The poet said: "States are not great except as men make them." If that be true, it is manifestly an important duty of government to assist in the education of its destitute children. A great philanthropist has wisely said:

> The ignorance and weakness of the poor can not stand against the greed of the wealthy; and so we have multiplied the millions of the rich and have filched the pennies from the poor until in our cities the squalor of poverty devours honor and manhood like Pharaoh's lean kine, until the multitude of children playing in the gutters—many of whom have a garbage pile for a table and a dry-goods box for a bed—with emaciated bodies and brains are an ever-present protest against their own existence.

Beholding the dark and angry flood of corruption which constantly sweeps over high and low places in political and business affairs, both in public and in private life, is it now time for this nation to pause in its scramble for wealth long enough to ask in what direction are we drifting, and whither shall we turn for relief from the evils which beset us?

We are told every day that there is corruption in politics, weakness in society, commercialism in the newspapers, and schism in the churches; but we know that many homes are crushed and embittered by ignorance, poverty, and vice. Who can save us from this "body of death," morally and intellectually? To this question the answer is easy—the public school system, sustained by every possible financial resource and fostered, encouraged, and blessed by Christian teachers, whose lives are consecrated to God and humanity. Such a system is our city of refuge from the brood of ills which are hatched from the egg of ignorance.

We may lay down as a safe rule of action, as a guide for life's duties, this plain proposition, to wit: The proper care, discipline, and instruction of the child means righteous conduct on the part of the man. "As the twig is bent the tree inclines." Give every child the right inclination by training and culture, by a systematic cultivation and development of his natural powers, by a wholesome direction of his feelings, tastes, habits, and manners, and the Government will have gone a long way toward the abolition of the social evil, the divorce problem, gambling, drinking, grafting—all of man's inhumanities to man, which make "countless millions mourn."

Let us examine the statistics for a moment. There are in the United States 23,028,148 children of school age.

We find that there are enrolled in the public schools of the several States 16,256,038 pupils, and an average daily attendance of 11,318,256; therefore it is evident there are 11,710,522 children of school age on an average absent daily from school, who are either engaged in gainful pursuits or in harmful idleness.

The lesson taught by these figures, in my humble judgment, imperatively requires that the National Government should make a speedy and efficacious effort to aid the cause of education, as above defined, by all reasonable pecuniary means.

To those who have given the subject disinterested and patriotic consideration there is no escape from the conclusion that the development of the child, as I have tried to explain, is the basic principle of all free government—its paramount concern. The education of our children in a practical way, mentally and morally, means necessarily the highest good, the summum bonum, in governmental operations. Our public schools have become, therefore, the nation's ark of safety. Why? Because if this Government permits our tender and pliant youth to grow to manhood or womanhood in ignorance, prejudice, and vice it follows, as the shadow the substance, that the nation itself will be weak and corrupt; but if their mental and moral characters are stimulated, disciplined, enlightened, and elevated it will then become necessarily strong, stable, upright, and honorable.

Already the politicians are saying this well-meant bill is unconstitutional. Assertion is not argument. Misrepresentation is not proof; but such contention may have the effect to create such opposition to the measure under consideration as to result in its defeat. In that event it will not even become an academic question for literary discussion in debating societies.

I do not hesitate to declare that the bill, if ever enacted into law, will be upheld as constitutional.

It is provided by the Constitution that Congress shall have power to provide for the common defense and general welfare of the Union. How it shall provide for the common defense and general welfare is not specified. The Supreme Court of the United States decided the national-bank act to be constitutional on the ground that Congress alone was the judge of the necessity of such an act. Under this "general welfare" clause large powers are invested in Congress, and the constitutionality of laws are now sustained by the United States Supreme Court, where, in the judgment of a majority of Congress, they are deemed needful either for the common defense or the general welfare.

This is the question in a nutshell.

We have progressed, whether rightly or wrongfully I will not undertake to say, from a narrow to a liberal construction of the Federal Constitution.

There can be no doubt that for many years in the history of this Government one of the cardinal tenets of the Democratic party was opposition to governmental aid for purposes of internal improvement. The party to which I have the honor to belong was in favor of a strict construction of the Federal Constitution and was strenuously opposed to what is commonly termed "paternalism," no matter what guise it wore or from what quarter it came. It set its face like flint against legislation making appropriations for the purpose of constructing roads and canals and improving the navigation of our water courses. As an evidence of this policy, on March 3, 1817, President James Madison vetoed a measure entitled "An act to set apart and pledge certain funds for internal improvements;" in short, appropriating money for the construction of roads and canals and for the improvement of water courses, in order to facilitate, promote, and give security to internal commerce amongst the several States and to render more easy

and less expensive the means and provisions of the common defense.

In his veto message to Congress he employed these words:

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

The power to regulate commerce among the several States can not include a power to construct roads and canals and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences, which doubtless led to the grant of this remedial power of Congress.

To refer the power in question to the clause "to provide for the common defense and general welfare" would be contrary to the established and consistent rules of interpretation as rendering the special and careful enumeration of powers which follow the clause nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation instead of the defined and limited one hitherto understood to belong to them, the term "common defense and general welfare" embracing every object and act within the purview of a legislative trust.

I am not unaware of the great importance of roads and canals and the improved navigation of water courses, and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the Constitution, and believing that it can not be deduced from any part of it without an inadmissible latitude of construction and reliance on insufficient precedents; believing also that the permanent success of the Constitution depends on a definite partition of powers between the General and the State governments, I feel constrained to veto this measure.

Again on March 4, 1822, President James Monroe vetoed a bill for "the preservation and repair of the Cumberland road," declaring that, in his opinion, Congress did not possess the power to establish turnpikes, build post-roads, or engage in works of internal improvement.

The question here presented was well defined and clean cut.

There can be no doubt of the Democratic position eighty years ago, but that policy has now entirely changed.

The millions expended every year by the General Government in building forts, constructing post-roads, and in improving rivers and harbors, as well as the numerous bills now pending before Congress asking aid for public roads and highways, demonstrate that the logic of events, the progress and prosperity of the country, our material growth and national exaltation, the genius and civilization of the age in which we live, all require the adoption of a less restrictive policy than that which the Democratic party, prior to the late civil war, was wont to observe, particularly in view of the fact that the Supreme Court of the United States, as before stated, have put a broad interpretation upon the powers contained in the Constitution which Congress, for the most part, has recognized and adopted, because in practice, it can not be denied, Congress has been very liberal, yea, latitudinous, in the construction of its legislative functions. It not only supports the Army and Navy, but also the Military and Naval academies in which to educate young men especially for that character of martial service. It not only builds forts but improves rivers and harbors, so that they can be better navigated. It has enacted the oleomargarine law to prevent discrimination against pure butter, as well as other similar measures looking to the health and morals of the people, saying in many instances, what shall we eat, what shall we drink, and wherewithal we shall be clothed. It has made appropriations to establish fish hatcheries, to distribute seeds, to survey soils and preserve forests and waterfalls. It has indorsed, and continues to indorse, the notes of national banks in order to give them value to the extent of hundreds of millions of dollars. It not only builds post-roads, but guarantees the bonds of railroad companies for vast sums to aid in constructing railways on the ground that they may be needed for carrying the mail and in transporting troops. It has given subsidies to ships and common carriers, as well as bounties to sugar made from both cane and beet; and, in recent years has made provision for irrigating arid lands in the far West. At this time the Government is engaged in the stupendous work of digging the Isthmian Canal to connect the two great oceans of the world.

A few years ago, upon the report of a failure of crops in Oklahoma, Congress voted rations for the needy boomers, while at the same time thousands of laborers were at work, under governmental pay, in throwing up proper defenses against future overflows of the Mississippi River. It has laid out and beautified magnificent national parks, maintains many Soldiers' Homes, and cares for the burying grounds of the gallant dead who followed the Stars and Stripes during the civil war. It has also made ample provision for marking the graves of Confederate soldiers and sailors whose lifeless bodies repose in the cemeteries of different Northern States.

It has passed bills to require railroads to use safety appliances for coupling cars; to tax State-bank money out of existence; to purchase lands, to build warehouses, stock and care for whisky; to purchase Alaska; to buy the Philippine Islands; to devote millions of acres of the public domain to corporations; to appropriate money for flood and fire sufferers; to send expeditions to the North Pole; to lend as well as donate money to industrial expositions and world fairs; to grant pensions to soldiers and their widows, and to make pecuniary outlays in many other instances where no provision is made therefor by express warrant in the Constitution.

The Fifty-ninth Congress enacted the national quarantine bill, the denatured alcohol bill, the pure-food bill, the meat-inspection bill, the Hepburn rate bill, the San Francisco earthquake bill, the cattle-tick bill, the boll-weevil bill, etc.

Not long since Senator BEVERIDGE, of Indiana, delivered an address under the auspices of the Forum at Yale University. His subject was, "The Meaning of the Times." I quote with approval the following true and forceful words which he employed on that interesting occasion, in defense of this last-mentioned legislation. He said:

When we stopped the robbery of the nation's forests, the robbers called it paternalism; when we stopped the sale of poisoned food and diseased meats, the sellers called it socialism; when we are trying to stop stock juggling, criminal rebates, and the like, the jugglers call it a raid on prosperity; when we try to stop government by graft and politics by purchase, those who grow rich by graft and get high places by purchase call our work interference with private affairs in the one case and assault upon respectability in the other case.

Let us not forget that, several years ago, Congress passed a bill making "a grant of land to the several States of the Union for the benefit of indigent insane persons;" also a bill "setting aside the net proceeds of the sales of public lands and the receipt from patents as an educational fund amongst the several States;" also the bill to aid the States in the establishment of agricultural and mechanical colleges, as well as the Hatch bill, under which experimental farm stations are established in each and every one of our "sovereign States."

Persons who oppose Federal aid to our common schools seem to find no inconsistency in the positions they occupy in upholding large appropriations to encourage and support agricultural and mechanical colleges, normal schools, and experimental stations, or to inspect meats, secure good food, and preserve the public health, or to exterminate cattle ticks, caterpillars, and cotton worms, or to care for the indigent insane, or to devote the proceeds of the sale of public lands to school purposes; but any endeavor, however feeble, to outstretch a helping hand in the way of applying tax money to aid in the temporary support of the common schools is regarded as nothing short of iniquitous, as glaringly unconstitutional. In the language of the late lamented Senator James L. Pugh (who ardently supported the Blair bill), "the man who comes as a friend with valuable gifts to your State for the education of your children, is denounced as a briber, a usurper, an enemy of your rights and liberties. His offer is spurned, and he himself is driven from your door as a public criminal."

I fail to perceive any difference between the power of Congress to appropriate land money, and the power of Congress to appropriate tax money, to aid temporarily in the support of common schools in the several States.

Nor am I alone in this construction of the powers of the Federal Constitution. Many eminent men, whose useful lives and distinguished services have ornamented the history of this Republic, have entertained the same opinion which Mr. Pugh himself expressed upon that subject in his able speech in advocacy of the Blair bill. In clear, ringing, and commanding words, in the use of which he had few equals and no superior, he declared:

I have no doubt Congress has as much power under the Constitution to appropriate revenue collected by taxation as Congress has to appropriate revenue collected from the sale of public lands and receipts from patents to the support of common schools in the several States.

Much of the legislation to which I have invited the attention of Members upon this floor has been predicated upon nothing more nor less than the implied powers of Congress, and was enacted under what is known as the general-welfare clause of the Constitution. Congress is the sole judge as to when and where and how these implied powers shall be invoked under this general-welfare clause. In short, almost any and every thing intended for the common defense and general welfare lies within the legislative province of Congress.

In the great case of McCullough *v.* The State of Maryland, reported in 4 Wheaton, page 316, the question was whether or not Congress had the power to incorporate a bank. And it was held that Congress had the constitutional authority to establish a banking corporation, not in the exercise of a distinct sovereign power or end of government, but as a means of carrying into effect other powers which are sovereign.

Chief Justice Marshall, in the magnificent opinion which he

delivered in that case, declared, among other things, the following great truths, to wit:

The Government of the Union is a government of the people. It emanates from them; its powers are granted by them, and are to be exercised directly on them and for their benefit.

While the powers not delegated to the United States, nor prohibited to the States, are reserved to the States or to the people, there is nothing in the Constitution which requires that everything granted shall be expressly and minutely described.

A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated and the minor ingredients which compose those objects be deducted from the nature of the objects themselves.

Provision is made in a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers would have been to change entirely the character of the instrument and to give to it the properties of a legal code. It would have been an unwise attempt to provide by immutable rules for exegencies, which, if foreseen at all, must have been seen dimly and which can be best provided for as they occur.

What a grand and glorious judicial character was John Marshall, "the oracle of American law," not of Virginia alone, but the universal favorite and favored son of this splendid Republic of free, separate, independent, and sovereign States. With a mental vision as clear and strong as the eagle's brilliant eye while gazing upon the fierce splendors of the noonday sun, he foresaw and has outlined for all time to come, as no other man before or since his day has ever essayed to do, the dual yet distinct capabilities and potentialities of both State and Federal governments, acting together, jointly and severally, beautifully and harmoniously, without jar or friction, each seeking the greatest good to the greatest number, and neither abating one jot or tittle of the lawful authority belonging to the other or resulting legitimately from the combined action of both.

The extract which I have just read in the McCullough case from that eminent jurist demonstrates that it was an impossibility for the framers of the organic law of the nation to have incorporated into its provisions all the incidental powers of government, and hence that Congress in the exercise of its implied powers can rightfully enact almost any law which that body judges to be useful or necessary for the common defense or general welfare of the people in the broadest and most comprehensive sense or meaning that may be applied to these words.

In the light of these facts, in the presence of all this remarkable character of legislation (much of which I do not approve), surely no liberal-minded, patriotic gentleman, when he takes time to reflect, ought to object to a bill which proposes to give Federal aid, for a few years only, in support of our common school systems, for the education of the youth of the country, for the benefit of our tax-ridden people, for the good which is bound to redound to the general welfare, particularly where it is manifest that many of the States, like my own native Alabama, are not able at this time, singly and alone, to make adequate provision for their full, complete, thorough, and successful maintenance.

Edward Everett, the scholar and orator, gives us this definition of human knowledge:

It is the cultivation and improvement of the spiritual principle in man. By knowledge the wings of the intellect are spread; by ignorance they are closed and palsied, and the physical passions are left to gain the ascendency. Knowledge opens all the senses to the wonders of creation; ignorance seals them up and leaves the animal propensities unbalanced by reflection, enthusiasm, and taste.

The importance of education for all can not be controverted or underestimated, for there is nothing that makes the body or so much esteem in the eye of the Great Being who formed it as the fact that there is included within it an immortal spirit whose flames can never be quenched but by an almighty act. The mind is God's masterpiece, His crowning work.

Mental improvement and moral development stand, therefore, in the front rank of every other interest.

They vitalize the social, civil, religious, and political fabric. They constitute the philosopher's stone, which converts the base metal into pure gold. They kindle the bright fires of honor and cause high feelings to swell in the soul. They distinguish the noble from the base, and lift us victorious over toil, pain, and suffering. They curb the tyrant's power and stay the despot's arm. Nobility were nothing without them, while liberty finds her best bulwark, her strongest tower of defense, in their encouragement, cultivation, and fostering care.

An enthusiastic old Greek once grandly exclaimed: "The wealth of the mind is the only true wealth." The prejudices which depose, the superstitions which enslave, vanish before an educated mind. The wealth which knowledge gives fate can not lessen, reverse can not reach, the seasons can not blight, nor fraud steal away.

"Wisdom is above price."

In the language of Job—

No mention shall be made of corals or of pearls; for the price of wisdom is above rubies. The topaz of Ethiopia shall not equal it, neither shall it be valued with pure gold.

"Knowledge is the principal thing," saith Solomon.
Therefore, get knowledge, and
With all thy getting get understanding;
Exalt her and she shall promote thee!
She shall bring thee to honor when thou dost embrace her!
She shall give to thine head an ornament of grace,
A crown of glory shall she deliver thee!

Mr. Chairman, believing that Congress has the power to vote the appropriation which this bill calls for, in which the people of my State will receive a share and derive a substantial benefit, and believing also that there resides in Congress the duty and obligation to aid the struggling and tax-burdened States to carry on and maintain these common schools, I make this appeal in behalf of the poor boys and girls of Alabama.

I ask the people's Representatives from the other States, here and now, will you fail to come up to the full measure of your responsibilities? Will you refuse to heed the voice of your constituents in a matter so grave, so far-reaching in its consequences to them? Will you omit to do your duty in this respect? It remains to be seen. I hope not. I pray not. The cause is glorious. Here is a golden opportunity to accomplish some practical good for the "common masses of the common people." Will you avail yourselves of the chance thus offered? It remains to be seen. Let it be our boast that we inherit a land "of liberty and light." Let the schoolhouse and the church be our national landmarks. Let freedom and knowledge, morals and religion be our birthrights and the birthrights of our children forever. [Applause.]

Mr. FULTON. Mr. Chairman, in my short time on this earth I have had several hard things said about me, but I never was referred to before as "the gentleman from Arkansas," although it is a mighty goods State. [Laughter.]

Now, Mr. Chairman, as this is the first time I have had occasion to address the House, it seems to me that it is proper and fitting that I should take advantage of the opportunity offered and on behalf of the people of the youngest and the greatest State in the Union to thank the Members of the House and Senate who, by their votes, struck from us the shackles of territorialism and clothed us in the vesture of American citizenship. While it is true that statehood was a long time coming to us, and while when it did come it was upon conditions such as were never before demanded of the people of any Territory as the price of admission into the Union, yet so anxious were we to be emancipated, for so long a time had we borne the burdens of a Territorial form of misgovernment, that when on that never-to-be-forgotten 16th day of June, 1906, the glorious news was flashed to us that Oklahoma, the "Land of the Fair God," was at last free, was at last given the rights which had for so long a time been denied us, a mighty shout of joy went up all over our new State.

Now, this is convincing to me at least, Mr. Chairman, that the people of Oklahoma are not in any event an ungrateful people, and is a further illustration of the truth of the old saying that "every rose has its thorn." I know and realize that the Members of this body are better informed concerning the conditions which prevail in Oklahoma than the rest of our citizens who reside without our borders, but since I have been here I have found and heard so many erroneous ideas prevailing in regard to my State and people that I trust I will be pardoned if I take up a few moments of the time allotted me and tell you something of what has been going on down there and something of the progress and the development that have taken place, something of the conditions with which we have had to contend, and of our needs at this time. I feel I am further justified in this because of the fact that this is the first time Oklahoma as a State has been represented in this body. Now, simply as an instance and to call to your mind the rapidity with which we have moved in Oklahoma, I want to cite to you a few facts. The part of our State known as "old Oklahoma," and which comprises but a small portion of our entire State, was only open to settlement eighteen years ago, and the north half of old Oklahoma, which is known as the "Strip," was opened only fourteen years ago. The southwestern portion of our State, the Kiowa and Comanche country, which my colleague from the Fifth District represents, was only opened six years ago. While it is true that the northwestern portion of our State was opened longer for settlement, yet, as a matter of fact, it was not settled until within the last four or five years. The eastern portion of our State, comprising as it does what was Indian Territory, and being composed entirely of Indian lands, and the restriction against the alienation of the same being so rigid, can scarcely be said even at this time to be open

to settlement. Now, these conditions are not such as can be said to be an incentive to the upbuilding of a new State. In addition, we were hampered for the want of proper legislation. We were burdened by outrageously excessive freight rates and inadequate railway facilities. One-half of our people had no voice whatever in the enactment of their laws or in the selection of their public officials, and, in addition, were practically bound and gagged by a perfect maze of departmental rules and regulations, but in spite of all these conditions Oklahoma has steadily forged to the front and has in a few years outclassed, surpassed, and left far in the rear many of the older States.

I want to tax your patience for a moment to read you just a few statistics to show you how great has been the progress that has been going on. For instance, Oklahoma to-day among the States ranks first in the production of broom corn, and we produce all of our broom corn just in a small portion of the State. We rank sixth in the production of cotton, and it has only been within a few years since we first began to cultivate cotton in Oklahoma. She ranks seventh in the production of cattle, ninth in the production of corn, eleventh in the production of horses and mules, twelfth in the production of hogs, and twelfth in the lowest per cent of illiterate whites. That makes me think—I do not know that there is anything in it, but it is worth the noting—that our rank in the production of hogs and illiterates is just the same. [Laughter.] She ranks thirteenth in the production of wheat and the same in the amount of railway mileage, fourteenth in the value of farm machinery, fifteenth in the production of oats, twenty-third in population, etc. As a matter of fact, Mr. Chairman, Oklahoma, although admitted as the forty-sixth State, yet the very moment she had an opportunity to compete and measure strength with her sister States immediately jumped to twenty-fourth place. I believe you may search the pages of history, but you will not find recorded there another instance of such remarkable growth and development. Now, if I should be asked to state the cause of this rapid progress my answer would have to be that it was twofold. First, our splendid, magnificent citizenship [applause], and, second, our wonderful natural resources. We have in Oklahoma to-day a million and a half of people, and I say right here that no State in the Union can show a better class of citizens or a higher class of citizenship.

These people come from almost every State in the Union. Every town, city, hamlet, and village has furnished its quota.

For instance, the State which furnishes our Presidents, the great State of Ohio, has sent 28,000 of her sons and daughters to the State of Oklahoma. And I might remark that it does not seem to have diminished her supply of presidential timber in the least. And I might further remark, as the thought comes to my mind, and I am not a prophet and I do not pose as one, yet it is possible that neither one of Ohio's illustrious sons will be our next President, and at the same time it is possible that Ohio will not be left out entirely in the cold, because it is within the realms of possibility that a former illustrious son of that State, but who is to-day an illustrious adopted son of the State of Oklahoma, and who occupies the highest office in the gift of the people of that State, may be our next President. [Applause.] But in any event, Mr. Chairman, it seems to me that the delegation in this House from Ohio should be interested in Oklahoma's welfare.

Then, another State which has furnished us with Presidents and who liked it so well wants to do so again, and which already has one avowed candidate for the Presidency—and I have not any doubt that many others who are hoping and daily praying that the Presidential lightning will strike them—is the State of Indiana. She has sent 34,000 of her people to Oklahoma. And another State which has Presidential aspirations and which would like to see her illustrious son promoted from the speakership of the greatest legislative assembly in the world to the White House, the State of Illinois, has increased Oklahoma's population by 57,000.

Take the rock-ribbed Republican State of Iowa, one of the finest States in the Union—my native State, and I am proud of it, and I hope she is, too—the State of Iowa has sent 63,000 of her people to Oklahoma. And she has done so without in any way diminishing her Republican majority. But as there is a silver lining to every cloud, so there is cause for rejoicing in this instance because of the fact that the Iowa contingent in Oklahoma, in addition to being mighty fine citizens, have, since they have located in the land of sunshine and of balmy breezes, seen the error of their former political ways and are to-day voting the Democratic ticket. [Applause on the Democratic side.]

Take the State of Kansas, which has, as a matter of fact, more Democrats and Populists who regularly vote the Republican ticket than any other State in the Union, Kansas certainly must have a friendly feeling toward Oklahoma, because there are to-day 112,000 former Kansans living in the Land of the Fair God.

Some people may not understand why the grand old Commonwealth of Missouri took a backward step in 1904 when she cast her electoral vote for a Republican for President. My eloquent friend from Missouri [CHAMP CLARK] gave one reason why that was so here the other day, but I want to give another reason, and that is that 120,000 Missouri Democrats are to-day living in Oklahoma.

The grand old State of Texas, an empire so far as her territory is concerned, but the greatest democracy in our country so far as her laws and the sentiments of her people are concerned [applause on the Democratic side]—the grand old State of Texas heads the list, and has sent to Oklahoma 153,000 of her sturdy sons and beautiful daughters.

I have here the statistics showing the immigration from the various States to Oklahoma, computed from the last census, and as the same is too long to read I ask that it be incorporated with my remarks in the RECORD:

Ohio, 28,000.
Indiana, 34,000.
Illinois, 57,000.
Iowa, 63,000.
Kansas, 112,000.
Missouri, 128,000.
Texas, 153,000.
Kentucky, 32,000.
Louisiana, 5,100.
Maine, 600.
Maryland, 1,120.
Massachusetts, 800.
Michigan, 4,800.
Mississippi, 22,400.
Montana, 222.
Nebraska, 16,000.
Nevada, 48.
New Hampshire, 280.
New Jersey, 830.
New York, 7,100.
North Carolina, 8,132.
North Dakota, 430.
Oregon, 510.
Pennsylvania, 11,200.
Rhode Island, 115.
South Carolina, 3,200.
South Dakota, 880.
Tennessee, 48,000.
Utah, 140.
Virginia, 9,600.
Washington, 430.
West Virginia, 3,200.
Wisconsin, 4,900.
Wyoming, 200.
Alabama, 8,480.
Arizona, 400.
Arkansas, 99,200.
California, 1,150.
Colorado, 2,500.
Connecticut, 380.
District of Columbia, 112.
Florida, 575.
Georgia, 18,000.
Idaho, 160.

The great majority of those who have come and settled within our State are young people. They have gone there for the purpose of building for themselves the grandest institution in the world—an American home. We are absolutely a State not only of home builders but of home owners. There are more people living in Oklahoma to-day, according to the population, who own their own homes than in any State in the Union. And then another thing that comes to my mind. It will not be denied, I believe, but that the high type of citizenship which is peculiar to our country is due to a great extent to the infusion of blood that has taken place because of the immigration to our shores of the people of all nations, and the infusion of blood which will take place in Oklahoma is bound to produce a citizenship that will cause her to assume the first rank in the sisterhood of States.

Now, as to our resources, briefly. They in variety excel any other State. It has been said, and truly, too, that if a wall should be built along the borders of Oklahoma and so constructed as to absolutely shut off all ingress or egress, our people would not want a single article of convenience or comfort that we could not produce. Our farms produce in abundance everything that grows out of the ground. We pave our city streets with our own asphalt, and we have enough to supply the world. We build our public buildings and residences out of our own marble, granite, brick, and lumber, and cement them with our own cement, of which we have an inexhaustible supply. We cook our food, heat our homes, and run our factories with natural gas, which is supplied by a thousand wells. We have one of the greatest, if not the greatest, oil fields in the world to-day. We produce a fine quality of coal in abundance, and our coal industry, the same as our other industries, has scarcely begun to be developed. We have a large supply of iron and other ores. In fact, so wonderful are our resources, if I should proceed to give them in detail at greater length I fear I might establish a reputation for truth and veracity that might not be desirable.

We have heard it said that God, after the creation of man, looked upon his handiwork and said it was good, but not very good, and then, profiting by His experience, He created another being who in face, form, and beauty was far superior to his first creation, man; and this second being he called woman, because she came after man, and, incidentally speaking, I have heard it said that she has been after him ever since [laughter]; but, however that may be, Mr. Chairman, as I have viewed the wondrous glories of my State, I have often thought that our Creator after he had fashioned other portions of our country for the habitation of man and stored the warehouses of nature for his comfort and convenience had not been entirely satisfied

with his handiwork, and desiring a perfect home for his children He bestowed all of his wisdom and power in the creation of that portion of our country now called Oklahoma [Applause], but which, on account of her wonderful beauty, surpassing, as she does, all other States as woman surpasses man, is now coming to be everywhere known as the "Land of the Fair God," as the greatest and grandest Commonwealth ever created of God to bless and prosper mankind.

Now, one more thought, and that is this. Oklahoma has attained to her position to-day practically without outside help or influence. One-half of our State until this session has never been represented on this floor in any way. The other half only by a Delegate, and consequently Oklahoma has not been the beneficiary of much-needed legislation and appropriations which other States have enjoyed. Oklahoma should have been a State ten years ago, and it was not her fault that she was not, either, and I believe many within the sound of my voice to-day will agree with me in this proposition. In any event, but for this fact she would have been enjoying all those advantages, and so I say justice and equity surely demand that she be not further denied her just claims and demands.

I apprehend that the most important legislation we will ask for at this session will be that the restriction against the sale of Indian lands be removed, and that we be allowed liberal appropriations for public buildings.

I do not intend at this time to enter into a discussion of either of these questions, as such discussion will be more proper before the committees or after bills have been reported. But I do want to say that in asking for the removal of restrictions we are asking it just as much in the interest of the Indian as of the white man. Anyone can readily understand that such legislation will be beneficial to our State, and those who are acquainted with the conditions which surround the Indians in Oklahoma must agree that such legislation will be beneficial to them. A child that has always been dependent on us for its care will never grow to the stature of a man. Any person, whether Indian or white man, who is always treated as a child will always be a child. There is no question possible but that the Indians of our country at times have not been treated as they should have been; but I firmly believe that they have received no treatment which has resulted in greater injury to them than this policy that they are but children and should be treated as such.

In addition, you can not rightfully place all Indians in one class and label them incompetent any more than you can all white men. I believe no one will say, for instance, that the senior Senator from Oklahoma, a man of splendid business ability, of classic education, and superior mental attainments, or my colleague from the Fourth District [Mr. CARTER], who is his equal in every respect, are incompetent to manage and transact their own business.

And yet they are so decreed to be, to a great extent, by the law of our land, and there are thousands of other Indians in Oklahoma fully as competent to transact their business who are denied their rights as citizens in this regard.

Now, all Oklahoma asks is that you consider this question from every standpoint; that you consider it from the standpoint of the white man, and also from the standpoint of the Indian, and if you do we are convinced that you will say that those of our citizens who went to Oklahoma at the opening and who by their energy, their industry, and their frugality have caused that old wilderness to blossom like the rose——

Mr. DRISCOLL. Will the gentleman allow me to ask him a question?

Mr. FULTON. Yes.

Mr. DRISCOLL. From the way the Indians have developed down there, I assume that a great many of them are not in tribal relations. I should like to know whether the great majority of them still live in tribal relations?

Mr. FULTON. I am unable to answer the question in the absolute figures. In the Five Civilized Tribes there are no tribal relations, and the majority of the Indians do not maintain tribal relations to-day. They are all citizens of the United States. They have exactly the same rights and powers as every other citizen, and it raises a very nice legal question which, however, I do not care to discuss at this time.

Mr. DRISCOLL. May I ask another question?

Mr. FULTON. Yes.

Mr. DRISCOLL. Are many of the members of these Five Civilized Tribes pure Indians, or are most of them mixed?

Mr. FULTON. I am not as well acquainted with the Five Civilized Tribes, because they are outside of my district, as I am with the others, but I should judge a majority of them are mixed.

Mr. DRISCOLL. We have in our county a tribe of Indians who are very largely pure Indians, and I have visited another tribe up in Canada, of whom I think none were pure Indians, but all were mixed or very largely mixed, and predominating in white blood. Is that true of the Five Tribes down there?

Mr. FULTON. I should say that the great majority of the members of the so-called "Five Civilized Tribes" are of mixed blood.

Now, Mr. Chairman, I was speaking in the interest of the white citizens, that they should not be compelled, after having increased the value of the lands of their Indian brothers, to bear the entire burden of taxation. Then I think, on the other hand, if you will look into this question you will see that in justice to the Indian himself the swaddling clothes which have bound him in his youth, and which have so retarded his growth and development, should be removed, and that he should be permitted to show himself as he is, every inch of him a man.

Just one other point. Although my time is not quite up, I see that I have taken up too much time on Oklahoma; but there is one other thought that comes to my mind in regard to public buildings. I just want to give you an illustration, so that when these matters come up, although I know you are posted now, I may present some ideas that you have not heard of. I do not know as the committee has decided whether or not any public-building bills shall be passed, but I simply call your attention to the conditions as they exist in my own district. My district numbers fifteen counties, with a total population, as shown by the last census, taken in July or August of last year, of over 280,000, and there is not a single Federal building in the entire district. Oklahoma City, which is the metropolis, not only of the State but of the entire Southwest, is in this district. Now, we are all proud of Oklahoma City. There is not a person who lives in the State of Oklahoma but is ready and willing to bear witness to our wonderful city. She is wonderful in many respects. She bears the distinction of being the largest city in the world for her age, being only 18 years old and having a population of 40,000—that is, that was the population she had when I left there two months ago. She is growing at the rate of a thousand a month, and I think I am safe in saying that her population to-day is at least 42,000.

Now, she has other things to recommend her beside her mere size. She is not of a mushroom growth. She is solidly and substantially built. Our citizens have contributed millions of dollars in public improvements, and neither is she a boom city in any sense of the word. Her growth has been rapid, yet, as a matter of fact, it has not been as rapid as that of the surrounding country. So it is a conservative estimate that in the next eight or ten years, under ordinary conditions, and provided that the present brand of prosperity does not continue too long, the population of Oklahoma City will be from 125,000 to 150,000 people.

Now, I want to call your attention to a few figures in support of my statement that Oklahoma City has been substantially builded. We have 40 miles of paved streets, paved with asphalt; we have 150 miles of cement and brick sidewalk; we have 53 miles of sanitary sewers; we have 26 miles of storm sewers; we have 50 miles of water main. We have 36 miles of street railways and an interurban line in course of construction to Guthrie; we have a municipal waterworks system valued at $565,000, with a capacity of 12,000,000 gallons. We have an electric-light plant, furnishing power for 700 users and for 500 arcs and 35,000 incandescent lights. We have a telephone system, with 7,000 connections; we have 10 banks, with total resources of $8,573,195. We have the only packing house in the State and another one coming to us. Our flour mills have a capacity of 1,020,000 barrels. We have a $125,000 court-house and a $30,000 city hall and a $50,000 public library. We also have a convention hall with a seating capacity of 5,000, and I want to remark that we are fast becoming the convention city in the Southwest. We have 12 public school buildings, valued at $650,000, one university, two colleges, one business college, 26 churches, with property valued at $1,000,000. We have 89 manufacturing establishments, employing 3,405 laborers. We have 62 jobbing houses, employing 1,112 people. We have four trunk railways, reaching 75 per cent of the trade without transfer. We have 4 daily and 17 weekly and monthly papers. Our post-office receipts for 1907 were $181,234, a gain over 1906 of $39,725, and over 1900 of $150,589.

I might state, in addition, that the Federal court of the western district of Oklahoma sits at Oklahoma City, and that we are greatly in need of a building for court purposes. A site for a post-office and court building has been secured, so all that we now need is an appropriation for a building which, we trust, will be given us at this session.

Now, Oklahoma City is not the only city in my district which is in need of and entitled to appropriations for a public building.

El Reno is the next city in size in the district, having a population of over 6,000 and growing rapidly. El Reno is one of the division points of the Rock Island Railroad. The post-office receipts last year were $18,437.20, a gain of 16 per cent over 1906. The following are some of the industries of the city: A vitrified brick plant with capacity of 50,000 per day; an artificial stone plant; planing mill; washing-machine manufactory; china-ware plant costing $150,000; one iron foundry and two machine shops; one canning factory, with capacity of 40,000 cans per day; one automobile manufactory; cotton compress and cotton gin; flour mills having capacity of 2,000 barrels per day; electric-light plant costing $150,000. As evidence that the city is growing rapidly at this time there is now under construction, Masonic hall to cost $35,000; five-story hotel to cost $80,000; 5 miles of paved street; 6 miles of street railway; city hall to cost $25,000; factory for manufacture of porcelain ware to cost $100,000; extension of sewerage mains to cost $25,000.

Anadarko, Alva, and Woodward are three more cities which are rapidly assuming the proportions of real cities and which are greatly in need of better and more adequate post-office facilities. I do not have with me at this time the statistics relative to these cities, but do know them to be cities of solid and substantial growth. In fact, there are few, if any, of the cities in Oklahoma but which are behind instead of ahead of the country surrounding them. That each of these cities will have a population of at least 5,000 in the next two or three years can not be doubted.

Now, I hope Members will not forget these statistics I have quoted, and I trust when it comes to legislation that you are not going to forget those who only a short time ago were your constituents. I believe it is true that there is not a single district in our country to-day but has within its borders more than one person who is interested in Oklahoma's welfare because of a father or a son or a daughter or a brother or a sister or some loved one who is residing there; and so when I plead for Oklahoma I believe I can say in truth and in fact that I am only voicing the sentiments of the entire United States. [Applause.]

Mr. TAWNEY. Mr. Chairman, there is no one on this side of the House who has asked for time.

Mr. LIVINGSTON. May I suggest to the chairman of the committee that we rise at half past 4?

Mr. TAWNEY. Yes.

Mr. LIVINGSTON. Then, Mr. Chairman, at half past 4 I shall move that the committee rise. I now yield five minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I did not expect to make any remarks on this occasion, but I am prompted to do so solely by the opening sentence of the distinguished gentleman who has just taken his seat. The Chairman, you will remember, made the singular mistake in recognizing the gentleman from Oklahoma as "the gentleman from Arkansas." Thereupon the gentleman from Oklahoma, with characteristic kindness and consideration, gave vent to the expression which I will attempt to quote, and if I do not quote it accurately, it is solely because of the astonishing announcement which amazed me for the time being. He said he had had many vicious things said about him since he had been on earth, but the worst thing ever said about him was that he was from Arkansas.

I want to say, Mr. Chairman and gentlemen, that we have just listened to a very remarkable speech booming Oklahoma, and I want to say to you now that the most remarkable feature of Oklahoma is the distinguished gentleman who has just taken his seat. Mr. Chairman, since I became a Member of this body I have been gratified at that sense of friendship that exists among the Members from different parts of this country. My personal associations and friendships have not been limited to any section or immediate locality. They have extended into every part of the country. This is the first time that I have ever heard uttered on the floor of this House a sentiment that would intentionally belittle any State in this Union. Why, when the gentleman spoke to you about how great Oklahoma was he told what Kansas, Illinois, and other sister States had contributed to what I admit to be one of the most remarkable developments that has ever been witnessed in this country, but the gentleman did not tell you that Arkansas sent more citizens into Oklahoma than any other State in this Union. Of course it is true there are quite a number that sheriffs are still hunting for——

Mr. OLLIE M. JAMES. May I interrupt the gentleman? Were you on the floor when reference was made to Arkansas?

Mr. ROBINSON. I was.

Mr. OLLIE M. JAMES. I thought the gentleman from Oklahoma made that reference merely in a spirit of fun.

Mr. ROBINSON. Mr. Chairman, there are two kinds of jokes. One of them everybody enjoys and the other nobody enjoys except the gentleman who perpetrates it. I want to say to the gentleman from Oklahoma and to this committee that while I am a Member of this body a reflection of that sort can not be made upon my State and my people without my rising in my seat to resent it in proper parliamentary language. [Applause.] If the time has come when the gentleman from Oklahoma or anyone else can reflect upon a great State, a great and brave people, and then hide behind the cover of a joke, well and good; let them do so. Sir, I want to tell him we have one of the greatest States in this Union, and everybody has come to know it except the gentleman from Oklahoma. Why, we can beat him any time when he talks about men, and, as to the ladies, everybody knows that we have got him beaten a whole city block. Why, Mr. Chairman, we produce the finest apples in the world, and our mines and our forests yield in remarkable abundance, and it is a well-known fact that her growth has been unparalleled during the last ten years. Why, Mr. Chairman, I am not angry with the gentleman from Oklahoma. When he tells the worst thing ever said about him was that he came from Arkansas, I want to tell him in reply, in the same spirit in which he uttered it, that about the worst thing ever said about Arkansas was that the gentleman from Oklahoma came from Arkansas. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes in which to conclude his remarks.

The CHAIRMAN. The time is in control of the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. I yield to the gentleman two minutes, Mr. Chairman.

Mr. ROBINSON. Mr. Chairman, when I contemplate the remarks made by the gentleman from Oklahoma I think of an instance that happened but a short time ago in the great political battle that came on down there. We from old Arkansas went over to help fight the gentleman's battle. I see men on the floor of this House who know that that statement is true, and in every issue in her progress and development Arkansas has gone side by side with the Indian Territory and with Oklahoma. [Applause.] When I approached the line of the State of Oklahoma recently, I saw a gigantic object looming up on the horizon. It flashed like the midday sun. I thought it must be a statue to liberty that the people of Oklahoma had erected since the adoption of their constitution, one of the greatest that has ever been adopted by any State in this Union. When I approached within about 20 miles of the State line, I was amazed and disappointed to find that great object was not a statue to liberty, it was only the gentleman from Oklahoma's opinion of himself strutting around the country over there. [Applause.] I thank you, Mr. Chairman.

Mr. FULTON. Mr. Chairman, I would like to say just a word.

Mr. LIVINGSTON. I will yield two minutes to the gentleman from Oklahoma.

Mr. FULTON. I regret very much, Mr. Chairman, that the gentleman from Arkansas [Mr. ROBINSON] has taken occasion to express himself as he has. I can not help but feel convinced that every Member who was present knew and understood that I was trying to say what I did in the best fun in the world, and I simply——

Mr. ROBINSON. Will the gentleman yield to a question?

Mr. FULTON. Certainly.

Mr. ROBINSON. Does the gentleman think that would look in the CONGRESSIONAL RECORD like a very funny joke?

Mr. FULTON. I think that the ordinary person who reads the CONGRESSIONAL RECORD——

Mr. BONYNGE. The whole thing is a joke. [Laughter.]

Mr. FULTON. But what I rose for, Mr. Chairman, was simply to say that I had no intention of hurting the feelings of any person. What I said was said in the utmost good humor; and inasmuch as it does not show in the RECORD that it was said in good humor, and without any intention of hurting the feelings of anyone, I say it now so that it shall appear in the RECORD. Why, I certainly would be an ingrate if I would say a word derogatory to people from Arkansas. I did not read it, because the list was so long, but I will say that we have nearly 100,000 people living in Oklahoma who came from that great State. I was not slandering anyone, and the gentleman knows that I am not the first person who has tried to be funny at the expense of Arkansas.

Mr. ROBINSON. I hope the gentleman will be the last on the floor of this House to do so.

Mr. FULTON. That may be true. But, Mr. Chairman, I

made my statement, and I am certain that all who were present here this afternoon understood it as I said it, and I think those who read it will so understand it. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, I had promised time to the gentleman from Missouri [Mr. SHACKLEFORD], but as I do not see him present, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, I desire to present my views regarding the present financial crisis and discuss briefly some of the remedies suggested as a means of relief. I am not a member of the Finance Committee, neither do I pretend to be authority on the subject of finance, but I have had some experience in banking, and I believe I have considerable knowledge upon this question. While, as I stated, my business heretofore has been that of banking, I am not here as the representative of the banking interests, but as the representative of 300,000 of as intelligent, as progressive, and patriotic a people as can be found anywhere on the face of the earth. I live in a large agricultural and manufacturing district, where the success of the banks depend entirely upon the success of the farmer and manufacturer. I am therefore schooled in honest banking and know but little about the methods employed by the frenzied financiers who operate on Wall street. I have no patience with and shall lend no support to any bill the purpose of which is to give to the banks, either national, State, or private, any special privileges designed to aid and benefit the banks at the expense of the people.

On the other hand, Mr. Chairman, I believe we should enact such legislation as will strengthen the banks and provide for the people safe depositories for their money. We must have banks. The business of the country could not be carried on without them; but the laws under which they operate should be so stringent that it would be impossible for a depositor to lose a single penny.

We are just now going through one of the worst panics in the history of our country. Business is practically suspended everywhere. The motive power behind the wheels of industry has been temporarily destroyed; factories are closed; millions of men out of employment; a feeling of uncertainty and despair is sweeping the country, and the people are looking to Congress for relief. Many bills are being presented in both the House and the Senate seeking to increase our circulating medium by Members who in 1896 contended that we needed no greater volume of money to transact the business of the country. Personally I do not believe any change in our financial system will be within itself sufficient to relieve the present financial condition. In my humble judgment, it will require legislation that will prevent a few Wall street gamblers from continually robbing and plundering the people through stock-gambling operations.

Now, Mr. Chairman, before entering into a discussion of the merits of this question, let us seek and look into the causes of the present financial crisis. This panic came on us at a time of unprecedented prosperity. God had permitted the sunshine and the rain to fall upon us, and the earth had brought forth bountiful crops. The products of the farm brought extremely high prices. The agriculturists were more prosperous than they had ever been before. Improvements on the farms in the way of new houses, barns, and fences created and furnished a market for the products of the forests and factories. Our great mills and manufacturing establishments were running day and night, with orders six months in advance; labor was universally employed at moderate wages; the banks throughout the country were bursting with deposits; our splendid railroad system was unable to handle the freight offered for transportation; in fact, we were in the midst of the most universal prosperity the world had ever known.

We felt assured, Mr. Chairman, that a country so blessed by nature, a country that had already wrought so marvelously, could not halt for a moment in its forward movement. With the mountains of the South and the West bursting with mineral wealth; with a soil whose fertility can not be excelled, of every variety known, capable of doubling its entire output without an increase of cultivated acreage merely by the improved methods now being adopted; with the Great Lakes on the north, the Atlantic on the east, the Gulf on the south, and the Pacific on the west; with the great Mississippi and its tributaries draining the very heart of the richest valley of earth, looking to Europe on the one side and to Asia on the other, our land had before it the promise of an advancement so stupendous as to dwarf into insignificance all that had heretofore been accomplished. [Applause.]

With such a future before us, with not a cloud in the sky to throw a shadow over our magnificent prospects, at a time when all the blessings of nature seemed to smile upon us, we were hurled into the chasms of one of the worst panics our nation ever experienced. The first notice we had of an impending storm came from Wall street. It was reported that some speculative corner in copper stock had collapsed, and immediately a terrific storm of distrust and despair swept over the country. The holders of watered stocks were panic-stricken; depositors in banks and trust companies were frightened lest they could not get their money, and a general lack of confidence broke upon the land. Banks and trust companies of New York closed their doors in the face of their depositors and refused them their money.

Two of the leading financiers on Wall street committed suicide. In the meantime the Western banks rested easy, knowing they had large deposits, and also large reserves to meet the demands of their depositors. They said, let the gamblers of Wall street speculate and commit suicide if they like; that will not disturb us. We have our reserve deposited principally with Western reserve banks, and if we need our money we can get it. But the storm continued in New York, and finally the Western banks were notified by the correspondents in Western reserve cities that New York had tied up the currency, and they could not let them have a dollar of their own money. This was the climax that brought on the most unfortunate and the most disastrous financial panic our nation has ever experienced. There was no money to handle the business of the country, and the people looked with suspicion on checks and drafts issued in payment of obligations. The products of the farm decreased in value nearly 50 per cent, and it is already estimated that the loss to the agriculturists of the country has amounted to more than $10,000,000. The manufacturing industries were unable to procure money to pay labor, and more than a million men were out of employment in less than a month. Orders placed with our manufacturers were canceled, and this forced the factories to cancel orders for material, altogether resulting in general stagnation and suspension. Banks in many places were forced to make limited payment on accounts, fixing a sum of $10, $25, or $50 as the limit they would pay in any one day. This created fear and distrust among depositors, and made the life of bankers most miserable. In the larger cities bankers adopted and put in circulation what is known as "clearing-house certificates," a form of money authorized by no law in existence. It is estimated that during the month of December, 1907, there were in circulation more than $50,000,000 of clearing-house certificates. These certificates would circulate locally, but could not be used away from home. As usual, the Wall street bankers whispered in the ear of Mr. Cortelyou, Secretary of the Treasury, and millions of Government money were dumped into New York banks to save them from everlasting ruin. This, however, was not sufficient to relieve the situation, and the Secretary of the Treasury, for the benefit of Wall street, gave notice that he would offer for sale $50,000,000 of Panama Canal bonds and $100,000,000 of 3 per cent certificates of indebtedness.

Notices referred to read as follows:

INVITING PROPOSALS FOR PANAMA CANAL BONDS.

1907. Department circular 68. Division of Loans and Currency.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, November 18, 1907.

The Secretary of the Treasury offers to the public $50,000,000 of the bonds of the Panama Canal loan authorized by section 8 of the act approved June 28, 1902, and supplemented by section 1 of the act of December 21, 1905. Both acts are quoted below.

The bonds will bear interest at the rate of 2 per cent per annum; will be dated August 1, 1906, and the interest will be paid quarterly on the 1st days of November, February, May, and August. They will be issued in denominations of $20, $100, and $1,000 of coupon bonds, and of $20, $100, $1,000, and $10,000 of registered bonds. They will be redeemable in United States gold coin, at the pleasure of the United States, after ten years from the date of their issue, and will be payable thirty years from such date. They will be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. They will be available to national banks as security for circulating notes upon the same terms as the 2 per cent consols of 1930, to wit, the semiannual tax upon circulating notes, based upon the said bonds as security, will be one-fourth of 1 per cent. They will be receivable, like all other United States bonds, as security for public deposits in national banks.

The law forbids their sale at less than par and provides that all citizens of the United States shall have equal opportunity to subscribe therefor.

In pursuance of the above announcement the Secretary invites bids for the bonds heretofore described, which must be submitted to this Department on or before the 30th of November, 1907. Each bid should state the amount of bonds desired by the subscriber, whether coupon or registered, the price he is willing to pay, and the place where he desires to make payment—whether at the Treasury of the United States or at the office of some one of the assistant treasurers at New York, Baltimore, Philadelphia, Boston, Chicago, St. Louis, Cincinnati, New Orleans, or San Francisco. All bids should be addressed to the Secretary of the Treasury, Division of Loans and Currency, and the envelopes inclosing them should be plainly marked "Bids for Panama Canal bonds."

Upon the receipt and classification of the bids hereby invited, the successful bidders will be advised of the acceptance of their bids, and they will be instructed as to the date upon which payment is desired to be made at the Treasury or some subtreasury of the United States.

In considering bids, the bidders offering the highest prices will receive the first allotment. Of two or more bidders offering the same price, those asking for the smaller amounts of bonds will receive priority in allotment. The Department reserves the right to permit bidders offering the highest prices to increase the amount of their purchases.

For the sake of uniformity the bonds will be dated August 1, 1906, which is the date of the outstanding Panama Canal bonds, but interest on the bonds of this issue will begin November 1, 1907, and bidders will be required to pay accrued interest on their bonds from that date to the date of payment.

The Department also reserves the right to reject any or all bids, if deemed to be to the interests of the United States so to do.

The bonds will be ready for delivery upon receipt of payment therefor.

Prospective bidders desiring information not contained in this circular may address the Secretary of the Treasury, Division of Loans and Currency, Washington, D. C., the assistant treasurers at Chicago, St. Louis, New Orleans, or San Francisco.

GEORGE B. CORTELYOU, *Secretary.*

SUBSCRIPTIONS TO 3 PER CENT CERTIFICATES OF INDEBTEDNESS.

1907. Department circular 67. Division of Loans and Currency.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, November 18, 1907.

The Secretary of the Treasury offers to the public at par and accrued interest from November 20, 1907, $100,000,000 of the certificates of indebtedness authorized by section 32 of the act of June 13, 1898.

The certificates will be issued in denominations of $50. They will be payable to bearer, will be dated November 20, 1907, and will bear interest at the rate of 3 per cent per annum, payable with the principal sum on and after November 20, 1908, on presentation of the certificates for redemption at the office of the Secretary of the Treasury, division of loans and currency.

Subscriptions will be received by the Secretary of the Treasury direct or through the Treasurer of the United States and the assistant treasurers located at New York, Baltimore, Philadelphia, Boston, Chicago, St. Louis, Cincinnati, New Orleans, and San Francisco, beginning on November 18 and continuing at the discretion of the Secretary of the Treasury. In order that the certificates may be properly distributed throughout the country, $50,000,000 will be allotted by the Secretary in his discretion upon offers of subscriptions addressed to him, and the remaining $50,000,000 will be allotted through the several assistant treasurers authorized to receive subscriptions at the following points: San Francisco, New Orleans, St. Louis, Chicago, Cincinnati, Boston, Baltimore, Philadelphia, and New York, and through the Treasurer of the United States at Washington.

Each subscriber to whom certificates have been allotted should pay in at the subtreasury nearest the point of subscription, on or before December 1, 1907, the face value of the amount of certificates named in the allotment, together with accrued interest at the rate of 3 per cent per annum from November 20, 1907, to the date of payment.

Allotments will be made as rapidly as possible, and for such subscriptions as are made immediately the Secretary of the Treasury is prepared to deliver temporary receipts, bearing interest from November 20, 1907, pending the delivery of the $50 engraved certificates.

GEORGE B. CORTELYOU, *Secretary.*

Now, Mr. Chairman, the point I want to make in connection with this transaction is, that the authority of the Secretary of the Treasury for the issue and sale of these bonds and certificates is as questionable as the right of the New York banks to issue clearing-house certificates to be used for circulation. The law under which the Secretary of the Treasury proceeded to issue to sell Panama bonds reads as follows:

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of $130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty days from such date, and bearing interest payable quarterly in gold coin at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Approved, June 28, 1902.

This, Mr. Chairman, was an act passed for the construction of the Panama Canal, and gave the Secretary of the Treasury authority to sell bonds to meet expenditures authorized by said act, but did not give the right to sell bonds for any other purpose. At the time of this issue and sale the proceeds derived from the sale of these bonds were not needed or used in the construction of the Panama Canal, but were used to increase the deposits of the New York banks, on which the Government received no interest.

Mr. FORNES. Mr. Chairman, the gentleman states that the Secretary of the Treasury sold $100,000,000 worth of 3 per cent bonds for the purpose of relieving the money market. Is not that a mistake?

Mr. ADAIR. I said that he advertised for sale a hundred million dollars of 3 per cent certificates.

Mr. FORNES. I beg the gentleman's pardon, then. I understood him to say that he sold them.

Mr. ADAIR. No; I did not say that he had sold them.

The law under which the Secretary of the Treasury issued and offered for sale the 3 per cent certificates can be found in "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898. Section 32 of that act reads as follows:

SEC. 32. That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed $100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act.

It is quite evident, Mr. Chairman, that in each of these authorizations to increase the public debt it is specifically provided that the money derived shall be used only for the purposes set out in the laws above quoted. Under section 32 of the act of June 13, 1898, the proceeds derived from the sale of the 3 per cent certificates could only be used to meet public expenditures. Yet at the time of this issue and sale our Treasury was filled with money and there was no necessity for the sale of $100,000,000 of 3 per cent certificates to meet public expenditures. Therefore I contend that the right of the Secretary of the Treasury to issue and sell these bonds and certificates was as questionable as the right of the banks to issue and circulate clearing-house certificates. But, Mr. Chairman, the right of the Secretary of the Treasury to sell these bonds and certificates is not the question I arose to discuss, but I merely mention this to show what has already been done to relieve the present financial stringency.

Now, Mr. Chairman, I want to direct my discussion directly to the causes of the present panic. We all admit and agree that confidence has fled, progress falters, want is heard, and prosperity paralyzed. Why this condition? Our store-houses were filled with grain, our banks with money, the fields had brought forth bountiful crops, the factories were running day and night, labor was employed, and there was absolutely no just reason why prosperity should have been interrupted. It was first urged that the present condition was brought on by an increased volume of business and an insufficient supply of actual money to meet increased demands. I do not accept this as the cause of the panic, and while I believe in a large per capita of circulation and an elastic system of currency, yet I also believe this panic would be upon us had our per capita of circulation been 50 per cent greater than it is now. In short, I do not believe our present financial crisis is due to our financial system, but can be traced to a lack of confidence in our business fabric, brought about by disclosures of dishonesty, corruption, and crookedness in many of our great corporations. We all remember the insurance investigation made not long ago, which disclosed extravagance, corruption, unlawfulness, and frenzied financiering never dreamed of. We have also been enlightened as to the methods of the Standard Oil Company, the steel trust, and other gigantic corporations, which have built up colossal fortunes off the sweat and toil of the plundered millions. We have all read of the methods employed in the overcapitalization of railroads, corporations, and industrial enterprises. Millions of stocks and bonds have been issued, representing more water than actual investment, and unloaded on innocent purchasers.

In many cases, through false entries and juggling of figures, these stocks were made to pay handsome dividends, when, in fact, the earnings did not warrant it. When these facts reached the ears of foreign investors who have large holdings in our railroad stocks and bonds they became alarmed. They immediately begun an investigation to ascertain the real value of their investments. They ask themselves: "What do we really know or not know about the property represented by our stocks and bonds? Suppose a commission is appointed and appraises the railroads which secure our investments at, say, $200,000,000, while it is stocked and bonded at $600,000,000, and on this amount has paid regular dividends and interest? In such a case it would be three times more than the Government would allow as a fair rate and would cut the dividends and interest down in proportion. How do we know whether our stocks and bonds are not of that class? And if so, what are our stocks and bonds worth?" During the past year millions of these stocks and bonds were sold in New York, and as the offerings continued the price went lower and lower until some were sold at 50 cents on the dollar. This, as a matter of course, drained

our money supply. Instead of placing our railroad stocks and bonds with foreign investors, which had heretofore been readily done, at a reasonable rate of interest, we were compelled to depend entirely upon home investors, and even those held in Europe were sent here to be sold. This condition naturally embarrassed the railroads, as the large output of the farms and factories required enormous extension of lines and equipment. The railroads not being able to raise funds by the sale of stocks and bonds in many instances mortgaged their rolling stock, and, when this was not sufficient, they offered for sale short-time railroad notes bearing a high rate of interest.

I am reliably informed that over $400,000,000 worth of this class of securities were sold, and that practically all of these notes drew interest at the rate of 8 per cent. The fact that the strongest railroads in the country were paying this high rate of interest frightened and aroused the suspicion of bankers, capitalists, and depositors. They immediately began to inquire why it was that the most powerful railroad interests in the nation were unable to borrow money without offering such an unusual rate of interest. The banks, the capitalists, and the investors not only refused to buy any more railroad securities, but offered for sale on the market those they already held. The seriousness of the situation continued to grow and was augmented by suggestion and suspicion, until finally Heinze's copper corner bursted, which caused the Knickerbocker Trust Company to close its doors and other banks and trust companies to follow suit. Many of the banks on Wall street had loaned vast sums of money on watered stocks and bonds, and when their value decreased until they were no longer security for the money borrowed, the panic was on in earnest. Therefore, Mr. Chairman, I contend that the financial panic was not caused by a shortage of money, but was the direct result of the dishonest methods employed by the stock gamblers of Wall street. Many Republicans are now blaming the President for bringing on this panic.

I do not believe he should be held directly responsible, although he has turned on the light showing the rottenness and crookedness of our railroad and trust corporations. The real responsibility resting on the Republican party lies in the fact that they have been in power during all these years, and have failed to enact laws making it impossible for the stock gamblers of Wall street to rob and plunder the people. I do not have any desire to inject politics into this discussion, for I believe now is the time for us to show our patriotism and loyalty to our country by discarding our politics and standing together in the enactment of such legislation as will restore confidence, start the wheels of industry, and prevent a recurrence of this most unfortunate panic. [Applause.]

Now, Mr. Chairman, having stated my opinion as to the cause of the present financial crisis, I now desire to offer some suggestions as to the remedy. Numerous bills have been introduced by many Members of both the House and Senate, offering a panacea for the present situation by changing our financial system, some of which contain much merit, while others are intended to meet the demands and wishes of Wall street bankers. I shall not have time in the hour allowed me for this discussion to deal with all these bills, but I do want to view for a moment the provisions of Senate bill 3023, introduced by Mr. ALDRICH. I now hold in my hand a copy of the Aldrich bill, which I ask to have printed in the RECORD as a part of my remarks on this subject.

A bill (S. 3023) to amend the national banking laws.

Be it enacted, etc., That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than 50 per cent of its capital stock, and which has a surplus of not less than 20 per cent, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency, if in his judgment business conditions demand such additional circulation and the condition of the association making the application warrants the issue, may approve such application, and shall determine the time of issue and shall fix the amount, within the limitations hereinafter imposed, of such additional circulating notes to be issued. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in section 2 of this act as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, equal in amount to 75 per cent of the market value, as fixed by the Treasurer of the United States, of the bonds so deposited, such additional circulating notes to be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes: *Provided*, That the amount of such additional circulating notes delivered at any time to any association shall not in any case exceed the limit fixed for such issue by the Comptroller of the Currency: *And provided further*, That the total amount of circulating notes outstanding of any national banking association, secured by United States bonds or otherwise, shall not at any time exceed the amount of its unimpaired capital and surplus: *And provided further*, That there shall not be outstanding at any time circulating notes issued under the provisions of this act to an amount of more than $250,000,000: *And provided further*, That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this section shall have the approval of the Secretary of the Treasury.

SEC. 2. That the Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept as security for the additional circulating notes provided for in the preceding sections, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued for municipal purposes by any city or county in the United States which has been in existence as a city or county for a period of fifteen years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and which has at such date more than 20,000 inhabitants as established by the last national census, and whose net indebtedness does not exceed 10 per cent of the valuation of the taxable property therein, to be ascertained by the last preceding valuation of property for the assessment of taxes; or the first-mortgage bonds of any railroad company, not including street-railway bonds, which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds. The Treasurer of the United States, with the approval of the Secretary of the Treasury, may accept, for the purposes of this act, securities herein enumerated in such proportions as he may from time to time determine, and he may at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

SEC. 3. That all bonds deposited to secure circulating notes issued in accordance with the terms of this act shall be transferred to the Treasurer of the United States in trust for the association depositing them, with a memorandum to that effect attached to or written or printed on each bond, and signed by the cashier or some other officer of the association making the deposit. A receipt shall be given to the association by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections 5163, 5164, 5165, 5166, and 5167 of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of this act.

SEC. 4. That section 5214 of the Revised Statutes, as amended, be further amended to read as follows:

"SEC. 5214. National banking associations having on deposit bonds of the United States, bearing interest at the rate of 2 per cent per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section 8 of 'An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June 28, 1902, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds bearing interest at a rate higher than 2 per cent per annum shall pay a tax of one-half per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having on deposit bonds to secure their circulating notes other than bonds of the United States shall pay a monthly tax of one-half of 1 per cent upon the average amount of such of their notes in circulation as are based upon the deposit of such bonds. Every national banking association having outstanding circulating notes secured by a deposit of bonds other than bonds of the United States shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation. The taxes received on circulating notes secured by bonds other than bonds of the United States shall be paid into the division of redemption of the Treasury and credited to the reserve fund held for the redemption of United States and other notes."

SEC. 5. That section 9 of the act approved July 12, 1882, as amended by the act approved March 4, 1907, be further amended to read as follows:

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section 4 of the act approved June 20, 1874, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits; and in like manner and effect any such association desiring to withdraw any of its circulating notes, secured by the deposit of bonds other than bonds of the United States, may make such withdrawal at any time by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the bonds so deposited may be withdrawn: *Provided*, That the provisions of this section shall not apply to United States bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof."

SEC. 6. That section 5172 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom and numbered such quantity of circulating notes in blank of the denominations of $5, $10, $20, $50, $100, $500, $1,000, and $10,000, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they will be redeemed by the United States in lawful money upon presentation at the Treasury. This pledge shall be certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. Upon request of any national banking association, the Comptroller of the Currency, under the direction of the Secretary of the Treasury, shall cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal

to 50 per cent of the capital stock of such association; such notes to be deposited in the Treasury or the subtreasury of the United States nearest the place of business of the association making the request, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law."

SEC. 7. That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section 3 of the act approved June 20, 1874, shall be redeemed in lawful money of the United States.

SEC. 8. That national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold at all times at least two-thirds of such reserve in lawful money. The provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

Now, Mr. Chairman, I desire to state that, in my opinion, this bill was designed to aid, and will aid, no one except the Wall street gamblers. It provides that banks may deposit with the Treasury almost any kind of securities and receive 75 per cent of the market value in money, on which they are to pay a monthly tax of one-half of 1 per cent. Under the provisions of this bill Mr. Harriman would not only have a market for these bonds, but for any other securities or bonds he cared to unload on the Government. In other words, the Aldrich bill provides for an issue of circulating notes by the Treasury to the banks, said issue to be based on State, county, municipal, and railroad bonds. The issue is to be limited to $250,000,000 and is to be taxed 6 per cent. It seems to me that the real purpose of this bill is to limit the inflation to banks able to obtain a rate of interest higher than 6 per cent on currency. This, as a matter of course, includes only such banks as cater to stock gamblers and not business men, who can not afford to pay the call-loan rates now paid by the gamblers of Wall street. I therefore believe, Mr. Chairman, that the Aldrich bill was drawn with the view of conferring special privileges by forcing Government patronage of a favored class in a favored community. I shall use my vote and my influence in defeating this bill. I shall not have the time to take up and discuss the merits of other bills introduced in the House and Senate, many of which contain some excellent provisions, but none of which, in my judgment, are sufficiently meritorious to warrant their passage.

Now, Mr. Chairman, I want to submit to this House the remedy I would suggest to relieve the present financial panic and to prevent a recurrence. Believing, as I do, that this panic is the result of methods employed by our "captains of finance" in the overcapitalization and overissue of stocks and bonds by railroads, corporations, and industrial enterprises, I would first enact a law making it criminal, and prescribing a heavy penalty for its violation, for any corporation of any character to issue stock in excess of its actual investment. Believing this was the first and most important step, I introduced a bill in this House, known as H. R. 10498, which is now in the hands of the Committee on the Judiciary, and which is a bill to prevent and punish overissue of stock by combinations, consolidated companies, or trusts engaged in interstate commerce. This bill in substance provides that whenever two or more corporations engaged in interstate commerce shall enter into any lawful merger or consolidation whereby the two or more corporations shall become one or shall fall under one management in any manner, directly or indirectly, and said consolidated corporation or merger management thereof shall issue stock, common or preferred, the total volume of such stock shall not exceed the sum total of the actual market value of bona fide outstanding stock six months previous to the date of consolidation or merger in the several corporations so merged or consolidated. It also provides that if any corporation, corporations, or consolidated corporation shall violate the provisions of this act then each officer and each member of any board of directors or board of management or board of trustees of any such corporation participating by vote, act, or otherwise in such unlawful overissue of stock shall be guilty of the crime of public cheating, and shall, upon conviction in any circuit court of the United States, be fined not less than $1,000 and confined in a United States prison, with hard labor, for not less than twelve months.

Mr. Chairman, I honestly believe that if Congress will enact this bill into law, and the States will enact a similar law governing the issue of stock and bonds by corporations organized under State laws and not doing an interstate commerce business, that the leading and principal cause of financial panics will be eliminated. I also believe that Wall street has had the use of Government money long enough without paying interest to the Government for its use. Millions of the people's money, exacted by high tariff taxes and otherwise, have continually remained on deposit with New York banks, and have been used by said banks in all kinds of wild-cat speculation. Practically every State in the Union has depository laws providing that interest on public funds shall go to the public, and there is no plausible reason why the Government should not require and collect interest on Government funds deposited with national banks. By so doing the people would be at least partially relieved from an already burdensome taxation. I have introduced in the House a bill known as H. R. 11313, now in the hands of the Committee on Ways and Means, providing for the payment of interest on Government deposits, a copy of which I now hold in my hand and ask that it be printed in the RECORD as a part of my remarks upon the subject.

A bill (H. R. 11313) governing deposits by the Secretary of the Treasury with national and State banks, and requiring payment of interest on said deposits.

Be it enacted, etc., That it is hereby made the duty of the Secretary of the Treasury on the 1st day of July, the 1st day of October, the 1st day of January, and the 1st day of April of each year, after thirty days' previous notice of his purpose, to receive and open sealed bids from national and State banks applying to receive deposits (on call) of surplus moneys in the United States Treasury, and to award deposits to said bidding banks as hereinafter provided.

SEC. 2. That each bid to receive deposit of any of said funds shall state the amount of money applied for to be deposited with the bank making the bid, and the Secretary of the Treasury shall award deposits in amounts not greater than the amounts applied for to the banks offering the highest rate of interest in the order of the rates of their respective bids of interest. Where two or more banks offer the same rate of interest, that rate being higher than the rate offered by any other bank, and the amounts applied for by all banks exceed the total of surplus funds in the Treasury to be deposited, then proportionate deposits shall be awarded to each of said highest bidding banks in the proportion which the total amount of surplus funds in the Treasury bears to the total of amounts applied for by said highest-bidding banks: *Provided*, That no offer to take on deposit an amount less than $25,000 nor above the paid-up capital stock of any bank shall be considered by the Secretary of the Treasury: *And provided further*, That the Secretary of the Treasury may, in his sound discretion and after giving thirty days' public notice of his intention, deposit funds on fixed time not to exceed four months, as well as "on call," subject, however, to the provisions governing deposits "on call" contained in this act and to other provisions of law for such cases made and provided and being not in conflict with the provisions of this act.

SEC. 3. That the Secretary of the Treasury shall not make, authorize, nor permit any deposit of United States Government funds in any bank which shall not previously to said deposit have complied with the provisions of this act, as well as with all existing laws and lawful regulations governing security to be given for repayment of funds deposited with banks on demand, which provisions for security for repayment of deposits on demand are hereby made applicable to deposits on fixed time, when, in the discretion of the Secretary of the Treasury, deposits on fixed time are made.

Now, Mr. Chairman, I should like for any gentleman on the floor of this House to state a single reason why this bill should not become a law. On the 10th day of January, 1908, the Government had on deposit with national banks Government funds amounting to the enormous sum of $253,238,765.11, upon which no interest is paid. Principally all of this vast sum is deposited with banks in New York, Philadelphia, Chicago, St. Louis, and other large cities, and but a very small part of this fund ever reaches the rural districts. Just think for a moment; if the Government received interest at the rate of 2 per cent on this vast sum of money it would amount to the enormous sum of $5,064,775.30 each year. Therefore the people are contributing to a favored few, principally Wall street gamblers, more than $5,000,000 annually. This large sum of money absolutely given away each year to a special privileged class would be sufficient to increase the pension to at least $12 per month of every widow whose husband served in the civil war, and by reason of whose service you and I are permitted to enjoy this united country. Many of these widows are now drawing the measly sum of $8 per month, and since I have introduced a bill in this House providing that it be raised to $12 per month I have already heard objections to my bill, based upon the fact that it would require $5,000,000 to pay the increase, yet at this time we are annually giving away to the already rich more than this amount. [Applause.]

In the name of common sense, has not this special privilege continued long enough, and in the interest of justice will not the Republican side of this House join me in forever putting at an end this unholy privilege? The people who constitute this Government, and from whom these funds were collected by way of taxation, are entitled to interest on Government deposits, and, in my judgment, the man who opposes the passage of this bill thinks more of the almighty dollar than he does of the welfare of his country. [Applause.]

Another very important step to take to remove the possibility of future panics is through the enactment of a law making deposits in banks just as safe as a Government bond. This can easily be done by providing for an assessment of a very small per cent on the deposits of all national banks, thereby creating a fund out of which all losses can be paid. If you will examine the reports of the Comptroller of the Currency since the existence of national banks, you will find that an assessment of one-twentieth of 1 per cent on the total deposits of all national

banks would have more than paid the losses sustained by depositors. Such an assessment would be so slight that no bank would feel it, and in addition would bring out of hiding large sums of money, which would find its way into national banks, thereby increasing their deposits and adding to their profits more than the amount of their assessment.

In support of this contention, I have introduced a bill in the House entitled, "A bill to secure depositors in national banks against loss," which reads as follows:

Be it enacted, etc., That every national bank organized under the laws of the United States shall on or before the 1st day of January of each year after the passage of this act deposit with the Treasurer of the United States a sum equal to one-tenth of 1 per cent of its average deposits for the six months preceding said 1st day of January. In case any such national bank shall fail to make such deposit, special notice of such failure shall be immediately given by the said Treasurer by mailing a statement of the fact to the cashier of the bank; and if such bank shall not deposit such amount within thirty days from the day on which such special notice is mailed, then such failure shall work a forfeiture of its charter and the Comptroller of the Currency shall at once take possession of said bank, as is now provided by law in cases of mismanagement or insolvency, and shall administer the affairs of such defaulting bank as is now provided by law in cases of mismanagement or insolvency: *Provided*, That whenever the Treasurer shall have on hand in the special fund raised by such tax the sum of $10,000,000 the Comptroller of the Currency shall, by order, suspend the tax until the amount of the special fund falls below the sum of $10,000,000.

SEC. 2. That whenever the Comptroller of the Currency shall be advised of the failure of any national bank he shall at once ascertain the amount due depositors and creditors of the bank (not including stockholders, officers, or directors) and from the special fund provided for in section 1 of this act shall, as soon as convenient, cause to be paid to such depositors and creditors (not including stockholders, officers, and directors) the amount due them.

SEC. 3. That the assets of such failing banks shall be turned into cash as now provided, and the amount realized shall be used, first, to satisfy all claims not provided for in section 2, and the amount remaining shall be paid into the special fund provided for in section 1 of this act: *Provided*, That nothing herein shall be construed to exempt the stockholders from the liability of 100 per cent of their stock in addition to their stock over the assets of such failing bank until all debts due from the bank have been paid and the special fund provided for in section 1 be reimbursed to the extent that it was drawn upon, as provided by section 2 of this act.

SEC. 4. That the United States hereby assumes no liability to depositors of national banks, except as a trustee to depositors under the special fund in this act provided for, and the Comptroller of the Currency shall pay out the money in the order in which he receives notice of failure, paying all proper liabilities of one bank as aforesaid before any of the liabilities of a bank whose failure is subsequently announced.

SEC. 5. That to provide against a contraction of the currency by the holding of this special fund in trust the Secretary of the Treasury is hereby empowered and directed to pay and issue out, for the general expenses of the Government, United States Treasury notes, commonly known as greenbacks, like those authorized by the law approved February 25, 1862, equal to the amount held in special fund, and the Treasury notes shall have all the legal-tender qualities possessed by the Treasury notes issued under said act of February 25, 1862.

Now, Mr. Chairman, if Congress will enact this bill into law, thereby insuring depositors against possible loss, it will force the States to adopt similar laws for the protection of depositors in State banks, and will ultimately result in a system of banking the best the world has ever known. When this bill becomes a law runs on national banks will be a thing of the past and such flurries as the one which recently originated in New York, by the bursting of a corner on copper, will have no effect on the safety of banks and will not shake the confidence of the people. I confidently believe, Mr. Speaker, that if the suggestions I have made were carried out, and the bills I have introduced touching upon this subject were enacted into law, money panics would be a thing of the past. While I believe in an elastic currency and a large per capita of circulation, I also believe that what we need more than these is the confidence of the people, and that can only be gained through the enactment of laws which will reduce to a minimum dishonesty, corruption, unlawfulness, and the vicious villainy of commercial vampires. I have unbounded confidence in the American people, and believe their Representatives in Congress will be broad enough, and patriotic enough, to solve this problem in a way that will do justice to both the banks and the people. Let us lay aside our politics and work together, with the hope of bringing about a solution of this question that will win for the banking system of America the admiration of the world and forever put at end the possibility of a financial panic. [Loud applause.]

Mr. TAWNEY. Mr. Chairman——

Mr. GAINES of Tennessee. If the gentleman will pardon me, I was called out of the Chamber during the gentleman's speech and I want to get some information from him, and if he will give me a minute or two I can get it now. What are the deficiencies that occurred in this bill which were brought about by hauling of bonds and money and securities for the Government? I have been trying to get the information, and I think the gentleman has it.

Mr. TAWNEY. For the fiscal year 1907, $6,721.67.

Mr. GAINES of Tennessee. For what?

Mr. TAWNEY. That is on account of contingent expenses, independent treasury. That is entirely for transportation of Government securities. For the transportation of silver dollars for the fiscal year 1907, $14,053.19. For the transportation of minor coins for the last fiscal year, $5,281.

Mr. GAINES of Tennessee. Well, now, how much deficiency is there for carrying the moneys, bonds, and securities? Of course that would include silver.

Mr. TAWNEY. It would not include silver. Six thousand seven hundred and twenty-one dollars and sixty-seven cents on account of contingent expenses of independent treasuries, which is for transporting notes, bonds, and other securities of the United States.

Mr. GAINES of Tennessee. Was the last appropriation to cover that?

Mr. TAWNEY. Two hundred and forty thousand dollars for the current fiscal year.

Mr. GAINES of Tennessee. That is the regular appropriation for this transportation service?

Mr. TAWNEY. Yes; the Department transportation service; that is, between the subtreasuries, for the transportation of public moneys, notes, bonds, and other securities of the United States—between United States subtreasuries.

Mr. GAINES of Tennessee. Can you give me any information showing how much the Government pays annually for the transportation of all her moneys, bonds, and securities?

Mr. TAWNEY. Including silver dollars and fractional silver coin?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. Last fiscal year; if the gentleman will take his pencil and a piece of paper he can figure it. In the current appropriation $240,000 for the transportation of public moneys, notes, bonds, and other securities of the United States; transportation for silver dollars, $50,000; transportation of fractional silver coin, $50,000——

Mr. GAINES of Tennessee. I have not a pencil, but I will get the gentleman's figures in the RECORD in the morning.

Mr. TAWNEY (continuing). Transportation of minor coin, $18,000.

Mr. GAINES of Tennessee. Now, can the gentleman inform me why it is that we have a deficiency every year for this transportation service?

Mr. TAWNEY. Under the first item it is a statutory service. The Treasury Department has no discretion whatever of the amount that is to be expended for the service. They must transport the money as it is demanded from time to time between the subtreasuries, and it is impossible to estimate in advance the exact amount of money that will be required.

Mr. GAINES of Tennessee. How is this transportation done?

Mr. TAWNEY. By the United States Express Company. It has the transportation of the silver coin. For the transportation of silver dollars we have appropriated $50,000 and for fractional silver coin $50,000. That is governed entirely by the amount appropriated. There is no law authorizing it, and as the gentleman well knows, I have endeavored in the two last previous sessions of Congress to wipe out that service entirely.

Mr. GAINES of Tennessee. I know the gentleman is in favor of that. There is some opposition on this side, but I think a little more per capita on the other side.

Mr. TAWNEY. The South generally is against any such proposition.

Mr. GAINES of Tennessee. Has the gentleman a copy of the contract executed between the Government and this express company?

Mr. TAWNEY. I have not, but if the gentleman will refer to the hearings of the last session on the legislative bill he will find a copy of that contract.

Mr. GAINES of Tennessee. Does the gentleman know the date?

Mr. TAWNEY. It is executed from time to time as appropriations are made.

Mr. GAINES of Tennessee. Now, I understand that contract is fourteen years old and that they have had the same contract for fourteen years. Does the gentleman know how much more the Government is hauling or transporting of these moneys, etc., now than ten years ago?

Mr. TAWNEY. I do not, but I will endeavor to find out before we reach the items in the reading of the bill, and I will endeavor to give the gentleman any information in detail that I may obtain.

Mr. GAINES of Tennessee. I think the Government is imposed upon very much in this transportation service.

Mr. TAWNEY. I think it is very much imposed on by Congress authorizing and paying for the transportation of a great deal of this money for the benefit and at the request of the bankers, private corporations, and department stores.

Mr. GAINES of Tennessee. Well, that may be true. Will

the gentleman allow me two or three minutes?

Mr. TAWNEY. The committee had agreed to rise in the absence of the gentleman from the floor.

Mr. GAINES of Tennessee. I think the Government is paying more for the transportation of this money than it ought to pay. I am trying to find out how much it has paid, when the contract was made, and how much is transported, etc.

Mr. TAWNEY. I respectfully call the gentleman's attention to the hearings on the legislative bill of the first session of the last Congress and the CONGRESSIONAL RECORD of that session, where he will get all the data to be obtained.

I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose, and Mr. BOUTELL having assumed the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14766 and had come to no resolution thereon.

ASSISTANT CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. CURRIER. Mr. Speaker, I present a privileged report from the Committee on Accounts in lieu of House resolution 157.

The SPEAKER pro tempore. The gentleman from New Hampshire submits a privileged report from the Committee on Accounts, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of an assistant clerk to the Committee on Indian Affairs, during the sessions of the Sixtieth Congress, per diem compensation of $6, which shall equal in the aggregate the amount paid session clerks whose employment is provided for by law. The pay of said clerk shall commence from the time he entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee.

Mr. CURRIER. Mr. Speaker, I ask that the report be read.

Mr. TAWNEY. Is it long?

Mr. CURRIER. It is very short.

The Clerk read as follows:

The Committee on Accounts, to whom was referred H. Res. 157, have had the same under consideration and recommend in lieu thereof the adoption of the following resolution:

"*Resolved*, That there shall be paid, out of the contingent fund of the House, for the services of an assistant clerk to the Committee on Indian Affairs during the sessions of the Sixtieth Congress per diem compensation of $6, which shall equal in the aggregate the amount paid session clerks whose employment is provided for by law. The pay of said clerk shall commence from the time he entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of said committee."

It has been customary for many years to grant an additional session clerk to the Committee on Indian Affairs, and the resolution reported herewith conforms to the practice.

The Committee on Indian Affairs has jurisdiction of the Indian appropriation bill, besides a large number of other matters pertaining to Indian tribes and reservations. The work is such as to warrant, as in the past, the granting of the clerk authorized by the accompanying resolution.

Mr. CLARK of Missouri. Mr. Speaker, this resolution creates no new office, but simply continues an old one.

Mr. CURRIER. That is all. This office, for many years, has been provided for in this way.

Mr. GOULDEN. It creates no new office, and is a unanimous report.

Mr. CURRIER. I move the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. CURRIER, a motion to reconsider the last vote was laid on the table.

CLERKS TO PACIFIC RAILROADS AND PRIVATE LAND CLAIMS COMMITTEES.

Mr. CURRIER. I also present another report from the Committee on Accounts, which I ask the Clerk to read.

The Clerk read as follows:

(In lieu of House resolutions 91 and 94.)

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of clerks to the Committees on Pacific Railroads and Private Land Claims, respectively, to serve during the sessions of the Sixtieth Congress, per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law. The pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

The Committee on Accounts, to whom was referred House resolutions Nos. 91 and 94, have had the same under consideration and recommend in lieu thereof the adoption of the following resolution:

"*Resolved*, That there shall be paid, out of the contingent fund of the House, for the services of clerks to the Committees on Pacific Railroads and Private Land Claims, respectively, to serve during the sessions of the Sixtieth Congress, per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law. The pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees."

This resolution conforms to the practice of a number of past Congresses in allowing session clerks to the Committees on Pacific Railroads and Private Land Claims. The chairmen, respectively, of those committees appeared before the Committee on Accounts and stated that the same reasons exist now as in the past for the granting of this clerical assistance.

Your committee therefore report the accompanying resolution substantially in the form in which it was passed in the last Congress, and recommend its adoption.

Mr. CURRIER. I move the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. CURRIER, a motion to reconsider the last report was laid on the table.

UNITED STATES NATIONAL BANK OF AMERICA.

Mr. FORNES. Mr. Speaker, I ask unanimous consent for a reprint of 1,000 copies of the bill H. R. 13845, providing for the establishment of the United States National Bank of America in the city of Washington, D. C.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for the reprint of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. If there be no objection, the reprint will be ordered.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and a resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4064. An act to provide for a term of the United States circuit and district courts at Lander, Wyo.—to the Committee on the Judiciary.

S. 110. An act for the erection of an addition or extension to the post-office and court-house at Sioux Falls, S. Dak.—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 20:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized to extend the examination and survey of Cowlitz River, provided for in the river and harbor act of March 2, 1907, up to the head of navigation at Toledo, Wash.—

to the Committee on Rivers and Harbors.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. GREEN. Mr. Speaker, I ask unanimous consent for immediate consideration of the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Merchant Marine and Fisheries be authorized to have printed such papers and documents in connection with subjects under consideration by the committee as may be deemed necessary to the transaction of its business.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered, and agreed to.

LEAVE OF ABSENCE.

Mr. PEARRE, by unanimous consent, was given leave of absence until Tuesday next, on account of important business.

ADJOURNMENT.

And then, on motion of Mr. TAWNEY (at 4 o'clock and 40 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of additional land for the post of Madison Barracks, Sacketts Harbor, N. Y.—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lorain Harbor, Ohio—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Rocky River, Ohio—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Guyandot River, West Virginia—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Dry

Straits, Alaska—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Lake Ponchartrain, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, submitting an estimate of appropriation for entertainment of official guests at military posts of the United States—to the Committee on Military Affairs and ordered to be printed.

A letter from the Acting Postmaster-General, transmitting a schedule of papers and documents not needed in the public business—to the Joint Select Committee for the Disposition of Useless Executive Papers and ordered to be printed.

A letter from the Secretary of the Navy transmitting in response to the inquiry of the House, documents, letters, etc., relating to the appointment of Surg. Charles F. Stokes to command of the hospital ship *Relief* and the resignation of Willard H. Brownson, as Chief of the Bureau of Navigation—to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10446) to provide for temporary street railway connection with the Union Railroad Station, District of Columbia, reported the same with amendment, accompanied by a report (No. 354), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURPHY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4060) authorizing the extension of Oak street NW., reported the same with amendments, accompanied by a report (No. 352), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, reported the same with amendments, accompanied by a report (No. 353), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 355), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3663) granting an increase of pension to Robert A. McAulay, reported the same with amendment, accompanied by a report (No. 326), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10946) granting an increase of pension to Mary A. Tannehill, reported the same with amendment, accompanied by a report (No. 327), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3667) granting an increase of pension to Louis R. Thomas, reported the same with amendments, accompanied by a report (No. 328), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3661) granting an increase of pension to Mary A. Tyer, reported the same with amendments, accompanied by a report (No. 329), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11956) granting an increase of pension to Sarah Lusia Scannell, reported the same with amendments, accompanied by a report (No. 330), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2922) granting an increase of pension to Jane Spears, reported the same with amendments, accompanied by a report (No. 331), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3217) granting an increase of pension to Zylpha Raymond, reported the same with amendments, accompanied by a report (No. 332), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2925) granting an increase of pension to Amelia D. Robertson, reported the same with amendments, accompanied by a report (No. 333), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11694) granting an increase of pension to William Pritchard, reported the same with amendments, accompanied by a report (No. 334), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9586) granting an increase of pension to Mary Jane Pack, reported the same with amendments, accompanied by a report (No. 335), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3657) granting an increase of pension to Henry Parrish, reported the same with amendments, accompanied by a report (No. 336), which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Iowa, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2429) granting an increase of pension to Elizabeth H. Olcott, reported the same with amendments, accompanied by a report (No. 337), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6868) granting an increase of pension to Maria E. Menges, reported the same with amendments, accompanied by a report (No. 338), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10366) granting an increase of pension to George F. Hays, reported the same with amendments, accompanied by a report (No. 339), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9582) granting an increase of pension to Nancy B. Hacker, reported the same with amendments, accompanied by a report (No. 340), which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Iowa, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7070) granting a pension to John C. Hall, reported the same with amendments, accompanied by a report (No. 341), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3814) granting an increase of pension to Nancy Harmon, reported the same without amendment, accompanied by a report (No. 342), which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11690) granting an increase of pension to Charles W. Geddes, reported the same with amendments, accompanied by a report (No. 343), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9791) granting a pension to Leon D. Conover, reported the same without amendment, accompanied by a report (No. 344), which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4130) granting a pension to Mary Cox, reported the same with amendments, accompanied by a report (No. 345), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12325) granting an increase of pension to Mary E. Benson, reported the same with amendments, accompanied by a report (No. 346), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10613) granting an increase of pension to Narsis Burns, reported the same without amendment, accom-

panied by a report (No. 347), which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7474) granting an increase of pension to Charles H. Balch, reported the same with amendments, accompanied by a report (No. 348), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2923) granting an increase of pension to S. A. Bradley, reported the same with amendments, accompanied by a report (No. 349), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12100) granting a pension to Martha Alexander, reported the same with amendments, accompanied by a report (No. 350), which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12636) granting a pension to Delia E. Ahern, reported the same with amendments, accompanied by a report (No. 351), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 14501) granting an honorable discharge to William Bush—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14513) granting a pension to J. K. Rainey—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14514) granting a pension to William R. White—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14515) granting a pension to Mary C. White—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14607) granting an increase of pension to Angus Gillis—Committee on Invalid Pensions discharged, and ferred to the Committee on Pensions.

A bill (H. R. 14680) granting a pension to Elizabeth Norton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14711) to remove the charge of desertion against John N. Barker—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 14919) to provide for improvement and designation of homestead of certain Indian lands in Oklahoma of the Kiowa, Comanche, Apache, Caddo, Wichita, Cheyenne, Arapaho, Shawnee, and Pottawatomie Indians—to the Committee on Indian Affairs.

By Mr. ADDISON D. JAMES: A bill (H. R. 14920) for the erection of a public building at Glasgow, Barren County, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 14921) authorizing and directing the Secretary of War to construct a bridge across the Spokane River, and for other purposes—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 14922) making an appropriation for the improvement of Toms River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: A bill (H. R. 14923) to provide for the distribution of the reports of the United States circuit courts of appeals and of the circuit and district courts—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 14924) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate what is known as Braddock's road—to the Committee on the Library.

Also, a bill (H. R. 14925) to establish a fish-hatching and fish station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID: A bill (H. R. 14926) to amend sections 2 and 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, and for other purposes—to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 14927) to increase the pensions of Mexican war survivors and their widows—to the Committee on Pensions.

Also, a bill (H. R. 14928) for the erection of a public building at Cookeville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 14929) to authorize drainage of certain lands in the State of Minnesota—to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 14930) to extend the coal land laws of the United States to the State of Alabama—to the Committee on the Public Lands.

By Mr. COUSINS: A bill (H. R. 14931) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels—to the Committee on Foreign Affairs.

By Mr. CALDERHEAD: A bill (H. R. 14932) to provide for the purchase of a site and erection of a public building thereon in the city of Abilene, State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. LIVINGSTON: A bill (H. R. 14933) to authorize the Chief of Ordnance, United States Army, to receive two 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Georgia—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 14934) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: A bill (H. R. 14935) authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes—to the Committee on the Public Lands.

By Mr. DAWES: A bill (H. R. 14936) relating to pensions—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14937) to limit the effect of the regulation of commerce between the several States and Territories in certain cases—to the Committee on the Judiciary.

Also, a bill (H. R. 14938) to prohibit the issuance of United States liquor licenses in prohibition territory—to the Committee on Ways and Means.

By Mr. LANGLEY: A bill (H. R. 14939) to equalize the pensions of widows of soldiers and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 14940) to authorize the Secretary of the Interior to sell and convey the unappropriated nonmineral desert lands of the United States—to the Committee on Irrigation of Arid Lands.

By Mr. GOULDEN: A bill (H. R. 14941) amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENNET of New York: A bill (H. R. 14942) to grant employees of the United States classified civil service an indefinite leave of absence—to the Committee on Reform in the Civil Service.

By Mr. DAWSON: Joint resolution (H. J. Res. 110) making each Saturday after 12 o'clock noon during the months of July, August, and September only in each year a legal holiday for certain officers and employees of the United States—to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 111) for survey of Delaware River from Lalor street, Trenton, N. J., to Ferry street, in same city—to the Committee on Rivers and Harbors.

By Mr. ROBINSON: Resolution (H. Res. 189) to investigate the action of the Interior Department relative to certain bathhouse and water privileges at Hot Springs, Ark.—to the Committee on Rules.

By Mr. COOPER of Wisconsin: Resolution (H. Res. 190) to amend paragraph 2, Rule XII, of the House of Representatives—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 14943) granting a pension to Deborah E. Green-Childs—to the Committee on Pensions.

Also, a bill (H. R. 14944) granting a pension to Margaret Mars—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14945) granting an increase of pension to William J. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14946) granting an increase of pension to David Freed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14947) granting an increase of pension to Joseph Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14948) granting an increase of pension to Charles Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14949) granting an increase of pension to Marshall Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14950) granting an increase of pension to Robert Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14951) granting an increase of pension to Henry B. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14952) granting an increase of pension to James Pomeroy—to the Committee on Invalid Pensions.

Also, A bill (H. R. 14953) granting an increase of pension to Robert Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14954) granting an increase of pension to Nancy A. Trover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) granting an increase of pension to Mary A. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14956) granting an increase of pension to Thomas J. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14957) granting an increase of pension to Joseph M. Caldwell—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 14958) granting an increase of pension to John L. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14959) granting an increase of pension to Virgil D. Poe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14960) granting an increase of pension to Cleophas Guerin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14961) granting a pension to Bertha C. Huntosh—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 14962) for the relief of Nathan B. Wilber—to the Committee on Military Affairs.

Also, a bill (H. R. 14963) granting an increase of pension to John W. Wood—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 14964) granting an increase of pension to Maria Soledad Montoya de Trujillo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14965) granting an increase of pension to William Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14966) granting an increase of pension to John C. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14967) granting an increase of pension to Elizabeth Shield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14968) granting a pension to Simon Arias—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 14969) granting an increase of pension to Abraham H. Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14970) granting an increase of pension to Daniel W. Latham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14971) for the relief of the widow and children of Edward F. Wyman, deceased—to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 14972) granting an increase of pension to G. W. Stabler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14973) granting an increase of pension to James Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14974) for the relief of Charles A. Bess—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 14975) granting an increase of pension to Zachary T. Pentz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14976) granting an increase of pension to Eliza Sells—to the Committee on Pensions.

By Mr. BRICK: A bill (H. R. 14977) granting an increase of pension to Peter Spangler—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 14978) granting an increase of pension to Josiah Dixon—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14979) authorizing the President to appoint Samuel T. Weirick, late captain and assistant surgeon of the United States Volunteers, as a captain and assistant surgeon in the Army and place him on the retired list—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 14980) granting an increase of pension to George E. Seneff—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 14981) granting an increase of pension to John W. Don, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14982) granting a pension to Missouri L. Herron—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 14983) granting a pension to John W. Shepherd, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14984) granting a pension to Thomas L. Holland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14985) granting a pension to Thomas J. Bradshaw—to the Committee on Pensions.

Also, a bill (H. R. 14986) to complete the military record of James Hyatt—to the Committee on Military Affairs.

By Mr. DAWES: A bill (H. R. 14987) for the relief of Guernsey County, Ohio—to the Committee on Claims.

Also, a bill (H. R. 14988) granting an increase of pension to Joseph Farley—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 14989) granting an increase of pension to Jerome King—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 14990) granting an increase of pension to George W. Jennings—to the Committee on Pensions.

By Mr. DENBY: A bill (H. R. 14991) granting a pension to Adelaide S. Reed—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 14992) granting a pension to Catharine Collins—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 14993) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14994) granting a pension to Cora P. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14995) granting a pension to John William Tungate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14996) granting an increase of pension to Samuel H. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14997) granting an increase of pension to William Lockridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14998) granting an increase of pension to Arnold Schafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14999) to correct the military record of Jacob Lamont—to the Committee on Military Affairs.

By Mr. ELLERBE: A bill (H. R. 15000) for the relief of George M. Stackhouse—to the Committee on Claims.

By Mr. FLOYD: A bill (H. R. 15001) to correct the military record of William Pearson—to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 15002) granting an increase of pension to Nancy Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15003) granting an increase of pension to Emma R. Van Wart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15004) to provide American register for the steamer *Eva*—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULTON: A bill (H. R. 15005) granting an increase of pension to A. S. Loudermilk—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 15006) granting a pension to John Leonard—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 15007) for the relief of John Worthington—to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 15008) granting a pension to Annie L. Bocking—to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 15009) granting an increase of pension to Nathaniel B. Petts—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 15010) granting a pension to Philippine Stelzle—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 15011) granting compensation to Joseph Dawson—to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 15012) for the relief of the Union University, Murfreesboro, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 15013) for the relief of the heirs of W. W. Summers—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 15014) granting an increase pension of Calvin E. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15015) granting a pension to Alice Jewett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15016) for the relief of W. H. Reagan, of Pickett County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 15017) authorizing the Secretary of War to recognize Calvin L. Smith, deceased, as having been a member

of Captain Bryson's company North Carolina Scouts and Guards, civil war—to the Committee on Military Affairs.

Also, a bill (H. R. 15018) to restore Second Lieut. Winslow Hart Reaves to the rank and pay of a lieutenant and retire him for physical disability—to the Committee on Military Affairs.

Also, a bill (H. R. 15019) granting an increase of pension to W. H. Jones—to the Committee on Pensions.

By Mr. JACKSON: A bill (H. R. 15020) granting a pension to W. Lillian Steventon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15021) granting a pension to Annie M. Wallace—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 15022) granting an increase of pension to John B. Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15023) granting an increase of pension to W. E. Hobson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15024) granting an increase of pension to Rees Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15025) granting an increase of pension to Edward Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15026) granting an increase of pension to Enoch M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15027) granting a pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15028) for the relief of the Cumberland Presbyterian Church of Russellville, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 15029) for the relief of J. B. McFarlin, of Allen County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 15030) to remove the charge of desertion from the military record of Joseph Dodson—to the Committee on Military Affairs.

Also, a bill (H. R. 15031) placing the survivors of Middle Green River Battalion of Volunteers, Kentucky, in pensionable position—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15032) for the relief of John F. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 15033) for the relief of B. F. Miles—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 15034) granting a pension to Nancy Mitchell—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 15035) granting a pension to Sarah Bray—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 15036) granting an increase of pension to Mary A. Follansbee—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 15037) granting an increase of pension to Albert Falcon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15038) granting an honorable discharge to Henry Finnegass—to the Committee on Milltary Affairs.

Also, a bill (H. R. 15039) to correct the military record of Adolph M. Clay—to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 15040) granting an increase of pension to Charles Myers—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 15041) granting an increase of pension to George W. Crowder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15042) granting an increase of pension to Adam B. Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15043) to remove the charge of desertion from the military record of Jesse N. Harrod—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 15044) granting an increase of pension to John W. Puckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15045) granting an increase of pension to James L. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15046) granting an increase of pension to William H. Begley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15047) granting a pension to Spencer Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15048) granting a pension to Laura Sowards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15049) granting a pension to Lucy Douthett—to the Committee on Pensions.

Also, a bill (H. R. 15050) for the relief of Paymaster Robert H. Woods, United States Navy—to the Committee on Claims.

Also, a bill (H. R. 15051) to correct the military record of Harrison Pack—to the Committee on Military Affairs.

Also, a bill (H. R. 15052) to correct the military record of Morgan Sowards—to the Committee on Military Affairs.

Also, a bill (H. R. 15053) to correct the military record of John Harvey, sr.—to the Committee on Military Affairs.

By Mr. LEGARE: A bill (H. R. 15054) for the relief of John Duncan, surviving partner of Archibald Duncan & Son—to the Committee on War Claims.

By Mr. LEWIS (by request): A bill (H. R. 15055) for the relief of Jonas J. Rackley—to the Committee on Military Affairs.

Also, a bill (H. R. 15056) granting an increase of pension to Benjamin F. Finical—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15057) granting an increase of pension to Margaret Mitchell—to the Committee on Pensions.

By Mr. LILLEY: A bill (H. R. 15058) granting an increase of pension to James C. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15059) granting an increase of pension to John Fagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15060) granting an increase of pension to Carlos Dart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15061) granting an increase of pension to Mary E. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15062) granting a pension to James H. Sutherland—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15063) granting an increase of pension to Alex Mattison—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 15064) granting an increase of pension to A. C. Newcomer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15065) to amend the military record of William Firkins—to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 15066) authorizing the Secretary of War to bestow a medal of honor upon Lieut. Russell Karns—to the Committee on Military Affairs.

Also, a bill (H. R. 15067) granting an increase of pension to Elizabeth C. Johnson—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 15068) granting an increase of pension to Martha Marble—to the Committee on Pensions.

By Mr. McMORRAN: A bill (H. R. 15069) granting a pension to Jemina Grigg—to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 15070) for the relief of J. Edmund Strong—to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 15071) granting an increase of pension to James M. Reed—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 15072) granting an increase of pension to Alfred R. Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15073) granting an increase of pension to David M. Blizzard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15074) granting an increase of pension to Harrison Seabrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15075) granting an increase of pension to William Hinckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15076) granting an increase of pension to Ida M. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15077) granting a pension to Thomas F. Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15078) for the relief of Thomas F. Walter—to the Committee on Military Affairs.

Also, a bill (H. R. 15079) for the relief of Morris Busch—to the Committee on War Claims.

Also, a bill (H. R. 15080) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 15081) granting an increase of pension to William F. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15082) for the relief of Abner Souder—to the Committee on War Claims.

By Mr. NICHOLLS: A bill (H. R. 15083) granting a pension to Mary E. Salkeld—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15084) for the relief of Missionary Baptist Church, of Franklin, Tenn.—to the Committee of War Claims.

By Mr. PRATT: A bill (H. R. 15085) granting an increase of pension to Jula Walker—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15086) granting an increase of pension to William H. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15087) granting a pension to Sarah A. Rainey—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 15088) granting a pension to Charles Baumann—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 15089) granting an increase of pension to Josephine K. Woodson—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 15090) granting a pension to Adeline K. Hart—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 15091) granting an increase of pension to David H. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15092) granting an increase of pension to Sarah J. Mapes—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 15093) for the relief of the legal representatives of William Witherspoon, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 15094) to correct the military record of Thomas Eagan—to the Committee on Military Affairs.

Also, a bill (H. R. 15095) to correct the military record of Philip Hale—to the Committee on Military Affairs.

Also, a bill (H. R. 15096) granting an increase of pension to Philip Hale—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 15097) granting a pension to Florence H. Porter—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15098) to correct the military record of John H. Layne—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 15099) granting an increase of pension to L. M. Sherman—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 15100) to remove charge of desertion from military record of Edwin C. Poole—to the Committee on Military Affairs .

By Mr. WEEKS: A bill (H. R. 15101) for the relief of the Bath Iron Works and others—to the Committee on Claims.

By Mr. WOODYARD: A bill (H. R. 15102) granting a pension to Laura M. King—to the Committee on Pensions.

Also, a bill (H. R. 15103) granting a pension to Dovie Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15104) granting an increase of pension to R. B. Taylor—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of J. C. Smith, of Chicago, Ill., and Marshall P. Thatcher, of Oxnard, Cal., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, memorial of Fred Raether Post, Grand Army of the Republic, of Montgomery City, Mo., for legislation to place Missouri Enrolled Militia on the pension roll—to the Committee on Invalid Pensions.

Also, petition of Allied Printers' Trade Joint Conference Board, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, memorial of George H. Hines, of Portland, Oreg., for appropriation to mark the Oregon trail—to the Committee on the Library.

Also, petition of F. K. W. Drury, of Urbana, Ill., against depriving American libraries of privilege of importing copies of any book free of duty—to the Committee on Patents.

Also, petitions of William M. Lewis, of Minneapolis, Minn.; Alfred Nash, of Joliet, Ill.; G. L. Beckley, of Nunda, Ill., and Evans Beake, of Chicago, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, memorial of the American Association of Masters, Mates, and Pilots, against H. R. 4771, to remove discrimination against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Order of National Protective Legion, of Danville, Ill., and Clinton Court, Tribe of Ben Hur, of Kankakee, Ill., against change of postage rate on official papers of benevolent societies—to the Committee on the Post-Office and Post-Roads.

Also, petition of officers of the National Negro Fair, of Mobile, Ala., for an appropriation in aid of its proposed exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. ADAIR: Papers to accompany bills for relief of Samuel P. Hoeffer, John Webb, and Louisa J. Houk—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Local Union No. 9, International Typographical Union, of Buffalo, N. Y., for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. ANSBERRY: Papers to accompany bills for relief of the widows of Dr. James W. Lazear and Dr. James Carroll—to the Committee on Pensions.

Also, petition of American Institute of Electrical Engineers, favoring forest preservation in behalf of water power—to the Committee on Agriculture.

Also, petition of Farmers' Institute of Williams County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Farmers' Institute of Licking County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Joseph Marshall—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Mrs. Mary Whelchel—to the Committee on Pensions.

By Mr. BRICK: Petition of Daniel N. Dressler and others, of Indiana, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of Maine Newspaper Publishers' Association, against ruling of Post-Office Department requiring subscriptions in arrears of payment to be cut off, after a stated period, from second-class rates—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

Also, petition of Government Town Site Protective Association, for investigation of Segregated Coal Land Settlers' Association—to the Committee on the Public Lands.

By Mr. CHANEY: Paper to accompany bill for relief of George E. Seneff—to the Committee on Invalid Pensions.

Also, petition of Knox County (Ind.) Educational and Cooperative Union, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of American Institute of Electrical Engineers, for preservation of forests in behalf of water power—to the Committee on Agriculture.

By Mr. COOPER of Pennsylvania: Petition of Asiatic Exclusion League, for an effective law to exclude Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of National Guard Association of Pennsylvania, against wearing uniform of Army and Navy by unauthorized persons—to the Committee on Military Affairs.

Also, petition of storekeepers and gaugers of the Internal-Revenue Service, for increase of pay for storekeepers and gaugers and a 26-day vacation—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

By Mr. DUNWELL: Paper to accompany bill for relief of August Scheer—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

By Mr. FERRIS: Paper to accompany bill for relief of William T. Rea—to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of Woman's Interdenominational Missionary Union, for exclusion of opium from the Hawaiian Islands and the Philippines—to the Committee on Insular Affairs.

Also, petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

By Mr. FLOYD: Paper to accompany bill for relief of Wilson Graham—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Alumni Association of New York Nautical School, against detaching officers of the Navy for duty as superintendents at nautical schools—to the Committee on Naval Affairs.

By Mr. FOWLER: Petition, asking for American registration of steamer *Eva*—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULTON: Papers to accompany bills for relief of John Sonia and A. S. Loudermilk—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of William Gettemy, for passage of H. R. 295, for raise of pay of assistant weighers from $4 to $5 per day—to the Committee on Appropriations.

Also, petition of San Francisco Travelers' Commercial Con-

gress, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Corps, Army and Navy Union, for increase of pay to officers and enlisted men of the Army and Navy—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of American Institute of Electrical Engineers, for preservation of forests in behalf of water power—to the Committee on Agriculture.

Also, petition of a citizen of Harrisburg and J. and W. Lyall, favoring H. R. 11562 and S. 2652, for recovery to the Stevens Institute of Technology of $45,750 paid into the United States Treasury on January 28, 1870—to the Committee on Claims.

Also, paper to accompany bill for relief of John W. Zoerb—to the Committee on Claims.

Also, petition of United Engineering and Foundry Company and Automobile Club of Pittsburg, for H. R. 428, granting automobile tourists a national license—to the Committee on the Judiciary.

By Mr. HAYES: Paper to accompany bill for relief of John H. Sain—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Petition of Bridgeport Typographical Union for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of Baker Post, No. 9, Grand Army of the Republic, of Columbus, Kans., for H. R. 13261, increasing pensions for widows of civil and Mexican war soldiers—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Local Union No. 323, Allied Printing Trades, of Hoboken, N. J., for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Charles E. Strother (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of Joseph Dobson—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of John F. Johnson—to the Committee on War Claims.

Also, paper to accompany bill for relief of Fannie C. Poynter—to the Committee on War Claims.

Also, paper to accompany bill for relief of Enoch M. Brown—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of James A. Garfield Post, No. 34, Grand Army of the Republic, of San Francisco, for pensions of $40 per month for veterans of the civil war—to the Committee on Military Affairs.

Also, petition of Gantner & Mattern Company, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of San Francisco Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. E. Baker, of San Francisco, Cal., favoring exclusion of all Asiatics—to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

By Mr. KNOWLAND: Petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Paper to accompany bill for relief of heirs of C. M. Lucas—to the Committee on War Claims.

Also, paper to accompany bill for relief of Lewis F. Hicks—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Government Townsite Protective Association of Oklahoma, for Congressional investigation of the Segregated Coal Land Settlers' Association of Oklahoma—to the Committee on the Public Lands.

Also, petition of Alumni Association of the New York Nautical School and William Kulmle, against detaching officers of the Navy from duty as superintendents of the nautical school—to the Committee on Naval Affairs.

Also, petition of Commercial Travelers' Congress, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Institute of Electrical Engineers, for preservation of forests—to the Committee on Agriculture.

Also, petition of Homeopathic Medical Society of New York, asking for favorable action on H. R. 6089, relative to pharmacopœia of the homeopathic schools—to the Committee on Agriculture.

By Mr. LOUDENSLAGER: Petition of Presbytery of West Jersey, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of William F. Anderson—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of Rev. H. P. Grimsby, of Minneapolis, for the Littlefield bill, to prohibit shipment of liquor into prohibition States—to the Committee on the Judiciary.

By Mr. OLCOTT: Paper to accompany bill for relief of Philippine Stelzle—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of Nordyke & Marmon Company, favoring H. R. 428, providing for national registration of automobiles—to the Committee on the Judiciary.

By Mr. PAGE: Paper to accompany bill for relief of Samuel S. Hunter—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Boston customs-house clerks, for increase of salaries—to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of American Institute of Electrical Engineers, for forest preservation as protection to water power—to the Committee on Agriculture.

By Mr. SHACKLEFORD: Petitions of Central Labor Union and Bartenders' Local No. 531, of Jefferson City, Mo., favoring Government ownership of telegraph lines—to the Committee on the Post-Office and Post-Roads.

Also, petition of Jefferson City Typographical Union, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petitions of Central Labor Union and Bartenders' Local No. 531, of Jefferson City, Mo., for removal of Charles A. Stillings from the office of Public Printer—to the Committee on Printing.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of Martha F. Arnold—to the Committee on War Claims.

By Mr. WANGER: Petition of American Institute of Electrical Engineers, for forest preservation in behalf of water power—to the Committee on Agriculture.

By Mr. WEEKS: Petition of William Emery and others of Milford, Mass., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WOOD: Petition of American Institute of Electrical Engineers, for preservation of forests in behalf of water power—to the Committee on Agriculture.

Also, petition of New Jersey Chapter of the American Institute of Architects, against change of present location of the Grant Monument—to the Committee on the Library.

By Mr. WOODYARD: Petition of Andrew Mather Post, No. 14, Grand Army of the Republic, for legislation granting every Union soldier of the civil war a pension of $30 per month—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 24, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SITTING OF UNITED STATES CIRCUIT AND DISTRICT COURTS IN GAINESVILLE, FLA.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14779) to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Alachua, in the State of Florida, which is now in the southern judicial district of said State, be, and the same is hereby, transferred to and made a part of the northern judicial district of said State.

SEC. 2. That all causes, civil and criminal, which arose in said county of Alachua and which are now pending in the courts of said southern judicial district of Florida shall remain and be disposed of in said courts, and all persons who have committed offenses against the United States in said county shall be prosecuted and tried as though this act had not been passed.

SEC. 3. That there shall be held at the city of Gainesville, in the said county of Alachua, terms of both circuit and district courts for said northern district of Florida on the first Monday in May and on the first Monday in December of each year.

SEC. 4. That suitable rooms and accommodations shall be furnished for holding said courts free of expense to the Government of the United States until such time as a Federal building shall be prepared for that purpose in said city of Gainesville, in the State of Florida.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to ask how many places there are in this district where they hold the United States court now?

Mr. CLARK of Florida. Only two, one at Pensacola and the other at Tallahassee.

Mr. PAYNE. And those are in the western part of the district?

Mr. CLARK of Florida. Yes.

Mr. PAYNE. And this is in the eastern part?

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLARK of Florida, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3344. An act extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3344. An act extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. LIVINGSTON. Mr. Speaker, I ask for the regular order.

Mr. PAYNE. The gentleman from Georgia asks for the regular order, and that would bring up pension bills.

Mr. LIVINGSTON. I will withdraw the demand for the regular order, Mr. Speaker.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order for to-day may be taken up on the next legislative day following the passage of the urgent deficiency bill under consideration.

Mr. PAYNE. I would suggest to the gentleman from New Hampshire that his request ought not to interfere with District day.

Mr. SULLOWAY. Then I will modify my request by saying after Monday next.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the day following the completion of the urgent deficiency bill, unless it shall be District day, and then it shall be on the day following District day, be given to the consideration of bills on the Private Calendar in order to-day. Is there objection?

There was no objection.

REPRINT OF HOUSE DOCUMENT.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent for the reprint of House Document 352 at this session, which consists of a letter from the Secretary of the Interior on the proposed consolidation of the pension agencies, written in response to a provision in the pension appropriation bill passed in the last Congress.

Mr. STEENERSON. Mr. Speaker, I object to this, because there is a law that gives authority to the Clerk to order these documents where they are not more than 50 pages.

Mr. KEIFER. I have not so understood. I may say that this print is entirely exhausted now, and we want it for immediate work before the Appropriation Committee.

The SPEAKER. The Chair understands the gentleman from Minnesota to object on the ground that the law now authorizes a reprint.

Mr. STEENERSON. I will withdraw the objection.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

RECEIVING MESSAGE FROM SENATE WHEN SENATE IS NOT IN SESSION.

Mr. BARTLETT of Georgia. Mr. Speaker, I rise to a question of parliamentary inquiry and, incidentally, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. Mr. Speaker, the Senate has just sent a communication to the House, and I desire to inquire whether the House can receive the communication from the Senate when the Senate is not in session. I see by the RECORD this morning that the Senate yesterday adjourned over until Monday morning next, and I suggest, Mr. Speaker, that to have the message from the Senate put upon the records and the Journals of the House when the Senate is not in session would not be in order.

The SPEAKER. Strictly speaking, under parliamentary law, as adopted by the rules of the House, which include Jefferson's Manual, the message could not be received; but it was received, and the point of order was not made, and the Chair had no knowledge—and I don't know that the House had any knowledge—that the Senate had adjourned over.

Mr. BARTLETT of Georgia. The House had knowledge from the fact that it is printed in the RECORD of this morning.

The SPEAKER. Well, I suppose the RECORD might after all be accepted as evidence, though the Journal evidences the action of the Senate and of the House. Let that be as it may, it seems to the Chair that the point comes too late. While it is contrary to the rules of the House, yet so far as the Chair recollects or is advised, it is not so contrary that it would invalidate the proceedings of the House. It violates the rules, but not the law, as the Chair understands it.

Mr. BARTLETT of Georgia. Mr. Speaker, just a word. I understand the rule very well and the law that the proceedings of both houses are governed entirely by their Journals. If a question should arise in a court, no inquiry could go beyond the facts appearing upon the Journal of each House, and if any question should arise in any judicial inquiry which might be made to this bill—I do not know what it is—it will appear from the Journal of the Senate that the message from the Senate was sent to the House when the Senate was not in session, but after it had adjourned from yesterday over until Monday, so that any inquiry into the facts would be governed by the Journal and the Journal of the Senate would show the fact as I state.

The SPEAKER. The Chair apprehends that if the point had been made before the message was received, means could have been taken to ascertain about the adjournment of the Senate.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14766), the urgent deficiency appropriation bill, with Mr. LAWRENCE in the chair.

Mr. TAWNEY. Mr. Chairman, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, this bill making appropriations for urgent deficiencies in prior appropriation bills is the result, I have no doubt, of the careful, conscientious, and painstaking labor of the Committee on Appropriations. In general it has been fully explained by the distinguished chairman of that committee. But, nestled in its bosom, there is one provision which has not been explained, and concerning which I desire to make a few remarks at this time, as I may not be here when it is reached on the second reading under the five-minute rule. I refer to the last paragraph on page 8. First, I will call attention to the fact that in the act of June 30, 1906, the sundry civil appropriation bill, found on page 759 of volume 34, part 1, of the Statutes at Large, appears this provision:

> For the purchase from Prof. Francis N. Thorpe of the manuscript for a new edition of Charters, Constitutions, and Organic Laws of all the States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, prepared by him, $10,000: *Provided*, That he shall prepare a complete index of the work and do all proof reading in connection with the preparation, printing, and publication thereof, and the Public Printer shall print and bind 6,000 copies of the work, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Now, Mr. Thorpe has done that work and presented his bill for the payment of the $10,000, but objection has been made by some party having some claim or alleging some claim against Mr. Thorpe, and payment has been held up. Therefore a pro-

ceeding in the nature of mandamus was instituted by Mr. Thorpe in the proper court in the District of Columbia. The Secretary of the Treasury has put in his answer and it is now up to the court to decide the matter. The paragraph in this bill to which I refer is as follows:

Charters, Constitutions, and Organic Laws: The Secretary of the Treasury is hereby directed to withhold payment of the sum of $10,000 appropriated by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, for the purchase of the manuscript of a new edition of Charters, Constitutions, and Organic Laws pending the approval of the Joint Committee on the Library, which is hereby authorized to pass upon the question of the completeness and accuracy of the work and to determine whether the manuscript submitted is the identical, specific manuscript which Congress agreed to buy and for whose purchase it appropriated $10,000.

In other words, here is a plain order that the Secretary of the Treasury shall not pay the money appropriated two years ago, in payment for the work which was thus authorized and which has been fully performed.

Now, in the first place it seems to me that this paragraph is not properly in this bill. It is not to supply any urgent deficiency, it is not to provide money under any appropriation whatever; on the contrary, it prohibits and forbids the payment of an appropriation heretofore made. But a very serious objection to this provision in my mind is that it is intended to usurp the function of the court, to take away from the court the right to decide a question now pending and at issue before it. That of itself ought to be a sufficient argument against this proposition. The House has no information as to the merits of it. Evidently the Committee on Appropriations has none, for I am unable to find in the printed report of the hearings before it that there was any hearing upon this question, and certainly if there was one the party most interested, Mr. Thorpe, was not present, not notified, and not heard. Mr. Thorpe is a prominent citizen of Pennsylvania, an expert of high standing, and a gentleman of undoubted integrity. His life work is practically bound up in this matter, and why it should not be paid for in accordance with the authorization of Congress contained in the act of 1906 is one of those things it is difficult to understand. Why should it be taken from the jurisdiction of the court to determine whether or not he has performed this work? Why should the Committee on the Library be substituted for the court? The Committee on the Library has no authority to compel the attendance of witnesses or the production of books and papers. It has none of the functions of a court. It could not properly obtain the evidence upon which to decide this question. Why not allow it to be decided by the court to which it has been taken in due course and where it is now at issue and pending awaiting decision? There is another point, Mr. Chairman, to which I wish to call attention now, and that is that the provision is not properly in this bill, that it is here in violation of one of the most important and most useful rules of the House, namely, Rule XXI, clause 2, which provides that:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress—

Now this is the part to which I call your attention—

Nor shall any provision changing existing law be in order in any general appropriation bill, or in any amendment thereto.

Can it be doubted that this changes existing law? The existing law requires the payment of this appropriation. This proposed bill forbids it. The existing law authorizes the court to decide it. It does not authorize the Committee on the Library to decide the question at issue. This provision takes from the court the jurisdiction that it possesses under existing law and gives to the Committee on the Library authority which it does not possess under existing law. This paragraph does not appropriate any money at all, although it appears in an appropriation bill. It is stated in the printed report of the committee to be a limitation, but it is not a limitation upon any appropriation contained in this act. It substantially alters and changes the law passed two years ago in addition to changing existing law in the other particulars to which I have referred. I am calling attention to this matter so that my views upon this point of order may be before the Chair at such time as this provision is reached upon the second reading. I expect to be called away from the Chamber before it is reached, and if I am not here I shall ask a friend to make the point of order for me, and I have no doubt the provision will be ruled out upon that point of order.

Mr. TAWNEY. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman, I am very greatly obliged to my friend from Pennsylvania for bringing this subject to the attention of the House. This particular provision and the document to which it relates is one which is of personal interest to every Member of Congress. This document is to be a compilation of the charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States, and it is therefore of the deepest interest to every student of constitutional law that this document should be up to date, should be complete, and should be in every way a worthy publication. As the gentleman has said, in the sundry civil bill of last year an appropriation was made for the compilation of a new edition of these charters and constitutions. The only one which we now have is one prepared by Ben: Perley Poore some thirty years ago. That is now out of print and, besides, is incomplete on account of constitutional changes which have taken place since it was compiled and printed.

So the Congress of the United States provided for a new edition of charters and constitutions under this amendment in the sundry civil bill last year.

The manuscript which was submitted to the Public Printer in accordance with that provision was not a new edition of charters and constitutions, and most serious objections were made to its acceptance. This is shown by the fact that when the voucher in payment for that manuscript came to the Secretary of the Treasury he declined to pay the money under that appropriation, and in an official letter to Congress, which is embraced in Senate Document No. 85 of the present session, he stated to Congress that—

It appearing that questions of fact are involved which the Secretary of the Treasury is not authorized to determine, I have the honor to advise you that payment of the sum of $10,000, appropriated for the purchase of the manuscript for a new edition of Charters, Constitutions, and Organic Laws, from Prof. Francis N. Thorpe, will be withheld to await the approval of such committee, person, or persons as Congress may designate to pass upon the question of the completeness and accuracy of the work, if such approval shall be deemed necessary.

In accordance with the recommendation of the Secretary of the Treasury and as a matter of protection to this Government, and because it is to the interest of every Member of this House, that when that document is printed it shall be a complete and perfect document, the Committee on Appropriations, following the recommendation of the Secretary of the Treasury, has placed this item in this bill. It is there purely for the protection of the Government. It is an urgent matter, it seems to me, and is in its proper place in this urgent deficiency bill.

The gentleman from Pennsylvania [Mr. OLMSTED] has referred to the fact that the subject is now in the court. Alongside of the legal phase of this question it seems to me that this House ought to consider the practical phase of this question. How did it get into the court? It got into the court by an action brought by Professor Thrope to compel the Secretary of the Treasury, against his judgment, to pay this money to him for this manuscript. It seems to me, Mr. Chairman, that in the light of the facts, this House ought to follow the recommendation of the Secretary of the Treasury and withhold this payment until the merits of the publication are passed upon.

Mr. MANN. Will the gentleman yield for a question?

Mr. DAWSON. Just a moment. This provision simply withholds the appropriation until a competent committee has had opportunity to pass upon the merits of the proposition. It is not a real change of exising law, in my judgment; it is simply a safeguard thrown around existing law, an interpretation of existing law that was left out when the law was passed.

Mr. NORRIS. Will the gentleman yield now?

Mr. DAWSON. With pleasure.

Mr. NORRIS. I would like to ask the gentleman, if this matter is now in the courts, whether it would not be better to abide by the decision of the court, and let the court determine whether the man is entitled to the money or not?

Mr. DAWSON. I will say to my friend from Nebraska [Mr. NORRIS] that I am not sure that the court has jurisdiction over the question of the worth of this manuscript under the phraseology of the appropriation made last year.

Mr. NORRIS. What is the question, then, that is pending in the court if that is not it?

Mr. DAWSON. Professor Thorpe began a mandamus proceeding against the Secretary of the Treasury to force him, against his judgment, to pay the $10,000 carried in that bill.

Mr. NORRIS. Now, when this question is in the court, or if he has complied with the contract made by virtue of the law passed by Congress, the Treasurer will be required by the court to pay it. If he has not complied, he will not be required to pay it, and ought that not to be really the question to be determined and upon which both sides ought to be bound?

Mr. DAWSON. No, I think not, Mr. Chairman. There is one question involved in this which, in my judgment, may not properly get before the court. By the phraseology of the ap-

propriation which was made last year much was left to the good faith of the gentleman who was to prepare this manuscript. That is a question which can not be gone into in the court.

Mr. NORRIS. I presume the gentleman who is preparing the manuscript is doing it in accordance with the law that we have passed, is he not?

Mr. DAWSON. I will say in addition, to my friend from Nebraska [Mr. NORRIS]——

Mr. NORRIS. If he is doing that, if the gentleman will pardon me, then the question before the court will be whether he has complied with his part of it, and we ought to be willing to submit that question to the court rather than to a legislative body.

Mr. DAWSON. Mr. Chairman, I would like to ask my friend from Nebraska [Mr. NORRIS] this question: Is it not clearly within the province of this House in matters of this sort to determine upon the question as to what Congress had in mind when it made the appropriation?

Mr. NORRIS. I presume so. I presume we can arbitrarily refuse to appropriate the money; but it seems to me that all laws passed by Congress are construed by the courts. The court will put a construction on the laws that we pass. It is to the courts that all people ought to be allowed to go, and Congress ought to be willing to submit to and abide by the court's decision, and not use its own arbitrary power to refuse to pay when the court says that it ought to pay.

Mr. DAWSON. But, Mr. Chairman——

Mr. GARDNER of Michigan. Will the gentleman allow me?

Mr. DAWSON. Certainly.

Mr. GARDNER of Michigan. As I understand, it is not a refusal to pay the money so much as a refusal of the committee to say that the work has been properly done.

Mr. DAWSON. Certainly.

Mr. GARDNER of Michigan. Therefore it is not for the courts to say, but for the committee.

Mr. NORRIS. That would be a question before the courts.

Mr. DAWSON. The act as it was passed last year omitted, inadvertently no doubt, to designate any committee or person to pass upon that manuscript. That was an omission which perhaps should have been supplied, but inasmuch as it was not supplied it seems to me that it is only proper that the committee of the House should supply that omission, providing that the publication of this document shall not go forward until its accuracy is completely assured.

Mr. NORRIS. Oh, yes; but my friend must notice that before Congress supplied this omission a contract had been entered into with the person who has revised the work. Now, then, if we undertake, after this contract has been entered into, to ask him to do something which was not contemplated at the time we are doing some damage to the citizen when we undertake to prevent him from doing that which he had made the contract to do.

Mr. DAWSON. That is true, if it is an entire proceeding, and if he had gone along in good faith and carried out the conditions upon which the contract was based; but I want to say to my friend from Nebraska that the contract has not been carried out in good faith, and that the manuscript submitted in compliance with the provisions of the sundry civil bill was not the manuscript which was represented to the committees of Congress when the appropriation was made.

Mr. NORRIS. Let the courts decide on the question as to whether that is true. If it is true, the court will not give him the money.

Mr. DAWSON. But that is a phase of the matter which probably can not be developed and brought out in the court proceedings.

I have no desire for Congress to usurp the functions of any court, but this proposition can be stated in a nutshell: Congress intended to buy a certain manuscript, and appropriated money therefor. The manuscript submitted was not the manuscript which Congress intended to purchase. Furthermore, the manuscript submitted was incomplete and imperfect—in fact, at least three-fourths of the work consisted simply of leaves cut out of Poore's book, published thirty-eight years ago. Could that be called a new edition?

It seems to me that Congress is not only within its rights in seeking to protect the Government and that it is clearly our duty to do so. This provision in the bill seeks to do nothing more.

Mr. LIVINGSTON. May I suggest to the gentleman that the gist and pith of the matter is this: Congress made an appropriation of $10,000 for certain work to be done, and your committee has determined that that work was not done as Congress expected it to be done. The courts have no jurisdiction, and this House can determine whether the work was done or not according to the way it expected it to be done.

Mr. DAWSON. I thank the gentleman.

Mr. MANN. But we are not done with the gentleman from Georgia yet.

Mr. NORRIS. If he has complied with what he undertook to do in the contract under the law passed by us we ought to be the last to repudiate the contract.

Mr. DAWSON. But he has not complied.

Mr. NORRIS. The court will determine whether he has complied with the conditions.

Mr. TAWNEY. I yield five minutes to the gentleman from New York.

Mr. PAYNE. Mr. Chairman, I was not altogether surprised to find this clause in this appropriation bill. Some time ago a young lawyer who resided in my district and who was temporarily employed in the Library took it into his head to prepare a manuscript of the charters, constitutions, and organic laws of the different States and spent several years on that work—two or three—in gathering all the charters and all the constitutions of the several States and the amendments up to date. In addition to that, he annotated the work from beginning to end, showing where all the decisions of the courts could be found under every section of the different constitutions, and had that manuscript ready. He came to me and wanted to get an appropriation for the modest sum of $3,000 for that work that he had done.

Mr. OLMSTED. Everybody is modest in your district.

Mr. PAYNE. The gentleman expresses a fact that is generally recognized.

I made some inquiry in reference to this, and it brought out the fact that Professor Thorpe had a work, and it was described to me—as I have no doubt it was described to the Committee on Appropriations—as the most complete work that was ever done by any author taking up a given subject, covering everything, and representing the labor, I think, of eight or ten years—I do not remember how long, much longer than my young man had occupied in his work—and the result was that for two or three years one claim was played against the other until last year this amendment was put on in the Senate, and came over to the House, and got into an appropriation bill. Now, it seems to me that this manuscript, which was so highly commended at the time, should have been given the privilege of an opportunity for a competitive contest of the merits of the work, leaving the better one to prevail and get the appropriation, offsetting the modest appropriation of $3,000 against $10,000.

It seems, however, that my young friend was not represented in the Senate, on the Committee on Appropriations, and he was left. I had a suspicion then that the merits of the work were magnified in order to drive my friend out of the competition, and I am not surprised to find that when the claim is presented the law officer finds no difficulty in saying that the manuscript is not up to the recommendation. I hope that this matter will be investigated. I suppose my young friend is out of it, but whether he is or not I hope it will be investigated and that Congress will see that they are getting at least partially the worth of the money; that they are getting what was represented to them and what they agreed to pay the $10,000 for. I hope the clause will remain in the appropriation bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. PAYNE. Certainly.

Mr. MANN. Does not the gentleman think we might well afford to waste this $10,000 in order to bring home to the Committee on Appropriations and the conference committees that these items have no business in an appropriation bill in the first place, and that the House ought never to have permitted this to go in? If we waste this $10,000, these items will probably stay out hereafter.

Mr. PAYNE. Mr. Chairman, I do not know. It would seem as though the Appropriations Committee had had a lesson in this very matter, and they are eating a good deal of humble pie when they come back and ask the House to correct this mistake which they have made. I do not think they would feel any worse about it if this clause remains in the bill. I think it is a warning to them in the future that is well worth the time that the House is occupying upon it. I hope the clause will remain in the bill.

Mr. OLMSTED. I merely wish to call the gentleman's attention to the fact that this clause in the bill does not provide for a comparison to determine who has made the better compilation.

Mr. PAYNE. I understand it does not, and I am looking at it in a disinterested way. I told the gentleman that I did not see that it helped my young man out any.

Mr. OLMSTED. No. But this calls for the determination of

the single question whether the manuscript in question is the identical, specific manuscript which Congress agreed to buy. It does not have anything to do with the merits of it.

Mr. PAYNE. Oh, I think it does go to the merits of it. If it is not the manuscript they agreed to buy, it is not a first-class manuscript on that subject.

Mr. OLMSTED. They agreed to buy the manuscript prepared by Charles M. Thorpe. That is what the act appropriating the $10,000 said. Now, all that this attempts is to determine whether it is the manuscript that he prepared.

Mr. PAYNE. This gentleman made representations as to what that manuscript was.

Mr. OLMSTED. At any rate the court is fully competent to decide any question raised by this paragraph. The court is better qualified to decide it than any committee of the House, probably.

Mr. PAYNE. I do not know about that. I think a committee of this House is a pretty competent tribunal for the determination of any question that comes before us. I think the lawyers of the House are quite competent to examine witnesses and reach conclusions from their testimony.

Mr. OLMSTED. They have no authority to summon witnesses, to procure their attendance, and to compel the production of books and papers.

Mr. TAWNEY. Mr. Chairman, having heard the representatives of the three interests involved in this matter, I now yield five minutes to my colleague from Minnesota [Mr. STEENERSON] to address the House on another subject.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] is recognized for five minutes.

Mr. STEENERSON. Mr. Chairman, I desire to have read in my time a letter from the secretary of the Minnesota Association of the Deaf.

The Clerk read as follows:

MINNESOTA ASSOCIATION OF THE DEAF,
Faribault, Minn., January 20, 1908.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.

DEAR SIR: According to a recent ruling of the Civil Service Commission the deaf are included among certain undesirable classes who are to be refused henceforth employment in the Government service.

At a national convention of the deaf held at Norfolk last summer an unanimous protest was made against this ruling as unjust and uncalled for, and it was determined to make an effort to secure its modification in the case of the deaf. Various State associations of the deaf are protesting against the ruling, and the deaf generally and their friends all over the country are giving voice to criticism of the ruling as unfair to this class.

There are quite a number of deaf people in Government employ, and the heads of the Departments wherein they are working will testify that their work is entirely satisfactory. There are many kinds of Government employment where deafness is no bar at all to efficiency, as in bookkeeping and other kinds of clerical work.

The deaf people of the country are endeavoring in spite of their handicap to demean themselves as good and useful citizens. They are engaging in all the occupations of their hearing brothers in which the sense of hearing is not absolutely essential.

This ruling of the Commission putting the stamp of Government condemnation upon the deaf for what is not their fault but their misfortune, is a cause of discouragement to them. There are Government employments, it is true, to which deafness is a bar, but it is equally true that there are many employments where a deaf man can do as good work as a hearing man.

To bar the deaf entirely from the Government service, when they can pass the examinations and are in every other way qualified to do good service, is not giving them a "square deal."

The deaf people of Minnesota, through the executive committee of their State association, respectfully request you to use your influence toward the revocation of the ruling of the Commission in so far as it affects the deaf and thus reestablish them in their right to serve the Government in positions where lack of hearing is no bar to efficient service.

Very respectfully, P. N. PETERSON.

Mr. STEENERSON. I also ask to have this resolution, which I introduced, read for the information of the House.

The Clerk read as follows:

Resolution requesting information from the President of the United States relative to rules of the Civil Service Commission on the subject of employment of deaf persons in the civil service.

Resolved, etc., That the President of the United States be, and he is hereby, requested to furnish this House information on the following subjects:

First. What, if any, rule, regulation, or practice has been prescribed or adopted by the Civil Service Commission relative to the appointment or employment of deaf persons in civil service of the Government.

Second. Whether under said rules and practice deaf persons, even when competent and where hearing is not requisite to efficiency, are barred from service.

Third. Whether it would not be practicable to so change said rules as to enlarge the opportunity for employment in the civil service of the Government of deaf persons without detriment to the efficiency of that service.

Mr. STEENERSON. All I desire to say on this matter is that pending the report of the proper committee I commend the case of these people to the favorable consideration and thought of the Members of the House.

Mr. LIVINGSTON. I yield one hour and thirty minutes to the gentleman from Florida [Mr. CLARK].

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] is recognized for one hour and thirty minutes.

Mr. CLARK of Florida. Mr. Chairman, on the first day of the present session of Congress I introduced in this House a bill having for its object the refunding to the persons who paid the same certain taxes, the levying and collection of which in my opinion was violative of the Constitution of the United States. I refer to what for some years past has been almost universally called the "illegal cotton tax." The bill which I introduced is H. R. 472, and with the permission of the committee I will print it in my remarks.

There was no objection, and the bill is as follows:

Be it enacted, etc., That the proceeds of the tax on cotton illegally collected from the people of the several States of the Union by the Government of the United States during the years 1863, 1864, 1865, 1866, 1867, and 1868, under and by virtue of the acts of Congress which provided for the levy and collection of such tax, and which said tax acts were passed July 1, 1862; March 7, 1864; July 13, 1866, and March 2, 1867, respectively, shall be refunded to the rightful owners, their heirs, or legal representatives; and to this end the Court of Claims is hereby clothed with full and complete jurisdiction to hear, to try, and determine all claims that may be filed in this behalf, said court to prescribe the rules for some simple and expeditious procedure, that persons claiming as original owners, heirs, or legal representatives may have the matter of their claims speedily heard and adjudicated.

SEC. 2. That immediately upon this act becoming a law, the Commissioner of Internal Revenue shall compile a statement from the records of his office showing the amount of money collected from the people of each State on account of the tax on cotton for each of the years 1863, 1864, 1865, 1866, 1867, and 1868, respectively, and showing, where the same is possible, the names of the persons, firms, or corporations from whom collected, and the respective amounts, and shall certify, under the seal of his office, that the same is full, complete, and correct, and then file it with the clerk of the Court of Claims. This statement shall be accessible to all persons, and shall be accepted as an accurate statement of the amount due the people of each of the States by the United States on account of the illegal taxes so collected.

SEC. 3. That the Commissioner of Internal Revenue shall, at the same time he files with the clerk of the Court of Claims a certified statement as required in section 2 of this act, file a duplicate of such statement with the Treasurer of the United States, and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the total amount shown by said statement for the purpose of paying the same in full. Each judgment rendered by the Court of Claims shall be promptly paid the claimant by the Treasurer of the United States, on a warrant drawn on the Treasurer in favor of such claimant by the clerk of the Court of Claims.

SEC. 4. That claimants shall be allowed the period of five years from the time when this act becomes a law within which to file their claims, and all money remaining in the Treasury to the credit of the different States unclaimed, as shown by the certified statement of the internal-revenue collector, the judgments and pending claims deducted, shall, on the warrants of the respective governors of the different States, be paid by the Treasurer of the United States to said States, and become a part of the rural school fund of the respective States.

SEC. 5. That this act shall take effect immediately upon its passage and approval of the President or upon its becoming a law without such approval.

Mr. Chairman, in order that the House and the country may know just what is meant by the "illegal cotton tax," or the "illegal cotton taxes," I feel that it will not be out of place to give a brief history of the legislation itself, and something of the various efforts that have been made from time to time to enact relief legislation along the lines proposed in my bill. The need for this has been strongly emphasized during the present session of Congress. Members of Congress sometimes go astray concerning measures which they advocate, and are not always infallible with relation to the subject-matter of bills which they themselves present for the consideration of the House. The gentleman from Georgia [Mr. EDWARDS] has likewise introduced a bill relating to the "illegal cotton tax," and so zealous was he in the cause that before the holidays, and just seventeen days after the gentleman took the oath of office as a Member, he obligingly gave us the benefit of the exhaustive research that he had made of this subject.

But, Mr. Speaker, it matters not how loath I am to differ from the gentleman from Georgia, the truth of history demands that I do so on this occasion. The gentleman from Georgia in his bill refers to certain "money constituting the cotton-tax fund now held in the Treasury of the United States of America and known as the cotton-tax fund." He, also, in the speech which he delivered in this House on that subject, and which he himself said was his "first speech in Congress," several times made the statement that there was an "illegal cotton-tax fund," when the fact is there is not now, nor has there ever been, in the Treasury of the United States an "illegal cotton-tax fund," or any other kind of cotton-tax fund. I knew that the taxes levied upon cotton under the several acts of Congress had been collected and had been used by the Government of the United States, as all other revenue had been used, but, in order that there might be no question whatever hereafter with relation to

the subject, on the 24th day of December, 1907, I addressed to the Secretary of the Treasury the following letter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 24, 1907.

THE SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: In 1862 Congress levied a tax of one-half of 1 cent per pound on cotton; in 1864 Congress levied a tax of 2 cents per pound on cotton; in 1866 Congress levied a tax of 3 cents per pound on cotton; in 1867 Congress levied a tax of 2½ cents per pound on cotton, and in 1868 Congress repealed all laws levying direct taxes on cotton. During the life of these respective tax acts, viz, from 1862 to 1868, the United States Government, as shown by the record in the office of the Commissioner of Internal Revenue, collected the sum of $68,072,389.99 from the owners of cotton.

My understanding is that the money arising from these cotton-tax acts was treated just the same as money arising from internal-revenue taxes; that is to say, it was collected by the Government and used by the Government for governmental purposes. I notice, however, that some persons refer to the "illegal cotton-tax fund" as though this money was never used by the Government, but that it has been held for all these years in a separate and distinct fund, known and described as "the illegal cotton-tax fund."

I will appreciate it if you will advise me as to the truth of the matter.

Yours respectfully, FRANK CLARK.

On the 27th day of December, 1907, Mr. Edwards, Acting Secretary of the Treasury, wrote in reply, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 27, 1907.

Hon. FRANK CLARK,
House of Representatives, Washington, D. C.

SIR: In reply to your communication of the 24th instant, relative to the tax on cotton collected during the fiscal years ended June 30, 1863, to June 30, 1868, I have to state that the provision authorizing the levy and collection of said tax is found in the seventy-fifth section of the act entitled "An act to provide internal revenue to support the Government and to pay interest on the public debt," approved July 1, 1862 (12 Stat., pp. 432–489), and that the moneys derived from the tax on cotton, together with all other taxes levied and collected under the said act, were deposited as receipts from internal revenue and applied to the support of the Government and payment of interest on the public debt.

No separate or distinct account known or described as "cotton-tax fund" was ever kept on the books of the Treasury Department.

Respectfully,

J. H. EDWARDS,
Acting Secretary.

Thus it will be seen, Mr. Chairman, that the gentleman from Georgia was mistaken, and that if this or any similar legislation be enacted the Government of the United States will not find a fund on hand out of which the people who originally paid these taxes may be reimbursed, but will necessarily be compelled to resort to the usual means of raising money to liquidate governmental indebtedness. If any of the constituents of the gentleman from Georgia are interested in this matter, I trust he will hasten to advise them of the real facts.

There were four different acts of Congress levying a tax upon raw cotton. One was the act of July 1, 1862, which levied a tax of one-half of 1 cent per pound. The next was the act of March 7, 1864, which levied a duty of 2 cents per pound. The third was that of July 13, 1866, which levied a tax of 3 cents per pound, and the last was the act of March 2, 1867, which levied a tax of 2½ cents per pound. On the 3d day of February, 1868, Congress passed an act liberating cotton from all taxes thereafter.

In order that we may fully understand the legislation in this behalf, I call the attention of the House to these different acts of Congress.

The several statutory provisions laying taxes on cotton are as follows:

Act of July 1, 1862:

"On and after the 1st day of October, 1862, there shall be levied, collected, and paid a tax of one-half of 1 cent per pound on all cotton held or owned by any person or persons, corporation, or association of persons; and such tax shall be a lien thereon in the possession of any person whomsoever. And further, if any person or persons, corporation, or association of persons shall remove, carry, or transport the same from the place of its production before said tax shall be paid, such person or persons, corporation, or association of persons shall forfeit and pay to the United States double the amount of such tax, to be recovered in any court having jurisdiction thereof: *Provided, however*, That the Commissioner of Internal Revenue is hereby authorized to make such rules and regulations as he may deem proper for the payment of said tax at places different from that of the production of said cotton: *And provided further*, That all cotton owned and held by any manufacturer of cotton fabrics on the 1st day (of) October, 1862, and prior thereto, shall be exempt from the tax hereby imposed." (12 Stat. L., p. 465.)

Act of March 7, 1864:

"From and after the passage of this act, in lieu of the duties provided in the act referred to in the first section of this act, there shall be levied, collected, and paid upon all cotton produced or sold and removed for consumption, and upon which no duty has been levied, paid, or collected, a duty of 2 cents per pound; and such duty shall be and remain a lien thereon until said duty shall have been paid, in the possession of any person whomsoever. And further, if any person or persons, corporation, or association of persons remove, carry, or transport the same, or procure any other party or parties to remove, carry, or transport the same from the place of its production, with the intent to evade the duty thereon, or to defraud the Government, before said duty shall have been paid, such person or persons, corporation, or association of persons shall forfeit and pay to the United States double the amount of said duty, to be recovered in any court of competent jurisdiction: *Provided*, That all cotton sold by or on account of the Government of the United States shall be free and exempt from duty at the time of and after the sale thereof, and the same shall be marked free, and the purchaser furnished with such a bill of sale as shall clearly and accurately describe the same, which shall be deemed and taken to be a permit authorizing the sale or removal thereof." (13 Stat. L., p. 15.)

Act of July 13, 1866:

"There shall be paid by the producer, owner, or holder, upon all cotton produced within the United States, and upon which no tax has been levied, paid, or collected, a tax of 3 cents per pound, as hereinafter provided * * * and such tax shall be and remain a lien thereon, in possession of any person whomsoever, from the time when this law takes effect, or such cotton is produced, as aforesaid, until the same shall have been paid." (14 Stat. L., p. 98.)

Act of March 2, 1867:

"On and after the 1st day of September, 1867, a tax of 2½ cents per pound only shall be levied, collected, and paid on any cotton produced within the United States." (14 Stat. L., p. 471.)

Act of February 3, 1868:

"All cotton grown in the United States after the year 1867 shall be exempt from internal tax; and cotton imported from foreign countries on and after November 1, 1868, shall be exempt from duty." (15 Stat. L., p. 34.)

When the tax of 1862 and that of 1864 was levied the country was in the throes of civil war, and there may be something in the idea sometimes advanced, that the exigencies of war demanded and justified the setting at naught of statutory laws and constitutional provisions. I do not subscribe to that doctrine, because I believe that in a republican government such as ours there can arise no circumstances, there can exist no conditions, there can be no emergencies which would justify the National Legislature in violating the solemnly enacted provisions of the organic law.

Be that as it may, there can be no sort of question but that the act of 1866 and the act of 1867 were both passed in a time of profound peace and therefore can not in any wise be regarded as "war measures," and if the gentlemen will examine the statement which I shall ask permission to incorporate in my remarks, they will find that the great bulk of the taxes levied and collected on raw cotton came from the acts of 1866 and 1867. The tabulated statement of the amounts annually collected in the different States in pursuance of these acts of Congress has been furnished by the Secretary of the Treasury and is as follows:

Statement showing internal-revenue tax receipts from raw cotton.

[See act of July 1, 1862, 12 Stat. L., p. 465.]

State.	Fiscal years ending June 30—						Total.
	1863.	1864.	1865.	1866.	1867.	1868.	
Alabama				$3,733,620.25	$3,049,838.01	$3,604,583.84	$10,388,072.10
Arizona							
Arkansas				203,073.84	1,641,342.22	711,222.37	2,555,638.43
California				145.96	284.08		430.04
Colorado							
Connecticut	$17.72	$110.25			65.67		193.64
Dakota							
Delaware							
District of Columbia							
Florida				97,488.24	499,615.07	321,811.67	918,944.98
Georgia				3,554,554.38	3,283,276.36	5,059,274.24	11,897,094.98
Idaho							
Illinois	53,381.71	35,515.69	$35,802.79	113,732.66	76,013.72	34,697.85	379,144.42
Indiana	8,999.90	1,041.60	703.30	52,428.40	14,202.83	15,351.19	92,727.22
Iowa		.27					.27
Kansas			151.34	102.64	32.17		286.15
Kentucky	12,779.67	83,050.15	83,658.34	121,550.89	149,905.16	102,383.24	553,327.45

Statement showing internal-revenue tax receipts from raw cotton—Continued.

[See act of July 1, 1862, 12 Stat. L., p. 465.]

State.	Fiscal years ending June 30—						Total.
	1863.	1864.	1835.	1836.	1837.	1838.	
Louisiana	$19,920.96	$436,044.52	$593,108.02	$4,300,150.17	$2,971,708.19	$1,777,569.17	$10,098,501.00
Maine							
Maryland	1,857.66	139.91	1,168.65	4,324.03	4,424.48	39,424.79	51,349.52
Massachusetts	4,412.79	6,419.24	127.00	28,175.46	16,576.85	10,937.96	66,679.30
Michigan							
Minnesota							
Mississippi				756,629.27	4,464,664.40	3,521,702.26	8,742,995.93
Missouri	69,493.12	39,009.76	73,603.00	247,289.14	96,721.63	65,981.71	592,098.36
Montana							
Nebraska							
Nevada							
New Hampshire							
New Jersey		500.00			3,156.42		3,656.42
New Mexico							
New York	102,041.83	24,836.56	10,334.04	492,557.07	112,570.54	125,602.64	857,942.68
North Carolina				211,658.57	860,704.55	887,341.75	1,959,704.87
Ohio	70,836.24	94,086.59	39,918.92	41,691.89	85,343.00	115,190.48	447,127.12
Oregon							
Pennsylvania	5,060.89	57,895.38		6,080.62	146.03	9,352.14	78,535.06
Rhode Island	2,402.27	.01	22.45				2,424.73
South Carolina				731,939.67	1,429,281.10	2,011,199.39	4,172,420.16
Tennessee		488,325.80	877,901.00	2,148,437.98	1,929,301.72	2,429,494.12	7,873,460.71
Texas				1,395,524.17	2,780,307.31	1,326,569.76	5,502,401.24
Utah	36.75	11.00	48.90	241.31	389.64	647.74	1,375.34
Vermont				168,268.29			168,268.29
Virginia		1,425.83	26,435.64		299,147.65	330,579.46	657,588.58
Washington							
West Virginia							
Wisconsin							
Total	351,311.48	1,268,412.56	1,772,983.48	18,409,654.90	23,769,078.80	22,500,947.77	68,072,388.99

So far as I have been able to find, and I have made exhaustive research, only one case has ever been brought in the courts directly affecting these acts of Congress levying a tax on cotton, and that suit was brought to test the validity of the act of July 13, 1866.

On the second Monday in June, 1867, William M. Farrington commenced an action in the law court of Memphis, Tenn., against Rolfe S. Saunders, a collector of internal revenue, for damages for the seizure of 148 bales of cotton which had been assessed by an internal-revenue assessor for taxes amounting to $2,005.74. The case was removed to the United States circuit court for the sixth circuit by Saunders, and that court decided in his favor. Farrington appealed to the Supreme Court of the United States on December 6, 1867, and the judgment of the court below was affirmed by the Supreme Court—a divided court, there being only eight justices who heard the case, and they stood four to four—February 20, 1871.

It can be found in only one volume, and that is a volume known as "Records of Briefs," volume 216.

Mr. GOULDEN. Will the gentleman permit an interruption right there? Why was not that decision reported?

Mr. CLARK of Florida. I do not know. The fact is that it was not.

Mr. SIMS. I would like to ask the gentleman a question. Were any written opinions given by the divided court either way?

Mr. CLARK of Florida. No.

Mr. SIMS. There is no way, then, to get a written statement of the four justices who contended against the constitutionality of the act?

Mr. CLARK of Florida. No, sir; there is not. All that is contained in the volume that I referred to is copies of the pleadings and the argument of counsel on both sides, with a statement as to the court's finding. But the judgment was affirmed solely because of a divided court. Four were in favor of affirmance, and four were in favor of reversal, and that, of course, resulted in affirmance of the judgment of the court below.

The facts in the case appear in the following case agreed, which had been filed in the circuit court at the September term, 1867:

The plaintiff and defendant have agreed that the above cause, now pending in the circuit court of the United States for the district of west Tennessee, shall be tried by the court without the intervention of a jury, upon the following facts, which are submitted and agreed upon by both parties, to wit:

1. That on the 26th day of June, 1867, the plaintiff, William M. Farrington, was the holder and owner, in his own right, of 148 bales of cotton, of the net weight of 66,858 pounds. That said cotton was the growth of and produced within the United States.

2. That no internal revenue or other tax had been levied, paid, or collected upon said cotton.

3. That on the said 26th day of June, 1897, H. F. Cooper, assistant United States assessor for the eighth district of the State of Tennessee, within which said district said cotton then was, acting under the provisions of the act of Congress of the United States, approved 13th July, 1866, assessed a tax of 3 cents per pound upon said cotton, making in the aggregate the sum of $2,005.74, and returned said assessment on that day into the office of the defendant, who is the United States revenue collector for said district.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman from Florida [Mr. CLARK] one question. Does the statement show the issue raised in the case—that is, the grounds of the issue?

Mr. CLARK of Florida. Yes, sir; fully and completely.

4. That the plaintiff on the same day protested against said assessment, for the reason that said assessment was without authority of law, said act of Congress of the 13th of July, 1866, being contrary to the provisions of the Constitution of the United States of America and void.

5. That on the 27th day of June, 1867, the defendant, who is the legally authorized United States internal-revenue collector for said district, the said cotton being then within said district, demanded said tax of 3 cents per pound on said cotton, amounting in the aggregate to the said sum of $2,005.74, from the plaintiff.

6. That the plaintiff then and there protested against said tax, and protested against the defendant's demand, and objected to pay the same for the reasons assigned in his protest against the assessment of said tax, and was removing said cotton from said district.

7. That the defendant then and there, on the day aforesaid, averred that he would, as internal-revenue collector, seize said cotton, and threatened the plaintiff then present that he would forthwith seize said cotton unless said tax was paid to him.

8. That the plaintiff thereupon and by reason of said threats paid to the defendant the said sum of $2,005.74, lawful money of the United States, that being the amount of said tax, under protest.

9. That on the same day the plaintiff demanded said money back from the defendant; that the defendant refused to refund it, and the plaintiff thereupon on the same day duly appealed to the Commissioner of Internal Revenue, at Washington, according to the provisions of law in that regard and the regulation of the Secretary of the Treasury, established in pursuance thereof.

10. That the plaintiff's appeal, the same containing a properly certified record of the acts of the said assessor and the defendant, and the reasons of plaintiff's protest, were duly forwarded to and laid before the Commissioner of Internal Revenue at Washington, who examined the plaintiff's claim for the refunding of said sum of $2,005.74, and rejected it, for the reason that he regarded the law imposing a duty of 3 cents per pound upon cotton as constitutional.

11. That the action of the Commissioner was on the 1st day of August, 1867, and within six months before the suing out of summons and commencement of the plaintiff's action in this cause.

12. That the plaintiff and defendant were forthwith notified by the Commissioner of Internal Revenue of his action in the premises, and on the 10th day of August, 1867, the plaintiff again, and after notice as above to the defendant, demanded to have said sum of $2,005.74 paid back to him, which the defendant refused.

13. That the amount in controversy in this cause is more than $2,000.

14. That the following tabular statement shows the growth and production of cotton within the United States from the year 1820–21 to the year 1866–67, inclusive, in bales:

1820–21	430,000	1831–32	987,417
1821–22	455,000	1832–33	1,070,438
1822–23	495,000	1833–34	1,205,394
1823–24	509,158	1834–35	1,254,328
1824–25	569,249	1835–36	1,360,725
1825–26	720,027	1836–37	1,432,930
1826–27	957,281	1837–38	1,801,497
1827–28	727,593	1838–39	1,360,532
1828–29	870,215	1839–40	2,177,835
1829–30	976,845	1840–41	1,634,945
1830–31	1,038,848	1841–42	1,683,574

1842–43	2,378,875	1855–56	3,537,845
1843–44	2,030,409	1856–57	2,939,519
1844–45	2,394,503	1857–58	3,115,962
1845–46	2,100,537	1858–59	3,851,481
1846–47	1,778,651	1859–60	4,669,770
1847–48	2,347,634	1860–61	3,656,086
1848–49	2,728,296	1861–62 (estimated)	1,000,000
1849–50	2,096,706	1862–63 (estimated)	1,000,000
1850–51	2,345,257	1863–64 (estimated)	800,000
1851–52	3,015,029	1864–65 (estimated)	500,000
1852–53	3,262,882	1865–66	2,151,043
1853–54	2,939,027	1866–67	1,860,000
1854–55	2,847,339		

That of the above annual yield and product, three-fourths to five-sixths of the number of bales have been annually exported from the United States, except in the years 1865–66 and 1866–67, the exports for those years being about two-thirds to three-fourths, and that the returns received at the Statistical Bureau at Washington show that 667,137,870 pounds of cotton have been exported from the United States for the year ending June 30, 1867, of the value of $202,807,910.

Now, it is agreed between the plaintiff and defendant that this cause shall be tried by the court upon the foregoing facts admitted by both parties, and the court may draw all inferences and make all deductions from said facts that a jury might or could legally draw or make, and the questions at issue between the parties which the court is asked to adjudge and determine is as to the validity and constitutionality of the various acts of Congress imposing a tax upon cotton, and particularly to the act of Congress approved July 13, 1866, imposing a tax of 3 cents per pound upon cotton produced within the United States. And if upon the trial of the cause and argument of counsel the court should be of the opinion that said act of Congress of the 13th of July, 1866, imposing said tax of 3 cents per pound upon cotton produced within the United States is constitutional and valid, then the judgment of the court shall be simply for the defendant and against the plaintiff and his security for the costs of the cause. But if the court shall be of the opinion that said act (of) Congress imposing said tax is unconstitutional and invalid, then the judgment of the court shall be for the plaintiff, that he recover of the defendant the said sum of $2,005.74, with interest from the 27th day of June, 1867, and the costs of the cause.

The right to appeal, or to take an appeal in the nature of a writ of error, or to prosecute a writ of error to the Supreme Court of the United States, at Washington, or wherever the same shall be held, is reserved to both parties, to be taken by the losing party at his option, according to law and the rules of practice in the circuit and supreme courts of the United States regulating the practice in appeals and writs of error from the circuit court to the Supreme Court.

This 2d day of September, 1867.

WILLIAM M. FARRINGTON,
By WRIGHT & M'KISICK, *Attorneys.*
ROLFE S. SAUNDERS,
By MARLAND L. PERKINS,
Asst. United States Atty. District of West Tennessee.

Judgment.

Upon the foregoing case agreed, Judge Trigg rendered judgment as follows:

"And upon consideration of the same the court is of the opinion that the said act of Congress of the 13th of July, 1866, imposing an internal-revenue tax of 3 cents per pound upon cotton grown and produced within the United States is constitutional and valid, and that the law of the case upon the facts agreed is with the defendant. It is therefore considered by the court that the defendant go hence and recover of the plaintiff, and of T. A. Nelson, his security therefor, the costs of this suit, and that execution issue."

In the Supreme Court of the United States briefs were filed by P. Phillips, W. L. Sharkey, Albert Pike, James Hughes, Robertson Topp, J. A. Campbell, Robert W. Johnson and B. R. Curtis, for Farrington; and by Attorney-General Akerman, Assistant Attorney-General C. H. Hill, and, later, by Attorney-General E. R. Hoar, and Assistant Attorney-General W. A. Field, for Saunders.

Mr. SPARKMAN. Will my colleague allow me to ask him a question?

Mr. CLARK of Florida. Certainly.

Mr. SPARKMAN. Did either one of the justices file any opinion in the case?

Mr. CLARK of Florida. No, sir; they did not.

Mr. SPARKMAN. Then your remarks embrace not the opinion, but only the findings of fact?

Mr. CLARK of Florida. That is all.

Counsel for Farrington contended that the acts laying the tax on cotton violated all the provisions of the Constitution of the United States delegating the right to levy and collect taxes.

Counsel for Saunders controverted this position, and relied mainly upon the case of Hylton *v.* United States (3 Dallas, 171). Their contention was summarized in the brief of Attorney-General Hoar as follows:

If the cotton tax imposed by the act of 1866 was a direct tax, then, inasmuch as it was not laid by the rule of apportionment, it must be pronounced unconstitutional. It must also be pronounced unconstitutional if it was an export tax. But if, on the other hand, the tax was an indirect one simply, it is submitted that there was no conflict between the provision referred to and the Constitution, and its validity should be affirmed. He also contended that "the tax on cotton of 1866 is not a direct tax, being neither a tax on land nor a tax on slaves or other capitation tax.

I desire to call the attention of the House especially to the admission made by Attorney-General Hoar in his brief in the Farrington case that—

If the cotton tax imposed by the act of 1866 was a direct tax, then inasmuch as it was not laid by the rule of appropriation it must be pronounced unconstitutional.

Was it a direct tax? Let us now examine the constitutional provisions applicable to this tax. What are they? Upon an examination of the Constitution it will be found that it contains only four provisions respecting Federal taxation, and they are as follows:

1. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. (Art I, sec. 2, clause 3.)

The fourteenth amendment modified this provision so that the whole number of persons in each State should be counted, "Indians not taxed" excluded.

2. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. (Art. I, sec. 8, clause 1.)

3. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. (Art. I, sec. 9, clause 4.)

4. No tax or duty shall be laid on articles exported from any State. (Art. I, sec. 9, clause 5.)

In the light of these constitutional provisions, I desire to call attention briefly to the objections which lie to the levy and collection of all these taxes. First, my insistence is that each and every one of the acts referred to levied a *direct tax* upon raw cotton, which was violative of that provision of the Constitution which prohibits the levy of a direct tax, except it be done by the rule of apportionment; that Congress has the power to levy direct taxes is not now and never has been questioned since the Constitution itself was adopted. The Constitution says, in Article I, section 2, clause 3, that "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers."

Gentlemen will search the four enactments of Congress in this behalf in vain for any provision levying the tax in accordance with that requirement of the organic law.

Again in Article I, section 9, clause 4, we have this provision:

No capitation or other direct tax shall be levied unless in proportion to the census or enumeration hereinbefore directed to be taken.

In none of these statutory enactments will you find any provision that these taxes are to be laid "in proportion to the census," as is positively required.

I desire also at this place to call the attention of this House to the historical fact that so great was the fear of members of the Constitutional Convention that Congress might have the power to levy direct taxes without regard to the rule of apportionment, or the population of the different States, as shown by the census, that the Constitution itself would never have been adopted by the people of the different States if they had not been solemnly assured by the leading statesmen of that day that it would never result in oppressive taxation, or violate in that respect the principle of equality. [Applause.] That this is true I apprehend no one will deny, and I cite those who desire to investigate the subject further to "The Federalist," No. 36.

In the argument of Mr. Phillips, of counsel for Farrington, who was plaintiff in error in the Supreme Court of the United States in the case of Farrington *v.* Saunders, in referring to these constitutional provisions we find this strong language:

By these restrictions the States supposed that they had protected themselves against partial or corrupt legislation. For indirect taxation they established *uniformity;* for *direct* they secured *apportionment according to the census.*

In the history of this Government Congress has several times resorted to the levying of direct taxes for the purposes of the Government. But in each and every case, with very few exceptions (and in those exceptions the money was subsequently refunded), Congress has always laid the tax by the rule of apportionment. [Applause.]

Perry on Political Economy, page 443, defines a direct tax as follows:

A direct tax is levied on the very persons who are themselves expected to pay it; an indirect tax is demanded from one person in the expectation that he will pay it provisionally, but will indemnify himself in the higher price he will receive from the ultimate consumer. Thus the income tax is direct, while duties laid on imported goods are indirect.

There can, I think, be no question but that these taxes come squarely within the definition of a direct tax given by Perry. There has never been any argument worthy of the name to the contrary.

I suppose that the best defense that has ever been made for the levy of these cotton taxes was made in a letter to Hon. George S. Boutwell, then Secretary of the Treasury, by the Hon. Israel Kimball, at that time Commissioner of Internal Revenue. The opinion of Mr. Kimball can be found in Executive Document No. 181, Forty-second Congress, third session. It is covered in a letter from the Hon. George S. Boutwell, Sec-

retary of the Treasury, under date of February 4, 1873, and directed to the Hon. James G. Blaine, at that time Speaker of the House of Representatives. Mr. Kimball consumes some fourteen pages undertaking to bolster up the right of the Government to insist upon these taxes. But when his entire argument is sifted and brought down to its last analysis, the *one main reason* that he gives to support his contention that these taxes were indirect and not direct in his statement, unsupported in reason or by fact that the producer did not in fact pay the tax; that the tax was added to the selling price and the consumer paid it. With all due respect to Mr. Kimball, this contention in the minds of those who know the present situation, and who have been familiar with conditions in the cotton-growing section of our country for the past thirty-five or forty years, is simply absurd, impossible, and ridiculous. No man who ever lived on a farm, South, North, East, or West, but who knows that the farmer has no more to do with fixing a price for his products than has "the man in the moon." When a farmer has anything to sell he is forced to accept whatever may be offered him by those who buy. When the farmer desires to buy he is forced to pay the price put on the goods by the seller. It is notorious in the South that the price of cotton has always been fixed in the market at Liverpool.

Messrs. Hughes and Sharkey, of counsel for Farrington, have, however, answered this contention so much better than I can that I shall adopt their argument, which, with reference to Mr. Kimball's contention, is as follows:

Is it (this tax) levied on the person who pays it, or does some other person ultimately pay it? Can the planter add this to the price of the cotton when he sells it? The court must assume this; otherwise it is a direct tax. Can the court assume it in the face of the facts? Liverpool is the great cotton mart of the world and controls the price of cotton. Can the planter who ships his cotton to Liverpool add this tax to the price? If the Southern States had entire control of the market, or a monopoly, perhaps he might, but there the cotton of the United States comes in competition with the cotton of about twelve or fifteen other countries, and the planter's price must conform to the standard there fixed. Consequently he is not remunerated to the value of a farthing a bale. The whole loss falls on him. He is the person who pays it.

If gentlemen will investigate the debates had in the Constitutional Convention on this subject of taxation, they will readily see that the contention which I make here and which was made by the planter's attorneys in the Farrington case is absolutely correct. Gentlemen upon that investigation will find that as the taxing power was originally introduced in the report of the Committee of Detail it stood—

The legislature of the United States shall have power to lay and collect taxes, duties, imposts, and excises. (See Madison's debates, p. 378.)

If this clause had stood as the Committee of Detail originally reported it, it would have given to Congress unlimited power of taxation, which might have been used to the advantage of some States and to the prejudice of others, and for this reason, which was conceded by all, when this taxation matter came before the convention itself for adoption, it was amended by adding thereto these words:

"But all such duties, imposts, and excises shall be uniform throughout the United States."

And right here is the provision of the organic law under which it is sought to justify the levy of these taxes. The insistence of those who support the legality of the tax levy is that the tax is laid by the rule of uniformity, as it is stated in the act that the tax is to be levied on "all cotton produced within the United States."

This clause is quoted and gentlemen say that as the tax is laid upon all cotton in the United States it is necessarily uniform and fully complies with the constitutional requirement. If cotton were grown in all the States of the Union this contention would be eminently correct, but when it is known to the courts and known to the Congress and known to every one that at the time of the levy of these taxes cotton could not be grown in any but eleven States, and that while the act levied the tax upon all cotton grown within the United States, it would not cost some States one penny and would extort from the pockets of the people in other States millions of dollars, the plea of uniformity vanishes into thin air. [Applause.]

The case relied on by the advocates of the legality of these acts is the case of Hylton *v.* the United States, to be found in 3 Dallas, page 171. This was a case of an act of Congress levying a tax upon carriages, and an investigation of it will show that the court sustained the constitutionality of the act largely and, in fact, I might say wholly, upon the ground that it was a tax on the consumer of an article. The three learned judges in that case, who delivered written opinions, concurred in intimating (they say expressly that they do not give a judicial opinion) that the direct taxes contemplated by the Constitution are only two, to wit: the capitation tax and the tax on land. Even if the intimation of these judges were correct, and that direct taxes as referred to in the Constitution were limited to two, and that those two were the capitation tax and the tax on land, then the contention which I here make would be sound. I assert this because the courts and the law writers of approved authority all concur in the holding that the product of land, whether it be in rentals or whether it be in crops, stands upon exactly the same footing as the land itself. In other words, if the levy of a tax upon land would be a direct tax, and it should be required that the tax be levied by the rule of apportionment, then cotton, corn, wheat, tobacco or other raw product of the land itself would likewise be considered as land and the rule of apportionment would necessarily have to be complied with.

I desire also to call the attention of the House to the fact that the Supreme Court of the United States, when it delivered the opinion in the Hylton case, was denied access to the debates in the Federal Convention. It is recognized in all courts that one of the very best rules of statutory or constitutional construction is the will or the meaning of the legislator as contained in the debate leading up to the adoption of the particular enactment. The debates in the Federal Convention were secret. No copies were allowed, and when the convention adjourned the journals were placed in charge of the President and they were not laid before Congress, or the country, or published, *until after the decision in the Hylton case was made*. This statement I get from the argument of Mr. Robertson Topp, of counsel for appellant in the Farrington Saunders case, and Mr. Topp, after making this statement, says:

Thus it will be seen that the court was deprived of one of the best means of determining the real meaning of the Constitution, viz, *the reasons given by those who made it.*

Referring to this fear that some of the States would be in the power of the others and that grave injustice would be done the weaker ones in the matter of taxation, Mr. Madison, in the convention, said:

It is represented to be oppressive that the States which have slaves and tobacco should pay taxes on these for Federal wants when other States who have them not would escape. But does the Constitution on the table admit of this? On the contrary, there is a proportion to be laid on each State according to its population.

Mr. Topp, in his argument in the Farrington case, submits some figures taken from the Census of 1860, which strike me as being a powerful exposition of what might occur and of the injustice that might be perpetrated, and which, in fact, was perpetrated in the levy of these cotton taxes. I desire to call attention to the table referred to:

By referring to the Census of 1860 it will be seen that the total population of the United States was	31, 445, 089
By the same table the population of the 11 cotton-producing States was	9, 103, 333
By the same table the value of the real and personal property of the United States in 1860 was	$16, 159, 616, 068
Of the 11 cotton-producing States	$5, 402, 165, 107
By referring to the agricultural report of 1867, page 90, it will be seen the corn crop of that year was worth	$610, 948, 390
The wheat crop	$421, 796, 460
The oat crop	$172, 472, 970
The hay crop	$372, 864, 670
The cotton crop	$201, 470, 495
And that including rye, barley, buckwheat, potatoes, and tobacco, the whole crop of 1867 was worth	$2, 007, 462, 231

By referring to the Census of 1860 it will be seen that the cotton crop, except 100 bales raised in Missouri and 6 bales in Illinois, was entirely raised in the 11 cotton States, and such has been the case since the existence of those States and since cotton was produced for export.

By referring to the tax laws of the United States it will be seen that cotton and sugar were the only crude products of the soil taxed—that corn, which grew in every State from Maine to Texas, worth treble, wheat worth double, hay worth nearly double the cotton crop; that in fact the whole crop of every character and description, passes free, whilst cotton, less than one-tenth in value, is singled out and made to bear ruinous burdens—1867, 33⅓ per cent of the gross value—whilst more than two-thirds of the people escape the tax.

Is this fair? Is this just? Is this uniform?

The attorneys for the Government in the Farrington case, in addition to the contention that these taxes on cotton were not direct taxes, took the further position that the tax on cotton was an excise and therefore the rule of apportionment did not apply. Let us examine this contention under the light of the Constitution.

The Encyclopedia Britannica under the article excise defines an excise to be—

A term used in finance to signify the duty charged in a country upon articles produced in it before they are permitted to get into the possession of the public.

Judge Storey says:

An excise is an inland imposition or duty; a duty or tax laid on certain articles produced or consumed at home.

Accepting these definitions as being correct, how stand the cotton taxes with relation to clause 1, section 8, Article I of the Constitution of the United States? That clause reads as follows:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises *shall be uniform throughout the United States.*

Were these taxes uniform throughout the United States? That is the gist of the whole question, and upon the correct answer to that question must stand or fall the cotton taxes.

We are permitted in the discussion of a question like this, whether that discussion take place in the court room or in the legislative halls, to take notice of the physical conditions of the country. We are permitted to consider those things which are matters of common information. Acting upon this rule, the Congress must have known that when these taxes were levied cotton was grown in *only eleven* of the States of the Union. Outside of those eleven States I believe that no cotton was grown in the United States except about *one hundred bales in the State of Missouri* and about *six bales in the southern part of the State of Illinois.* This being true—and no one will question its correctness—can it be contended that these acts were *uniform throughout the United States?*

In order that the Congress may see and know and understand just how uniform these acts were in their practical operation, if they will turn to the table that I have incorporated in my remarks they will see that under these four acts of Congress levying taxes upon raw cotton the State of Georgia paid into the Treasury of the United States *$11,897,094.98*, while the State of Kansas, with a population almost as large, only paid into the Treasury of the country *$286.15.* And so in many other cases these figures are of themselves fully sufficient to show the injustice and gross inequality of these cotton taxes. But I have discovered in the act of August 5, 1861 (12 Statutes at Large, pp. 294–295), some figures which by comparison with those of the table referred to will make the inequality still more impressive from another point of view. That act laid a direct tax of twenty millions of dollars upon the United States and *apportioned* the same among the several States *according to population.* It was a constitutional act, and it is highly instructive to compare the *amounts apportioned* under it to the several cotton States with the *amounts actually collected* under the operation of the unconstitutional cotton-tax acts. I have done this in a tabular statement which I now present:

Table showing direct taxes apportioned to the several cotton-growing States by act of August 5, 1861, and amounts collected in same States under the cotton-tax acts.

Name of State.	Apportionment under act of 1861.	Collected under cotton-tax acts.
Georgia	$584,367	$11,897,094
Alabama	529,313	10,388,972
Mississippi	413,081	8,742,995
Louisiana	385,888	10,098,501
Florida	77,522	918,944
Arkansas	281,883	2,555,638
Tennessee	669,498	7,873,480
North Carolina	576,194	1,959,704
South Carolina	363,579	4,172,430

It would be hard to find in the history of the world a more grievous, oppressive, or unjustifiable exercise of arbitrary power than that illustrated by this table. But that is not all. The direct taxes laid by the act of 1861, in conformity with the Constitution have been refunded to the States from which they were collected; while these illegal and unconstitutional cotton taxes have been covered into the Treasury, and used for the benefit of the United States, and no restitution made. It is an unusual case.

Suppose the acts of Congress imposing these taxes had provided that *eleven States*, naming them, should pay these taxes and that the *remaining States should be exempt therefrom.* Would it be contended for a moment that this was a compliance with the constitutional provision which required that such taxes should be *uniform throughout the United States?* Certainly not. Can Congress by simply placing the words "all cotton produced in the United States" evade this provision when Congress knew, or must have known, that the whole burden would fall *upon eleven States* and *would not* and *could not be made uniform in its operation throughout the United States?* Such a contention would merely be a juggling with words, and a prostitution of a solemnly enacted provision of our organic law unworthy of the merest tyro in constitutional law. If our Constitution can be distorted and emasculated by such legislative legerdemain, then the right to live, the right to be free, and the right to pursue happiness, for which our fathers fought and died in the Revolution, are not protected by our sacred bond of union. Not in anger, but in a broad spirit of brotherly love and patriotic devotion to our beloved country, let me appeal to the majority to right this most grievous wrong to constitutional government.

I also take the position, Mr. Chairman, that these taxes are obnoxious to another provision of the Constitution. Clause 5 of section 9, Article I, provides:

No tax or duty shall be laid on articles *exported from any State.*

That cotton, when these different acts were passed by Congress, was an article of export was well known. Practically every pound of cotton grown in the Southern States during the period from 1862 to 1868 was grown expressly for export, and export to foreign countries. The courts and the law writers of approved authority agree that the clause of the Constitution to which I have just called attention applies as well to articles exported *from one State in the Union to another State in the Union* as it does *from one of our States to foreign countries.*

It is said that the cotton crop of 1867 was 2,240,282 bales, of which 1,657,015 bales were shipped to foreign parts, leaving for home consumption 553,267 bales, of which it is estimated that about 60,000 bales were manufactured in the cotton-growing States. In other words, 60,000 bales out of a total of 2,240,282 bales, remained in the States where the cotton was grown, thus showing that the great bulk of the crop was exported and establishing raw cotton as an export beyond all question.

That this constitutional provision applies to the exporting of goods from one State to another in the Union, I desire to call attention to the definition of the word "export" given by Webster. He says that exporting means—

To carry out, to convey, or transport any traffic, produce, or goods, from one country to another, or from one State or jurisdiction to another, either by water or land. We export wares and merchandise from the United States to Europe. The Northern States export manufactures to South Carolina and Georgia.

In the case of Almy *v.* California, the court decided that articles of export *from one State to another could not be taxed.* No court in this country has ever rendered an opinion, not *even excepting the Hylton case*, that is contrary to the contention which I make for the refunding of this money wrongfully exacted from the people of these different States.

We are standing in this demand squarely upon the law as it has been declared, and upon our rights under the Constitution, as those rights have always been conceded. In the case of Pacific Insurance Company *v.* Soule, the learned judge who rendered the opinion in that case said:

The taxing power is given in the most comprehensive terms. The only limitations imposed are that direct taxes, including the capitation tax, shall be apportioned; that duties, imposts, and excises shall be uniform, and that no duty shall be imposed on articles exported from any State. With these exceptions the exercise of the power is in all respects unfettered. (7 Wallace, p. 446.)

In asking the passage of this bill, and insisting upon this measure of retarded justice, I stand squarely upon the law as laid down by the court in the case of Soule. This Government ought to have the right to tax anything and everything when the necessities of the Government require it. But this Government in the exercise of that right should comply strictly with every provision of the Constitution, else constitutional government is a failure. Every man who loves his country and who honors the flag must agree in preserving without variance each and every clause of our organic law as framed and handed down to us by the patriots who planted the seeds of liberty in the friendly soil of this western world.

Since I have referred to the direct tax act of 1861, it may be well, in this place, to refer to other acts amendatory of it, and to certain decisions of the courts construing the same. The acts of June 7, 1862, 12 Stat. L., 422; January 6, 1863, 12 Stat. L., 640; March 3, 1865, 13 Stat. L., 501, and the resolution of February 25, 1867, 14 Stat. L., 568, made provisions for the assessment and collection of this tax.

All these acts were construed by the Court of Claims in the case of Seabrook *v.* United States (21 Court of Claims Reports, 39), Harrison's Case (20 id., 176), and Thompson's Case (20 id., 270). In all these cases it was held that where a tax has been illegally collected, the money should be refunded. And in Miles *v.* Johnson (59 Fed. Rep., 38, 40) it was held that the word "tax" includes *taxes which have been illegally levied*, as well as those which have been *illegally collected, though legally levied.* In nearly all jurisdictions provision is made by statute for the refunding of taxes illegally exacted (27 American and English Encyclopedia of Law (2d ed.) 756–757). And the word "exacted" includes the *levy* as well as the *collection.*

The act of June 8, 1872 (17 Stat. L., 339), restored to the former legal owners all lands then held by the United States under the direct tax acts, upon payment of taxes, interest, expenses, etc., and released the title of the United States to the said lands. And subsequent statutes have, as I have said, refunded the entire amount collected under the act of 1861 and the acts amendatory of it, to the several States. See the act of March 2, 1891, "to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861." (26 Stat. L., 822.) By this act it was enacted that "it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and to the District of Columbia a sum equal to all collections by set-off or otherwise made from said States and Territories and the District of Columbia, or from any of the citizens or inhabitants thereof, or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto," and "that all moneys due to the United States on the quota of direct tax apportioned by section 8 of said act are hereby remitted and relinquished." And an appropriation was made of "a sum sufficient to pay all money found due to them under the provisions of this act." In almost every general deficiency bill which has passed this House within twenty years, there has been an appropriation for refunding taxes illegally collected. I will cite only two instances out of many—the act of April 30, 1890 (26 Stat. L., 547), appropriated $31,156.43 "for the refunding of taxes illegally collected." The act of March 3, 1891 (26 Stat. L., 891), appropriated $12,317.42 for the same purpose. Section 3689 of the Revised Statutes contains a general provision requiring all such taxes to be refunded upon application of the party aggrieved.

Now, I claim that the cotton taxes were not only illegally collected, but illegally levied; because, in addition to the violation of the rule of apportionment, Congress, in laying these taxes, also violated the constitutional provision against laying duties on exports from any State, and those provisions relating to due process of law. But a literal compliance with the mandatory provisions of the Constitution, whether affirmative or negative, is a condition precedent to the validity of any law laying taxes on the property of the people. Nor does it matter, therefore, whether this cotton tax was a war tax, as the gentleman from Georgia says it was, or not; for the taxing power is restricted and qualified in respect to all taxation, by all the general limitations which are imposed upon its authority by the Constitution. (Wilkes Co. *v.* Coler, 180 U. S., 506, 525.) The gentleman from Georgia is, however, again mistaken, unquestionably, as to the two last acts, and, in my opinion, the first two also.

Furthermore, these acts violate the fundamental principle of all taxation. We are inclined on any and all occasions to boast that under our beneficent form of government "all men are equal before the law." The rich and the poor, the great and the small, the strong and the weak, we have always been taught, must, in proportion to ability, aid in bearing the burdens of government while permitted to share its blessings.

That principle, which is as fully applicable to the action of the Federal Government as to that of any State, county, or municipal government, was stated by Judge Cooley in the case of The People *v.* Town of Salem (20 Mich., 452, 474), as follows:

> The tax must be laid according to some rule of apportionment, not arbitrarily or by caprice, but so that the burden may be made to fall with something like impartiality upon the persons or property upon which it justly and equitably should rest. A State burden is not to be imposed upon any territory smaller than the whole State, nor a county burden upon any territory smaller or greater than the county. Equality in the imposition of the burden is of the very essence of the power itself, and though absolute equality and absolute justice are never attainable, the adoption of some rule tending to that end is indispensable.

Under this legislation the Government of the United States collected, mainly from the people of the Southern States, who had no voice in laying these taxes, the sum of $68,072,388.99, and disposed of that sum as it did of legitimate revenue. Every man, no matter from what State he hails, or what may be his politics, should support this measure as an act of simple justice to the people who were wronged. In all fairness, that sum should be refunded to those from whom it was extorted, and I believe that the bill I have introduced to that end should have the support of every fair-minded man in Congress.

Mr. GOULDEN. I would like to ask the gentleman if that included all the taxes collected on cotton from 1861 to 1868?

Mr. CLARK of Florida. That included all the money under the four acts of Congress collected and accounted for.

Mr. SIMS. That includes all that went into the Treasury of the United States?

Mr. CLARK of Florida. Yes.

Mr. SIMS. But a great deal was collected that never went into the Treasury, and I do not understand that this makes the Government liable for that.

Mr. CLARK of Florida. No; only for the principal collected and accounted for by being paid into the Treasury of the United States. No interest is asked, simply the principal.

Surely, those who were compelled to pay these unconstitutional taxes should not be treated worse than those persons who, acting under the provisions of the sugar-bounty law, spent money in improvements and machinery needed for the production of sugar. When the sugar bounty was declared unconstitutional by the Court of Appeals of the District of Columbia (Miles Planting Co. *v.* Carlisle, 5 D. C., App. 138), Congress refunded to them, by the act of 1895, the money which they had expended in accordance with the act of 1890, known as the "McKinley bill." In construing the act of 1895, the Supreme Court of the United States, in the celebrated Sugar Bounty Case (United States *v.* Realty Co., 163 U. S., 442–443), said:

> Among the latest examples of payments that are not of a right or of any legal claim, but which are in the nature of a gratuity depending upon equitable considerations, are the cases just decided by this court of Blagge *v.* Balch, Brooks *v.* Codman, and Foote *v.* Women's Board of Missions, reported as one case in 162 U. S., 439. The claims in those cases are what have been known as the "French spoliation claims," being based upon depredations of French cruisers upon our commerce prior to July, 1801. An appropriation for their payment was made by Congress in 1891 upon the conditions and to the class of persons named in the act. Questions arose as to the proper interpretation of the act and as to the character of the payments provided for therein. This court held the payments were purposely brought by Congress within the category of payments that are not of right, but which are in the nature of a gratuity and as an act of grace, though founded upon a prior moral or honorable obligation to pay to some one who might be said in some way to represent the original sufferers. No question of the power of Congress to make such appropriation was raised by anyone.
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> The power to provide for claims upon the State founded in equity and justice has also been recognized as existing in the State governments. For example, in Guilford *v.* Chenango County (13 N. Y., 143), it was held by the New York court of appeals that the legislature was not confined in its appropriation of public moneys to sums to be raised by taxation in favor of individuals to cases in which legal demands existed against the State, but that it could recognize claims founded in equity and justice in the largest sense of these terms or in gratitude or in charity.
>
> Of course, the difference between the powers of the State legislatures and that of the Congress of the United States is not lost sight of, but it is believed that in relation to the power to recognize and to pay obligations resting only upon moral considerations or upon the general principles of right and justice, the Federal Congress stands upon a level with the State legislature.
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> In truth, the general proposition that Congress can direct the payment of debts which have only a strong moral and honorable obligation for their support is not, as we understand it, denied by the learned counsel for the United States.

No one can deny that the claim of the cotton planters is altogether as valid as the "sugar-bounty claims" or the "French spoliation claims." The cotton planters acted under the guaranty of the Constitution of the United States, that their products should not be taken from them without just compensation or due process of law, unless by means of direct taxes apportioned among the several States according to numbers. This guaranty was violated by the Federal Government. Under the guise of taxation, the Government compelled them to contribute a large portion of their property to public uses. In the "Income tax cases" it was clearly demonstrated that any law of this kind was invalid. What, then, is the legal consequence? Is it not clear that the Government assumed the responsibility of refunding to those from whom it took the money in question every cent so taken? But for the prevalence of sectional ill-feeling, these claims would have been paid thirty-three years ago. In the Forty-third Congress bills were introduced, with that end in view, by Mr. McKee of Mississippi, by Mr. White of Alabama on behalf of Mr. Alexander H. Stephens of Georgia, by Mr. Blount of Georgia, and also by Mr. Sheldon and Mr. Cook. In the Forty-fourth Congress a similar bill was introduced by Mr. Roger Q. Mills of Texas. These bills, respectively, were: H. R. 2250, Forty-third Congress, first session, to refund certain taxes collected by the Government of the United States on raw cotton during the years 1865, 1866, 1867, and 1868, introduced March 2, 1874, by Mr. McKee; H. R. 2338, Forty-third Congress, first session, to refund the cotton tax, introduced by Mr. White, on behalf of Mr. Stephens, who was absent on account of sickness; H. R. 1076, Forty-third Congress, first session, to refund taxes collected by the United States on raw cotton during the years 1863, 1864, 1865, 1866, 1867, 1868, introduced by Mr. Cook; H. R. 1632, Forty-third Congress, first session, to extend the time for collecting the cotton tax and reviving such claims as are now barred, introduced by Mr. Blount; H. R. 3448, Forty-third Congress, first session, to refund the cotton tax, introduced by Mr. Sheldon; H. R. 982, Forty-fourth Congress, first session, refunding the cotton tax to the producer of the cotton, introduced by

Mr. Mills. All of these bills except Mr. Blount's were referred to the Committee on Ways and Means, but were never reported back. The men who prepared them were among the best lawyers then in Congress; but the animosities engendered by the late war were still too strong to secure for them a respectful hearing.

Another reason and a very cogent one and one which should appeal strongly to the conscience of Congress, is the fact that when these taxes were levied, when these acts of Congress were enacted, the eleven States affected by them and which had to bear the burden of over sixty millions of dollars of taxation, had no representatives in either branch of this Congress; no representative in this House and no Senator at the other end of the Capitol was here to raise his voice or to cast his vote on these questions which so vitally affected the impoverished people of the eleven cotton-growing States.

Therefore, Mr. Chairman, that provision of the Constitution with reference to representation and taxation was violated. It seems to me that this objection to the validity of the taxes in question ought to appeal more strongly, if possible, to the conscience of Congress than even the other clauses which were violated by these different acts. The Constitution says:

Representation and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers.

'It has been said that—

representation constitutes the genius of this Government, and to impose taxes or burdens without it is to change its character, but for taxation without representation the Government itself would never have existed.

The stamp act, the act placing a duty on tea, and other acts of the British Parliament brought on the Revolution on the ground pure and simple that it was legislation without representation. [Applause.] This government had its origin in the protest of the fathers against taxation without representation. In 1766 on the question of the repeal of the stamp act in the British Parliament Lord Camden, formerly Chief Justice Pratt, said:

My proposition is this:
"I repeat it and will maintain it to the last hour. Taxation and representation are inseparable. Opposition is founded in the law of nature. For whatsoever is a man's own, it is absolutely his own. No man has the right to take it from him without his consent. Whoever attempts to do it does him an injury. Whoever does it commits a robbery." (See 5 Bancroft's History, pp. 446–48.)

In discussing the question of the right of Parliament to tax America, William Pitt in the House of Commons said:

I will only speak to one point—the point which seems not to have been generally understood. I mean the right some gentlemen seem to have considered it a point of honor. If gentlemen consider it in that light they leave all measures of right and wrong to follow a delusion that may lead to destruction. It is my point that this kingdom has no right to lay a tax on the colonies. At the same time, I assert the authority of this kingdom over the colonies to be sovereign and supreme in every circumstance of government and legislation whatsoever. They are the subjects of this kingdom, entitled with yourselves to all the rights of mankind and the peculiar privileges of Englishmen, equally bound by its laws and equally participating in the constitution of this free country. The Americans are the sons of England. Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant.

Mr. Pitt took this position solely on the ground that the colonies were not represented, and it must be remembered that taxation without representation was the great rallying cry of the colonists and their chief cause of complaint when they severed their relations with the mother country.

James Burgh, the celebrated Scotchman, in discussing this same question, said:

No pretext can justify taxing them (the colonies) so long as they continue unrepresented.

The States affected by the cotton taxes were not only not represented when these several tax acts were enacted, but they *were positively denied representation in both the Senate and House of Representatives by solemn resolution of both bodies.*

In December, 1865, the House of Representatives passed a resolution to this effect:

That all papers which may be offered relative to the representation of the late so-called Confederate States of America, or either of them, shall be referred to the joint committee of fifteen without debate, and no members shall be admitted from either of said so-called States, until Congress shall declare said States, or either of them, entitled to representation.

On February 20, 1866, the House passed, and on March 2, 1866, the Senate passed, this resolution:

Resolved by the House of Representatives (the Senate concurring), That in order to close agitation on the question which seems likely to disturb the action of the Government, as well as to kill the uncertainty which is agitating the minds of the people of the eleven States which have been declared to be in insurrection, no Senator or Representatives shall be admitted into either branch of Congress from any of said States until Congress shall have declared such State entitled to representation.

As it has been repeatedly held by the Federal courts, and by all the departments of government, that these States were *never out of the Union,* you have here a Congress *denying them representation* and at the same time *exacting taxes from them.* "Taxation without representation is robbery." The remarkable spectacle was presented to the world of *eleven States of this Republic solemnly declared by the different departments of government to be States in the Federal Union,* yet by solemn resolution *denied representation in the law-making body,* and that law-making body *exacting taxes from them on their principal product of over sixty millions of dollars.* Surely now that the clouds of civil war have vanished and sectional hate, we are told, lies buried never to be resurrected, in this day of national unity and general good feeling and brotherly love, you will refund to us these moneys that have been wrongfully, unjustly, unconstitutionally, and illegally exacted.

In 1868 Congress repealed the tax on raw cotton. Why should this tax have been repealed? If the tax were just and constitutional and right, why repeal it? If it was constitutional and proper in 1862, 1864, 1866, and 1867, why was it not constitutional and right in 1868? And if it were constitutional why not retain it?

But, Mr. Chairman, we are not left to these old decisions for comfort. The Supreme Court of the United States has more recently passed upon this question in the case of Pollock *v.* Farmers' Loan and Trust Company. As reported in United States Supreme Court Reports, vol. 158, at page 601, the Supreme Court of the United States has *squarely* and *fairly declared* these taxes to be *illegal* and *unconstitutional.* In the case stated, Hylton *v.* The United States (3 Dallas, p. 171), is further considered, and in view of the historical evidence cited, shown to have only decided that the "tax on carriages involved *was an excise* and was an *indirect tax.*"

Chief Justice Fuller in rendering the opinion in that case, said:

In distributing the power of taxation the Constitution retained to the States the absolute power of direct taxation, but granted to the Federal Government the power of the same taxation upon condition that in its exercise such taxes should be apportioned among the several States according to numbers, and this was done in order to protect the States which were surrendering to the Federal Government so many sources of income, the power of direct taxation which was their principal remaining resource.

The Chief Justice further said:

Taxes on real estate being indisputably direct taxes, taxes on the lands or incomes of real estate are clearly direct taxes.

Again he said:

Taxes on personal property or on the income of personal property are likewise direct taxes.

The Chief Justice further in the decision uses this language:

The tax imposed by sections 27 to 37, inclusive, of the act of 1894, so far as it applies to the income of real estate and of personal property, being a direct tax within the meaning of the Constitution and therefore unconstitutional and void because not apportioned according to representation of those sections constituting one entire scheme of taxation, is necessarily invalid.

These were the "income tax cases," and it will be remembered that the Chief Justice and four of his associates concurred in the opinion rendered by the majority of the court. It is true that four Associate Justices—namely, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White and Mr. Justice Jackson—dissented from the opinion, Mr. Justice Harlan using this language:

The recent civil war involving the very existence of the nation, was brought to a successful end, and the authority of the nation restored in part by the use of vast amounts of money raised under statutes imposing duties on income derived from every kind of property, real and personal, not by the unequal rule of apportionment among the States on the basis of numbers, but by the rule of uniformity operating upon individuals and corporations in all the States, and we are now asked to declare, and the judgment this day rendered in effect declares, that the enormous sums thus taken from the people and so used were taken in violation of the supreme law of the land.

There can be no possible question in view of the decision of the court in the "income tax cases" that it is the duty of Congress to refund the moneys collected by virtue of these tax statutes. [Applause.] It is said by some that Congress can not afford to do it because it involves such a large amount of money, more than sixty-eight millions of dollars. But when gentlemen view the case from that standpoint they must remember that the Government has had the use of this sixty-eight million dollars for forty years and more; that it was originally wrung from the lean purses of people who were impoverished by four years of cruel, ceaseless war; that it was wrung from the lean purses of people whose homes had been laid in ashes, and whose every household was in mourning. They must remember that this money was taken from people who had no voice in the levying of it; that it was taken from a people who could least afford to bear the burden, and that now, after this rich, powerful government has had the use of it without interest for more than forty years, these people are simply asking

that the principal be refunded. The Supreme Court of the United States has said, in effect, *that it ought to be refunded;* has said, in effect, that *it would not be honest on the part of the Government to retain it.* [Applause.]

And just here, Mr. Chairman, I desire to say that my attention was called to this matter by a venerable statesman of this country, who gave most of his years in the service of his country in this House and as a soldier in the Union Army. The Hon. Charles H. Grosvenor, who was a member of the last Congress, and who for more than twenty years represented his district in this House, first called my attention to this matter and urged that we, who were primarily interested in behalf of our constituents, should make an effort to have the Government act justly toward our people.

On the 9th of the present month I addressed a letter to General Grosvenor, a copy of which I shall read.

And I want to say here, Mr. Chairman, before I read it, that being the son of a Confederate soldier, living all my life in the South, imbued and filled with every sentiment that ever nerved and actuated that people, I am glad to know that men like this man who at times in my life I have thought were unnecessarily bitter—I am glad to know that in these latter days he, and people like him, of the North, commanding in their influence, loyal to their country, loyal to their States, loyal to every interest of this great Republic, are disposed to wipe out the last remaining differences between us, and treat us as citizens of the United States in very truth.

[Applause.]

JANUARY 9, 1908.

Hon. CHAS. H. GROSVENOR,
Athens, Ohio.

MY DEAR GENERAL: On the first day of the present session of Congress I introduced a bill to refund the taxes collected under the several acts of Congress levying a direct tax on raw cotton. I was inspired to introduce and undertake to pass this bill by remarks which you made to me during a conversation we had during the last days of the Fifty-ninth Congress. I intend before many days to address the House in support of my bill, and desire to quote you on the subject, but as what you said to me was in course of an informal private conversation, I do not care to quote you without your consent. Again, I might, in just relying on my memory, misrepresent you, and of course I do not desire to do that.

My recollection is that you said to me substantially while we were discussing what is called the illegal cotton tax, that the levy and collection of these taxes were wrong, illegal, and unconstitutional, that the Supreme Court had so decided, and that there was no valid reason on earth why the money collected should not be refunded to the rightful owners, or to the States.

Am I right as to this? I will certainly appreciate it very much if you will write me fully upon this subject, and give me permission to use your letter in connection with my speech. I will also appreciate it if you will cite me to the decision of the Supreme Court you referred to wherein these tax acts were held to be unconstitutional.

Thanking you in advance for your kind attention to this matter and with best wishes,

I am yours, most truly,

FRANK CLARK.

A few days since I received this reply:

ATHENS, OHIO, *January 13, 1908.*

Hon. FRANK CLARK,
Washington, D. C.

DEAR SIR: I have your letter of January 9th. My recollection of our conversation is substantially the same as related by you. I understood myself then, as I understand now, that the practical effect of the Supreme Court decisions had been to hold the cotton tax unconstitutional. It is possible that I may be wrong, but you are at entire liberty to quote me if it is of the smallest benefit to you.

With kind regards, yours truly,

C. H. GROSVENOR.

[Applause.]

I desire now to ask permission to print in the RECORD an abstract of the history of efforts that have been made in the past looking to a refund of these taxes. In doing this I shall incorporate a brief statement of each bill introduced at different times by different Members of Congress some years back. I do not pretend to give them all, nor do I give them in chronological order, but I present these to show that our people can not be charged with laches in this matter.

Those that I have been able to find are as follows:

[H. R. 2354, Fifty-third Congress, first session. By Mr. Enloe.]

That the Secretary of the Treasury issue to the governors of the several States in which cotton taxes were paid United States bonds in amounts specified for each State and equal to the amount of taxes collected within the State. These bonds to be held by said States, to be refunded and distributed to the parties who paid the tax. In case of a surplus remaining, the funds to be devoted to the school fund.

(There was no report on this bill.)

[H. R. 281, Fifty-third Congress, first session. By Mr. Money.]

That the Secretary of the Treasury issue noninterest-bearing Treasury notes in such denominations as may be deemed expedient to the several States in amounts equal to the cotton taxes collected therein, as indicated by the internal-revenue report. That the sum so paid shall be held in trust by the several States for the benefit of the cotton producers, to be paid to them under such provisions as each State may deem it proper to make. In case the producer can not be reimbursed, the sum not distributed shall become the property of the State. The claims must be filed with each State within two years after the passage of an act by such State providing for the distribution of the money refunded. That these notes shall become legal tender and shall not be canceled by the United States when received at the Treasury, but used as other money.

(No report.)

[H. R. 2356, Fifty-third Congress, first session, is same as 2354.]

[H. R. 196, Fifty-third Congress, first session. By Mr. Wheeler.]

That the Secretary of the Treasury shall pay money equal to the amount collected in cotton taxes to each State, said State to designate who shall be custodian of the fund. In case the tax was paid by the person to whom the cotton was shipped residing in another State, the State where said cotton was grown shall be the recipient.

(No report.)

[H. R. 138, Fifty-third Congress, first session. By Mr. Oates.]

In the case of the Supreme Court holding the law under which cotton taxes were collected unconstitutional, any citizen who had paid the tax shall be permitted to bring suit for its recovery in the Court of Claims. Within 60 days after judgment, either the petitioner or the United States shall have the right of appeal to the Supreme Court, and when such appeal shall have been taken the court shall not try any case until the appeal case has been decided. The Court of Claims shall decide all suits which are brought within one year of the Supreme Court's holding the original tax law to be unconstitutional.

(No report.)

[H. R. 124, first session, Fifty-third Congress. By Mr. McRae.]

That the Secretary of the Treasury pay to each State a sum equal to the cotton taxes collected therein. The said States to pay to such producers as shall make claim within two years after the passage of this act. The remainder, if any, shall be used as a permanent school fund. In no case shall payment be made to any assignee of such claim.

(No report.)

[H. R. 2640, first session, Fifty-second Congress, is same as 124, first session, Fifty-third Congress. No report.]

[H. R. 2607, same as H. R. 196, first session, Fifty-third Congress. No report.]

[H. R. 650, first session, Fifty-second Congress, same as 2354, first session, Fifty-third Congress. No report.]

[H. R. 8365, first session, Fifty-second Congress. By Mr. Oates.]

This bill is same as introduced by Mr. Oates in Fifty-third Congress. The House report is 2528, first session, Fifty-second Congress.

[H. R. 8366, first session, Fifty-second Congress. By Mr. Oates.]

That the Secretary of the Treasury pay to each State an amount equal to the cotton tax collected within said State, to be disposed of by such State as their next legislatures shall direct.

(No report.)

[H. R. 700, second session, Forty-second Congress. By Mr. Golladay.]

That the Secretary of the Treasury refund to all persons the cotton tax collected by the United States, and that he shall make such rules as he may deem necessary in connection therewith.

(No report.)

[H. R. 1592, second session, Forty-second Congress. By Mr. McKee.]

That restitution shall be made of all moneys collected as cotton taxes. That the Secretary of the Treasury shall issue bonds of $500 and $1,000 denomination and Treasury notes to cover amounts less than that. That a commission shall be appointed by the President by and with the advice and consent of the Senate which shall adjudicate all claims. That such commission shall sit for two years and all claims must be filed within that time. (The rest of this long bill prescribes the manner of taking testimony and the duties and powers of the commission.)

(No report.)

And also I shall attach to my remarks and print in the RECORD copious extracts from the opinion of the court, as well as from the dissenting opinion of the justices in the "income tax cases." It will be seen by these extracts, I am quite sure, that every contention which I have made is amply sustained by the highest court in the land—the most exalted judicial tribunal in all the world:

[Pollock *v.* Farmers' Loan and Trust Co. U. S. Supreme Court Reps., vol. 157, page 429.]

Chief Justice Fuller:

"The men who framed and adopted that instrument (the Constitution) had just emerged from the struggle for independence, whose rallying cry had been that 'taxation and representation go together.'"

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"The mother country had taught the colonists in the contests waged to establish that taxes could not be imposed by the sovereign except as they were granted by the representatives of the realm, that self-taxation constituted the main security against oppression."

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"Thus, in the matter of taxation, the Constitution recognizes the two great classes of direct and indirect taxes, and lays down two rules by which their imposition must be governed, namely, the rule of apportionment as to direct taxes, and the rule of uniformity as to duties, imposts, and excises."

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"And this view was expressed by Mr. Chief Justice Chase in The License Tax Cases, 5 Wall., 464–471, when he said: 'It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion.'"

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"Ordinarily all taxes paid primarily by persons who can shift the burden upon some one else, or who are under no legal compulsion to pay them, are considered indirect taxes; but a tax upon property holders in respect of their estates, whether real or personal, or of the income yielded by such estates, and the payment of which can not be avoided, are direct taxes."

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"In the Convention of Massachusetts by which the Constitution was ratified, the second section of Article I being under consideration, Mr. King said: 'It is a principle of this Constitution that representation and taxation should go hand in hand.'"

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"And John Adams, Davis, Sumner, King, and Sedgwick all agreed that a direct tax would be the last source of revenue resorted to by Congress.

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"In Virginia, Mr. John Marshall said: 'The objects of direct taxes are well understood; they are but few; what are they? Lands, slaves, stock of all kinds, and a few other articles of domestic property.'"

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Mr. Randolph said:

"But in this new Constitution there is a more just and equitable rule fixed—a limitation beyond which they cannot go. Representatives and taxes go hand in hand; according to the one will the other be regulated. The number of representatives is determined by the number of inhabitants; they have nothing to do but to lay taxes accordingly."

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In discussing the case of Hylton *v.* United States (carriage-tax case), the Chief Justice says: "It will be perceived that each of the justices, while suggesting doubt whether anything but a capitation or a land tax was a direct tax within the meaning of the Constitution, distinctly avoided expressing an opinion upon that question or laying down a comprehensive definition, but confined his opinion to the case before the court."

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"By the act of July 14, 1798, when a war with France was supposed to be impending, a direct tax of two millions of dollars was *apportioned* to the States, respectively," etc.

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"By the act of August 2, 1813, a direct tax of three millions of dollars was laid and *apportioned* to the States."

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"The act of January 9, 1815, laid a direct tax of six millions of dollars, which was *apportioned,* assessed," etc.

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These acts are attributable to the war of 1812.

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The act of August 5, 1861 (12 Stat., 292–294, C. 45), imposed a tax of twenty millions of dollars, which was *apportioned* and to be levied wholly on real estate, and also levied taxes on incomes whether derived from property or profession, trade or vocation (12 Stat. L., 309), and this was followed by the acts of July 1, 1862 (12 Stat. L., 432, 473, C. 119); Mar. 3, 1863 (12 Stat. L., 713, 723, C. 74); June 30, 1864 (13 Stat. L., 223, 281, C. 173); Mar. 3, 1865 (13 Stat. L., 469, 479, C. 78); Mar. 10, 1866 (14 Stat. L., 4, C. 15); July 13, 1866 (14 Stat. 98, 137, C. 184); Mar. 2, 1867 (14 Stat. 471, 477, C. 169), and July 14, 1870 (16 Stat., 256, C. 255).

He finds:

1st, That the distinction between direct and indirect taxation was well understood by the framers of the Constitution and those who adopted it.

2d, That under the State systems of taxation all taxes on real estate or personal property or the rents or income thereof were regarded as direct taxes.

3d, That the rules of apportionment and of uniformity were adopted in view of that distinction and those systems.

4th, That whether the tax on carriages was direct or indirect was disputed, but the tax was sustained as a tax on the use and an excise.

5th, That the original expectation was that the power of direct taxation would be exercised only in extraordinary exigencies, and down to August 15, 1894, this expectation has been realized.

In Pacific Insurance Co. *v.* Soule, 7 Wall., 433, the validity of a tax which was described as "upon the business of an insurance company" was sustained on the ground that it was "a duty or excise," and came within the decision in Hylton's case.

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"In Veazie Bank *v.* Tenno (8 Wall., 533, 544, 546) a tax was laid on the circulation of State banks or national banks paying out the notes of individuals or State banks, and it was held that it might well be classed under the head of duties, and as falling within the same category as Soule's case, 8 Wall., 547."

"And, in respect of the opinions in Hylton's case, the Chief Justice (Chase) said:

"It may further be taken as established upon the testimony of Paterson, that the words direct taxes, as used in the Constitution, comprehended only capitation taxes and taxes on land, and perhaps taxes on personal property by general valuation and assessment of the various descriptions possessed within the several States."

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"Scholey *v.* Rew (23 Wall., 331) was the case of a succession tax which the court held to be "plainly an excise tax or duty" upon the devolution of the estate or the right to become beneficially entitled to the same, or the income thereof, in possession or expectancy."

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"In Railroad Company *v.* Collector (100 U. S., 595, 596) the validity of a tax collected of a corporation upon the interest paid by it upon its bonds was held to be 'essentially an excise on the business of the class of corporations mentioned in the statute.'"

The case of "Springer *v.* United States (102 U. S., 586, 602), chiefly relied on and urged upon us as decisive.

"That was an action of ejectment brought on a tax deed issued to the United States on sale of defendant's real estate for income taxes. The defendant contended that the deed was void because the tax was a direct tax, not levied in accordance with the Constitution. Unless the tax were wholly invalid, the defense failed."

The opinion thus concludes:

"Our conclusions are, that *direct taxes,* within the meaning of the Constitution, are only capitation taxes, as expressed in that instrument, and taxes on real estate; and that the tax of which the plaintiff in error complains is within the category of an excise or duty."

While (says Chief Justice Fuller) this language is broad enough to cover the interest as well as the professional earnings, the case would have been more significent as a precedent if the distinction had been brought out in the report and commented on in arriving at judgment, for a tax on professional receipts might be treated as an excise or duty, and therefore indirect, when a tax on the income of personalty might be held to be direct.

Be this as it may, it is conceded in all these cases, from that of Hylton to that of Springer, that taxes on land are direct taxes, and in none of them is it determined that taxes on rents or income derived from land are not taxes on land.

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The requirement of the Constitution is that no direct tax shall be laid otherwise than by apportionment—the prohibition is not against direct taxes on land, from which the implication is sought to be drawn that indirect taxes on land would be constitutional, but it is against all direct taxes—and it is admitted that a tax on real estate is a direct tax. Unless, therefore, a tax upon rents or income issuing out of lands is intrinsically so different from a tax on the land itself that it belongs to a wholly different class of taxes, such taxes must be regarded as falling within the same category as a tax on real estate *eo nomine.* The name of the tax is unimportant. The real question is, is there any basis upon which to rest the contention that real estate belongs to one of the two great classes of taxes, and the rent or income which is the incident of its ownership belongs to the other? We are unable to perceive any ground for the alleged distinction. An annual tax upon the annual value or annual user of real estate appears to us the same in substance as an annual tax on the real estate, which would be paid out of the rent or income. This law taxes the income received from land and the growth or produce of the land. Mr. Justice Paterson observed in Hylton's case, "Land, independently of its produce, is of no value;" and certainly had no thought that direct taxes were confined to unproductive land.

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Nothing can be clearer than that what the Constitution intended to guard against was the exercise by the General Government of the power of directly taxing persons and property within any State through a majority made up from the others States. It is true that the effect of requiring direct taxes to be apportioned among the States in proportion to their population is necessarily that the amount of taxes on the individual taxpayer in a State having the taxable subject-matter to a larger extent in proportion to its population than another State has would be less than in such other State, but this inequality must be held to have been contemplated, and was manifestly designed to operate to restrain the exercise of the power of direct taxation to extraordinary emergencies, and to prevent an attack upon accumulated property by mere force of numbers.

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But the acceptance of the rule of apportionment was one of the compromises which made the adoption of the Constitution possible, and secured the creation of that dual form of government, so elastic and so strong, which has thus far survived in unabated vigor. If, by calling a tax indirect when it is essentially direct, the rule of proportion could be frittered away, one of the great landmarks defining the boundary between the nation and the States of which it is composed would have disappeared, and with it one of the bulwarks of private rights and private property.

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We are of opinion that the law in question, so far as it levies a tax on the rents or income of real estate, is in violation of the Constitution, and is invalid.

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Mr. Justice Field:

"First calls attention to the debates in the 'convention' and particularly to the unwillingness of the coast States to relinquish their right to levy duties upon imports, and of the small interior States to confer upon the General Government the right to levy direct taxes, and says: 'It was feared at times that the effort to form a new government would fail. But happily a compromise was effected by an agreement that direct taxes should be laid by Congress by *apportioning them among the States according to their representation.* In return for this concession by some of the States, the other States bordering on navigable waters consented to relinquish to the new government the control of duties, imposts, and excises, and the regulation of commerce, with the condition that the duties, imposts, and excises should be *uniform throughout the United States;* so that on the one hand, anything like oppression or undue advantage of any one State over the others would be prevented by the apportionment of the direct taxes among the States according to their representation, and, on the other hand, anything like oppression or hardship in the levying of duties, imposts and excises would be avoided by the provision that they should be uniform throughout the United States. This compromise was essential to the continued union and harmony of the States. It protected every State from being controlled in its taxation by the superior numbers of one or more other States.'"

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"If the court sanctions the power of discriminating taxation and nullifies the uniformity mandate of the Constitution," as said by one who has been all his life a student of our institutions, "it will mark the hour when the sure decadence of our present Government will commence."

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"There is no safety in allowing the limitation to be adjusted except in strict compliance with the mandates of the Constitution, which require its taxation, if imposed by direct taxes, to be apportioned among the States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far as practicable, in proportion to their property, equal upon all citizens."

I also ask permission to print in the RECORD and as a part of my remarks Report No. 2528, made in the Fifty-second Congress at the second session by Mr. Oates, a Member of Congress from the State of Alabama, from the Committee on the Judiciary:

[House Report No. 2528, Fifty-second Congress, second session.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 8365) entitled "A bill to provide for refunding the tax laid and collected on raw cotton in the event that the Supreme Court holds the law under which the same was collected to have been unconstitutional," make to the House the following report:

By act of Congress approved July 1, 1862, and subsequent amendatory acts, a tax was imposed on raw cotton, under which collections were made and the money paid into the Treasury of the United States, aggregating $68,072,388.99. This money was collected in the years 1863 to 1868, both inclusive.

At the beginning of the late war a large part of the crop of 1860 was held by brokers and factors in the Northern States for the benefit

of the producers. A large part of the crop of 1861 in the border States, also, went into the hands of Northern factors, which accounts for the fact that a considerable amount of this tax was collected in New York, Philadelphia, and other points in the Northern States, but all of the cotton upon which the tax was thus collected was grown exclusively in the Southern States. This tax was enforced and collected upon all these cottons as well as those grown subsequent to its enactment; $64,935,121.56 of this tax was collected in the Southern States, either directly or indirectly, from the producers.

Section 8 of Article I of the Constitution empowers Congress to lay and collect taxes, duties, imposts, and excises for three general purposes, viz, first, to pay the debts of the United States; second, to provide for the common defense of the United States, and, third, to provide for the general welfare of the United States. The latter part of that section contains the following restriction upon this exercise of power: "But all duties, imposts, and excises shall be uniform throughout the United States."

Subdivisions 4 and 5 of section 9 are as follows: "No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken;" and "no tax or duties shall be laid on articles exported from any State."

The original act taxing cotton read as follows:

"There shall be paid by the producer, owner, or holder, upon all cotton produced within the United States, * * * a tax of two cents per pound," etc. The last one of the amendatory acts in relation to said tax was approved July 13, 1866, entitled "An act to reduce internal taxation," etc., but in fact it increased the tax imposed upon cotton from 2 to 3 cents per pound. Under this latter amendment three-fourths of the total amount of the tax was collected. It will therefore be observed that it was not a war tax, but enacted more than a year after the peace. It is yet an open question as to whether these acts were constitutional. If the tax laid was a direct one, then it is unquestionably unconstitutional for want of uniformity in apportionment. If the tax laid on raw cotton was indirect, it was constitutional, unless it was a tax upon exports, in which latter event it was unconstitutional.

The question of the constitutionality of the laws laying this tax was brought before the Supreme Court of the United States in the case of Sanders, from Tennessee, and very ably argued upon both sides before that tribunal. Eight of the justices sat in the case. Chief Justice Chase being indisposed did not sit in the case, and after full consideration the court was found to be equally divided, four justices maintaining that the acts were unconstitutional and four maintaining that they were constitutional. Before the question could be again presented the law was repealed, after which a case could not be made. If this tax was imposed by a constitutional law, however oppressive its operation upon the people of the Southern or cotton-growing States, there is no legal ground or claim for refunding the tax. On the other hand, if the law imposing the tax was unconstitutional, the money was wrongfully collected and there is an implied promise upon the part of the Government to refund it; or, in other words, it is a debt against the United States which should be paid.

A great many people, and among them many of the very best lawyers in the country, believe that the law was unconstitutional. The argument of ex-Justice John A. Campbell before the Supreme Court is very convincing. The Government of the United States is one which proceeds in all of its civil operations according to law, and it never was intended to be administered in any of its Departments otherwise. Your committee think the question of sufficient importance to provide a means by which the Supreme Court may determine the question of constitutionality and thereby forever set at rest the question as to whether this large sum collected as taxes was rightfully or wrongfully collected. The bill provides for opening the Court of Claims to those who paid the tax, until a case is made and appealed to the Supreme Court, and then for a stay of proceedings until that court decides the question; and should the court hold the acts to be unconstitutional, it allows one year thereafter to all persons interested to bring their suits in said Court of Claims. On the contrary, if the law is sustained, that would put an end to all these claims.

Your committee, therefore, believing it just, report said bill favorably to the House and recommend its passage.

Mr. Chairman, I have placed in the RECORD as part of my remarks an abstract statement with reference to several bills that have heretofore been introduced in relation to this matter. They were introduced years ago when the feeling of humanity and broherly love between the sections was not such as it is now, and, of course, no relief was expected. The gentleman from Alabama [Mr. HEFLIN], I believe, deserves credit for renewing interest in this matter, because he introduced a bill looking to the refunding of this money in the first session of the Fifty-ninth Congress. The gentleman from North Carolina [Mr. THOMAS] has also introduced a bill looking to that same result. The gentleman from Tennessee [Mr. SIMS] has likewise introduced one; the gentleman from Ohio [Mr. ANSBERRY] has likewise introduced a bill of the same character, and various other gentlemen have introduced bills of like character. I want to say now, Mr. Chairman, in conclusion, that I, as a Southern man and the son of a Southern soldier, am opposed absolutely to the bill of the gentleman from Alabama to pension Confederate soldiers by the United States Government. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Chairman, I would lie to ask the gentleman to whom he refers, what gentleman from Alabama.

Mr. CLARK of Florida. The gentleman from Alabama, Mr. HOBSON. I am opposed to it because as a Representative upon this floor I do not believe it is right. I do not believe it is a proper charge against the Government of the United States. I am opposed to it in the second place because our own States will take care of these veterans of the "lost cause." We will tax ourselves to care for them, and we will cheerfully aid in caring for Union veterans besides. [Applause on the Democratic side.] No, Mr. Chairman, I will never be found upon this floor asking this Congress for charity to the people whom I represent. I am asking in this bill that this Congress be just to those people; that this Congress pay them the money that is their due, and that has been wrongfully, unconstitutionally, and illegally taken from their pockets. No charity is asked, and never will be; all that we ask is simple, naked, even-handed justice under the Constitution of our country. [Applause on the Democratic side.]

Mr. THOMAS of North Carolina. Mr. Chairman, before the gentleman sits down I would like to ask him a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. THOMAS of North Carolina. I have listened, Mr. Chairman, with a great deal of interest to the very eloquent speech of the gentleman from Florida, which is perhaps the most exhaustive discussion of this question we have ever had. I perhaps was not attentive at the time, but I want to ask the gentleman from Florida if a considerable portion of these taxes if refunded would not go to the States of the North?

Mr. CLARK of Florida. About eight millions of dollars would go north and about sixty million dollars south.

Mr. THOMAS of North Carolina. I want to ask the gentleman this further question. I understood from his argument, and that is my understanding of the decisions of the Supreme Court, that in the case of the Farmers' Loan and Trust Company the court reverses the former decision of the Supreme Court and holds substantially that this tax was an unconstitutional tax.

Mr. CLARK of Florida. Absolutely. The dissenting opinion of Mr. Justice Harlan admits that. He distinctly calls attention to the fact that under the decision of the court vast sums of money must be returned to the people.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Mr. Chairman, I was given ten minutes for general debate by the chairman of the committee, and if it does not conflict I would like to use it now.

Mr. TAWNEY. I will say to the gentleman from Maine, Mr. Chairman, that there has been more time consumed this morning than I anticipated would be when I stated to the gentleman that I would yield him time; but no time has been used on the other side, and I felt that I was under obligation to let the gentleman representing the minority use some of their time.

Mr. HULL of Iowa. The length of general debate has not been fixed and there will be plenty of opportunity. I want to get in myself.

Mr. MANN. I will ask the gentleman from Minnesota whether we shall begin to read the bill to-day?

Mr. TAWNEY. If we can close general debate. When we went into Committee of the Whole my colleague, Mr. LIVINGSTON, and myself had requests for two hours' time. We thought that after the two hours we could close general debate, but since that time there have been requests for time, and in all probability we shall continue the greater part of the day.

Mr. MANN. But the gentleman knows that it is a great convenience for Members to be out of the Hall occasionally.

Mr. TAWNEY. We shall not be able to commence the reading of the bill before 4 o'clock this afternoon.

Mr. LIVINGSTON. I want to suggest to the gentleman from Minnesota that we probably will not be able to commence the reading of the bill until Monday.

Mr. MANN. Then I think we ought to have that understanding.

The CHAIRMAN. The gentleman from Florida has been recognized.

Mr. CLARK of Florida. Mr. Chairman, I will state that I am perfectly willing to yield to the gentleman from Maine for five or ten minutes, providing I have the floor at the expiration of that time.

The CHAIRMAN. The gentleman from Maine is recognized, the time to be taken out of that of the gentleman from Florida.

Mr. LITTLEFIELD. Mr. Chairman, I noticed in reading the RECORD this morning a statement made by the chairman of the committee in a colloquy with the gentleman from Illinois [Mr. BOUTELL] in relation to the sinking fund, in connection with which I think the chairman is inadvertently in error in at least two important particulars. My judgment is that if any statement is to be made in relation to the sinking fund and the manner in which it has been used, and the statute under which it is appropriated and under which it ought to be used, it perhaps had better be stated with perfect accuracy.

The colloquy to which I refer reads as follows:

Mr. BOUTELL. Before you pass to the consideration of the bill, I would like to ask the chairman in charge of the bill whether his estimate of expenditures includes the total amount of the sinking-fund item.

Mr. TAWNEY. It does.

Mr. BOUTELL. Ought not that to be deducted from your expenditures, because we have never complied with it?

Mr. TAWNEY. Oh, yes; we are complying with it. It is a statutory obligation, and the application of $58,000,000 to the sinking fund, or any part of it, is within the discretion of the Secretary of the Treasury.

Mr. BOUTELL. Absolutely?

Mr. TAWNEY. Yes; absolutely. It is not mandatory upon him to do it; but it is there for the purpose of reducing the bonded indebtedness of the United States.

Now, as I have stated, Mr. Chairman, I think the chairman of the committee is entirely mistaken with reference, first, to the manner in which the fund has been used, and second, with reference to the provisions of the statute under which it is used. I have from the Secretary of the Treasury the following figures:

First, the amount of appropriation for 1903 for the sinking fund was $54,000,000; the amount used for that purpose that year was $29,511,323. The amount of the sinking-fund appropriation for 1904 was $56,000,000; the amount used for that purpose in 1904 was $24,402,964. In 1905 the amount appropriated was $56,000,000; the amount used was only $3,808,411. In 1906 the amount appropriated for the sinking fund was $56,000,000; the amount used was only $1,651,611. The amount appropriated in 1907 for the sinking fund was $57,000,000; the amount used was $30,590,388; making an aggregate appropriation for the sinking fund for the five years of $280,000,000. The amount of this appropriation actually used for the purpose for which it was appropriated was only $89,965,197, and there was left unused of the amount appropriated $190,340,803. If this sum had been used for the purpose for which it was appropriated annually, instead of having, as we now have, an available cash balance of $264,974,990.25, we would only have an available cash balance of $74,940,187, very vigorously emphasizing the point made by the chairman of the committee as to our existing financial condition.

Now, with reference to the question of whether or not it is mandatory upon the Secretary of the Treasury to use the money thus appropriated for the sinking fund, I have to say:

I have taken occasion to examine the law upon this subject with great care during the last two or three years, and I have never been able to find any provision of the statute that vests in the Secretary of the Treasury any discretion. It is true that not only during the last five years, but during the last twenty-five years, the Secretaries of the Treasury have exercised a discretion in the application of these sinking-fund appropriations, but I never have been able to find anybody with official responsibility who has ever been able to point me to the provision of the statute that vests in the Secretary of the Treasury any such discretion. So far as I have been able to ascertain, the law is absolutely mandatory, and he is required to use the fund appropriated for that purpose for the reduction of the public debt through the medium of the sinking fund, and I simply make this statement in order that the record may show just exactly what the actual conditions are, and these suggestions, as may well be perceived, very vigorously emphasizes the suggestions very properly made by the chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], of the necessity of reducing all the way around appropriations, because in my judgment there is no question about the accuracy of these statements. I fully well know that the general impression has been that the provisions of this statute were of such a character that they vested a discretion in the Secretary, but such, in my judgment, is not the fact.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. LITTLEFIELD. Certainly.

Mr. TAWNEY. In the gentleman's investigations he has ascertained it to be a fact, has he not, that for twenty-five years or more several Secretaries of the Treasury have uniformly exercised this discretion?

Mr. LITTLEFIELD. That is perfectly true; yes, sir.

Mr. TAWNEY. Assuming they were doing it upon their construction of the law, and also upon the statements that have been made to me, and the statement which I made yesterday in answer to the gentleman from Illinois [Mr. BOUTELL], although I had not personally investigated the law, I supposed from the uniform practice that it was discretionary, and that otherwise the Secretaries of the Treasury would not exercise the discretion that they have.

Mr. LITTLEFIELD. I find the facts to be exactly as stated by the gentleman from Minnesota [Mr. TAWNEY], that the Secretaries have exercised this discretion during a long period of time; and while there are times when in the exercise of that discretion they have not used the full amount appropriated, there have been other times when they have used more than the amount appropriated, and I can fully well understand how the gentleman from Minnesota, in perfect good faith and with the belief that he was stating the law as it stands, made the statement he did yesterday on the spur of the moment in answer to the gentleman from Illinois [Mr. BOUTELL]. In the course of my investigation I never have been able to find any legislation or any authority that in any way gives to the Secretary of the Treasury this discretion which has been thus exercised.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LITTLEFIELD. Certainly.

Mr. FITZGERALD. As I understand it, in 1906, out of the $56,000,000 appropriated to the sinking fund to reduce the national debt, there was used $1,056,611, and the previous year, instead of using $56,000,000, in round numbers, only $4,000,000.

Mr. LITTLEFIELD. Yes.

Mr. FITZGERALD. So that out of $112,000,000 that should have been used to reduce the public debt there was used only $8,000,000.

Mr. LITTLEFIELD. There was used about $5,000,000 only.

Mr. FITZGERALD. Yes; five millions, so that the surplus that we have boasted of during those years was a myth instead of an actuality.

Mr. LITTLEFIELD. Perhaps not altogether a myth. The $264,974,990.25 which is now carried as available cash balance is what is known as the surplus. If the sums appropriated for the sinking fund had been carried to the sinking fund, that surplus or cash balance would be reduced, so that there would be now on hand only $74,940,187, or a surplus of that amount.

Mr. KEIFER. Mr. Chairman, in the temporary absence of the chairman of the Committee on Appropriations, I am authorized to represent him, and in that capacity I desire now to yield one hour to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Chairman and gentlemen of the House, the question to which I shall address myself this morning is that of protection of bank deposits. This I believe to be one of the great questions before the American people to-day. James A. Garfield said:

Whoever controls the volume of money in any country is absolute master of all industry and commerce.

John A. Logan said:

The cause of every depression is money famine and nothing else.

When our national banking system was established, in 1863, the purpose was not so much the establishment of a safe and efficient system of banking as the providing of a market for the bonds that had to be issued in order to enable the nation to carry on the war. With a few changes we have retained the system for forty-four years. Perhaps the most striking difference between the national banks thus provided for and the State banks formerly existing was the absolute safety of the note issue of the new banks. This safety is secured by the deposit of United States bonds with the Treasurer of the United States.

During the forty-four years that have passed since the passage of the national-bank act we have had both good times and hard times. The causes of these hard times recurring at greater or less intervals it is rather difficult to determine. The blame can not be laid entirely on our banking and currency systems. In many of these panics industrial causes have entered in as well. But, on the other hand, we have had lesser panics, times of money stringency, when it would seem that the main trouble, if not the sole one, was to be found in our system of currency and banking. The industrial condition of the country at present appears to be sound and to have been so last October, yet we had a financial depression that was felt throughout the country. It has been maintained that this must be charged up against the inelasticity of our currency, and that if the banks had the power of issuing additional currency in time of need we should have no money stringency. It is admitted that we need more currency at one time than at another, and it is evident that if there is no means by which the additional supply can be secured a money stringency will result; but it is also evident that the mere fact of scarcity of money will not cause a panic. People do not make a run on a bank because money is scarce, but because they fear that their deposits are not safe. Last fall showed that not only did not the people have confidence in the banks, but that also the banks mistrusted each other, and each bank determined that it would not be caught in a "run" because of trusting its funds to another institution. Banks hoarded their money as well as private individuals. Country banks maintained reserves of 50 to 60 per cent in order to be prepared for a possible "run." As these banks were losing the profits which they would have made if they had kept this money in circulation, they would manifestly not have withdrawn this money from circulation unless they had felt that it was necessary for them to do so in order to protect themselves. Now, if every bank were assured that

there would be no "run" made on it it would have no incentive to withdraw money from circulation and hoard it; and if every depositor were assured that his deposits were absolutely safe, no intelligent person would withdraw his deposits simply in order to hoard his savings.

Such assurance can be given to the bank and such assurance can be given to the depositor by guaranteeing every dollar placed on deposit in our banks.

Before I go further I want to read an article from the Daily Mail and Empire of Toronto, Canada.

This refers to a matter of very recent occurrence, and it seems to me to be a matter of very vital importance. I read it simply to show what confidence does for a banking institution as well as any other institution. It refers to the liquidation of the Sovereign Bank of Canada last Saturday, January 18, 1908, upon the most improved plan of guaranteeing deposits and closing a bank without inconvenience or alarm to depositors.

The bank had for its capital $3,000,000. It had notes outstanding of $2,009,350. It had a balance due agents of $3,474,108.23. It had on deposit more than $14,000,000, and there were owing to sundry creditors $37,000. It had total liabilities of $22,522,168.11. Though this large institution with its eighty branches was forced to liquidate, it and nearly all the branches remained open as usual on the day of liquidation, and the first that the public knew of the failure was the following statement by its president:

For some time past there has been a constant strain upon the bank's resources, caused chiefly by the unnatural conditions which have obtained during the last three or four months, which have created a still greater drain upon the deposits and made it correspondingly difficult to liquidate the loans. These conditions, which in many ways have been far more stringent than have been experienced in the memory of this generation, could not possibly have been foreseen, and they were rapidly bringing about a state of affairs under which the business if continued would not have been sufficiently profitable.

When this conclusion was reached we at once conferred with the leading bankers of the country and asked them to verify our statements. These bankers have expressed their opinion that the assets of the Sovereign Bank of Canada are sufficient to pay all the liabilities, and an agreement has been made with a number of banks by which nearly all of the branches of the bank will open this morning as branches of other banks. This arrangement will entail no loss of any kind to the bank's depositors or customers. They can withdraw their deposits if they please, or they can allow them to remain with the bank to which they have been transferred. The Sovereign Bank of Canada pass books can be surrendered and the pass books of the new banks obtained. Borrowing customers will, of course, have to make other banking arrangements as soon as possible.

You can see from this that a number of the larger banks of Canada, twelve or thirteen of them, have simply guaranteed to the people who had deposits in this bank that no one would lose a dollar, and upon that guaranty I want to show you how the depositors of the bank took it. The dates of these newspapers are January 18 and 20. They show how this sensible mode of liquidation is viewed by Americans who were in Toronto at the time:

A remarkable tribute to the coolness and capacity of the banking men of Toronto was the passing of the Sovereign Bank on Saturday without even a ripple of excitement in the money market or even among the small depositors, who are generally the first to take alarm. It was about as devoid of dramatic incident as the separation of Norway and Sweden. The calmness with which the notification of the suspension of the bank was received bore strong witness to the confidence of the people in its financial institutions, and this side of the matter appealed strongly to American visitors in the city. Reading in the morning papers that a prominent downtown bank had gone into liquidation, many Americans were on the street early, anticipating all the interesting scenes incidental to a run on the bank and a panic among small investors. The actual event was very much of a surprise, as they were unable to see any appreciable change in the way business was carried on, and could not understand the situation.

"Why, if this were in New York or Chicago," said one, "there would be a line halfway up the street, crowding and fighting for position, and not only that, but there would be crowds in front of all the other banks. I don't know how you do it, but you've certainly got us beat."

The list of twelve banks which are guaranteeing the depositors of the Sovereign Bank and who took over the branches on Saturday was increased to thirteen on Saturday by the accession of the Eastern Townships Bank.

Mr. GAINES of Tennessee. From what paper are you reading?

Mr. GRONNA. This is the Daily Mail and Empire, of Toronto.

Mr. GOULDEN. I would like to say a friend of mine, returning from Toronto at that time, gave me the same facts in connection with the case just about the time we had a line, not halfway up the street but three or four blocks long, waiting for opportunity to get in and take out their money, showing that Canadian people have more confidence in their institutions than the American people have.

Mr. GRONNA. If the gentleman will permit me, does he think they also have a better banking system?

Mr. GOULDEN. Mr. Chairman, I would not like to admit that they have a better banking system, because I do not believe there is anything better than we have in the United States along all lines.

Mr. GRONNA. Now, I will say to the committee that it simply goes to show that if the people are satisfied that no loss will be sustained they are always reasonable; they will not demand their money if they are absolutely sure that some time in the future they will be paid their deposits.

If a fund were created with the Treasurer of the United States out of which any losses to depositors in banks that became insolvent would be paid, such a measure would have four obvious results:

1. It would protect depositors against losses.
2. It would protect banks against runs on their deposits.
3. It would prevent, or at least alleviate, stringency in the money market by preventing hoarding.
4. It would bring into circulation a large amount of currency at present unaccounted for, but presumably hoarded.

This last result may be more important than many people believe. The total stock of money in the United States July 1, 1907, was $3,115,600,000, of which $1,106,500,000 was in banks and $342,000,000 was held in the Treasury as assets. This leaves $1,666,500,000, or 53½ per cent of the total stock of money unaccounted for. In other words, $20 per capita is unaccounted for. Part of this, of course, is carried in people's pockets as change, but does every man, woman, and child carry $20 in his or her pocket continuously? Does every family of five have $100 lying around loose all the time? The conclusion seems inevitable that a large amount of this money is hoarded and is thus deprived of its most important function, that of serving as a medium of exchange.

A very small annual tax on the deposits of each bank would be sufficient to create and maintain the proposed fund. The average annual loss to creditors of insolvent national banks from 1865 to 1903, inclusive, was about $851,000. The average annual deposits for the same period amounted to $1,281,447,136. The ratio of loss to the deposits was about one-sixteenth of 1 per cent. If we take a period of ten years from 1894 to 1903, inclusive, we find that the ratio is about one-thirtieth of 1 per cent. The estimates of the losses are not exact, for the reason that some of the banks are still in the hands of receivers, but they are accurate enough to give some idea of how large a tax it would be necessary to impose for the purpose of establishing a guaranty fund. With the stricter inspection and more conservative banking of recent years the annual loss has decreased, while the deposits have shown a great increase. The amount of deposits in national banks October 31, 1907, was $4,319,035,402. A tax of one-thirtieth of 1 per cent on this amount would bring $1,439,678, which would be more than the amount of the annual loss. In my opinion, a tax of one-fiftieth of 1 per cent, or 20 cents per $1,000, would be sufficient for the establishment and maintenance of a guaranty fund.

Mr. NORRIS. Will the gentleman permit a question?

Mr. GRONNA. I will be very glad to do so.

Mr. NORRIS. I would like to suggest, while I am a hearty supporter of that proposition, that the assessment of one-thirtieth of 1 per cent, or a sufficient amount to pay the loss as it arises from one year to another, would not leave the fund large enough to pay in cash the depositors in case of the failure of one bank, for instance. Your assessment would have to be large enough so as to have a fund sufficiently large to pay money due the depositors in case of failure, and it would be quite a while before the bank could be settled up, and in the meantime some other bank might fail, and the result would be the fund would be too small. I think you would not dare base it on the amount that is the real percentage of loss. For instance, the last statement made by the Comptroller in regard to one of the banks in New York City was something over $99,000,000 of deposits subject to check.

Mr. GRONNA. The City Bank has $107,000,000 on deposit.

Mr. NORRIS. If that bank or a bank like that should fail, or two or three small banks, the fund ought to be large enough to pay them all.

Mr. GRONNA. I will say in answer to the gentleman from Nebraska that I agree with him that the percentage of tax should be perhaps larger, but I care nothing about the details of it; what I want to show is the amount of loss—that is, the amount that is actually required. It is the principle of the guaranty fund that I am speaking about.

Mr. HINSHAW. If the gentleman will permit, the proposition made by Mr. NORRIS is correct except this: The fund would be reimbursed from the recovered assets of the now solvent bank in the course of two, three, or five years, and the fund would come back to such shape a small tax would be sufficient to keep it in running order against any failure that would occur.

Mr. NORRIS. But it would take a good many years before that fund would be large enough to do that. If you start it out to have any benefit immediately, it would have to be large enough to do so.

Mr. HINSHAW. But I think this will solve the proposition. Let the tax be large enough so that it will raise a sufficient fund to pay off all these losses, and let the tax be suspended if at such time the aggregate fund reaches a certain number of million of dollars and is no longer needed to meet the losses of insolvent banks.

Mr. GRONNA. The gentleman is correct in that, and the bill which I propose to read in a few minutes will meet it.

Mr. STERLING. May I ask the gentleman a question?

Mr. GRONNA. Certainly.

Mr. STERLING. Does the gentleman know if any of the States have passed legislation with reference to State banks of this character?

Mr. GRONNA. Yes, sir; the State of Oklahoma has.

Mr. STERLING. That is in their constitution, the gentleman tells me. Have any other States adopted it?

Mr. GRONNA. I know of no other State than Oklahoma.

Mr. GAINES of Tennessee. I will state this: That I was reading in the New York Evening Post, I think, two or three evenings ago where the people in Oklahoma were bringing their money back from Kansas and Missouri in order to put it in the Oklahoma banks, because this law goes into operation, I believe, in February, and the Kansas governor has called his legislature together in order to pass a law similar to the Oklahoma law.

Mr. STERLING. If States do that will not something of this kind have to be done?

Mr. GRONNA. In answer to the gentleman from Illinois [Mr. STERLING] I will say, that while I know of no State except Oklahoma that has passed this law, I believe I am safe in saying that States bordering Oklahoma will be compelled to pass the same law in order to do business with the people of their States.

Mr. STERLING. I think there is a proposition before the legislature of Illinois to that effect. I do not know whether there is any prospect of its becoming a law or not.

Mr. HARDY. My understanding, borne out by the most conservative newspapers in the State of Texas, is that Texas is urging now the calling of a special session of the legislature to pass a State law for the guarantee of deposits, and that it is claimed by those newspapers that the existence of this law in Oklahoma, as soon as it goes into effect, will have a tendency to draw the deposits from Texas and surrounding States to Oklahoma banks because of the confidence that depositors will have in the safety of their deposits.

Mr. GRONNA. That is presumably true, and I hope that not only Texas, but all other States will pass the same kind of a law.

Mr. HARDY. For the information of the gentleman I wish to say, in addition to that, that the national bank authorities in the State of Oklahoma are to-day appealing to the national bank authorities and the Comptroller of the Currency for permission to unite themselves with the State system of the Oklahoma law, because they say that without that union they themselves will be left barren of deposits, which shows that there is a confidence even in the State guaranty law.

Mr. GRONNA. I do not know if I understand the last part of the gentleman's statement.

Mr. HARDY. That the national banks of Oklahoma are seeking to have the permission of the Comptroller of the Currency to come in under the terms of the provisions of the Oklahoma State law. Otherwise, when that law goes into effect, they anticipate all their banks will be left without depositors and the State banks will have all the deposits.

Mr. GRONNA. While the gentleman is on that question, if you will permit me, I want to ask him a question. I know that he is a lawyer. I have in my bill a provision that the State banks be permitted to participate in this fund provided they meet all of the requirements prescribed by the Comptroller of the Currency. Now, I want to ask the gentleman as a lawyer if he thinks, if we pass a bill of that kind, that it will be constitutional?

I want to read the language of my bill:

SEC. 4. That any banking institution incorporated, existing, and doing business under and by virtue of the laws of any State or Territory of the United States may apply to the Comptroller of the Currency to be allowed to make the deposit herein required to be made by the national bank; and if upon examination the Comptroller of the Currency shall find that such banking institution is solvent and properly managed, he shall accept such deposit and shall issue to such banking institution his certificate to the effect that such banking institution has complied with all of the requirements of this act and that the depositors therein are entitled to the same protection as provided in this act for depositors in national banks. The officers of all State banking institutions who accept and comply with the provisions of this act shall be required to comply with all provisions thereof and with such rules and regulations as may be made by the Comptroller of the Currency in order to carry out its provisions and requirements.

Mr. HARDY. I do not think there is any question, if the gentleman will permit me, but that that course might be pursued by State banks. I want to say further, from the little ripple on the surface, that if the national banks adopt the system of guaranteeing deposits, the State banks will be forced to come into the national banking system by means of a provision like this, or to organize under a State system like Oklahoma; and in my opinion whichever one, the National or State government, adopts that provision first, the other government will have to do it in self-defense to protect the banks. A deposit guaranteed is one system that looks solely to the interest of the people, while most of the measures leaving that out are looking to the interest of the banks.

Mr. NORRIS. Will the gentleman yield? While that may be true as a legal proposition, is there not danger that if a provision like the gentleman has just read were incorporated in the national bank depository law, it would lessen the confidence on the part of national banks in the law for the reason that State banks would not be subjected to the same examination and control as the national banks? It seems to me that if you get them in——

Mr. GRONNA. They will be subject to the same inspection that they are now, and also to national inspection.

Mr. NORRIS. You would have to provide national bank examinations and an examination of the State banks at last. Now, does this bill provide just the same examination for the State banks as for the national banks?

Mr. GRONNA. I think it is already in my bill.

Mr. NORRIS. Of course the probabilities are that if we pass that kind of a law we should pass laws that would be a little more stringent than they are. Of course that would all have to be done in the State, and the examinations should be the same.

Mr. GRONNA. I thank the gentleman from Nebraska for the statements he has made. In drafting this bill I was absolutely sure that a provision of that kind would be legal and constitutional.

Mr. GOULDEN. In making your statement that one-thirtieth of 1 per cent would be sufficient, I take it that was based on future expectations. When we shall have a law guaranteeing full and implicit confidence in our banks, it will avoid all runs; and when we shall have, as well, a thorough examination of all banks, we shall then avoid anything in the shape of a run, which is responsible for the failure of so many banks.

Mr. GRONNA. I have based my figures upon the losses in the past.

Mr. GOULDEN. You have made no prediction on the future?

Mr. GRONNA. I have based it on absolute facts.

Mr. GOULDEN. I fear you are too low, then.

Mr. GRONNA. I would be glad to include anybody's figures.

Mr. HARDY. If the gentleman will allow me. I think your figures are based on an average of years. Well, as I understand that, at the beginning a greater assessment might be needed, until a sufficient sum was accumulated, and that would diminish and decrease after that had been accomplished.

Mr. ADAIR. I understand from the remarks of the gentleman from New York that his question more particularly refers to losses in banks by reasons of failures, runs, etc. Your purpose in making this provision is not to provide especially against runs. Bank funds lost to depositors come from mismanagement and dishonesty in the banks, and runs do not necessarily create loss to depositors. It is a very small percentage of loss that is created by runs on the banks. The losses occur by reason of dishonesty of the officials, and you can not pass any law that would prevent men from being dishonest occasionally.

Mr. GRONNA. I would say to the gentleman that the banks under this law would be closed if their business was not conducted on business principles, because there would be no danger of creating any suspicion in financial circles. As soon as the officials found that the bank was a weak one and not conducted on business principles, the office would at once proceed to see that it either go into liquidation or be taken over by other banks.

Mr. HARDY. If the gentleman will permit me again, I understand the objection to the guaranty of deposits has been largely based upon the idea that such guaranty would promote recklessness in bankers and induce them to give extravagant rates of interest. Does your bill say anything about interest being guaranteed by the bankers and restricting the rate of interest?

Mr. GRONNA. No; it does not.

Mr. HARDY. I think that probably would be a wise provision.

Mr. GRONNA. It has been maintained by some that the adoption of the plan of insuring depositors would protect weak and poorly managed banks at the expense of the strong, well-

managed ones, and that it would encourage "liberal" and speculative banking rather than safe and conservative methods. These critics overlook the fact that the direct protection afforded is not to banks but to the depositors in banks. So far as the banks are concerned, the benefits are indirect, and the strong, conservatively managed banks would be benefited as well as those not so strong or so well managed. Runs on banks, from which strong institutions suffer as well as weak ones, would be prevented, and the currency, without which a bank can not do business, would not be withdrawn and hoarded, but would remain in the bank. It is not clear that this measure for the protection of depositors would in any way encourage speculation or loose banking methods. A bank would be closed on becoming insolvent, then as now. The officials and stockholders of the bank would be liable to the same extent as at present. It is not readily apparent that the management of a bank would be tempted to run the institution into bankruptcy by the mere knowledge of the fact that its depositors had been insured against loss, nor is it conceivable that the stockholders should willingly elect a management that would make them liable to twice the par value of their stock simply because provision had been made for the safety of the bank's deposits. If anything, this measure would make for safe management. The authorities would not then, as they often do now, hesitate and delay as long as possible before closing a bank, because of the shock that such action will give to the confidence of the public and the consequent injury to the other banks. Confidence is necessary in the conduct of business. Banks are established to facilitate the conduct of business. If they are to fulfill the purpose of their establishment, it is necessary that the public have confidence in them. This confidence can be secured by guaranteeing the deposits of the banks.

The country may not yet be ready to provide such a fund for the protection of depositors against loss, but it is highly gratifying to note the growing favor with which the plan meets, especially when compared to the almost unanimous opposition of only two years ago. The new State of Oklahoma has adopted the plan of insuring the deposits in her State banks, and the neighboring States are being forced to follow suit, as in no other way can their banks secure deposits in competition with the banks of Oklahoma. I do not think it a rash prediction that a very few years will see the deposits in all the banks in the country, both national and State, protected by some form of insurance, either by voluntary associations or by national and State laws.

Mr. FLOYD. Will the gentleman yield?

Mr. GRONNA. I yield with pleasure to the gentleman from Arkansas.

Mr. FLOYD. In that connection, I desire to ask: If that kind of a provision was incorporated, would it not cause all banks to watch more closely the affairs of other banks? And if a bank was in a failing condition, or indulging in reckless speculation or improper business methods, would not the effect be that every other bank that had knowledge of that fact would report to the Comptroller and bring that matter to an investigation at once?

Mr. GRONNA. That is absolutely true, in my opinion.

Mr. FLOYD. It seems to me that would be the result of it.

Mr. ADAIR. May I ask a question?

Mr. GRONNA. I will yield.

Mr. ADAIR. I should like to know how one bank would have the means of knowing that another bank was speculating in stocks or in questionable securities? What opportunity would they have for knowing the business of any particular bank?

Mr. GRONNA. I will say to the gentleman, if he is a banker he must know that if an act of this kind is passed the banks will not act individually, but they will form themselves into associations, which they should do to-day; that bankers will not be in the banking business for the mere purpose of making a few dollars for their own banks, but that men at the head of those institutions will be in the banking business for the purpose of conducting the business honestly and in a creditable manner, to save the people their money, and at the same time to make money for the banks themselves. [Applause.]

Mr. SMITH of California. Taking human nature as it is, don't you think it would have just exactly the opposite effect of that? Who cares if a bank fails, if he can get the Government to step up and pay the depositors? It will not make any difference if twenty banks fail in a week if everybody gets his money from Uncle Sam.

Mr. GRONNA. I will say in reply to the gentleman from California, in the first place the stockholders will care, and in the second place the banks will be taxed for this fund.

Mr. SMITH of California. But the depositors and all other creditors of the bank would simply look to the Government in the background and say, "Now, I do not care how the bank is managed. It is no concern to me, because if it goes into the hands of a receiver and its doors are closed I will get my money anyhow."

Mr. GRONNA. I do not think I understood the gentleman. Did you mean as far as the public are concerned?

Mr. SMITH of California. Yes; the people who deposit money.

Mr. GRONNA. They will have full confidence in the banks. They will know that there is a fund deposited in the Treasury of the United States, and in case of the failure of a bank not a dollar will be lost.

Mr. SMITH of California. Your proposition, as I understood it, was that this scheme you have in mind would lead to a closer bond between bankers; that they would watch each other.

Mr. GRONNA. Absolutely. There would be no question about that.

Mr. SMITH of California. I think it would have absolutely the opposite effect.

Mr. HARDY. Will the gentleman yield for a question?

Mr. GRONNA. In a moment.

Mr. ADAIR. In reference to what I said a moment ago, I fear the gentleman misunderstood me. I want to say first that I am in sympathy with your position. I believe in the position you are taking. I believe that these deposits should be guaranteed by an assessment upon the banks. My only purpose in asking you the other question was to get your opinion as to whether it would bring bankers closer together, and a closer understanding between them as to the character of the business they were doing. My experience in the business has been that bankers are usually pretty close-mouthed. They keep their business to themselves so far as possible. That is one of the first things to learn in the banking business, to make it absolutely confidential. If you have business with the bank with which I am connected I want you to feel that nobody knows anything about the business of a bank except you and myself. I want to say to the gentleman that I am in hearty sympathy with his bill, and believe that we should have a law of that kind.

Mr. GRONNA. I am glad that the gentleman is with me.

Mr. HARDY. Now, Mr. Chairman, in answer to the criticism of the gentleman from California [Mr. SMITH], he seems to be fearful of recklessness on the part of the depositors; that if the deposits were guaranteed by the Government, the depositors would become careless and reckless. I have never heard of the failure of a bank being brought about by the negligence or recklessness of the depositors of that bank.

Mr. SMITH of California. I did not have that in mind. The proposition was that the fact of this guaranty would tend to bring the bankers together and each help the other, and to caution one another against improper banking and thereby produce a better system of banking in the country. My suggestion was that it would have exactly the opposite effect.

I suppose the banks in the country are as much interested in avoiding bank failures as anybody in the community. If one banks fails it shocks every other bank, and they want to avoid it. If the Government is going to step in and make good when one bank fails, then it will be no shock to the community, because the community knows that if the bank fails there will be no loss to them. In other words, there would be less interest on the part of one bank in having its neighbor conducted properly than if left as they are now, to feel the result that follows every such disaster.

Mr. HARDY. That supposes that each bank would be in ignorance of the fact that each failure would bring an assessment on every bank; that the bank would not regard its own interests to protect itself by avoiding the failures of banks.

Mr. GRONNA. Mr. Chairman, I am a banker only in a small way, but it is my opinion and belief that whether the banker conducts business on a small or a large scale, if you make it cost him something he is going to be careful to see that his fellow-banker exercises more care and intelligence and does not go into the business for speculation. [Applause.]

Mr. SMITH of California. The gentleman does not imagine that the banker is going to pay the tax or the contribution which he provides for in his bill. If there is an additional burden, they will quickly pass it over to the customer, to the borrower. Therefore the burden would nominally lie on the banker, but he would not carry it; he would transfer it to his customers.

Mr. GRONNA. Not necessarily; the banker is to pay the tax first; unless you can create a demand for money it will be impossible for banks to advance their discount.

Mr. SMITH of California. If the gentleman has got a scheme

by which he can make the banker stand the burden I should like to hear it.

Mr. NORRIS. The general proposition as I understand it is to guarantee depositors on the part of the Government by a fund raised by assessment on the banks. The theory is, and I think there is no doubt whatever of it being true, that it would increase the deposits very largely, so that the banker would have to pay his proportionate share of this fund and would much more than make up what he had to pay by the use of the large increased deposits that would come to his bank. [Applause.]

Mr. GRONNA. I thank the gentleman for the statement.

Mr. LIVINGSTON. May I suggest to Members that we would like to have these practical ideas that the gentleman from North Dakota is presenting, and I hope he will not be disturbed any more. His time will shortly expire, and I beg Members to give him a fair chance to finish his speech.

Mr. GRONNA. I believe that the establishment of confidence in our banks by means of this guaranty fund will be found of great benefit in times of money stringency or bank crises. Of course it will not entirely prevent stringency in the money market. Our currency system has the defect of not making any provision for expansion in time of need, and confidence will not remedy this; but our currency actually contracts in time of need of expansion, and this the establishment of confidence will remedy. It will not give us an elastic currency, but it will prevent our currency from expanding when it should contract, and contracting when it should expand.

I want to state to the House there is, in my belief, a demand for legislation of this kind, and in support of that I want to read a portion of a letter from Mr. E. A. Drew, who has been in business and is in business to-day in the city of Minneapolis. I read from his letter:

MINNEAPOLIS, MINN., *January 9, 1908.*

Hon. A. J. GRONNA,
Member of Congress at large for North Dakota, Washington, D. C.

DEAR SIR: It gave me a great deal of pleasure and satisfaction to read your interview appearing in the St. Paul Dispatch of December 19, wherein you exploited the objects of your bill now before Congress, looking toward a Government guarantee of deposits in all national banks and requiring four-fifths of all the reserve of the bank to be kept within its own vaults.

I want to congratulate you on being the pioneer in taking up this fight for the people and the best welfare of the whole country at large.

In my opinion the safety of bank deposits and savings of a frugal people is of the greatest and most vital interest to every man, woman, and child—of more importance than any subject now discussed by men, regardless of party politics or creed; for what does it profit a people to gain the sublime and enviable height of prosperity only to lose it in a single night by a brain-storm of shaken confidence, starting from the exposed rascality of men high in financial circles, with fuel added to the flame of suspicion by certain influences which stand to make money, no matter which way values trend?

Now, the provision relating to reserves is not included in my bill, but I firmly believe that whether this bill is passed or not, or a bill of this kind which has any of its provisions—I honestly believe that if we do nothing else we should repeal that part of the national-bank act which permits any bank to hold three-fifths of its reserve in other banks. I believe that all banks should hold at least four-fifths, or 80 per cent, of all their reserves in their own vaults.

Mr. STERLING. What protection is it to the depositor if they have all the reserve in their own vaults? They can not pay it out to their depositors. They are just in the same condition as though they had not any reserve in there at all.

Mr. GRONNA. That may be true, so far as it relates to loans, if you assume the bank may fail. It is not true regarding depositors, if you keep the money in your own vaults. We had that experience last fall. When we wanted our money it could not be had. The gentleman from Indiana [Mr. ADAIR] will bear me out. I know him to be a banker. He will bear me out that when you want your money you can not get it, because they have loaned it out to speculators, and there has been an overspeculation not only on the people's deposits, but on the reserve that should be kept in the bank.

Mr. STERLING. Suppose he has a reserve, the depositor can not get it. Suppose the bank is down to its limit, and it has just the 25 per cent or the 15 per cent that the law requires to keep as reserve. The depositor goes to get it and the banker can not pay it out. The bank has got to save itself just as much as if there was not any fund.

Mr. PERKINS. Oh, the gentleman is mistaken. Certainly, the bank can pay out to the depositor and must pay it.

Mr. STERLING. I understand that the law forbids them to pay it out to the depositor, just as much as it forbids them to loan the money.

Mr. VREELAND. Oh, the gentleman is mistaken.

Mr. NORRIS. Mr. Chairman, I agree with the gentleman from North Dakota. The object of the law is to compel him to keep it so that he can pay it out. One of the reasons why it ought to be kept at home—and the illustration of it that is fresh in the minds of every one of us is that when it is not kept at home, but is sent to New York, where it could not be reached, or some other city, they could not get it back, and it not only stimulated speculation where it was held, but it could not be returned where it ought to have been returned and where in law it is supposed to be, but as a matter of fact is not, but the bank would be justified and not only justified but required to pay it out to the depositor if it had the money there.

Mr. GRONNA. That is quite true.

Mr. VREELAND. I would like to set the gentleman from Illinois [Mr. STERLING] right on the question of reserves of banks. In a national bank, of course, the reserve can be paid out. He will recollect that the banks of New York City have been something over $20,000,000 below their reserves for several weeks until recently. They can pay out the reserve, but they can make no further loans below the reserve, and must make up the reserve to the legal limit within thirty days, if required.

Mr. GRONNA. They can pay the money to depositors, but must not loan it.

Mr. STERLING. They do pay it to depositors, but I do not agree with the gentleman that they are entitled under the law to pay it to depositors. I may be mistaken about that, but I have been at some pains to make inquiries. I will ask the gentleman from Ohio [Mr. KEIFER] if I am not correct?

Mr. KEIFER. I think the gentleman is mistaken. I think every bank does pay out to depositors.

Mr. STERLING. I know they do it.

Mr. KEIFER. I think, in the experience of thirty-odd years, the understanding is that the reserve is kept for the very purpose of preventing the bank from declining to pay depositors, when, as a matter of course, the bank would have to go into the hands of a receiver if it did that.

Mr. STERLING. Now, I beg the indulgence of the Member here who contradicts my position. Is it not a regulation of the Department they can not pay them out to the depositors?

Mr. PERKINS. Oh, no; the gentleman is mistaken. The reserves can be paid to depositors. But when the bank comes below its reserve—and we have had the New York banks for two months below their reserve by something over $50,000,000——

Mr. COOPER of Pennsylvania. I call the gentleman's attention to the law.

Mr. GRONNA. My bill provides that national banks shall be taxed one-fiftieth of 1 per cent, or 20 cents per thousand dollars, on their annual deposits. On deposits now in national banks, this would amount to more than $800,000 annually, which is considerably more than the average annual loss to creditors of insolvent national banks for thirty-nine years. I believe that another law should also be enacted providing that banks should pay 2 per cent interest on Government deposits, and that no bank should be entitled to receive Government funds to exceed 50 per cent of its capital stock. On January 22, 1908, the United States Government had on deposit in national banks nearly $250,000,000. Interest on this as provided would bring $5,000,000. If the plan of taxing the banks on their deposits in order to create a guaranty fund be found objectionable, the amount realized by requiring the banks to pay interest on the Government deposits might be used to establish and maintain a fund for guaranteeing deposits.

Mr. HINSHAW. Will the gentleman permit me? If that proposition was not accompanied with another proposition that the bank would not be obliged to put up a Government bond or some low interest-bearing bond to guarantee the Government, I can not see how the bank could make any money or be induced in any way to take Government deposits even at 2 per cent, although I am strongly in favor of the Government receiving interest.

Mr. GRONNA. If I may be permitted, the bank does not lose that interest on the bond. The Government does not get that interest. The bank gets that interest, consequently it pays no interest at all on Government funds. I think I am right in that respect.

Mr. HINSHAW. I want to make myself understood. I am in favor of the payment of interest all right by the bank to the Government, but if a Government bond bearing only 2 per cent is required as security for the loan from the Government and it pays the Government 2 per cent and buys the bond at a premium of 4 or 5 per cent, the bank would lose money on the transaction, it seems to me, and could not be induced to take the money at all unless it could put up a security bearing 4 or 5 per cent of municipal or State bonds, or securities that the banks can procure in their own localities.

Mr. JOHNSON of South Carolina. If the gentleman will permit, the Secretary of the Treasury does not require the deposit of United States bonds. Any security that the savings banks of New York, New Jersey, or Massachusetts would take, he would take.

Mr. ADAIR. In answer to the gentleman I will say there are many banks of the country who would be very glad to take deposits. You take it out in my State, since we have a State law providing that interest shall be paid on public funds there is not a bank in Indiana but has been scrambling to get all the deposits it can get and pay 2 per cent on them, and there is not a national bank in Indiana to-day but what would be glad to take a Government deposit and pay 2 per cent, even if it bought a Government bond and put it up as security upon which it received but 2 per cent.

Mr. GRONNA. I believe the gentleman is absolutely correct; I know in my State they pay 3 per cent on State funds.

Mr. GAINES of Tennessee. If the gentleman will permit; suppose, now, the Government passes a law securing deposits, and one State pays more interest than another, which makes it, of course, more dangerous for your bank to live. Do not you think it will be a good thing for the National Government to say a bank shall not pay more than a minimum amount of interest on deposits, and also fix the rate of interest?

Mr. GRONNA. If the gentleman will permit, I do not believe he was here when I made my statement.

Mr. GAINES of Tennessee. I was not.

Mr. GRONNA. I said on January 22, 1908, the United States Government had on deposit in Government banks about $250,000,000, for which they received no interest. I also said I believed another law should also be enacted providing that all banks should pay 2 per cent interest on Government deposits, and no bank should be entitled to receive Government funds to exceed 50 per cent of its capital stock.

Mr. GAINES of Tennessee. I see that carries it still further. My proposition exactly was, for instance, here is the magnificent newly created State of Oklahoma, where everything is on a boom, and they pay, perhaps, 10 per cent out there. Now, that draws all the money from the old States, where they pay only from 4 to 6; so you see the difficulty.

Mr. GRONNA. Objection is made to the system of guaranteeing deposits for the reason that it would discriminate against all banks that are not national banks. That may to a certain extent be true, but would it not be infinitely better for the country to adopt a system of banking that would at all times be safe and prove satisfactory to the people? State banks can to a certain extent have this same protection by associating themselves together and creating a protective fund under State law, but I believe that even State banks could be included in this system if they are willing to subject themselves to the same requirements as are imposed upon national banks.

Why should we have a panic at any time when the country is enjoying unexampled prosperity? Never in its history has this country been so prosperous as it is to-day. We are enjoying the blessings of bountiful crops; in the West labor could scarcely be hired at any price; before this financial flurry the factories were overrun with orders.

Labor was receiving higher wage than it ever had before. We produced more than we could take care of, and the world stood ready to buy our products of every kind and description. We produced 2,500,000,000 of bushels of corn, more than 600,000,000 bushels of wheat, and 13,500,000 bales of cotton. With a balance of trade of $450,000,000 in our favor and with a gold production of $100,000,000 yet we had a panic, all due to our weak and inefficient system of banking. The only way to settle this question is to agree upon something that the people want and that the banks want. Any attempt to enact laws detrimental to or discriminating in favor of either will and should fail. While we are willing to listen to what the bankers may have to say, we must not forget that the people are the ones who are most vitally concerned in this as in all other great questions. According to Government reports, the people have more than $13,000,000,000 in the different kinds of banks and the bankers have about $4,000,000,000. Even as a mathematical proposition it would not be fair to leave it to the bankers to say what kind of a system we should adopt. Every plan that the bankers have so far proposed has proved to be a failure. I read an Associated Press report to the St. Paul Dispatch:

WHERE HAS MONEY GONE? NEARLY THREE HUNDRED MILLION HAS DISAPPEARED SINCE LAST AUGUST.

NEW YORK, *January 8, 1908.*

According to the monthly circular of the National City Bank, $276,000,000 in cash disappeared between the call for the condition of the national banks responded to last August and the one last month. This includes a net reduction of $41,000,000 in the cash holdings of all the national banks in the country, and a loss of $13,000,000 cash reported by the New York City trust companies, together with the known additions to the circulating medium during this period, including $100,000,000 of gold imported from abroad and $72,000,000 cash released by the United States Treasury.

This shows conclusively that there is a lack of confidence in our banks. Now, why ask for an asset currency? Why not do something to bring back the $276,000,000 that have been hoarded? In addition there is an available circulation of $300,000,000 not yet taken out by banks that may have it for the asking.

No country in the world has as large an uncovered paper currency as the United States. According to the report of the Comptroller of the Currency, the uncovered paper currency of the leading countries on January 1, 1906, was as follows: Germany, $213,900,000; France, $118,200,000; United Kingdom, $116,600,000; United States, $582,100,000; the per capita uncovered paper currency being: Germany, $3.53; France, $3.02; United Kingdom, $2.67; United States, $6.83. It is to be borne in mind that the United States had, in addition, about $660,000,000 of silver and silver certificates, and $346,000,000 of United States notes, covered by only $150,000,000 of gold, and that the national bank note currency has recently been largely increased.

The following table shows deposits and cash holdings of the several classes of reporting banks on or about June 30, 1907, together with the percentage of cash to deposits for 1906 and 1907:

Banks.	Individual deposits.	Cash on hand.	Ratio of cash to deposits.			
			1906.		1907.	
	Millions.	*Millions.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
National banks	$4,322.9	$721.9	----------	16.80	----------	16.70
State banks	3,068.6	254.0	8.30		8.28	
Savings banks	3,495.4	27.4	.79		.78	
Private banks	151.1	8.7	6.15	4.94	5.76	5.60
Loan and trust companies	2,061.0	101.7	3.49		4.93	
Total	13,099.6	1,113.7	----------	8.29	----------	8.50

The percentage of cash to individual deposits held by all national banks on May 20, 1907, was 16.70 per cent, and the percentage of reserve held to deposit liabilities on that date was 21.22 per cent, of which 13.23 per cent was in lawful money.

Had it not been for the need of our products abroad, which made gold imports possible, where and how would we have got the $100,000,000 in gold? It was not the banker or through his system that this gold was secured, but by the honest effort of labor, by the production of something real, the production of crops, cereal, and cotton, that the world stood ready to buy. We had the products to sell and got the gold.

The CHAIRMAN. The gentleman's time has expired.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent that the gentleman may have ten minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GRONNA. I want to thank the House for their close attention and for the additional time given me.

I believe that section 5192 of the Revised Statutes of the United States should be amended so that under its provisions but one-fifth instead of three-fifths of the 15 per cent reserve required by law to be kept by banks in reserve may consist of balances due from reserve banks. I also believe that section 5195 of the Revised Statutes of the United States, which authorizes banks in smaller reserve cities to keep one-half of their lawful money reserve in cash with banks in central reserve cities, should be repealed. In other words, a bank should be compelled to keep four-fifths of its reserve in lawful money in its own vaults.

Now, I do not want to be understood as being opposed to an elastic currency. I do not believe that anyone is opposed to an elastic currency. I do not wish to array class against class, or section against section, for I believe that what benefits the people in one section of our country benefits the people in another section of our country, but, Mr. Chairman, this question should be settled without sectionalism, without discrimination for the benefit of a favored few, but with patriotism, in the interest of the people, and, above all, with the idea constantly in view that labor as well as capital must be treated fairly, justly, and honestly, in order that confidence may be restored in our American banking institutions. Let us show to the people that we will do what we can to protect their earnings from loss. Without this confidence capital can not hope to prosper. I hope that no one wants a panic. I know that it is true that those who are engaged in honest business suffer, that those who are engaged in manufacturing suffer, that those who are engaged in agriculture and farming suffer, and that, above all, the laborer suffers.

In my State alone, the money stringency last fall cost the farmers at least $5,000,000. Just about the time that the farmers had gathered their crops and were ready to dispose of them, and the world stood ready to buy them at profitable prices, they found that they could not sell for lack of currency. When the buying of grain was resumed, there were those who took advantage of the position in which the farmer had been placed, and the products of the farmer were secured at prices 10 to 20 cents per bushel less than what they were actually worth.

Now, I want to say to the Members of this House that this is a question that can not and should not be made a party question. It is a question that is of greater importance than any other question that you can bring before this House. The people in the cities and the people in the country are watching our actions, and it is for us to say whether we will follow the old system of banking or whether we shall say to the people that we stand ready to cooperate with them; that we stand ready to say that we think it possible for them to have confidence in our institutions; that we will make it possible for them to deposit their funds in our banks and not lose a single dollar. Now, will we do it? I want to say to you, as one I shall vote for a measure of this kind. It does not make any difference from which side of the House that measure comes. [Applause.]

With a law taxing banks and guaranteeing deposits, the depositors will feel confident of being paid and will make no unjust demands for their funds. The bank officials will in all cases be the ones to worry, not only over their own affairs, but over those of their fellow-bankers. This is as it should be. It will tend to create a closer relationship among bank officials, as each will, to a certain extent, be responsible for the welfare of the other. Nothing can be more important in the commercial world than a free and friendly intercourse among business men. The old saying "In union there is strength" holds good in this case as well as in all other cases where it can be applied, and I know of no other business where it can be so effectively applied and result in so marked a degree in advancing not only the interests of the banks, but also ultimately the interests of the people.

It might be well for the men who are placed at the head of our large banking institutions to take time to study the causes that at certain periods affect their business and cause them uneasiness, worry, and often serious losses. If this is done in a spirit of fairness, without prejudice and greed—if this great question is viewed from the broad standpoint of a good citizen, with no special interest or advantage to any one class in mind, but in a statesmanlike and patriotic manner, we shall have no difficulty in agreeing upon some plan or system satisfactory to all. We have sound money, now let us adopt a system, or improve our present system, so that we can truthfully say that we have sound banks. [Prolonged applause.]

Mr. SHACKLEFORD. Mr. Chairman, I arise once more to challenge the autocratic authority which the Speaker has asserted over the deliberations of this body. I regret that a sense of duty calls me to the performance of this task. If I shall be made to suffer some inconveniences by those in power here because of that which I now utter, I shall try to exercise the fortitude necessary to bear it.

I do not expect that what I say will have great influence upon the results here, but I do hope, Mr. Chairman, that some of the words which I shall now utter will float out through the corridors and out of the windows of this Capitol and out into the country where the people themselves may know what transpires in this body. If the people of the United States knew as you know, Mr. Chairman, and as I know, and as other Members know, how their voice is suppressed here, the Administration now in control would be swept out of power. [Applause on the Democratic side.]

I entertain no malevolence toward the Speaker. I have for him personally the highest regard. So impressed have I been with the successful career of this wonderful man that I have adorned the walls of my home with his picture, that there may be kept constantly before my boy and the boys of my neighbors the sublime heights which may be reached by one of such inflexible purpose as has possessed this man of iron. As an individual he is most lovable. Generous, companionable, intellectual, resourceful, persistent, and, above all, courageous, he stands a giant among men. He is the ablest and the boldest champion of aristocracy this age has produced. If the spirits of the departed are allowed to come back into this world from which their bodies have gone, with what rapture must the ghost of Alexander Hamilton contemplate the administration of his illustrious disciple as Speaker of this House? [Applause on the Democratic side.] It was the Hamiltonian view that government was for the classes, and that the only hope for the masses was that by thrift some of them might accumulate enough wealth to be admitted to the classes. This Hamiltonian idea is entertained by a majority of the leaders of the dominant party. Few of them, however, have the courage to avow it, as does the gentleman from Illinois [Mr. CANNON].

Mr. Chairman, the Speaker has overthrown the people's free government and erected upon its ruins an autocracy more absolute in its despotism than exists in any monarchy of Europe. Our forefathers bought with their blood and left us as a blessed inheritance "a Government of the people, by the people, and for the people." In the scheme of government which they provided, this House was to be the bulwark of our liberties and the forum in which Representatives were to freely deliberate and act for the general welfare, untrammeled except by the fear of God and the will of the people. No clearer conception of our system can be expressed than in the words of the Speaker himself. In his address at the beginning of this session he said:

> The fundamental principles of free government are eternal and unchanging, resting on the will and responsibility of the people, and are put in action through the deliberations of conscientious and fearless representatives of that will. This House is the only institution under our Constitution where that will of the people may be expressed with a fair approximation to scientific accuracy. To this House and this House alone belongs the peculiar, the delicate, and the all-surpassing function of interpreting and putting in definite form the will of the people.

These are the words of the Speaker; and yet that same Speaker has completely subverted the people's free government of which he so clearly speaks. On the first day of this session, lashed into fury by the deserved castigation of my colleague [Mr. DE ARMOND], the Speaker said:

> The Chair desires to state again that the Speaker of this House is the servant of the House.

Yes, Mr. Chairman, that is true when the Speaker acts within his legal authority; it is not true, however, when the Speaker sets at naught the law, overrides the House, and substitutes his own unbridled will for the will of the people as sought to be expressed by the majority of the Representatives on this floor.

Mr. Chairman, the responsibility for legislation here rests, not upon the Speaker, but upon the majority of the Representatives. The Speaker, as he well says, is "only the servant of the House," not its master. Yet this Speaker has assumed that he is responsible for everything that passes this House, and has declared that he will not permit a measure to be considered or voted upon unless he himself shall approve it. No matter if two-thirds of the Members shall favor it, still it can not be considered or voted upon unless the Speaker shall favor it also.

I hold in my hand a magazine article written by the Hon. L. White Busbey, the genial and talented private secretary to the Speaker, from which I desire to read some extracts. He says:

> The Committee on Public Buildings and Grounds prepared an omnibus bill, and three-fourths of the Members signed a request to the Speaker asking that the Rules Committee bring in a special rule for the consideration of this bill. The Speaker refused the request. The chairman of the committee pleaded and urged.

Sir, where was this "pleading and urging" done? On the floor of the House, in the open? That chairman, armed as he was with a signed request of three-fourths of the Members of the House, could not have gotten the floor for that purpose. To do his "pleading and urging" he had to sneak off to the Speaker's private room and gently tap on the door. Being admitted, he had to deferentially stand and meekly "plead and urge" with the Speaker alone as a Christian goes alone into his closet to "plead and urge" with his Maker.

Continuing, Mr. Busbey says:

> As a final stroke, the chairman said "Then, Mr. Speaker, this bill is to fall by the will of one man, who is in the chair by our votes. We have no redress from this one-man power." "Yes, you have," replied the Speaker, "you have a way to pass your bill. You placed me in the chair to shoulder the responsibility of the legislation here enacted."

Sir, I pause to have the Speaker tell us by what authority he assumes that he became responsible for the legislation here enacted by being elected Speaker. I see him sitting here now upon this floor. I ask him to rise in his place, not as Speaker, but as a Member from Illinois, and tell us how it was he "shouldered the responsibility" for what a majority of the Members of the House might enact.

But let me continue to read Mr. Busbey's account of what the Speaker said:

> In my view I can not assume responsibility for this bill. You can elect a new Speaker to-day and pass your bill if you can find one who will accept that responsibility, but if you leave me in the chair your bill will not become a law.

Who said it should not become a law? Not a majority of the

Members of the House, for two-thirds of them had signed a written request for its passage. Who, then, was it that said it should not become a law? The American people? No; because they have no way to speak except through the mouths of their representatives. Yet this one man, who under the law is only the servant of the House, gags two-thirds of the Members so that the voice of the people is stifled. This one man, exercising an authority which he has wrongfully usurped, says "I veto your bill before its passage." It is true that the President of the United States may veto a bill, but not until it has been passed. Then his veto may be overturned by a two-thirds vote of the two Houses. The President's veto is exercised in accordance with law. In this House one man in violation of the law vetoes a bill before its passage and a nine-tenths majority can not overturn it, except by first removing him from office. How does this autocrat tell us we may pass a bill here which he does not approve? We must first remove him from office as Speaker. To do that would be revolution. Then, sir, the only way a majority here can overcome this one-man power is to resort to revolution. The only way according to this Speaker for the American people to give force and effect to their will is to resort to revolution and drive from office this czar who obstructs them. Has it come to pass that the Speaker of the House of Representatives has brought us to the level of the Russian peasants who have no privilege but that of revolution? Think of it, Mr. Chairman. This man tells us that a majority here can not pass a measure which he disapproves without we first expel him from an office to which we have elected him. This one man is stronger than a two-thirds majority of the House. The bill which Mr. Busbey tells us was supported by three-fourths of the Members of the House never got off of the Speaker's table, and died with the session. Oh, Mr. Chairman, what a morgue is that Speaker's table! I call upon the American people to come up to that morgue and view their dead. [Applause.] I have not time to catalogue the corpses. I will speak of some of them.

At the beginning of the Fifty-sixth Congress I introduced a bill here providing for the abolition of the duty on wood pulp and printing paper. Some others introduced the same bill. I have introduced it in every Congress from that day to this. Where is it? It is down in a pigeonhole in the Ways and Means Committee room, presided over by the genii that have been selected by this autocrat to see that all who enter there leave hope behind. [Laughter.]

My friends from Wisconsin, give me your ears. You go out into your country and you tell the people that you are in favor of revising the tariff. The membership of this House from Massachusetts do the same thing. I want to suggest to you what a magnificent convenience you have. You can shout tariff revision as long as you please; you are in no danger, because as long as you uphold the Administration that now controls this House you can make your people any promise that you please; this Speaker will see to it that you do not have to redeem your pledge. [Laughter.]

Are you what you profess? Then come across, come over to us now and let us join hands and make a fight in the only way a fight can be made by breaking down the autocracy which will not allow the people's representatives to do what a majority of the people want done.

How many Members in this House will stand up in their places and say that they are opposed to the abolition of the tariff on wood pulp and printing paper? I see one, two, three, four, five. We have five out of 386 Members bold enough to hold up their hands and say that they are opposed to it; and even they have not given their names so that they may go in the RECORD. Four-fifths of the membership of this House favor the measure. Why don't we pass it? Because it is buried in the committee room of the Ways and Means Committee.

I should like to make a motion to discharge the committee from further consideration of the bill and bring it on the floor for action. It is a perfectly fair motion for me to make. Why do I not make it? Because the Speaker of the House would say, "For what purpose does the gentleman rise?" And when I should state my purpose I would go down as if knocked with a sledge hammer. [Laughter.]

What have the trusts to fear? You Members over there who enact these rules, who put this autocrat in power over us, you are perfectly safe; you can get the support of both sides; you can have the trusts support you because you don't do them any harm, and then go out and fool the people by making them believe that you are trying to do them some good.

There is a rule of this House which provides that on one day in the month there shall be a motion to suspend the rules and pass a bill. It is privilege, and a privilege that does not inhere in the Speaker, but to the individual Members of this House; and yet there is not a man on this floor who will say that he ever received recognition for a motion to suspend the rules unless he went first meekly and humbly into the Speaker's room to beg as a favor that which was already his as a matter of right. I dare say that during the entire reign of this Speaker no Member has ever risen in his place as a matter of right, as a Representative of the people, and received recognition to move to suspend the rules. You must first get consent of this one-man power that controls us or you can accomplish nothing.

Back in my State some of the people are wet and some of them are dry. They believe in the fundamental doctrine of local self-government; in some counties they have declared that liquor shall not be sold in their midst. And what is the result? They have closed out the liquor dealers, but original packages are pouring in there by express, with the loss of revenue, and still having all the liquor that they had before. The people do not want it there; they have said by their votes that they are opposed to it, but it is carried there under the construction of the law governing goods carried from one State to another in original packages.

There has been before this House, before I came here in the Fifty-sixth Congress, and each and every day since then, bills seeking to remedy that situation. What has become of them? They have been sent down by Charon across the river Styx from whence they may never return. Are the people of the United States in favor of making liquor shipped in original packages subject to local laws of the communities into which they go? Yes. Three-fourths of the membership of this House are in favor of it. Everybody is in favor of it except the special interests, the brewers, and the distillers and the Ægis of the classes that presides over the destinies of legislation in this House. I should like to move to discharge that committee and take that bill up for consideration in the House. Who is in my way? The membership? No! The membership of this House are in favor of it. Who is in my way? Who is in the way of the American people here upon this question? One man! Not Alexander Hamilton, but his talented disciple.

Back in my State there are hundreds of old soldiers who enlisted in the cause of the Union under the Stars and Stripes to preserve this country indissoluble. For more than twenty years we have been seeking to get onto this floor a bill giving them a pensionable status. They fought as did other soldiers for the maintenance of the Union. Our bill—I have one in this Congress and it is buried in the Committee on Invalid Pensions where I can not get it out—I would like to get it on this floor. I would like to make a motion to discharge the committee from its consideration and bring it up here and let us submit it to the wisdom of this House. I would not ask the Speaker to become responsible for it. All I ask of him is that it be brought here and passed or defeated by a free, honest vote of the Representatives of the American people. Those old soldiers have waited a long time, hoping that Congress would be just. Old and trembling now, they ask for relief. I believe Congress is ready to give it. But one man stands in the way and blocks us. Who is he? He is the Speaker of this House, that disciple of Alexander Hamilton, who exerts the great power which he has usurped to promote the interests of the special classes.

We have injunctions. In the State of Missouri we passed a law to regulate freight and passenger rates. Where is that law? For two years it has been held up by injunctions issued by a Federal judge who came from up in Iowa. One man from another State comes into our State and at one fell swoop restrains every officer of our State from enforcing a law that has been deliberately worked out by the people and their representatives. We want the power of the Federal courts to issue injunctions limited. The representation on this floor wants to pass a law limiting Federal injunctions. The laboring people have been standing around the corridors of this Capitol for years pleading that we relieve them from the horrible results of these improvident injunctions. This House is ready to limit this tyrannical power of the courts. Give us a chance to do it. Mr. Speaker, if it is done the responsibility will not be upon your shoulders. The responsibility will be upon the shoulders of us who come here as the Representatives of a free people to deliberate and to act untrammeled as the will of our constituents demands. Give the farmers, the laboring people, who are oppressed by these improvident injunctions, some relief.

I beg of you, Mr. Speaker, give us an opportunity to express the will of the people. It is up to you, Mr. Speaker. We can give the relief that the people demand in thirty minutes if you will ascend to that chair and say that the question may be brought to a vote. We can pass that law in thirty minutes, Mr. Speaker, if you will give your consent that some Representative on this floor may move for its consideration. But it can not be done. Why? Because, Mr. Speaker, you block the

way. No matter from what direction we come to ask for these things that we people demand we are blocked, securely blocked, by your one-man power that rules here. Every Republican is relieved from responsibility. He can go back home, as I said a moment ago, and shout reform until his lungs have been exhausted. It does not do any good and it does not do any harm. The trusts, the special interests, are shielded behind that marble desk in front of the Speaker's chair. If the American people will only rise to the exigency of the occasion, if they will only understand as you understand it, Members of this House, and as I understand it, the place to assault is that citadel of the special interests, they will succeed. They will do it when they understand it, and in order that they may understand it, I have taken the floor. It has been an unpleasant task. I wish that somebody else more able had undertaken it, but it is something that I could not allow to pass and feel that I had honestly served my constituency.

No man will rise in his place and say that what I have uttered is not the truth. Mr. Busbey, the confidential secretary to the Speaker, has given you the pen picture which I read of how the Speaker killed one bill. That is precisely the way in which he has killed all these other bills in which the people are interested, and until that is remedied it is useless to talk about free government, it is useless to talk about reform, it is useless to talk about doing anything in the interest of the people. The consolation that the Speaker offers is that if we do not like what he does we may remove him. In Russia when the peasant does not like what the Czar does he throws a bomb and blows him out of his seat. Here the Speaker states when we do not like the way he rules that the only remedy we have is that we throw him out of his office. That is not the genius of our Government; that is not the system that was erected for our control. The founders of the American Government were not the Hamiltonians; they were the Jeffersonians. They believed that you could trust the people, and, Mr. Chairman, you can trust the people. It is the only power in this country that you can safely trust. If temporarily they go wrong they will right themselves. Trust the people; give these Representatives their rights upon this floor; let every man have the privilege to rise in his place and present what he chooses for the consideration of this House, and then let that matter be disposed of by a free and an untrammeled expression of the Representatives of the people.

If any Representative shall so far forget himself as to do that which is wrong, his constituency will reckon with him when the next election rolls around. It was intended that the ballot box and not the Speaker's gavel should be a check upon the Members of this House. It was not intended that this should be a penitentiary where we should have a warden and a deputy warden; that Representatives were to come here with shackles upon their consciences and manacles upon their intelligence, and, if Republicans, be delivered over to a warden, and, if Democrats, to a deputy warden. That is not the spirit of our Government. We are not expected to be put into close column, each man with his hands on the shoulders of the one in front of him, and told to march lock step. This is not the place for a lock-step march. This is a place where every man ought to be permitted to express the sentiments of his own people as he understands them, responsible only to the God who observes what he does and to the people who gave him their support. I have called attention to this in my feeble way. I hope that there are some others abler and bold enough to keep up the struggle.

"Open these windows," as some old German parliamentarian said when he commenced to speak and the members got up and went out. He asked the presiding officer to find the janitor. Inquiry was made as to what he wanted with the janitor, and he said: "I want him to open the windows so what I say may be heard by the German people." That is what I want to-day. I do not expect this to be heeded by those who stand here in control, but I do want the American people to come into a full realization of the tyranny to which we are subjected. What will be my part for what I have done and said to-day God only knows, but let it come. I have taken the floor fearlessly as a defender of the liberties of my people, and I have this time, as I have done on former occasions, challenged the authority of the Speaker of this House to control it as he does and to continue the issue with him, which I will fight out as long as I am in public life, whether the people at the ballot box shall not compel him to deliver back their free Government which he has so ruthlessly taken away from them. Mr. Chairman, I thank you. [Applause on the Democratic side.]

Mr. SABATH. What was the gentleman's question, may I ask? Whether the House was in favor of removing it?

Mr. SHACKLEFORD. Yes, the House is in favor of it.

Mr. SABATH. I want to be recorded that I am in favor of removing the tariff from wood pulp.

Mr. SHACKLEFORD. Everybody is in favor of it except the "big three." [Laughter.] All are in favor of it except the Speaker and the Rules Committee.

Mr. LIVINGSTON. Mr. Chairman, I ask that the gentleman from Wisconsin [Mr. MURPHY] have permission to have a letter read at the desk. It will only take a minute of time.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

THE STATE CIVIL SERVICE REFORM ASSOCIATION,
Milwaukee, January 22, 1908.

Hon. JAMES W. MURPHY,
Member of Congress, Washington, D. C.

MY DEAR SIR: The executive committee of the State civil service league of Wisconsin, in behalf of the members of the league and the friends of the merit system throughout the State, earnestly request you to endeavor to secure the insertion of a clause in the bill (H. R. 7597, introduced by Mr. CRUMPACKER) providing for a census in 1910, requiring that the 4,000 or more additional employees under the Census Bureau shall be selected by competitive tests under the civil-service rules. We respectfully protest against the clauses in said bill which provide for the appointment of the additional clerical force through noncompetitive instead of competitive examinations. The noncompetitive tests used in selecting the employees of the last two censuses are said, upon good authority, to have served as a mere cloak for the spoils system, and resulted in extraordinary and unnecessary expense, and incompetent, inaccurate, and even fraudulent work. It is desirable that that record shall not be repeated. We earnestly call your attention to the President's message on the subject, sent to Congress on the 6th of this month, as representative of the influential public opinion of this and many other States. We should appreciate a reply stating your own views on the subject.

Very respectfully,

JUDSON TITSWORTH,
GLENWAY MAXON,
G. W. HAZELTON,
JOHN A. BUTLER,
For the Executive Committee.

Mr. LIVINGSTON. Mr. Chairman, I yield thirty minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Chairman, I shall not consume all the time that has been allotted to me, and I desire only to use so much of it as may be necessary to make some comment upon a recent unofficial prophecy of the late official prophet of the Republican party, General Grosvenor, of Ohio. While in the city a few days ago he made an elaborate and carefully prepared statement in the nature of a prophecy to the effect that the prospective nominee of the Democratic party could not by any possible computation be figured out as able to secure more than 166 of the electoral votes of the United States, and in making this prophecy this prophet, recently out of a job, used this language:

> Bryanism has been the bane of the Democratic party in the East and great Middle West for all these years.

Now, Mr. Chairman, some one has said that "The best of prophets of the future is the past," and the world's greatest poet has said that "One thorn of experience is worth a whole wilderness of warning." Therefore it happens, Mr. Chairman, that even if the Democratic party were disposed to take its warnings and its prophecies from high Republican sources and from assistant Republican newspapers, that party is much more likely to look to its experience of recent years and scan the statistics of recent elections than it is to heed the grave warnings of eminent Republicans who are very anxious to save the Democratic party from a terrible mistake. What are those experiences?

In the table prepared by the eminent gentleman from Ohio, we find 166 electoral votes accorded to Bryan in the approaching election, as follows:

Alabama	11	North Carolina	12
Arkansas	9	Oklahoma	7
Florida	5	South Carolina	9
Georgia	13	Tennessee	12
Kentucky	13	Texas	18
Louisiana	9	Virginia	12
Maryland	8		
Mississippi	10	Total	166
Missouri	18		

After this concession to "Bryanism" the same prophet proceeds to foretell which States will surely be Republican. These so-called "safe Republican States" embrace, among others, the States of Colorado, Idaho, Illinois, Indiana, Montana, Nebraska, Nevada, New York, and Ohio. Now, for a few moments, I desire to draw attention to these States, which cast in all 126 electoral votes, and in which Democracy is alleged by the prophet to have been so terribly damaged by the "bane of Bryanism." What do the figures of the elections show? Taking the first State, Colorado, we find that Mr. Bryan in the year 1900, in the last campaign in which he was a candidate, polled 122,000 votes, and that the Democrat nominated by the Democratic party in the last campaign as safe and sane, representing, as our Republican friends tell us, the real, wise, and hopeful

candidacy of the Democratic party, polled only 101,000 votes four years later.

Mr. BONYNGE. May I ask the gentleman a question? Has he the figures of 1896, when Mr. Bryan carried the State by about 136,000 plurality, and in 1900 by 29,000 plurality? At the same rate of figures the Republicans ought to carry the State next time by 100,000. [Applause on the Republican side.]

Mr. HITCHCOCK. I reply to the gentleman from Colorado [Mr. BONYNGE] to this effect, that Mr. Bryan in both campaigns carried this Republican State by large majorities, and that with the exception of Colorado every one of these States gave Mr. Bryan substantially the same vote in 1900 that it gave him in 1896. [Applause on the Democratic side.]

Mr. BONYNGE. The gentleman was talking about Colorado and I wanted him to give the facts.

Mr. HITCHCOCK. It did so, Mr. Chairman. Moreover, in spite of the fact in 1900 that the Republican candidate for President was running for reelection; in spite of the fact that he had at that time, as the Republicans have not now, the argument of the full dinner pail; in spite of the fact that the Republicans at that time had, as they have not now, the argument of a successful war, Bryan carried this Republican State and can do so again. Colorado, moreover, is the only one of the debatable States in which Mr. Bryan's vote declined from 1896 to 1900, and even then, after that decline, he had enough to carry the State against McKinley by nearly 30,000 majority. He had more than any other Democrat ever received in Colorado before or since. [Applause on the Democratic side.]

Come, now, to the State of Idaho. He carried that State in 1896, and again in 1900. No other Democratic candidate for President ever carried that State. When Judge Parker ran—and in speaking of him I speak in no disparagement, because his candidacy was not one in which his personal strength was the test. His weakness was the weakness of the reactionary. It was the weakness of a general who was leading toward the rear and not toward the front. [Applause.] When Mr. Parker ran in Idaho he polled only two-thirds as many votes as Mr. Bryan had polled four years before.

Coming now to the State of Ilinois, which General Grosvenor denominates as surely Republican, because Democracy there suffers from the bane of Bryanism, what do we find? We find that Mr. Bryan polled in that State 503,000 votes in spite of the flood of money which was poured forth at the last moment to purchase the electorate. We find that Judge Parker four years later polled about 200,000 votes less. [Renewed applause.] Mr. Bryan polled in Illinois more votes than any Democratic candidate for President before or since. Running four years after Cleveland, he had 40,000 more votes, and running four years before Parker, he polled 175,000 more votes than Parker. [Applause.] Does that look as though the Democracy of Illinois was suffering from the "bane of Bryanism?" Mr. Bryan did not carry the State then, although I believe he will carry it this year. [Loud applause on the Democratic side.] But he lost Illinois by a vote which was 200,000 to the good, as compared with the reactionary candidate.

Let us now look at the State of Indiana, which Republican prophets warn us will surely be Republican if Bryan runs. Here we can more emphatically repeat the statement made by me about the State of Illinois. No Democrat who ever ran for President in Indiana, or for any other office in Indiana, ever polled as many votes as Bryan did in 1900 against Mr. McKinley, the popular and militant President of a successful war and the prophet of a full dinner pail. In 1896 Mr. Bryan polled 43,000 votes more than Cleveland had done four years before, and he polled in 1900, 35,000 votes more in Indiana than Judge Parker did four years later. Does that show weakness or strength in Bryanism?

Now we come to the State of Montana, denominated as safely Republican. Mr. Bryan carried that Republican State both times; and in 1900 polled 16,000 more votes than Parker did four years later.

In Nebraska, my own State and Mr. Bryan's State, he carried it in 1896, and in 1900 even though he lost it by a narrow margin he polled more than twice as many votes as were given to Judge Parker four years later. [Renewed applause on the Democratic side.] And it may be said, Mr. Chairman, that as a result of Bryanism, the Republican majority in Nebraska, which had originally been nearly 28,000, has been so reduced as to be less than half that size; and we feel confident in this year of grace, with Bryan as our leader and candidate, we will carry that State for him. [Loud applause on the Democratic side.]

Mr. KEIFER. I would like to ask the gentleman—he may have stated it, although I failed to hear it—what the vote for Bryan was in 1900 as compared with his vote in 1896 in Nebraska?

Mr. HITCHCOCK. In Nebraska?

Mr. KEIFER. Yes.

Mr. HITCHCOCK. I think I can furnish the information. [Cries of "Go on!"]

I will reply to the distinguished gentleman from Ohio by a more comprehensive statement perhaps than he anticipates. The total popular vote of the United States for the Democratic candidate in the year 1900, when Mr. Bryan ran, was 6,358,000. Four years later, when Judge Parker—a man of unimpeachable character, a man with a great reputation as a lawyer, a man who stood high in the Empire State and wherever lawyers are known—in that campaign Judge Parker polled 5,077,000 votes.

Mr. KEIFER. A further question; the gentleman did not answer the other. Do you know whether Mr. Parker is right in his statement of a day or two ago that Mr. Bryan did not act in good faith, and according to promise, or he would have got more votes?

Mr. HITCHCOCK. I think, Mr. Chairman, that Mr. Bryan is entirely able to answer personal questions himself. My opinion is that he acted in very good faith and that he carried himself in a model way under the circumstances. [Applause on the Democratic side.]

It will be remembered, in further answer to the gentleman's question, that when the great convention was held in St. Louis a desperate fight occurred in the committee on resolutions. Single handed and with a vigor and energy and ability unparalleled in struggles of that sort, Mr. Bryan for several days and several nights succeeded, by his work on the committee on resolutions, in preventing that committee from reporting a platform which he could not honestly support and defend before the people. After the resolutions had been adopted, after the platform had been made, after the candidate had been nominated, or about the time he was nominated, after the books were closed, that candidate by wire made, without authority, what he called and his friends called "an addition to the Democratic platform." And yet Mr. Bryan went forth in that campaign and made the best fight that he was capable of in support of that ticket.

Mr. GAINES of Tennessee. And Judge Parker thanked him.

Mr. HITCHCOCK. He fulfilled his pledge and received the thanks of Judge Parker during or near the close of that campaign. [Applause on the Democratic side.]

Mr. KEIFER. I did not understand the gentleman to answer my question about the relative vote for Bryan in Nebraska in 1896 and in 1900.

Mr. HITCHCOCK. I assure the gentleman from Ohio that I am not afraid to answer the question.

Mr. KEIFER. You can answer it in a word.

Mr. WEISSE. If the gentleman wants those figures I will go into the House Library and get them in a minute and take that load off the gentleman's hands.

Mr. HITCHCOCK. Unfortunately I have not before me the figures for both years. I find that Bryan polled 114,000 votes in the year 1900, which was the year of his second campaign, and four years later Judge Parker polled 51,800 votes.

Mr. MACON. Mr. Chairman, I desire to interrupt the gentleman just a moment, in reference to Bryan's work for the ticket that was nominated in St. Louis.

Mr. HITCHCOCK. Yes.

Mr. MACON. I desire to state that he did noble work after that convention adjourned, notwithstanding the fact that every little two-by-four would-be statesmen in that convention had tried to drive him out of the party.

Mr. HITCHCOCK. Yes. I think the gentleman from Arkansas is eminently correct in that. And now, as I have been interrupted by the distinguished ex-Speaker and Representative from Ohio [Mr. KEIFER], I want to give him some figures on Ohio.

Mr. OLLIE M. JAMES. Will the gentleman from Nebraska permit me just a moment? The question asked by the gentleman from Ohio as to whether or not Judge Parker impugned the good faith of Bryan would seem to lead to the inference that Bryan did not support him loyally in the campaign. Judge Parker did not intimate such a thing.

Mr. KEIFER. Oh, yes.

Mr. HITCHCOCK. No; he did not. He simply said that Mr. Bryan before Parker's nomination had made speeches or statements which were used afterwards by Parker's enemies to hurt him, but he in no way implied that Bryan did not support him after he was nominated.

Mr. GAINES of Tennessee. Is it not also a fact that while he was making his great campaign for Parker in Indiana that Judge Parker wired him and thanked him for his brilliant and magnificent defense of him?

Mr. HITCHCOCK. Yes.

Mr. GAINES of Tennessee. I remember that distinctly.

Mr. HITCHCOCK. Now, I desire to refer to the State from which my distinguished interlocutor [Mr. KEIFER] comes. Ohio is put in the Republican column, as beyond all doubt, by General Grosvenor, and put there as more impossible for Bryan than for any other candidate. Yet what are the facts? They are that Bryan polled more votes in Ohio than any Democratic candidate before or since. [Applause on the Democratic side.] Does that look as though Bryanism is a bane on the Democracy of Ohio? Or may that great Bryan strength in Ohio possibly afford a suggestion of the motive for the disinterested nonpartisan advice of General Grosvenor and other eminent Republicans and assistant Republicans who have advised the Democrats not to nominate Bryan? [Applause on the Democratic side.] Bryan polled 130,000 more votes in Ohio in 1900 in a campaign against Ohio's favorite son, who was then President of the United States—he polled 130,000 more votes than Parker did four years later without an Ohio candidate against him. Does that show Bryan weak or strong in Ohio? And when we come finally to the State of New York, from which Judge Parker hails, we find that Bryan polled substantially in 1900 as many votes as Parker did in 1904, and that the majority against Bryan in that State was not so great as against Parker by some 32,000 votes.

Now, Mr. Chairman, I rarely make a political speech, and I have only been moved to do it on this occasion because there has seemed to me to be a systematic conspiracy in high places, among Republicans and assistant Republicans, posing sometimes as the friend of the Democratic party, to misrepresent and distort the facts. I have brought here some of the figures of the campaigns of our recent experience to demonstrate that Bryanism rather than being the bane of the Democratic party is its strength at present and its hope of the future. [Great applause on the Democratic side.]

Mr. LIVINGSTON. I now yield to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Chairman, in the time allotted to me I wish to read as a part of my remarks an article entitled "The fundamental cause of hard times," taken from The Public.

[The Public. Louis F. Post, editor; Alice Thatcher Post, managing editor; Chicago, Saturday, January 11, 1908.]

THE FUNDAMENTAL CAUSE OF HARD TIMES.

SHORTAGE OF MONEY.

Financiers explain the present commercial disorder, about which there is so much optimism and so little hope, as a result of insufficient money. But this explanation is not in alignment with the facts. Money is more plentiful than it has been for many years; and though it has been hoarded, the hoarding did not begin until the banks suspended cash payments. Moreover, the free use of checks and other substitutes for money has practically removed all the barriers to normal trade which could by any possibility be attributed to hoarding or to money scarcity from any other cause. Evidently a more radical explanation is necessary than shortage of money.

LOSS OF CONFIDENCE.

The "man in the street" is nearer right when he refers owlishly to "loss of confidence." His explanation is at least as good as that of the medical men who account for deaths by "heart failure." But as they seek the curable causes of such deaths back of their climax in heart failure, so must the curable causes of hard times be sought back of their climax in "loss of confidence."

If we make this search, we shall find that the loss of confidence is in speculative values. So long as confidence in speculative values persists, we have what we are pleased to call "prosperity;" but when the limit of confidence is reached, the fever of speculation subsides and the chill of hard times sets in. Hard times are due to loss of confidence in speculative values.

But speculative values of what?

Of different kinds of commodities, to be sure; but always of commodities possessing two market characteristics—intense demand and monopolized supply.

No speculative value can long attach to anything which is not an object of general and intense desire, nor then unless the supply is so monopolized that it does not readily respond to demand. If, on the one hand, the desire were neither intense nor general, prices couldn't rise high enough for a disastrous collapse, for demand would begin to shrink as soon as prices began to expand, and this would operate as a check upon further price expansion. If, on the other hand, the intensely desired commodity were not monopolized, its price could not rise high enough for a disastrous collapse, for supply would then keep pace with demand, and this also would operate as a check upon price expansion. But when desire is intense enough to continue to enhance demand, and monopoly is strong enough to restrict supply, prices tend to rise to the limit of confidence, and thereupon there set in those speculations which end in a crash as soon as loss of confidence in higher values becomes a factor in the market.

When that crash comes, the toppling over of the speculative structure wrecks legitimate industry also, because speculative business and legitimate business are so intimately related that any general paralysis of speculation tends to paralyze the whole commercial system.

THE TULIP CRAZE AS AN EXEMPLIFICATION.

In the history of the noted tulip craze of Holland, about the middle of the seventeenth century, may be found a simple and impressive exemplification of the principle suggested above.

Desire had been widespread among the well-to-do classes for a root that produced a peculiar flower. At this stage the craze was not unlike those society fads of our own time over extraordinary chrysanthemums and orchids. But unlike these modern flower manias, the tulip craze of Holland spread beyond the leisure classes. It grew from a mere class fad into a commercial speculation. So far did it invade the domain of commerce that as many as nine exchanges were established exclusively to deal in rare tulip bulbs as we deal in these days in grain and stocks. Here was clearly present that intense general desire which, if the commodity desired be monopolized, causes the speculation that ends in general disaster. Although the tulip bulb was not an absolute monopoly, it was monopolized in great degree through the ownership of choice varieties and specimens, and this brought about the conditions of disaster—increasing general demand, monopoly of supply, speculative mania, collapse, depression.

While the craze lasted the prices of tulip bulbs of special varieties ran up into the thousands of dollars, and titles to them were distributed in undivided interests, like titles to real estate or turnpikes or canals or railroads or industrial trusts in later times. These interests were sold "short" and bought "long," and the shares in them were hypothecated as collateral for loans.

Yet the bulbs had no very great real value. Their values were almost wholly speculative. That is, they brought high prices on 'change because there was confidence in a continued desire or demand for them and in a continued monopoly of the supply.

So long as confidence in those two conditions prevailed, confidence in the speculative values of tulip bulbs held strong and prices soared. Everybody who had an interest in tulip bulbs, or who was a tulip-bulb lawyer (and there were many such), or was a broker or dealer in tulip-bulb interests in any way, thought he was getting rich. Living in an era of "abounding prosperity," whether he used those words or not, not for worlds would he have disturbed confidence by "calamity howling" or "knocking." These fictitiously rich people spent money freely. They invested with the self-satisfied air of your successful business man before his fall. They borrowed one another's credit, and they lent their own. They figured as men of financial weight. They lived expensively. And with the fatuity of the optimistic man of affairs in all ages they expected this golden era to last forever.

All went well enough while confidence in the continued speculative value of tulip bulbs lasted, but after a while confidence began to wane. At first only the more cautious speculators lost confidence. No doubt they kept their feelings to themselves. Probably they continued to adjure everybody, in classic Dutch, never to "knock" but always to "boost." But they unloaded their own tulip-bulb interests and they bought no more.

Of course, the tulip market soon began to sag, and then it sagged more and more, as other and still other optimists of the prudent sort gradually unloaded their tulip interests. And after the market had sagged a while it crashed.

Do we need to be told what happened then to the confiding people who had held to their tulip bulbs while the more prudent optimists, singing pæans to prosperity, were unloading, or to those upon whom these unloaded? Can we not imagine the calamities that engulfed all who had heavy investments in tulip-bulb interests—all who had pledged tulip-bulb interests as collateral and were loaded down with debt for which they had little else than tulip-bulb interests to show? Can we not realize the situation of the money lenders who held tulip-bulb collateral at, say, 60 per cent of the market value, and of the tradesmen and the workers generally who had claims upon "busted" tulip-bulb nabobs for goods supplied or houses built or service rendered?

Many a Dutch home was desolated and doubtless many a placid Dutchman bewailed "the money famine." But if they were living now, those Dutchmen, they would see, as we can, that the true cause of their disaster was not scarcity of money, but general loss of confidence in the speculative values of tulip bulbs.

LESSON OF THE TULIP CRAZE.

Haven't we had commercial crises since, without tulip crazes? Certainly. But we have had none without the precise conditions, essentially, of the tulip craze. In them all there has been a period of speculation in one or more objects of intense desire, the supply of which has been monopolized; and this speculation has been so general and so intimately related to legitimate business that when the speculative values have collapsed the entire commercial system has suffered from the shock.

The things that acquire speculative value in greater or less degree according to expected demand, and to the obstacles thrust in the way of supply, include railroads, canals, street cars, maritime privileges, trading privileges, telephone and telegraph privileges, land monopolies of various kinds, and so on. Indeed, land monopoly is usually the controlling factor in all. Don't railroads, canals, turnpikes, telephones, telegraphs, and street cars depend upon monopolies of rights of way over the land? and are not maritime and trading and all other seagoing privileges usually valueless unless connected in some way with land monopoly? The only great exceptions, perhaps, are patent rights—using that term inclusively. These may be exclusive rights to use inventions, as under our patent laws; to manufacture money, as under our banking laws; or to manufacture or sell certain commodities, as under the monopoly régime of the "good Queen Bess." Even these patent privileges are so associated in use with landed monopolies that under our system of free trade in land their speculative values attach very largely to land monopoly. So great is that effect, and so much larger are the speculative interests in land monopoly than in any other kind, that it may be fairly said that the speculative values which by collapsing produce industrial depressions, are the speculative values of land monopoly. These are the tulip-bulb values of modern speculation.

LESSON OF THE SOUTH SEA BUBBLES.

The two most noted commercial crises in Europe after the tulip craze were obviously caused by collapse of the speculative values of land monopoly. We allude to the "South Sea bubble" and the "Mississippi scheme." Both were South Sea bubbles; that is, both were collapsed speculations in the American hinterland beyond the Mississippi River, which had been supposed to extend to the South Seas. The "Mississippi scheme," engineered by John Law, was French; the "South Sea bubble" was a British imitation. Each was at its height, however, and each came to grief, at about the same time—1719 to 1720.

Speculation in the stock of the "Mississippi scheme" had reached 610 to 1 in August, 1719, and by April, 1720, it was at 2,050 to 1. Why? Because in 1719 the company had been granted by France a monopoly of the trade of the French possessions beyond seas, including especially the Mississippi country of North America. It was like a street franchise or a railroad grant of the present time, or a turnpike or canal franchise or an anthracite coal deposit a hundred years or so ago. Everybody wanted a chance in this scheme of getting something for nothing.

After reaching 2,050 to 1 the stock collapsed even more rapidly than it had expanded. Why was that? Financial historians of one school say it was because paper money issued by the company came tumbling in for redemption in specie; financial historians of another school say it was because the paper money had unfortunately been made redeemable in specie. But the crucial point is why this money came tumbling in for redemption at all.

Loss of confidence? To be sure. But loss of confidence in what?

There is but one answer that the facts will sustain. It was loss of confidence in the speculative value of exclusive rights to exploit the producing and trading opportunities of the French landed possessions over seas.

The "South Sea bubble" of England was a doublet to the "Mississippi scheme" of France. The South Sea Company had a monopoly of the South Sea trade, and the speculative value of its stock ran up rapidly to 1,000 to 1. Why? Evidently because of confidence in the great value of the privilege of monopolizing the trade and developing the productive opportunities of the hinterland of North America. The stock would doubtless have gone higher if some of the insiders—the British Pierpont Morgans of that era—hadn't lost confidence early and begun to unload upon an optimistic public. In a few days, at any rate, this stock had fallen from 1,000 to 1, down to 135, and then to nothing, bringing on a tremendous commercial crash.

Why?

Evidently from loss of confidence in the speculative value of those monopolized privileges in the North American hinterland, which had linked themselves in the market with legitimate business.

THE FIRST AMERICAN DEPRESSION.

The same relation of confidence in the speculative values of landed privileges to industrial depressions is manifest in the historic crises of the United States, of which there have been six since the Revolutionary war, the present being the seventh. The first was from 1784 until 1790.

There had been great prosperity in the colonies during the latter part of the colonial period; and though times were hard during the Revolution, this was accounted as one of the hardships of war. But the expectations of good times with peace were disappointed, and 1784 is noted as a black-letter year in the period of commercial distress that lasted in the nineties.

The common explanation, then as now, and as in every intermediate depression, was scarcity of money. There was naturally, therefore, a cry for more money; and much paper money was issued, and many were the laws which were passed to force its circulation. An old pamphleteer of the time, Pelatiah Webster, declared that the scarcity was not of money, but of confidence in securities. He was doubtless right. The fact that lands were sold for half their value, as the historians tell us, is far more significant of a period of speculative land values in anticipation of the good times to come with peace, than of scarcity of money.

THE SECOND AMERICAN DEPRESSION.

Between the first and the second industrial depression in this country there was an interval of nearly twenty years—from about 1791 to about 1809. This interval was famous for prosperity. It was also notable for those phenomena of speculation that were characteristic of the tulip mania and of the South Sea bubbles. Western colonization stimulated speculation in Western lands. The discovery of anthracite coal deposits brought on speculation in mining stock. Textile manufacture enhanced the speculative value of material-producing land everywhere within reasonable reach, and by building up factory towns it gave an impulse to urban land values. Canal companies, bridge companies, turnpike companies, land companies were chartered, all with grants of privileges for levying tribute. And so confident were the public that these monopoly privileges would be extraordinarily profitable, that an era of wild investment set in, precisely the same in principle as that of the tulip bulbs and those of the South Sea trade. For a long time everyone thought he was getting rich. But about the middle of the first decade of the new century confidence in these speculative values was checked, and by 1809 the boom had burst.

The twenty years of "bounding prosperity" were now succeeded by fifteen of hard times throughout the East, relieved in the West by a brief interval of tulip-bulb prosperity. The rush of migration westward, due to hard times in the East, had been followed by a fever of speculation in Western lands; and when this incidental or intermediate boom collapsed, as collapse it had to, it collapsed for the same reason that the tulip craze had, for the same reason that the Mississippi and the South Sea bubbles had, for the same reason that the boom from 1791 to 1809 had—from loss of confidence in speculative values. For the most part, if not altogether, these Western values were land values. Land went down in value with a rush in 1819—a fourth, a third, a half.

The collapse was attributed, as usual, to financial derangements, but isn't it plain that it must have been due to loss of confidence in land speculation?

After land values all over the country had in that fateful year reached the lower levels upon which profitable production was possible, signs of general revival were visible, and in a few years the long-drawn-out depression of 1809–1824, the second of our national history, with its short speculative diversion in the West, had come to an end.

THE THIRD AMERICAN DEPRESSION.

Hardly were the improved conditions following the second depression fairly realized than they began to generate anew the speculative mania which only could and in due time did in fact, produce the third depression, that of 1837–1842.

Speculation in land values was again evident as early as 1826, about the time the Erie Canal had connected the Great Lakes with the sea. Railroad building began later to furnish opportunities for speculation in transportation monopoly in place of the canal and bridge stocks of the early part of the previous era of prosperity. In 1830 there were only 36 miles of railroad in the country, but by 1831 a mania for railroad building had spread throughout the nation, and speculation in railroads as well as in town lots and public lands was under full headway. Again we were in boom times. Again there was "bounding prosperity." But again it was of the tulip-bulb kind, and signs of collapse were in the commercial sky in 1833 and 1834, just as they were last spring and last summer.

When the inevitable crash of 1837 came, it was attributed by the financiers and their dupes to Jackson's circular requiring specie payments for public lands, much as the present crash is attributed by financiers and their dupes to Roosevelt's war upon big business. But Jackson's specie circular, if it caused the crash in any sense at all, caused it only as a pin prick may cause the collapse of a bladder already blown to the bursting point, caused it as the demand for specie caused the collapse of the Mississippi scheme already expanded by speculation to a point beyond which confidence could not go.

That the buying of public lands had risen from $4,887,000,000 in 1834 to $24,000,000,000 in 1836 is hint enough of the heights which land speculation must have reached. Railroad building had risen from 36 miles in 1830 to 1,273 in 1836, which gives a hint of the probable speculation in railroad stocks and in the lands of the territory which the "iron horse" was opening up.

Edward M. Shepard thus describes the phenomena in his Martin Van Buren:

"It did not seem necessary to create wealth by labor; the treasures lay ready for whomever should first reach the doors of the treasure houses. To make easy the routes to El Dorado of prairies and river bottoms was the quickest way to wealth. Roads, canals, river improvements, preceded, attended, followed these sudden settlements, this vast and jubilant movement of population. There was an extraordinary growth of 'internal improvements.' In his message of 1831, Jackson rejoiced at the high wages earned by laborers in the construction of these works, which he truly said were 'extending with unprecedented rapidity.' * * * If new lands at the West could be made accessible by internal improvements, the succession of seedtime and harvest had for a dozen years seemed no more certain than that the value of those lands would at once increase prodigiously. So the American people, with one consent, gave themselves to an amazing extravagance of land speculation. * * * Everybody thought himself richer and his labor worth more. * * * Lands near the cities and villages of the State [New York] had risen several hundred per cent in value, and were sold not to be occupied by the buyers but to be sold again at higher prices."

This speculation had to have its end, as had the tulip craze and the South Sea bubbles in Europe, and the boom period from 1791 to 1809 in this country, and for the same reason—loss of confidence in the continuance of speculative values. The end came in 1837, and what Mr. Shepard wrote of it in his Martin Van Buren, half a century later and twenty years ago, applies with wonderful exactness to conditions now. "Nature's vital and often hidden truth," he wrote, "that value depends upon labor, could no longer be kept secret by a few wise men. The suspicion soon arose that there was not real and available value to meet the demands of nominal value. The suspicion was soon bruited among the less as well as the more wary. * * * To many the crisis seemed merely a financial or even a great banking episode. Many friends of the Administration loudly cried that the disaster arose from the treachery of the banks in suspending. Many of its enemies saw only the normal fruit of administrative blunders, first in recklessness, and the last in heartless indifference. To most Americans, whatever their differences, the explanation of this profound and lasting disturbance seemed to lie in the machinery of finance, rather than in the deeper facts of the physical wealth and power of the trading classes."

As Mr. Shepard goes on to explain with considerable definiteness, these deeper facts could be generalized as loss of confidence in speculative land values.

THE FOURTH AMERICAN DEPRESSION.

Like thunder from a clear sky came the panic of 1857, the fourth in the American series of great depressions. It was heralded by the failure of one of the oldest banking institutions in the country—the Ohio Life Insurance and Trust Company—an institution which had weathered the destructive storm of 1837. But the same conditions that made the depression of 1837 inevitable had been gathering below the financial horizon long before the demoralizing thunderburst of 1857.

The industrial situation had been improving since 1842. Railroad building had greatly increased, railroad rights of way, and the land, both agricultural and urban, which they served grew in value; gold fields were discovered, which gave prodigious opportunities to the adventurous for getting easy money; free trade had stimulated commerce with all the world. As a result speculation in land values of various kinds, from railroad lines and mining stocks to city lots, had become intense. If speculation was not so spectacular as in the period preceding the panic of 1837, it was nevertheless more widespread as to territory and more general as to population; and by 1857 it had reached a point at which confidence in speculative values was about exhausted. The real estate markets of the cities tell the story. In Chicago, for instance, a typical building site, worth $45,000 in 1856—its highest point until then—fell to $35,000 in 1857, and was down to $28,000 in 1861, after which it rose again. With the beginning of the civil war the depression of 1857 passed away, except at the South. Limited to its own resources, the South had no opportunity to recover industrially so long as the war lasted; but at the North the war itself revived industrial opportunities.

THE FIFTH AMERICAN DEPRESSION.

The activities which stimulated speculation at the North during the civil war extended over the nation when peace had come, and by 1873 conditions were similar to those that Mr. Shepard describes as having preceded the panic of 1837. Railroad stocks, mining stocks, and lands of every kind were in demand for reselling at a profit, and speculative values rose enormously. Land in Chicago was higher than it had ever been and higher than it got to be again until in the eighties. This was true also of New York and doubtless of all the other large cities and most of the towns. And landed interests were mortgaged and again mortgaged and sometimes mortgaged again and even again. Everybody was once more getting rich without working.

Until 1873 confidence in the continuance of speculative values was seemingly inexhaustible. But it had in fact been exhausted, and before the year was gone it had been lost. When Jay Cooke failed the whole speculative house of cards began to tumble and a period of hard times set in which lasted nearly ten years.

THE SIXTH AMERICAN DEPRESSION.

This period of hard times, the sixth in the weary series, a period well remembered yet for its economic suffering and terrors, was, like all the others, preceded by an era of confidence in the speculative values of land and caused by loss of that confidence.

Suburban lots had once more been platted and sold at high prices, to be again sold at higher prices. Once more railroad stocks, which represent land monopoly in some of its most important phases, and

many other stocks which represent it in more or less important phases, had become the tulip bulbs of another speculative generation. Again the prices of these monopoly privileges had expanded to the bursting point. Again there was a pin prick through some disarrangement of the financial machinery. Again there was a collapse and a long period of industrial distress—from 1893 to 1898.

Confidence had been excited in the speculative value of a monopolized object of general and intense desire. So long as this confidence lasted, everything seemed to boom; but when this confidence was lost, the business structure toppled. It was the tulip-bulb experience over again, but with real land monopoly instead of imaginary tulip-bulb monopoly as the subject of the craze—with land monopoly represented in building sites, in mining stocks, in railway franchises, and in consolidations that were based no more upon patents for inventions than upon rights to mineral and other landed opportunities.

THE SEVENTH AMERICAN DEPRESSION.

And so is it again to-day.

A year ago everyone "who was anyone," thought he was getting rich. Times were as flush in the United States as they had been in Holland at the height of the tulip craze, as they had been in France at the height of the Mississippi venture, as they had been in England at the height of the South Sea speculation, as they had been in the United States just before every previous depression, from the first to the sixth. Speculation was rife; monopolies were rising in value; land in promising situations invited investment at more than it was worth for use; fortunes were turned over and over in Wall street, where speculative interests in land have found their readiest market in the form of corporation stocks; business was lively at small profits for managers and a "living wage" for workers; and the happy-go-lucky optimist beamed.

But confidence began to sag here and there. Mr. Morgan's was probably the first to go, for he made no investments after 1906, but turned millions of his interests into gold and into demand loans tightly secured. Gradually the word spread that personal expenditures were falling off, that collections were "hard," that some investments were not so good as they had been. Then there came a flurry, a puff of wind on the summer seas of finance, which carried down some business craft and warned others to trim sail. That was in August. In October the storm broke.

When the banks, for no reason apparent to most business men, stopped cash payments, it was clear enough to all but the fatuous or the crooked that the depression was here. The banks did not close for lack of money. It was for lack of confidence in the value of the securities they held as collateral, securities which for the most part were titles in some form to speculative interests in some kind of land. They were in the plight of those money lenders of Amsterdam who had lent on the security of interests in tulip bulbs at 60 per cent of market value, and now saw tulip values receding.

There may be fluctuations before the worst comes, but it is all too evident that we have entered upon one of those periodical depressions of which the tulip craze is a whimsical instance and the South Sea bubbles were primitive examples, and which in this country may be catalogued as the depressions of 1784–1790, 1809–1819, 1837–1842, 1857–1862, 1873–1882, 1893–1898, and 1907–?—the final date of the last being as yet a secret of the industrial fates.

THE LESSON OF IT ALL.

Without waiting for the answer the fates may have to give, is there no lesson to learn from what we of this country have already experienced? How long shall we go on permitting that monopoly of our planet which furnishes the basis for the speculation which, cycle by cycle, gives us a period of unwholesome investment followed by one of deadly depression? How long shall we fasten our minds upon the surface symptoms of these periods with microscopic attention, while ignoring altogether their evident and only slightly hidden cause?

Mr. TAWNEY. Mr. Chairman, I now yield ten minutes to my colleague from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, in the best of good nature I take the floor for a moment or two. We have witnessed an extraordinary condition of mind among the distinguished Democratic Members on the other side of the House this evening. Uniformly they have clapped their hands and cheered when the distinguished Member who has just been on the floor has demonstrated that in the election of 1904 the great Judge Parker, of New York, had run substantially behind Mr. Bryan in former elections, and especially did they cheer when they found that he had run behind very materially in Bryan's own State of Nebraska.

Mr. HEFLIN. Will the gentleman yield?

Mr. KEIFER. Yes.

Mr. HEFLIN. Does the gentleman know why they applauded?

Mr. KEIFER. I am satisfied with the fact that you are cheering, and cheering because your candidate of 1904 was not able to get as many votes as did your candidate in 1896.

Mr. HEFLIN. I want to say to the gentleman that it was because it answered the argument of those now who want us to sidetrack the great commoner of the people. [Applause on the Democratic side.]

Mr. KEIFER. Yes; but it seems that in the State of Nebraska in 1900, where there was a full and fair canvass, while they appealed to the people to sustain him because he was a son of the State, he was beaten by something over or about 10,000 votes in a fair election, and that is a sufficient answer to the suggestion that came from the other side.

Mr. OLLIE M. JAMES. Mr. Chairman, I would like to ask the gentleman from Ohio a question.

Mr. KEIFER. Very well.

Mr. OLLIE M. JAMES. Does the gentleman not think that perhaps you gentlemen on the other side have enough to look after to select your own nominee, without attempting to select our candidate? [Laughter on the Democratic side.]

Mr. KEIFER. I appreciate that remark, and I will allow the gentleman to make his speech in his own time. It won't take two people to make the little speech that I want to make. [Laughter.]

Mr. OLLIE M. JAMES. I only want to say that I read in the daily press that Mr. FORAKER stated that the President of the United States was prostituting the selection of officials under the Federal Government for the purpose of beating him out of the State of Ohio and giving it to Taft. Is that true or false? [Applause on the Democratic side.]

Mr. KEIFER. I am not responsible for what the gentleman reads in a newspaper or what Mr. FORAKER may say. Allow me to say that I want to remind the Democrats that when they cast the great votes for their now champion in 1896 and 1900 they were trying to force the country into free silver. I suppose now if they follow Bryan they will try to force on the country the idea that the Federal and State governments should own the railroads and public corporations, unless that is repudiated by him. There was a singular thing happened in the Democratic national convention in St. Louis in 1904.

Mr. HARDY. Will the gentleman answer a question?

Mr. KEIFER. In a moment. I wish to finish this statement first. In 1904 the distinguished leader [Mr. WILLIAMS] of the Democratic party on the other side of this House made an opening speech and pronounced the question of free silver dead, and said that we had reached the gold standard in this country.

Mr. HARDY. Now, will the gentleman allow me to ask him a question? [Cries of "Regular order!"]

Mr. KEIFER. After that Mr. Littleton, of New York, followed up in his nominating speech with the same declaration, saying that the silver question was settled, and through Divine Providence. Then what followed? The committee on resolutions appointed at that convention, with Mr. Bryan amongst them, was in session all night of the 7th of July, and in the morning reported a resolution declaring that the silver question was first and foremost and unsettled, and that the gold standard was not established, and reported that to the convention and that was adopted, and then what followed?

Mr. HARDY. Will the gentleman allow me to ask him a question? [Cries of "Regular order!"]

The CHAIRMAN. The gentleman declines to yield.

Mr. KEIFER. After the convention had followed Mr. Bryan with the free-silver platform and a declaration that the money question was not settled, its candidate, Judge Parker, of New York, sent to the convention, or to a member of the convention, Mr. Sheehan, this telegram:

> I regard the gold standard as firmly and irrevocably established, and shall act accordingly if the act of the convention to-day shall be ratified by the people. As the platform is silent on the subject, my views should be known to the convention, and if it be proved to be unsatisfactory to the majority, I request you to decline the nomination for me so that another man may be nominated before adjournment.

When this was read to the convention they bowed their heads and said to Mr. Bryan: "You are licked on your old question of free silver, and we were right in the beginning; the gold question is settled, and we will accept Judge Parker as our candidate." Now, that was the situation in which you put the poor old judge from New York and then undertook to elect him President of the United States, and it was for that reason that Judge Parker in his recent interview undertook to say that Mr. Bryan had not acted in good faith toward him or the result might have been different. Now, what is the question of the gentleman from Texas?

Mr. HARDY. I wanted to ask the gentleman if your President, at the other end of the Avenue, did not come about as near talking about the Government having to own the railroads if you did not control them as Mr. Bryan ever did?

Mr. KEIFER. I don't know. If the gentleman knows more than I do on that subject, I will take his testimony. I have arisen only to remind the gentlemen on the other side of this peculiar situation——

Mr. HARDY. Didn't your President McKinley wabble on the silver question about as much as anybody else?

Mr. KEIFER. Oh, no. I am ready to defend that position, because I think I followed along pretty close beside him in what you call the wabbling.

Mr. HARDY. Did you ever put a gold plank in your platform until after——

Mr. KEIFER. Well, I am not going to go into a discussion——

Mr. ANSBERRY rose.

Mr. KEIFER. Oh, let me finish my sentence first. One at a time.

Mr. ANSBERRY. I desire to ask the gentleman a question when he has finished.

Mr. KEIFER. Our President, our candidate for President, is not going around in the different States trying to boss legislative bodies and dictating as to whom they shall vote for for Senator.

Mr. HARDY. The question is, Didn't you stand for free silver up to 1896?

Mr. KEIFER. Who?

Mr. HARDY. The Republican party.

Mr. KEIFER. No.

Mr. HARDY. In 1888 didn't you have it in your platform?

Mr. KEIFER. No.

Mr. HARDY. Did you ever come out for a gold-standard plank?

Mr. KEIFER. We passed the act (March 4, 1900) fixing the gold standard, and have stood by it ever since. In 1896 we repudiated the old theory of free silver, and we never supported it in the sense in which the gentleman speaks. We did favor the utilization of silver to the extent that we could make a silver dollar as good as a gold dollar, and we have kept that promise up to the present hour. [Applause on the Republican side.] A silver dollar or a paper dollar is as good as a gold dollar anywhere in the United States to-day, in spite of the Democratic party. Now, I yield to the gentleman from Ohio [Mr. ANSBERRY].

Mr. ANSBERRY. Mr. Chairman, I desire to ask my distinguished fellow-Congressman from the great State of Ohio——

Mr. KEIFER. Have you got a Bible there?

Mr. ANSBERRY. No; I have the Republican bible—your platform of 1896.

Mr. KEIFER. Go ahead, it is all right.

Mr. ANSBERRY. I will ask you with reference to the question the gentleman just asked you, when you changed your position on the money question, if your platform in 1896 did not contain this plank, and if you then did not support this plank——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. I supported it whatever it was. [Laughter.]

Mr. SHACKLEFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. LIVINGSTON. I yield five minutes' time to the gentleman, Mr. Chairman.

Mr. KEIFER. I will accept it because these gentlemen desire to talk.

Mr. ANSBERRY. I want to ask the gentleman from Ohio this question in reference to this plank:

The currency question. The Republican party is unswervingly for sound money—

[Applause on the Republican side.]

It caused the enactment of the law providing for the resumption of specie payments in 1879. Since that time every dollar has been as good as gold—

[Applause on the Republican side.]

We are unalterably opposed to every measure calculated to debase our currency—

[Applause on the Republican side.]

or to impair our credit. We are therefore opposed to the free coinage of silver—

[Applause on the Republican side.]

except by international agreement—

[Cries of "Good!"]

with the leading commercial nations of the world. We pledge ourselves to promote, and until such agreement can be obtained, the existing gold standard.

[Cries of "Good!" on the Republican side.]

Mr. MANN. Will the gentleman read the Democratic platform of the same year and see whether the Democratic side will applaud it as we have applauded ours?

Mr. ANSBERRY. Allow me to finish my question——

Mr. KEIFER. I know, but you must not take up all of my time.

Mr. ANSBERRY. Are you in favor of asset currency or rag money?

Mr. KEIFER. The man wants to know whether I am in favor of asset currency. Has that anything to do with the question I am discussing? I believe not. Let me say one word here. This platform that has just been read is good Republican doctrine to-day. [Applause on the Republican side.] If all the great commercial nations of the world, such as England, France, Germany, and other countries, would go to a silver basis with gold, the United States would go there to-day. I yield now to the gentleman from Pennsylvania.

Mr. OLMSTED. The gentleman from Nebraska [Mr. HITCHCOCK] seemed to have some hesitation about giving a comparison of the Bryan vote in 1900 as compared with 1896. I have had the curiosity to look it up, and I find in 1896 Bryan carried Nebraska by a plurality of 13,576. In 1900 McKinley carried Nebraska by 8,222. [Applause on the Republican side.] In 1904 Roosevelt carried it by 86,682, and if the percentage keeps increasing the candidate this year of the Republican party will carry it by about 100,000. [Applause on the Republican side.]

Mr. KEIFER. I would like to add we have some evidence that is of a more recent date of the disintegration of the great Bryanite-Democratic party by the election down in the State of Kentucky. [Applause on the Republican side.]

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14766, the urgent deficency bill, and had directed him to report that it had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. KIMBALL was granted leave of absence of one week, on account of important business.

BILLS REPORTED FROM THE COMMITTEE ON WAYS AND MEANS.

Mr. PAYNE, from the Committee on Ways and Means, reported the following bills, which were read a first and second time and, with the accompanying reports, were referred to the Committee of the Whole House on the state of the Union and ordered to be printed:

H. R. 12420. A bill to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

H. R. 9217. A bill amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district.

H. R. 9218. A bill amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

H. R. 558. A bill to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, in pursuance to the order previously made, the House (at 5 o'clock p. m.) adjourned until Monday at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles S. Von Hoffen, administrator of estate of Henry Von Hoffen, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the chief of the Second Division, General Staff Corps, a report of documents distributed by the War Department during the fiscal year ended June 30, 1907—to the Committee on Printing and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. FOSTER of Indiana, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia, reported the same with amendments, accompanied by a report (No. 358), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S.

2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, reported the same with amendment, accompanied by a report (No. 366), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind., reported the same without amendment, accompanied by a report (No. 359), which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14032) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Mass., reported the same with amendments, accompanied by a report (No. 360), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14040) to authorize the county of Ashley, State of Arkansas, and her citizens, to wit, S. R. Bulloch, Z. T. Hedges, and others to construct a bridge across Bayou Bartholomew, at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties, reported the same with amendments, accompanied by a report (No. 361), which said bill and report were referred to the House Calendar.

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va., reported the same with amendment, accompanied by a report (No. 365), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4763) transferring Commander William Wilmot White from the retired to the active list of the Navy, reported the same without amendment, accompanied by a report (No. 362), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the resolution of the House (H. Res. 3) requesting information from the Secretary of the Treasury relative to the amount of money deposited in national banks, reported the same adversely, accompanied by a report (No. 363), which said bill and report were laid on the table.

He also, from the Committee on Ways and Means, to which was referred the resolution of the House (H. Res. 2) requesting information from the Secretary of the Treasury as to the amount of money deposited in national banks in New York, reported the same adversely, accompanied by a report (No. 364), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 10591) granting a pension to James Burke—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12706) granting a pension to William Kahn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14732) granting a pension to William S. Sykes—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14240) to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious—Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 2892) for the relief of the estate of F. Z. Tucker, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2897) paying certain claims of G. W. Howland—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8629) granting a pension to David T. Kirby—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 2176) granting a pension to Lottie B. Galleher—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14837) granting an increase of pension to William P. Wade—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAYES: A bill (H. R. 15105) to provide campaign badges for officers, enlisted men, sailors, or marines who served honorably in the Spanish, Philippine, or China campaigns, and who were not in the United States service on January 11, 1905—to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 15106) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. HOBSON: A bill (H. R. 15107) to authorize the attendance of five midshipmen from the Philippine Islands at the United States Naval Academy—to the Committee on Naval Affairs.

Also, a bill (H. R. 15108) to authorize the attendance of five cadets from the Philippine Islands and one from Porto Rico at the United States Military Academy—to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 15109) for the erection of a public building at New Ulm, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS of Georgia: A bill (H. R. 15110) providing for purchase of site and erection of public building at Millen, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. PERKINS: A bill (H. R. 15111) to authorize the purchase of lands and buildings for the consular establishments in China, Japan, and Korea—to the Committee on Foreign Affairs.

By Mr. ALLEN: A bill (H. R. 15112) authorizing the extension of Rock Creek drive, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RHINOCK: A bill (H. R. 15113) for the relief of tobacco growers—to the Committee on Ways and Means.

By Mr. POWERS: A bill (H. R. 15114) to provide for the purchase of a site and the erection of a public building thereon at Old Town, in the State of Maine—to the Committee on Public Buildings and Grounds.

By Mr. COCKS of New York: A bill (H. R. 15115) to provide for the distribution of the Annotated Statutes and Constitution of the United States—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 15116) to forbid the transmission through the United States mail of any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any intoxicating liquors—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: A bill (H. R. 15117) to allow the transfer of carriers from rural to city and from city to rural postal-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN: A bill (H. R. 15118) to establish a light station on Duck Island, Isles of Shoals, State of Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS of Oregon: A bill (H. R. 15119) to extend the time for reclaiming and making final proof of reclamation upon desert-land entries in Umatilla County, State of Oregon—to the Committee on the Public Lands.

By Mr. BEDE: A bill (H. R. 15120) providing for the drainage and reclamation of swamp and overflow lands in the State of Minnesota—to the Committee on the Public Lands.

Also, a bill (H. R. 15121) to provide for the construction of a revenue cutter of the first class for service in the waters of Lake Superior—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15122) for construction of additional light-house districts—to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 15123) to prohibit the giving to or receipt by public officers under the Constitution or laws

of the United States of any free frank or privilege for the transmission of messages by telegraph or telephone, to prevent discriminations in interstate telegraph and telephone rates, and fixing requirements governing the receipt and preservation of such messages—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: A bill (H. R. 15124) providing for the adjustment and payment of the accounts of letter carriers arising under the eight-hour law—to the Committee on Claims.

Also, a bill (H. R. 15125) to provide for the unlading of vessels at night to facilitate the entry of vessels, and for other purposes—to the Committee on Ways and Means.

By Mr. PEARRE: A bill (H. R. 15126) granting a pension of $30 per month to all honorably discharged soldiers and sailors who served at least ninety days in the Army or Navy of the United States during the war with Mexico, and who have or may reach the age of 70 years—to the Committee on Pensions.

By Mr. STEENERSON: Resolution (H. Res. 194) requesting information from the President of the United States relative to rules of the Civil Service Commission on the subject of employment of deaf persons in the civil service—to the Committee on Reform in the Civil Service.

By Mr. MILLER: Resolution (H. Res. 195) for the payment of an index clerk in the document room—to the Committee on Accounts.

By Mr. RODENBERG: Resolution (H. Res. 196) for the payment of a certain sum of money to the assistant superintendent of the House document room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 15127) granting an increase of pension to Philip Crowl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15128) granting an increase of pension to Mary Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15129) granting a pension to Jane McGittigen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15130) granting an increase of pension to John B. Shallenberger—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 15131) granting a pension to Lovina B. Chase—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 15132) granting an increase of pension to William Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15133) granting an increase of pension to John F. Swaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15134) to remove the charge of desertion from the record of Burdett J. Lamson—to the Committee on Military Affairs.

By Mr. BARCLAY: A bill (H. R. 15135) granting an increase of pension to John W. Lucore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15136) granting an increase of pension to Richard J. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15137) granting an increase of pension to Fenemore Ames—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 15138) granting an increase of pension to Hannah E. Simms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15139) granting an increase of pension to James Markham—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 15140) for the relief of administratrix de bonis non of William R. Mason, deceased—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 15141) to remove the charge of desertion from the record of John C. Berry—to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 15142) granting a pension to Sophia C. Hillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15143) for the relief of Robert D. Embry—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 15144) granting an increase of pension to John J. Fields—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 15145) for the relief of Robert Callan—to the Committee on Military Affairs.

By Mr. COCKS of New York: A bill (H. R. 15146) for relief of Gottlob Schlecht and heirs and legal representatives of William Bindhammer and Valentine Brasch—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 15147) granting an increase of pension to William Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15148) granting an increase of pension to Frederick R. Wright—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 15149) granting an increase of pension to John Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15150) granting an increase of pension to George A. Shephard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15151) granting an increase of pension to James M. Pickett—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 15152) granting an increase of pension to Oran D. Bates—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 15153) granting an increase of pension to Marvin E. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15154) granting an increase of pension to John W. Boals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15155) granting an increase of pension to Charles G. Jenkins—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 15156) granting an increase of pension to Frank Spencer—to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 15157) for the relief of Rufus L. King—to the Committee on Claims.

Also, a bill (H. R. 15158) granting an increase of pension to Francis S. Fletcher—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15159) granting an increase of pension to Charles H. Wakefield—to the Committee on Pensions.

By Mr. FULTON: A bill (H. R. 15160) for the relief of F. Edwena Willis—to the Committee on War Claims.

By Mr. GARDNER of Massachusetts: A bill (H. R. 15161) granting an increase of pension to Sarah R. Merritt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15162) to correct the military record of William J. Ahern, alias James Ahern—to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 15163) to amend and correct war records so as to muster in and muster out of service in United States Army William B. Williams, of Weakley County, Tenn., and to grant to him an honorable discharge—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 15164) granting an increase of pension to Tennessee Williams—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 15165) granting an increase of pension to Henry Haaf—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 15166) granting an increase of pension to Martha P. Loomis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15167) granting an increase of pension to Titus W. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15168) granting a pension to Rhoda Anderson—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15169) to correct the military record of Rudolph Kraut—to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 15170) granting an increase of pension to Edward J. Disbrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15171) granting an increase of pension to Albert B. Shirts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15172) granting an increase of pension to David S. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15173) granting an increase of pension to Byron Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15174) granting a pension to Frank Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15175) granting a pension to Mary A. Dawes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15176) for the relief of Warren Wright—to the Committee on Military Affairs.

Also, a bill (H. R. 15177) for the relief of Samuel Lenharr—to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 15178) for the relief of Madison County, Ky.—to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 15179) granting an increase of pension to Martha E. McDonald—to the Committee on Pensions.

By Mr. JONES of Virginia: A bill (H. R. 15180) granting an increase of pension to Adam Shetzline—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 15181) to remove the charge of desertion from the military record of Levi Wright—to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 15182) granting an increase of pension to Madison B. Butler—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 15183) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians—to the Committee on the Public Lands.

By Mr. LAFEAN: A bill (H. R. 15184) for the relief of Daniel B. Miller, United States Army, retired—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 15185) granting an increase of pension to Thomas L. Sims—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15186) granting an increase of pension to James W. Mollett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15187) granting a pension to Woodford M. Shoemaker—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 15188) granting an increase of pension to W. H. H. Mallory—to the Committee on Invalid Pensions.

By Mr. LASSITER (by request): A bill (H. R. 15189) for the relief of George L. Watkins, Bettie A. Hamilton, Junius F. Watkins, Louisa J. Jones, and Lottie E. Kidd—to the Committee on War Claims.

Also, a bill (H. R. 15190) to carry out the findings of the Court of Claims in the case of Susan R. Jones, administratrix—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 15191) granting an increase of pension to Thomas H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15192) granting an increase of pension to Thomas J. Walker—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 15193) granting an increase of pension to Milo Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15194) granting an increase of pension to Daniel D. Kingsbury—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 15195) for the relief of Hugh M. Brown, executor of Andrew Brown, deceased, late of Natchez, Miss.—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 15196) granting an increase of pension to Job S. Driggs—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 15197) granting an increase of pension to Adam J. Stahler—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 15198) granting an increase of pension to Sidney S. Smith—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15199) granting an increase of pension to Jacob H. Mose—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 15200) granting a pension to Arthur E. Prager—to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 15201) for the relief of the heirs of Daniel Goos, deceased—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 15202) granting an increase of pension to Julius Walker—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 15203) for the relief of J. F. Steel—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 15204) granting an increase of pension to Lucy A. Wilson—to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15205) granting an increase of pension to Henry W. Barnard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15206) granting an increase of pension to Henry P. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15207) granting an increase of pension to Jerome C. Walton—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15208) granting an increase of pension to Olinda A. Darby—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 15209) granting a pension to George R. Wolf—to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 15210) granting a pension to "Ferdinand" Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15211) granting a pension to Margaret Ann Easton—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 15212) granting an increase of pension to Newton K. Andrew—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 15213) granting an increase of pension to E. T. Arnold—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 15214) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. CRAWFORD: A bill (H. R. 15215) granting an increase of pension to Elizabeth Leopord—to the Committee on Pensions.

Also, a bill (H. R. 15216) granting an increase of pension to Isaac Holcomb—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 15217) granting an increase of pension to Emma Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15218) for the relief of the sureties on the official bonds of the late Cornelius Van Cott—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Frederick A. Riehle, of Philadelphia, Pa., for Appalachian and White mountains reservation bill; also American Institute of Electrical Engineers, for forest reserves to preserve the watersheds—to the Committee on Agriculture.

Also, petition of J. J. Fishburn, of Chicago, Ill., and Joseph Volter, of Elgin, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ACHESON: Papers in accord with any legislation against use of the mails for papers containing advertisements of intoxicating liquors—to the Committee on the Judiciary.

By Mr. ASHBROOK: Paper to accompany bill for relief of Eliza Wells—to the Committee on Pensions.

Also, paper to accompany bill for relief of Robert W. Pyle—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of Farmers' Institute held at Oakwood January 21, 1908, for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Paper to accompany bill for relief of Emma Anderson—to the Committee on Invalid Pensions.

Also, petition of Woman's Union Missionary Society of the District of Columbia, for a Sunday-rest law for the District—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of the sureties on the bond of Cornelius Van Cott—to the Committee on Claims.

By Mr. BURLEIGH: Petition of Frank H. Jones and others, of China, Me., against use of mails for liquor dealers' advertisements—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of Bank Depositors' Insuranee Company, against amendment of District Code of Laws regarding financial institutions—to the Committee on the District of Columbia.

Also, petition of Savannah (Ga.) Pilots' Association, against H. R. 4771 (Littlefield bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. CAULFIELD: Petition of Missouri State Federation of Labor, of Sedalia, Mo., against United States bands competing against civilian musicians—to the Committee on Naval Affairs.

By Mr. COOK of Pennsylvania: Petition of Civil Service Reform Association of Pennsylvania, disapproving of method of selecting census employees—to the Committee on Reform in the Civil Service.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Roswell L. Nason—to the Committee on Invalid Pensions.

Also, petition of Commercial Travelers' Congress of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Commercial Club of Des Moines, Iowa, for S. 27, fixing pay of Army and Navy, etc.—to the Committee on Naval Affairs.

Also, petition of Commercial Travelers' Congress, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of the District of Columbia, for control of the street-railway lines by the District Commissioners, etc.—to the Committee on the District of Columbia.

By Mr. DE ARMOND: Paper to accompany bill for relief of Eleanor E. Wells—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Bank Depositors' Insurance Company, of the District of Columbia, against amendment of District Code of Laws as regards financial institutions—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of Bank Depositors' Insurance Company, of the District of Columbia, against amendment of the District Code of Laws as regards financial institutions—to the Committee on the District of Columbia.

Also, petition of American Institute Electrical Engineers, for forest preservation in the interest of the water powers—to the Committee on Agriculture.

Also, petition of Government Town-site Protective Association, of McCurtain, Okla., for investigation of the Segregated Coal Land Settlers' Association—to the Committee on the Public Lands.

By Mr. ELLIS of Oregon: Petition of Commercial Club of Eugene, Oreg., for appropriation for public buildings in Eugene, Oreg.—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Paper to accompany bill for relief of Rundi E. Johnson—to the Committee on Pensions.

Also, paper to accompany bill for relief of Frank P. Spencer—to the Committee on Pensions.

By Mr. FERRIS: Paper to accompany bill for relief of Mrs. Martha A. Simons—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of Amos W. Littlejohn—to the Committee on Invalid Pensions.

By Mr. FORNES: Paper to accompany bill for relief of Bridget Murphy—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of George F. Earle and 49 other citizens of Berkeley, Cal., for a change in rules governing Chinese-exclusion laws as relates to excepted classes of Chinese immigrants—to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of William B. Williams—to the Committee on Military Affairs.

By Mr. GOEBEL: Petition of Local Union No. 5, of the stereotypers of the International Stereotypers and Electrotypers' Union, of Cincinnati, Ohio, for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Savannah (Ga.) Pilots' Association, against H. R. 4771 (Littlefield bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Paper to accompany bill for relief of Mrs. Annie L. Bocking—to the Committee on Invalid Pensions.

Also, petition of Samuel Morton and others, favoring H. R. 11562, restoring to Stevens Institute of Technology inheritance tax of $45,750—to the Committee on Claims.

Also, petition of Civil Service Reform Association, against method of appointing census employees—to the Committee on Reform in the Civil Service.

Also, petition of Paul Coleman, against shipment of liquor into prohibition States—to the Committee on the Judiciary.

By Mr. HAYES: Petitions of San Francisco Commercial Travelers' Congress, and the Morgan Hill (Cal.) Mercantile Company, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of San Francisco, Cal., against extension of the right of naturalization and in favor of a law to exclude oriental laborers—to the Committee on Immigration and Naturalization.

By Mr. HAMILTON of Michigan: Petition of citizens of St. Joseph County, Mich., favoring the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of members of the Thursday Club, of St. Joseph, Mich., for White Mountains and Appalachian forest reserve—to the Committee on Agriculture.

Also, petitions of citizens of Saugatuck, Business Men's Associations of South Haven and Berrien County, and Pomona Grange, No. 1, of Berrien Center, all in the State of Michigan, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of College Springs Presbytery, of Iowa, for legislation against polygamy—to the Committee on the Judiciary.

By Mr. HINSHAW: Paper to accompany bill for relief of Mortimer V. Hill—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Petition of retail merchants of Spokane, Wash., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of board of trustees of the New York State Soldiers' Home, for restoration of the canteen at Soldiers' Homes—to the Committee on Military Affairs.

By Mr. KNOPF: Petition of Charles G. Howell and 40 others, for repeal of section 3 of service-pension act of February 6, 1907, against Department attorneys' fees for securing pensions—to the Committee on Invalid Pensions.

Also, petitions of Rev. Charles M. Morton and 26 others, of Oak Park, River Forest, and Chicago; J. A. Marshall and 49 others, of La Grange; E. S. Conway and 17 citizens of Oak Park and Chicago; F. D. Collins and 21 citizens of Cook County; J. C. Irey and 63 citizens of Cook County; J. A. Rankin and 63 citizens of Cook County, and E. G. Cooley and 58 members of the Board of Trade of Chicago, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LAFEAN: Petition of residents of York County, Pa., for remedial legislation for the dairy interests—to the Committee on Agriculture.

Also, petition of T Square Club, of Philadelphia, indorsing the location of the Grant Memorial at Washington, D. C., as proposed by the Park Commissioners' plan—to the Committee on the Library.

Also, paper to accompany bill for relief of Jacob H. Dewees—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of citizens of Canton, Me., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LLOYD: Petition of Paddy Shields Post, Grand Army of the Republic, of Clarence, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of Typographical Union of Hannibal, Mo., for removal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of John H. Garmley and 60 others, for the repeal of section 3 of service-pension act of February 6, 1907, against Department attorneys accepting fees for securing pensions—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 15070—to the Committee on Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Job S. Driggs—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of Minneapolis Council, No. 63, United Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Paper to accompany bill for relief of Frederick Spackman—to the Committee on Invalid Pensions.

By Mr. PATTERSON: Petition of State Baptist Convention of South Carolina, for legislation preventing issuance of United States licenses in States that have adopted prohibition and the importation of alcoholic liquors into such Territories—to the Committee on the Judiciary.

By Mr. PAYNE: Paper to accompany bill for relief of Conrad Rupert—to the Committee on Invalid Pensions.

By Mr. PRINCE: Petition of citizens of Quincy, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Commercial Club of Topeka, Kans., against permitting railway companies raising rates without authority of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Petition of Second United Brethren Church of Altoona, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. SABATH: Petition of American Institute of Electrical Engineers, for forest preservation in the interest of water powers—to the Committee on Agriculture.

By Mr. SHEPPARD: Papers to accompany bills for relief of David H. Hopkins, Samuel J. Mapes, and Martha C. Pace—to the Committee on Invalid Pensions.

By Mr. SHERLEY: Paper to accompany bill for relief of estate of Isaac L. Hyatt—to the Committee on War Claims.

By Mr. SPERRY: Petition of Typographical Union No. 47, for removal of duty on white paper, pulp, etc.—to the Committee on Ways and Means.

Also, petition of citizens of Connecticut, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WALLACE: Paper to accompany bill for relief of E. T. Arnold—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Edwin S. Lorsch, E. A. Uehling, F. E. Idell, William C. Ludlow, H. B. Cross, Alfred N. Ernst, John C. Percy, and I. F. Wortendyke, favoring passage of H. R. 11562, for repayment of the collateral inheritance tax, amounting to $45,759, to the Institute of Technology of Hoboken—to the Committee on Claims.

SENATE.

MONDAY, *January 27, 1908.*

Prayer by Rev. FRANK O'BRIEN, D. D., of Kalamazoo, Mich.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM RHODE ISLAND.

Mr. ALDRICH presented the credentials of George Peabody Wetmore, chosen by the legislature of the State of Rhode Island, a Senator from that State for the unexpired portion of the term commencing March 4, 1907, which were read and ordered to be filed.

Mr. ALDRICH. My colleague is in the Chamber, and I ask that the oath of office may be administered to him.

The VICE-PRESIDENT. The Senator-elect from Rhode Island will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Wetmore was escorted to the Vice-President's desk by Mr. ALDRICH, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

Mr. HALE. Mr. President, I offer a privileged resolution and ask for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Mr. WETMORE be appointed to fill the vacancies in each of the following committees:
Chairman on the Library;
On Public Buildings and Grounds;
On the University of the United States; and
On Woman Suffrage.

LISTS OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $5,700.87, and which require an appropriation for the payment thereof, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered against the United States by the circuit and district courts of the United States under the act of March 3, 1887, etc., and which require an appropriation for the payment thereof, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SCHEDULES OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting schedules of claims amounting to $34,284.97 allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of the act of June 20, 1874, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Sarah Winter *v.* United States; and

In the cause of S. Sollers Maynard, executor of Augustine D. O'Leary, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 14638. An act to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes; and

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry volunteer officers of the civil war of Galesburg, Abingdon, Beardstown, Quincy, Rushville, Warsaw, Clayton, Aurora, Elgin, Plainfield, Joliet, Wilmington, Sullivan, Bethany, Shelbyville, Mattoon, Bloomington, and Mount Vernon, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying for the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

He also presented petitions of sundry volunteer officers of the civil war of Lewiston, Auburn, Portland, Livermore Falls, Augusta, Bangor, Troy, Stillwater, Waterville, Calais, Stetson, Dixfield, Canton, Patten, and Washburn, all in the State of Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. PLATT presented a memorial of the Business Men's Association of Elmira, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 22, of New York; of Local Union No. 396, of Canandaigua; and of Local Union No. 387, of Mount Vernon, all of the American Federation of Labor, in the State of New York, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Marine Trades Council of the port of New York, N. Y., praying for the enactment of legislation providing for the immediate resumption of work in the Brooklyn Navy-Yard, and also for the construction of a new battle ship in that navy-yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Ilion, N. Y., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chautauqua County Pomona Grange, Patrons of Husbandry, of Jamestown, N. Y., praying for the establishment of postal-savings banks, and also for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry volunteer officers of the civil war of Plattsburg, New York City, East Aurora, Buffalo, Kenmore, Rochester, Springville, Corning, Jamestown, Carthage, Batavia, Fredonia, and Saratoga, all in the State of New York, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. WARREN presented a memorial of the Cattle and Horse Growers' Association of Albany County, Wyo., remonstrating against the enactment of legislation providing for the sale of Government lands within the limits of railroad land grants, which was referred to the Committee on Public Lands.

He also presented a memorial of the Wool Growers' Association of Weston County, Wyo., remonstrating against the repeal of the present duty on wool, and also against the Federal control of the public grazing lands, which was referred to the Committee on Finance.

He also presented sundry memorials of the Wool Growers' Association of Carbon County, Wyo., remonstrating against the enactment of legislation providing for the Federal control of grazing upon public lands in the arid States and Territories, which were referred to the Committee on Agriculture and Forestry.

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the erection of fortifications at San Pedro, in that State, which was referred to the Committee on Coast Defenses.

Mr. SMOOT presented a petition of sundry ex-Union soldiers, Department of Utah, Grand Army of the Republic, of Salt Lake City, Utah, praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

Mr. DOLLIVER presented a paper to accompany the bill (S. 1179) authorizing the President to appoint Samuel T. Weirick, late a captain and assistant surgeon of the United States Volunteers, as a captain and assistant surgeon in the Army, and place him on the retired list, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Council No. 163, United Commercial Travelers of America, of Sheldon, Iowa, and a memorial of the Commercial Travelers' Congress, of San Francisco, Cal., remonstrating against the passage of the so-

called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry members of the Medical Society, of Wapello County, Iowa, praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 22, International Typographical Union, of Dubuque, Iowa, and a petition of Local Union No. 89, Stereotypers and Electrotypers' Union, of Davenport and Rock Island, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Montgomery County, Iowa, praying for the enactment of legislation to prohibit the sale of opium in all territory under the jurisdiction of the United States, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Montgomery County, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Montgomery County, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Montgomery County, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Montgomery County, Iowa, praying for the enactment of legislation to prohibit the collection of internal-revenue taxes imposed on "speak-easies" in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry volunteer officers of the civil war of Manchester, Independence, Steubenville, Marion, Lansing, Postville, Washington, and Belmond, all in the State of Iowa, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. KEAN presented a petition of the New Jersey Chapter of the American Institute of Architects, of Newark, N. J., praying for the location of the Grant monument on the site proposed by the Park Commission of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of G. Van Houten Post, No. 3, Grand Army of the Republic, of Jersey City, N. J., praying that one or more of the proposed new battle ships be constructed at the Brooklyn Navy-Yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of J. E. Pinkney, of High Bridge; Eugene L. Delafield, of Glen Ridge, and E. H. Bedell, of Newark, all in the State of New Jersey; of James M. Ladd, of Philadelphia, Pa.; of H. S. Morton, of New York City; F. E. Idell, of New York City, and of J. E. Sague, of Albany, all in the State of New York, and of E. L. Wiles, of Denver, Colo., praying for the refund of the inheritance tax paid by the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. SUTHERLAND presented the petition of A. N. Nash and sundry other volunteer officers of the civil war, of Salt Lake City, Utah, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. HOPKINS presented petitions of William N. Vorn and 69 other citizens, of Robert H. McFadden and 10 other citizens, of J. H. Rice and 22 other citizens, of John Kirkman and 39 other citizens, o David W. Magee and 24 other citizens, of Smith D. Askins and 193 other citizens, of John I. Rinaker and 70 other citizens, and of R. H. Carnahan and 63 other citizens, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of the Carroll County Farmers' Institute, of Lanark, Ill., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Tri-City Carpenters' District Council, Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., praying for the enactment of legislation providing for the improvement of the deep waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., praying for the establishment of a postal savings bank, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of sundry ministers of Fairmont, W. Va., praying for the enactment of legislation to prohibit the collection of Federal taxes imposed on liquor dealers in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. SMITH presented a memorial of the house of representatives of the State of Michigan, remonstrating against any further reduction being made in the tariff on sugar, which was referred to the Committee on Finance.

He also presented a petition of the Federation of Labor of Detroit, Mich., praying for the enactment of legislation to relieve the present condition in the money market, which was referred to the Committee on Finance.

Mr. BURNHAM presented the petition of Inspector-General William Sullivan, of Manchester, N. H., praying for the enactment of legislation to authorize the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Manchester, Franklin, and Gilmanton, all in the State of New Hampshire, praying for the passage of the so-called Kittredge copyright bill, which were referred to the Committee on Patents.

Mr. HEYBURN presented a petition of sundry volunteer officers of the civil war, of Lewiston and Rupert, in the State of Idaho, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Commercial Club of Hastings, Minn., praying that an appropriation be made for the deepening of the channel of the Mississippi River, which was referred to the Committee on Commerce.

He also presented petitions of sundry volunteer officers of the civil war of Minneapolis, St. Paul, Stillwater, Austin, Lake City, Duluth, Albert Lea, Dundas, Litchfield, Kasson, Fairmont, Minnehaha, Mankato, Luverne, Plainview, Rochester, Gladstone, Frazee, Merriam Park, and Clearwater, all in the State of Minnesota; of sundry volunteer officers of the civil war of Covina, Cal.; Miles City, Mont.; Ellendale, N. Dak.; Meyers Falls, Wash.; Sheldon and Sioux City, Iowa, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. WARNER presented petitions of sundry volunteer officers of the civil war of Kansas City, Carthage, Lebanon, Chillicothe, Springfield, Joplin, Wagoner, Hannibal, Warrensburg, and Louisiana, all in the State of Missouri, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BANKHEAD presented petitions of William B. Gere and 12 other citizens of Alabama, of Horatio Bixby and 5 other citizens of Florida, and of Dennis M. Foster, of Lake Charles, La., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. NEWLANDS presented a petition of the Navigation Conference of New York City, N. Y., praying that an appropriation be made for the improvement of the National Harbor of Refuge at Point Judith, R. I., which was referred to the Committee on Commerce.

Mr. LATIMER presented a petition of Local Union No. 385, International Typographical Union, of Greenville, S. C., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Charleston, S. C., praying that an appropriation be made for the improvement of the United States artillery post on Sullivans Island, in that State, which was referred to the Committee on Military Affairs.

Mr. GUGGENHEIM presented the petition of C. D. Neff, of Fort Collins, and 156 other citizens of Colorado, praying for the enactment of legislation creating a volunteer retired list

in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented the memorials of C. L. Wooding, librarian of the Public Library, Bristol, Conn.; of the Connecticut Library Association, and of the Massachusetts Library Club, of Fairhaven, Mass., remonstrating against the adoption of certain amendments to the copyright law limiting the importation of books for use of libraries, which were referred to the Committee on Patents.

He also presented a petition of the Society of Arts of the Massachusetts Institute of Technology and of the National Association of Cotton Manufacturers, praying for the establishment of a national forest reserve in the Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of International Typographical Union No. 47, of New Haven, Conn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented the petition of Edward P. Nobles and 18 other citizens of Connecticut, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Washington Board of Trade of the District of Columbia, praying for the enactment of legislation consolidating crossing policemen with the Metropolitan police force of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of A. E. O'Hare and M. J. Colbert, of the District of Columbia, remonstrating against any change being made in the extension of New Hampshire avenue from its present straight route, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Board of Trade of Washington, D. C., remonstrating against any change being made in the present school laws of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the West Washington Citizens' Association of the District of Columbia, praying that an investigation be made into the conditions of the schools of the District of Columbia, and also regarding the removal from office of Dr. William E. Chancellor, formerly superintendent of the schools, which was referred to the Committee on the District of Columbia.

He also presented the petition of Joseph M. Clough and 28 other citizens of New London and of Eben W. Waterhouse, of West Peterboro, all in the State of New Hampshire, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments of the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DU PONT presented a petition of sundry volunteer officers of the civil war of Wilmington and New Castle, in the State of Delaware, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DANIEL presented petitions of Local Union No. 519, International Typographical Union, of Winchester; of Local Union No. 32, International Typographical Union, of Norfolk, and of Local Union No. 182, International Printing Pressmen and Assistants' Union of Roanoke, all in the State of Virginia, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of sundry volunteer officers of the civil war of the National Soldiers' Home, Phoebus and Norfolk, in the State of Virginia; of Hoboken, N. J.; of Bethlehem and Philadelphia, in the State of Pennsylvania, and of New York City, N. Y., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DEPEW presented the petitions of Henry W. Rudd and 49 other citizens; of Albert Haight and 223 other citizens; of A. J. Smith and 116 other citizens; of Elba Reynolds and 195 other citizens; of William P. Davis and 219 other citizens; of John R. Prince and 23 other citizens; of Edgar P. Putnam and 24 other citizens; of Jesse F. Shafer and 8 other citizens; of Lucius E. Wilson and 11 other citizens; of William C. Reddy and 6 other citizens, and of William A. Stripling and 7 other citizens, all in the State of New York, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of the Marine Trades Council of the Port of New York, praying for the enactment of legislation providing for the immediate resumption of work in the Brooklyn Navy-Yard, and also for the construction of a new battle ship at that navy-yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of Local Union No. 387, International Typographical Union, of Mount Vernon; of Local Union No. 396, International Typographical Union, of Candaigua, and of Local Union No. 22, International Brotherhood of Bookbinders, of New York, all in the State of New York, praying for the repeal of the duty of white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HALE presented the petitions of William T. Cobb, governor, Fred C. Low, and C. L. Buckman, and 157 other citizens of Maine, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of China, Me., remonstrating against the use of the mails for the purpose of advertising intoxicating liquors, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented a petition of sundry citizens of North Platte, Nebr., praying that an appropriation be made for the construction of a Federal building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of George Dorsey and 95 other citizens of Nebraska, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. CLAPP presented memorials of sundry citizens of Minneapolis, Minn., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of James M. Quinn and 201 other citizens, John T. Johnson and 107 other citizens, and Dor K. Stacy and 11 other citizens, all in the State of Minnesota, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Minnesota, praying that an appropriation be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

Mr. MARTIN presented sundry affidavits to accompany the bill (S. 2847) for the relief of Robert Michaels, which were referred to the Committee on Claims.

Mr. BOURNE presented sundry affidavits to accompany the bill (S. 3637) granting an increase of pension to Elizabeth S. Hensley, which were referred to the Committee on Pensions.

Mr. BROWN presented a petition of the Nebraska Commandery, Military Order of the Loyal Legion of the United States, of Omaha, Nebr., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. FULTON presented a petition of sundry volunteer officers of the civil war, of Portland and Baker City, in the State of Oregon, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of the Massachusetts Library Club, of Fairhaven, Mass., remonstrating against the adoption of certain amendments in the so-called "copyright bill" restricting the importation of books for libraries, which was referred to the Committee on Patents.

He also presented petitions of the National Association of Cotton Manufacturers, of Boston; of the Society of Arts, of Boston, and of the American Institute of Electrical Engineers, of Boston, all in the State of Massachusetts, praying for the enactment of legislation providing for the preservation of the forests of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LONG presented a memorial of Local Council No. 66, United Commercial Travelers of America, of Fort Scott, Kans., remonstrating against the passage of the so-called "parcels-

post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Washington, D. C., and a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation placing the Census Bureau under the rules and regulations of the civil-service law, which were referred to the Committee on the Census.

He also presented a petition of the Commercial Club of Topeka, Kans., and a petition of the Mason Fruit Jar Company, of Coffeyville, Kans., praying that a hearing before the Interstate Commerce Commission be given to interested parties before any increase in interstate freight rates is made by the railroad companies, which were referred to the Committee on Interstate Commerce.

He also presented petitions of the State Grain Dealers' Association and the Board of Trade of Kansas City, and of J. E. Howard, of Wichita, Kans., praying for the enactment of legislation providing for a uniform inspection of grain under Federal control, which were referred to the Committee on Agriculture and Forestry.

He also presented a paper to accompany the bill (S. 2941) to provide for the purchase of a site and erection of a public building thereon in the city of Concordia, Kans., which was referred to the Committee on Public Buildings and Grounds.

He also presented a paper to accompany the bill (S. 4217) to provide for the purchase of a site and erection of a public building thereon in the city of Abilene, Kans., which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of sundry volunteer officers of the civil war of Salina, Toronto, Atchison, Wichita, Hollenberg, Hiawatha, all in the State of Kansas, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BULKELEY presented a petition of Local Union No. 47, International Typographical Union, of New Haven, Conn., praying for the repeal of the duty on white paper, wood pulp, and materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of Ensign Napoleon Boughton, of East Haven, Conn.; Lieut. A. Avery Bevin, of East Hampton, Conn.; Surg. James A. Bigelow, of Elkhart, Ind.; Lieut. Arthur Boardman, of Cromwell, Conn.; Maj. Albert F. Burkes, of Farmington, Conn.; Capt. William M. Beeman, of Hartford, Conn.; Lieut. William H. Bevin, of East Hampton, Conn.; Capt. Thomas Boudren, of Bridgeport, Conn.; Lieut. Augustus L. Bodine, of Bridgeport, Conn.; Chaplain James H. Bradford, of Washington, D. C.; Lieut. Byron Bradford, of West Woodstock, Conn.; P. M. Henry B. Brown, of East Hampton, Conn.; Capt. Ebenezer H. Foote, of South Vineland, N. J.; Lieut. Thomas B. Fowler, of Colorado, Tex.; Capt. Theodore Gray, of Newark, N. J.; Maj. Hiram L. Grant, of Raleigh, N. C.; Lieut. James H. Kane, of Manchester, N. H.; Lieut. Austin P. Kirkham, of Ansonia, Conn.; Lieut. John S. Lester, of Noroton Heights, Conn.; Lieut. Danforth O. Lombard, of Guilford, Conn.; Capt. Henry G. Marshall, of Hampton, Conn.; Lieut. Daniel E. Marsh, of Bridgeport, Conn.; Q. M. Sergt. George W. Mason, of Litchfield, Conn.; Capt. William H. May, of Bridgeport, Conn.; Lieut. W. H. Marshall, of Bridgeport, Conn.; Surg. William O. McDonald, of Brooklyn, N. Y.; Ensign Charles E. P. Noyes, of Stonington, Conn.; Capt. Cyrus E. Prindle, of Roxbury, Conn.; Lieut. John M. Paine, of Putnam, Conn.; Lieut. William E. Phillips, of Springfield, Mass.; Gen. Henry C. Dwight, of Hartford, Conn.; Capt. George Dimock, of Willimantic, Conn.; Lieut. Hobart W. Deming, of Hartford, Conn.; Lieut. Azro Deown, of East Haddam, Conn.; Capt. Charles Fenton, of Willimantic, Conn.; Capt. James E. Fuller, of Norwich, Conn.; Capt. Thomas Francis, of Middletown, Conn.; Lieut. Frederick Gallup, of Groton, Conn.; Lieut. Levi C. Gilbert, of New Haven, Conn.; Lieut. Augustine Gray, of Torrington, Conn.; Lieut. Augustus P. Day, of Brooklyn, N. Y.; Lieut. Aaron S. Dutton, of Durant, Iowa; Lieut. Augustus H. Conklin, of East Hampton, Conn.; Lieut. Ansil H. Couch, of Bridgeport, Conn.; Capt. Hiram F. Chappell, of New London, Conn.; Lieut. Thomas P. Cave, of Darien, Conn.; Lieut. Martin L. Church, of New Haven, Conn.; Lieut. Andrew Cook; Lieut. John S. Cannon, of New Haven, Conn.; Lieut. Samuel Horey, of New Haven, Conn.; Lieut. William S. Cooper, of Seymour, Conn.; Col. Allen F. Cameron, of New Haven, Conn.; Capt. James B. Clinton, of Passaic, N. J.; Lieut. A. W. Converse, of Windsor Locks, Conn.; Lieut. John C. Curtis, of Bridgeport, Conn.; Lieut. James E. Comstock, of New London, Conn.; Capt. George R. Case, of Hartford, Conn.; Lieut. Amzi P. Clark, of Terryville, Conn.; Capt. Gustavus D. Bates, of Putnam, Conn.; Lieut. William Bishop, of New York City; Lieut. Charles Bailey, of Bethel, Conn.; Lieut. Smith S. Gilbert, of Millerton, N. Y.; Capt. Ellsworth D. S. Goodyear, of North Haven, Conn.; Capt. Charles Griswold, of Guilford, Conn.; Lieut. Henry Gibbons, of Noroton, Conn.; Col. Alex. Warner, of Ridgefield, Conn.; Ensign Thomas H. Wheeler, of Bridgeport, Conn.; Col. Charles Warren, of Stafford Springs; Charles H. White, of Danbury, Conn.; Capt. William E. Williams, of Rocky Hill, Conn.; Lieut. Edward G. Woodhouse, of Wethersfield, Conn.; Capt. John D. Wheeler, of New Haven, Conn.; Lieut. Leonard Willey, of East Hampton, Conn.; Capt. Edward M. Jones, of Douns, Kans.; Lieut. Andrew Jackson, of Douns, Kans.; Surg. Levi Jewett, of Chatham, Conn.; Lieut. Walter H. Hutchinson, of Bristol, Conn.; Lieut. Henry R. Hoyt, of Poughkeepsie, N. Y.; Capt. Leroy D. House, of Oxford, Ohio; Lieut. Frederic J. Hart, of St. Louis, Mo.; Lieut. Sidney S. Hicks, of Oak Bluffs, Mass.; Capt. Charles W. Harris, of Middletown, Conn.; Lieut. Oscar H. Hibbard, of Bethel, Conn.; Surg. Charles R. Hart, of Bethel, Conn.; Lieut. Theodore Hawley, of Noroton Heights, Conn.; Capt. Philip W. Hudson, of Houston, Tex.; Lieut. William C. Harris, of Old Mystic, Conn.; Capt. Daniel R. Hubbard, of Middletown, Conn.; Lieut. William W. Harral, of Bridgeport, Conn.; Lieut. Stacy W. Hall, of Bridgeport, Conn.; Lieut. Frederick B. Hawley, of Bridgeport, Conn.; Capt. Horace P. Gates, of New York City; Col. Edwin S. Greeley, of New Haven, Conn.; Capt. Thomas Boudren, of Bridgeport, Conn.; Capt. B. S. Lewis, of New Haven, Conn.; Lieut. A. A. Bevin, of East Hampton, Conn.; Lieut. Arthur Boardman, of Cromwell, Conn.; Lieut. D. M. Skilton, of New Haven, Conn.; Lieut. William H. Bevin, of East Hampton, Conn.; Lieut. A. S. Bodine, of Bridgeport, Conn.; Lieut. Andrew Cook, of New Haven, Conn.; Lieut. Henry Gibbons, of New Haven, Conn.; Ensign Charles E. P. Noyes, of Stonington, Conn.; Lieut. Charles Bailey, of Bethel, Conn.; Byron Bradford, of West Woodstock, Conn.; Lieut. Thomas P. Cave, of Darien, Conn.; Capt. George M. Stelle, of Naugatuck, Conn.; Capt. James Stewart, jr., of Yonkers, N. Y.; Col. Homer B. Sprague, of Los Angeles, Cal.; Capt. Frank S. Sloat, of Washington, D. C.; Lieut. DeW. C. Sprague, of Washington, D. C.; Capt. John H. Austin, of Hampton, Va.; Capt. Willard Austin, of Belleville, N. J.; Lieut. W. E. Anderton, of Baltimore, Md.; Lieut. Charles T. Andrews, of North Pownal, Vt.; Lieut. William R. Andrews, of Tacoma, Wash.; Maj. Jerome Tourtellotte, of Putnam, Conn.; Lieut. George W. Tucker, of New Boston, Mass.; Capt. J. D. Thompson, of Noroton Heights, Conn.; Lieut. Henry Tuttle, of New Haven, Conn.; Lieut. William B. Tooker, of Uncasville, Conn.; Lieut. Thomas F. Underwood, of New London, Conn.; Lieut. John H. Varian, of Noroton Heights, Conn.; Gen. E. W. Whitaker, of Washington, D. C.; Lieut. William E. Phillips, of Springfield, Mass.; Capt. John N. Partridge, of Westport, Conn.; Lieut. Warren W. Porter, of Bridgeport, Conn.; Lieut. Norman Provost, of Stamford, Conn.; Capt. Julian Pomeroy, of Springfield, Mass.; Lieut. John W. Phelps, of Simsbury, Conn.; Capt. John S. Parker, of Wallingford, Conn.; Capt. Timothy R. Pardee, of Brooklyn, N. Y.; Capt. Albert W. Peck, of Newtown, Conn.; Surg. O. W. Peck, of Oneonta, N. Y.; Maj. Edward V. Preston, of Hartford, Conn.; Capt. Harlan P. Rugg, of Bridgeport, Conn.; Capt. Charles M. Robins, of Rocky Ford, Colo.; Lieut. Gardner Reynolds, of Meriden, Conn.; Lieut. Philip Rand, of Meriden, Conn.; Sergt. Charles Robinson, of Colchester, Conn.; Surg. M. W. Robinson, of Noroton Heights, Conn.; Capt. Alex. B. Shumway, of Litchfield, Conn.; Capt. Wilbur W. Smith, of Seymour, Conn.; Lieut. Arthur F. Slate, of Orange, Mass.; Lieut. George W. Sherman, of Lynbrook, N. Y.; Lieut. George E. Sellew, of Waterbury, Conn.; Lieut. William W. Spencer, of New Haven, Conn.; Lieut. David E. Soule, of New Milford, Conn.; Capt. Francis Smith, of New Haven, Conn.; Maj. Albert F. Brooker, of Torrington, Conn.; Capt. G. D. Bates, of Putnam, Conn.; Capt. Harlan P. Rugg, of Bridgeport, Conn.; Capt. William M. Beeman, of Hartford, Conn., and of John P. Studley and 11 others of New Haven; C. J. Danaher and 9 others of Meriden; James H. Lee and 37 others of New Haven; S. F. Kirby and 18 others of New Haven; Timothy Dwight and 14 others of East Haven and New Haven; J. P. Cushing and 10 others of New Haven; Isaac Wolf and 33 others of New Haven; Edward L. Fox and 34 others of New Haven; Edward N. Clark and 16 others of New Haven; Frank Tiernan and 16 others of New Haven; Rollin S. Woodruff and 10 others of New Haven; W. F. Moran and 38 others of New Haven; Lester D. Phelps and 18 others of Rockville and Willimantic; Robbin C. Griswold and 51 others of Hartford, Rocky Hill, and Middletown; C. W. Wilcox and 43 others of Hartford, New Haven, Middletown, East Berlin, Westbrook, and Chester; William F. Henney and 13 others of Hartford; P. Corbin and 84 others of New Britain and Berlin; Lieut. H. North and 3 others of Bridgeport; Capt. S. E. Chaffee and 5 others of Derby; Capt. L. O'Brien and 7

others of New Haven; Capt. H. S. McKinney and 1 other of Hartford; Lieut. J. I. Hutchinson and 4 others of Essex; Capt. Ezra Sprague and 8 others of New Britain; Capt. L. N. Middlebrook and 20 others of Bridgeport; Maj. Frank M. Mix, of Stamford; Maj. Jerome Tourtellotte, of Putnam; Lieut. Andrew Loomis and 7 others of Willimantic; Capt. Edward C. Bowers, of Bridgeport; Lieut. Theron Upson, of Shelton; Maj. David H. Miller and 3 others of Georgetown; Capt. D. G. Francis, of West Hartford; Maj. Theodore Byxbee, of Meriden; Lieut. M. L. Pelham and 1 other of East Norwalk; Lieut. H. B. Smith, of New London; Lieut. Col. S. A. Moore and 4 others of New Britain; Capt. Joseph Miller and 1 other of New Haven; Lieut. J. N. Lyman and 2 others of Winsted; Maj. Theodore Miller and 3 others of Stamford; Lieut. E. M. Lees and 3 others of Westport; Col. I. W. Pettibone, of Winchester; Lieut. William Maitland and 5 others of Middletown; Capt. George R. Bill and 1 other of Middletown; Maj. A. Warner and 1 other of Ridgefield; Lieut. N. B. Smith, of New London; Lieut. L. M. Pelham, of East Norwalk; Capt. E. C. Dow and 10 others of New Haven; Lieut. John I. Hutchinson and 5 others of Essex; Capt. Henry S. McKinney, of Hartford; Capt. Lawrence O'Brien and 7 others of New Haven; Capt. S. A. Shaffee and 5 others of Derby; Lieut. Henry North and 3 others of Bridgeport; Maj. Theodore Byxbee and 2 others of Meriden; Daniel G. Francis, of West Hartford; Maj. David H. Miller and 3 other officers of Georgetown; Maj. Alex. Warner and 2 others of Ridgefield; Capt. George R. Bill and 1 other of New Haven; Lieut. William Maitland and 5 others of Middletown; Capt. A. B. Beers and 2 others of Bridgeport; Capt. Thomas Boudren and 1 other of Bridgeport; Maj. Theodore Miller and 3 others of Stamford; Lieut. John N. Lyman and 2 others of Winsted; Capt. Joseph Miller and 1 other of New Haven; Col. S. A. Moore and 4 others of New Britain; Lieut. S. C. Dickinson and 20 others of Stamford and Bridgeport; Daniel P. Bradley, jr., and 11 others of Westport; Eugene A. Wheelock and 21 others of Putnam; F. L. Smith and 14 others of Bridgeport; Stephen Walkley and 12 others of Southington, Plantsville, and Milldale; C. Stowe Hall and 9 others of Wallingford; Norman Provost and 3 others of Stamford; A. Chamberlain and 31 others of Meriden; A. E. Goddard and 44 others of Essex, and 16 citizens of Derby, Ansonia, and Shelton, in the State of Connecticut, and of Col. Ira W. Pettibone, of Chicago, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

CREEK INDIAN CLAIMS.

Mr. OWEN. I present a paper relative to the claims of the Creek Nation of Indians. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1407) to extend the provisions of the existing bounty land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1404) granting an increase of pension to John Lourcey, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 1405) granting an increase of pension to W. C. O'Neal; and

A bill (S. 1406) granting an increase of pension to Hester Kite.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (S. 3583) for the establishment of a national park and forest reserve in the Appalachian Mountains, and to provide for the conservation of the water that flows down the Potomac watershed, and to provide laws for its sanitary policing, and so forth; to include all parts of the States of West Virginia, Pennsylvania, Maryland, Virginia, and the District of Columbia that contribute to form the complete watershed of the Potomac River from its head to and including the District of Columbia; and for the primary purposes of providing a sufficient and pure water supply for the District of Columbia; also to embrace the western slope of the Appalachian Mountains to the Ohio River included in the States of West Virginia, Pennsylvania, and Kentucky, and embracing the watersheds of the Monongahela, Big Kanawha, Little Kanawha, and Big Sandy rivers and their tributaries, and to prevent overflows and denudation of soil; for the establishment of reservoirs, canals, lakes, ponds, and ditches, and for all other useful purposes to which water can be put when supplied in abundance, to ask to be discharged from its further consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game. There being a committee on the special subject, that seemed to be a more fitting reference.

The report was agreed to.

Mr. SMOOT, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 604) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

A bill (S. 533) for the relief of A. A. Noon; and

A bill (S. 534) to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 14th instant, intended to be proposed to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, submitted a report, accompanied by a bill (S. 4432) to reorganize the corps of dental surgeons attached to the Medical Department of the Army, which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 629) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party, reported it without amendment and submitted a report thereon.

Mr. WARNER, from the Select Committee on Industrial Expositions, to whom was referred the bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, reported it with amendments and submitted a report thereon.

Mr. SUTHERLAND, from the Committee on Mines and Mining, to whom was referred the bill (S. 642) to establish an assay office at Salt Lake City, State of Utah, reported it without amendment and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907, reported it without amendment and submitted a report thereon.

Mr. DICK, from the Committee on Mines and Mining, to whom was referred the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey, reported it with amendments.

Mr. HEYBURN, from the Committee on Mines and Mining, to whom was referred the bill (S. 129) to validate the location of mineral claims heretofore made by United States deputy mineral surveyors during their incumbency in office, reported it with an amendment and submitted a report thereon.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 1740) granting an honorable discharge to Benjamin F. Helmick, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4433) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mail, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4434) to amend an act entitled "An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4435) for the relief of George Q. Allen, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4436) authorizing appointment of Hugh T. Reed upon the retired list of the Army with rank of captain with twenty years' service, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4437) granting an increase of pension to Philadelphia A. Rock, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4438) granting a pension to George W. Kemp, and

A bill (S. 4439) granting an increase of pension to Harriet A. Mains.

Mr. WARREN introduced a bill (S. 4440) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 4442) authorizing the extension of Rock Creek drive in the District of Columbia;

A bill (S. 4443) to extend Ontario place NW., and for other purposes;

A bill (S. 4444) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia" (with the accompanying papers); and

A bill (S. 4445) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire (with the accompanying papers).

Mr. DIXON introduced a bill (S. 4446) to remove the charge of desertion standing against the military record of Minor Berry, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4447) granting an increase of pension to William Kelly, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 4448) creating an additional division of the railway mail service with headquarters at Omaha, Nebr., and providing the necessary officials therefor, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN introduced a bill (S. 4449) for the relief of the China and Japan Trading Company (Limited), of New York City, which was read twice by its title.

Mr. KEAN. I move that the bill and a memorial which I present in connection with it be printed together as a document and that they be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. KEAN introduced a bill (S. 4450) granting a pension to Laura W. Russell, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4451) to amend record and grant honorable discharge to Joseph S. Oakley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4452) to aid in the erection of a memorial monument to Pocahontas, at Jamestown, Va., which was read twice by its title and referred to the Committee on the Library.

He also introduced a bill (S. 4453) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people on the Western Hemisphere, which was read twice by its title and referred to the Committee on the Library.

Mr. FRAZIER introduced a bill (S. 4454) authorizing the Secretary of War to accept for the Government the Gallatin turnpike, from the city of Nashville to the national cemetery, in the county of Davidson, State of Tennessee, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4455) to establish a fish-hatching and fish-culture station in the State of Tennessee, which was read twice by its title and, with the accompanying paper, referred to the Committee on Fisheries.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4456) granting an increase of pension to Absalom P. Thompson;

A bill (S. 4457) granting an increase of pension to John M. Harris; and

A bill (S. 4458) granting an increase of pension to W. F. Fowler.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4459) for the relief of the estate of Robert Lankford, deceased;

A bill (S. 4460) for the relief of the deacons of the Missionary Baptist Church, at Franklin, Tenn.;

A bill (S. 4461) to carry into effect the findings of the Court of Claims in the matter of the claim of Patrick G. Meath (with an accompanying paper);

A bill (S. 4462) for the relief of J. S. Brown (with accompanying papers);

A bill (S. 4463) to carry into effect the findings of the Court of Claims in the matter of the claim of M. T. Swick;

A bill (S. 4464) to carry into effect the findings of the Court of Claims in the matter of the claim of the First Christian Church of Atlanta, Ga.;

A bill (S. 4465) for the relief of Payne, James & Co.;

A bill (S. 4466) for the relief of the estate of Aaron Murdock, deceased (with accompanying papers);

A bill (S. 4467) for the relief of the legal representatives of Sarah Henson (with an accompanying paper); and

A bill (S. 4468) for the relief of the estate of William H. Fuqua.

Mr. TELLER introduced a bill (S. 4469) for the erection of a memorial to John Wesley Powell, which was read twice by its title and referred to the Committee on the Library.

Mr. SMOOT introduced a bill (S. 4470) granting an increase of pension to Lydia Dean, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4471) granting an increase of pension to Josephine Clare, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER (by request) introduced a bill (S. 4472) making an appropriation for the purpose of paying certain warrants issued by the Chickasaw Nation, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4473) for the relief of John P. Bell, treasurer of State Hospital No. 1, of Fulton, Mo.; and

A bill (S. 4474) for the relief of the trustees of the Christian Church of Warsaw, Mo.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4475) granting an increase of pension to John Noble (with accompanying papers);

A bill (S. 4476) granting an increase of pension to John Coats (with accompanying papers); and

A bill (S. 4477) granting a pension to Clara Jane Sitten.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4478) granting an increase of pension to William M. Gentry; and

A bill (S. 4479) granting an increase of pension to Nathaniel Davis.

He also introduced a bill (S. 4480) for the relief of Hiram R. Berrier, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 4481) granting an increase of pension to Elizabeth E. Wood, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 4482) to amend section 18 of an act approved April 26, 1906, entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4483) to correct the military record of Terrel Parks, deceased, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4484) granting an increase of pension to William I. Dossett, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4485) for the relief of William H. Wilson, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4486) to secure depositors in national banks against loss, etc., which was read twice by its title and referred to the Committee on Finance.

Mr. BRYAN introduced the following bills, which were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (S. 4487) to define the jurisdiction of United States circuit and district courts over matters involving constitutional questions; and

A bill (S. 4488) to limit the authority of circuit and district courts and circuit and district judges in granting injunctions and restraining orders.

He also introduced a bill (S. 4489) to provide for the publication of an Official Journal, which was read twice by its title and referred to the Committee on Printing.

Mr. FULTON introduced a bill (S. 4490) to correct the military record of David R. B. Winniford, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. LA FOLLETTE introduced a bill (S. 4491) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes," approved March 2, 1907, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN introduced a bill (S. 4492) for the relief of William F. McKimmy, administrator of John McKimmy, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4493) for the relief of Lieut. Commander Kenneth McAlpine, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. McCREARY introduced a bill (S. 4494) for the relief of George M. Hendren, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4495) granting an increase of pension to Alice J. Hackney;

A bill (S. 4496) granting a pension to Angelline Wilkerson; and

A bill (S. 4497) granting an increase of pension to Reuben Hurley (with accompanying papers).

Mr. DANIEL introduced a bill (S. 4498) for the relief of the trustees of Roper Church, of New Kent County, Va., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 4499) providing for the erection of a public building at Muskogee, Okla., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4500) for the relief of the estate of Robert H. Love, deceased; and

A bill (S. 4501) for the relief of the estate of James T. Gaines, deceased.

Mr. CARTER introduced a bill (S. 4502) to regulate the construction and operation of elevators in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 4503) to provide for the extension of Kenyon street from Fourteenth street to School street, in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SMITH introduced a bill (S. 4504) to provide for the erection of a public building at Agricultural College, Mich., and the establishment of a Weather Bureau station therein, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. CLAPP introduced a bill (S. 4505) for the relief of Calvin O. Tyler, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4506) for the relief of the heirs of Eldred Nunnally, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 4507) for the relief of Daniel M. Frost, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4508) granting a pension to Selden S. Hall (with accompanying papers); and

A bill (S. 4509) granting a pension to Edwin B. Rall.

Mr. PROCTOR introduced a bill (S. 4510) granting an increase of pension to Hannibal H. Whitney, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS (by request) introduced a bill (S. 4511) to amend the national banking laws, which was read twice by its title and referred to the Committee on Finance.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4512) granting an increase of pension to Joseph W. Buckner;

A bill (S. 4513) granting an increase of pension to George H. Eastman;

A bill (S. 4514) granting an increase of pension to Charles H. Hearing; and

A bill (S. 4515) granting an increase of pension to James F. Trobridge.

He also introduced a bill (S. 4516) to pay William Lewis Levaw $252.67, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 4517) granting a pension to Milford W. Oxley, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4518) to correct the military record of Alexander Wheeler;

A bill (S. 4519) to correct the military record of Joseph Brown;

A bill (S. 4520) to correct the military record of Mannes Hanvelt;

A bill (S. 4521) to correct the military record of Frederick E. Burgess; and

A bill (S. 4522) to correct the military record of Harry Sharff, alias Herman Shofrensky, alias Herman Schofrensky.

Mr. SCOTT introduced a bill (S. 4523) granting a pension to Mary M. Ball, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4524) granting an increase of pension to Willard W. Wilkinson;

A bill (S. 4525) granting an increase of pension to John F. Early;

A bill (S. 4526) granting an increase of pension to Eliza A. Morrill; and

A bill (S. 4527) granting a pension to Arthur L. Brown.

Mr. TALIAFERRO introduced a bill (S. 4528) for the relief of the heirs of Fernando J. Moreno, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions.

A bill (S. 4529) granting an increase of pension to William H. McCormick; and

A bill (S. 4530) granting a pension to Renvey E. Dees.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4531) granting an increase of pension to Charles Muller; and

A bill (S. 4532) granting an increase of pension to Harvey J. Shoulters.

Mr. BEVERIDGE introduced a bill (S. 4533) concerning injunctions in labor disputes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. McCUMBER introduced a bill (S. 4534) to establish an agricultural experiment station at or near the city of Williston, in the State of North Dakota, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. KNOX introduced a bill (S. 4535) to amend section 714 of the Revised Statutes of the United States relating to the resignation of judges of the courts of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4536) to amend section 73 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4537) granting an increase of pension to Jason P. Carey:

A bill (S. 4538) granting an increase of pension to Sarah F. King; and

A bill (S. 4539) granting an increase of pension to James E. Smith.

He also introduced a bill (S. 4540) authorizing extra officers for the Army, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4541) to authorize the sale of 640 acres of the lands of the Cheyenne and Arapahoe Agency and the Arapahoe School, Okla., and the use of the proceeds thereof;

A bill (S. 4542) to authorize disbursing agents of the Indian Service to deposit Indian moneys in national banks;

A bill (S. 4543) to authorize the Secretary of the Interior to lease irrigable allotted lands, or lands reserved for the use of Indians in common, for agricultural purposes.

A bill (S. 4544) to authorize the issuance of patents to Indians of the Turtle Mountain band of Chippewa Indians for allotments and selections made under the act of April 21, 1904;

A bill (S. 4545) to authorize the Secretary of the Interior to accept conveyances to the United States of lands from the Pueblo Indians in New Mexico, and for other purposes;

A bill (S. 4546) to authorize the sale of timber on allotments made to Indians of the Hoopa Valley extension in California;

A bill (S. 4547) to authorize the Secretary of the Interior to segregate for town rights certain lands belonging to the Choctaw and Chickasaw tribes, and for other purposes;

A bill (S. 4548) to provide for the sale of timber on allotted and unallotted Indian land, and for other purposes; and

A bill (S. 4549) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36 in Knox County, Nebr.

Mr. FRYE introduced the following joint resolutions, which were severally read twice by their titles and referred to the Committee on Commerce:

A joint resolution (S. R. 39) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal; and

A joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

Mr. SMITH introduced the following joint resolutions, which were severally read twice by their titles and referred to the Committee on Commerce:

A joint resolution (S. R. 41) providing for an examination and survey of White Lake Harbor, Michigan; and

A joint resolution (S. R. 42) appropriating $275,000 for immediate and necessary work on the harbor of refuge, Harbor Beach, Mich.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment proposing to appropriate $1,000 for lowering and grading Brentwood road between South Dakota avenue and Central avenue NE., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. ANKENY submitted an amendment proposing to appropriate $5,478,751 for the purpose of increased fortifications on Puget Sound, State of Washington, etc., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Coast Defenses and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

On motion of Mr. GORE, it was

Ordered, That 200 copies of the bill (S. 3539) authorizing national banking associations to conform to State laws levying a tax or assessment to secure depositors be reprinted.

SURVEY OF CAPE FEAR RIVER, NORTH CAROLINA.

Mr. OVERMAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet and of sufficient width, and to submit a plan and estimate of cost of such improvement; such plan and estimate shall embrace the said increased depth and width over and above the existing project and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. SCOTT. Mr. President, when the Senator from Texas [Mr. CULBERSON] called up his resolution, No. 74, with regard to the case of the Hitchman Coal and Coke Company *v.* John Mitchell last week and asked that a copy of the bill of complaint in that case and the restraining order be printed as a Senate document I objected, because, as I said at the time, I wished to have a statement read and made a part of the papers which the Senator from Texas asked to have printed. But I was unable to do so, because the hour of 2 o'clock was near at hand when the unfinished business would come before the Senate, preventing me from having the statement read, as I desired. In fact, there was not over a minute and a half left, and it was utterly impossible to submit the statement in that time.

I know nothing whatever about the matter, and regard it only fair and just that all the facts concerning the pendency of the case and action thereon should be placed in the RECORD. I made this clear to the Senate when the matter was up day before yesterday, when I said:

I will ask the Senator [Mr. CULBERSON]—

This is my statement of last week—

I will ask the Senator [Mr. CULBERSON] if he is not willing to allow the matter to go over until we may get the opinion of the judge with it, if it has been printed. I have no objection to the printing of the papers to which the Senator referred, but I think they ought all to be printed together.

I have ascertained since the matter was first presented that there was no opinion of the court filed. The facts, as I am advised by the judge of the court, are as contained in the statement which I hold in my hand.

As I have said before, the matter is one in which I have no interest whatever and no knowledge except as disclosed by the papers submitted by the Senator from Texas and contained in the statement which I wish to present to the Senate. I do not desire to prevent the fullest proper consideration of the resolution submitted by the Senator from Texas. My only purpose, as I have heretofore said, is to let the facts pertaining to the matter be put in the RECORD in connection with each other so that they may all be readily accessible and fully understood.

I got the judge over the long-distance telephone, and his statement, as near as I could take it down, I now submit:

In the case of Hitchman Coal and Coke Company *v.* John Mitchell et al.

The following statement was received by me last night from Judge Dayton, over the telephone, from Parkersburg, where he is now holding court:

"The bill in that case, supported by numerous affidavits, was presented to me in October, 1907, and, as usually is done, I granted a hearing upon it, with a preliminary or temporary restraining order. This hearing I set down for the first day of this term here, commencing on the 14th of this month. This was the first day of the first regular term to be held after the day the bill was presented.

"On the 14th, when the hearing was called, the defendants appeared for the first time, and asked for a continuance of the hearing, in order to allow them time to file answers and counter affidavits. I granted this motion, and then the attorneys on both sides consulted and agreed that the continuance should be to March 18 next. There, of course, has been no opinion rendered by me, because there has been no hearing of the matter. No injunction has been granted; only a temporary restraining order until the hearing, which, under our practice here, is granted in course if a prima facie case is presented by the bill."

Now, Mr. President, I ask that this statement of mine and the telephonic communication of Judge Dayton follow the papers presented by the Senator from Texas last week.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia?

Mr. CULBERSON. Mr. President, I do not exactly understand the request of the Senator from West Virginia. Of course, I have no objection to his statement being printed, as I said when the matter arose. The trouble about it was that the Senator was under the impression that there might have been an opinion rendered. He was not certain about it. I stated that if any opinion had been rendered I would be glad to have it, because it was an extraordinary order which had been entered, and I thought it well to have some substantiation from the judge, if there could be any. The Senator now asks that the statement he presents shall follow the papers which I presented the other day. Do I understand him to ask that a copy of the bill of complaint and restraining order be printed in the RECORD and that the statement which he has presented shall follow those two papers?

Mr. SCOTT. I understand that the papers the Senator presented last week appeared in the RECORD.

Mr. BEVERIDGE. They are in the RECORD.

Mr. CULBERSON. Not in the RECORD?

Mr. BEVERIDGE. Yes; here they are.

Mr. SCOTT. The papers are in the RECORD.

Mr. CULBERSON. They may have been printed in the RECORD, though I did not ask that, and of course I may be mistaken about that, but they are printed in the form of a resolution. I resorted to this method of getting the matter printed for the information of the Senators because there were so many objections on the other side of the Chamber to my request to print them as a Senate document. As far as I know, they have

not been printed in the RECORD; they have not been printed as a Senate document, but have been printed in the form of Senate resolution No. 81.

If the Senator from West Virginia makes the request that the preamble and resolution be printed in the RECORD and the papers submitted by him follow, I have no objection.

Mr. BEVERIDGE. The Senator from Texas will find that the papers are in the RECORD. The resolution itself embraces not over ten lines, and the preamble covers more than seven pages of the RECORD.

Mr. CULBERSON. Very well.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

RETURN OF CASES TO THE COURT OF CLAIMS.

Mr. FULTON, from the Committee on Claims, to whom was referred a letter from the chief justice of the Court of Claims, transmitting a communication from the Assistant Attorney-General requesting the return of certain cases which were dismissed for lack of prosecution through error in making up the list of cases, etc., reported the following resolution, which was considered by unanimous consent and agreed to.

Resolved, That in compliance with the request of the chief justice of the Court of Claims, under date of January 15, 1908, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the following Congressional cases, namely: George M. Kausler *v.* The United States, No. 10551; The Heirs of Pierce Butler *v.* The United States, No. 10552, and The Levee Steam Cotton Press Company *v.* The United States, No. 10554, and the said court is hereby authorized to proceed in said cases and in each thereof as if no return therein had been made to the Senate.

CONDITIONS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on the Philippines and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith the report of Secretary Taft upon his recent trip to the Philippines. I heartily concur in the recommendations he makes, and I call especial attention to the admirable work of Governor Smith and his associates. It is a subject for just national gratification that such a report as this can be made. No great civilized power has ever managed with such wisdom and disinterestedness the affairs of a people committed by the accident of war to its hands. If we had followed the advice of the misguided persons who wished us to turn the islands loose and let them suffer whatever fate might befall them, they would have already passed through a period of complete and bloody chaos, and would now undoubtedly be the possession of some other power which there is every reason to believe would not have done as we have done; that is, would not have striven to teach them how to govern themselves or to have developed them, as we have developed them, primarily in their own interests. Save only our attitude toward Cuba, I question whether there is a brighter page in the annals of international dealing between the strong and the weak than the page which tells of our doings in the Philippines. I call especial attention to the admirably clear showing made by Secretary Taft of the fact that it would have been equally ruinous if we had yielded to the desires of those who wished us to go faster in the direction of giving the Filipinos self-government, and if we had followed the policy advocated by others, who desired us simply to rule the islands without any thought at all of fitting them for self-government. The islanders have made real advances in a hopeful direction, and they have opened well with the new Philippine assembly; they have yet a long way to travel before they will be fit for complete self-government, and for deciding, as it will then be their duty to do, whether this self-government shall be accompanied by complete independence. It will probably be a generation, it may even be longer, before this point is reached; but it is most gratifying that such substantial progress toward this as a goal has already been accomplished. We desire that it be reached at as early a date as possible for the sake of the Filipinos and for our own sake. But improperly to endeavor to hurry the time will probably mean that the goal will not be attained at all.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 27, 1908.*

HOUSE BILLS REFERRED.

H. R. 14638. An act to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district, was read twice by its title and referred to the Committee on the Judiciary.

COURTS IN NORTH CAROLINA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 456) to provide for the holding of United States district and circuit courts at Salisbury, N. C., which was, on page 1, line 10, to strike out all after "Salisbury" down to and including "district," on page 2, line 3.

Mr. OVERMAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

FISH-CULTURAL STATION IN FLORIDA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 3350) for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000 for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida, for the propagation of shad, mullet, and other fishes, the purchase of site, construction of buildings and ponds, and equipment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Now let us have the regular order, Mr. President.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions coming over from previous sessions. The first in order will be stated by the Secretary.

The SECRETARY. Senate resolution No. 74, by Mr. CULBERSON, directing the Committee on the Judiciary to investigate and inquire into the circumstances connected with the issuing of a restraining order in the case of the Hitchman Coal and Coke Company, etc.

Mr. CULBERSON. That resolution may be passed over for the present. A substitute practically has been offered for it.

The VICE-PRESIDENT. The resolution will be passed over. The next resolution coming over from a previous day will be stated.

The SECRETARY. Senate resolution No. 81, by Mr. CULBERSON, relating to the bill of complaint filed in the circuit court of the United States in the case of the Hitchman Coal and Coke Company *v.* John Mitchell.

Mr. CULBERSON. I ask that the resolution may lie on the table subject to call.

The VICE-PRESIDENT. The Senator from Texas asks that the resolution may lie on the table subject to call. Is there objection? The Chair hears none, and it is so ordered.

FINANCIAL STATISTICS.

Mr. CULBERSON. Mr. President, I desire to inquire at this time if the Secretary of the Treasury has answered the resolution presented by the Senate Committee on Finance and adopted by the Senate a month or six weeks ago.

The VICE-PRESIDENT. The Chair understands that no answer has been received.

Mr. CULBERSON. It occurs to me to say that in view of the statement in the newspapers that we will soon have presented to the Senate from the Committee on Finance a financial measure we ought to have a report of the Secretary of the Treasury prior to that time.

It also occurs to me, Mr. President, to say that it seems there has been ample time for the Secretary of the Treasury to have answered the resolution to which I refer, and that the delay is unfortunate at least, because we are unable to have the facts which he will present for the consideration of the Committee on Finance and for the consideration of individual members of this body.

PROPOSED TARIFF COMMISSION.

Mr. BEVERIDGE. Mr. President, I wish to give notice that on account of the fact that the time of the Senate has been taken up more or less with the financial debate I shall postpone the remarks of which I have given notice for Wednesday, January 29, until the following Wednesday, February 5, at which time I shall speak on Senate bill No. 3163, introduced by me, to create a tariff commission.

MEDICAL DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT. If there be no further morning business, that order is closed and the Calendar, under Rule VIII, is in order. The first bill on the Calendar will be stated.

The bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army was announced as first in order.

Mr. KEAN. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

GOVERNMENT DEPOSITARIES.

Mr. STONE. I desire to inquire what became of the resolution which was under consideration on Thursday morning last.

The VICE-PRESIDENT. It went to the foot of the Calendar under the rule, having had its day.

TEA FOR MEDICINAL PURPOSES.

The bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was announced as next in order on the Calendar.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. KEAN. I ask that it be again read.

The VICE-PRESIDENT. The Secretary will read the bill.

Mr. HEYBURN. Mr. President, as the senior Senator from Massachusetts [Mr. LODGE] is absent and takes some interest in that bill, I ask that it may go over.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Idaho, without prejudice.

WILLIAM R. LITTLE.

The bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was considered as in Committee of the Whole.

Mr. KEAN. Let the report be read in that case, Mr. President.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary proceeded to read the report submitted by Mr. STONE January 16, 1908, which is as follows:

The claim of William R. Little is predicated upon facts that are set forth in a report made by the late Senator Platt, of Connecticut, on behalf of the Select Committee on Indian Traderships, presented to the Senate March 2, 1889. So much of said report as relates to the claim of Mr. Little is hereto appended, as follows:

William R. Little was a trader at the Sac and Fox Agency. He was licensed first in his own name, and then, his brother becoming interested with him, they were in 1884 licensed under the firm name of William R. Little & Co. The license expired on the 8th of September, 1885. Little was a young man, about 30 years of age, a native of Rock Island, who commenced life as a stock herder at $10 a month; afterwards became a clerk at the Pawnee Agency at $40 per month; was industrious and economical; and as a result of several years' services saved up from his wages about $1,750 with which, having obtained a license, he started a trader's store in 1882. He was successful in his trade, and had at the expiration of his license stock in trade to the value of about $3,800 and about $15,000 due him from the Indians for goods sold them. The annuities due to the Indians at the agency were payable semiannually, but had been delayed, so that no payments had been made for twelve months, which accounts for the large amount of debts due from the Indians.

In the month of August, prior to the expiration of the license, he made an application for the renewal thereof, but was notified that it would not be renewed. About the time of its expiration, H. L. McClung, of Knoxville, Tenn., and R. N. McClung, of Terrell, Tex., came to the agency and informed Little that they had a letter from A. B. Upshaw, Acting Commissioner of Indian Affairs, to the effect that they could have an exclusive license and right to trade at the agency. The letter was produced and read to Little. Thereupon Little made an arrangement with the McClung brothers to sell to them his goods and building and agreed to take charge of their business for them at $1,200 a year. The arrangement was that the McClung brothers would get him permission to continue the business until the 1st of January, when they would come and pay him the money for the same, reckoning the value of the goods at cost, with carriage added, and the building at cost.

Little, relying on the good faith of the McClung brothers, continued the business, his time being extended by the Commissioner.

While the McClungs were there making the arrangement with Little, Little received a letter from his sister in Bloomington, Ill., informing him that John Eddy, of Bloomington, had been licensed to take the place of Whistler, Pickett & Co., who were also old traders at the agency. Little showed the letter to one of the McClungs and told him there must be some mistake, as the letter which he had seen from Acting Commissioner Upshaw said that the McClung brothers were to have the exclusive trade at the agency. Little informed McClung that the Commissioner was coming to the agency that evening, and McClung waited and had an interview with the Commissioner, after which the two brothers saw Little, and one of them said:

"We have seen the General (Commissioner Atkins), and he says that John Eddy is licensed to trade here at Sac and Fox; that there is a mistake, and that he will at once, when he gets to Washington, send him either to Shawneetown or Wellston; that we have been promised the place and are going to have it."

He further said:

"Boys, you can rest assured that all is straight that we tell you."

The same evening one of the McClungs came to the store and said to Little:

"Now, you go on and order some more goods and keep your stock up until we come here, and we will take everything off your hands at cost and carriage, and we will be here on the 1st of January."

They went away the next morning, and Little afterwards received a letter from one of them saying that his brother had been to Washington to see the Commissioner. In the letter he wrote:

"Everything will be all right, Little, just continue as you are doing."

That was the last that Little heard from the McClungs.

They had represented that their father and the Commissioner were old schoolmates, and that the place had been promised them on account of the intimacy between their father and the Commissioner.

Two weeks after the McClungs were there John Eddy came to the agency and said that he was licensed to trade there and wanted to make some arrangement with Little for his business. Little declined because he had made the bargain with the McClung brothers. While there Eddy made a proposition to Little to use his license under which to carry on the business and asked Little what he would be willing to pay for the use of the license. Little declined to make any arrangements. Little notified McClung that Eddy had been there. On the 1st of January, the time to which his license was extended, he closed the store. A payment to the Indians came on the 5th of January, but all that Little could collect of the $15,000 due him, his store having been closed, was $2,500.

Eddy had then made some arrangement with Whistler, Pickett & Co., or it was understood at the agency that he had done so, though it subsequently appeared that he put no money into the concern. Little went to Washington, told his story first to Mr. Upshaw, the Assistant Commissioner, from whom he got no consolation, and afterwards to Commissioner Atkins, who informed him that he could do nothing till he had heard from the McClung brothers. The Commissioner sent a telegram to one of them, and after about ten days received a letter from them confirming Little's statement, but declining to carry out the agreement which they had made with Little, presumably upon the ground that the license to them was not exclusive and that Eddy claimed to have made an arrangement with Whistler, Pickett & Co. The Commissioner then told Little that he should have his license; that he saw he had been misled by the McClungs.

In the same conversation the Commissioner asked Little whether Eddy was then at the Sac and Fox Agency. Eddy had returned to Bloomington, Ill., staying at the agency but a few days. The interview between the Commissioner and Little and the statement made by Little about Eddy are detailed by Little as follows:

"General Atkins got up and said, 'Little, I have a letter from the agent, a very nice letter, about you, and also one from the McClungs, and I see you have been misled by the McClungs.' He says, 'You shall have your license.' So I went then right down to General Upshaw and told him, and he said that he would issue the license, and went to looking over a bond that was dated back some time, and he said I would have to make a new bond. I told him I could do that. So I went right up to the Commissioner and told him I would have to make a new bond, and he says, 'You go right home, Little, and make a new bond and carry yourself like a man, and everything will be all right; and,' he says to me, 'look here,' he says, 'I just want to ask you a few questions.' He says, 'What about this man Eddy; is he down at Sac and Fox?' Said I, 'No, sir; he is not.' He says, 'Well, he has got a license to trade there.' Said I, 'I understand he has.' He says, 'Who is running the business there?' I said, 'The old parties, Whistler, Pickett & Co.' He says, 'Isn't Eddy there?' I replied, 'No, sir; he is not.' Said he, 'Where is he?' 'In Bloomington, Ill.,' I says. He says, 'Do you know that Whistler, Pickett & Co. are running the business?' I said, 'I think they were when I left. The old employees are still in the store, and there was no change made at all.' 'Well,' he says, 'if Eddy is not there attending to his business I will make him go there.' He says, 'Will you please put it in writing what you know about it?' I said I would. So I went right over to the office with Mr. Ellis, and I just told him what I knew about it, and he wrote it down and we went in and gave the statement to the Commissioner."

Little returned to the Sac and Fox Agency and soon after the agent there was notified to have Little close his business and leave the Territory, the reason given for the order being that Little had made a false statement as to Eddy not being at the agency. The store had been opened by Little upon his return, by authority of the Commissioner, telegraphed to the agent. The store was finally closed July 15, 1886, by an imperative order from the Commissioner sent to the agent, directing that Little should be put out of the Territory at once. The ground upon which Little's statement was claimed by the Commissioner to be false was that Mr. Upshaw, the Acting Commissioner, said that Mr. John H. Oberly, at whose request Mr. Eddy was appointed, claimed to be receiving letters from Eddy, dated at the agency. The matter was afterwards investigated at the Sac and Fox Agency, and it was found that Little's statement was true; but Little was not relicensed and no reparation was made. He was financially ruined by reason, in the first place, of having trusted to the McClung brothers, and, in the second place, for having told the truth to the Commissioner about Eddy when asked by the Commissioner.

If Eddy ever had any arrangement with Whistler, Pickett & Co., it was given up. He did not continue the business, and either resigned or his license was revoked. The agent was directed to put Little off the reservation, and Little thereupon sold his goods to the chief of the tribe, who had the right to trade without a license, at a nominal price, and lost about $8,000 which were due to him. He settled with his creditors for 33⅓ cents on the dollar. Through the intercession of friends he was permitted by Commissioner Atkins to go at the time of two subsequent payments to the Indians to see if he could collect what was due him, and has never since been allowed on the reservation. There were no charges whatever against Little as regards the conduct of his business.

Acts of this general nature have been passed by Congress at different times. It seems to be the only practicable way of doing speedy justice to Mr. Little.

The committee recommends the passage of the bill.

During the reading of the report—

Mr. KEAN. Enough of the report has been read for my information. It recalls to my mind the case, and I will not ask for the further reading.

The VICE-PRESIDENT. The further reading of the report will be dispensed with, at the request of the Senator from New Jersey.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RENT FOR BUREAU OF FORESTRY.

The joint resolution (H. J. Res. 88) to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 13, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry, was considered as in Com-

mittee of the Whole. It proposes to amend the act of Congress approved March 4, 1907, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," so as to authorize the Secretary of Agriculture to use for rent not to exceed $60,000 of the moneys appropriated by the act for general expenses of the Forest Service, instead of "not to exceed $40,000" for such purpose, as provided in the act.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLATHEAD INDIAN RESERVATION.

The bill (S. 3640) to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," was considered as in Committee of the Whole. It proposes to amend section 9, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," so as to read as follows:

"SEC. 9. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by the said Commission, but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-third of the appraised value in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry, and shall be entitled to a patent for the lands so entered upon the payment to the local land officers of said five annual payments, and in addition thereto the same fees and commissions at the time of commutation or final entry as now provided by law where the price of the land is $1.25 per acre, and no other and further charge of any kind whatsoever shall be required of such settler to entitle him to a patent for the land covered by his entry: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and canceled: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made: *Provided, however*, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section 14 of this act shall, in addition to the payment required by section 9 of said act, be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

"The entryman of lands to be irrigated by said system shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract. No right to the use of water shall be disposed of for a tract exceeding 160 acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than 60 nor more than 160 acres each.

"A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

"All applicants for water rights under the systems constructed in pursuance of this act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act as well as of any moneys already paid thereon.

"The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

"The land irrigable under the systems herein provided, which is owned by or has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians so long as the title, legal or equitable, remains in said Indians; but any such lands leased for a longer term than three years shall bear their pro rata share of the cost of the operation and maintenance of the system under which it lies, and when the Indian title is extinguished such lands shall also bear their pro rata cost of operation and maintenance.

"When the payments required by this act have been made for the major part of the lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior, subject to the provisions hereof for the furnishing of water rights for the irrigation of Indian lands without cost except for operation and maintenance.

"A right to the use of water acquired under the provisions of this act shall be appurtenant to the lands irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

"The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

That section 14 of said act be, and the same is hereby, amended to read as follows:

"SEC. 14. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States and, after deducting the expenses of the Commission, of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land, shall be expended or paid, as follows: So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one-half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of live stock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation, semiannually as the same shall become available, share and share alike."

Mr. TELLER. Mr. President, I will ask that that bill go over, as I wish to have an opportunity to examine it.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Colorado.

Mr. DIXON subsequently said: I should like to ask unanimous consent to return to the consideration of Senate bill 3640, which went over at the request of the senior Senator from Colorado [Mr. TELLER]. He has suggested an amendment which is acceptable.

The VICE-PRESIDENT. Objection to the consideration of the bill having been withdrawn, it is before the Senate as in Committee of the Whole.

Mr. TELLER. I understand the Senator from Montana will offer a slight amendment, and I will therefore withdraw my objection to the consideration of the bill at this time.

Mr. DIXON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Montana [Mr. DIXON] will be stated.

The SECRETARY. On page 5, line 21, after the word "maintenance," it is proposed to strike out the period and insert a comma and the words "in accordance with the laws of Montana."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF OCONTO HARBOR, WIS.

The next business in order was the following concurrent resolution reported by Mr. DEPEW from the Committee on Commerce, January 16, 1908:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Oconto Harbor, Oconto, Wis., with a view to providing a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

MISSOURI RIVER BRIDGE AT COUNCIL BLUFFS, IOWA.

The bill (H. R. 9121) to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY AT DEPERE, WIS.

The next business on the Calendar was the concurrent resolution reported by Mr. ELKINS from the Committee on Commerce January 16, 1908, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made at Depere, Wis., for a turning basin; also for the purpose of deepening the present channel

between Green Bay and Depere and making it a 20-foot channel clear through from Green Bay to Depere, and to submit estimates for the same.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

GRAND CALUMET RIVER BRIDGES AT GARY, IND.

The bill (H. R. 11330) to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 11331) to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEYS OF FLATHEAD RIVER, MONTANA.

The next business on the Calendar was the concurrent resolution submitted by Mr. DIXON December 21, 1907, and reported by Mr. SMITH, from the Committee on Commerce, January 16, 1908, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Flathead River, Montana, from the mouth of the same to the city of Kalispell, with a view of dredging and cleaning out a channel, carrying 4 feet of water from the city of Kalispell to the mouth of said river, and to submit a plan and estimate for such improvements.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

SURVEY OF YELLOWSTONE RIVER, MONTANA.

The next business on the Calendar was the concurrent resolution submitted by Mr. DIXON December 21, 1907, and reported by Mr. SMITH, from the Committee on Commerce, January 16, 1908, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the portion of the Yellowstone River from the city of Glendive, Mont., to the mouth of the said river, with a view of cleaning out the channel thereof, so as to maintain a 4-foot stage of water therein, including a lock at the United States Government dam, and to submit a plan and estimate for such improvement.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

HARBOR OF ST. AUGUSTINE, FLA.

The next business on the Calendar was the concurrent resolution reported by Mr. CLARKE of Arkansas, from the Committee on Commerce January 16, 1908, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey of the entrance and harbor at St. Augustine, Fla., with a view to determining the necessity for and cost of construction of necessary breakwaters, etc., to protect the Government works at St. Augustine, Fla., from damage from erosions and encroachments of the sea.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

SNAKE RIVER DAM, WASHINGTON.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as next in order on the Calendar.

Mr. KEAN. The Senator from Idaho [Mr. HEYBURN] is temporarily absent, and I understand desires to be present when this bill is considered.

Mr. PILES. In the absence of the Senator from Idaho, I consent that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

FEES OF JURORS AND WITNESSES.

The bill (S. 597) amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (27 Stat. L., 347), was considered as in Committee of the Whole. It proposes to amend the act of August 3, 1892, clause 361, 27 Statutes at Large, page 347, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories," so as to read:

That jurors and witnesses in the United States courts, including commissioners' courts, in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona shall be entitled to receive for actual attendance at any court or courts, including commissioners' courts, and for the time necessarily occupied in going to and returning from the same, $3 a day during such attendance, and 15 cents for each mile necessarily traveled over any stage line, or by private conveyance, and 5 cents for each mile over any railway, in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned as both witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof.

Mr. KEAN. May I ask the Senator from Oregon what States are included in that bill?

Mr. CLARK of Wyoming. What are known as the Rocky Mountain States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN ALABAMA.

The bill (S. 1824) to establish a fish-cultural station in the State of Alabama was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Alabama, including purchase of site, construction of buildings and ponds, and equipment, the station to be located at a point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN DELAWARE.

The bill (S. 536) to establish a fish-hatching and fish-culture station in the county of Newcastle, Del., was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with amendments, in line 5, after the words "for the," to strike out "establishing" and insert "establishment;" in the same line, after the words "of a," to strike out "fish-hatching and fish-culture" and insert "fish-cultural;" in line 6, after the word "station," to insert "in the State of Delaware;" in line 8, after the word "suitable," to strike out "site within the county of Newcastle, State of Delaware," and insert "point," so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Delaware, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to establish a fish-cultural station in the State of Delaware."

FISH-CULTURAL STATION IN NORTH CAROLINA.

The bill (S. 2328) to establish a fish-cultural station in the State of North Carolina was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of North Carolina, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NEW JERSEY.

The bill (S. 762) to establish a fish-cultural station in the State of New Jersey was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of New Jersey, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State, to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VETERAN VOLUNTEER FIREMEN'S ASSOCIATION, ETC.

The bill (S. 2024) to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 7, after the words "during the," to strike out "existence of said associations or

either of them" and insert "pleasure of the Commissioners of the District of Columbia," so as to make the bill read:

Be it enacted, etc., That said act be amended so as to include both the Veteran Volunteer Firemen's Association and the Association of Oldest Inhabitants of the District of Columbia in the use of all that part of lot 11, in square No. 141, in the city of Washington, and building thereon, occupied by a house used formerly as an engine house, and described as follows: Beginning at the northeast corner of said lot and running east 30 feet on H street, thence 50 feet south on a line parallel to Nineteenth street, thence west 30 feet to Nineteenth street, and thence north 50 feet to the beginning; the same to be used by said associations as a place of meeting and for the storage of their property and belongings, consisting of fire apparatus, books, maps, pictures, files, souvenirs, mementos, and papers of historic interest, the same to continue during the pleasure of the Commissioners of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENGLEHART & CEASE.

The bill (S. 1643) for the relief of Englehart & Cease was considered as in Committee of the Whole. It proposes to pay to Englehart & Cease, of Webster, S. Dak., $140, in full compensation for loss in sale of cattle illegally placed in quarantine by Government inspector at the stock yards in Chicago, Ill.

Mr. KEAN. Is there a report accompanying the bill?

The VICE-PRESIDENT. The report is No. 75.

Mr. FULTON. If the Senator from New Jersey wishes I can briefly state the object of the bill. I think he will recall the bill after I state the facts.

Mr. KEAN. I think I will recall it in a second.

The VICE-PRESIDENT. Does the Senator from New Jersey desire to have the report of the committee read?

Mr. KEAN. No.

Mr. BURKETT. I should like to have the chairman of the committee explain the bill, since he has volunteered, for the reason that the report is very short; I have read it through, and it is not a very ample explanation. Perhaps it is a claim resulting from cattle inspection or something of that kind. I should like to have the bill explained.

Mr. FULTON. In brief the facts were these: Cattle were shipped from South Dakota to the stock yards, I think at Chicago, and they were improperly detained there for inspection in violation of the rules of the Agricultural Department. It was the fault of the local representative of the Department of Agrfculture. He detained the cattle longer than he should have done. I am speaking now, of course, in a general way, because I have not before me the report which gives the facts, but in a general way I am quite familiar with them. The result was that the cattle deteriorated very considerably in value.

The Secretary of Agriculture went into the matter quite carefully and reported the amount which he thought should be allowed and recommended its allowance, and that is the amount stated in the bill. The following bill on the Calendar is of the same character.

Mr. BURKETT. How many of these bills are there? Here are two. Have there been other bills of this nature before?

Mr. FULTON. No; I do not recall any other bills of this character before the Committee on Claims.

Mr. BURKETT. I am going to ask that this bill be laid over, and I desire to say a word.

With all the inspection which Government officers are now doing, if we are going to start out and establish this sort of precedent we are very liable to open up the door to a lot of claims that will come against the Government, which will swamp us. It may be entirely proper that the Government should pay for the failure on the part of its officers to do their duty or for their neglect of duty or their carelessness. However, I am very certain that heretofore in all lines of Government work we have not observed that rule. Just why it should be taken up in this particular kind of a case and done I do not know. I ask that the bill lie over until I can examine it a little further.

Mr. FULTON. Mr. President, of course I have no objection to the bill going over, but I call the attention of the Senator from Nebraska to the fact that he was a member of the committee last year, when similar bills were reported favorably, and, as I recollect it, although my memory may be at fault, when they passed the Senate.

It is not particularly for neglect of duty that this claim is presented. It is because of the wrongful acts of the representative of this Government in confining cattle in pens, refusing to allow the owners to take charge of them and put them on the market, in violation of the rules and without any authority. In a case of this kind it seems to me the owners of the cattle should properly be compensated; and the Secretary of Agriculture reports that this is the amount of the actual loss. Of course the matter is of no concern to me personally.

Mr. BURKETT. I will say to the Senator from Oregon that I was on the committee last year and that is what attracted my attention to this matter. I was not then for these claims and I am not yet. I do not know but that somebody ought to have compensation for the carelessness of these officers. But this may attract attention to the necessity of changing in some way a lot of our inspection laws and either get a better lot of inspectors, who will be more careful in their work, or put some responsibility upon them.

The VICE-PRESIDENT. The bill will go over without prejudice.

RATHBUN, BEACHY & CO.

The bill (S. 114) for the relief of Rathbun, Beachy & Co. was announced as the next business in order on the Calendar.

Mr. BURKETT. This is the same kind of a bill as the other one, and I ask that it may go over with the other bill.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from Nebraska.

INTERNATIONAL MINING EXPOSITION, NEW YORK.

The bill (S. 2424) providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City, and inviting other nations to participate therein, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Industrial Expositions with amendments.

The first amendment was, on page 1, section 1, line 4, after the word "authorized," to strike out "and directed," so as to make the section read:

That the Secretary of the Interior, through the Director of the Geological Survey, is hereby authorized to prepare and place on exhibition at the International Mining Exposition, to be held at Madison Square Garden, New York City, May 25 to June 20, 1908, an exhibit of the mineral resources of the United States and its possessions, and the methods of mining and extraction of metals.

The amendment was agreed to.

The next amendment was to strike out section 2 in the following words:

SEC. 2. That the President of the United States is hereby requested to invite the nations of the world to participate in the said International Mining Exposition and to send exhibits showing their mineral resources and methods of mining and extraction of metals.

The amendment was agreed to.

Mr. BACON. Does the bill carry any appropriation or necessarily involve one, which will follow? If it is intended that there should be an appropriation, it ought to be expressed in the bill, and the bill ought not to go through without a provision of that kind, if such is the ultimate purpose.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia propose an amendment?

Mr. BACON. I want to hear from those who are in favor of the bill, so that we may know about it.

Mr. SUTHERLAND. Since this bill was up the other day I have made some inquiries about it, and I am assured that if an exhibit is made the entire cost will not exceed $5,000.

Mr. BACON. Very well. Then it ought to be put in the bill.

Mr. SUTHERLAND. I will say to the Senator from Georgia that I am perfectly willing that the bill shall be amended so as to provide that the amount of the expenditure shall not exceed that sum.

Mr. BACON. That is a very considerable point gained, but I should like to know why we should go to that expense.

I will say to the Senator that the thing which causes me to say anything about the bill is not the small amount which may be involved in making this exhibit, but we have been for more than thirty years expending very large sums of money for expositions of one kind and another. Every section of the country has had the benefit of it, and our recent experiences in this connection have not been of a kind to encourage us to continue in this line of business.

This is a very small matter if it is not to exceed $5,000, but it is still the recognition of the propriety of expenditures of this kind. I do not know how far this may be important; I do not know how far the invitation to foreign nations which is expressed in the bill may devolve upon us additional expense.

Mr. SUTHERLAND. That has been stricken out of the bill.

Mr. BACON. It has been stricken out?

Mr. SUTHERLAND. Yes.

Mr. BACON. Very well. Then I shall have nothing more to say on that point.

But I repeat that the thing which attracted my attention to the bill and which causes me to call the attention of the Senate to it is not the small amount which may be involved in this particular case, but it is the recognition of the propriety of continued participation by the Government in these expositions in a way to require first probably a nominal expense, and then a larger expense, and ultimately a very great expense and as, in recent experiences, a very great loss to the Government; and as all parts of the country have had the full benefit heretofore, impartially, let me say, of the generosity of the Government in this regard, I think it is about time for us to stop.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SUTHERLAND. Certainly.

Mr. TELLER. Mr. President, when this bill was up a few days ago I objected. I am not going to object to it now, but I simply want to say that I do not myself believe that very much good comes of this kind of an exposition. If we pass the bill at all I think we shall have to make some appropriation, or else the Government, which will be committed to this exposition to some extent, will be utterly unable to comply with the law. I think $5,000 is a pretty small sum, but if the Senator who is in charge of the bill thinks that sum is enough, I think we had better put it in the bill and be done with it.

Mr. SUTHERLAND. The only expense the Geological Survey will be to in this matter will be for the transporting of materials and exhibits that are already on hand. That is all that is contemplated.

Mr. BACON. Will the Senator put in a proviso to that effect—that there shall be no expense except in the transportation of mineral specimens, which are now in the possession of the Government?

Mr. SUTHERLAND. "Mineral specimens and mining appliances."

Mr. BACON. Very well; whatever will cover it.

Mr. SUTHERLAND. I am perfectly willing to do that.

Mr. BACON. I hope the Senator will prepare such an amendment and offer it.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SUTHERLAND. Certainly.

Mr. BURKETT. I did not hear just what the Senator from Georgia [Mr. BACON] stated, and it may be that he has touched upon the point which I am about to suggest. This bill is going to put some sort of burden on this Department. It makes no special appropriation. I would not be in favor of it with an appropriation, because I think we are about through with this sort of business. This bill is certainly very objectionable, in that it puts an additional burden on a Department and gives it no additional money for that purpose. The Senator knows that one of the Departments which has caused more or less trouble, perhaps, in the matter of expenses has been this same Department; and if we are going to load on additional burdens by our own act, give them additional reasons for coming in here with deficiencies, we can expect deficiencies to come in hereafter. I certainly think we ought not to pass a bill of this kind, authorizing an exhibit to be made without any limit to the amount of the expenditure, and with no special appropriation, and expect the Bureau to make the exhibit out of some kind of an appropriation which it already has, because the result is bound to be that we will have a deficiency in the end when the thing is done.

Now, if this sort of legislation is to be passed the amount ought to be fixed; the thing to be done ought to be definitely stated, and the money ought to be appropriated so that we should determine the amount that we are going to spend in making the exhibit, rather than to leave it to the head of a bureau, who, as we know from experience, is rather liberal, when a little permission has been granted, in creating deficiencies for us to consider later on.

If any steps have been taken by other nations so that it is important that the bill ought to pass, I think it at least ought to go over until the bill can be redrafted and those objections in some way bridged over by the wording of the bill.

Mr. SUTHERLAND. I hope the Senator from Nebraska will not insist upon the bill going over, because, as the bill itself shows, the exposition is to begin in May, and the time is short within which these matters are to be done. I move that the bill be amended by adding at the end thereof:

Provided, That there shall not be expended more than $5,000, to be used entirely for the transportation of materials and mining appliances now in the possession of the Government.

I think the amendment will obviate the objection.

Mr. BACON. I myself will be content with it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That there shall not be expended more than $5,000, to be used entirely for the transportation of materials and mining appliances now in the possession of the Government.

Mr. BURKETT. As I understand the Senator's amendment, does the $5,000 include additional salaries and everything of that nature.?

Mr. SUTHERLAND. It includes everything. It says there shall not be expended to exceed $5,000.

Mr. BURKETT. Let me ask the Senator, while I am on my feet, as there is no report in connection with this bill in my book, what is the origin of this exposition? Where does the idea come from?

Mr. SUTHERLAND. The exposition company is one organized under the laws of the State of New Jersey. It is a project which was expressly approved by the mining congress held in Texas a few years ago. It has been approved by many of the governors of the mining States. My own State has made a legislative appropriation for an exhibit. Mining men in my State are now gathering funds and materials for making an exhibit there. Does that answer the Senator's question? May I ask that the amendment I proposed be again read?

The Secretary again stated the amendment.

Mr. SUTHERLAND. I suggest that we insert the words "and care," so as to read "for the transportation and care."

Mr. BACON. I suggest that the word "exclusively" be used rather than the word "entirely."

Mr. SUTHERLAND. "Exclusively." I accept the suggestion.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That there shall not be expended more than $5,000, to be used exclusively for the transportation and care of materials and mining appliances now in the possession of the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Select Committee on Industrial Expositions reported an amendment to strike out the preamble, which was agreed to.

The title was amended so as to read: "A bill providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City."

ALICE M. STAFFORD.

The bill (S. 1729) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, after the words "sum of" to strike out "$621.95" and insert "$749.92," so as to read:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, of the Fifteenth Infantry, United States Army, * * * the sum of $749.92, the same being the amount of money necessarily advanced and paid by him out of his own personal funds while first lieutenant and regimental quartermaster, Fifteenth Infantry, post quartermaster and commissary at Fort Wingate, N. Mex., in the years 1879 and 1880, in order that the troops in said command might have fresh beef and necessary food during the fourteen months' drought in which no rain fell in the region of said fort, and during which time the beef presented for issue by the beef contractor was of such poor quality as to be unfit for food for said command.

The amendment was agreed to.

Mr. BACON. Is there a report accompanying the bill?

Mr. CLAPP rose.

Mr. BACON. If the report is long, possibly the Senator in charge of the bill would occupy less time in stating to the Senate the points in it.

Mr. CLAPP. The Senator will pardon me. There is a report which is somewhat lengthy.

A similar bill passed at the last session, for the amount of twelve or thirteen hundred dollars, I think, although I may be mistaken.

Mr. GALLINGER. Thirteen hundred and seventy-one dollars and eighty-seven cents.

Mr. CLAPP. The President vetoed it on the ground that there was only seven hundred and some odd dollars due. This bill will take the place of the other one. The former bill passed all right, but the amount was too large.

Mr. GALLINGER. And, Mr. President, I will ask the Sen-

ator from Minnesota whether the amended amount in this bill corresponds to what the Executive thought was due.

Mr. CLAPP. Yes.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. LITTLE.

Mr. CARTER. Mr. President, during the morning the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, passed the Senate, and while I do not intend to move its reconsideration, I rise to propound an inquiry which has been presented during a previous session of the Senate with reference to the same subject-matter.

The bill in question is for the relief of Mr. Little, who was, about twenty years ago, an Indian trader on an Indian reservation. It seems that Little failed to collect from the Indians on the reservation certain sums of money, aggregating some $8,000 or thereabouts, and having so failed to collect, this bill now provides that the Secretary of the Interior, after the lapse of twenty years or more, shall collect from the Indians the respective sums due to Mr. Little and pay the same over to him when collected.

It appears that the claim in question was reported upon by the late Senator Platt while a member of the Committee on Indian Affairs. That report shows great merit in this particular case, and I only raise a question with reference to the principle involved, to the end that we may have an expression from the chairman of the Committee on Indian Affairs as to the probability of the Secretary of the Interior being made a collecting agent for Indian traders who fail to collect from the Indians.

Should this view be entertained, we will send the Secretary of the Interior forth, through his various agents, to collect not small sums, but very large sums from the Indians, reaching back over a period of more than one hundred years. Indian traders were appointed by William Clark when he was designated about a hundred years ago as Commissioner of Indian Affairs, located at St. Louis. It became a habit to trust Indians for goods sold to them from time to time at the traders' stores. Indians sometimes pay and sometimes do not pay, just as white people sometimes pay and sometimes forget to pay.

Never before within my knowledge has Congress required the Secretary of the Interior to collect from the Indians and pay the trader's accounts which he thought in his time proper to trust out to the Indians. I do not pretend to say how much would be found delinquent, but it is probably safe to say that millions upon millions of dollars of claims due to the Indian traders would be presented to Congress, if the Secretary of the Interior were allowed, without reference to time, to make the collection from the Indians, if alive, and turn the fund over to the trader.

Now, my belief is that the traders extend credit expecting to meet certain losses; that they charge prices, as a rule, in view of expected losses to a certain degree or percentage. The credit extended is generally upon the judgment of the trader in the ordinary course of his business with the Indian tribe with whom he is licensed to trade. I think the principle of this bill, generally extended, authorizing or requiring the Secretary of the Interior to make these collections would be pernicious, would greatly burden the Department, would frequently work injustice upon the Indians, because, as a rule, they are rather lax in their method of accounting, and we would be required to take the trader's books as the highest evidence of the amount due from the Indians to the trader.

The transactions referred to in this bill occurred about 1886, and, owing to the peculiar conditions surrounding them, I imagine that some moral obligation arose of which the United States is required in honor to take notice. It seems that Mr. Little was deceived and misled by the officers of the United States Government, and I desired that that state of facts should be made very explicit, to the end that the passage of this bill shall not form a precedent upon which numberless claims for like relief will hereafter be made.

Mr. CLAPP. Mr. President, I quite agree with all that the Senator from Montana [Mr. CARTER] has said, and certainly desire to disclaim any intention that this bill shall stand as in any sense outlining or foreshadowing the policy of the committee. In fact, it was only with the greatest reluctance that the committee finally decided to report the bill favorably. It had received a very careful investigation at the hands of our former colleague, Mr. Platt, whose conservatism was well known to all. There had been a case of such apparent, at least, rank injustice on the part of Government officials that the committee did feel that the case should be made special and that the party was entitled to relief. It must be understood to stand solely upon its own individual merits.

Mr. TELLER. Mr. President, it seems to me that there will be very considerable difficulty in carrying out the provisions of the bill. I understand the Senator to state that these accounts were made in 1886. Of course the statutes have run against them, and I do not see how the Secretary of the Interior will ever enforce this claim against the Indians.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. TELLER. Certainly.

Mr. CLAPP. I think an equally difficult problem will present itself in tracing the items to individuals at this late date, but the best we could do was to authorize him to do so if he could.

Mr. TELLER. I am not criticizing the committee, but it appears to me that it is one of those cases where it would have been better not to have done anything, not simply because you will create a precedent, but because you will give the Department of the Interior trouble, and it may make a good deal of trouble on the reservation. The Indian will forget that he has ever had the goods and will naturally deny it. As the Senator from Montana [Mr. CARTER] says, practically all the evidence that can be had now will be on the books of the Treasury Department.

I read the report made by the late Senator from Connecticut; and I agree that it is a very outrageous case, but it seems to me it is one of those cases that it is pretty difficult to deal with. There is some danger that a good deal of trouble will grow out of it, and a good deal of injustice may be done to the Indians.

I did not feel at liberty to object to the consideration of the bill; I know how very careful the late Senator from Connecticut was in matters of this kind; but I am afraid the committee did not consider all the difficulties that will arise from putting the act into operation. I looked over the bill and I read the report. I did not see anything that I could add to the bill. It occurred to me then that it was a difficult thing to do, and I think very likely if the bill should pass that it would fail to be done.

Mr. HEYBURN. I should like to inquire of the Senator from Minnesota whether this involves anything more than the question as to whether or not the Government will make good to the Indians the difference between the value of the money specified in the treaty of 1854 and the character of the money in which they were paid in 1864? I am sure the committee gave the measure thorough consideration, but I have in my mind a claim which has not, strictly speaking, been urged because they have not been able to get anyone in Congress to take it up, but a claim involving a very large sum of money on behalf of certain contractors for Government supplies in the State of Ohio, and in which they raised this same question.

Mr. CLAPP. Is the Senator addressing himself to Order of Business 89, Senate bill 2268, or to the bill to adjust the accounts of William R. Little?

Mr. HEYBURN. I was addressing myself to Senate bill 2268. I came in during the discussion and I was advised that we were considering that bill.

Mr. CLAPP. No; the discussion has been upon a bill which was passed. Senate bill 2268 will be the next on the Calendar.

Mr. HEYBURN. Then I withdraw any suggestion I rose to make.

Mr. FRYE. What is the next bill on the Calendar?

The VICE-PRESIDENT. The next bill on the Calendar will be announced.

CHIPPEWA INDIANS OF LAKE SUPERIOR AND THE MISSISSIPPI.

The bill (S. 2268) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same, was announced as next in order on the Calendar.

Mr. CLAPP. That bill may go over for the present.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

MARY C. MAYERS.

The bill (S. 2227) for the relief of Mary C. Mayers was considered as in Committee of the Whole. It proposes to pay $5,000 for the aid and support of Mary C. Mayers, widow of Joseph L. Mayers.

Mr. CULBERSON. I ask for the reading of the report in that case.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from Texas.

Mr. FULTON. The report is quite long, that is, if all the exhibits attached to it are read. I can briefly state the case to

the Senator. Perhaps he would prefer, however, to hear the entire report read.

Mr. CULBERSON. What is the principle involved in the bill?

Mr. FULTON. I will state the principle. Of course there may be a question whether the Government should ever pay for personal injuries. It has, however, done so in many instances, and if it ever should pay this is one of the cases where it should be done.

The United States cruiser *Charleston* was in the harbor at Hongkong. It had taken on board some coal. This Mr. Mayers went on board and collected for the coal. A little launch by means of which he went on board was lying at the gangway. He went on board, collected his money, came down to the launch, got into the launch, and some of the sailors on board the *Charleston*, either through some accident or negligence, let go one of the ship's boats that was hanging right above.

Mr. CULBERSON. May I ask the Senator there, is it clear that it was a case of negligence, or was it just an accident?

Mr. FULTON. It is perfectly clear. There is no question about it.

Mr. CULBERSON. The Senator used the words "accident or negligence."

Mr. FULTON. It was negligence. Of course the word "accident" would not be the proper term to use. It was done through negligence. There was no occasion at that time for lowering the boat, and certainly if there had been occasion for lowering it it should not have been done while this boat was lying at her proper berth at the gangway. But the sailors did let go one of the ship's boats hanging immediately above and it fell, striking Mr. Mayers, the injury resulting in his death the next day.

The launch was injured and some Chinamen on board were injured. The Government paid the Chinamen a small amount, I think some $60 apiece, or thereabouts, for their injuries. There was a survey held on the launch and the amount awarded the owner was $500, which the Government paid, recognizing the fault of the ship.

So it seemed to the committee that the Government having paid the Chinamen and having paid the owner of the boat they surely ought to pay this woman for the death of her husband.

Mr. GALLINGER. I will ask that the letter of the late Secretary of the Navy, Mr. John D. Long, on page 3 of the report of the committee, be read. It exonerates the officers and crew, and shows that an apprentice was guilty of the unfortunate happening.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, January 18, 1900.

SIR: Referring to your communication of the 10th instant, requesting the views of the Department as to the bill (S. 2216) for the relief of Mary C. Mayers on account of the death of her husband, caused, in May last, by being struck by the whaleboat falling from the U. S. S. *Charleston*, at Hongkong, China, I have the honor to inclose herewith copies of all the papers on file in this case, and to state that while the Department does not consider that there was any failure on the part of the officers or crew of the ship to exercise due and proper care, it is evident that the accidental fall of the boat was caused by an error on the part of an apprentice, second class, who, in endeavoring to clear the anchor, mistook the chain of the boat-detaching apparatus for the cable of the anchor, and by pulling it detached the boat. It does not appear that there was any contributory negligence on the part of Mr. Mayers.

It is believed that, with all the papers before it, the committee will be able to determine whether, in accordance with its practice in similar cases, the relief provided for in the bill should be granted.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. WILLIAM M. STEWART,
Committee on Claims, United States Senate.

Mr. CULBERSON. I desire further to ask the Senator in charge of the bill if the committee proposes by this character of legislation to establish the principle that the Government of the United States is responsible for negligence in such cases?

Mr. FULTON. I will state that we have no purpose to establish any precedent. I have said several times when personal-injury cases came before the Senate that I would appreciate it very much if the Senate would in some proper case determine finally whether or not it proposed as a matter of policy to recognize personal-injury cases.

Almost every time a case of this character comes up there is objection to it on the ground that the Government should not make an allowance for injury to persons either in its employ or in cases where the injury was sustained through the negligence of its officials.

I will state the view I have taken, so far as I am personally concerned, on the committee. It is that the Government should stand in its relation to its employees and to persons doing business with it exactly as any private individual or corporation should stand, and, therefore, where a claim is presented and is clearly proved in which, were the Government a private individual or a private corporation, in the circumstances it would be clearly liable, it seems to me we are bound to report favorably upon such a claim, unless the Senate or the Congress shall determine as a matter of policy that it will not allow any damages for personal injury.

But the Senate continues to pass these bills, and it is not for the committee to say whether or not that is a wise policy. We can not say to Senators who send in bills that the Congress will not recognize them, because it continually does recognize them. That being so, we have to assume that that character of claims are legitimate claims, and the only thing we have to investigate is whether the evidence is sufficient to justify reporting the measure favorably.

Perhaps I should say in passing that as far as I am concerned I would not report a personal injury claim favorably unless the evidence were very clear, indeed, because I recognize the fact that you can not always get at the truth as satisfactorily from mere affidavits and ex parte statements as where the witnesses go on the stand in court and are subjected to cross-examination. Therefore, I would require an exceptionally clear case to be made out by affidavits and ex parte statements.

But where the Government has made an investigation, as it did here, where it had a Board of Survey and paid for the damages to the boat, recognizing its liability there, and where it paid the foreigners their claims, recognizing its liability to them, I confess where all the evidence shows as clear a case of negligence as could well be made out, and one in which, if submitted to a jury against a private corporation or an individual, there would be no question about the recovery, its seems to me it is a case on which we ought to report favorably.

We reported to allow the widow $5,000, and if she should be allowed anything I think everybody would agree that she should be allowed that much.

Mr. WARREN. Mr. President, regarding this claim, the Senator from Oregon has stated the case very clearly. I may say that in my service upon the Committee on Claims, covering some ten years or more, probably less than $40,000 have been paid for claims of a similar character—that is, for personal injuries. Of course, as to its being a precedent, you might apply the same objection to every bill that goes before the Committee on Claims.

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER TEN.

THE SLAVE TRADE AND PEONAGE.

Sec.
242. Confining or detaining slaves on board vessel.
243. Seizing slaves on foreign shores.
244. Bringing slaves into the United States.
245. Equipping vessels for slave trade.
246. Transporting persons to be held as slaves.
247. Hovering on coast with slaves on board.
248. Serving in vessels engaged in the slave trade.
249. Serving in foreign vessels engaged in slave trade.
250. Receiving or carrying away any person to be sold or held as a slave.
251. Equipping, etc., vessel for slave trade.
252. Penalty on persons building, equipping, etc.
253. Forfeiture of vessel transporting slaves.
254. Receiving persons on board to be sold as slaves.
255. Vessels found hovering on coast.
256. Forfeiture of interest in vessels transporting slaves.
257. Seizure of vessels engaged in the slave trade.
258. Proceeds of condemned vessels, how distributed.
259. Disposal of persons found on board seized vessel.
260. Apprehension of officers and crew.
261. Removal of persons delivered from seized vessels.
262. To what port captured vessels sent.
263. When owners of foreign vessels shall give bond.
264. Instructions to commanders of armed vessels.
265. Kidnaping.
266. Holding or returning persons to peonage.
267. Obstructing enforcement of preceding section.
268. Bringing kidnaped persons into United States.

SEC. 242. Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen *of the United States*, forcibly confines or detains on board such vessel *any person as* a slave, or, on board such vessel, offers or attempts to sell as a slave any *such person*, or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any *such person* with intent to make such *person* a slave, or lands or delivers on shore from on board such vessel any *person* with intent to make sale of, or having previously sold such *person* as a slave, is a pirate, and shall be imprisoned for life.

SEC. 243. Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's

company of any vessel, owned in whole or in part, or navigated for, on in behalf of, any citizen *of the United States,* lands from such vessel, and, on any foreign shore, seizes any *person* with intent to make such *person* a slave, or decoys, or forcibly brings, or carries or receives such *person* on board such vessel, with like intent, is a pirate and shall be imprisoned for life.

SEC. 244. Whoever brings within the jurisdiction of the United States, in any manner whatsoever, any *person* from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any *person* so brought in, as a slave, or to be held to service or labor, shall be fined not more than $10,000, one half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years.

SEC. 245. Whoever builds, fits out, equips, loads or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any *person* from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be *fined* not more than $5,000, one half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years.

SEC. 246. Whoever, being a citizen or other person resident within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any *person* in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the section *last* preceding.

SEC. 247. Whoever, being the captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any *person,* for the purpose of selling *such person* as a slave, or with intent to land such person for any such purpose shall be fined not more than $10,000, and imprisoned not more than four years.

Mr. HALE. Mr. President, here is a large body of criminal law in relation to the introduction of persons into the United States for the illegal purpose of selling them into slavery. To anyone looking at these provisions they sound like echoes of the dead past.

I wish the Senator would tell us whether in the investigation by the joint committee, which the Senator so ably represents here, the committee of which he is the Senatorial head, went far enough into this question to find whether its report is dealing with actual present existing conditions, or, as I have said, only with echoes of the past.

Is it believed that to-day there is any necessity for the pages of the criminal code to be encumbered with elaborate provisions preventing the introduction of human beings into the United States for the purpose of being sold into slavery? All the old provisions of law rally around that one distinctive purpose, and around that most inhumane, abominable traffic, the bringing of persons by force and constraint into the United States in order that they might, under then existing conditions, be sold into slavery. If anything has disappeared absolutely into the dead past it is that condition. The animus has gone; the incentive is gone. The conditions here that make the animus and the incentive for this abominable trade profitable have absolutely been wiped out.

I should like to have the Senator tell us whether his joint committee in considering this revision of the criminal code was met by a condition that seems to me apparent, that all these provisions have become what the lawyers call caput mortuum. They are dead matters; and I wish the Senator would tell us why there is any necessity for encumbering the criminal code with provisions in relation with this matter, which is as far beyond our comprehension to-day and beyond our jurisdiction to-day as the conditions of centuries ago. I may be wrong; there may be something still left that makes necessary the prohibition of this traffic, which has been condemned by one civilized nation after another, and which with us, I can suppose, has absolutely disappeared. I may be wrong; but it seems to me that if the Senator had found upon the statute books, lurking there unobserved from the traditions of the past, provisions for the punishment of witchcraft, we would be confronted with a situation not more practical and not less commending itself to our attention and to our legislation than these provisions.

I wish the Senator would tell the Senate why he has thought it advisable to maintain upon our code of criminal laws these old statutes that were enacted in the past upon conditions which have absolutely disappeared and which have, so far as I know, sunk utterly out of sight.

Mr. HEYBURN. Mr. President, it will be observed that all the five sections which have just been read, being chapter 10, deal with the question of slavery. The existing law was enacted more than one hundred years ago, in 1807, which prohibited the importation of slaves on ships into the United States. It was amended in 1817, in 1818, in 1824, and in 1830. Those statutes constitute the prohibitive legislation against the importation and the holding of slaves in various forms. The language in the law as it is now, found in section 5375, is "any negro or mulatto." I will call the Senator's attention to the language in 5377:

Any negro, mulatto, or person of color.

Those were the two forms in which the parties subject to this prohibitive legislation were classed.

Mr. HALE. That is the designation——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. That is the designation physically of the persons to whom the statutes shall apply. It is not what they shall be subjected to afterwards, but simply a description of them as physical persons. I am not troubled about that. What I am troubled about is that we are keeping upon the statutes a body of laws applying to persons suffering slavery, the persons described in the statute as read by the Senator from Idaho.

Mr. HEYBURN. I was coming to that. The existing law, as I have suggested, dealt with persons under the designation of negroes, mulattoes, or persons of color. Now, the conditions that made that legislation necessary have passed away, as suggested by the Senator from Maine. But other conditions have arisen. That suggested to your committee the necessity of still keeping upon the statute books the prohibition against slavery, because while slavery at that time was confined to the persons designated in the prohibitive sections, yet now the slave trade has extended to people who do not come within that designation. It is of comparatively frequent occurrence, unfortunately, that our vessels or the vessels of other countries bring to our shores people who are held in slavery, to be sold in slavery, that do not come within that designation of "negroes, mulattoes, or persons of color." People from Japan, people from China, people from some other Asiatic and European countries are brought here under contract that amounts to slavery, perpetual slavery; brought here for immoral purposes oftentimes, sold as slaves were sold. Whether the designation of "slave" is applied to them in the contract is immaterial. If the effect of their contract is to enslave these people, then it is proper and right that there should continue always to be upon our statute books such prohibitive legislation as will enable the laws to reach such people.

Mr. President, your committee struck out the words "negro, mulatto, or person of color" and inserted the more comprehensive word "persons." So that as the law is reported by your committee and now under consideration, in the five sections just read, the word "persons" is substituted for the more limited designation of "negro, mulatto, or person of color." Many of these people who have been brought to this country even up to the present day for the purposes of slavery, or what amounts to slavery, are not within any of these prohibitive designations. For that reason your committee has thought it necessary, in order to give the courts of the United States power to reach not only individuals who are responsible for the importation of this class of human beings, but also that they may reach the ships and the shipowners that bring them to our shores. That is the purpose, the reason for the action of the committee in reporting this section with the new designation of "persons" as a substitute for the more specific designation "negroes, mulattoes, and colored persons."

Mr. HALE. Mr. President, I can see from the Senator's explanation how the committee have struck out certain physical designations that covered the previous introduction of the negro or his affiliated relations for the purpose of being sold into slavery. Now, I should like to ask the Senator whether he thinks substituting the word "persons" for all the classes that were formerly brought here for the purpose of being sold into slavery, the importation of coolies or of persons under contract to labor, or the introduction of persons for immoral purposes is covered by the phrases and limitations contained in all these sections of being brought without consent to a condition of slavery, because if the Senator has reported a body of law that makes the result which he seeks to reach and prohibit, a condition which does not exist and which is not covered by the term "slavery," he has sent to us a series of propositions that will be absolutely inefficacious.

I do not understand—I may be wrong—that the purposes for which these persons, as intimated by the Senator, who are brought here for undesirable, pernicious purposes—I do not understand, under any construction with which I am familiar, that they are brought here for the purposes of slavery, which has been interpreted and which was well understood in the past, and is absolutely and conclusively defined—a certain and specific condition. Now, I do not think, unless better advised, that the purposes for which these other classes are brought—im-

moral, undesirable as they are—come under any designation that would make them what has been interpreted as covered by the word "slave."

I wish the Senator upon this matter would further enlighten the body as to the reasons for these provisions. He says now that the old classes that were formerly introduced we have parted with; they no more confront us; but there is another class brought here for other purposes. Now, does this apply to committing them to slavery by any actual condition, or does it make absolutely good for nothing the provisions of these sections?

Mr. HEYBURN. Mr. President, the provisions under consideration do not deal with persons who have made contracts on their own behalf. That is covered by other statutes. They cover only those cases where the parties against their will, rather than pursuant to a contract to which they are a party, are subjected to conditions of slavery. Slavery may exist for a week as well as for a lifetime. In the period of this country's history when slavery was in vogue it was not always the slavery of a lifetime. Sometimes it terminated, under varying conditions, before the close of the lifetime of the party who was the slave.

The class of persons intended to be reached by this proposed legislation is that class of persons who make contracts in oriental or other countries for the services of a party without the consent of the party whose services are to be delivered, and who bring those persons here not always pursuant to a contract before they are brought here, but who bring them here for the purpose of subjecting them to such contracts as may thereafter be made pertaining to them. Whether this service be for manual labor or whether it be for immoral purposes is immaterial; if it is a service enforced upon those parties against their will or without their consent or pursuant to a contract to which they are not a party, all of those conditions would be slavery within the provisions of these five sections.

The bringing in of coolies under contract for labor would come under another law, because the cooly comes as a party to that contract; he comes here of his own free will. The bringing in of any other class of people from any section of the world pursuant to an agreement to which they are a party or of which they have knowledge, who have or will come here and be subjected to work or where their services will be sold, is not slavery within the meaning of these sections. That is contract labor. That is regulated by other statutes, but this criminal statute is intended only to enable the law to reach those who come here without being a party to their coming here or without being a party to the disposition of their services or the control of their rights, whether they be children of irresponsible years and conditions or whether they be people who, because of their environment or the condition of their lives, can not protect themselves. In any such event these five sections are intended to protect them primarily against the ships that bring them here; again, against those who obtain possession of them after they are brought here in the ships or at any period of their existence within our borders. That is the purpose.

It has become particularly necessary that such legislation should be kept upon the statute books, since we have obtained the responsibility as well as the control of some lands in which other customs than those with which we have of late been familiar obtain. It is certainly necessary, in view of that fact, that we have this real weapon of law, which will enable us to protect those helpless people against the oppression of those who would enslave them.

Mr. BAILEY. Mr. President, when the Senator from Maine [Mr. HALE] first made his suggestion I thought it was an excellent one and I thought the reason for it entirely sufficient. Conditions which once called for these statutes have long since become obsolete, and the statutes themselves ought to have been repealed when the conditions in which they originated ceased to exist, but the Senator from Idaho [Mr. HEYBURN], in charge of this bill, has given even a better reason for repealing these statutes than the Senator from Maine at first suggested.

If these statutes are to be maintained as a prohibition against introducing slavery into the United States, and then to be used by the courts to punish and to suppress a wholly different offense, then certainly they ought not to remain upon the statute books. None of the classes indicated by the Senator from Idaho can fairly be classed in any court or by any legislative assembly as slaves. If shipowners contract for the foreigners' labor and bring them here, they will violate the law against the importation of contract labor, and they can be fairly and properly and sufficiently punished under that statute. If they bring a man here and without his consent make a contract for his services which they call upon him to perform, that contract has no more binding force upon his conscience or in the law than if I contracted with somebody that the Senator from Idaho would perform some service for that third person. It is a contract which no man can lawfully make in this country with respect to the work of another man, and even if the other man subsequently ratified it and entered upon the performance of it he could abandon it whenever he pleased, because there is no such thing known to our law as the specific performance of a contract for personal service.

If the Senator seeks to prevent the importation of people for immoral purposes, another statute should be employed to meet that. If the Senator seeks to strengthen our law against the importation of contract labor, I will join him in passing any sensible amendment upon that subject; but to keep a relic of the long ago upon our statute books to remind us of a condition which we all rejoice has forever passed seems to me worse than useless.

I would like to go further. I would like to see the American Congress take from the statute book all of those old enactments relating to slavery and all of those growing out of the bitterness which followed its abolition immediately after the close of the war.

It is one of the curious things, Mr. President, about the Constitution of the United States that the word "slavery" does not appear in it except in the thirteenth amendment, which abolished it. It is said that a Virginia statesman, foreseeing that the time would come when slavery would cease to exist deliberately and carefully excluded the word from the original Constitution, and his example was followed in the first twelve amendments. It is said that Mr. Madison, who perhaps bore a more conspicuous, or, if not a more conspicuous, certainly a more useful part in the work of that convention than any other member of it, not excepting even General Washington or Mr. Franklin, watched every provision and carefully excluded the word "slavery" from the original instrument. If the men who framed the Constitution in that day, foreseeing the time when slavery would cease to exist, carefully kept it from the Constitution, surely their children, or, rather, their children's children, should now take it out of the statutes when it has long since ceased to exist in practice or in theory.

I sincerely hope that the Senator from Idaho will accept the very excellent suggestion of the Senator from Maine and let this and all related and kindred provisions drop from this codification of our laws. They are useless, or worse. If they simply seek to deal with slavery, then they are useless, for slavery has not only ceased to exist, but never can be reestablished in this land. If they are to deal with a condition which is not comprehended within the definition or understanding of slavery, then they are worse than useless—they are dangerous—because the courts and officers are thus invited to exercise an authority designed for the suppression of one evil in suppressing what they may consider another but wholly different evil. Let us deal with each condition according to its own demands, and let us not advise the courts that while we are legislating against slavery we mean really to authorize them to suppress and to punish a wholly different offense.

Then, Mr. President, I would like to see this recognition that slavery and all which relates to it is obsolete followed by a generous recognition that the statute books are full of laws passed to meet a condition that, happily, does not now exist. Let them go out, also, until we have a statute book in which there is written no line to remind us of those days following the war and known as the reconstruction era.

Mr. HALE. Mr. President, following out what was my original thought, which has been so well amplified by the Senator from Texas [Mr. BAILEY], I will ask the Senator from Idaho [Mr. HEYBURN], as I did the other day, a question in regard to the method of procedure.

We discovered on examination that certain provisions of the old law were better than the new provisions as reported in the pending measure, and on appealing to the Senator to know by what process we could restore the old provisions, he very readily suggested the method. We are in a way, Mr. President, hampered in the actual, practical consideration of this bill, this large framework of criminal law, by a lack of knowledge as to how to proceed in order to either introduce new matter or eliminate old matter.

Supposing the Senate believes that it would be better to absolutely strike out from the criminal code all of these sections, to leave it tabula rasa, as if these sections had never existed, because the conditions which called them forth do not now exist; supposing, Mr. President, that a motion should be made to strike out all these sections and a majority of the Senate should favor it, what would the Senator say to that?

Mr. HEYBURN. Mr. President, if a bill to repeal these

sections were introduced as original legislation in this body, it would go to the standing Committee on the Judiciary. Now, whether or not the Senate would be willing to concede to this joint committee functions that, under the standing rules of this legislative body, belong to the Judiciary Committee I am not prepared to say. Of course it is competent for the Senate at this time, as in Committee of the Whole, to recommend to the Senate, to which this bill shall be reported from Committee of the Whole, that these provisions of existing law be repealed, and it would then be for the Senate to say whether or not they should be repealed without going to a committee.

Mr. HALE. That, Mr. President, is the ordinary process by which we make and enact legislation. We, as in Committee of the Whole, instruct the Senate with the programme the course that shall be pursued, and that is reported to the Senate. But there is no way of the Senate as in Committee of the Whole reporting by resolution to the Senate; it is only done by a vote showing the disposition and purpose of the Senate as in Committee of the Whole. So I think that before we depart from the subject I shall move that this entire body of law relating to the introduction of persons for the purpose of committing them to slavery shall be stricken out of the criminal code. If the Senate does not take that instruction, or if the Senate as in Committee of the Whole votes it down, then that is the end of it.

I see no way, Mr. President, of expunging this matter from the existing criminal code, which is supposed to be a living code based upon and operating upon present conditions. I see no way of ridding ourselves of these superfluous sections except by striking them out and when that action is reported to the Senate to await its action.

Mr. President, the Senator has a great deal more knowledge about this code generally than, I may say, anybody or everybody here, but upon this large question, upon which any of us may have views, I should say that the Senator would be instructed, and it would certainly be no reflection upon his committee if the Senate should decide that there is no need longer of encumbering the criminal code with these useless provisions.

Mr. HEYBURN. Mr. President, I am impressed with the thought as to the effect upon the reputation of our Government in the estimation of other nations of the earth, who perhaps do not understand our method of making and repealing laws as well as we do, should we by an affirmative vote repeal the statutes that prevent ships flying our flag from engaging in the slave trade upon the coasts of other countries. The prohibition of the slave trade by any vessel bearing the flag of the United States is included in these sections.

Thank God, slavery in the United States is a thing of the past, and it has passed forever; but there is a sentiment in legislation prohibiting and denouncing slavery that we must not lose sight of. The statutes by which England abolished the slave trade and slave ownership have not been repealed by that country because they have effected their purpose. England is classed among the nations as one in which slavery can not exist by law by reason of the laws enacted by her Parliament and written upon her statute books.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. In a moment. The United States stands in the same position. I now yield to the Senator from Texas.

Mr. BAILEY. I was just about to say that England, having no constitution, had written it in her statutes; but we, having written it in our Constitution, then it became unnecessary to write it in our statutes.

Mr. HEYBURN. Mr. President, the constitution of England is written in her statutes because she has no other place in which to write it. The Constitution of our country bears the same relation to our people as do the statutes of England. We have, in addition to the Constitution, what we may call temporary legislation, using that term without regard to the number of years during which a statute may remain in force. Our statutory law is temporary and may be repealed. Our permanent law is written in the Constitution, and, while it may be changed, it can not be repealed.

Now, Mr. President, I was addressing myself to the consideration of the effect upon the reputation of this country of a broad stroke of the pen that should repeal the declaration and the only declaration against the slave trade and trading in slaves by vessels carrying the flag of our country. I think we should consider most carefully the provisions of existing law, because they do more than prevent the holding of slaves or the sale of them. They guard our flag and our ships that carry it from the reputation and the stain of engaging in the slave trade.

Mr. President, speaking a little further upon the suggestion of the Senator from Maine as to the method of reaching a consideration of the existing law upon this subject, I do not believe that it is the best way to strke out these sections from the code. The committee thought that the time had arrived when every reference to slavery as it was known before the war should be wiped off the statute books, and they undertook to do it. They struck out every reference to the race or color of the party protected by the legislation, and they made it apply to every person, substituting the word "person" for the descriptive words in existing law, thinking it would prohibit it and would leave the record of this country clear against the imputation that a man might engage in the slave trade.

It will be admitted that were the existing law to be repealed, or should we enact this code as a substitute for existing law and leave out of it any prohibition against the sale of slaves or the purchase or holding of slaves or trading in slaves, it would wipe out all provisions against the slave trade.

The constitutional amendment is limited in its language. It does not cover all that is covered by these sections of the statute that it is proposed to strike out. Article XIII, section 1, goes thus far:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

What legislation is there upon the statute books carrying into effect the prohibition of the thirteenth amendment? The sections under consideration give life, virility, and meaning to that provision of this Constitution. The sections under consideration dealt not with the holding of slaves within any place over which the United States exercised jurisdiction, but it dealt with the process by which persons were enslaved; the process by which they were gathered and brought from other countries—the trade in slaves that was carried on by our vessels and our seamen.

I do not think it is a complete answer that the thirteenth amendment to the Constitution does all that was sought to be done by the five sections of the Revised Statutes under consideration. I do not think, therefore, that the striking out of these sections would leave this country in a desirable position in the estimation of the other nations of the world, because it would be said by those lacking a thorough comprehension of our methods of legislation and our system of government that the United States Congress had repealed the law against the slave trade and had made it possible for its citizens to engage in that trade by the repeal of existing law. Do we want to be put in that position in the eyes of the other nations of the earth, whether justly or not? Would it have that effect? Is there not an implication, however reasonable or unreasonable, that would arise from the very fact that we were repealing the laws that stood between the people and the slave trade? Can they harm anyone by remaining upon the statute books? They have been there for a hundred years. On the 4th day of March, 1807, the law was enacted. Under the then existing conditions slavery was abolished in this country by the thirteenth amendment, by the proclamation really crystallized in the thirteenth amendment to the Constitution; and all the years have elapsed since that time and it has not been deemed necessary or wise, whether considered upon substantially legal grounds or upon grounds of sentiment, that existing laws should be repealed.

I believe to-day that no one section of this country is more likely than another to reengage in this business. I believe to-day that the enactment of these sections under consideration would be as necessary in their application to the North as to the South, to the East as to the West, but I eliminate all that from the consideration of the question of the propriety of repealing by direct action in the Congress of the United States the law against something which every man in this generation in the civilized world execrates and condemns. I doubt the wisdom of doing it, of sending such a message out to the world.

We can so adjust the law as to remove from it every possible suggestion inimical to the feelings of any section of the country and yet let it stand as a declaration of principle common to all people and let it stand for what it is worth, to protect the infants and the helpless and those who are subjected to what in effect is slavery. The word "slavery" is older than the foundations of this country. It was not originated to apply to the conditions of those held in slavery before the war. There can be no possible sentiment arise out of the term "slavery." It is as old as the human race. While the civilization of the age has led the people's mind away from it and led them to behold it only with abhorrence, yet statutes like these upon our books commend us to the respect of the world.

Mr. SUTHERLAND obtained the floor.

Mr. BAILEY. Before the Senator from Utah proceeds I should like to say a word.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. I do.

Mr. BAILEY. Mr. President, I desire to say that I came into the Senate Chamber while the Senator from Maine [Mr. HALE] was delivering a very excellent discourse on the inadvisability of keeping an obsolete law on our statute books, and hearing the reply of the Senator from Idaho [Mr. HEYBURN] I was led to believe that the statutes which he proposed to retain are intended to deal with the slave trade as it might exist between this and other countries.

I have just examined these provisions, and I find that some of them are intended to prohibit a vessel of the United States, or carrying the flag of the United States, from engaging in the slave trade between other countries. For instance, I will illustrate my point with the permission of the Senator from Utah.

Mr. SUTHERLAND. Certainly.

Mr. BAILEY. I find that section 248 by implication excludes the United States. It reads:

SEC. 248. Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another—

The "another" plainly referring to a foreign country or place—

shall be fined not more than $2,000 and imprisoned not more than two years.

I agree with the Senator from Idaho that that ought to be retained in the statute book. I am sure the Senator from Maine does not disagree to that, because we want to prohibit our vessels engaging in the slave trade as between other countries. But my solicitude is that our statutes shall contain nothing that recognizes the possibility of a slave trade immediately concerning the people of the United States.

Mr. HALE. Mr. President, when I rose, it was for the purpose of saying that while the Senator from Idaho [Mr. HEYBURN] was speaking I had been examining these provisions, and I find, for instance, that section 244 is confined to cases where persons for the purpose of being committed to slavery are brought to the shores of the United States, which is a condition not existing. I find that other sections provide, in some cases, that no vessel shall engage in the slave trade for the purpose of transporting persons to any other port—and that, of course, is not covered by our conditions. They go further, I find, and certain sections here, to which I have no objection, provide that vessels shall not be fitted out in the United States to engage in this trade anywhere, either here or elsewhere, and the Senator from Idaho is right about it—that those provisions should not be struck out. So the discussion has, I think fortunately, brought out the fact that whilst certain of these conditions and certain of these provisions are obsolete, other conditions do not apply to the introduction of persons to be committed to slavery to the shores of the United States.

Now, I wish right here the Senator from Idaho would give us some information, because I have not had the benefit either of studying this statute or of historic reading in the past, and have not informed myself. What civilized countries or colonies of civilized countries have not, as we have, absolutely abolished slavery, so that it can not be introduced on their shores? In other words, how wide will be the operation of these sections—to which no one of us objects—in any part of the world?

Where to-day will the slaver, the vessel loaded with these unfortunate beings wrested from their homes for the purpose of being sold into slavery for profit—where to-day will the slaver, so loaded, so cursed with this cargo, which was a frequent thing in the days of the past and, I presume, very infrequent to-day, find a lodgment to-day in the civilized world where she is not prohibited, as she is here, from landing her cargo? Where, Mr. President, does a condition of slavery exist that would make it an object to land these unforunate human beings from the deck of a slaver? Has the Senator looked into that?

Mr. HEYBURN. It is said and written unfortunately that in one of the possessions of the United States slavery exists to-day—that is, one of the islands in the Pacific which came to us as the result of the war with Spain. I have not investigated that charge with sufficient care to be able to say how much foundation there is for it, but I think, perhaps, Congress should investigate it and know the facts. I had almost said that I knew—I know from the statement of men on whose word I rely that a condition of slavery exists somewhere in the Philippine Islands; a remnant of conditions that we found there. It should not exist. That is within the language both of the law of 1807 and of all subsequent statutes and within the language of the proposed code, because the language is in the law of 1807:

Every captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States.

Those provinces are within the jurisdiction of the United States. Suppose, for instance, that a vessel were to engage in collecting slaves upon some of the Philippine Islands—back, perhaps, where they scarcely know that the jurisdiction has changed, where they only know that there was a fight, and do not know a thing about the history or scheme of government under which they live. Suppose a slave vessel were to gather up a few—one or a hundred or a thousand makes no difference in principle—and take them over to the island where that prince reigns in a state that was becoming to the barbarian a thousand years ago and sell them to him. It would be a violation of the existing law. Do we want to repeal the law which would enable us to-day or to-morrow or ten years hence to stop that kind of thing?

Mr. HALE. No.

Mr. HEYBURN. Or do we want to put ourselves to the necessity of enacting new legislation when we already have legislation which would fit it?

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. I say no, a hundred times no; and I am glad the Senator in investigating the reach and range upon which this criminal code will apply has brought to us a condition in one of our own dependencies where these old statutes ought to be in force. It is not encouraging, Mr. President, in the presence of the optimistic accounts and advices that have been received from the Philippine Islands, to find that there exists to-day there a condition of human slavery, and that a slaver loaded with human beings may be taken to one of our ports there and find refuge and find market. I am glad that the Senator is one of those misguided persons who object to these conditions; and if the Senator has brought out one of the incidents of this whole melancholy business which shows the actual conditions, he has done something for the benefit of the Senate and the country, too, in furnishing us the information. It had escaped me that such conditions existed there.

Mr. TILLMAN. Mr. President, I am surprised to hear any Senator on the other side, least of all the Senator from Maine [Mr. HALE], who is one of the best-posted men in this country, disclaim knowledge of what has been notorious ever since we took possession of the Philippine Islands. Slavery exists in Mindanao and other islands of the Sulu Archipelago; is known to exist there; nobody denies it; and yet the party which has gathered so much glory from the destruction of slavery in this country, which is in absolute control of our affairs, recognizes this, and does nothing to stop it. The mere keeping on the statute books of these laws, which were placed there when slavery existed in the South——

Mr. HEYBURN. And in the North.

Mr. TILLMAN. Yes; in the North, too.

Mr. HEYBURN. Eighteen hundred and seven.

Mr. TILLMAN. The law is there, and why do not the men responsible for the Philippine government enforce the law?

Mr. HALE. Let me ask the Senator——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly.

Mr. HALE. The Senator says rather tauntingly——

Mr. TILLMAN. Not to the Senator from Maine, because we know his views, but I am merely speaking of him as one of those on the other side who know all about it, who can not deny it, who do not pretend to deny it, and yet the government which they put in power and hold in power does nothing to stop it.

Mr. HALE. I still insist that the Senator said rather tauntingly that slavery exists, present, operative in our possessions in the Philippine Islands, and by inference that nothing has been done to extirpate it.

Mr. President, I do not plead guilty to that knowledge. I see a great many things in the newspapers; I see letters from soldiers and sailors in the Philippine Islands that refer to this condition; I have indeed seen persons who have served there and have been fortunate enough to return with life and health to this country who have indicated it; but in the great volume or volumes of official reports that have been communicated to Congress and through Congress to the public, I do not remember that the existence and tolerance and continuation of human slavery in the Philippine Islands have been noted. It may be that somewhere in these reports, which disclose a harmonious

condition, a peaceful condition, a prosperous condition, a virtuous condition, this blot upon the Philippine condition has been brought out. I do not say that it has not, but it has escaped me, and I have never felt that I had been informed or that the Government had knowledge that there exists to-day this old blot upon the human race and that it is tolerated and existing to-day. I have never known that.

Mr. STONE. I should like to ask the Senator from Maine a question for information, for my memory is not clear about it. Was there not a treaty of some kind made between the representatives of this Government——

Mr. BACON. General Bates.

Mr. STONE. General Bates and the Sultan of Sulu, under the terms of which polygamy and slavery were both recognized and to be continued; and did not that treaty receive the ratification of the Senate and of Congress?

Mr. BACON. Not of the Senate.

Mr. TILLMAN. No.

Mr. HALE. I should doubt it, although I do not remember——

Mr. STONE. I did not mean in the form of a treaty.

Mr. HALE. I do not remember in my service in the Senate that any such infamous stipulation has ever been presented to this body for its action.

Mr. STONE. No.

Mr. HALE. I do not think it could have come here and have passed, either nem. con. or after discussion.

Mr. STONE. No; I was unfortunate perhaps in the use of the term "ratification." I did not mean that it was presented to the Senate in the shape of a formal treaty, but that it did come before the Congress, and before the Senate as a branch of Congress, in some form.

Mr. TILLMAN. My recollection, if the Senator will permit me, is that the Philippine government reported that an agreement or arrangement had been made with the Sultan of Sulu, by which these two relics of barbarism, slavery and polygamy, were not to be interfered with; and we even went further and put the sultan and his datos, or lords or proprietors or whatever you call them, upon our roll to draw salaries. I think the records will prove that if they do not draw salaries now under that stipulation or agreement they did draw them a few years ago.

Mr. HALE. Mr. President, if that anomalous, and I may monstrous, condition exists to-day and has received the sanction of this Government or of the Senate, it certainly has not been appreciated by me. It may be because I have been careless and have not watched the progress of things, but I have not been aware that in our beneficent work of civilizing and converting and building up the Philippine Islands as a community we have considered as one of the steps necessary in this march of benevolence and beneficence to recognize human slavery and polygamy.

Mr. TILLMAN. Mr. President, I will direct the Senator's attention to the fact that Congress a good many years ago passed a bill authorizing the President to govern the Philippine Islands as his best judgment might dictate—that is the essence of it—and that, in fact, the Philippine Islands are to-day governed by the Secretary of War under the orders of the President of the United States; and that is all the kind of government they have.

Mr. HALE. But, Mr. President, I do not think the Secretary of War, who is a man of very wide understanding, a good lawyer, and a patriotic man, has ever considered that that condition absolves him from reporting from time to time as to conditions in the Philippine Islands, which reports, either direct or through the President, are supposed to come to both bodies of Congress. I am not prepared to say that the War Department has suppressed important facts and conditions in the Philippine Islands which bear upon the public sentiment with regard to those islands. The presumption is that we have been told the whole truth, and that the government there is in a degree, you may say, almost despotic; yet I think it always has recognized, and I hope it always will recognize, the fact that every condition must be reported fully to Congress for its action.

Mr. TILLMAN. Mr. President, I used to be a little more familiar with conditions in the Philippines than I am now, because I have not given the matter very much study or consideration in the last half dozen years, in fact; but I am quite sure that a very short while ago the condition of slavery in the Sulu archipelago was well known to the Secretary of War and to all others who took the trouble to investigate conditions there, and, furthermore, that those Mohammedans in that part of our possessions over there are a very bloodthirsty, cutthroat, dangerous sort of people, and that in a large measure our civilizing processes in the Philippines have been confined to Luzon, the island upon which, I believe, Manila is located, and which contains a large proportion of the population of the archipelago.

I am not ready to produce the evidence in regard to the instances of slavery there, but I am ready to make oath that, according to the best of my knowledge and belief, according to the latest reports which I examined on the subject, it did exist there then. I have never heard that it has ceased to exist. I do know that we carried the sultan and some of his noblemen—the datos—on our rolls as officeholders who drew pay, and that altogether the thirteenth amendment to the Constitution has been ignored.

I am very glad that the Senator from Idaho has revived an interest in slavery which appeared to be dying out, and that we will perhaps cause some active agencies in the War Department or elsewhere to take hold of this matter and tell us about it. If it has ceased to exist, I shall be glad to know it. If this statute is applicable to the Philippines, as the Senator from Idaho seemed to infer a little while ago, if I did not misunderstand him, of course we must leave it on the books until this latest relic of barbarism has disappeared from under the Stars and Stripes.

Mr. STONE obtained the floor.

Mr. HALE. Will the Senator allow me a moment, as I am called from the Senate? I desire to make a request that will not interfere with the Senator, if he wishes to proceed.

Mr. STONE. Certainly.

Mr. HALE. I ask that the consideration of these provisions be passed over for the present, as the Senator from Idaho will not complete the bill, of course, to-day, in order that there may be further investigation in regard to the matter.

Mr. STONE. I have no objection to that course.

The PRESIDING OFFICER (Mr. WARNER in the chair). If there is no objection, it is so ordered.

Mr. STONE. Before the sections are passed over I desire just a moment in which to say that during the past summer I spent some weeks in the Philippine Islands and I have some personal knowledge of the conditions there.

Referring to what the Senator from South Carolina [Mr. TILLMAN] has just said, I will state that in the islands occupied by the Filipinos proper, by which I mean the Filipinos as contradistinguished from the Moros, the Igorrotes, and the Negritos, the uncivilized tribes, there is a reasonably high state of civilization. I am sure that there is no such thing as slavery in those islands. I mean now the islands inhabited by the Christianized and civilized Filipinos.

In the southern islands, in the Sulu archipelago, which are occupied for the most part at least by the Moros, I have not any doubt that there is to a limited degree a condition of slavery prevailing. I have not the remotest idea that any ship from anywhere loaded with human beings could be landed or would be permitted to be landed in any port or at any place in the islands. I do not think there is the remotest danger of the importation of slaves into any of the islands. I say I do not think any ships would be permitted to land that were loaded with human beings intended to be sold into slavery there.

I desire to say that I am sure to the limited extent to which slavery does exist it is not in accordance with the law or policy of the United States, but against both, and it exists because of the difficulty of rooting it out and extirpating it in the larger islands of the Sulu archipelago. Those islands are governed by the military; they have no semblance of local government, and it is difficult, almost impossible, for the military arm of the Government to take hold of a question of that kind and settle it entirely and properly.

Mr HALE rose.

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. I will take only a moment, and then I shall be through.

I wish to state an incident that came under my observation in the island of Mindanao. On one occasion a party with which I had the honor to be traveling visited a Moro village. We were received, as is usual with those people, somewhat ostentatiously by the dato of the village. I saw there with the dato, as a part of his household, a boy some 12 years of age, about the size of one of the larger of the Senate pages, a very intelligent and handsome fellow, and I was told by Americans residing there that he was a slave of this dato. When we left the little fellow followed us to the waters of the lake, and there was a longing in his face and tears in his eyes and a muttering in a strange language we did not understand, but it sounded like an appeal to us to take him away.

Now, that boy was held, I have not any doubt, in bondage, in practical slavery, and I was told that he had been so held from his infancy. In earlier times the Moros were a warlike people, among whom were many pirates who sailed up northward along the coast of the islands occupied by the Christian Filipinos and ravaged them and took their women and children prisoners. They took them home with them to their own island, made wives of the women and slaves of the children, and the descendants of those unfortunate people—some of them at least, I have not any doubt—are still held in a state of involuntary servitude.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. I yield to the Senator.

Mr. HALE. I will say to the Senator, as I am called away from the Senate, I have supposed that the condition in this respect in the Philippines is something like what he himself observed, and he was an eyewitness to conditions which show the situation.

I was surprised when the Senator from Idaho indicated that the conditions in the Philippine Islands were such as made it necessary for us to maintain these provisions prohibiting the fitting out of slavers and landing persons to be sold into slavery upon certain coasts of ours.

I do not think that to-day we can get at all the facts. In fact, events crowd so rapidly that it is impossible for Senators to remember all that has taken place here. My memory is infirm as to what action the Senate has taken upon the subject of slavery in the Philippine Islands. We may have in a way recognized these conditions and recognized the existence of slavery, bargained with it, traded with it, and recognized it by treaty, but if we have done so I have no recollection of it. The facts can be ascertained when the matter passes from the Senate to-day, as the Senator from Idaho has agreed that all these provisions may go over for the present. I ask the Senator from Missouri to excuse me for interrupting him, as I am called from the Senate.

Mr. STONE. In conclusion, I will say——

Mr. HEYBURN. If the Senator from Missouri will permit me, I will state that the entire chapter 10 relates to this subject, and if the sections under consideration go over, I think it would be better for the chapter to go over.

Mr. HALE. That will be better.

Mr. HEYBURN. And we will proceed to matters which are not controverted.

Mr. STONE. I will say simply in conclusion that I do not believe for a moment it is necessary to continue on the statute book the section under consideration in order to prevent the fitting out of slave vessels on Philippine shores or to prevent the landing of slave vessels on Philippine shores. I think either contingency an utter impossibility.

Mr. HALE. The Senator thinks the institution is local?

Mr. STONE. I think it is local.

Mr. HALE. And is not being extended.

Mr. BACON. Mr. President, I quite agree with what appears now to be the consensus of opinion, that it is necessary that a part of this chapter should be retained, in order that the laws of a general nature for the suppression of the African slave trade or to guard against its revival may be retained in force. I also quite agree with the proposition, which I think likewise meets with the general consensus of the Senate, that so far as these statutes relate to slavery in the United States they ought to be eliminated, because their retention is to a certain degree a recognition of the possibility of the revival of an institution which is now desired by no one.

I have looked through the chapter while the debate was going on, and I think possibly with the exception of four sections the act is of an entirely general nature, relates generally to the slave trade, and has no reference to slavery in the United States or any possession of the United States.

If I may have the attention of the Senator in charge of the bill (I am sorry to say that there is a Senator between me and him, and I can not see him), I am making this statement simply with a view of suggesting to the committee, if I may be pardoned for doing so, what may be properly eliminated, because I understand that probably before we shall have the subject again under consideration the members of the committee, at least those representing this branch of Congress, will be considering the question.

I do not agree with the suggestion that the retention of any part of this chapter is necessary in order to guard against the revival of slavery in any of our outlying possessions.

There is no question, I suppose, about the main facts being true, as stated here to-day, that immediately after the Spanish war and the acquisition of the Philippine Islands there was a treaty made by General Bates with the Sultan of Sulu under the terms of which slavery as well as polygamy was recognized and was not prohibited. I do not know in what way the change was made, but I have been told by a military officer who was active in the Philippine Islands, and I know there has been a change to a degree; that that part of the treaty is no longer recognized as binding; that the United States does not recognize slavery in those islands, and that there have been the most active, and in some measure I may say harsh, means adopted and put into execution for the suppression of slavery. So there is no such general condition of it there and no such recognition of it there as would make it possible that there could be any effort to either fit out slavers in the islands or to bring slave cargoes to the islands.

The Senator from Texas [Mr. CULBERSON] hands me the treaty, with which I was once familiar, and which, in fact, I think almost every Senator who was in the Senate at that time will very clearly recollect. It is the treaty made by General Bates with the Sultan of Sulu, in which there is said to be a very interesting set of signatures. This is the treaty in which, as referred to by the Senator from South Carolina [Mr. TILLMAN], a certain salary was paid not only to the Sultan of Sulu, but to numbers of his officials. But that is past, absolutely past, and it is not recognized now by the Government of the United States.

I repeat, I do not know in what way the obligatory features of the treaty were gotten rid of, but I know from an officer of high rank, who has been active in the operations in the Philippine Islands, that that has been absolutely annulled. The treaty has been denounced in that regard, and there has been an active suppression of slavery in the Sulu Islands by the military forces of the United States.

I know, furthermore, that some years ago, before the active operations by the Army of the United States, there was even among some of the Sulus themselves the abolition of slavery. There was a very celebrated dato in the town of Zamboanga, on the island of Mindanao, known very well to almost every one who has ever visited the Philippine Islands—Dato Mandy was his name—who abolished slavery in his particular jurisdiction; and I myself saw some of the practical workings of it.

So I do not think there are any conditions in the Philippine Islands to-day which would warrant the possible suggestion that the retention of any part of these statutes is necessary in order to prevent the revival of slavery in the Philippine Islands, to prevent any expedition being fitted out there for the purpose of engaging in the slave trade, or to prevent the landing of any cargo of slaves. I have no idea there would ever be any attempt of any kind of that nature.

I want to ask the attention of the committee to the fact that sections 244, 247, 250, and 268, if I am correct in the hasty reading which I have been able to give to it, are the only sections in this chapter which in any manner relate to the possibility of slavery in the United States or any possession of the United States. I think those sections should be eliminated. The remaining sections relate to the suppression of the slave trade generally. They are sections which would be found upon the statute book of Great Britain, as well as upon the statute book of the United States, and they relate not only to the attempt to carry on the slave trade by our own vessels, but by any foreign vessel. Any vessel engaged in it is denominated a pirate, a common enemy of mankind and of civilization, and any government is justified in dealing with it as they would with a pirate, regardless of the flag under which it sailed. So that I think those sections should be retained. But the four sections to which I refer relating solely to questions affecting the United States, or territory subject to the jurisdiction of the United States, should, in my opinion, be eliminated in order that the possible recognition of the fact of the existence of slavery might not be found in the statute books.

Mr. HEYBURN. If I may interrupt the Senator a moment——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I yield.

Mr. HEYBURN. The Senator, I believe, was a member of this body when the treaty came before it.

Mr. BACON. I was.

Mr. HEYBURN. That is, the treaty made between General Bates and the Sultan of Jolo?

Mr. BACON. No; it was never submitted to the Senate for ratification. It was sent to us as a matter of information, but never submitted as a treaty.

Mr. HEYBURN. If we take it only as a memorandum of conditions.

Mr. BACON. Yes.

Mr. HEYBURN. Article 10 of that agreement negotiated by General Bates reads:

Art. X. Any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value.

Mr. BACON. Oh, yes.

Mr. HEYBURN. "The market price"——

Mr. BACON. There is also—I have not read it in six years, but I recollect it—another provision that nothing in it should conflict with the thirteenth amendment.

Mr. HEYBURN. In connection with that I should like to have it appear that in the communication sent to this Government by General Bates respecting the making of this treaty he recites:

The market price of slaves in the archipelago is insignificant, ranging from 30 to 90 dollars Mexican—

That is Mexican money, I suppose—

and in some instances owners will be pleased to grant freedom to their slaves if they can escape the burden of supporting them.

I merely read that as a memorandum of the conditions I had in mind when I made the remarks in reply to the Senator from Maine.

Mr. BACON. Undoubtedly, Mr. President, nobody would suspect for a moment that General Bates, or any other officer of the United States, desired to continue slavery in those islands. They were dealing with conditions, and I have no doubt dealt with them as best they could under the circumstances; but the fact remains that even the provisions read by the Senator from Idaho recognize the fact of the existence of slavery, and recognize the right of the parties with whom we were dealing to continue slavery, because they provided the machinery by which slaves could themselves purchase their freedom, which could only, of course, be reconciled to the recognition of the fact of the legal obligation of slavery.

But those are merely matters of history—what might be called "back numbers" so far as one part of it is concerned, for the slavery which exists there to-day is of a sporadic nature. It is that which is in some degree secret, or in inaccessible parts of the islands, and can not in any manner contribute to the possibility of any organized effort through an expedition either to export or import slaves in those islands, and consequently can not, in my judgment, find a sufficient basis upon which to rest the contention that this provision in the law should be retained to guard against such a possibility. Therefore, I hope they may be eliminated.

I want to say one other word, Mr. President, in this connection—one thought which has not yet been suggested. It is this: I recognize fully the fact that the statutes, so far as they relate to the general subject of the slave trade, should remain on the books. I recognize the fact that if there is any imperfection in that part of the statutes which relate to the subject they should be made perfect, and therefore that the revision of them is proper. But, Mr. President, when it comes to dealing with matters which relate particularly to the question of the possibility of slavery in this country, there are but two courses which may be adopted. One is to leave the statutes as we find them now. That would be the less objectionable course, if they are to be left in any shape, because they would simply be passed over as possibly superfluous matter. But if those statutes which relate to the possibilities of slavery in the United States should be revised and reenacted by the Congress, it would be very pertinent in its suggestion that it was recognized that there might still be a possibility that the law, even as it stood, was not sufficient, but that it must be revised and reenacted in order to make the law efficacious for guarding against such a possibility. Therefore, as to these particular sections which relate to the United States, if there is to be any recognition whatever, I would prefer that they remain as they are rather than that by revising them we should appear to be giving countenance to the possibility that there could be any reasonable apprehension of the revival of slavery, or its existence in any manner, shape, or form in the United States.

I do not think it is necessary that we should decide between those two alternatives, because, at the risk of repetition, I will repeat there is no such condition either in the United States or in any territory in the world subject to the jurisdiction of the United States as makes it necessary that those sections should be retained in any shape in order to guard against the possibility of a revival of slavery. Therefore, I hope that, while the remainder of the statute may be revised and put in the best shape possible and retained, just as Great Britain keeps upon her statute books, and as every other civilized nation, I think—certainly every other maritime nation—keeps upon its statute books laws with reference to the suppression of slavery, but that there may be eliminated the four sections which are not necessary.

I want to say one other word, Mr. President, which I trust the committee will pardon me for suggesting. Even if the committee should differ from us who think that there is no such condition in any of the possessions of the United States as makes the possibility of the revival of slavery, the general provisions of the law which would still remain upon the statute book if these four sections were eliminated would be sufficient to deal with such condition if it should arise.

I presume, Mr. President, the matter is now to be passed over and that it will come up for further consideration. Therefore, I have now nothing more to say about it. I have only occupied the time of the Senate in view of the fact that the committee will probably be considering the amendments to this chapter before we again have it under consideration in the Senate.

Mr. SUTHERLAND. Mr. President, before we finally pass from this subject I want to say a word, and a word only. It has been suggested here that perhaps the committee should have reported in favor of repealing the various provisions of the law with reference to the traffic in slaves. Of course, the committee had that power; it was within the scope of its duties; but I think the Senate will agree that while the committee had the power to recommend the repeal of existing law, it was a power which should be exercised very sparingly and only for very good and very sufficient reasons. I find, in running over these various sections, that as late as 1874 it was deemed by Congress that they were not sufficient even at that late date to cover the various phases of the slave traffic. In 1874, on June 23, Congress found it necessary to supplement the then existing law with reference to slavery and enacted a law, the first section of which reads:

That whoever shall knowingly and willfully bring into the United States, or the Territories thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary service, and whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever, and every person who shall knowingly and willfully hold to involuntary service any person so sold and bought, shall be deemed guilty of a felony, and, on conviction thereof, be imprisoned for a term not exceeding five years and pay a fine not exceeding $5,000.

As I have said, that law was passed in 1874, and it was deemed that existing laws were not sufficient to cover the subject. We do not have to go very far to find the reason for that. The law which was in existence at that time had reference to the importation of slaves of color, while in 1874 it was broadened so as to include all persons whomsoever.

It is not to be supposed that Congress in 1874, long after this general condition that has been spoken of here had passed away, at that late date would pass a law of that kind unless it was deemed necessary to do so.

Senators from the Pacific coast will bear me out when I say that there are to-day many cases of slavery on the Pacific coast among Chinese. Chinese girls are imported and are bought and sold for money on that coast.

Mr. BACON. But not compelled to service.

Mr. SUTHERLAND. Not for what?

Mr. BACON. Not for slavery in its ordinary purposes.

Mr. SUTHERLAND. Not to labor.

Mr. BACON. No.

Mr. SUTHERLAND. The language of the act is "involuntary servitude."

Mr. BACON. But we have other statutes which would cover the case to which the Senator alludes.

Mr. SUTHERLAND. The statute, I have no doubt, was passed to cover that particular phase of the matter. I know of one particular case—because it came under my own personal observation in my own State—where a habeas corpus proceeding was brought against a Chinaman in one of the mining camps, against whom it was charged that he had imported two certain Chinese girls from China and that he had sold them to some other Chinamen in that mining camp. The case was brought——

Mr. BACON. The Senator will recognize the fact that we have other statutes which entirely cover that subject.

Mr. SUTHERLAND. I do not know of any statute which covers every phase of the subject.

Mr. BACON. The Senator speaks about what occurred in 1874. It will not do——

Mr. SUTHERLAND. I was calling attention to that statute for the purpose of showing that long after the war it was deemed necessary by Congress to supplement the then existing laws so as to extend the slavery laws to a class of persons that

were not comprehended within them at the time they were originally passed one hundred years ago.

Mr. BACON. The Senator draws a conclusion which I think is not warranted when he says that statute was passed in 1874 for the purpose of reaching the particular kind of case which he has just illustrated.

Mr. SUTHERLAND. I do not make that statement.

Mr. BACON. That is a mere supposition.

Mr. SUTHERLAND. Yes.

Mr. BACON. And I think the Senator will find if he will look through the legislation of Congress from 1868 to 1876 a good many statutes which did not find their basis in any necessity of the Government, but which found their inspiration from political motives, and on account, if you please, to put the most charitable construction upon it, of a very great misunderstanding of some parts of the country as to conditions in other parts of the country.

Mr. SUTHERLAND. Whether the Senator is right about that or I am right in my supposition—for, as the Senator says, it was only a supposition—Congress deemed it necessary at that time to pass that law. I am simply calling attention to that among other things. The case that I referred to—the Chinese case—happened only a very few years ago. So I speak of these matters because I think they illustrate that we ought to be very careful before we repeal any of the existing laws, and I do not think the Senate ought to undertake to do it upon a discussion of this character. If it is deemed——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. If the Senator will pardon me a moment, if it is desirable that these sections ought to be repealed, I think it ought to be done in the usual manner. Let a bill be introduced directed to that end, and let it be referred to the Judiciary Committee, with power to investigate, so that they may communicate with the judiciary department. Perhaps there may be very grave need for the existence of these laws, and it seems to me that we ought not to attempt to repeal the existing statutes in this manner without some further investigation.

Mr. BACON. If the Senator will pardon me a moment, I do not wish to be misunderstood, and of course the Senator does not wish that I should be. My proposition is this: That the general provisions of the law with reference to the slave trade will absolutely cover every possible case which may arise, even if it is connected with this country. They would just as surely affect and control any question of importation of slaves to the United States as they would the carrying of a slave to Cuba or anywhere else. In other words, it would leave the law in its general provisions to be applied to conditions here as well as to conditions elsewhere; but it would simply eliminate from the statute book, without in any manner emasculating the law, provisions which relate more particularly to this country than to any other country. In other words, I think it ought to be left so that the law against the slave trade would apply in its terms just as clearly to any attempt to introduce slaves into the United States as it would if an American man-of-war were to arrest a ship going to any country in South America, and that there is no more reason why the United States should be mentioned than that any country of South America should be mentioned.

The general provisions of these statutes, other than those which relate directly to the United States, cover every possible phase of the attempt to revive or to carry on the slave trade. They cover a case where a ship carrying an altogether different flag seeks to carry slaves to Africa or to South America or to China, and would just as effectually cover the case of a ship seeking to bring them into the United States. There is no more reason why the United States should be mentioned in the law with reference to the suppression of the slave trade than there is that our law should mention South America or any country of South America, because the general provisions of this law give just as much power to the United States Government to suppress an attempt to carry a slave to South America as they do to bring a slave into the United States. It is not necessary to mention South America. Why is it necessary to mention the United States? The law is general. It treats every vessel which engages in the slave trade as a pirate. It matters not under whose flag it sails or from what country it is fitted out, and it matters not to which country it is going, it has absolutely as perfect power to treat it as a pirate and to treat the crew as pirates. With that general and perfect power as to any ship under any flag leaving any port in the world and going to any port in the world, why, when all the other ports in the world are omitted, should there be any mention of ports in the United States, when the law will just as thoroughly cover a case where they are coming to the United States as if they were going to South America?

Mr. SUTHERLAND. Mr. President, I do not agree with the Senator from Georgia [Mr. BACON] that the four sections to which he refers are covered by any other provisions of law.

Mr. BACON. I think the Senator will on examination——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. In just a moment I will. The particular section to which the Senator referred deals with the subject of the slave trade within the United States. The other sections deal with the slave trade with foreign countries or the fitting out of ships and matters of that character.

Mr. BACON. I beg the Senator's pardon——

Mr. SUTHERLAND. If the Senator will permit me just to say one other word, I will complete all I have to say upon this subject.

I have called attention to some cases which existed upon the Pacific coast. I suggest to the Senator that the fact that the law may not be violated for a good many years, or the fact that it is very seldom violated, is no reason why it ought to be repealed.

Mr. LODGE. Mr. President, I was unfortunately out of the Senate when this debate began, but I understood from something I heard when I came in that there had been some question as to slavery in the Philippines; that our old friend the sultan of Jolo and his treaty with General Bates had been revived on this floor, and that the question had been asked as to the existence of slavery in those islands. That question was very fully debated, Mr. President, eight years ago, and that treaty became very familiar to Senators. I am therefore surprised that the facts in regard to it should have been so quickly forgotten.

It is well known to all Senators who have taken part in the Philippines debate that in the island of Jolo, in the Moro province of Mindanao, among the Mohammedan inhabitants of the Philippines there existed what was known as debt slavery. General Bates made the agreement with the sultan of Jolo when he first took possession of the island, which, I dare say has been quoted here to-day, and which in a way might have been said to have recognized the existence of slavery there by a provision that the slave might purchase his freedom. That there may be no possible misunderstanding from anything that has arisen in this debate, I should like to put the facts upon the record. President McKinley refused to approve the Bates treaty and shortly afterwards slavery was practically abolished by Executive military order. When we came to pass the organic act, as it is called, the act of July 1, 1902, which occupied the Senate for many weeks of debate and of which I had charge upon the floor, the following provision was incorporated:

> That neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

That act of Congress is organic law and abolished slavery by law, which had already been practically eradicated or abolished by military order. But that was not all. On the 24th of September, 1903, acting, I presume, under the organic act, the Philippine Commission passed an act, which I will ask to have printed in the RECORD with the remarks I am now making, by which a heavy punishment is imposed on everyone who buys, who sells, or otherwise disposes of any person as a slave, or who engages in the slave trade. I ask that the whole act be inserted in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The act referred to is as follows:

Act No. 8.

An act defining the crimes of slaveholding and slave hunting, and prescribing the punishment therefor.

By authority of the Philippine Commission, be it enacted by the legislative council of the Moro Province, that:

SECTION 1. Every person who buys, holds, sells, or otherwise disposes of any person as a slave, or who, directly or indirectly, causes any person to be held in involuntary servitude, except as provided by law, is guilty of slaveholding, and upon conviction shall be imprisoned not more than twenty years and be fined not more than ₱10,000 Philippine currency.

SEC. 2. Every person who buys, captures, abducts, or receives any person with intent to sell or otherwise dispose of such person as a slave, or to cause such person to enter into involuntary servitude, or who knowingly aids or abets the recapture or detention of any person escaped from slavery for the purpose of returning such person to a condition of slavery or involuntary servitude, or who knowingly owns or is employed upon or has any interest in any vessel used or employed in the transportation of any person for the purpose of causing such person to enter into slavery or involuntary servitude in the Moro Province or elsewhere, is guilty of slave hunting, and upon conviction

shall be imprisoned for not more than twenty years and be fined not more than ₱10,000 Philippine currency.

SEC. 3. Any vessel employed with the knowledge and consent of the owner in the transportation of any person from or into the Moro Province, or within the limits of the same, for the purpose of disposing of such person as a slave or of causing such person to enter into involuntary servitude in the Moro Province or elsewhere, and any property, shelter, subsistence, arms, animals, or equipments employed, with the knowledge and consent of the owner, in the trafficking in, hunting, capturing, or recapturing of slaves, shall be subject to confiscation, and upon due proof and after due sentence before the proper court shall be sold at public auction. The proceeds of such sale shall constitute a part of the funds of the Moro Province.

SEC. 4. Nothing in this act shall be construed as countenancing or recognizing the legality of slavery or involuntary servitude as heretofore existing in the Moro Province, or as exempting or excusing any person who may have heretofore committed any of the acts defined and punished in this act as slaveholding or slave hunting from prosecution and punishment under the laws of the Philippine Islands.

SEC. 5. Subject to annulment or amendment by the Philippine Commission, this act shall take effect on its passage.

Enacted September 24, 1903.

Mr. LODGE. Nothing could be more complete, Mr. President, than the abolition of the form of debt slavery which we found in those islands when they came into our possession. That is the record. It is a very simple and, I think, a very conclusive one.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. BACON. I thought the Senator was through, but, as I see he is not, I will interrupt him simply to say that, if the Senator had been in the Chamber all the time during the debate, I think he would have found that while we did not go into details, substantially it had been stated, as he has now narrated it in detail, that while the original Bates treaty did recognize slavery, it had been in one way or another abolished by the Government and was no longer recognized and no longer in force.

Mr. LODGE. Mr. President, it is not a question of slavery being in one way or another abolished by the Government. President McKinley refused to approve the treaty. He then issued a military order against slavery, and that was followed by legislation here and in the Philippine Islands. Nothing could be more complete. It is an old story; but as the question has been raised, I think it just as well to make it explicit.

Mr. President, I have been listening to what has just been said, and I think this act of the Philippine Commission illustrates very well the importance of retaining the sections to which the Senator from Utah [Mr. SUTHERLAND] has been referring. This organic act, which may be taken as the constitution of the Philippine Islands, provides that neither slavery nor involuntary servitude shall exist; but that act is not self-executing any more than our Constitution is self-executing. So the Philippine Commission passed a statute in order to punish and to put an end to any attempt at slaveholding. I rather think it has all ended in those islands. I am certain that the slave trade is ended, and since we took possession of Mindanao and Jolo, I think it has been also extirpated in those islands. If it is carried on at all, it is only in concealment and furtively, without the knowledge of the Government.

The fact, Mr. President, that slavery has long ceased to exist in this country does not seem to me to justify the abolition of statutes such as I understand those to be about which the Senator from Utah has been speaking. There are people who may be guilty of the crimes which those statutes are designed to punish. The Senator referred to a case on the Pacific coast where the Chinese were involved some years ago. I was on a committee of the Senate which investigated the question of the importation of Italian boys into this country. I have been reminded of it by the Senator from Pennsylvania [Mr. KNOX]. I happened to be one of those who made investigation into what was known as the padrone system. The padrones were men in New York who brought boys out from Italy and let them out for various purposes—shoeblacks, and one thing and another of that sort—and the boys were held in a condition of practical slavery. We have tried to meet some of these difficulties by our immigration laws, but the fact that slavery has been abolished, the fact that it is a crime, does not seem to me to make it desirable, therefore, to do away with all the statutes which were designed to punish the crime and which make it a crime.

The declaration of the thirteenth amendment to the Constitution is not of itself sufficient; and in the same way in which the Philippine Commission has passed the statute providing for the punishment of the crime of slavery, which is abolished by the general provision of the organic act, so I think that statutes of similar nature on the statute books of the United States should remain in order to prevent crimes of that character, whether they occur among the Chinese immigrants or whether among the padrones who exist in New York and in some of our other large cities.

I was merely going to add, Mr. President—and I am again indebted to the Senator from Pennsylvania for the suggestion—that article 13 of the amendments to the Constitution provides:

SECTION I.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

That language is repeated in the organic Philippine act.

SECTION II.

Congress shall have power to enforce this article by appropriate legislation.

That clause contemplated legislation, the object being, of course, to have methods of punishing an infraction of the Constitution. The Constitution itself contains no method of carrying out its own provisions. I do not suppose a man could be indicted under a clause of the Constitution, nor his punishment defined, and it is necessary, therefore, that these provisions should remain in the statute.

Mr. BACON. Mr. President, if the Senator will pardon me a moment right on this subject, as I have before me the order issued by the authority of the President of the United States, Mr. McKinley, through the Secretary of War, to which the Senator from Massachusetts refers, I will read it, in order that it may come in in this connection, so that the extent to which it was repudiated may be distinctly known. I have no object in the world except that the truth of history may be known.

It is true, as stated by the Senator from Massachusetts, that the President, Mr. McKinley, whom I would in nowise do injustice, a man to whom I was personally very sincerely attached and whose memory I revere, did not approve that part of the treaty. He did not disapprove the treaty in toto, but accepted it with a proviso, and while refusing to be held responsible for the existence of slavery, nevertheless recognized the fact that it was there. I will read the order. It is quite short. It is addressed to Maj. Gen. E. S. Otis, commanding United States forces in the Philippines. It says:

SIR: The President instructs me to advise you that the agreement signed August 20, 1899—

Which immediately precedes the order—

between Brig. Gen. John C. Bates, representing the United States, of the one part, the Sultan of Jolo, the Dato Rajah Muda, the Dato Attik, the Dato Calbi, and the Dato Joakanain, of the other part, is confirmed and approved, subject to the action of Congress provided for in that clause of the treaty of peace between the United States and Spain which provides "The civil rights and the political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by Congress," and with the understanding and reservation, which should be distinctly communicated to the Sultan of Jolo, that this agreement is not to be deemed in any way to authorize or give the consent of the United States to the existence of slavery in the Sulu Archipelago, a thing which is made impossible by the thirteenth amendment to the Constitution of the United States. At the time when you communicate to the Sultan the above-mentioned understanding, the President desires that you should make inquiry as to the number of persons held in slavery in the archipelago, and what arrangement it may be practicable to make for their emancipation. It is assumed that the market price referred to in the agreement of August 20, 1899, is not very high at present, and it may be that a comparatively moderate sum, which Congress might be willing to appropriate for that purpose, would suffice to secure freedom for the whole number.

It is needless to suggest that the inquiry should be prosecuted in such a way as not to create the impression that we now have authority to make such an arrangement, and in such a manner as not to create extravagant expectations.

Very truly, yours,

ELIHU ROOT,
Secretary of War.

Mr. LODGE. Mr. President——

Mr. BACON. The Senator will pardon me for just a moment. It is unfortunate the Senator from Massachusetts did not hear the entire debate. I myself took occasion to say—I was not the one who started that part of the discussion by any means; rather I was the last one who had anything to say on the subject—that no one would suppose for a moment that any officer of the Government of the United States desired that there should be slavery there or had desired that there should be, and that they had dealt with conditions which were difficult, and that they had done the best they could.

Mr. LODGE. Mr. President, I said, not as exactly as I should, that the President disapproved the agreement made by General Bates. I meant, of course, the clauses relating to slavery. I never heard the rest of the agreement called in question at all. He did disapprove of the clauses relating to slavery, as the Senator has just read the order, and stated that of course that could not be recognized under the Constitution of the United States. It was put an end to then, and, so far as the slave part of the agreement is concerned, it was disapproved from the beginning.

Mr. HEYBURN. Pursuant to an understanding had with

some Senators who have been obliged to leave the Chamber, I ask that all of chapter 10 be temporarily passed over and that we proceed with the consideration of chapter 11.

Mr. CARTER. I rise to ask if it will inconvenience the Senator if the Senate should proceed at this time to the consideration of executive business.

Mr. HEYBURN. I will say to the Senator that if we could continue until half past 4 we would make some headway and probably pass some obstacles that would clear the way.

Mr. BACON. It is now a quarter past 4. There is some executive business, I understand, and all of us have work to do after that is over. So I hope the Senator from Idaho will not insist upon going on further this afternoon.

Mr HEYBURN. I will not insist to the inconvenience of the Senate, of course.

I desire to say at this time that after to-morrow I will necessarily be absent for probably not to exceed two days, and that during that time I shall feel compelled to ask the Senate to carry over the unfinished business in its place. I presume that can be done without difficulty under the rules. I was anxious to reach a certain point. But I will not, at the inconvenience of the Senate, ask that we proceed further. I therefore ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 28, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1908.

PROMOTION IN THE ARMY.

Cavalry Arm.

Second Lieut. Peter J. Hennessey, Fifth Cavalry, to be first lieutenant from January 21, 1908, vice Pickel, Fifteenth Cavalry, retired from active service.

PROMOTIONS IN THE NAVY.

Capt. William Swift to be a rear-admiral in the Navy from the 3d day of January, 1908, vice Rear-Admiral Albert Ross, retired.

Capt. Leavitt C. Logan to be a rear-admiral in the Navy from the 28th day of January, 1908, vice Rear-Admiral Robert M. Berry, who will be transferred to the retired list from that date.

Surg. Ralph T. Orvis, who was promoted to surgeon to fill a vacancy occurring March 1, 1905, to take rank as a surgeon from March 3, 1904, to correct the date from which he takes rank, in accordance with an opinion of the Attorney-General dated April 24, 1906.

P. A. Paymaster Arthur M. Pippin to be a paymaster in the Navy from the 22d day of October, 1907, vice Paymaster Perry G. Kennard, retired.

POSTMASTERS.

CALIFORNIA.

James E. Olmsted to be postmaster at Petaluma, Sonoma County, Cal., in place of James E. Olmsted. Incumbent's commission expires February 1, 1908.

COLORADO.

Robert E. Hanna to be postmaster at New Windsor, Weld County, Colo., in place of Robert E. Hanna. Incumbent's commission expires February 15, 1908.

GEORGIA.

Charles B. Beacham to be postmaster at Lumber City, Telfair County, Ga. Office became Presidential October 1, 1906.

William J. Evans to be postmaster at Stillmore, Emanuel County, Ga. Office became Presidential April 1, 1907.

ILLINOIS.

Charles A. Duntley to be postmaster at Bushnell, McDonough County, Ill., in place of Anna A. Buntin. Incumbent's commission expired January 25, 1908.

Leander F. Gowdy to be postmaster at Enfield, White County, Ill. Office became Presidential January 1, 1908.

Horace H. Peaslee to be postmaster at Naperville, Dupage County, Ill., in place of Horace H. Peaslee. Incumbent's commission expired December 17, 1907.

INDIANA.

Richard C. McCain to be postmaster at Kentland, Newton County, Ind., in place of Harry A. Strohm, resigned.

IOWA.

Alonzo Bryson to be postmaster at Davenport, Scott County, Iowa, in place of Alonzo Bryson. Incumbent's commission expired November 17, 1907.

MAINE.

George L. Thompson to be postmaster at Brunswick, Cumberland County, Me., in place of George L. Thompson. Incumbent's commission expires February 12, 1908.

MASSACHUSETTS.

Edward G. Spooner to be postmaster at Fairhaven, Bristol County, Mass., in place of Edward G. Spooner. Incumbent's commission expired January 5, 1908.

Frank M. Tripp to be postmaster at Marion, Plymouth County, Mass., in place of Frank M. Tripp. Incumbent's commission expired November 17, 1907.

Edwin F. Wyer to be postmaster at Woburn, Middlesex County, Mass., in place of Edwin F. Wyer. Incumbent's commission expired January 22, 1907.

MINNESOTA.

Emil Nelson to be postmaster at Albert Lea, Freeborn County, Minn., in place of Emil Nelson. Incumbent's commission expired January 18, 1908.

Charles W. Paige to be postmaster at Dawson, Lac qui Parle County, Minn., in place of Charles W. Paige. Incumbent's commission expired December 17, 1907.

William B. Strom to be postmaster at Hector, Renville County, Minn., in place of William B. Strom. Incumbent's commission expired January 11, 1908.

NEBRASKA.

Joshua H. Evans to be postmaster at Callaway, Custer County, Nebr., in place of Joshua H. Evans. Incumbent's commission expires January 29, 1908.

NEW MEXICO.

May Crawford to be postmaster at Mesilla Park, Dona Ana County, N. Mex. Office became Presidential April 1, 1906.

Charles O. Leach to be postmaster at Portales, Roosevelt County, N. Mex., in place of Charles O. Leach. Incumbent's commission expired January 25, 1908.

Thomas B. Platt to be postmaster at Hagerman, Chaves County, N. Mex. Office became Presidential January 1, 1908.

NEW YORK.

E. A. Drew to be postmaster at Tupper Lake, Franklin County, N. Y., in place of Clarence L. King. Incumbent's commission expires February 23, 1908.

John Hopkins to be postmaster at Hyde Park, Dutchess County, N. Y., in place of John Hopkins. Incumbent's commission expired January 18, 1908.

Daniel D. Moyer to be postmaster at Hammond, St. Lawrence County, N. Y. Office became Presidential October 1, 1907.

NORTH DAKOTA.

William G. Mitchell to be postmaster at Minto, Walsh County, N. Dak., in place of William G. Mitchell. Incumbent's commission expired November 19, 1907.

OHIO.

John F. Orr to be postmaster at Xenia, Greene County, Ohio, in place of John F. Orr. Incumbent's commission expired November 19, 1907.

OKLAHOMA.

John R. Thomas to be postmaster at Beaver, Beaver County, Okla. Office became Presidential January 1, 1908.

OREGON.

Albert R. Martin to be postmaster at Junction City, Lane County, Oreg., in place of Albert R. Martin. Incumbent's commission expired January 11, 1908.

PENNSYLVANIA.

James M. Dreher to be postmaster at Weatherly, Carbon County, Pa., in place of Thomas F. Dunn, jr. Incumbent's commission expired January 26, 1907.

Samuel S. Graffin to be postmaster at Catasauqua, Lehigh County, Pa., in place of Charles Graffin. Incumbent's commission expired January 22, 1908.

J. H. Rowe to be postmaster at Millersburg, Dauphin County, Pa., in place of Robert E. Woodside. Incumbent's commission expired March 2, 1907.

TEXAS.

David Doole, jr., to be postmaster at Brady, McCulloch County, Tex., in place of David Doole, jr. Incumbent's commission expires January 27, 1908.

Clarence R. Redden to be postmaster at De Leon, Comanche County, Tex., in place of Alice S. Farmer, resigned.

George H. Sparenberg to be postmaster at Big Spring, Howard County, Tex., in place of George G. Sparenberg. Incumbent's commission expires January 27, 1908.

WEST VIRGINIA.

John F. Lewis to be postmaster at Point Pleasant, Mason County, W. Va., in place of John F. Lewis. Incumbent's commission expired January 11, 1908.

WISCONSIN.

Samuel L. Mason to be postmaster at Blanchardville, Lafayette County, Wis. Office became Presidential January 1, 1908.

A. J. W. Nixon to be postmaster at Delafield, Waukesha County, Wis. Office became Presidential July 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 27, 1908.

CONSULS.

David R. Birch, of Pennsylvania, to be consul of the United States of class 6 at Genoa, Italy.

Drew Linard, of Pennsylvania, to be consul of the United States of class 9 at Ceiba, Honduras.

Edward I. Nathan, of Pennsylvania, to be consul of the United States of class 9 at Patras, Greece.

COLLECTOR OF CUSTOMS.

John Bourne, of New York, to be collector of customs for the district of Dunkirk, in the State of New York.

SURVEYOR OF CUSTOMS.

Charles J. Robb, of Indiana, to be surveyor of customs for the port of Michigan City, in the State of Indiana.

APPOINTMENTS IN THE ARMY.

Cavalry Arm.

First Lieut. Edward W. Robinson, Twenty-eighth Infantry, from the Infantry Arm to the Cavalry Arm, with rank from February 2, 1901.

Infantry Arm.

First Lieut. George Steunenberg, Thirteenth Cavalry, from the Cavalry Arm to the Infantry Arm, with rank from February 2, 1901.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Second Lieut. Harry S. Adams, Twenty-third Infantry, to be first lieutenant from November 8, 1907.

Capt. Cephas C. Bateman, chaplain, Coast Artillery Corps, to be chaplain with the rank of major from January 17, 1908.

Col. John C. Muhlenberg, Assistant Paymaster-General, to be placed on the retired list of the Army with the rank of brigadier-general from the date on which he shall be retired from active service.

POSTMASTERS.

FLORIDA.

Henry A. Hughes to be postmaster at Paxton, in the county of Walton and State of Florida.

INDIANA.

Edward C. Faith to be postmaster at Washington, Daviess County, Ind.

Charles C. Fester to be postmaster at Clay City, Clay County, Ind.

Albert G. Lundquist to be postmaster at Indiana Harbor, Lake County, Ind.

James Pickering to be postmaster at Oxford, Benton County, Ind.

Frank M. Pickerl to be postmaster at Argos, Marshall County, Ind.

Charles Smith to be postmaster at Westfield, Hamilton County, Ind.

Thompson Turner to be postmaster at Walkerton, St. Joseph County, Ind.

NEW YORK.

Asher B. Allen to be postmaster at Brushton, Franklin County, N. Y.

Allerton C. Farr to be postmaster at De Kalb Junction, St. Lawrence County, N. Y.

Thomas Geer to be postmaster at Marion, Wayne County, N. Y.

Charles C. Johnson to be postmaster at Antwerp, Jefferson County, N. Y.

Charles McCarty to be postmaster at Gouverneur, St. Lawrence County, N. Y.

W. H. Prangen to be postmaster at Hornell (late Hornellsville), Steuben County, N. Y.

Theodore C. Wethey to be postmaster at Savannah, Wayne County, N. Y.

NORTH CAROLINA.

Robert D. Douglas to be postmaster at Greensboro, in the county of Guilford and State of North Carolina.

OHIO.

Elva Andrew Jackson to be postmaster at Troy, Miami County, Ohio.

PENNSYLVANIA.

Edelbert U. Eaton to be postmaster at Ulysses, Potter County, Pa.

George W. Mullen to be postmaster at Dillsburg, York County, Pa.

G. William Riegel to be postmaster at Bethlehem, Northampton County, Pa.

SOUTH CAROLINA.

J. E. Stuckey to be postmaster at Bishopville, Lee County, S. C.

SOUTH DAKOTA.

William H. Ochsner to be postmaster at Chamberlain, in the county of Brule and State of South Dakota.

Alonzo E. Roop to be postmaster at Salem, McCook County, S. Dak.

WISCONSIN.

Horace J. Blanchard to be postmaster at Colby, Marathon County, Wis.

Etta F. Cowan to be postmaster at Almond, Portage County, Wis.

John R. Davies to be postmaster at Cambria, Columbia County, Wis.

George W. Dodge to be postmaster at Menasha, Winnebago County, Wis.

George G. Gaskill to be postmaster at Argyle, Lafayette County, Wis.

John F. Gillmore to be postmaster at Durand, Pepin County, Wis.

J. E. Huff to be postmaster at Florence, Florence County, Wis.

Henry Kreutzer to be Postmaster at Athens, Marathon County, Wis.

John A. Kropp to be postmaster at Hilbert, Calumet County, Wis.

Adelbert E. Lapham to be postmaster at Nekoosa, Wood County, Wis.

Mary A. McAskill to be postmaster at Glidden, Ashland County, Wis.

Duncan McLennan to be postmaster at Rib Lake, Taylor County, Wis.

John C. Mitchell to be postmaster at Kaukauna, Outagamie County, Wis.

Joseph E. Parmelee to be postmaster at West Salem, La Crosse County, Wis.

Frank H. Smith to be postmaster at Pardeeville, Columbia County, Wis.

Frank Tucker to be postmaster at Princeton, Green Lake County, Wis.

Albert C. Wagner to be postmaster at Edgar, Marathon County, Wis.

Buck Williams to be postmaster at Iola, Waupaca County, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 27, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, January 24, 1908, was read and approved.

BRIDGE ACROSS BAYOU BARTHOLOMEW.

Mr. WALLACE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14040) to authorize the county of Ashley, State of Arkansas, and her citizens, to wit, S. R. Bulloch, Z. T. Hedges, and others, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties.

The SPEAKER. The gentleman from Arkansas [Mr. WALLACE] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the said county of Ashley, and her citizens aforesaid, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across Bayou Bartholomew, a navigable river, at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following amendments:

Page 1, line 3, strike out the word "said" and strike out the words "and her citizens aforesaid," in the same line.

In line 4, page 1, strike out the words "they are" and insert in lieu thereof the words "it is."

Amend the title of the bill as follows:

In lines 1 and 2 strike out the words "and her citizens, to wit: S. R. Bulloch, Z. T. Hedges, and others."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WALLACE, the motion to reconsider the vote by which the bill was passed was laid on the table.

INDIAN APPROPRIATION.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 15219) entitled "An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909," which was read a first and second time and referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. WILEY. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 104, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," approved March 9, 1906, be, and the same is hereby, continued in full force and effect for two years from this date.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say to the gentleman that when this act was passed two years ago I called the attention of the House to the fact that I feared it would affect the care of the Confederate mound at Oakwood Cemetery, Chicago. Since that time there is talk of absolutely ruining that place under the mandatory provision of the original act, and for that reason I want it taken care of when this joint resolution passes. Therefore, for the present, I shall object, simply in order to take care of that proposition.

Mr. WILEY. Mr. Speaker, then I ask to have the joint resolution recommitted.

The SPEAKER. The gentleman asks unanimous consent that the joint resolution be recommitted to the Committee on Military Affairs. Is there objection?

There was no objection.

PARLIAMENTARY STATUS OF CERTAIN BILLS.

Mr. SMITH of Michigan. Mr. Speaker, I make the point of order that the bill H. R. 11776 and the bill S. 2872 should be on the House Calendar.

The SPEAKER. The gentleman from Michigan [Mr. SMITH] makes the point of order that the bills referred to are improperly on the Union Calendar, and should be referred to the House Calendar. The Clerk will read the titles.

The Clerk read as follows:

A bill (H. R. 11776) for the opening of Jefferson and Fifth streets NW., District of Columbia.

A bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901.

Mr. MANN. Mr. Speaker, what is the proposition?

The SPEAKER. The gentleman from Michigan states that the two bills, the titles of which have been read, are improperly on the Union Calendar, and should be placed on the House Calendar.

Mr. SMITH of Michigan. Neither of these bills appropriate any Government money or Government land.

Mr. MANN. Ah, Mr. Speaker, but they involve a charge upon the Treasury, when you put a man on the retired list.

Mr. SMITH of Michigan. This money is from the pensions of the men in the police department and in the fire department.

Mr. MANN. Well, here is a proposition to put a man on retired pay—not a pension at all.

Mr. SMITH of Michigan. Yes; but the General Government does not pay the expense.

Mr. MANN. Well, the General Government has to pay one-half of the expense and the District of Columbia the other half; and this is a proposition to create a new retired-pay list in the fire department. If that does not involve a charge on the Government, I do not know what would.

Mr. SMITH of Michigan. That is too remote—simply because the General Government pays half the expense. This money is raised from funds of the fire department and police department. The same question was up last year.

Mr. MANN. Mr. Speaker, on page 2 the amendment proposed by the bill provides that the present chief engineer shall receive as retired pay a sum equal to one-half of the salary allowed by law at the date of retirement. That is not a pension; it is a retired-pay proposition; not as an amendment to the pension bill.

Mr. SMITH of Michigan. And that is paid from the pensions of these men.

Mr. MANN. There is nothing in here showing that it is paid from the pensions of these men. It is a positive provision that a man shall receive retired pay.

Mr. LIVINGSTON. That is following the Army and Navy, and it will go all through the Departments if you do not check it.

The SPEAKER. Has the gentleman the act of Congress that is proposed to be amended? This is a question of fact to be determined. The Chair will ask the gentleman from Michigan, and also the gentleman from Illinois, under the law as it now is, Is the Federal Treasury bound in any way or chargeable in any way for the relief of the policemen referred to?

Mr. SMITH of Michigan. I do not so understand. If I did I would not have made the point of order. Under those circumstances it would unquestionably go to the Union Calendar.

The SPEAKER. The Clerk will read section 4 of the act which is amended.

The Clerk read as follows:

SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and all other officers of said department of and above the rank of captain, the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding $100 per month; and in case of the death from injury or disease of any member of the police or fire department, if he be unmarried and leave a dependent mother, who is a widow, the same shall be for her relief during the period of widowhood, or if he leave a widow, or children under 16 years of age, the same shall be for their relief during the period of widowhood, or until such children reach the age of 16 years: *Provided*, That in no case shall the amount paid to such dependent mother or widow exceed $50 per month, nor shall the amount paid for a child exceed $25 per month.

The SPEAKER. The Chair will ask the gentleman from Michigan, Where does the money that is required for these funds come from?

Mr. SMITH of Michigan. From dog fees, etc.

Mr. TAYLOR of Ohio. From police court fines, fees for dog licenses, and an assessment of a dollar a month against each member of the department—half of the money out of the Treasury of the United States and the other out of the District treasury.

The SPEAKER. The Chair understands from the statement of the gentleman from Ohio the act that this bill seeks to amend is an act that amends another provision of the law which deals with the pension fund of the firemen.

Mr. TAYLOR of Ohio. Firemen and policemen.

The SPEAKER. Now, this original law the Chair has not before him; but the gentleman from Ohio states that the fund is supplemented by an assessment of a dollar a month from the pay of the firemen. How are the firemen paid—out of the Federal Treasury and the District funds?

Mr. TAYLOR of Ohio. They are paid out of the District appropriation bill.

The SPEAKER. Is this dollar a month ever paid to the firemen?

Mr. TAYLOR of Ohio. It is paid in by the Commissioners.

The SPEAKER. Retained by the Government from the salary of the firemen, in the Treasury, and never paid?

Mr. TAYLOR of Ohio. It is retained, and paid into this fund.

The SPEAKER. Then it is money which would seem to be controlled like that under all legislation in behalf of the District, one-half from its revenues and one-half from the Federal Treasury; never, in point of fact, paid to the firemen, but retained by the Government from the money of the United States and the money of the District?

Mr. MADDEN. Then, Mr. Speaker, in addition to the amount of money retained out of the salaries of the firemen, the police

court fines and moneys raised from sources of that kind are added to this fund from which this pension is to be paid, and the amount of money, even though it was never put in the Treasury of the United States, that is deducted from the salaries of the firemen would not be sufficient to pay the pensions that are required to be paid, and consequently there can be no doubt but that money out of the Treasury of the United States is required to be taken for the payment of these pension allowances.

The SPEAKER. The Chair would suggest to the gentleman from Michigan that there are several laws involved in disposing of the point of order. It seems to the Chair, at least so far as these particular bills are concerned, that it makes but little difference on which Calendar they are placed.

Mr. SMITH of Michigan. No; we care more about having the precedent established than anything else.

The SPEAKER. The Chair will suggest to the gentleman that possibly he had better withdraw his point.

Mr. SMITH of Michigan. I will withdraw it as to Senate bill 2872, but what about H. R. 11776?

The SPEAKER. The bill that the gentleman refers to, H. R. 11776, as it was introduced and referred to the Committee on the District of Columbia, did provide:

SEC. 3. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any moneys in the Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia and the United States in equal parts.

Now, the Committee on the District of Columbia reports this bill back with an amendment striking out the clause that charges the Federal Treasury with the payment of the damages or the expenses. The Chair submits to the gentleman that the bill that the committee recommends for amendment does make a charge upon the Treasury.

Mr. SMITH of Michigan. Yes.

The SPEAKER. So the Chair takes it that the bill is properly on the Union Calendar. If the bill introduced did not make a charge upon the Treasury, the Chair would sustain the point of order; but whether the House may adopt the amendment recommended by the committee the Chair, of course, can not tell.

Mr. SMITH of Michigan. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business, with Mr. STERLING in the chair.

TEMPORARY TRACKS TO UNION STATION.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 10446) to provide for temporary street railway connection with the Union Railroad Station in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Washington Railway and Electric Company and the Capital Traction Company, of the District of Columbia, be, and they are hereby, authorized and required, jointly, to construct, maintain, and operate, by overhead trolley, temporary railway tracks for passenger service from the Union Station to the intersection of North Capitol and C streets north, said tracks to be constructed within sixty days from the date of the approval of this act and in accordance with plans approved by the Commissioners of the District of Columbia; said tracks to be maintained and operated by said companies to the satisfaction of said Commissioners and to be removed by said companies, after the construction of permanent street-railway tracks to said station, within thirty days after notice from said Commissioners so to do.

SEC. 2. That neither the Washington Railway and Electric Company nor the Capital Traction Company shall charge any extra fare for any passenger carried over the line herein provided for, but shall transfer from their existing lines of street railway to the temporary connection herein provided for without extra charge, any rule of either of said railway companies against issuing a transfer upon a transfer to the contrary notwithstanding.

With the following committee amendment:

Page 1, line 5, strike out the word "required" and insert in lieu thereof the word "directed."

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. Amendments are not in order as yet.

Mr. SMITH of Michigan. As the gentleman from Tennessee [Mr. SIMS] made the report in this case, I yield to him.

Mr. SIMS. Mr. Chairman, I suppose the bill must be read for amendment. There are only two sections to it.

The CHAIRMAN. General debate is in order on the bill.

Mr. MANN. It seems to me that some gentleman ought to explain the bill under general debate.

Mr. SIMS. I will proceed to do that. If the members of the committee will give me their attention briefly, I think I can explain this bill so that it can be thoroughly understood.

Mr. SHACKLEFORD. If the gentleman will yield, I have an amendment which I would like to have read and considered as pending.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] asks unanimous consent to submit an amendment to be read for information.

Mr. SIMS. And he desires to have it considered as pending.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment.

The Clerk read as follows:

That all companies or corporations which now are or shall hereafter be engaged in the operation of street cars within the District of Columbia shall have equal rights and privileges in relation to the passage of street cars over the tracks herein authorized and directed to be constructed upon payment of reasonable compensation for such use. In case of any disagreement between companies or corporations concerning the terms of such use or the sums to be paid therefor all matters at issue shall be determined by the supreme court of the District of Columbia. In determining what is a reasonable compensation for the use of such tracks no account shall be taken of the value of the franchise of any company or corporation involved in the determination; but such compensation shall be based solely upon the actual value of the physical property used and the reasonable cost of its maintenance.

Mr. SIMS. Mr. Chairman, I will explain the object of this bill as I understand it. It is well known to Members of the House who have been here in prior Congresses that a number of years ago we passed a bill, a comprehensive bill, abolishing grade crossings in the District of Columbia and authorizing the building of the new Union Station at an immense cost. The station is now approaching completion. The street car trackage in the District of Columbia, as heretofore built and constructed, has been with reference to two separate stations, known as the Sixth street station on the Mall and the other as the old Baltimore and Ohio station.

In October, 1907, the Baltimore and Ohio Company moved into the Union Station, and the November following the Pennsylvania Railroad Company abandoned the station on Sixth street and moved in.

The condition is that there are no street car facilities, or rather insufficient car facilities, for reaching the new station. People getting off trains on wet days, snowy days, stormy days, have to walk more than two blocks to the existing street car lines on C street, where there are no waiting sheds or other means of comfort, unless they employ hacks. It has come to my knowledge by information through Members of the House that very extortionate charges are being demanded of passengers who get off and do not know the regulations as to charges for hacks.

A bill for rearranging the street car system of Washington, or the District of Columbia, so as to bring them all within reach of the Union Station, has passed the Senate and is now pending before the District Committee of the House of Representatives. That bill is very important, and it ought to be well considered; there ought to be amendments to it, as I think, but on account of the great inconvenience suffered by the public there is a great pressure by the press of the District of Columbia and by the people who suffer this inconvenience to get the bill through as early as possible, to the end that the Union Station may be reached. That bill provides that the trackage in the permanent construction shall be completed within one year, or about that—I may not be exactly correct as to the date. But the same bill provides for a temporary overhead trolley down North Capitol street from C street, to be used while the permanent construction is being installed.

The Commissioners of the District of Columbia have recommended that if this permanent bill is delayed in any way that that section for temporary tracks be taken out of the bill and passed as a separate bill. That is the bill which I introduced, except, as provided in section 2, that transfers shall be issued upon that temporary structure, without reference to any existing regulation as to having no transfer upon a transfer.

If this permanent bill was up for consideration to-day and was passed to-day, the first work to be done under it would be this temporary structure of an overhead trolley for immediate use, which the bill provides shall be done in sixty days. Every hour that is gained in authorizing the temporary structure will be an hour gained in the convenience for the people in getting to the station, and, as it does not in any way conflict with the trackage in the permanent bill and will be so arranged under direction of the Commissioners as not to delay construction under the permanent bill, and, as the permanent bill is not reported and ready for the House—perhaps it may be re-

ported by the next District day—if this bill is passed the two companies will be required under the bill to arrange a temporary structure and can go immediately to work on it, which will not conflict with the permanent trackage when that becomes a law.

Mr. WILLIAMS. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. WILLIAMS. I would like to ask the gentleman his judgment upon this question. If we do not get provision for universal transfers now while this matter is pending and while its urgency exists, will we ever get it at all?

Mr. SIMS. I am urging with all my might universal and free transfers, at least on cash fares. But this temporary arrangement can not possibly serve, it can not possibly meet the requirements of the two great companies. When the general bill is up for consideration it will be more in order to offer a free-transfer amendment on that bill than it is on the present one. If this bill, which is only temporary and only provides that the two companies shall go a little distance down and back—if a point of order will not lie to such an amendment on this bill, it can not to the more general bill for permanent tracks. We have had hearings on that bill, and may have more, and we thought it best to let this measure come in and be enacted so we will have plenty of time to study and investigate and act upon amendments to the permanent bill when it comes to the House from the committee.

In other words, if amendments can be made to this, they can be made to the other.

Mr. HULL of Iowa. Mr. Chairman, I would like to ask the gentleman a question. This bill makes no limitation of time on the temporary track as to how long it can be used?

Mr. SIMS. No; it must be discontinued thirty days after permanent construction is completed.

Mr. HULL of Iowa. Yes; but unless a permanent construction bill is passed, it would last forever.

Mr. SIMS. The permanent construction bill has a limitation.

Mr. HULL of Iowa. Yes; but it is not yet passed, and we may never get to it. The permanent bill is not before us as yet.

Mr. SIMS. Yes.

Mr. HULL of Iowa. Let me give the gentleman an illustration. Congress in its great desire for increased railroad facilities many years ago gave the Pennsylvania Railroad Company authority to construct a temporary track and to occupy certain portions of the Mall, and no other act ever passed. Now, that temporary structure became permanent, until finally Congress gave a large sum of money to the railroad company to get it off the Mall.

Mr. SIMS. That is correct.

Mr. HULL of Iowa. Suppose you pass this bill to-day, and it goes through the Senate and is approved, and it becomes a law, it must become a permanent occupancy if no other bill passes superseding it. I would like the have the gentleman think of the proposition; that there ought to be some time fixed in the bill when, if there is no other occupation provided for, this temporary occupation shall cease.

Mr. SIMS. I have no objection to an amendment to meet that objection on this bill, saying that these facilities shall cease absolutely after a certain date, if the gentleman will make it sufficiently long in time to get permanent construction completed.

Mr. HULL of Iowa. My only fear in this matter was that all of us recognizing the absolute necessity for some facilities, as we do, for getting to the Union Station, the very fact of the great demand and the necessity for it will strengthen the position of the railroad companies to resist the passage of any other bill after they have once acquired this right. The people will have the service, the railroads possession and satisfied.

Mr. SIMS. Mr. Chairman, if this temporary construction could possibly serve the railroad companies, even in a sense of being of equal financial benefit to them, then there would be weight in the argument of the gentleman from Iowa, but I do not think it is possible. The facts are, I do not think they want this.

Mr. MADDEN. Why don't they?

Mr. SIMS. I do not think they do, because in the hearings they have given it no support, absolutely none. One of the objects in passing this now is to have sufficient consideration of the other bill. I will submit to the gentleman from Iowa [Mr. HULL] that in considering the other bill we can put an amendment on it that this service shall terminate after a certain date; but I have no objection, speaking as simply one member of the committee, to an amendment here, but not knowing just how long it will take to establish and install the permanent service, it would be hard, and be merely making a guess to put in an absolute date now. But I know how kind Congress has always been to corporations here when we have placed a time limit in any legislation respecting them. If they have not been able to comply with that time limit, we have always extended the time. I have no objection, as one member of the committee, to this bill being amended so as to require that these tracks shall be torn up and removed on a certain date.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. OLLIE M. JAMES. The gentleman is aware of the fact that in the Fifty-ninth Congress this same bill providing for permanent trackage into this depot was passed, and an amendment which I introduced was placed upon that bill by this House, providing that the street car companies should not charge more than 3 cents fare per passenger.

Mr. SIMS. Yes.

Mr. OLLIE M. JAMES. The street car company then, instead of having that bill become a law, after the bill got to the other end of the Capitol, defeated it for the reason that it provided a 3-cent fare. I am anxious to introduce the same amendment in this Congress, but of course I recognize that notwithstanding it was the fault of the street car companies themselves that we have not tracks there now to carry the public to the different parts of the city instead of requiring them to walk three or four squares—I recognize that we ought to have a street car service there. If this is to be a permanent service, I would offer my amendment, but if it is to be a temporary service and the gentleman assures the House that we are to have an opportunity to introduce these amendments, I will withhold it. Do I understand the gentleman to give that assurance to the House by authority of the committee?

Mr. SIMS. Mr. Chairman, upon that I could not say what the committee is going to do, because an amendment offered by a member of the committee in the committee and incorporated in the report would still be subject to a point of order, and any amendment that is subject to a point of order incorporated in the bill by amendment of the committee would be subject to a point of order equally if made by a Member on the floor of the House who is not a member of the committee.

Now, of course, I can not tell. I do not know what the chairman of the Committee of the Whole considering that bill will hold with reference to the point of order, if one is made. Personally I do not think the point of order would lie.

Mr. OLLIE M. JAMES. Are you willing for an amendment to be added to this bill providing this temporary construction shall only last a sufficient time to enable construction of permanent tracks under the bill which you say will be brought in?

Mr. SIMS. I am favorable to the free transfer. I have never supported the 3-cent proposition, from the fact that on account of there being underground trolley construction here, costing twice as much as the other, or overhead, I did not know, and do not know yet, but that the court might enjoin it, whereas I know that would not be the case in reference to the universal transfer and——

Mr. OLLIE M. JAMES. Did not the gentleman vote on the yea-and-nay vote for the 3-cent fare?

Mr. SIMS. I did because we were defeated on the other proposition, and if they will not give free transfers I will vote for that amendment again.

Mr. OLLIE M. JAMES. Will you yield me time to ask the chairman of the Committee on the District of Columbia a question?

Mr. SIMS. Yes, sir.

Mr. OLLIE M. JAMES. I would like to ask the chairman of the committee whether or not it is the intention of the committee to bring into the House a permanent trackage bill during this Congress?

Mr. SMITH of Michigan. It certainly is, and we hope to be able to do so on the next District day.

Mr. OLLIE M. JAMES. Are you going to bring in such a bill in such a parliamentary status that amendments will be out of order?

Mr. SMITH of Michigan. I am unable to say what the committee will decide to do—I mean the District Committee.

Mr. OLLIE M. JAMES. Well, personally, speaking for yourself?

Mr. SMITH of Michigan. I am willing to give the House a chance to pass upon amendments of this bill.

Mr. OLLIE M. JAMES. You mean the 3-cent fare and the universal transfers?

Mr. SMITH of Michigan. Feeling as I do now, yes; I am willing to have amendments offered.

Mr. OLLIE M. JAMES. And let Members pass upon it for themselves?

Mr. SMITH of Michigan. Yes, sir.

Mr. PAYNE. May I ask the gentleman a question? I have not been able to hear the conversation over there and I do not know what it has been about, but I want to ask a question for my own information. I understand that this same section is contained in the bill that came from the Senate for the construction of the permanent tracks.

Mr. SIMS. Yes.

Mr. PAYNE. Now, it seems to me, and I ask whether it would not be, better to make an earnest effort to pass the bill for the permanent tracks with this section in it and not confine ourselves with this mere temporary business? I want to say to the gentleman in this connection I am not at all hysterical over this question of walking two blocks to reach the station. Not a great many years have passed since in going to New York City we walked from the ferry after leaving the Pennsylvania Railroad to the elevated road three or four blocks, then climbed up the stairs, yet I never knew men to get hysterical over that, as they seem to be here in Washington over the fact that they have to walk two blocks. It does not seem to me there is any occasion for hurry on this question so as to drive the House to adopt this mere temporary expedient rather than to pass the permanent bill and temporary bill at the same time. It seems to me it would be better to do so, and for the committee to report the permanent bill and try to pass it, and if that bill becomes then the law, why, it will be time enough to take up the question of walking two blocks to the depot for sixty or ninety days and pass this temporary relief for the footsore passengers who come out of a sleeping car and the close atmosphere there and who, I think, in ninety-nine cases out of a hundred, would be benefited by a walk of two blocks in the fresh and pure air after a night spent in a sleeping car. [Applause.]

Mr. SIMS. Mr. Speaker, I do not want the gentleman from New York [Mr. PAYNE] to think there is any object in introducing this bill to delay action on the other, but the other bill is not here. We are going to try to report one for next District day. I can not speak for every member of that committee.

Mr. OLLIE M. JAMES. Would it be more than a delay of six days? Does the gentleman think that you can bring about the permanent trackage next week?

Mr. SIMS. The next District day is two weeks from now.

Mr. OLLIE M. JAMES. So that you would only have an additional advantage of two weeks by passing this bill now?

Mr. SMITH of Michigan. May I suggest that after the bill passes the House it will have to go into conference. If the District Committee should not adopt the Senate bill for permanent trackage, we do not know how long it might be in conference.

Mr. OLLIE M. JAMES. It might not be necessary to have a conference. The Senate does not always differ.

Mr. SMITH of Michigan. We may differ from the Senate.

Mr. OLLIE M. JAMES. If we put through a permanent trackage bill they may agree to it.

Mr. SIMS. I want to say further to the gentleman from New York [Mr. PAYNE], speaking for myself as a member of this committee, that there is no purpose to delay the consideration of the other bill, but this bill, which is a section of the other bill, provides that this work shall be completed within six weeks. Therefore, it will be the first work that will be done, and it must be done under the permanent bill. Two weeks is one-third of six weeks, and if we were sure we could pass the permanent bill on the next District day, we may just as well have the advantage of two weeks time in putting down the temporary structure.

Mr. MADDEN. Will the gentleman yield a moment?

Mr. SIMS. But there is absolutely no assurance, as the gentleman from New York [Mr. PAYNE] knows, of when we can get the permanent bill through. In order to properly consider the permanent bill, in order to consider amendments that have been and will be offered, and in order to relieve the hysteria which the gentleman has, I think, very properly referred to, but which is being stimulated by every newspaper in the District of Columbia in order to rush and stampede Congress into passing, helter-skelter, pellmell, without proper examination and without amendment, a bill which the traction people wish rushed through, I am in favor of this temporary bill going through to-day. Let the Senate pass it, and give the nervous, hysterical people an opportunity to think that they will not have to worry more than five or six weeks longer.

Mr. PAYNE. I want to say to the gentleman that his committee have a day two weeks from to-day, and of course they can bring it to a test during that day. At the utmost it would not be a delay of more than four weeks, and I submit that it is better to wait for that and get the permanent bill, that finally we may have a decent passageway from where the cars stop now to the depot, instead of having an ugly trolley road put up there in front of that new magnificent depot, that has cost the railroad so much and the District and the country so much. No one knows how long it will be before we can get the permanent bill through after passing this temporary makeshift that, as the gentleman says, will remove this hysteria from the newspapers and the people of the District and the Commissioners of the District, and enable Congress, perhaps, to delay the thing beyond the gentleman's lifetime and mine.

Mr. SIMS. Mr. Chairman, suppose we were passing the permanent bill to-day; that provides for this identical construction.

Mr. PAYNE. Exactly; and then you would have the horse before the cart. Now you are trying to put the cart before the horse, and putting a lame cart there at that.

Mr. SIMS. This kind of a cart, as the gentleman calls it, that you want considered and passed has the same thing in it. Does the gentleman from New York [Mr. PAYNE] mean that there should be no overhead-trolley service at all?

Mr. PAYNE. That would insure the permanent trolley service in time—the underground trolley—and this temporary overhead trolley would have to get out of the way for that and there would be an end to it, but if you pass this bill no one knows how long you will have that overhead trolley there leading to the magnificent depot and on the line between the Capitol and the depot.

Mr. SIMS. The gentleman from New York [Mr. PAYNE] is making the very argument the street-car people are making here and want to see done.

Mr. PAYNE. I would rather walk than see that overhead trolley, every time.

Mr. SIMS. I want to state a little history of the legislation in the last Congress. A bill for permanent trackage to the Union Station was introduced in the Senate and House. The whole long session passed without any consideration.

The House bill went to the committee and we all know what became of it. Then in the winter the Senate passed a bill in the last days of Congress, and we put on it the smoke amendment, the 3-cent amendment, and the wide-tire amendment in this House, and it went to the other end of the Capitol and died of neglect. It never was considered.

Mr. HULL of Iowa. And that will be the result with all these measures unless you pass it and get the measure out of the way, and then you can consider these others.

Mr. SIMS. At that time, as I believe, without any information—I believe it because it is along the line of such action here—the street car companies did not want that bill given early consideration; they thought they could bring it in in the closing days of that Congress and have it passed and then take it up and build the road during the recess. Now they come pell-mell and ask to rush it through in the beginning of the session, based upon the very reason that it was delayed before. I want to say to the gentleman from New York, I bitterly oppose putting street railroad tracks on that plaza, and the permanent bill, if not amended, will put two double tracks on the plaza. When we passed the bill to abolish grade crossings, and we agreed to have a station constructed of great architectural beauty and magnificence, without any obstruction to a view of the Capitol to people arriving there, and in order to do this we were asked to give what amounted to over $4,000,000 to the enterprise to beautify that plat of ground.

Mr. MANN. Will the gentleman tell us how close the tracks will be to the station under this bill, and where the tracks would be under the proposed permanent construction?

Mr. SIMS. Under the permanent bill it would be within 15 feet of the curb, and there will be four tracks. The construction under the temporary bill will only come down North Capitol street to near where the hacks stand, at the west end of the station.

Mr. MANN. How close to cover?

Mr. SIMS. I understand about 80 or 90 feet. It was where there were some wagons standing, that Commissioner Morrow told us.

Mr. MADDEN. About a block.

Mr. MANN. About a block from cover?

Mr. SIMS. About 70 feet. We were told when this new station was contemplated that it should be one of modern architectural beauty, and that when a visitor stepped out of his train he would see the Capitol without any obstruction. We gave over $3,000,000 in money, and land besides, and there were to be erected upon the plaza fountains and other things to beautify it. And now the proposition is to turn it into a street-car yard. Here is this bill for permanent construction we are asked to rush through without consideration and amend-

ment, which provides for two double tracks in front of the station, in 15 or 16 feet of the curb line, and run in a loop all around the plaza. Instead of the visitor being able to see the Capitol without obstruction, his view will be cut off by numerous street cars.

Mr. MADDEN. Now, I understand the gentleman from Tennessee to base his argument in favor of the legislation on the ground that he is opposed to the present conditions, namely, that people reaching Washington through the Union Station are obliged to walk two blocks before they get a street car.

Mr. SIMS. That is true, so far.

Mr. MADDEN. Then I understand the gentleman argues against the proposition of putting cars so close to the station and give the facilities which this will afford.

Mr. SIMS. That is true, so far as having cars in front of the station and looping around the plaza.

Mr. MADDEN. Now, I understand the gentleman is arguing in favor of a temporary street-car structure, to be erected along a street which is acknowledged by the gentleman to be a block away from the station to which he seeks to furnish facilities. Is that true?

Mr. SIMS. No. The temporary tracks will go down near the west end of the depot, about 75 feet away from one end of it, as was pointed out to us.

Mr. MADDEN. A block away.

Mr. SIMS. Seventy-five feet.

Mr. MADDEN. Oh, no; it is a block.

Mr. SIMS. Oh, no; where the Commissioner pointed is about 75 feet.

Mr. MADDEN. How large a part of a block is it? It is the street running east and west, is it not?

Mr. SIMS. No; North Capitol street runs north and south, and this temporary track comes down North Capitol street, near the west end of the station, where the hacks will go when the station is completed.

Mr. MADDEN. But at all events it does not get to the station.

Mr. SIMS. Yes; it gets practically as near the station as the permanent trackage will be—that is, there might be 20 or 25 feet difference.

Mr. MADDEN. I understood the gentleman to say that the permanent tracks were intended to go right up to the station.

Mr. SIMS. Pass right up in front of it and pass within 15 or 16 feet of the curb.

Mr. MADDEN. And that this proposed temporary track would not go within a block.

Mr. SIMS. If I said a block, I misunderstood the gentleman, for it does go up within 50, 60, or 75 feet—somewhere along there.

Now, this is merely temporary and will be moved about by the Commissioners as work proceeds on the plaza. It does not damage the plaza or in any way hinder the treatment of it, because it is only temporary, overhead, and will be moved about as may be required. My proposition—but I have not the slightest idea that the House will accept it—will be that all cars coming in from the western side of the city should approach the Union Station below the level of the plaza near the west end, and the same with reference to cars from the eastern portion of the city—that they should come in below the grade of the plaza at the east end and not pass in front of the station at all and not girdle that plaza all around with street cars.

Mr. MADDEN. There are two questions I should like to ask the gentleman. The first one is, why should the committee think it necessary to make the first section of this bill mandatory? Why did they think it necessary to use the words "authorized and directed" in line 5, page 1, instead of simply using the word "authorized?"

Mr. SIMS. To make it harmonize with the same section in the Senate bill. The Commissioners recommended that if there was any delay in the permanent bill this section be passed as a separate measure, and, furthermore, as well as I could find out in conversation in a general way, the street car companies do not want to do this, except as part of the permanent bill.

Mr. MADDEN. How did the gentleman find that out?

Mr. SIMS. Because they have all the time urged the permanent bill and in a way have all the time opposed this temporary measure. Therefore we thought it necessary in directing the temporary work that it be as mandatory as possible.

Mr. MADDEN. Would it not be a good idea to let them have their way once and let the permanent bill come before the House?

Mr. SIMS. Does the gentleman mean to intimate sincerely that they have not had their own way?

Mr. MADDEN. I certainly think they have had their way in this.

Mr. SIMS. I did not think the gentleman from Illinois was a new Member. [Laughter.]

Mr. UNDERWOOD. The gentleman says he does not think the street car companies are in favor of this bill, because they are advocating another. I should like to know, in his experience on the District of Columbia Committee, of which he is an old and influential member, if he has not sometimes seen these street car companies looking one way and walking another?

Mr. SIMS. Mr. Chairman, I have seen them when I thought that was the case.

Mr. MADDEN. Now, will the gentleman answer this question. On page 2 of the bill this language is used. It says:

> Said tracks to be maintained and operated by said companies to the satisfaction of said Commissioners and to be removed by said companies, after the construction of permanent street-railway tracks to said station, within thirty days after notice from said Commissioners so to do.

If the committee believed that this was a temporary authority, why did they not fix their limit of time in this bill, during which the street railway companies could operate this temporary structure?

Mr. SIMS. I can state just what I said before, that I do not believe the street car companies will delay permanent construction one moment after it is authorized, because this does not satisfy their wants and demands.

Mr. MADDEN. Why did not the committee say so in the bill?

Mr. SIMS. As I said before, I have no objection to amending it by saying thirty days, not to exceed so long a time, from the approval of this act.

Mr. MADDEN. Would the gentleman favor an amendment providing they should not operate the so-called "temporary track" after the 1st of January, 1909?

Mr. SIMS. The permanent bill, I think, provides for a later date than that.

Mr. SMITH of Michigan. Twelve months.

Mr. MADDEN. That is, practically twelve months.

Mr. SIMS. But the permanent work might not be finished and they would have to tear this up before they got the permanent work completed.

Mr. MADDEN. The point I want to urge is this: If they are bringing a bill into the House for a temporary street car structure in good faith they should have some provision in the bill which indicates that it is a temporary structure.

Mr. SIMS. I will say this: I will support an amendment of the kind mentioned by the gentleman, and make it the 1st day of April, 1909. Let me say why I suggest that. There will be, as we all know, an inauguration of the President of the United States on March 4, 1909.

Mr. MADDEN. I beg the gentleman's pardon. Will he allow me right there? The 1st of April takes it beyond the life of the present Congress. The gentleman himself may not be in Congress after the 4th of March, 1909, and a great many others may not be here, and it is not fair for this House to legislate on temporary subjects and make them cover so long a period that they become not only permanent, but forgotten by the men who enact the legislation.

Mr. SIMS. I want to say that I believe the street car companies are going to make the greatest effort to complete the work before the next Presidential inauguration, to enable them to handle the crowds. They will be just as anxious to get rid of the temporary work as we are. Now, if we put the date in the amendment the 1st of January, 1909, it may be that they will not get it done before the 1st of March or the middle of February, and here will be a hiatus of five or six weeks when no cars can reach the station. It will only make a little difference—make it the 1st of March.

Mr. MADDEN. Make it the 1st of February, because we will be out of here the 1st of March.

Mr. SIMS. I am trying not to bring about another situation similar to this just in advance of reaching the station by a permanent structure. The companies will have all they can do to get in there by the 4th of March, 1909. It is a large proposition, and there is a great deal of work to do. They have to order much of their material, which has to be molded at the iron works, and there will be necessarily some delay. I think that by the 1st of March or the 1st of April you will have it where they can get it completed. I do not want an overhead trolley service as a permanent measure or as an excuse for not bringing in a permanent measure.

Mr. BATES. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. BATES. Will the gentleman from Tennessee inform the

committee whether it is the purpose of the Committee on the District of Columbia, in case this present bill passes, to report a bill for permanent construction of street car service.

Mr. SIMS. At the earliest possible moment.

Mr. BATES. Will the gentleman state how long, in his judgment, it will take the committee to formulate and report such a bill?

Mr. SIMS. I believe, like the chairman, before the next District day we will report some kind of a bill here. I do not say that we will report one that we will all agree to, but it will be one to consider and amend. We will have one in the House to act on. The gentleman must remember that I am in the minority and ought not to attempt to speak for the majority.

Mr. BATES. I am sure that the gentleman, being a veteran member of the District Committee, can reflect what he believes to be the good sense and judgment of the committee on these matters. There is a question I would like to further ask, and that is if the bill for permanent construction can be formulated and reported, why can not it be done and presented at once?

Mr. SIMS. So that it can be considered here to-day? That would be impossible. We have got to consider every section in that bill and the amendments that are pending, and vote on them, and finally make a report, which may not be a unanimous report when it comes.

Mr. BATES. If this bill, which seems to be a makeshift for temporary construction—will it not be true that it will delay for a long time the possibility of the permanent building of the so-called "permanent structure"?

Mr. SIMS. Not in the slightest, but it is expediting it. This feature is in the bill for permanent construction, and it is the first work to be done.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. I desire to ask this question: Did I understand the gentleman to say in reply to the gentleman from Illinois [Mr. MADDEN] that the railroad companies were opposed to the passage of this bill?

Mr. SIMS. They have not said officially or in the hearings that they were opposed to it.

Mr. COOPER of Wisconsin. It is the understanding of the gentleman that they are?

Mr. SIMS. My impression is that they are opposed to this being passed as a separate measure.

Mr. COOPER of Wisconsin. Now, then, just a moment. I understood the gentleman to say, in reply to the gentleman from Illinois [Mr. MADDEN], that the committee struck out the word "required" and inserted the word "directed," in order that the bill might be as mandatory as possible.

Mr. SIMS. And in accordance with the section of the bill as it has already passed the Senate.

Mr. COOPER of Wisconsin. Now, then, where is there any penalty in this bill to inflict in the event of the street car company not carrying out its provisions?

Mr. SIMS. There is none.

Mr. COOPER of Wisconsin. And they are simply directed. It is the ordinary language of the directory statute, to do so and so, and there is omitted all penalty. Now, if they are opposed to the bill if enacted into law and there is no penalty, then they do not have to carry out its provisions.

Mr. SIMS. There is no penalty on this feature of the permanent bill, but there is a forfeiture of rights and privileges under the permanent bill.

Mr. COOPER of Wisconsin. But what is the use of passing a bill requiring a railroad company to do something to which you say they are opposed, while the bill carries no penalty whatever if they disobey?

Mr. SIMS. Mr. Chairman, they are not opposed to having a temporary structure. They want that. It is in the permanent bill. They are opposed to its being enacted in advance of the other for the reason that, I believe, it is to hurry us up on the other and not consider amendments.

Mr. UNDERWOOD. I would like to ask the gentleman a question. I am disposed to vote against this bill for this reason, that I believe that when the right to go to the new depot is granted to these railroads it ought to be granted to them under certain conditions, and one of these conditions, at least, should be that they would give universal transfers in the District of Columbia. I believe that that is the position of the gentleman from Tennessee?

Mr. SIMS. That is my position exactly.

Mr. UNDERWOOD. But is it not a fact that if we grant them this temporary privilege of carrying passengers on this temporary railroad, without any limitation, there will be no moving cause behind them or the people of the District to force permanent legislation, to grant this right of universal transfers? In other words, when you grant these railroads the privilege of putting down these temporary tracks and the overhead trolley, won't they get practically as much business out of the traveling public then as they would if they put down a permanent track?

Mr. SIMS. I think not.

Mr. UNDERWOOD. And when that is the case won't you have the legislation in the District in a position where you won't be able to force them to accept the condition of universal transfers in order to get their railroad tracks to the new depot? I think that is the condition you will find yourself in if you pass the bill.

Mr. SIMS. Mr. Chairman, I am just as anxious to provide for universal transfers as is the gentleman from Alabama [Mr. UNDERWOOD]. That is one reason I am in favor of this bill, because, as the gentleman from New York said, there is a perfect hysteria here to get to the station as quickly as possible, and in order to get there they do not want us to consider any amendment whatever except such as the bill which has passed the Senate provides for, upon the ground that they have got to get there and get there immediately.

Mr. UNDERWOOD. I don't know of any hysteria on the part of this House.

Mr. SIMS. And one other argument, that the railroads and Congress will be satisfied with such service as can be given by this temporary loop down North Capitol street is too unreasonable to be considered for a moment, as I see it.

Mr. OLLIE M. JAMES. Is not the hysteria of which the gentleman speaks wholly a manufactured hysteria, a hysteria that belongs to those interested in the street railway companies?

Mr. SIMS. I know there is a great inconvenience to the traveling public. I have no doubt of it, but some gentlemen who have been using so much time in expressing sympathy for the public perhaps have never been there or seen anything or cared anything about it, but it has been used to magnify, to emphasize the situation, in order to rush this bill through early in this Congress for the very reason it was held back in the last—to prevent the consideration and adoption of amendments.

Mr. HULL of Iowa. I would like to ask the gentleman if the growing hysteria referred to by gentlemen to give them the right to use temporary tracks ought to deprive Congress of the power of putting through the permanent bill, or, in other words, when you put this through and it becomes a law the street railway company will operate under it. You bring in your permanent bill and the House amends it in accordance with the desires of the majority of the Members. Now, according to the gentleman's statement a few moments ago, that bill if it goes to the other end of the Capitol and it sleeps for a hundred years, for a hundred years they will be using these temporary tracks, just as the Pennsylvania Railroad Company used the temporary occupancy of the grounds of the Government until we had to give [applause] something more than a million dollars to get them out of the Mall and into the new Union Station.

Mr. SIMS. We did not have to do it; we did it voluntarily.

Mr. HULL of Iowa. We did it because there was a hysteria for a new station.

Mr. SIMS. That was confined strictly to the railroad company——

Mr. HULL of Iowa. And we ought to preserve this hysteria until we get some permanent legislation. The hysteria will insure full and appropriate legislation.

Mr. WILLIAMS. Hysteria is our most valuable asset now.

Mr. DRISCOLL. There was some talk about an amendment, so as to fix a definite time at which the temporary overhead trolley construction shall be removed. Now, what time would the gentleman accept as a definite date at which this temporary expedient should be discontinued?

Mr. SIMS. Not speaking for the committee, but just for myself as a member of the committee, I should say the 1st day of March, 1909. That would force them to get through in time for the inauguration, which I believe they will do anyway.

Mr. DRISCOLL. In case a permanent bill is not put through, would not Congress, as a matter of fact, be compelled to allow them to continue, because the people have been once accustomed to it, and it would not do to give it up and let the people walk?

Mr. SIMS. Now, Congress, Mr. Chairman, could pass a bill to do anything within its powers, but I have no idea for a moment that it would do it. Now, I do not think this is similar to occupying the Mall.

Mr. HULL of Iowa. Congress gave the railroad the right

to go and occupy the Mall, and they occupied the Mall for more than forty years without paying taxes on the property, and we paid a million and a half to two million to get them off.

Mr. SIMS. There was no hysteria back of that. It was power of some kind to influence Congress to bow down and give up that much belonging to the people.

Mr. WILLIAMS. Let me ask the gentleman a question: The gentleman and myself I believe voted against the bill whereby the railroads were paid to surrender Government property.

Mr. SIMS. Yes; the gentleman from Mississippi did.

Mr. WILLIAMS. I understood you now to say we were unable to get a majority of the national legislature on that occasion owing to the money power——

Mr. SIMS. Overwhelming power.

Mr. WILLIAMS. Now, if we give them this temporary matter, will they not have the same power to perpetuate their temporary arrangement hereafter and fasten this permanently upon Congress? Now, if that be true, can not they just as well maintain this abuse after we have given it to them as they maintained that other against which we both protested in a former time?

Mr. SIMS. Why, Mr. Chairman, I said "money power." I did not mean money corruptly used, but I meant the great money power that could control matters all over the country. But you can not compare these street railway companies to the great steam railway companies that were interested in that matter. But I want to say, to be frank with the gentleman from Mississippi [Mr. WILLIAMS], that if there has ever been one iota of legislation that has passed this House since I have been a member of that committee that they did not want, I do not know it.

Mr. DRISCOLL. I would suggest to the gentleman if the difference is not that the street railway companies do not give any passes?

Mr. SIMS. I am trying to get them to give free passes from one system to another when they collect a full fare.

Mr. OLLIE M. JAMES. The gentleman must recall that in the last Congress, when amendments had been placed upon that bill, the street car companies went before the Senate and fought that bill and defeated it, kept it from becoming a law. And that is the reason we have not a permanent street car trackage there now.

Mr. SIMS. In answer to the gentleman from Kentucky [Mr. OLLIE M. JAMES], he may be entirely right, but I do not think he has included the whole proposition. I do not know what the street car companies did before the Senate committee in reference to that bill. We only know the result. There was an amendment on that bill applying the smoke law of the District to the steam railway companies, and they were fighting that, and I think that had much to do with it, ten times more, perhaps, than the street car companies did.

Mr. OLLIE M. JAMES. Did not the Senate pass that smoke provision?

Mr. SIMS. No, indeed; they did not.

Mr. OLLIE M. JAMES. And did it not come here with that on it?

Mr. SIMS. No, sir. Never have we been able yet to get our smoke measure through the Senate, requiring steam railways of this District to do that which anybody else has to do.

Mr. WALDO. Does this bill provide any way so that cars are going to run continuously to the depot, or merely a short line to run back and forth from the present track?

Mr. SIMS. Why, it has no regulation of that sort. It is to be operated under regulation of the Commissioners of the District of Columbia.

Mr. WALDO. Is there any reason why this bill should not be amended to provide for the permanent route that cars must take, so as to run past that depot, and with a provision for the temporary connection?

Mr. SIMS. Let me say to the gentleman that until the plaza is completed, any temporary trackage must be subject to removal from one place to another in order to get out of the way of any work to be done, either in locating the trackage in the permanent bill or in completing the plaza. It is incomplete, the work is not finished, and any kind of a temporary track measure will have to be subject to removal, under control of the Commissioners, at one time occupying this space and at another time that space in completing the plaza or in putting down permanent tracks.

Mr. WALDO. That I understand, but what I wish to ascertain is whether this is to provide for the cars temporarily running in a continuous line past the depot, or whether it is merely to provide for what is called a "jigger" car, to run back and forth from the present line.

Mr. SIMS. It is to be subject to the control of the Commissioners, and what they will require, of course, I do not know. I naturally suppose and presume that they will require the best service that be given with the facilities afforded.

Mr. COOPER of Wisconsin. Will the gentleman from Tennessee [Mr. SIMS] permit a question?

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. I can say this, before asking the question, as everybody else can, that the location of the permanent tracks is a matter of paramount importance to the railway companies. Now, then, location of permanent tracks is subject to the approval of the Commissioners. As I read the gentleman's bill, permanent tracks could be constructed after we adjourn this summer and the location be in the discretion of the railroad company.

Mr. SIMS. No; the permanent bill absolutely locates the tracks.

Mr. COOPER of Wisconsin. One amendment, line 10, provides that these tracks shall be constructed in accordance with plans approved by the Commissioners. That is the temporary tracks.

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. Now, then, as I said, the location of the permanent tracks is a matter of tremendous importance to the railroad companies.

Mr. SIMS. And the House will pass on that.

Mr. COOPER of Wisconsin. One moment. And then you go on and say that they—meaning the temporary tracks—shall be maintained and operated to the satisfaction of the Commissioners.

Mr. SIMS. Oh, no. This is not the permanent bill.

Mr. COOPER of Wisconsin. What I am on is this bill, and I am supposing that is a law. Now, if it is a law the location of the permanent tracks is left to the discretion of the companies.

Mr. SIMS. Oh, no.

Mr. COOPER of Wisconsin. It is under the language of this bill.

Mr. SIMS. You are mistaken; I beg your pardon. The bill for the permanent construction locates them absolutely and does not leave it with the Commissioners.

Mr. COOPER of Wisconsin. But that is not the law. This bill says that they can locate the temporary tracks.

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. What is to prevent them from locating them under this? It presupposes that somebody shall locate the permanent tracks. Suppose they put down the permanent tracks?

Mr. SIMS. The gentleman from Wisconsin will understand that they can not put down a single permanent track until Congress authorizes it.

Mr. COOPER of Pennsylvania. Is there any reason why the construction of the permanent tracks can not be commenced now?

Mr. SIMS. It can not be commenced now, because there is no law authorizing it.

Mr. COOPER of Pennsylvania. Is that the only reason why?

Mr. SIMS. That is the only reason; that is enough.

Mr. COOPER of Pennsylvania. Would the gentleman explain the confusion in regard to having put in temporary tracks and then to put in permanent tracks?

Mr. SIMS. I do not know; neither does it make any difference, because the temporary tracks will be removed.

Mr. COOPER of Pennsylvania. Why not have the two matters considered together?

Mr. SIMS. Why, we want it done in the permanent bill.

Mr. COOPER of Pennsylvania. Why not bring in the permanent bill, if that is to provide for temporary tracks?

Mr. SIMS. We expect to do it just as soon as we can, but if this bill is passed we can get these tracks to the depot within thirty or sixty days, and we may not be able to get a bill for the construction of permanent tracks passed in six months.

Mr. COOPER of Pennsylvania. Why not provide that they may lay the permanent tracks now?

Mr. SIMS. Because they can not until the law authorizes it.

Mr. COOPER of Pennsylvania. But why should it take longer to pass the permanent bill than it does to pass the temporary bill?

Mr. SIMS. The permanent bill covers four street car companies. There will be amendments offered to it, and it will have to go to the Senate, and then it may have to go to conference, and if it goes to conference there is no determining how long it will be there. A bill for the permanent trackage

is before the Committee on the District of Columbia, and we can not tell when the permanent bill will be taken up.

Mr. COOPER of Pennsylvania. Will the permanent tracks be laid where these temporary tracks are laid?

Mr. SIMS. The Commissioners will look after that, and they will be laid where they will not conflict with the permanent tracks. They may have them at one time at one place and another time at another place.

Mr. COOPER of Pennsylvania. Can the gentleman tell me the status of the permanent bill?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANDIS. I ask that the gentleman may be given ten minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. A bill providing for permanent tracks has passed the Senate and is before the House committee. The committee has been having extensive hearings on the bill, and may have more. If anyone shall ask to be heard, we can not refuse. Now, then, we mean to take up that bill, as I understand the chairman, in executive session next committee day, which is next Thursday; but I can not assure you or anyone else how long it will take to consider it.

Mr. COOPER of Pennsylvania. How long will it take to put in the temporary tracks if they were authorized?

Mr. SIMS. I would be obliged to the chairman if he would state what time is provided in the permanent bill.

Mr. SMITH of Michigan. About 12 or 13 months.

Mr. SIMS. And the prevailing idea is that it will take every moment of that time; and in the meantime we will have this there. No one can tell in advance how long it will take to provide the permanent tracks.

Mr. LANDIS. I would like to ask the gentleman if he does not believe, as an earnest advocate of a service which will relieve the travelers who go into and come out of the Union Station, that the most valuable asset he has, in his advocacy of this measure, is what he calls "the hysteria of the people?"

Mr. SIMS. Why, Mr. Chairman——

Mr. LANDIS. I should like to have the gentleman answer that question.

Mr. SIMS. In all justice to the public, they ought to have opportunity to get to and from the Union Station without waiting eighteen months or two years for it.

Mr. LANDIS. That is true, and they are demanding it, and because of their insistent demand the gentleman wants to put in this temporary provision?

Mr. SIMS. Yes; that is one reason.

Mr. LANDIS. Now, the gentleman also recognizes the fact that there are a number of other questions that will come up in connection with the consideration of the permanent improvements?

Mr. SIMS. Yes; that is true.

Mr. LANDIS. Does not the gentleman recognize that if he makes a temporary provision, dilatory tactics can be pursued that may postpone the permanent improvement indefinitely, and that then, there being no hysteria on the part of the people, possibly many years may intervene before we get this permanent improvement? And can there be any objection to postponing this temporary provision until a bill providing for the permanent improvement becomes a law, and then bringing in a bill making temporary provision?

Mr. HULL of Iowa. The temporary provision goes right side by side with the other.

Mr. LANDIS. I know it does. It is all right to pass them together, or pass first the law providing for the permanent improvement; but you are putting a premium upon dilatory tactics by this method you propose to-day, and a premium upon all sorts of moves that will tend to postpone permanent improvement.

Mr. SIMS. Nobody on the committee wants to delay that bill.

Mr. MADDEN. This is the way to delay it.

Mr. LANDIS. This is the way to delay that bill indefinitely. If this provision passes to-day, the gentleman will not live long enough to see this permanent improvement. [Applause.]

Mr. SIMS. I think the gentleman from Indiana is exhibiting a little hysteria.

Mr. GRIGGS. I should like to ask the gentleman, in view of all these questions, if there is anything good at all in the permanent bill.

Mr. SIMS. Mr. Chairman, if the permanent bill is passed with the proper amendments, it is not only good, but necessary.

Mr. HEPBURN. I should like to ask the gentleman, Is there any provision in the so-called "permanent bill" that imposes in any way an obligation on the railway company to give proper facilities to the patrons of these lines?

Mr. SIMS. Not as passed by the Senate.

Mr. HEPBURN. Is there any provision in that bill where you can put on an amendment that would be germane in this House?

Mr. SIMS. Looking upon it as I do, opening up the whole situation, almost anything is germane, but I do not know what the Chairman will hold when the point is made.

Mr. HEPBURN. Is there anything in this bill whereby we can put on the amendment that you supported so efficiently in the last Congress, for a reduced rate of fares or for universal transfers?

Mr. SIMS. You mean in the bill we are now considering?

Mr. HEPBURN. No; I mean in the permanent bill.

Mr. SIMS. There is no provision in the bill that has passed the Senate of the kind mentioned by the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SMITH] has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER of Indiana having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 23, 1908:

H. R. 251. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907;

H. R. 4891. An act to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River; and

H. R. 10519. An act to authorize the Nashville and Northeastern Railroad Company to construct a bridge across the Cumberland River at or near Celina, Tenn.

TEMPORARY TRACKS TO UNION STATION.

The committee resumed its session.

Mr. SMITH of Michigan. I should like to say just a word.

The CHAIRMAN. The time of the gentleman has expired. It has been used by other gentlemen. The gentleman's hour has been exhausted.

Mr. LANDIS. This is a question in which we are all interested, and I ask unanimous consent that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. The gentleman from Indiana ask unanimous consent that the time of the gentleman from Michigan be extended until he concludes his remarks. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Does the gentleman from Tennessee [Mr. SIMS] desire more time?

Mr. SIMS. No; I do not; I should much prefer that you use the time.

The CHAIRMAN. The Chair will say to the gentleman from Michigan that the Chair does not understand that the time allotted to him will give him the right to yield to other Members.

Mr. SMITH of Michigan. I understand the Chair to say that I can not yield time to anyone else?

The CHAIRMAN. Except for an inquiry.

Mr. MADDEN. Mr. Chairman, I would like to know if I can be recognized on the bill?

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. SMITH of Michigan. I understand the Chair to say that I could not recognize anybody else?

The CHAIRMAN. Only for a question.

Mr. MADDEN. I want to know whether I can not be recognized in my own right?

The CHAIRMAN. The gentleman can not now, as the gentleman from Michigan has the floor.

Mr. MADDEN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. The gentleman from Michigan does not control the time?

The CHAIRMAN. No; he has the floor to conclude his remarks.

Mr. SMITH of Michigan. I want the fullest and fairest opportunity to discuss this matter.

The CHAIRMAN. The gentleman from Michigan will proceed.

Mr. SMITH of Michigan. Mr. Chairman, I desire to say to the committee that the gentleman who introduced this bill and

the Committee on the District of Columbia have presented it to the House in the utmost good faith that it would satisfy for the present the people of the District of Columbia and the traveling public. I am quite sure that there are some Members here who do not clearly understand the situation. This proposed legislation is to construct a temporary trackage from the corner of North Capitol and C streets, running diagonally across to the Union Station, and the tracks are to remain there until the permanent legislation is enacted and until the street railway companies are able to do that work.

There seems to be an impression that the street railways can build this permanent work in three or four months. When the committee were at the Union Station last Saturday looking over the situation the Engineer Commissioner of the District of Columbia informed us that it would take the railway companies some months to put in the proposed work there. You will remember that there has been a filling of 30 feet in front of the depot, and no railroad company, if granted the right of construction, would for a single moment think of putting it on top of this new work, but, as we are informed, they have got to go down 30 feet in order to put in permanent construction.

Now, the permanent construction that the committee proposes to report provides that the tracks shall go down Delaware avenue in front of the depot. Legislation is also proposed that would enable the people to go to the Union Station from the east, west, and north as well as from the south, and when you think it is an easy matter to agree on permanent legislation, I desire to call your attention to the fact that we as a committee, in the hope of bringing you a bill that will be satisfactory, are not able to agree on permanent legislation. Why? Because the Senate, in the first instance, have provided that the Capital Traction Company shall come from Seventh and U streets down Florida avenue over North Capitol street. I can only speak for myself, but I hope the committee will report permanent legislation from Seventh and U streets down Florida avenue to New Jersey avenue and New Jersey avenue down to the Union Station from the west.

Mr. HEPBURN. I would like to ask the gentleman from Michigan a question.

Mr. SMITH of Michigan. I will be glad to answer the question if I can.

Mr. HEPBURN. What certainty have you that these railroad companies will build these new lines? Did not the gentleman hear the manager of one of them say that he would not?

Mr. SMITH of Michigan. I heard him say that he would not construct the trackage in the northeast. I am coming to that in just a moment.

Mr. HEPBURN. Has the gentleman any method by which he can coerce them to build this construction?

Mr. SMITH of Michigan. I can say that the president of the Capital Traction Company has appeared before the committee and said that his company would build the proposed extensions in the northeast, and he has said to the committee: "You needn't force us, but just ask us to build that in the northeast and we will build it." I believe the Capital Traction will build the extensions in the northeast if requested so to do, for they have been and are anxious to get into that field.

Mr. HEPBURN. The gentleman heard some other man make another statement, I think, that he is not entirely satisfied of the truth of.

Mr. SMITH of Michigan. I think the District Committee will report a bill giving the companies an opportunity to do this permanent work, and, for one, I believe they are going to do it. I will say further that if they do not do it and Congress has the power, so far as I am concerned, we will try and see that they do do it. Now, just a moment about what I was saying about the service going down New Jersey avenue and North Capitol street. I now want to call your attention to another matter that we are in trouble about. The Senate bill provides that the road coming up from Anacostia shall build its line in front of the Library. We were out the other day looking the situation over, seeing if we could not find a street or streets where the tracks could come up some other way instead of in front of the Library. That is one of the things which is giving us concern.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SMITH of Michigan. Yes.

Mr. MADDEN. Does the gentleman think that the passage of this bill would remedy that difficulty?

Mr. SMITH of Michigan. It will not remedy that one particular thing I am talking about, but I have said to you, in the first instance, that the District Committee have reported this bill to the House to-day in the hope that it would relieve the situation for the present, and we are willing that any amendment shall be offered here to-day putting all the safeguards around it, so that the railroads can not take advantage of it.

Now, just a step further, and that is this: You remember that the people of the northeastern portion of this city feel to-day that they ought to have what they call a "cross-town road." In other words, they want a road running east and west and north and south. The Senate bill as it is sent to us does not provide for that legislation. That is the legislation that our distinguished friend from Iowa [Mr. HEPBURN] referred to a moment ago when he referred to the statement of one of the managers of one of the lines of the street railway in that vicinity. Now, then, I can not speak for anybody else on the committee, but I do not hesitate to say that I favor legislation which will authorize the Capital Traction Company or the other company, I am not particular which, but I am in favor of legislation in behalf of the people that will authorize some company to build from Seventh and U streets down Florida avenue and from there down Eighth street to F street and down F street to the Union Station and from the corner of Eighth and F down Eighth street, so as to connect with the Capital Traction line from the south, thus giving the people of the northeast section that for which they have been asking for years.

Mr. MADDEN. The argument the gentleman is making is a good argument against this bill.

Mr. SMITH of Michigan. I do not agree with the gentleman.

Mr. HELM. Mr. Chairman, is there anything in this bill defining the meaning of the term "temporary?"

Mr. SMITH of Michigan. I don't think there is anything in the bill defining the word "temporary."

Mr. HELM. A "temporay" structure or a "permanent" structure.

Mr. SMITH of Michigan. I will say this to the gentleman, that I understand that it is simply a structure that shall be erected there and remain until the permanent work is completed. We do not intend to give the railroads an unreasonable length of time to put that in, but in agreeing on that I want to say that we are not governed by our own judgment, but we take the judgment of the engineer of the District and ask him how long, in his judgment, after the railroads are authorized to do the work it ought to be completed.

Mr. HELM. Is there any possibility of the permanent structure or work being construed as "temporary?"

Mr. SMITH of Michigan. I do not think so.

Mr. LANDIS. But the experience of the Congress in so far as it relates to the temporary improvement that was put in by the Pennsylvania Railroad Company on Sixth street through the Mall——

Mr. SMITH of Michigan. Well, that is a steam railway. Of course there is no difference in principle.

Mr. LANDIS. Our experience, however, justifies the statement that the interpretation of "temporary" in that instance meant thirty years.

Mr. SMITH of Michigan. But I want to ask the gentleman this question, and that is whether he thinks for a single moment that he can serve in this or any other Congress and not have the people constantly after him to have permanent construction put in here, if we simply authorize this temporary construction from North Capitol street over to the depot.

Mr. LANDIS. I do not, and if I were on the District of Columbia Committee and wanted this permanent improvement, I would not sacrifice my most valuable asset, namely, the interests and demands of the people.

Mr. SMITH of Michigan. It is simply a difference of opinion. It may be weeks after the House passes a bill for permanent improvements before it becomes a law.

Mr. LANDIS. I will go ahead and answer the gentleman, as far as I am personally concerned, and say I am for this permanent construction first and for the temporary provision second.

Mr. SMITH of Michigan. The Senate bill provides for both, and we simply took the temporary provision out of it and offered it to the House to-day in the utmost good faith.

Mr. LANDIS. And after the temporary provision passes this House, as far as this legislation goes the Committee on the District of Columbia can lay aside their work and go fishing.

Mr. SMITH of Michigan. Do I understand the gentleman to state that the Committee on the District of Columbia of the House will not offer to the House a bill for permanent legislation?

Mr. LANDIS. They will in time, but it will be amended, and it will be referred, and it will be battledoored and shuttlecocked around——

Mr. SMITH of Michigan. We can not offer any legislation and guarantee it will not be amended on the floor of this House.

Mr. LANDIS. And at the end of thirty years possibly the people of the District of Columbia will get what they ought to have.

Mr. OLLIE M. JAMES. Will the gentleman allow me one interruption? I understood you to say a little while ago that you asked the District engineer how long it would take to construct this permanent construction.

Mr. SMITH of Michigan. I did ask for his opinion.

Mr. OLLIE M. JAMES. But your bill does not reserve to Congress the right to say how long it is to be operated as a temporary construction, but it provides that they shall remove it within thirty days after the Commissioners shall say they shall do so, so under this bill they can stay a hundred years if the Commissioners did not tell them to remove it——

Mr. SMITH of Michigan. If the gentleman desires to offer an amendment——

Mr. OLLIE M. JAMES. But the gentleman ought to have safeguarded this himself, and it ought not to be necessary for Members to offer such an amendment here.

Mr. SMITH of Michigan. We have confidence in the judgment——

Mr. OLLIE M. JAMES. But the power ought not to be lodged with the Commissioners which belongs to this House.

Mr. SMITH of Michigan. Power in regard to such matters is very frequently lodged with the Commissioners.

Mr. MADDEN. Where are the rights of the District safeguarded?

Mr. SMITH of Michigan. They are safeguarded when we put it in the hands of the Commissioners, gentlemen selected by the President of the United States to look after the interests of the District of Columbia, and I believe the Commissioners will look after the interests of the District.

Mr. MADDEN. It is for this House——

Mr. MANN. Will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. MANN. I want to see if we can really reach the case. I apprehend the gentleman will say that if this temporary measure should pass and the temporary tracks should be constructed, it ought to remain there until there was a permanent provision made for street facilities to the station.

Mr. SMITH of Michigan. Certainly; if not, what is the use of putting them down?

Mr. MANN. Now, does the gentleman think that the street car companies will accept a bill for permanent street car facilities which include universal transfers and a reduced rate of compensation?

Mr. SMITH of Michigan. I will say to you, speaking for myself only, that I do not believe the street railway companies in this city will favor in this or any other bill a reduction in fares or an amendment for universal transfers.

Mr. MANN. Oh, I understand. But does the gentleman believe that the street car companies will accept, as far as they can prevent, any bill which requires universal transfers or a reduction from a 5-cent fare?

Mr. SMITH of Michigan. Does the gentleman mean, if they will accept it?

Mr. MANN. Will they accept it as far as they can prevent?

Mr. SMITH of Michigan. I have said to the gentleman that I thought they would oppose it.

Mr. MANN. Now, does the gentleman believe that he can put through this body or another body any bill providing for universal transfers and a reduced compensation if the street car companies are opposed to it?

Mr. SMITH of Michigan. I can not say.

Mr. MANN. And then does the gentleman think that that being the case these temporary tracks ought to remain there until the street car company is willing to accept a reduced rate of compensation and a universal transfer?

Mr. SMITH of Michigan. No; I do not think they ought to remain there until these people consent to that.

Mr. MANN. The gentleman feels they ought not to be removed until we have permanent tracks. Does the gentleman think he can force by forcible legislation, as a practical proposition, the companies to accept permanent facilities with universal transfers and reduced compensation?

Mr. SMITH of Michigan. I can not say. If I had my way——

Mr. MANN. I am not saying anything as to the gentleman's own way. Of course, I make no reflection upon him.

Mr. SMITH of Michigan. If I had my way, the first thing would be getting the tracks to the Union Station, and adjust these other matters afterwards, for the reason that in the closing hours of the last Congress, when we sought to undertake legislation of this kind, we had the smoke amendment, the wide-tire amendment, the universal-transfer amendment, and the 3-cent fare amendment, and the legislation was defeated in the Senate.

Mr. MANN. The gentleman will remember that I made a point of order on these amendments when they were offered in the House the first time, and they were not put in. Afterwards a rule came in permitting the amendments to be offered, and the amendments were offered in the House, and everybody knew, both before and after the rule came in, that if those amendments were inserted in the bill the bill would be as dead as a doornail. I made the point of order because I thought there ought to be a provision for street car facilities in this new building. Now, the gentleman proposes a temporay measure which will be as permanent as the hills.

Mr. SMITH of Michigan. I do not agree with the gentleman.

Mr. MANN. Because the street car company will never agree to the proposition which the House insists upon, and without an agreement no permanent legislation can be enacted.

Mr. SMITH of Michigan. Does the gentleman mean by that, now, that if we pass any permanent legislation it must include 3-cent fares and universal transfers?

Mr. MANN. I mean by that, without hesitation, that the gentleman can not pass any provision, any permanent bill, through this House without including a proposition in it for universal transfers and without a reduction of compensation. I am not stating my opinion, but I am stating what I believe to be a fact.

Mr. DRISCOLL. If the railroad will not accept that, what are we going to do?

Mr. MANN. If this bill passes they have the tracks there.

Mr. GAINES of Tennessee. Are the streets made for the railroad or for the people?

Mr. MANN. The gentleman is mistaken about their refusing to accept it. Even if Congress has the power requiring them to accept it, the House has not that power.

Mr. McGAVIN. If my colleague [Mr. MANN] will yield for a moment, I want to say for his benefit, that when he says that no trackage bill will pass this House until it provides for a reduction of fares and for universal transfers, when the committee had these hearings and the officers of the different associations throughout the District appeared before that committee, I put the standing question to every man who appeared there, and they were universally of the idea that it was not reduced fares or universal transfers that they wanted, but they wanted facilities.

Mr. GAINES of Tennessee. Who are the men who appeared?

Mr. McGAVEN. I think about fifteen or twenty different associations.

Mr. GAINES of Tennessee. Did the great body of the people who fill the different cars at 4 o'clock in the day appear before the committee?

Mr. McGAVEN. They did.

Mr. MURPHY. I will ask the chairman of the committee if it is not the fact that every one of these gentlemen asked this question were men on the other proposition—men from the east side asking street-car facilities that they have not got? That question was asked, and they said that they were not there on that proposition, because they had one proposition they wanted. Is it not a fact that there was nobody representing the people generally in this city before that committee at all?

Mr. SMITH of Michigan. The board of trade, for example.

Mr. MANN. And there was no room for their accommodation in the committee room, and the gentleman does not appear willing that they shall have room.

Mr. SMITH of Michigan. We are quite satisfied with what room we have.

Mr. MANN. The people of the District of Columbia would like to have a place to have a hearing before you.

Mr. SMITH of Michigan. So far as I know, the people are not making any complaint about the room.

Mr. MANN. I hear of a lack of accommodation to be heard before the gentleman's committee, and I hope the House may have an opportunity to remedy that after a while.

[Cries of "Vote!"]

Mr. HEPBURN. Mr. Chairman, I am opposed to this bill. I believe this matter of getting down from C street to a place in front of the new depot has been given an exaggerated importance. There is no great demand on the part of the people of this District for that proposition. When you stop to think what it is, it simply means an extension of these tracks for about a block and a half. After you have got it the passenger has to walk as far from the car to the train that he is going to take as he does from C street to the farther side of the loop. There is no importance to be attached to this proposition. The people of this District are not clamoring for additional

trackage. They are clamoring for a proper use of that which they have authorized. [Applause.] They are not clamoring to give these railroad companies additional facilities and giving them opportunity for further bond issues, out of which to build more railways and then to issue large amounts of stock as gratuities to themselves, but they are demanding that they shall no longer be permitted to rob the people of this District. [Applause.] That is the question for us to determine, and I believe, as firmly as I believe anything, that if you give them what they are asking for in this bill—and, by the way, all they are asking; they are asking for nothing more than that—you will have satisfied all their demands, and you will get no other opportunity to force them to a proper discharge of their duties as public carriers.

Mr. Chairman, I think that in this connection we ought to remember how much has been granted to these railways, and how illy they have requited the people for these grants. There is in this city to-day a single railway—there are but two—that has been built out of securities that they have been authorized to issue, still leaving them a colossal remainder for gratuitous distribution. One of these railways, from the report that I have last seen, has a capitalization of $28,000,000 and a trackage in this District of 29 miles. That report shows that they have a debt of stocks and bonds of nearly $1,000,000 a mile. Notwithstanding that fact, that company is paying 5 per cent dividend on more than $8,000,000 preferred stock; and they are coming to Congress asking for more facilities and still refusing to give anything like adequate service to the people of the District.

Mr. Chairman, I am speaking now about what I know. I take a car almost every evening between 4.30 o'clock and 6 at the corner of First and East Capitol streets. I tell you that until this last week, with two exceptions, since I came here in the middle of November last, I have never been able to get a seat when I went into that car. I remember looking at the register in one of those cars and saw that 127 passengers had been registered on that trip of that car.

I have had to fight my way all over the platform and into the car. I remember counting on one occasion. I found more persons on the platforms than there were seats in the car, and, still further, more persons standing, hanging to the straps, than there were seats in the car. More than three times the number of persons had been crowded into that car than could have seats.

I discussed that matter before the committee and was contradicted by a gentleman, one of the officers of one of the roads. He made the statement that on his road, passing the Peace Monument, they had a time card of thirty seconds. I asked the question if he meant to say that 120 of his trains passed that point in the same direction each hour? He said yes, emphatically, there was no doubt about it, that going either way on this road, in the vicinity of the monument, 120 cars passed each way within the hour. I sent my clerk the next day to make a count of every car that passed in each direction, those going toward the depot, those going toward the navy-yard, and those going around the loop. He did it, giving the time when each car passed him; and instead of there being 120, there were 70 going one way and 63 the other in the hour from 4.30 to 5.30 p. m., the time specified by the gentleman.

This railroad officer gave two excuses for the crowding of the cars. One was that the people of this District dishonestly crowded the cars in order that they might have free rides; that a car might be approaching empty, and they would not take that, but would crowd into the overcrowded car, with the expectation that they would be overlooked by the conductor. [Derisive laughter.] That was questioned by the gentleman from Tennessee [Mr. SIMS]. This railroad official reiterated that statement, and again the gentleman from Tennessee called to his attention the serious character of the charge that he was making against the people of the District. He then modified it by saying that some of the people did it, giving the committee to understand that the crowding was by the dishonest people who patronized his road in this city.

He gave as another excuse that the reason why the cars were not more numerous, stating that he was willing and they were anxious to furnish all the facilities they could, that there was a regulation by the Commissioners of the District of Columbia that forbade them running closer than 200 feet; that they did that and, in their anxiety to promote the comfort of passengers, were often compelled to violate that regulation. If you make the computation, and if you suppose that they run their cars at the rate of 6 miles an hour—and they are authorized to run at a speed of 12—but at 6 miles an hour you will find that there are 500 feet between their trains, and on the Washington Electric road, under the same computation, you will find that the cars are more than 1,000 feet apart, or nearly a quarter of a mile.

You see what paltry excuses are made. You see the unwillingness there is to go to the additional expense of more cars and more motormen and more conductors in order that the people may have more comfort and approach nearer to the realization of their rights. I say to you, Mr. Chairman, that no improvement will be had that you do not coerce from those companies. And looking at my experience of more than twenty years in this House no advance will be made except as you coerce it from the Committees of the two Houses on the District of Columbia. [Applause.] I make the assertion here that every advance, every step in progress, that has been made in the transportation of passengers in this city has been forced from reluctant management; and if you give them what they want, they know how to thwart your purposes in securing what the people want.

Gentlemen have said here that these companies did not have proper facilities. I want to remind you of the legislation that we had last year. I want to remind you of the extraordinary scenes that had to be indulged in, in order to compel the then chairman of this committee [Mr. Babcock] to give this House any opportunity to legislate upon this question. [Applause.] He was ready to introduce bill after bill that promoted the interests of the companies; but when it was attempted to ingraft some legislation upon those bills, although we had been promised again and again that opportunities would be given, points of order were made, and we had to defeat his bills until, under a rule, opportunity was given for amendment.

Two amendments were inserted. One was for the reduction of the fare and the other was for universal transfers. What was the duty of the corporations when that legislation was engrafted upon a bill that they wanted and that gave them large additional benefits? It was to acquiesce until the question could be practically settled whether within the limitations that we, any of us, would be willing to impose they could afford to make those reductions.

They ought to have trusted to the fairness of this House to believe that if that legislation was harmful, was destructive to property interests, that, in the interest of fairness, this House would repeal the destructive legislation. Not so. They absolutely refused to accept this very legislation with these other provisions attached. They would not accept the privilege of going to the depot because they said they would not make so much money.

We could have these facilities now that the gentlemen are so insistent upon if the railway companies had been willing to trust the good faith of this House, but they were unwilling to do that; they believed that if they could get delay in some way or other they could get a better hold, and they have got it so far as legislation has yet progressed.

I am utterly opposed to giving to these two corporations any new facilities until we can engraft upon the same legislation wholesome provisions of law that will compel at least an approach to decent observance of their obligations. [Applause.]

I say that much the largest estate that they have—putting tracks and all other facilities, real estate and all, on the one side—the most valuable asset that either of them have is the franchise that they have been given. The right of way through the streets of this city of nearly 400,000 people, practically free for all time, is an asset of most remarkable value, worth millions and millions of dollars, and so they would esteem it if an effort was made to take from them that asset. Having given them so much, we have a right to demand that they shall perform their part of the covenant. It was understood that when this great largess was bestowed upon them that the equivalent they would render would be complete accommodation of the wants of the people who desired the use of these roads. They treated that obligation with contempt. Every man that rides upon the cars knows that that is true, that the overcrowded condition is something that is remarkable.

I have a letter from an elderly lady who has to come to this city to meet her employment obligations every morning. She lives out in the suburbs. She tells me in this letter that without regard to the conditions of the weather she is often compelled to wait for many minutes while crowded cars pass her that she could not get on, and that on her homeward journey she has to fight her way into the car and out of the car on almost every occasion.

Now, Mr. Chairman, that is but one of tens of thousands of complaints if the people could only be heard. The gentleman from Illinois has told you that the great mass of the people that have come before the committee have not labored for lower rates or for the interchange of tickets; that is not what they are after. They want facilities; they want that for which

they pay. When they pay their 5 cents, or 4½ cents, they are entitled to a seat in the car; they are entitled to a comfortable and expeditious ride. They are entitled to be exempt from the struggle that now is necessary on these lines in getting into the car and then standing in the dense crowd hanging on to a strap.

Mr. Chairman, I am not going to make a clamor for reduced rates, but I do insist that no legislation ought to pass until there are provisions made by which we can compel these roads to perform their duty and to give what the people of this District pay for.

Gentlemen are wonderfully solicitous just now for the accommodation of the people of Washington by building this little block and a half of track. How few of the people of the District of Columbia at the most are interested in that in comparison to the vast multitude who want such frequency of cars, such freedom from crowds, that they can be permitted to do their business with proper expedition and with some semblance of comfort. [Applause.]

Mr. MURPHY. Mr. Chairman, for once I can agree with my friend, the gentleman from Iowa, as to the shameful condition of the railroad business in the city of Washington. It is little wonder that the people outside through this country are enraged at railroads when here under the Dome of the Capitol there is such treatment of the people as would not be tolerated in any other city in the nation. Why? Because in all other cities the people have the right of suffrage; they have the right to elect their own rulers; they have the right of controlling public-utility corporations which they have not here. Congress is the guardian of the people of this District of 300,000 people, and they look up to the Congress of the United States as their guardian. I want to say, Mr. Chairman, that there is not a court of equity, there is not a probate court in the United States that would not discharge a guardian immediately for neglect of duties to his ward, had the duties been fulfilled no better than have the duties of Congress to the people of this District in relation to this matter we are now considering. Why is it? I believe the reason is because the Members of the House and the members of the Senate are not aware of the situation. I have taken the time and the trouble, although we have been crowded in doing this, to investigate the reports made a year ago and the reports made this year before our committee in this matter; and I want to say it is the most astounding case of ill treatment of people that I have ever looked into in my life. Let us take the statements of the officers of these traction companies. The statement of the president of the Capital Traction Company made before this committee one year ago gave as the cost of construction of a single mile of track of underground railroad such as we have on the best streets in the city of Washington, not to exceed $66,000 a mile. That is single track. That company is paying dividends on $600,000 a mile of double track, refusing to give the people decent cars, refusing to give them cars sufficient to carry them, refusing to give the people lower rates, or any accommodations that are not forced from them by this Congress of the United States.

The gentleman from Iowa [Mr. HEPBURN] is right when he says they have never done anything that has not been forced from them. They are in that exact situation to-day. The other corporation, the Washington Electric Company—I don't know that I have the name exactly right—is a corporation that was organized or rather reorganized a few years ago, taking up a number of companies and then reorganizing from that. The testimony before those hearings shows that the stock of the companies absorbed at that time was purchased at any figure, from 10 cents to 40 cents or 50 cents on the dollar. Under an act of Congress they were permitted to issue stock fully on that, and to-day they are attemping to pay dividends on all that stock, although they purchased it from the companies that sold it to the present owners for a figure away below par. Yet they insist to-day that before the people can have proper accommodations, before the people can have lower fares, before the people can have any rights, that they shall receive interest on this amount of stock that represents in many cases two, three, or four times the value of what was paid for it originally, and also several times what it would cost to build the lines now. This is the situation that we are brought up face to face with, and I am glad of this opportunity to-day to present some of these matters before you. I believe that if the Members of this House and the members of the Senate had before them and had the time to examine the reports made a year ago of the hearings before the committee and the reports of the hearings before the committee this time, they would be astounded by what they would see, and there would be no question whatever but what they would grant to the people universal transfers and a 3-cent fare with that. The testimony of General Harries is in these reports that the cost of carrying a passenger in the District of Columbia a mile is only 2½ cents or a little more. He puts it at a little more. The testimony or the statement of Mr. MADDEN, a Member of this House and an expert in those lines, before the committee is that the cost is about 2½ cents per passenger. The statement of President Dunlop of the other company before the committee a year ago is to the same effect, that it cost 2½ cents a passenger to carry them.

In the face of that, with these enormous excesses of capitalization, they seek to hold up the people of Washington and everybody else. You are the guardians of these people; you are the only persons to whom they can look. They have nobody else. And in the slow process of legislation here, how are their rights taken care of? The railroad corporations never sleep. No one desires to injure them, but there is little danger that anyone can. Shrewd, cool, calculating, deliberate men in charge of those organizations, men well versed in every phase of the railroad business, looking out for the interests of those corporations all the time. You come here and I come here as men unskilled in these matters to protect the rights of the people. Then I want right here to call your attention to another matter. It is not three weeks since we have been permitted as a committee to look into these matters at all. In that time we have had our other business to attend to as other gentlemen on this floor have. We have given all the best attention that we could to the bills upon this subject, but I want to say to you that we have not had time to properly consider that bill for permanent construction that has come before the committee. There are many things in it that need examination, and careful examination, too. We found on an investigation Saturday many things that needed to be remedied in the bill—in the Senate bill that is now before us—and every time we pick the matter up to consider it we find other matters that need attention. My friend from Iowa [Mr. HEPBURN] said to you that out in the eastern part of this city the people are demanding railway transportation which they can not get. What is the situation? Out in that neighborhood in which the gentleman from Iowa lives, if you want to take a street car to the other part of the town you have to pay two fares, or you must walk down to the Peace Monument to take that car or almost an equal distance. I have been informed that a great many men working at the Patent Office live out in the southeast portion of the town, poorer people who can not afford to live out in the great northwest among the magnates of the city. How are they taken care of?

They get up in the morning and they want to go to their work, and they have to pay two fares to the street railway, or walk across the city to do it. The poor people of the city of Washington are entitled to some privileges as well as the wealthy. These are matters that ought to be considered. We have not had the time to do it. Another matter to be considered is the matter that the gentleman from Iowa called your attention to, and that is the overcrowding of cars. Now, before our committee the statement of the presidents of these railroad companies was that the cars are not overcrowded, and here I give you a statement taken by a Member of this House of a condition which occurred at 5.30 o'clock of the evening of January 9, 1908. One car on the Washington Railway and Electric Company had 122 fare passengers on it going east. Just think of it! I have myself stood near the Peace Monument watching cars coming down the avenue to see whether they corresponded with the statement of the managers of these railways of these reports to the committee, and I found no such situation. I found it as the gentleman from Iowa found it. I have stood there with my watch in my hand counting, and I have found it as the gentleman from Iowa found it, that the people are not getting the service which they ought to have in the great city of Washington. Here, with every opportunity and facility, the center of the nation, a place where the people will come to for an example of good government, they find this condition of affairs. Why out in my own State in the district of my colleague, which adjoins me on the north, a city of only 30,000 people, under our railway commission of the State of Wisconsin the people are demanding a 3-cent fare in this city of only 30,000 people, and I think they are going to get it. Here in this great city of Washington, where strikes, failures, and panics never affect them, because the majority of the people draw their salary from the Government of the United States, here in a city that must continue to grow and increase for a thousand years, franchises are given to these companies without the payment of a dollar, only a single tax of 4 per cent a year upon their earnings is demanded. And such accommodations as you will find in no other city of the United States, little bob-

tail cars which used to be drawn by one horse or one mule years ago, doing service on the railroads of the national capital, a disgrace to the people of the United States to-day.

Matters in this bill requiring consideration are the matters of accommodation, facilities for transportation, the safety of the people, and the rate of fare to be charged, and the location of these tracks, these permanent tracks before this magnificent depot. They are important questions now. In the bill which passed the Senate is a provision for four tracks directly in front of this depot, the nearest one of them 16 feet from the curb of the depot. The condition that will probably result in times of great crowds, such as an inauguration, are such as may well induce the fear that numbers of people will be killed on those tracks in front of this marble depot, which will be a marble tomb for them. There is the situation as it came before us last Saturday. There the ground has been filled for 30 feet directly in front of that magnificent depot. In the minds of some of us these cars should go below and the people enter these cars under roof without stepping into the rain at all, so that nobody would have to cross over these tracks. Another provision is that street cars cross this grand capitol park in front of the magnificent library.

Mr. BATES. Mr. Chairman, may I ask the gentleman a question?

Mr. MURPHY. Certainly.

Mr. BATES. Is the gentleman in favor of the adoption of this bill?

Mr. MURPHY. Well, with all the light that has been put upon it to-day I do not know that I would want to say I am. I am in favor of such action as can be done safely.

Mr. BATES. I apprehend, Mr. Chairman, that Members of the House are seeking illumination from members of the District of Columbia Committee. I have been waiting in vain to hear whether the gentleman expresses himself as being in favor or against the pending legislation.

Now, just one word, if you please. I apprehend that all the gentleman has said against the street car service in the city of Washington is true, and it could be said of New York, Pittsburg, and other large cities of the country, but has the gentleman given these arguments before his Committee on the District of Columbia, and has the District of Columbia Committee considered these very defects which the gentleman has pointed out so ably before the Committee of the Whole?

Mr. MURPHY. I will say in reply to the gentleman that we have had no opportunity for doing that. He will see that there is a report of hearings before that committee, of other gentlemen. That committee has been engaged with these other matters, and we have not had time to present these matters before that committee, and in the urgency, the demand to force out something, this bill comes before the House to-day. That is the situation.

Mr. BATES. One other question, if the gentleman please.

Mr. MURPHY. Yes, sir; with the greatest of pleasure.

Mr. BATES. In the judgment of the gentleman, Mr. Chairman, would this four-track extended service to the Union Station be operated by the street-car companies at a loss or at a profit?

Mr. MURPHY. It certainly would be operated at a profit. Any extension would be operated there at a profit.

Mr. BATES. And the gentleman thinks an independent proposition of investment by the company would be operated at a profit?

Mr. MURPHY. No question about it whatever. The people who to-day walk from that depot, a great many of them, would not continue to walk. The people who take hacks from that depot would take the cars, who do not take them at all now. There is no question about it that it would pay.

Mr. BATES. In this connection, Mr. Chairman, I believe there is a growing need and a growing demand, not on the part of the railway companies, but on the part of the people—the men, women, and children—who walk in the slush and mud there to-day, for this extension, and I trust that the gentleman's committee will in their wisdom report a suitable bill for the permanent trackage. I want to ask the gentleman this further question: How long will it be, if this bill is defeated, before the Committee on the District of Columbia will be able to report a bill for permanent construction?

Mr. MURPHY. I can say as to that, sir, that I am only a minority member of that committee. There is no desire to postpone matters, but there is this desire in that committee—that we shall have time to investigate these matters. Perhaps in two weeks it could be reported. I will say I can see no reason why in two weeks, or four weeks at most, the permanent bill can not be reported. And if this matter were postponed for that time I do not know that any great harm will be done.

Mr. BATES. Does the gentleman think it will take until a year from next March for these railway companies to put in a permanent construction?

Mr. MURPHY. I think it will take nearly that time, for this reason: The peculiar construction that must be directly in front of that depot will have to be put in mainly on a curve. Every inch of the metal work there has got to be figured, every foot of it, down to the finest point. It has not the character of ordinary railway construction. I have no doubt, in the present condition of manufacturing establishments in this country, for that peculiar work it will take some time for the companies to get it out anywhere. It will take quite a period of time to put in those tracks. I think it can be put in within a year. I see no reason why permanent tracks should not be in there by the first of next January or the first of next February.

Mr. BATES. I thank the gentleman for the information.

Mr. MADDEN. Does the gentleman believe that if the temporary track arrangement was legislated on at the same time the permanent track legislation was acted upon it would meet all the needs?

Mr. MURPHY. In response to the gentleman from Illinois [Mr. MADDEN] I will say that I think it would, and I see no objection to that in case we have time on that committee to properly consider this matter and bring it before the House.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa;

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind;

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.; and

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 456) to provide for the holding of United States district and circuit courts at Salisbury, N. C.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Flathead River, Montana, from the mouth of the same to the city of Kalispell, with a view to dredging and cleaning out a channel carrying 4 feet of water from the city of Kalispell to the mouth of said river and to submit a plan and estimate for such improvements.

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the portion of the Yellowstone River from the city of Glendive, Mont., to the mouth of said river, with a view of cleaning out the channel thereof, so as to maintain a 4-foot stage of water therein, including a lock, at the United States Government dam, and to submit a plan and estimate for such improvement.

Senate concurrent resolution 15.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey of the entrance and harbor at St. Augustine, Fla., with a view to determining the necessity for and cost of construction of necessary breakwaters, etc., to protect the Government works at St. Augustine, Fla., from damage from erosions and encroachments of the sea.

Senate concurrent resolution 16.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made at Depere, Wis., for a turning basin; also for the purpose of deepening the present channel between Green Bay and Depere and making it a 20-foot channel clear through from Green Bay to Depere, and to submit estimates for the same.

Senate concurrent resolution 17.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Oconto Harbor, Oconto, Wis., with a view to providing a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

TEMPORARY TRACKS TO UNION STATION.

The committee resumed its session.

Mr. FOWLER. Mr. Chairman, I send to the Clerk's desk a clipping taken from the Washington Post this morning, which I desire to have read.

The Clerk read as follows:

An interesting story was told last week bearing upon the probable action of certain leaders in the House with respect to this bill. There need be no fear, it is said, that Chairman Fowler and his committee will not report the Aldrich bill promptly to the House, and that this measure will go through the orderly course of committee procedure without recourse to the device of sending it to the Ways and Means Committee or considering it without sending it to any committee whatever.

It was said that Speaker Cannon was so firmly convinced of the necessity of speedily passing a measure containing the vital principles of the Aldrich bill that he thought seriously of deposing Mr. Fowler from the chairmanship of the Committee on Banking and Currency. The Speaker understood Mr. Fowler's opposition to that bill and his great desire to have his own currency measure adopted by the House. Mr. Fowler, however, it is said, saw the handwriting on the wall, and gave the Speaker to understand that he would abide by the will of the majority of the House, and would report the measure when it came over from the Senate. With such an understanding the Speaker reassigned Mr. Fowler to the headship of the committee.

Mr. FOWLER. Mr. Chairman, every word, from the first to the last, of that publication is utterly and absolutely false.

When Speaker CANNON called me in and advised me of the fact that he was going to appoint the Committee on Banking and Currency, after telling me that all of the published statements to the effect that he intended to displace me were a pack of lies, the only suggestion he made at all was that he thought it would be unwise to bring any measure into the House before the holidays, on account of the sensitive condition of the public mind.

No allusion of any kind whatever was made to any bill in this House or any other. I replied to him as follows: "I agree with you; and more than that, I believe that any measure that attempts to affect the present situation or to deal with it in any way would be unwise, not only before the holidays, but useless and unwise for this entire session." And that is all that was said.

I sincerely hope and firmly believe that no Member of this House would permit the putrid purpose of securing place, however exalted, to paralyze his patriotism and destroy his devotion to his country. [Applause.] The man who betrays the principles which he truly believes will best conserve the interests of his country is as foul a traitor as he who, in uniform, upon the field of battle, turns and shoots down his comrades defending the Stars and Stripes. Such an imputation is an insult to the Speaker and every Member of this House. I denounce it as false, and, as I believe, maliciously false.

Mr. Chairman, what I said to Speaker CANNON with regard to temporary legislation I thoroughly believe. After the panic of 1873 a panacea was offered to General Grant in the way of more greenbacks, and he vetoed it. In 1893 the panacea was offered to Grover Cleveland of more silver, and he vetoed it; and I hope that this House now, under exactly the same conditions, will be as intelligent and brave as those two men were in their day.

The importance of this question, Mr. Chairman, can hardly be appreciated. We are dealing with bank resources amounting now to $19,645,000,000 in this country, while the banking power of all the rest of the world amounts to, according to the same calculation, $30,500,000,000. In other words, we have in the United States two-fifths of all the banking power of all the world; and we produced last year products of various kinds valued at $25,000,000,000.

Now, everybody knows that there is something wrong, radically wrong, and those who have studied the situation know that we have the worst financial and currency practices in the world instead of the best.

What is the acute and most urgent question before the American people? What is the question that will not down until the people themselves have settled it?

What is the immediate and direct cause of the present deplorable situation? What is the cause of the most disgraceful incident in the business life of the Nation?

It is a bond-secured currency which bears no relation whatever to the business of the country.

What was the origin of this bond-secured currency?

In 1863, when Secretary Chase wanted to raise money to carry on the war, he devised this scheme of basing our currency upon Government bonds; and, by imposing a 10 per cent tax upon bank-note circulation, compelled the bankers to buy the United States bonds and issue circulation based upon them. It was a bond-selling scheme in its inception, and it has never been anything else but a bond-speculating scheme.

From 1882 to 1891 this bond-secured currency, though the country was expanding and growing in every direction, fell from three hundred and sixty-two millions to one hundred and twenty-five millions, and this I say in the face of the fact that the period was one of prosperity and expansion. It contracted two hundred and twenty-five millions simply because it did not pay to hold the bonds.

From 1891 to 1900 you will find upon investigation that the bank notes often decreased from July to December, when they ought to have increased from two hundred and fifty to two hundred and seventy-five millions of dollars simply because it paid to sell the bonds, and the bankers did what they ought to do for their stockholders as a matter of business. Again, you will find that in the same nine years from January to July, when the bank-note currency ought to have decreased from two hundred and fifty to two hundred and seventy-five millions, the circulation actually increased, because it paid to buy the bonds, and the bankers did what was for the interest of the stockholders of their respective banks.

In other words, a bond-secured currency bears no relation to the business of the country, but increases and decreases according to the profit or loss in buying or selling the bonds.

Mr. Chairman, if the principle or practice, rather, of basing a currency upon bonds were a wise one, is it not altogether likely that some other nation would have adopted it during the past forty-five years? One country did adopt it, that enterprising country across the Pacific, Japan. But the Japanese Government adopted it only overnight. They found this bond-secured currency utterly unfit for their country and discarded it and adopted credit currency. So we stand alone in all the world in having it, and we have it only by tradition and not by adoption as a principle.

The present panic, how did it come about? Every fall, beginning with July and up to the 1st of January, it has been demonstrated that the central cities of the country send into the farming districts about three hundred millions of currency. Last fall, when this demand was urgent, there coincidentally happened a financial difficulty in New York that precipitated a run on the banks and probably from $125,000,000 to $150,000,000 of currency was seized, so that the New York bankers not only were utterly unable to send money to the West, but were even compelled to adopt clearing-house certificates.

Therefore our whole system of currency exchange broke down from one end of the country to another in a time of prosperity, when the prices of all commodities were high, and people wanted to buy them. You could not sell a bale of cotton and transfer title; you could not sell a fat steer and transfer title, or a bushel of wheat and transfer title, because your current exchange had completely broken down.

Now, gentlemen, if you had had the kind of currency that you ought to have had, and if the banks of this country could have sent their credits into the country districts; if they could have converted their book credits subject to checks into current credits, which passed without indorsement, we never would have had the troubles of this last summer. It is a certainty that the banks in these central cities were owing the country banks more than $300,000,000. That was an absolute debt, subject to check or draft. They held their reserves against $300,000,000. Now, if they could have converted this $300,000,000, which is a debt against which they hold reserves, into a current credit, and have held the same reserve against the current credits that they held against the order credits, they could have paid off every one of these banks throughout the country and have moved the crops and no one would have ever known that the crops were being moved nor that a bank had closed its doors in New York. They would not have increased their debt one single dollar; they would not have increased their reserves one dollar; and it would have been simply a matter of bookkeeping—the president of the bank saying to the cashier, "Send out our bank notes, charge the country banker, and credit the cashier of this bank." That would have been all there was to the transaction.

With a view of impressing upon the members of the Senate and the House of Representatives the fatal mistake of pursuing this policy any further, especially of passing the boundaries of Government obligations, I addressed the following letter to each of them:

COMMITTEE ON BANKING AND CURRENCY,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 14, 1908.

MY DEAR SIR: While we are trying to think ourselves out of our deplorable currency condition, it seems as though we ought to take some note of the observations and conclusions of the leading economic

authorities of the world and of what they are thinking and saying about us.

Paul Leroy-Beaulieu, the leading economic authority of France, has this to say in the New York Evening Post of December 31, 1907, in its annual financial review:

"It is true the American monetary system can not stand on its feet. Something of course must be done; and I hold to President Cleveland's principle that the United States must work out the separation of bank and state; but any immediate action in this matter is difficult, if only for the reason that the public funds used by the national banks could hardly be capitalized elsewhere at anything like a 2 per cent rate. In this connection I have been surprised to learn of a possible future loophole to permit the national banks to issue bills against other than Government funds. It seems to me that this would remove the very necessary limits which the possession of Government funds established; if railway or even municipal funds for example should possibly take their place, it might lead to dangerous inflation."

In the London Economist the following recently appeared:

"How and when the American coach will be pulled out of the mire in which it has been sticking for the last eight weeks is a problem that becomes more pressing every day. The present situation is a peril to financial and commercial interests all the world over. The best that can be said is that the realities are beginning to be appreciated on the other side of the Atlantic. * * * A great part of the American currency is inconvertible. The issues of bank notes in the United States are not based upon sound principles. The so-called security of bond deposits is no proper security at all. It is a device which originated in a desire to give an artificially high value to the Government's debt and enable it to borrow cheaply. The American people are saddled with an unsound currency because the American Government when it was hard up wanted to make a market for its bonds."

And also the following:

"The American public has become so hardened to the idea of bond-secured currency, with no proper relation to gold, and therefore no automatic elasticity, that we fear there is little chance of creation of simple, sound, and uniform system of currency. If American bank notes are issued to an unlimited extent on security of railway bonds, we may have to study again the history of Law's Mississippi scheme, and of the French assignats, which were proudly described as paper money based on the firm foundation of landed property."

If the observations of these leading economic authorities are true, it must be self-evident that we are at the parting of the ways now precisely as we were in 1896; and that to adopt the principle of using bonds as the basis of our currency will be far more disastrous in the end than it would have been to adopt silver as our standard of value in 1896.

Very truly, yours, CHARLES N. FOWLER.

Mr. UNDERWOOD. Will the gentleman yield to a question?

Mr. FOWLER. I do not desire to be interrupted now to answer any question, but when I have finished I shall be very pleased to answer questions.

The next important question that we want to consider in this country is that of our bank reserves; and I want to say that there is, in my opinion, nothing that is fit for a bank reserve except gold, and that in any country, whatever the standard of value may be, the reserves should be coined out of that standard of value. [Applause on the Republican side.]

Let this be understood once for all. If it is cotton, then coin them out of cotton; if it is wheat, coin them out of wheat; if it is copper, coin them out of copper; if it is silver, coin them out of silver; but if it is gold, coin your reserves out of gold.

Now, what is the fact about the reserves of this country?

Mr. Chairman, having called the attention of the House to the immediate cause of the panic last fall, which I believe was distinctly a currency panic, I shall now proceed to point out the fundamental defects in our financial and currency practices, which I will not dignify by calling principles or systems. I believe that certain of these defects are most serious and must inevitably, sooner or later, lead to commercial disasters, compared with which the experiences of the fall of 1907 may be regarded as a pleasing recollection.

First, I desire to call the attention of the House to the appalling condition into which the reserves of the banks of the country have already come.

I tried to make an estimate of the amount of bank notes, which are nothing but mere promises to pay based upon other debts, Government bonds due twenty-five years from now, which have found their way into the banks of this country and are being held as reserves. I estimated from the information that I could get last year that there were over $200,000,000 of bank notes so held.

Last Saturday, in a conversation with the Comptroller of the Currency (Mr. Ridgely), he said to me, "Mr. FOWLER, I do not believe that there are more than $150,000,000 of bank notes, of which we now have $700,000,000—I do not believe there are more than $150,000,000 of them in circulation."

This leaves $550,000,000 of bank notes in the reserves of the banks of this country, one-half of all the cash reserves now held by the banks being in mere promises to pay.

Think of it gentlemen. Now how does that come about? I will tell you. A gentleman recently told me that he knew of a trust company that had taken $3,000,000 of the bank notes of one single bank and locked them up so that that bank could make its 1 per cent and over on its circulation, and that another trust company had $2,000,000 of the bank notes of another bank locked up in the bottom of its reserve.

And so, all over this country, the men who have national banks go to the State banks and trust companies and place their national-bank notes in the reserves of these State banks and trust companies, until, according to Comptroller Ridgely, they have crowded five hundred and fifty million of gold out of our reserve, for remember that every dollar of bank notes in our reserves has displaced and crowded out just that amount of gold.

It may be asked why the national banks desire to lodge their notes permanently in the reserves of the State banks and trust companies. It is because they make a profit of about 1 per cent, sometimes more and sometimes less, according to the price of the bonds, and therefore desire to keep their notes out permanently.

A perfect parallel to this process may be found in the fact that from 1793 to 1834 a differential of one-half of 1 per cent in favor of silver crowded every dollar of gold out of this country.

The required reserves of our national banks average about 20 per cent. My investigation last March, the result of which I tried to give to this House, and which contained a prophecy of precisely what would happen last fall, but which was not listened to very patiently because, as I suppose, people dislike to hear unpleasant things, disclosed the fact that the banks of this country, outside of the national banks, only held 6.35 per cent in cash. According to Mr. Ridgely's opinion, above referred to, probably a half or two-thirds of all the reserves held by the State banks and trust companies, insignificant as the amount was, was in these bank notes—mere promises to pay the debts of the banks.

The following letter I have just received from the Comptroller of the Currency and read it because it discloses the high average of the reserves required by the national banks and the very great and unfair advantage the State banks and trust companies now have over the banks under national supervision:

TREASURY DEPARTMENT,
Washington, January 25, 1908.

Hon CHAS. N. FOWLER,
House of Representatives, Washington, D. C.

SIR: In reply to your inquiry by telephone, you are respectfully informed that the percentage of reserve held by the national banks during the year 1907 was at the lowest on March 22, being 20.74 per cent, as you will note from the following:

1907.	Reserve held.	Reserve held, including excessive credits with reserve agents.
January 26	21.53	26.87
March 22	20.74	25.45
May 20	21.22	25.79
August 22	21.33	25.56
December 3	21.31	24.72

On December 3, 1907, the net deposits subject to reserve requirements aggregated $4,906,684,057.73. A reserve was required of $978,104,566.40, equaling 19.93 per cent. * * *

Very respectfully, WM. B. RIDGELY, *Comptroller.*

Mr. Chairman, in the second place, I desire to call the attention of the House to the 346,000,000 of United States notes still outstanding, mere promises to pay, mere pieces of fiat, issued during the civil war, more than forty years ago, and under the stress of supposed necessity. They have never been paid and canceled, nor retired by funding, simply because neither the Republican party nor the Democratic party has ever had the political courage to do its duty and eliminate this ever-threatening danger.

These United States notes have remained to this day a disgrace to our economic wisdom, a monument to our political cowardice, and what is more, a serious menace to our national credit. Nay, more, they have been a constant source of unsound thought, because their existence has led many to the conclusion that our bond-secured bank notes were fit for bank reserves, on the theory that if the greenbacks were proper reserves the bank notes necessarily must be, because secured by Government obligations.

Mr. Chairman, all of us remember the horror of 1895, when the credit of this nation hung over the precipice of dishonor, and when we were certainly within forty-eight hours, possibly twenty-four hours, of national repudiation, for apprehension had set the endless chain of greenbacks to work, and our one hundred million of gold had dwindled to forty-one million of dollars.

At that critical moment Mr. Cleveland had the intelligence, the courage, and the patriotism to grasp this monster by the throat, and, against the protests of practically the entire Democratic party, appeal to that great financier, Mr. Morgan, through whose aid our national honor was maintained by controlling the exchanges until we could recoup our gold. I, for one, thank God that a man like Grover Cleveland was President of the United States that year.

Mr. Chairman, for the information of the House I will read a letter just received from the Treasury Department giving the actual condition of the Treasury on the 8th day of February, 1895, when the contract was signed with Mr. Morgan, and also on the 12th day of February, 1895, when our net gold in the Treasury fell to $41,340,181.11.

TREASURY DEPARTMENT,
Washington, January 25, 1908.

HON. CHARLES N. FOWLER,
Chairman Committee on Banking and Currency,
House of Representatives.

SIR: In reply to your inquiry of this date (by phone) relative to the issue of $62,315,400 in 4 per cent bonds of the United States dated February 1, 1895, you are advised that the contract for the sale of these bonds in exchange for gold was executed February 8, 1895, and that the first deposit of gold under the terms of the contract was made at New York on February 11, 1895.

The Treasury holdings of gold on February 8, 1895, was as follows:

Gold coin	$52,093,118.07	
Gold bullion	43,288,961.05	
		$95,382,079.12
Less gold certificates in circulation		52,599,019.00
Net gold in Treasury		42,783,060.12

On February 12, 1895, the net gold in the Treasury amounted to $41,340,181.11, the lowest point reached since the resumption of specie payments January 1, 1879.

Respectfully,
J. F. MELINE,
Assistant Treasurer United States.

Mr. Chairman, who can tell when this slumbering danger shall again threaten the credit of the nation and shake the finances of the Government and the commerce of the United States to its very center? Do we not know that we are carrying 700,000,000 of bank notes, 600,000,000 of silver, and 346,000,000 of greenbacks on a mere pin point of gold amounting to only 150,000,000? And yet it is suggested that we may with safety add 250,000,000 more of Government guaranty of paper, 500,000,000 more of Government paper; yes, a billion more of Government paper, which must in the very nature of things lead on to other hundreds of millions and billions more of fiat.

The people of this country, in Congress and out of it, seem to be thinking of isolated facts, of isolated circumstances, not at all realizing that great laws, as certain in their operation as the law of gravitation, must inevitably control the situation and that the measure of our misfortune and misery will be in the degree of our folly.

Mr. Chairman, the third fundamental defect in our Government practices to which I desire to call the attention of this House is the handling of our Government funds.

Think of it, gentlemen; instead of our Government receiving payment and paying its own obligations as all governments, States, cities, and business establishments do, we are actually withdrawing from the channels of trade daily the reserves which ought to continue in a normal relation to the business of the country.

If any corporation or large business house pursued the practices of this Government, I think it should and would be mobbed inside of a week for doing it.

The subtreasury system of the United States has been a curse to the commerce of the country ever since it was established; and it has been more of a curse in recent years than ever before, simply because the business of the country has grown to such proportions and the Government transactions are so large that our practices amount to a threatening commercial earthquake.

Not only is this true, but it is a constant source of suspicion, a source of hatred, and a source of sectional rivalry. Indeed, I do not know of anything in this country that has constantly aroused such a bitter feeling between the various sections of the country as the distribution of this money forcibly withdrawn from the business of the country, and I was on the point of saying forcibly put back in times of stress.

A desperate effort is being made at this very time to get evidence to show how favorite cities, possibly favorite banks, have obtained an advantage by securing an undue share of the public funds. The bank which the Secretary of the Treasury honestly believes needs it most undoubtedly gets the money, but the opinion, the conviction, which necessarily must result from the impression made on the Secretary by the arguments advanced and the showing made controls his action. If the applicant is eloquent and powerful and his influence very great, the Secretary of the Treasury, being human like the rest of us, is moved naturally just as all the rest of us would be.

Mr. Chairman, the United States Government should receive its revenues by check and draft of national banks and deposit its money every day by check and draft and withdraw it from the bank by check and draft precisely as any other business institution does, and should cease to be a disturbing factor in the business of the United States.

Mr. Chairman, it is impossible to pull one million, five million, ten million, twenty-five million, fifty million, two-hundred and fifty million dollars of the reserves of this country out of the channels of trade without disturbing our business conditions most disastrously. Nor is the withdrawal of the reserve from the channels of trade much more unfortunate in its ultimate effect than the thrusting of this vast sum back at places and at times wholly without reference to the actual commercial requiremens.

You will observe, gentlemen, that I speak of commercial requirements. These transactions have no natural connection with the commercial movements of the country. The transactions of the Government have become so stupendous that the public welfare demands a rational disposition of the public revenues.

Mr. Chairman, I desire to call the attention of the House to the fourth fundamental defect, which is the banking system, or banking practices, rather, of the country.

Our banking system is individual and is the counterpart of that characteristic which, I think, distinguishes our people from those of all other countries in a marked degree, and that is our individualism. The American citizen is the most positive, characteristic, and individual human being in the world. He is the outgrowth of our political institutions, and, therefore, naturally so, and our banking practices are in perfect keeping with that individualism. It is the individual system, the unit system.

We have in this country to-day, national and State banks and trust companies, 19,746 independent and individual institutions. Their position depends in some instances almost entirely upon the standing of the officers of the bank, the capital varying all the way from nothing up to $25,000,000. The deposits of these commercial banks are now in excess of $13,000,000,000, while the number of depositors now runs into the millions. Of the national banks there are 6,620, while of others there are more than 13,000.

Now, gentlemen, this individual banking system can never stand alone, because just as quick as a rumor sweeps across the country every man who has a dollar deposited in any bank, except one of the very largest capital, compares at once its deposits and its reserve. He fears it can not pay, and he begins to doubt whether any bank will survive. The result is that there are runs on banks all over the country.

We must coordinate all our banking institutions, gentlemen, and bring them into one harmonious whole, so that while we gain all the power of a great central bank—indeed, the greatest in the world—we shall lose none of the individualism of the American bank, which is a source of local pride and will be a great source of power in the development of American resources, American character, and American institutions.

Up in New England you have a grand system of mutual savings banks. Go down to Boston, and you will find trust companies doing everything a bank can do—indeed, everything they are authorized to do under the proposed bill. It is a trust company, it accepts deposits for savings, it does a commercial business, it has time certificates, it does absolutely everything that a bank can do. A national bank in the same town can only do a commercial business.

Go to New York, and the trust company does everything except strictly discount business. Go to Philadelphia, and a trust company, I believe, does everything that a national bank can do and all that a trust company can do, and it takes savings deposits besides.

Go into a trust company in Detroit, Mich., and you will find that it can only do a trust business, because the State banks anticipated the encroachments and limited the powers of trust companies, so that a trust company can not do anything except a strictly trust business. Go out to Chicago, and you will find trust companies doing anything that any bank can do, wherever it may be located. Beyond New Jersey and New York in the United States there are only twenty-five mutual savings banks in the United States. All the rest of them are stock companies run for profit.

So what have we in this country? You have banks doing business with no reserves, banks with 5 per cent reserves, banks in some States with 10 per cent reserves, and in others with 15 per cent, and the result is that these institutions can do all kinds of business, act as executor, administrator, guardian, and trustee, accept savings accounts, and do a general commercial

business, in many cases carrying only such reserves as their own sweet wills suggest or such as may be required by State statures, ranging all the way from nothing up to 25 per cent.

Such a condition must inevitably lead to a constant warfare between the different banking institutions of the country, and ultimately destroy the national system, if it does not resort to these same sources of profit, because the other institutions, having to carry very slight, if any, required reserve, can pay such a rate for deposits as to ultimately undermine national banks doing a strictly commercial business.

In the face of this destructive competition there has developed recently in the evolution of American banking this practice or device. A national bank—the First National Bank of Chicago is an illustration, and it is one of the greatest financial institutions of this country, and its president is, I think, the greatest banker, distinctly so speaking, in the United States—probably started the scheme because of the pressure of other banking institutions doing all kinds of modern banking, as I have pointed out.

Mr. Forgan, president of the First National Bank of Chicago, has organized the First Trust and Savings Bank, which occupies the floor below the First National Bank proper. The capital of the institution downstairs is, I think, a million dollars, all of which I presume is in the vault of the institution upstairs. This annex to the upstairs institution now has, I think, about forty millions of deposits, and, considering the length of time it has been doing business, is quite the most remarkable of its kind in the United States.

These two institutions I am confident are managed with the greatest of skill and absolute integrity. But this practice is sweeping over the country, and other national banks have taken it up as a method of meeting the competition of the various State institutions which have such a decided advantage over the national banks.

The other day I called the attention of Comptroller Ridgely to the fact, and he said: "Yes, it is being done; and in some cases I am going downstairs or upstairs, as the case may be, and examining these savings banks and trust companies."

Now, will Mr. Ridgely tell us what right he has to go into a savings bank which is carried on under a State law, or into a trust company which is conducted under the State law? None whatever.

So, as you go about the country investigating this question, you will find the national bank on the corner and a savings bank around the corner and the back ends of the two institutions in happy and convenient conjunction; so that when the national bank examiner appears he gets all the best securities of both institutions, and when the State bank examiner appears he has the pleasure of seeing the same best securities.

Mr. Chairman, this thing went on to such an extent in the New England States a few years ago that in Massachusetts and Connecticut at least, and possibly in other States, they passed laws absolutely prohibiting any national bank and savings bank from occupying the same building or from having any connection whatever.

So, too, you will find some unholy alliance with a trust company up the street, down the street, or across the street. These practices were illustrated to an astounding degree by Mr. John R. Walsh in Chicago within the last two years.

Mr. Chairman, is it not high time that the American people know what is actually in the bowels of both of these banking institutions which are working in such happy harmony with each other?

The people should be deeply interested in their own affairs; and we should legislate for the people and absolutely protect the people if possible, realizing that the banks can and will always take care of themselves.

Mr. Chairman, I do not believe that I am far from the exact truth when I say that the unfortunate experiences through which we have been passing during the last three months had their beginning and were precipitated by conditions that were wholly due to this character of banking in New York City.

What was the situation? The trust companies of New York had been making war upon the national banks of New York for years, just as I have pointed out, by bidding up on deposits. The Knickerbocker Trust Company, because, of course, it was not compelled to carry adequate reserves, would take a deposit from anybody, practically, and give 4 per cent on it. Its required cash reserve was just 5 per cent. Of course it could take deposits from the national banks who could not possibly afford to pay more than 2 in reason. The story of the Knickerbocker was only the story of several others. Hence a feeling grew up in that city that amounted to actual war between the national banks and the trust companies which had withdrawn from the clearing-house association because, forsooth, the national banks insisted upon their carrying larger reserves.

When this trouble came on and the Knickerbocker appealed for help at the conference to consider the application, one president of a national bank said: "If I had my way I would let every trust company go to the wall—I would make an example of such banking methods." To this Mr. Morgan replied, "You don't know what you are saying. There is a leak in the dyke, and you can stop it now by putting forth your hand. Later on you may throw your dead body into the breach without being able to stop the flood."

What might have happened in New York City, what might have happened to the whole country, no one will now ever know. Mr. Morgan, a giant of giants, the Hercules of finance, a banker statesman, a banker patriot, a man with a great heart as well as a great intellect, stood like Gibraltar protecting the nineteen billions of resources of our banks, protecting the occupations of 25,000,000 American men and women, protecting the national welfare against the consequences of a more destructive, terrific, and appalling cataclysm than has ever swept over the commerce of any country.

Is it wise to remain in a position where you must depend upon some one man? And who will take his place when he is gone? Is it not high time that we had a scientific, sound, and wise system of finance and currency; one that can stand alone, one that can stand the strain of contracting credit when the hour comes?

Mr. Chairman, the fifth fundamental weakness or defect in the present financial and currency situation grows out of the fact that the national banks are the owners of practically all of the 2 per cent Government bonds, or seven hundred million of them, which, including the premiums, represent seven hundred and fifteen millions of dollars.

Suppose we should have a war, a great war, calling for the issue of two or three billions of dollars of bonds? The rate of interest must necessarily rise to 4, probably 5, per cent. What would be the price of our 2 per cents? Would they fall 20, 30, or 40 per cent? Thirty per cent would mean a loss to the national banks of this country of $200,000,000. The banks would not be the only losers. The people of this country, with a third of the national banks going down, must be the ultimate sufferers.

Now, gentlemen, these are the great fundamental and serious defects of our financial and currency practices—I will not call it a system. It is not entitled to the name. The time is now ripe, the opportunity at hand when we can eliminate every one of these defects and secure a scientific, sound, and wise financial and currency system. It can all be done in three or four months, and nobody in this country need know that it has been accomplished, except the banks, who will do the funding of the bond-secured notes, the United States Treasurer, and the Comptroller of the Currency. Once in operation, I feel confident that we should have, all things considered, the best banking and currency system in the world.

I hope and believe that my exposition of the proposed measure will demonstrate that it will achieve the following results:

First. It will unify our banking system.

Second. It will provide that our bank reserves shall be in gold coin or its equivalent.

Third. It will establish a simple and scientific monetary system with gold coin, or its equivalent, as bank reserve with guaranteed bank-credit notes redeemable in gold for our larger bills, and with silver for our smaller bills and subsidiary coins.

Fourth. It will secure an absolutely free issue of credit currency redeemable in gold coin, always adapting itself to the ever-varying needs of trade; never too great, never too small, always just adequate to the requirements of business.

Fifth. It will establish in the United States Treasury such a guaranty fund as will absolutely protect all depositors, and thereby prevent panics and the hoarding of money.

Sixth. It will completely divorce the operations of the United States Treasury from the trade and commerce of the country, and thereby prevent them from being a disturbing factor in our business.

There are those who think a central bank would bring the desired reforms and is what we want in this country. I have thought a good deal upon this subject. It may be possible, but after a long and serious consideration of the subject, I do not believe that these defects and evils in our present system can be eradicated through a central bank. I do not believe that a central bank is suited to this great country of ours. I do not believe it is suited to the people of this country. I believe that this country is too partisan a country to ever be a proper place for a healthy and normal development and proper administra-

tion of a great central bank. Our political institutions, in my judgment, are not suited to a great central bank.

Mark this now: France has a central bank, the best in the world. Its charter was drawn by that matchless intellect of his time, Napoleon. France has 204,000 square miles of territory. Germany has 208,000 square miles. Either of these countries can be dropped into the grand old State of Texas, which has 265,000 square miles, and leave us with the square miles of Illinois to spare. The United States has 3,742,000 square miles. The distances are so great and the products of our country are so varied that I do not believe that a central bank could meet the requirements of our vast business interests and treat them as they should be treated.

There is another thing. Every one of these great central banks of Europe is presided over by the greatest economists, by the most successful business men, the profoundest scholars, and the wisest statesmen of their respective countries. Is there any man here whose imagination will suffer him to believe that you can establish such an institution in this country so far as he has watched the political forces of this country?

Mr. Chairman, in the orderly discussion of this question and in the accomplishment of the things that are to be desired, the first and most important thing, as a matter of soundness, is to unify the banking interests of this country, bringing them under one uniform law and common administration, from the Atlantic to the Pacific and from Canada to the Gulf.

That this can be done let no man doubt, and that, too, without friction or shock, and only with the more wholesome, uplifting, strengthening, and reassuring effect to the business interests of this country and the reestablishment of absolute confidence, which has been literally shattered by our bond-secured currency, because it has utterly broken down in a time of prosperity, when no other possible excuse can be given for our inability to transfer the title of a bale of cotton, a fat steer, or a bushel of wheat, although the consumers at home and abroad were anxious to secure them at high prices.

Mr. Chairman, the unification of our banking interests can be secured without any possibility of doubt if the following powers are granted to the national banks:

First. Allow the national banks to issue credit notes, converting their deposits subject to check into current credits redeemable in gold coin.

Second. Allow the national banks to guarantee their deposits by establishing a guaranty fund in the Treasury of the United States which will exceed $500,000,000 within the first year.

Third. Allow the national banks to act as guardian, executor, administrator, and trustee.

Fourth. Allow the national banks to accept savings-bank accounts.

Fifth. Allow the bankers themselves of each commercial section or zone of our country to examine and supervise the banks of their respective sections.

Mr. Chairman, with these provisions placed upon the statute book no State bank or trust company can stay out of the national system; and if they can not stay out of it because of its advantages to the people, they ought to come into it. That is self-evident.

Mr. Chairman, with the banking institutions of our country all under one uniform and harmonious administration, the banking business will be unified, our reserves will all be alike in quantity and quality. There will be nothing but gold or its equivalent in our bank reserves, and these should and would be sufficient to prove our credits and protect our depositors.

This accomplished, we naturally turn to the subject of the administration of this unified banking system.

Mr. Chairman, after much deliberation I have become convinced that in working out a scientific banking system for the United States it should not only be sound, but wise, from the standpoint of American character, our political institutions, and the needs of a vast country, with products almost as varied as those of all the rest of the world.

I have become convinced that the autonomy or independence of each individual bank in this country ought to be preserved, and also that local self-government ought to be vouchsafed to the banking institutions in all the commercial zones of the country, precisely as political self-government was secured to the respective States of the Republic. How successful I have been in working out this thought and practically applying it the sequel of the plan will show.

Mr. Chairman, the organization of the system is this: The Comptroller of the Currency, for additional reasons, which will subsequently be disclosed, shall select certain cities of the United States, which shall be known as "redemption cities," where the notes of the banks of the country shall be redeemed. Of these cities there will probably be in the neighborhood of twenty, and, for the purpose of my argument, I will assume that the number is twenty. All of the banks that may redeem their notes at any given redemption city so selected shall be and constitute a redemption district.

Mr. Chairman, to be more explicit and illustrate the principle or process, let us assume that the city of Boston is a redemption city and that New England is a redemption district. Then every bank in New England which redeems its notes at Boston becomes a unit of the district precisely as every citizen is a unit as a voter—the bank with $25,000 capital votes on equal terms with the bank of $10,000,000 capital. All the banks of New England constituting that redemption district, under a call by the Comptroller of the Currency, will meet upon a day fixed and at a place determined upon, and proceed to elect a board of managers, consisting of seven members, for that district, precisely as you elect a board of managers for a clearing-house association.

Would they elect the same class of men that Boston and New York and Chicago select as their clearing-house board? Certainly they would. Having elected a board of seven men, the seven men then select one of their number as chairman of that board, who in turn becomes a deputy comptroller of the currency. Now, this board supervise the banks in that district. They employ the examiners. They direct them, and the examiners are paid by the Government out of a fund created and not by the banks as now in the form of fees. This board of managers meet every month at least, but they may meet oftener.

I apprehend that you are confident that this board would know what was in the assets of the banks, especially when they came to realize that that New England district was to pay 10 per cent of the loss of any failures that occur in that district. That would make every banker in the New England district a guardian of the banking interests of New England, and he would invariably report to this board of managers whatever he saw that was wrong.

I apprehend that the examinations made by this board would be very different from the examinations that are being made to-day. I think I may assume that if we had had such a board in New York City, the Knickerbocker Trust Company never would have failed; and that the National Bank of North America, which closed its doors this morning, never would have failed; and that all the consequences flowing from those failures never would have been visited upon this country.

Mr. Chairman, mark this and note well the last step in the proposed organization. The chairman of the board of managers of the redemption district of New England, together with the chairmen of the other nineteen boards of managers of the several redemption districts, will constitute a general board over which the Comptroller of the Currency shall preside, and this board shall meet at least twice every year; possibly this should be more frequently, say, at least every three months during the year.

It will be observed that the twenty representatives of the various boards of managers will come from all sections of the country and bring with them impressions, advice, and opinions and all the conservatism of their respective boards.

Mr. Chairman, is it too much to hope and believe that through this board, representing as it does all sections of the country and all the varied business interests of the United States, we shall have a great conservative force to keep in bounds, direct, and control the commerce and business generally of the United States in a manner and to a degree that will prove most wholesome and advantageous to all the people?

Mr. Chairman, having thus completed the organization and perfected the system of redemption at the various cities selected by the Comptroller of the Currency, we should be ready to carry the funding operation provided for in the measure into effect.

Section 11 reads as follows:

SEC. 11. That upon the completion of the organizations of the several bank-note redemption districts, as hereinbefore provided, any national bank may retire all of its present bond-secured note circulation by depositing with the United States Treasurer an amount of the present bond-secured notes and of lawful money, which, together, will be equal to its entire circulation now outstanding, and may thereupon take out for issue and circulation an amount of bank notes, which shall be known as "national bank guaranteed credit notes," equal to its paid-up capital without depositing United States bonds to secure the payment thereof as now provided by law: *Provided, however*, That before any national bank shall have the right to retire its present bond-secured circulation and take out "national bank guaranteed credit notes," as in this section prescribed, it shall first, unless located in its redemption city, make arrangements with a national bank which is located in its redemption city for the redemption of its bank notes in gold coin or its equivalent; and shall deposit in gold coin, or its equivalent, with the Treasurer of the United States an amount of money equal to 5 per cent of its average deposits during the preceding calendar six months, and in addition thereto an amount equal to 5 per cent of the "national bank guaranteed credit notes" it proposes to take out for issue and circulation.

From the most casual reading of this section it will be observed that there can not be the slightest disturbance to the business of the country, but, on the other hand, immediately a most wholesome reassurance, because thereafter no depositor of a national bank can ever lose a dollar. Nay, more than this; there will come a consciousness that thereafter there will always be springing into existence currency to meet every demand of trade, and a currency panic such as we had last fall will become impossible.

Mr. Chairman, while I shall not take the time of the House to read a statement from the Government actuary, I shall include it at this point of my remarks for the information of the Members of this House and the people of the country who desire to know just how the bill actually affects the banking institutions of the country.

TREASURY DEPARTMENT,
OFFICE OF THE GOVERNMENT ACTUARY,
Washington, January 27, 1908.

DEAR MR. FOWLER: As you requested, assuming that we are dealing with a country bank, which is required to carry a reserve of 15 per cent, of which 9 per cent may be kept with a reserve agent, the following will show the result before and after the bill (H. R. 12677) went into operation:

	Under present law.	Under H. R. 12677.
Capital of country bank	$100,000.00	$100,000.00
Circulation	100,000.00	100,000.00
Deposits	2,000,000.00	2,000,000.00
Bonds deposited	100,000.00	
Cash reserve:		
On deposits	120,000.00	120,000.00
On circulation	6,000.00	6,000.00
With reserve agents—		
On deposits	180,000.00	80,000.00
On circulation	9,000.00	4,000.00
With Treasurer of United States—		
On deposits		100,000.00
On circulation		5,000.00
Bonds sold		100,000.00
Interest received:		
On bonds	2,000.00	
On deposits		1,050.00
Expenses:		
Tax	500.00	2,000.00
Expenses, general	62.50	62.50
Available loanable funds	2,785,000.00	2,885,000.00

Respectfully,

JOS. S. MCCOY,
Government Actuary.

POSTSCRIPT: By section 15 of the above-mentioned bill, as soon as the guaranty fund in the United States Treasury amounts to $25,000,000, all of the bonds now deposited by the national banks with the Government to secure Government deposits shall be returned to the bank. So that the full effect of this feature of the bill is, first to buy all the 2 per cent bonds at the actual price paid for them (see section 18), and, second, to return all other bonds to the banks.

Mr. Chairman, if, as I confidently believe, the State banks and trust companies should become national institutions, 5 per cent of their deposits, now exceeding $13,000,000,000, and 5 per cent of the probable amount of credit notes taken out, $1,000,000,000, will establish a guaranty fund in the United States Treasury of $700,000,000.

Mr. Chairman, what would be the effect upon the banking interests of this country? What would be the effect upon the business interests of this country? What would be the effect upon the depositors of the country? What would be the effect upon the hoarders of money throughout the country? What would be the effect upon the foreigners that come to our country and are advised of the fact that there is a guaranty fund of $700,000,000 in the United States Treasury to protect the depositors in our national banks?

Mr. Chairman, in a subsequent section of the bill it is provided that 80 per cent of the vast sum so deposited in the Treasury to guarantee deposits shall be invested in the 2 per cent bonds of the United States Government, which are now held by the national banks to secure their circulation, and any other 2 per cent United States bonds which they may have held on the 1st day of January to secure Government deposits held by them. It is to be observed for the information of the House and the bankers of the country, that the 5 per cent of the deposits and 5 per cent of the note issue is a part of the required reserve of the bank, as is illustrated in the statement of the country bank prepared by the Government actuary, to which I have already called your attention.

Mr. Chairman, let us consider for a moment what the annual income will be which is to be added to this guaranty fund after paying the expenses of the redemption agencies.

First, probably 1 per cent on the $700,000,000 will be derived from the bonds and other resources, $7,000,000; second, the tax upon the circulation, amounting to a billion, at 2 per cent per annum, amounts to $20,000,000; third, the interest on Government deposits, at the rate of 2 per cent per annum, will probably amount to $3,000,000, or a total of $30,000,000.

The expenses for redeeming the notes will probably be about the same as the Government paid last year for redeeming national bank notes, which was 98 cents per thousand; or, calling it $1 per thousand, and estimating that the redemption of our notes will equal those in Canada, where the principle is the same, or ten times during the year, we shall have a fixed charge of $10,000,000.

The cost of bank examinations under the Comptroller last year amounted to $425,000. Let us assume that, in this case, it will be a million, for the examinations ought to be more frequent, $1,000,000, or a total expenditure of $11,000,000, leaving a net balance of $19,000,000.

Mr. Chairman, since provision has been made to guarantee all deposits and note issues, it becomes interesting to know what the losses have been during the last forty-four years, or since the establishment of the national banking system.

There has been a total loss to the depositors in those forty-four years of only $33,183,290, or an annual loss of $771,704. The tax upon the average of deposits payable on demand to pay all these losses would only have been thirty-seven one thousandths of 1 per cent.

Since the net amount left in the Treasury from the income account would be about nineteen millions for the first year, it would last about twenty-five years.

The insurance of deposits is a matter that has been discussed somewhat throughout the country, and I want to give the subject a little time in order that it may be thoroughly understood. Ten years ago I introduced a bill incorporating this principle, but making it optional with the banks to insure their depositors.

On Wednesday, March 31, 1897, I used this language, referring to this subject: "The principles that control in the vast operations of both life and fire insurance are identical with those upon which this provision rests. But my mature thought impels me to the conclusion that in neither is there so much need of averaging risk and escaping the consequences of misfortune as in the proposed remedy for the crash and widespread ruin that almost invariably follow bank failures to-day."

Mr. Chairman, life insurance is nothing but cooperation, to which each one contributes something. In life insurance a man must die to win. If he lives out his allotted time, he pays in full for his insurance. If a man dies who has insured his life, his family only are affected, and, materially speaking, are provided for to the extent of the insurance.

You insure your house. Suppose there are ten residences in the block; yours may be a stone house, the next a frame house, the next a brick house, and the remainder may all be frame houses. On the other half of the block there may be a woodworking establishment, which greatly endangers all of the residences. If you live in the stone house, you find that your insurance rate is exceedingly high, and upon inquiry ascertain that it is so because of the frame house next your own, and especially because of the woodworking establishment on the other half of the block. Yet you readily pay your insurance because of the danger of the neighborhood. This is the application of the law of cooperation so long established and so beneficent in its results that no one now stops to question the wisdom of it.

Mr. Chairman, if there is one reason why this man should insure his life and that man his home, I assert that there are a thousand reasons why the bank deposits of this country should be guaranteed.

I assert that all deposits in our banks are involuntary. Now, why are they involuntary? Because no one has the privilege of putting his money where it will earn a fair rate of interest—say 5 per cent—absolutely free from risk and at the same time be able to recall it if he should desire to use it. Therefore he must choose some bank, and the very fact that it requires a choice between banks implies a risk which he must take.

To illustrate the force of this statement you may take a city that has ten banks. The man who is in business deposits his money in one of these banks because he must have the convenience of a bank to carry on his trade. While, as a matter of fact, he has ten banks to choose from, in the last analysis, he must take one of them, even though he has little confidence in any of them. Therefore, he is of necessity an involuntary depositor.

Reduce the number to three banks, and he must make a selection of one of the three, although he may have misgivings about all of them. Reduce the number to two, and he is driven to the choice of only one. But there are many places in which he is compelled to use the only bank in the village where he resides. Therefore I assert that there is no question as to the

fact that every bank deposit is involuntarily made, at least wherever it involves a choice, and especially where there is no choice.

Mr. Chairman, think of it. There is not one person in ten thousand in this country to-day able to have a bank account who can understand a bank statement. And of those who can understand a bank statement and explain its various items not one in ten thousand, again, has any idea whatever about the true inwardness of the bank at which he is doing his business. How can he know? He can not examine the loans and discounts of the bank. If he has any information at all, it must be such as he obtains from a statement of some member of the board in whom he has confidence. In the last analysis it is absolutely a matter of faith, and blind faith at that. The depositor is always wagering or betting the total amount of his deposit, whatever it is, that the bank is safe.

The deposit, therefore, must always necessarily be an involuntary one, since a thorough knowledge of the assets is essential to an intelligent exercise of choice, which is absolutely impossible in every case except that of an officer of the bank.

Widows and orphans are constantly putting their money into the banks of the country. Why do they put it in a particular bank? Simply because some friend tells them that he does his business there. Can you say that they ought to exercise their judgment? What would their judgment be worth? It is not a question of discretion; it is simply a question of confidence, and that, too, in the word of some one director who may in fact know absolutely nothing about the real condition of the bank, but, in turn, has perfect confidence in the president or cashier who is managing the concern.

When a bank fails it is not as though a man's life had passed out or his home had burned down. When a bank fails widows and orphans lose all they have in the world—a competency is wiped out and beggary follows.

The State and the taxpayers are interested in preventing such misfortunes. A merchant may be keeping his account at a bank, relying absolutely on the institution to protect his interests, and if, by chance, he is an employer of a hundred men, 500 women and children may be dependent upon his employees.

Again, a manufacturer who is employing a thousand men, with 5,000 women and children depending upon them, keeps his account at a bank. If the bank fails and the loss to the manufacturer is so great as to destroy his business, 5,000 women and children are without support—the children may be driven from the public schools through the need of proper clothing.

This is not all. The ramifications of credit are so extended and intricate that the business of the whole country is affected from one end of it to the other by bank failures, and no man can estimate the consequences, direct and indirect, growing out of them.

I assert again, after the most mature deliberation, that if there is one reason for insuring life or home, there are more than a thousand good reasons, nay more than 10,000 good reasons why the depositors of the banking institutions of the United States should be insured.

Mr. Chairman, if, as I have demonstrated, in case the proposed bill should become a law, we should have approximately seven hundred million in the United States Treasury guaranteeing the deposits in the national banks, panics in this country would forever be at an end. They would be a thing of a bitter past. May God hasten that day!

Only a short time since, when talking with the president of one of the very largest banks in New York City, he said: "An old gentleman, Mr. So-and-so, came in here with his wife and daughter and, sitting down at that table, demanded that the whole of his deposit, amounting to $800,000, be paid him in gold. This he took downstairs and locked up in the safe-deposit vault.

"Another man came in and, sitting down at that same table, demanded what we owed him—$1,500,000—and he took that downstairs and locked it up.

"Yesterday a lady came in and drew a thousand dollars, which she said she wanted to use in a trip to southern California. One of the officers of the bank remarked that she had a lot of money now and could go and have a good time. 'Yes,' she said, 'I have plenty of money; I have $300,000 downstairs in a box.'"

Mr. Chairman, it is confidently believed that more than two hundred and fifty million of reserve money was locked up in New York City alone on January 1, 1908. What does that mean, gentlemen? It means a contraction of credit ranging all the way from one billion to one billion and a half.

A Member of this House told me the other day that a suspicion existed in a Pennsylvania town that some workmen who were down in a coal mine intended to blow it up. A search was instituted, and, as a result, $32,000 in actual money was found upon the persons of the miners.

It is known that thousands upon thousands of foreign laborers in this country have been purchasing domestic post-office orders for their savings—losing interest simply to be safe, as they would be with the guaranty proposed, and as they know they would be.

Mr. Chairman, it is altogether likely that, as a result of the conditions which have prevailed throughout the United States during the last few months, such a pressure will be kept up that sooner or later we shall have a postal savings bank in this country in order that the masses of the people may have a safe place in which to put their savings; and then the Government of the United States will have to become a large buyer of bonds to invest these accumulations. For one, I am utterly and absolutely opposed to the Government of the United States doing anything for the American people that the American people can do for themselves. [Applause.]

Mr. Chairman, more than all this; the States are already taking this matter up, and Oklahoma has already passed a law providing for the guaranty of depositors. The legislature of Kansas has been called in extra session for the express purpose of considering the same subject, the banks on the southern boundary of that State having complained that they were losing deposits.

Day before yesterday I received a letter from one of the leading bankers in Nebraska, who said that just as certainly as Kansas passed such a law Nebraska would also pass it; and, although he doubted whether the governor would call an extra session for that purpose, he knew that at the next session of the legislature such a law would be passed.

I believe that such legislation is a form of socialism, and I am utterly opposed to it.

Mr. Chairman, we are occasionally met with the statement that the guaranty of deposits would lead to unsound banking. Can anyone think of a man the day that he gets his life insured purposely running under a street car to have his legs cut off? Can you imagine a man who, because he has insured his house, allows it to go into disrepair? Can you think of a banker, because he had insured his deposits, going into the directors' room and saying, "Gentlemen, we have insured our deposits to-day. Now let us proceed to make some rotten loans."

Is it possible that it will not occur to these directors that their losses must come out of their profits, out of their reserves, out of their capital, out of their reputations? Will they not realize that they can get nothing out of the guarantee until the last dollar of profits, surplus, and capital is wiped out, and the stockholders have been assessed in double the amount of their stock? Until their reputations have been injured, if not gone, and some of them possibly have started on the road to State prison?

Mr. Chairman, can anybody think that any board of directors of a bank would be less solicitous, anxious, honest, and wise after they had guaranteed the deposits than they were before?

Mr. Chairman, only the other day I saw in a bankers' bulletin an objection to the proposed measure; and knowing the writer to be a very intelligent man upon this subject, and he happened to be in this city on that very day, stopping at the New Willard, I proceeded to investigate the ground of his objection. Before finishing my conversation with him, having told him that his objection was not in accordance with his known view, he finally admitted that the reason he could not support the bill was that his partner owned 2,000 shares of the stock of a certain trust company, and therefore, of course, he could not support the feature referred to. I knew that as well as he did after he had told me that his partner owned that much stock in a trust company, which probably wanted to carry 5 per cent instead of 20 per cent of reserves, and so to that extent imperil the banking situation generally.

Mr. Chairman, the oldest bank president in some town, or possibly the president of the largest bank in some town, may say that he will not have the advantage in the future to which he believes himself entitled if deposits are insured; therefore there will be two classes who will oppose this principle. But banks, like other business institutions, will gain not by mere age and respectability, or by mere bulk of capital, but rather by ability to meet the requirements of their customers. Square dealing and capacity will tell for just as much after deposits are guaranteed as before.

Mr. Chairman, is it not too high a price to pay to lay upon the altar of some man's ambition all the business interests of this country and still continue the habit of panics, the destruction of credit, and waste of business? On the one side there are personal ambition, vanity, the supposed advantage of a few hundred men; on the other side millions of depositors with 16,000,000,000 of deposits to their credit in our banks, and the families of

20,000,000 of American toilers. Which side shall we choose? Where does the duty of Congress lie?

Mr. Chairman, so far, without a single exception, I have proved to my own personal satisfaction, actually or morally, that these objections to the guaranteeing of deposits have come from distinctly selfish motives. These, I assert, must yield to the greater good.

Mr. Chairman, the currency now used by the rest of the civilized world is credit currency, with a single exception. That exception is Great Britain, and if Great Britain to-day were not the clearing house of the world she would have a panic almost every week, if not every week, of each year instead of every month. As it is, you find that she has often suspended the bank act and asked the Bank of France to help her out of her troubles.

All the rest of the world—Germany, France, Austria, Belgium, Holland, Scotland, Ireland, Japan, and Canada—have credit currency, $4,000,000,000 of it; yet we have not one cent. Can we enter into competition, half armed as we are, with the commercial world?

Gentlemen, the currency of commerce must be coined out of the productions of the country. Mark what I say; a true currency is coined out of the productions of the country, but it is the right of the people to say that that currency shall be maintained upon a gold basis by redeeming it in gold coin. If a man has a right to have a loan, as soon as he is granted that loan, say of $10,000, he ought to have the option of having a book credit subject to check or the current credit of the bank.

Mr. Chairman, the people create the bank and therefore the bank should be their servant. The bank should give us our credit in the form in which it suits our requirements and be compelled to buy gold enough to prove all these credits and protect all their depositors.

Mr. Chairman, allow me to illustrate this principle by taking the city of Dallas, Tex., which we will assume is a redemption city. A vast quantity of cotton is raised in that section, and, as is well known, it is a very expensive crop to produce; and when the picking, ginning, and baling time comes it takes an unusual amount of currency, probably much more than the amount of the capital of the banks of that section. Will anyone say that the farmers of Texas should be compelled to pay the express on currency from St. Louis, Chicago, or New York and return when if the privilege were given them the local banks could convert some of their book credits which are subject to check into note or current credit and save all this expense?

Mr. Chairman, take the city of Pittsburg in the last panic. What happened in this greatest manufacturing center of the world? What would the Pittsburg banks have done without credit currency which they created without authority of law? How much did they issue? Forty-eight millions of credit currency, much of it in one, two, three, and ten-dollar bills.

What did the banks do all over the country? They did precisely what nature told them to do. They created current credits, basing them upon the products of the land and the shops. This is precisely what the Bank of England always has done when she has been compelled to suspend the bank act; she has based her bank notes, or created a credit currency, upon the products of Great Britain. I use this expression of course economically, for it only needs to be stated to be appreciated that the commercial discounts in our banks are economically speaking the title to all the consumable commodities in the country.

Mr. Chairman, during the last currency panic—for it was distinctly and absolutely a currency panic—we probably issued in the United States two hundred and fifty millions of credit currency; and we have already found, precisely as I said sixty days ago, that as soon as the need of it was over it would all disappear as naturally as it came into existence.

Mr. Chairman, during the panic of 1856 and 1857 the 500 banks then doing business in the New England States increased their circulation from forty-nine million to fifty-five million and the deposits fell correspondingly from thirty-nine million to twenty-five million; and the very next year, 1858, the circulation had fallen from fifty-nine million to thirty-six million, and the deposits had increased from twenty-five million to forty-seven million, illustrating with what perfect accuracy the book credits, when the pressure for currency came, passed into credit currency, and, when the pressure was over and the panic had subsided, the credit currency immediately passed back into book credits subject to check.

Mr. Chairman, this illustration is a complete answer to every possible objection to the issue of credit currency by banks generally, and by any number of banks, whatever their capital, whether twenty-five thousand, two hundred and fifty thousand, five hundred thousand, or twenty-five million.

Mr. Chairman, what happened in New England in that trying period, in conversion of one form of credit into the other and reconversion into the same form again, has been happening every year up in Canada since the establishment of the Canadian banking system, which, by the way, Canada took from the State of Massachusetts before the civil war.

Mr. Chairman, I have been informed by Members of this House who live along the Canadian border that many Americans took their money out of our banks and placed it in the banks of Canada during the recent currency panic—a sad commentary, indeed, upon the practices that we still permit to exist, and a full and comprehensive reply to those who think that a credit currency involves any danger whatever to the banking interests of any country.

Mr. Chairman, the variation of this change from one form of credit to the other in Canada averaged, in 1906, $3.29 per capita. The same variation or change from book credits to note credits would give the United States an expansion and contraction every fall of about $300,000,000, but, unfortunate to relate, we have not 1 cent of current credit.

Mr. Chairman, another illustration of the mathematical adaptation of credit currency to the present requirements of trade is found in the fact that every three months in Germany there is an average conversion from book credits into note credits and back again from note credits into book credits of $120,000,000.

Mr. Chairman, in the face of these illustrations and the experience of New England before the war, with its 500 small banks, of Canada, with its 35 banks and their sixteen hundred branches, and of the Bank of Germany, with its quarterly variation of $125,000,000, can any Member of this House rise in his place and say that the board of managers of the redemption district covering the territory surrounding Dallas should not have the right to say that a bank with a hundred thousand capital and a hundred thousand of credit notes out, and a million of deposits, may convert fifty or one hundred thousand of its book credits or debts into fifty thousand or one hundred thousand of current credits or notes and thereby make it possible for the banks of Texas themselves to meet the requirements of the trades people and farmers of that great State?

In such a case the reserves of the bank have not been changed to the extent of a single dollar. The debts of the bank have not been increased to the extent of a single dollar. They have simply responded to the people of Texas in giving them credit in the form in which their peculiar business demanded it.

Mr. Chairman, I assert, therefore, that the board of managers of any note-redemption district, whether it is at Dallas, or Boston, or San Francisco, or Pittsburg, or New York, ought to have the right to say to the banks of their respective localities, you may convert your book credits subject to check into current credits and supply the needs of the people, whether it is to gather crops or to meet pay rolls.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE and Mr. WALDO rose.

Mr. PRINCE. I ask unanimous consent that the time of the gentleman may be extended for thirty minutes.

Mr. WALDO. I ask unanimous consent that his time be extended, so that he may conclude his remarks.

Mr. PRINCE. Yes; that he may conclude his remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, we have been practicing a species of barbarism in this country ever since General Jackson destroyed the Second United States Bank.

Mr. Chairman, nothing so grotesque can be found in the administration of the financial affairs of any nation, State, city, or business institution as the practice of this Government in daily locking up a portion of our reserve money. The reserve money of the country should not be drawn from the channels of trade. It should be allowed to flow to the place where it is demanded normally and naturally without interference on the part of this Government, which sustains no relation to the discounts or exchanges of the country.

The proposed bill provides, Mr. Chairman, as I have already pointed out, that the Government shall receive checks and drafts of national banks for the revenues due it, shall deposit its money from day to day as everyone else does in the course of business and shall check the same out as everyone else does in the course of business.

Mr. Chairman, the banks of this country will take care of the business of this country if they are only permitted to do so. Certainly the Government will incur no risks, since it will hold approximately five hundred millions in cash and bonds to protect itself against loss.

Mr. Chairman, I have already pointed out the danger which

we are constantly incurring by continuing the existence of the United States notes, which ought to have been paid or retired long ago. This bill provides that after the accumulation of the guaranty fund shall amount to $25,000,000 the excess of the accumulations shall be turned into the reserve fund until the amount of gold coin in that fund shall be $346,000,000, when the United States notes shall be converted into gold certificates. Can anyone doubt the wisdom, indeed the importance, of eliminating these United States notes as soon as possible from our monetary system?

Mr. Chairman, there is not imposed upon the United States Government the additional obligation of a single dollar in this bill, and yet we shall pay into the reserve fund in the course of ten years two hundred millions of gold, paying off the demand obligations of the United States to that extent.

Mr. Chairman, I assert that the proposed measure, without the slightest shock to business, indeed literally unobserved and unnoticed, will accomplish the following purposes, which no one will deny should be achieved if at all possible:

First. It will relieve the banks from the danger of holding seven hundred million of 2 per cent United States bonds.

Second. It will relieve the commerce of the United States from the burden of carrying nine hundred million of its capital in fixed investment by paying the banks cash for all their 2 per cent bonds and returning to the banks all of those securities now deposited with the Government to secure Government deposits.

Third. It will provide a perfectly sound credit currency, which, while always being redeemed in gold coin, will invariably meet the ever-changing demands of trade in every locality of this great country, never being too great, never too small, but just adequate to our business requirements.

Fourth. It will put a guaranty fund of $700,000,000 in the Treasury which will absolutely prevent panic and stop the hoarding of money.

Fifth. It will convert the United States notes into gold certificates.

Sixth. It will remove the Government forever as a disturbing factor in the trade and commerce of the country.

Seventh. It will insure adequate reserves in gold coin, to prove all of our bank credits and protect all of our deposits.

Eighth. It will insure the autonomy of every individual bank throughout the land, and guarantee local self-government of the banks in every commercial zone through a board of local managers just as completely and distinctly as self-government is maintained through our several States.

Ninth. It will give to this country through the union of the twenty boards of managers, representing all sections of our country, the greatest conservative financial power in the world; giving to all the banks the benefit of the caution and advice of men representing every section, and so conserve the commercial interests everywhere. We shall be bound together by a common guaranty fund which will soon reach a billion of dollars, and also by a common purpose to make our banking business what it should be; the equalizing influence running through the years and preventing in a large measure the overexpansion of credit due to speculative prices, which is always a source of danger.

Mr. Chairman, so long as there is in this country a demand every fall for an extraordinarily large amount of currency, now exceeding $300,000,000, and so long as we are compelled to use our legal reserve money, gold, gold certificates, United States notes, silver and silver certificates, to supply this demand instead of using current credit, we shall never escape the extremes of 1 per cent and 100 per cent money; and, so long as we have these tragic variations, we need not hope to share in any part of the world's exchanges. But, sir, give us the reforms that will be effected by the proposed measure and the United States will at once challenge the world for its financial supremacy, and the bills of exchange drawn in every nook and corner of this globe will bear the signet of the eagle and not of the lion and the unicorn.

And finally, sir, a matter which should never be forgotten, nor overlooked by any nation, should not escape our attention now, particularly now, and that is this: Is our financial battle ship of the best modern type, or is it an old sailing vessel with a rotten wooden hull?

Sir, you may appropriate money enough to outstrip in equipment at Annapolis the naval schools of the world; you may meet the demands of the most fearful and cautious, passing in your naval expenditures the fifty-million mark every year; you may send out your fighting monsters under the ablest and best trained men that ever stood upon the bridge of a battle ship; you may build up the finest military school in the world at West Point, and educate a small army every year in the science of war; and you may train a million militiamen at the cost of the States; yet I tell you now that the one thing above all others that this nation needs, if you would be prepared for the issues and events of a great war, is a financial system that will not break down when the first shock comes, but through which the wealth and productive power of this country can be utilized with the greatest economy to the Government, and with absolute safety to our people.

Mr. Chairman, let us remember the warning of this day; the fortress of all fortresses, the army of all armies, the battle ship of all battle ships is the efficiency of your Treasury. [Prolonged applause.]

Now I am ready for your questions.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman a question. I understand that the gentleman states that the cause of the present panic was the congestion of bank reserves in New York City.

Mr. FOWLER. I did not say anything of the kind.

Mr. UNDERWOOD. The accumulation of the bank reserves?

Mr. FOWLER. I did not say anything of the kind. The gentleman was never further wrong in his life.

Mr. UNDERWOOD. I misunderstood the gentleman. I understood him to say that the bank reserves, the reserves of the banks, coming to New York and being drained out of there without credit currency to take their place was the cause that brought about the present panic.

Mr. FOWLER. No; I don't think I said just that. I said this, that when the panic struck New York and the people of New York run upon the banks, and took away about $125,000,000, they did not have the currency with which to respond to the demands from the West and South.

Mr. UNDERWOOD. I will ask the gentleman if the people in New York did not run upon the banks of New York because the reserves in the banks in New York had fallen below the legal limit, by being drawn into the West to move the crops?

Mr. FOWLER. I don't think so. I don't think there were any runs on any national banks in New York City except the Mercantile. I will make one other exception, the National Bank of North America, which they run upon because of the association of certain men with that institution; but I don't think there was a run on any other national bank.

Mr. UNDERWOOD. The object of the gentleman's emergency currency——

Mr. FOWLER. I don't have any emergency currency. I am utterly opposed to it.

Mr. UNDERWOOD. Of his asset currency.

Mr. FOWLER. Credit currency. Let us call it a scientific name.

Mr. UNDERWOOD. His credit currency—it is to relieve the banks——

Mr. FOWLER. No, sir; it is absolutely for the advantage of the people and not of the banks at all.

Mr. UNDERWOOD. It is to meet an emergency.

Mr. FOWLER. Not an emergency. I do not admit there is any such thing. It will prevent an emergency. [Laughter and applause.]

Mr. UNDERWOOD. The gentleman is trying to correct an evil. Now, does he not admit an emergency exists to-day, or is there an emergency to-day?

Mr. FOWLER. No; not to-day at all. There is more reserves in the banks than there has been for seven years.

Mr. UNDERWOOD. Then no emergency exists?

Mr. FOWLER. There is no emergency, but there was a great demand for money, and the banks in different parts of the country hoarded it through dread.

Mr. UNDERWOOD. If by law we prohibit the reserves of the country banks from being deposited in the reserve centers would that not prevent the strain that has largely caused this panic?

Mr. FOWLER. It would lighten it but not affect the result of this thing.

Mr. UNDERWOOD. You know the drain on the New York banks from the Western and Southern banks——

Mr. FOWLER. My candid opinion is, if the country banks had not said to their country people around them, "My money is in New York and you can not get it," there would have been a run on thousands of banks in this country.

Mr. UNDERWOOD. I will state to the gentleman this. So far the information I got from my section of the country, if these reserves had been in their home bank there would never have been occasion for the issuance of clearing-house certificates by the banks of the South and West in their need.

Mr. FOWLER. I do not think it would have any effect whatever. Clearing-house certificates are issued by a bank in any locality, whether Chicago or St. Paul or Alabama or anywhere

else, if the people become frantic and demand immediate payment. The bank must protect itself.

Mr. UNDERWOOD. Does not the gentleman think reserves should be maintained in the banks where the law requires it?

Mr. FOWLER. They are, and I can show you by last year's statements that the national banks had a large excess over what was required by the Government.

Mr. UNDERWOOD. They did not have it when the emergency came——

Mr. FOWLER. Yes; but did not have it when it was over. [Applause.]

Mr. BURTON of Ohio. Does the gentleman yield for a question?

Mr. FOWLER. Yes, sir.

Mr. BURTON of Ohio. As I understand the gentleman from New Jersey, his plan gives such advantage to all State banks as to make it an object for them to incorporate as national banks.

Mr. FOWLER. All other than national; yes, sir.

Mr. BURTON of Ohio. That includes savings banks.

Mr. FOWLER. If they choose to do so.

Mr. BURTON of Ohio. But would they not be compelled to do so?

Mr. FOWLER. It would be a matter for them to say entirely; it is optional.

Mr. BURTON of Ohio. Is not the aim of the measure to make the business of banking so much more favorable under this law than under any State law that they would incorporate as national banks?

Mr. FOWLER. If they are savings banks in the gentleman's State, I certainly think they should be brought under it, because then we would know what was in their reserve; we do not know now.

Mr. BURTON of Ohio. I will say that in my State they are all safe.

Mr. FOWLER. I suppose they are just as safe as anywhere else, and no safer.

Mr. BURTON of Ohio. The 5 per cent that it is proposed shall be deposited applies to the currency issued and to the deposits as well?

Mr. FOWLER. Yes, sir.

Mr. BURTON of Ohio. Does the gentleman believe that currency secured by the deposit of 5 per cent of its volume, when that 5 per cent is mingled with another fund which is also security for deposits——

Mr. FOWLER. What is that?

Mr. BURTON of Ohio. You have 5 per cent of the average of your deposits? That is what the gentleman's plan suggests.

Mr. FOWLER. No.

Mr. BURTON of Ohio. That is to be deposited in this fund?

Mr. FOWLER. But they have the same reserves in the banks that we have now, less that amount.

Mr. BURTON of Ohio. That is, it is to be deducted from——

Mr. FOWLER. The reserves are identical with what they are now, except this, instead of banks carrying 5 per cent in a reserve city they carry it in the Treasury at Washington.

Mr. BURTON of Ohio. The part that is reserved to secure deposits?

Mr. FOWLER. Yes, certainly; to guarantee deposits.

Mr. BURTON of Ohio. And 5 per cent of the notes issued?

Mr. FOWLER. Yes, sir; and the same reserves also in the bank and with reserve agents that they hold to protect deposits.

Mr. BURTON of Ohio. Does the gentleman believe that would be accepted by the people as a sufficient assurance that all currency would be safe?

Mr. FOWLER. I think that they would think it was a thousandfold as much as required as soon as they looked it up and found out that it would have taken for forty-four years a tax of only thirty-seven one-thousandths of 1 per cent each year upon our deposits to pay the losses.

Mr. BURTON of Ohio. Does the gentlemen believe that the business community would go through that process of calculation?

Mr. FOWLER. They would not have to do so. I have done it for them. [Great laughter.]

Mr. BURTON of Ohio. One other point in regard to this. The tax on the amount of currency issued is 2 per cent, I believe?

Mr. FOWLER. Yes, sir.

Mr. BURTON of Ohio. And with that tax a bank could issue currency up to the amount of its capital, and with the approval of the officials of the redemption district an unlimited amount?

Mr. FOWLER. Yes, sir.

Mr. BURTON of Ohio. Would not taxation at such a low figure inevitably lead to inflation?

Mr. FOWLER. No more than paying interest on deposits at 2 per cent, for, if the gentleman will think long enough and study this question thoroughly enough, he will find out that there is absolutely no difference between a deposit and a credit note. Again, there can be no inflation where the note can not be held as reserve; any bank holding any of them for that purpose must pay 10 per cent per day.

Mr. BURTON of Ohio. Well, that is a question on which there is room for some difference of opinion.

Mr. FOWLER. The Bank of France, to illustrate, has a billion of notes out, mere current credits, payable to the people, and has only one hundred million of deposits subject to check. The New England banks before the war ran right along with forty millions of one and forty millions of the other, and it is a matter of history, and I can give the gentleman forty cases, if he desires them, that wherever there is absolute freedom of transfer of a deposit subject to check into a note issue the habits of the people will always determine whether there are more notes out than there are deposits. For one hundred and forty-three years in Scotland they never had a deposit subject to check, but the farmers and merchants exchanged their time obligations with the Scotch banks for their duebills.

Mr. BURTON of Ohio. The bank has the right to issue notes. Now, what will be the cost to the bank?

Mr. FOWLER. Just the same as it is to-day if the Government would produce——

Mr. BURTON of Ohio. That is, it is 2 per cent tax and one-fourth, or 15 per cent, in the way of reserve, is it not?

Mr. FOWLER. What does the gentleman mean? Does he mean the cost of the note?

Mr. BURTON of Ohio. It is a very simple question. Suppose a bank desires to issue bank notes. What would be the expense to the bank upon that issue of bank notes by tax and otherwise, and what is the probable income which it could derive from them?

Mr. FOWLER. The cost to the bank would be simply the same that it is for the deposits where they pay 2 per cent plus the cost of the notes up here at the Treasury Department—for the notes themselves.

Mr. BURTON of Ohio. That is, the engraving.

Mr. FOWLER. Just the same as the deposits. The reserves are the same or identical with the deposits. There is no difference in the reserves, and the only additional cost is the cost of engraving the notes.

Mr. BURTON of Ohio. What is the probable average income throughout the country that could be derived from the issuance of these notes?

Mr. FOWLER. It would depend on how long you could keep them out.

Mr. BURTON of Ohio. What is the gentleman's estimate as to the average?

Mr. FOWLER. I have watched the bond-secured currency so long that I do not believe I could make an accurate guess of the right system. Now, for instance, if you want to know what I think about this bond-secured currency, if it was what it ought to be, we would retire between the 1st of January past and the 1st of July about three hundred millions or three hundred and fifty millions of them and put them away. But you will not retire one of them. They will crowd themselves into the reserves of this country and undermine our financial system precisely as I have already demonstrated they were now doing.

Mr. BURTON of Ohio. I disagree with the gentleman in regard to that. But is it not an easy computation to arrive at the approximate amount to be realized from those notes?

Mr. FOWLER. I have no way of arriving at it until you try the system and find out how many notes you need in January and July and all the intervening months, nor can any other man. I do not know what the increase or decrease would be; but I only know this, that this currency would always be perfectly coordinated to the requirements of trade down to a cent.

Mr. BURTON of Ohio. Would not the income to be derived from the issuance of bank notes where the tax is only 2 per cent—with reserve, it is true—be so great in times of high rates of interest, or even fair rates of interest, that it would inevitably lead to inflation?

Mr. FOWLER. The gentleman's question is based on a thing that never occurs in banking, and that is this: When a man borrows he does not borrow notes. Your question is based upon a false assumption, on the borrowing of notes. He borrows credit, or the right to have money. Now, if you should

use these notes as reserves, then there might be something to your question; but if the bank holds these notes overnight as reserve it must pay a 10 per cent tax, and so for every day it counts them as a part of its reserve.

Mr. BURTON of Ohio. It is an additional resource of the banks of just that much.

Mr. FOWLER. What?

Mr. BURTON of Ohio. The bills that it might issue.

Mr. FOWLER. No more than any other form of taxation. There is no currency in this world, and I challenge you to name one, where there is any tax at all, except the 5 per cent tax on the notes of the Imperial Bank of Germany; and I will tell you now that the circulation of the Bank of Germany in 1898 and 1899, the two years previous to the increase from $66,000,000 to $112,000,000, which occurred in June, 1901, was just what it was afterwards in the years 1900, 1901, and 1902. Therefore it is self-evident that the tax had had no influence whatever upon the amount of the circulation. The demands of trade alone have determined the amount of bank notes in circulation.

There is no tax on the notes of the Bank of France worth mentioning, nor on those of Holland, nor of Belgium, Scotland, Ireland, or Canada. There was no tax imposed on the notes of the banks in the Suffolk System, no tax on the notes of the State Bank of Indiana, State Bank of Iowa, State Bank of Missouri, nor the notes issued by the banks of Louisiana, and I challenge you to show where there has ever been a credit-currency system that has ever failed; if you know of any such case, now is your chance. [Applause.]

Mr. HITCHCOCK. I would like to ask the gentleman a question. Do I understand the gentleman to compare the banking power of the United States with the banking power of all the rest of the world very much in favor of the United States?

Mr. FOWLER. No, sir.

Mr. HITCHCOCK. Will the gentleman state what his statement was?

Mr. FOWLER. It stands about $20,000,000,000 to $30,000,000,000.

Mr. HITCHCOCK. Is there any country in the world that has the banking power of the United States?

Mr. FOWLER. No, sir.

Mr. HITCHCOCK. Is there any country in the world where the banking power has increased more in the last forty years than in the United States?

Mr. FOWLER. No.

Mr. HITCHCOCK. How, then, can the gentleman argue that this bond-secured currency system of banking, such as we have had in this country, is so detrimental to this country and its banking power when it has grown more rapidly than that of all the balance of the world?

Mr. FOWLER. I want to go back to the question of the gentleman from Ohio [Mr. BURTON]. He asked me if the provision made here for this rate of tax would not be a greater advantage to the banks. Banks are instrumentalities; by them the title to property is transferred from the time you begin to produce it until the time it is consumed. They serve for the transfer of the title of commodities produced by the farmer from the beginning to the end, precisely as the railroad carries the actual commodity, and every dollar of expense that may be laid upon the banking business of this country will be a tax upon labor, a tax upon the farmer. And you may just as well pass a law to compel the railroads of this country who carry the products of the farmer to build their cars out of mahogany as to raise your tax on circulation. It must all be paid by the farmers. You may as well say to the farmer in Texas that he must have a wagon with silver tires in which to haul his cotton to market as impose a high tax upon currency, because it is through the currency alone that you are going to move the crops of the farmer, and he will have to pay the interest that the banks charge him. The Texas farmers would have to pay for their silver tires, would they not?

Mr. HITCHCOCK. I would like to ask the gentleman how he can explain that the bond-secured currency of the United States is so bad a banking system when he makes the statement that the banking power of the United States is greater than that of any country in the world, and that during the existence of this bond-secured currency system it has grown faster than the banking power of any nation in the world?

Mr. FOWLER. We do a great many things notwithstanding some things, you know. [Laughter.]

Mr. HITCHCOCK. Now, let me ask the gentleman another question. Did the banking power of the United States grow more rapidly before the establishment of the bond-secured currency than it grew after the establishment of the bond-secured currency?

Mr. FOWLER. Well, that reminds me——

Mr. HITCHCOCK. I should like to have an answer to the question.

Mr. FOWLER. I think probably the percentage was higher. I was going to be fair with the gentleman. I think if you will look it up you will find that the percentage of increase was higher before they had it. I was going to illustrate the point to save the gentleman. A man once said: "The population of our town in the last two years has increased 100 per cent." I said: "How many people did you have to begin with?" He said: "We had a hundred and now we have two hundred."

We did not have so many people—we did not have so much banking then. It would be easier to make a larger percentage then than it would now. But if you will take the banking of the United States and the rest of the world since 1890, there has been nothing like it in the history of the world, neither here nor abroad; and the banking of other countries has grown almost pari passu with our own, barring the exception of the fact that the country itself has grown so enormously that it demanded the use of this increased banking capital. Mulhall estimated the entire banking power of the world at $16,000,000,000 in 1890; we had about $5,000,000,000, or one-third; the total is now about $50,000,000,000, and we had $19,600,000,000, or two-fifths.

Mr. HITCHCOCK. I should like to ask the gentleman one more question, whether it is not a fact that 50 miles from the Scotch line, Scotch notes of the Scotch banks are at a discount.

Mr. FOWLER. Of course they are. They do not belong down in that country. But why does the gentleman ask me that question? Does he refer to this bill? Is he making a comment on my proposition? Does he not know if he has read the bill that the notes will be good everywhere without charge or discount?

Mr. HITCHCOCK. Because it has been the history of this country that when we have had banks of issue without security bank notes were at a discount as soon as they got outside of the town where they were issued.

Mr. FOWLER. That is a very interesting statement; but if the gentleman had been living and been in business in Cincinnati or Cleveland, in Detroit or in Chicago from 1830 to 1860, he would have found that the bank notes of the Suffolk System of New England were always at a premium of from 1 to 5 per cent, because that was a true credit currency system, every dollar of it redeemable in gold, and that is the only kind I am for. [Applause.] The same was true of what was called George Smith's money of Chicago. It sold at a premium in every eastern city, and the notes of the Bank of Missouri were so good that they were extensively counterfeited in California in an early day, 1849 and 1850.

Mr. COCKRAN. Will the gentleman from New Jersey [Mr. FOWLER] allow me a question? I merely want to ask him, for the information of the committee, whether his plan proposes the issue of currency notes against deposits, or simply against the capital and resources of the bank?

Mr. FOWLER. Against the credit of the bank.

Mr. COCKRAN. And the resources of the bank?

Mr. FOWLER. Yes.

Mr. COCKRAN. Assuming that the banks availed themselves of the privilege, has the gentleman computed to what extent it would increase the actual circulation of bank notes in the country?

Mr. FOWLER. I think if this bill went into effect, it would raise the reserves of the trust companies about $600,000,000, and that that amount of gold certificates and gold, taken from the pockets of the people, from the cornfields and the wheat fields, would be replaced by the credit notes of the banks.

Mr. COCKRAN. Does the gentleman mean that the bank-note circulation would be increased by $600,000,000? I am merely asking the gentleman if he can give the committee a computation as to the amount.

Mr. FOWLER. I think that if we had a credit currency now, these $700,000,000 of bank notes would contract and disappear to a large extent, just as the clearing-house certificates have and just as the bank checks have disappeared. Just making a probable guess. I think that would decrease to-day approximately $300,000,000, and that $300,000,000 would come out again next fall, between July and January, to move the crops.

Mr. COCKRAN. I understand perfectly the elastic feature of the gentleman's proposal.

Mr. FOWLER. Yes; but I want to make that point, because the statement bears on the question of whether there would be an increase, or how much it would be.

Mr. COCKRAN. What I desire to ask the gentleman's attention particularly to is this: In the late panic he has said with

a great deal of force that about $150,000,000 were withdrawn in New York City alone and secreted by the owners. I suppose the gentleman is aware that the only reason that amount was not quadrupled or increased still more largely was because the banks would not give up anything more?

Mr. FOWLER. Certainly; there is no doubt of that.

Mr. COCKRAN. If the depositors had had their way, the amounts withdrawn and hoarded would probably have been ten times greater?

Mr. FOWLER. Yes.

Mr. COCKRAN. Now, assuming that this system which the gentleman describes were in operation, that appetite for withdrawal would not be diminished if confidence in the solvency of the banks was destroyed and in the honesty with which financial institutions are managed.

Mr. FOWLER. There would be no such conditions in New York with the provisions of this bill in operation, as I tried to point out in the case of New England and the panic of 1857. The currency issue continued and rose because the people wanted something to pay their current accounts. The currency rose from $50,000,000 to $55,000,000 in 1857, and from $55,000,000 it dropped to $36,000,000 in 1858, and the deposits went from $37,000,000 up to $57,000,000, the two forms of credit changing places twice in as many years. That is the strongest illustration possible to prove the adaptability of current credits to the requirements of trade. The people want in panics something current, and if they knew that the notes were secured by a fund of $700,000,000, or any great sum, in Washington, no one would refuse one of the notes.

Mr. COCKRAN. The gentleman is speaking about a popular doubt as to the value of the currency. But suppose to-day a condition precisely similar to that of last October, where there was no doubt as to the value of the currency, but grave doubts about the solvency of the banks and about the statements put forth as to their condition. Suppose that condition was to be revived, how would this plan tend to check the appetite for hoarding which the gentleman says, if it had gone on unchecked last October, would have amounted to perhaps ten times the volume actually reached?

Mr. FOWLER. If they could convert bank credit into a note credit, they would take the note home and keep it.

Mr. COCKRAN. If the banks were authorized to redeem all their obligations by issuing currency notes, it would be very simple, but I fancy the gentleman would hardly go to that extent.

Mr. FOWLER. Yes; this bill provides that the board of managers—although they may have taken out an amount equal to their entire capital—the board of managers in a redemption district can permit an issue of any amount of notes they think necessary.

Mr. COCKRAN. The net result of this plan, then, is that under certain conditions the bank can discharge its obligations to its depositors by issuing additional obligations?

Mr. FOWLER. No; not additional. Just a moment, if the gentleman will pardon me. Not by issuing additional obligations, but simply by changing the form of the debt from one subject to check to one that is current.

Mr. COCKRAN. And so they pay their debts by creating new ones?

Mr. FOWLER. Not at all. They simply convert the debt into another form—it is the same debt.

Mr. COCKRAN. So that in its last analysis it is a plan which would bring about a millennium where every bank can discharge a debt by creating another. [Laughter.]

Mr. FOWLER. No, it does not do that. It does not create a new debt, but simply changes the form of the debt.

Mr. COCKRAN. That is it; it doesn't reduce or discharge the debt; it is a plan by which the bank is relieved of discharging its debt——

Mr. FOWLER. No, not all; hold on a moment.

Mr. COCKRAN. Let me finish the sentence. As I understand it, this plan simply proposes that the bank be relieved of paying its debt and empowered to get rid of it by creating a new debt.

Mr. FOWLER. Not at all; their notes, every one of them, are redeemable over their own counter in gold.

Mr. COCKRAN. If that is what the gentleman means, it is one of the most comprehensive plans that ever came under my notice.

Mr. FOWLER. That was the intention. [Laughter.]

Mr. COCKRAN. I want to ask the gentleman if this is how the plan would operate. A bank depositor having $10,000 on deposit approaches a paying teller's window under such conditions as we had in New York last October and demands $10,000 in cash. The bank has already issued notes enough to equal its capital. Can that bank then discharge this obligation by issuing another note?

Mr. FOWLER. Not at all.

Mr. COCKRAN. That is what I want made clear. I thought the gentleman said it could.

Mr. FOWLER. They are not a legal tender to anybody. They are a legal tender to the Government and between the banks. That makes them pass everywhere current throughout the United States, but not a legal tender to any person, and they can not be forced upon anybody by a bank, certainly least of all others upon a customer.

Mr. COCKRAN. Then we get back to the original difficulty. The depositor, having made a demand for his money with a view of hoarding it, how does the bank get out under this plan any better than it could before?

Mr. FOWLER. Well, if the depositor did not want a note, he could get the money.

Mr. COCKRAN. That is, assuming the bank had the money.

Mr. FOWLER. I suppose if that ever happened they would do just what they do now; but with a free issue of currency, redeemable in gold and secured by $700,000,000 in the United States Treasury, what happens now would not happen then.

Mr. COCKRAN. That is it. Then your bill would have no effect whatever. [Laughter.] That is precisely what I feared.

Mr. FOWLER. As I have just said, if by any possibility it should occur, as it never has with the Bank of France, which has a perfectly free bank issue, and as it never happened in the Suffolk System, the banks here would do just what they have done and just what the Bank of England does, which enjoys no credit currency at all, but simply issues notes against gold.

Mr. COCKRAN. The gentleman made that statement on his feet. It seemed to me to be slightly inaccurate according to my reading of the history of that institution. I understood the gentleman to say that Great Britain has shifted her currency to a system of credit currency at each emergency. I may be wrong about it, but my recollection is that the Bank of England never but once actually suspended payments——

Mr. FOWLER. Never but once?

Mr. COCKRAN. Never but once.

Mr. FOWLER. What did it do in 1847, 1857, in 1866, in 1890?

Mr. COCKRAN. The gentleman is speaking of the crisis following the Overend, Guerney & Co. failure in 1866?

Mr. FOWLER. I am speaking of the four instances in which they absolutely suspended and simply issued Bank of England notes, without reference to gold.

Mr. COCKRAN. There was one occasion when that actually happened.

Mr. FOWLER. Oh, four times; and they have prepared to do it twice besides those occasions, with the desired effect of stopping the panic.

Mr. COCKRAN. If the gentleman will allow me, I think we will not differ in a statement of fact about this. There were three occasions when what was known as a suspension of the bank act was authorized. One was in 1846; another in 1857. The third was at the suspension of Overend, Guerney & Co., in 1866, I think. I am speaking entirely from memory. The gentleman knows, because his familiarity with these subjects is undeniable, that under the law governing the Bank of England, outside of the £18,000,000 in notes which the bank may issue on the credit of the debt the Government owes the company for every £5 note in circulation, there must be actually 5 sovereigns or their equivalent in gold bullion in the vaults of the bank. Now, the suspension of the bank act, which occurred three times by permission of the Cabinet, on its assurance that the permission would be subsequently ratified by Parliament, authorized the bank to use the gold in its vaults which did not belong to it, but which properly was applicable to the redemption of outstanding notes, and which by that permission the bank was allowed to apply to the satisfaction of its ordinary bank debts. I do not think the gentleman will differ with me on that. That is, as I understand, the history of these transactions in England. On three occasions this permission was given. Once only it was actually used——

Mr. FOWLER. Oh, I did not yield the floor for a long discussion of this question.

Mr. COCKRAN. I merely asked the gentleman if he differs from that statement of historical facts.

Mr. FOWLER. They have suspended the bank act, as I recall it, four times, and they issued currency or bank notes without reference to gold coin in 1857.

Mr. COCKRAN. Does the gentleman mean that the suspension of the bank act authorized the unlimited issue of paper by the bank and not the mere right to use for its banking debts

the gold that under the law was ordinarily applicable to redemption of notes? What was meant by suspension of the bank act?

Mr. FOWLER. The right to loan and issue bank notes without reference to the gold——

Mr. COCKRAN. Was it not the right to use for its banking purposes this other gold, which it held merely as agent for redemption of outstanding notes——

Mr. FOWLER. No; if you want to make a speech you can at some other time——

Mr. COCKRAN. I was endeavoring to get information.

Mr. FOWLER. I have answered you two or three times.

Mr. COCKRAN. I hope the gentleman will allow me to give him credit for having made a most exhaustive statement and a most interesting presentation of his plan. If I have asked these questions, which were intended to test its practicability, it has been with an earnest desire to support it, because in general I am a believer in the principle of asset currency, but under stricter limitations than those the gentleman appears to have imposed in his bill, judging from the statement he has made to us here.

Mr. OLLIE M. JAMES. I would like to ask the gentleman a question. Take a bank that is chartered under the gentleman's bill, say with a hundred thousand dollars capital, and it issues $100,000 of currency. Now, I would like to ask the gentleman if under the provisions of this bill it is not within the power of a majority of the directors of the financial zone in which that bank is situated to cause that bank, that has already issued currency equal to the capital stock, to issue an unlimited amount of money, even to the extent of a billion dollars?

Mr. FOWLER. The right to issue any currency they may see fit; but I suppose that if the bank put out one of its notes it would do so when it got another good note in its place, and it could only issue when it had first obtained the amount of gold to protect it, such as the law requires. If it was in the country, 15 per cent; if it was in the city, 25 per cent.

Mr. OLLIE M. JAMES. But back of that money would be only 5 per cent in gold.

Mr. FOWLER. Back of what money?

Mr. OLLIE M. JAMES. Back of the additional currency issue. I am talking now about the additional amount of money issued over and beyond its capital stock.

Mr. FOWLER. It is precisely the same.

Mr. OLLIE M. JAMES. I am speaking of the second and third issues.

Mr. FOWLER. They have the same right to issue notes they would have to take deposits, for there is no difference between a deposit and a credit note; not a bit. In the case of deposit they must have the reserve, and in a case of the credit note they must have the reserve the same as the deposit.

Mr. OLLIE M. JAMES. But do you contend to the House a second issue of currency under the provisions of this bill would be as sound as the first?

Mr. FOWLER. Absolutely immaterial which dollar came first; they are all equally sound, because they are all equally protected by the gold reserve and the guaranty fund.

Mr. OLLIE M. JAMES. I understand they are all equally protected by gold reserve, but the point is, do not you put it within the power of a majority of the directors in that zone the opportunity to impair the character of money that is issued by giving the right to issue an unlimited amount of money?

Mr. FOWLER. Not at all. In the first place, the banks never issue any money, only current credits, which are redeemable in gold coin. The first safeguard is the gold reserve; the second safeguard is the guaranty fund in the United States Treasury; the third is the fact that the banks in each redemption district must first pay 10 per cent of the losses; the fourth safeguard is the capital of the bank and the character of the directors. There is no more reason for limiting the issue of current credits than there is for limiting the deposits of a bank upon the same conditions.

Mr. OLLIE M. JAMES. Now, say the banks of the country were capitalized at $600,000,000 and had issued $600,000,000 worth of currency, which is equal to their capital stock. They have deposited the reserve that the act requires. Now, the managers in each of these financial zones gives to each bank the right to issue 100 per cent more money; then you have $1,200,000,000 and have not but $600,000,000 of capital paid up; what becomes of the last $600,000,000 issued?

Mr. FOWLER. I do not quite follow the gentleman's question. But there is no money issued at all. It is strictly a question of issuing the bank's credits, maintaining always the same reserves against the bank's credit, for it is simply changing the bank's credit subject to check into current credit; that's all.

Mr. OLLIE M. JAMES. The question I put to the gentleman was this: Under the provisions of your bill the banks organized and capitalized at $600,000,000 can issue $600,000,000 in currency. They have issued that now. They have gone to the directors in the respective zones in which the banks are situated and have said, "We want to issue more money." I say it is within the power of four men out of seven, being a majority, to give to each bank in the United States the right to double its issuance of money, and instead of having $600,000,000 issued they might give them the right to issue $1,200,000,000, and then you would not have any capital stock which was the equal of the first $600,000,000 to help liquidate that last $600,000,000 when pay day came.

Mr. FOWLER. I do not think much of capital in banks at all. I think reserves and the liquid assets are the life of a bank. The Bank of France has only $35,000,000 capital and has outstanding $1,000,000,000 of notes, or about thirty times as much as its capital.

Mr. OLLIE M. JAMES. But there is only 5 per cent——

Mr. FOWLER. Just a moment and I will explain to the gentleman. I do not think as much of the capital as I do of the reserve and liquid assets. The Bank of France, for instance, has $35,000,000 capital, but it has $500,000,000 of a reserve. I presume it has real estate worth more than its capital. The gentleman seems to be laboring under this delusion, that a bank would issue a credit note for a thousand dollars without getting something back for it of equal value. In other words, if a bank received a deposit for a thousand dollars, does the gentleman think it will lend it out without getting something in return? A bank will no more give a man a thousand dollars of its notes than it would give a man some other man's deposit amounting to a thousand dollars.

Mr. OLLIE M. JAMES. The gentleman might make that argument as to banks if we did not have failures of banks and runs on banks every day, if we did not have depositors going around and beating at the doors of the banks and asking for their money; but our experience with banks shows that you have got to bridle their power, and especially so when you give them the right to issue unlimited money that the laborer must take and the farmer must take——

Mr. FOWLER. Does the gentleman call that money?

Mr. OLLIE M. JAMES. You make it legal tender of the Government, do you not?

Mr. FOWLER. Of course to the Government and to the banks, so as to make it good everywhere and not subject to discount.

Mr. OLLIE M. JAMES. Then, if it is not money, why not let the banks issue their checks?

Mr. FOWLER. What difference is it to the depositor whether he has a credit at the bank that he can check for a thousand dollars or whether he has got the bank's note for a thousand dollars? Can the gentleman tell?

Mr. OLLIE M. JAMES. There is this difference. Instead of being the depositor that has this, it is the laboring man, and unless your money is good enough for the laboring man to put in his pocket and rest content with it, it is not good enough for the American people, and they will not be content to take it. [Applause on the Democratic side.]

Mr. FOWLER. Does not the gentleman think that if a bank was run as it is to-day and loaned out its credit they would be as safe as they are to-day, especially with $500,000,000 or $600,000,000 in the guaranty fund to protect it? Does not the gentleman think the currency that is redeemed in gold is a safer currency than the national bank-note currency was when it was worth only 35 cents on the dollar?

Mr. OLLIE M. JAMES. I do not think any currency is good when the only thing you have got back of it is 5 per cent in realty and speculative assets, and will bring God only knows what when the crisis comes. Another question that I desire to ask the gentleman——

Mr. FOWLER. The gentleman's last question or remark is based upon something that does not exist at all in the bill, and has nothing to do with this question.

Mr. OLLIE M. JAMES. But the gentleman does admit, however, if I understand him, that these four men, a majority of the directors of the redemption agency, could give to a bank the right to issue unlimited amounts over its capital stock. Is that true or false? Can they do that?

Mr. FOWLER. It could issue currency just as it could take deposits, on precisely the same terms.

Mr. OLLIE M. JAMES. There is no provision of that sort in the gentleman's bill. Is there any such provision in the bill?

Mr. FOWLER. Certainly; I say that they could issue currency precisely as they could take deposits; with the consent

of the board of managers, in unlimited amounts, as they could take deposits.

Mr. OLLIE M. JAMES. You provide in this bill that the bank shall pay 2 per cent tax. Is that right?

Mr. FOWLER. Two per cent tax on the circulation?

Mr. OLLIE M. JAMES. Yes.

Mr. FOWLER. Yes, sir.

Mr. OLLIE M. JAMES. But that does not get into the Treasury of the United States and go to the people, does it?

Mr. FOWLER. Yes, sir; it goes into the guaranty fund, and that currency fund retires the demand notes of the United States Government, amounting to $200,000,000.

Mr. OLLIE M. JAMES. But, wait a minute. Now, you charge these banks 2 per cent tax for issuing this money, do you not?

Mr. FOWLER. Yes, sir.

Mr. OLLIE M. JAMES. And you put that into the hands of the Government as trustee, do you not?

Mr. FOWLER. Yes, sir.

Mr. OLLIE M. JAMES. Now, suppose a bank has issued $200,000,000 of money and it pays 2 per cent on it. Suppose it wants to go out of business. Now, has that bank got the right under this bill to go and demand from the Government the tax that has been paid?

Mr. FOWLER. Not a penny of it. It can withdraw its 5 per cent, which is a part of its required reserve, but no part of the tax paid. It can only withdraw its 5 per cent, provided it has no debts of any kind and the Comptroller of the Currency permits it.

Mr. OLLIE M. JAMES. Out of this fund of which this 2 per cent is part, do you not make that fund pay interest to the banks on their reserve, 5 per cent for deposits and 5 per cent to secure redemption?

Mr. FOWLER. Under the bill they get 1 per cent on that 5 per cent.

Mr. OLLIE M. JAMES. Do you not take from this fund that you say belongs to the Government and pay the banks interest on what you have had them to deposit as a reserve fund?

Mr. FOWLER. Not at all; the 5 per cent deposited is a part of the required reserves upon which now, if held with a reserve agent, the bank gets possibly 2 per cent.

Mr. OLLIE M. JAMES. I say that a provision in your bill does that very thing.

Mr. FOWLER. I do not understand it that way.

Mr. OLLIE M. JAMES. Well, I do.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. WILLIAMS. If the gentleman will pardon me. The gentleman from Kentucky [Mr. JAMES] asked if in your bill you did not make the Government of the United States pay interest to the banks for part of this very reserve which was deposited by the banks in the Treasury of the United States.

Mr. FOWLER. I said that they paid them 1 per cent interest.

Mr. WILLIAMS. I understood you to say that you did not. I find here section 22——

Mr. FOWLER. The bill here provides that they are to be paid 1 per cent on the reserve funds in the United States Treasury.

Mr. WILLIAMS. I read:

SEC. 22. That every national bank may count as a part of its required reserve the amount it shall have deposited with the United States Treasurer in accordance with sections 11 and 14 of this act, and shall be entitled to receive interest thereon at the rate of 1 per cent per annum, payable annually on the 1st day of July each succeeding year.

Mr. OLLIE M. JAMES. That was my contention, and you said to the contrary.

Mr. FOWLER. I beg your pardon.

Mr. OLLIE M. JAMES. Then I misunderstood you, as gentlemen on this side have misunderstood you.

Mr. FOWLER. That is very simple. That refers to the 5 per cent of deposits, and 5 per cent of note issues with the Government, which are a part of their required reserves now in the banks, and the Government pays them 1 per cent on that reserve; but not 1 per cent on the 2 per cent tax that they have paid in.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. FOWLER. Certainly.

Mr. SHERLEY. I would like now to ask the gentleman my question, and it is this: What was the reason for fixing the amount of capital stock of the bank as the limit of the amount of currency that can be issued by a bank in the first instance?

Mr. FOWLER. Simply an assumed figure, that is all.

Mr. SHERLEY. If it be true, as I understand the gentleman, that the subsequent currency issued by permission of the directors controlling that particular financial zone is based on the same credit as that which is first issued, why should this first limit be made, and why not let the banks issue without regard to the capital stock?

Mr. FOWLER. Because the banks have to have an organization. They want to take out a certain amount of currency, and we fix it at the amount of the capital, because they are required to put up 5 per cent of the amount taken out. Now, they are not compelled to take it all out. If subsequently they should consult the managers who are supervising the redemption district, they could take out additional currency. So that was simply a question of administration.

Mr. SHERLEY. If I understood the gentleman right, these issues that may be made up to a sum equal to the capital stock of the bank and those they may issue by the permission of these directors in the financial zone will be based upon the same credits and require the same reserve in the banks behind them. Now is that true or not?

Mr. FOWLER. It is true, but I want to qualify. You say the same credit. I would not say the same credit, but I should say similar credit.

Mr. SHERLEY. I do not mean the same credit, in regard to any particular credit, but, as I understand it, both of them must have a reserve of 15 per cent——

Mr. FOWLER. That is right.

Mr. SHERLEY. In the country, and 25 per cent in cities.

Mr. FOWLER. That is right.

Mr. SHERLEY. And that is all upon which they are issued?

Mr. FOWLER. Except that it is the credit of the bank, and of course no bank is going to incur a debt which it must pay without taking something in return for it. I know the gentleman understands this, but there has been some talk, and the gentleman is just on the point, and so I make that statement.

Mr. SHERLEY. I understand that, but if there is no difference between these notes, in the security that lies back of them, between those that are issued as a matter of right by the banks and those that are issued by permission of the directors, why have the permission of the directors at all? And if the theory of your bill is based on the idea that your issuance will be in response to trade demands and that there will be absolute redemption when the condition of the trade prevents the notes staying out, because banks must redeem in gold upon presentation, then why have you not simply taken your limit off and left it to trade conditions to say what shall be the volume rather than to the directors in a zone?

Mr. FOWLER. The gentleman states the principle with absolute accuracy. That is exactly my position.

Mr. SHERLEY. That is not your bill, as I understand it.

Mr. FOWLER. But you have to draw a bill with some view to passing it, and also recognize rules of administration.

Mr. SHERLEY. If I understand the gentleman, he has compromised with his position to the extent of limiting the first issue to the amount of the capital of the bank.

Mr. FOWLER. That is all.

Mr. UNDERWOOD. May I ask the gentleman a question on this point of redemption? I understand the basis of the gentleman's bill is the fact that there shall be 5 per cent of gold to redeem this outstanding currency.

Mr. FOWLER. Oh, no; the reserves against the bank notes are precisely the same reserves that are held against deposits. There is no difference between the two.

Mr. UNDERWOOD. But does not your bill provide that there should be 5 per cent of gold for the issuance of these notes?

Mr. FOWLER. No, sir.

Mr. UNDERWOOD. How much gold do you hold to redeem these notes?

Mr. FOWLER. Whatever the law requires now. If it is a country bank it must have 15 per cent, with the privilege of carrying some of it in reserve cities. In the central reserve cities it is 25 per cent in cash, and in those cities that are reserve cities and not central, 25 per cent, with the privilege of 12½ per cent in the other cities.

Mr. UNDERWOOD. The gentleman referred very eloquently in his speech to the fact that Mr. Cleveland, when he was President of the United States, saved the country from a panic by redeeming the greenbacks. I so understood the gentleman.

Mr. FOWLER. No.

Mr. UNDERWOOD. You did not say he saved it from a panic, but he saved the situation.

Mr. FOWLER. He saved the credit of this nation when he gave free silver its first stunning blow. [Applause on the Republican side.]

Mr. UNDERWOOD. Just one minute. What Mr. Cleveland

did was to attempt to stop the endless chain—the run on greenbacks. At that time we had $347,000,000 in greenbacks out, and we had $100,000,000 of gold in the Treasury, and yet the people of the country, not having confidence enough in the fact that we had gold, one for four, in the issuance of greenbacks, had a run on the Treasury and started the endless chain; and would not we do the same with the banks when they only had one-sixth of gold to secure the notes? What is the difference?

Mr. FOWLER. The Government has no liquid assets with which to pay anything; but a bank, if it is a commercial bank, should practically have all of its assets in liquid shape.

Mr. UNDERWOOD. But the Government has the whole power of taxation.

Mr. FOWLER. What is the power of taxation worth in a panic?

Mr. UNDERWOOD. It is good to raise gold, as it did raise gold. It was good enough to get gold.

Mr. FOWLER. No; it did not get gold on taxation; it raised it on the credit of the nation, with a promise to pay.

Mr. UNDERWOOD. What was the credit of the nation based on but the power of taxation? There would not be any credit for the nation if it did not have that.

Mr. HARDY. Just one question. I think there is a misapprehension as to a portion of the gentleman's bill. I understand that the first and general underlying proposition is to place the deposits and currency of the bank on the same footing?

Mr. FOWLER. Yes.

Mr. HARDY. I understand the holder of a deposit certificate and a currency bill of the bank may go to the bank and demand gold?

Mr. FOWLER. Yes.

Mr. HARDY. If the bank fails to pay, the Government guaranty of $500,000,000 steps in and takes up the demand?

Mr. FOWLER. Yes.

Mr. HARDY. If the bank continues to fail it goes into the hands of a receiver?

Mr. FOWLER. Oh, no; you can not resort to the Government guaranty fund in any case until the bank has actually failed.

Mr. HARDY. I understand.

Mr. FOWLER. But the gentleman made a statement that implied that you could resort to this in case it made a loss.

Mr. HARDY. No; in case of failure only.

Mr. FOWLER. The profits, reserve, and capital must all be wiped out and the stockholders would have to be assessed before the guaranty fund could be touched.

Mr. HARDY. I understand it as the gentleman does. Now, I want to ask this question: Is there any reason why the debt of the bank on its currency issue should be more sacred than the debt of the bank to its depositors?

Mr. FOWLER. Not at all. I do not make them so.

Mr. HARDY. Your bill is designed to put the depositor and the holder of the currency on the same basis?

Mr. FOWLER. Yes; and with a fund at Washington that guarantees both alike.

Mr. HARDY. And only in case of failure?

Mr. FOWLER. Yes; without preference then.

Mr. FORNES. Will the gentleman from New Jersey yield to me for a question?

Mr. FOWLER. Yes.

Mr. FORNES. The question I desire to ask is this: Did I understand the gentleman's objection to a central bank was the vast extent of our territory as compared with those territories where they are established—in England, France, and Germany?

Mr. FOWLER. That was only one observation I made. There were several others. I would say that the main objection to it is the fact that in this country of ours there is a political situation that is unmatched by any other country in the world, and I should say that the political situation is the most serious objection of all those made.

Mr. FORNES. Does the gentleman say that owing to the political situation we could not use the same financial institution that has proved to be so satisfactory in other countries?

Mr. FOWLER. I think that if there was a central bank in this country the power of the bank would be sought by political parties, and I am afraid it would be used by political parties for political purposes.

Mr. FORNES. Assume that you could take the power out of political influence.

Mr. FOWLER. Is it possible to do that in this country?

Mr. FORNES. And suppose on account of the vast extent of the country you establish ten branches, each branch to have the power of the central bank, these branches to be established in designated cities like San Francisco, New Orleans, and so situated throughout the land that they would come into the same class that the gentleman's system proposes?

Mr. FOWLER. It is impossible for a central bank, through its branches, to reach the customers, because the gentleman must remember that when you have a central bank in the United States it is never going to do any direct business.

Mr. FORNES. Suppose it did the business of a general clearing house.

Mr. FOWLER. How could that bank or any of its branches give relief to a man way up in the pineries of Washington, where they have a small bank and want some currency or want to convert their credit subject to check into a current credit to meet a pay roll with?

Mr. FORNES. He could reach the branch at San Francisco, which possesses the same power as the central bank.

Mr. FOWLER. How long would it take him to go down to San Francisco to get the credit or cash for his pay roll? This would be accomplished only by rediscounting some of his paper, when he could just as well convert it himself into a current credit.

Mr. FORNES. He could do it by having the exchanges the same as they have in the banking system through what you may call the "clearing-house" system.

Mr. FOWLER. How long would it take a man to go from some particular point, two, or three, or four hundred miles, to your clearing house?

Mr. FORNES. How much longer would it take him to go under the central-bank system than under your system?

Mr. FOWLER. He would not have to go at all. He would simply wire the managers of the district or call them on the phone and get back an answer in an hour or less, possibly, because they would have his reports on file and would know all about him.

Mr. FORNES. But suppose the central-bank-system branch would have two directors in every branch city where it is established, would they not understand the condition of that country and would they not be able to give an answer by wire as under your system?

Mr. FOWLER. I think it would be very impracticable and be very far removed from the business of this country, as compared with the proposition that I have presented.

Mr. FORNES. You think it only impracticable, but it might be possible?

Mr. FOWLER. Oh, it might be possible to carry on the business that way, but not at all as desirable.

Mr. HARDY. I would like to ask the gentleman a question. In case it should be found that it would be impossible to so change our system as to retire the bond-secured currency and issue in its place the convertible currency the gentleman speaks of, or the credit currency, would it not be a step in the right direction if some law could be passed whereby the deposits of banks were rendered absolutely secure and guaranteed by the Government, as provided in the gentleman's bill, even if that were all that could be done? In other words, would it not be a step toward the gentleman's ideal conception if every deposit in every national bank was rendered absolutely safe by the guaranty of the Government?

Mr. FOWLER. I do not approve Government guaranty, but if we could compel the banks to guarantee, it would be advantageous, but the trouble is there is no uniformity in our banking, and some States require no reserves, some of them 1 per cent or 4 or 5 per cent, and this interchange of national bank notes into trust companies for the purpose of locking them up is undermining the banking of this country, and we want it uniform, and we want enough reserves in gold to make our credits absolutely sound.

Mr. HARDY. Now, the point I want to get at is this, if the law was passed that all national banks shall have a guaranty deposit, won't that unify the system of national banks and cause all other banks to come into the field of the national-bank system; and when they have done that, won't all your credit currency be a thing not needed, practically, for the deposits are made absolutely secure?

Mr. FOWLER. Oh, no; you need currency, because you can not use the gold certificates and other reserve money to handle your crops and make up your pay rolls.

Mr. HARDY. As I understand, the great stayback of your proposition is that your currency and deposits would not be liable to be questioned because guaranteed by the Government.

Mr. FOWLER. I do not get the question of the gentleman.

Mr. HARDY. As I understand, the reason why there would not be likely a run on your banking system would be the fact that every man would have confidence in the guaranty of the Government.

Mr. FOWLER. Certainly, the $700,000,000 guaranty fund.

Mr. HARDY. Whether that applied to the currency or to the deposits.

Mr. FOWLER. Yes.

Address of Hon. Charles N. Fowler, on the financial situation, before the Illinois Manufacturers' Association, at Chicago, December 10, 1907.

Mr. PRESIDENT AND GENTLEMEN OF THE ILLINOIS MANUFACTURERS' ASSOCIATION: More than seventy years ago a Green Mountain State young man, after marrying the best woman that ever lived, came across the Great Lakes; and, passing through Chicago, then a most uninviting place, went into the interior of this State, selected a prairie farm, skirted by beautiful woodland, and planting his family altar near a splendid spring which came bubbling up from a great ledge of limestone, there, with only a single neighbor within a dozen miles, built the log cabin within which I was born.

Whenever I revisit this old stamping ground of my childhood, I lay me down by that goodly spring, and again, as in the hot summer days of my youth, nurse at the bosom of mother earth, forgetting almost a half century of an active life.

Again, after my college days, I came to this city, and, almost within a stone's throw of where I now stand, became a student at the Chicago Law School, graduating there in 1879.

Your invitation, then, to come here upon this occasion was the voice of old friends and neighbors calling me home; yes, it was something more—it was the call of my country, and patriotic duty compelled me to accept.

Under present atmospheric conditions I feel as though I am in a measure upon the witness stand, and that you are entitled to know whether there is any reason for discrediting the statement of the witness.

In these days of surprise, doubt, fear, suspicion, hate, malice, revenge, and reprisal, I feel constrained to divest my hearers of any possible thought of me as in any way identified with the banking, railroad, or so-called "trust" interests, in order that my words may not be misinterpreted through a misapprehension.

A MANUFACTURER TO MANUFACTURERS.

More than twelve years ago, when I began this campaign for a gold standard and currency reform, I disposed of what bank stock I then had and have not owned a single share since. Nor do I own a single share of railroad stock or a railroad bond. Nor do I own a single share of stock or a bond in any one of the so-called "trusts."

I am essentially one of you, a manufacturer, and have been employing about 500 men, although I regret to say not so many just now. Therefore we may have a heart-to-heart talk and my words be taken for what they are worth from the standpoint of the manufacturer.

PATRIOTIC DUTY.

If I saw the Government of my country going wrong, radically wrong, and pursuing a policy that must inevitably lead to financial disaster, commercial ruin, to immeasurable losses to the people, to national discredit and disgrace, and yet did not earnestly protest and do all in my power to prevent these consequences, I should be untrue to myself, unworthy of the trust reposed in me, recreant to my duty, and a traitor to my country.

If upon this occasion I shall show you that we have been going wrong in our finances ever since the civil war, and that the fundamental evils then incorporated into our financial and currency practices are now leading us directly, unerringly, inevitably, and swiftly to conditions that will certainly outparallel the difficulties, disasters, and disgrace that may have ever visited any civilized country, what will your duty be? What is more important, what will your action be?

True patriotism and love of country find their finest exhibitions in the civic walks of life; because here there is none of the glamour and glory of war, very little public inspiration, and their compensation comes in the silent consciousness of duty done.

Are you patriotic, loyal and self-sacrificing enough to fight for such a reward?

THE UNITY OF THE COUNTRY.

As in 1896, certain sections of our country were arrayed against certain other sections, brought about through misstatements and misapprehensions, and men raged against the "gold bugs" as if they were public enemies, and when one conspicuous politician visited New York, he called it the enemy's country.

Gentlemen, there is no enemy's country anywhere under the Stars and Stripes!

So to-day I learn from my fellow members of the House of Representatives and from editorial comments that there is a profound misunderstanding and a consequent most unfortunate misapprehension of the present situation.

Meeting a United States Senator from the West just one week ago to-day, he said: "If your damned New York and Chicago bankers had paid us our money, we should have been all right."

No bank can or is expected to pay all its depositors in a day. Suppose that the banks of the Senator's home town had not had a single dollar in the Chicago or New York banks. Would the Senator say that his home banks could have paid all their deposits upon demand? No. Now, who are the depositors of the Chicago and New York banks? Not only the merchants and manufacturers of those great cities, but the country banks, including the banks in the Senator's own town.

Does anyone believe that the clearing-house committee of Chicago is less true and patriotic than the clearing-house committee of St. Paul or Duluth, or of St. Louis or New Orleans? Or that the clearing-house committee of St. Paul or Duluth, or of St. Louis or New Orleans, is less true and patriotic than that of Kansas City; or the Kansas City committee less so than that of Denver; or the Denver committee less so than that of Salt Lake City; or the Salt Lake City committee less so that that of San Francisco?

Does anyone believe that the clearing-house committee of Chicago is more true and patriotic than the clearing-house committee of Boston, Philadelphia, or New York?

Gentlemen, all the banks are relatively in the same position; and I think it can be truthfully stated that the action of our bankers throughout the whole country during the recent trying circumstances is a source of profund satisfaction; while the self-control manifested by the people generally, North and South, East and West, is a guaranty of republican institutions.

Any man who attempts to arouse and set one section of our beloved country against another, or array one class of our people against another because it happens to be more powerful politically, is not a true friend of the people—indeed, he is an enemy of the Republic.

All things considered, if there is one class of our people more unfortunate than another, or one spot in our great country more sorely afflicted than any other, it is the wealthy people in the city of New York. Then why should blame rest there? Can anyone upon second thought think that any people would consciously and willingly court misfortune? No, gentlemen; let us be true, square, intelligent, brave men, and seek out the real causes and put the responsibility where it rightly belongs. No manly man, no patriotic man, no lover of his country, will desire to do less.

INVESTMENT CAPITAL.

The financial condition of the United States is very similar to that throughout the world; because, from the standpoint of investment capital, the whole world over is practically one.

Let no one suppose that I am not aware that the Spanish-American war, the Boer war, the Baltimore fire, the Japanese-Russian war, the San Francisco earthquake and fire, the Chilean earthquake, all combined consuming about $4,000,000,000 of wealth, and the tremendous expansion in railway and trolley building and equipment, in mine development and in the increase of manufacturing plants, had, by the first of the year 1907, completely exhausted the investment fund of the world and made large encroachments upon the commercial fund.

CURRENT EXCHANGE.

On the other hand, gentlemen, mark this difference. The commercial condition in the United States is very dissimilar from that to be found anywhere else in the world, so far as I know, because no other country has so poor a mechanism of current exchange as we have. So far as I can judge, no such condition could exist anywhere else in the world except here, and I am convinced that if we had had such a system of currency as Canada or France now has, the currency panic of 1907 would never have occurred, and we should never have been conscious of the fact that we were handling agricultural products worth more than $7,000,000,000, in connection with the output of our mines and factories, valued at more than $18,000,000,000.

THE INTERRELATION OF BUSINESS LIFE.

Without a clear comprehension of the oneness of the whole world in all matters involving capital and the essential importance of an efficient mechanism of current exchange, it

would be impossible to judge wisely, broadly, and justly the present situation and to comprehend the fact that not to any locality or class of men, but to the want of a scientific, sound, and wise financial and currency system, is due the commercial misfortunes from which we are all now suffering, from the Atlantic to the Pacific, from Canada to the Gulf.

COMMERCIAL ONENESS.

Though we may now live thousands of miles apart, yet we are within speaking distance of each other. So marvelous is our age, so intimate are our business relations, and so completely one is our country, that no part of it can seriously suffer without some injury to every other part.

As the pebble thrown into the lake sends its ripples to the farthest shore, so every business house in our ocean of commerce impresses itself remotely upon every other business house, and so every bank in our sea of commerce indirectly, at least, affects every other bank. In other words, one and all are links in the endless chain of our interdependent life.

THE MAGNITUDE OF THE TASK.

Let us pause for a moment and consider the magnitude of our task lest we fail to appreciate the importance of this hour.

It is estimated that our productive power to-day equals the labor of 500,000,000 men, or one-third of the population of the earth, our products this year exceeding in value $25,000,000,000. Seventeen years ago, in 1890, our products were worth only $12,500,000,000, or exactly one-half of what they are worth to-day.

In 1950, our 85,000,000 people will number 200,000,000; and it is estimated that through invention and discovery their potentiality will then be doubled. But, upon the ratio of to-day, their products then would seem bewildering to us now, being worth $60,000,000,000; while if our banking capital should correspondingly increase from $16,000,000,000 in 1907, it would amount to $40,000,000,000 in 1950, or more than all the banking power of all the world to-day.

To anticipate the conduct of such stupendous business as these figures imply and provide a scientific, sound, and wise financial and currency system is the most important question now before the American people.

THE LACK OF ECONOMIC THOUGHT.

Just eleven years ago we fought the most gigantic political battle since the civil war and established the gold standard.

Starting from this point, I propose to outline a course of legislative action, which I assert is essential to the establishment of a scientific, sound, and wise financial and currency system.

Has it ever occurred to you that there is scarcely a law upon our statute books affecting our finances and currency which is clearly and purely the result of economic thought, and such as would have been passed, but for necessity, ignorance, or political cowardice?

All the laws passed from 1860 to 1865 sprang from exigent circumstances and were the natural children of necessity, ignorance, or both. All the financial and currency laws passed as the result of the silver madness were the natural children of ignorance or political cowardice or both.

The establishment of the gold standard, the fixing of the unit of value and its proper certification, the provision for our subsidiary coinage and the laws of administration necessary to the conduct of the national business mark the limits practically of wise and proper legislation affecting our finances and currency.

THE PROPER RESERVE.

Having adopted gold, then, as our standard of value, it is the touchstone of our credit; and it is only by bringing our credits into contact with gold that their value is proved. I assert, therefore, that there is not a dollar of money in the United States that is fit for reserve except the gold dollar.

It has been suggested on the one hand that we allow the national banks to hold national bank notes as reserves, and, on the other hand, that we allow them to issue currency based upon bonds, other than Government bonds.

The argument is that the national bank note secured by a Government bond is the same thing, and therefore as good, as a United States note; again, that other bonds are as good as United States bonds.

The whole contention is founded upon a false assumption, and that is that the United States note is in itself a proper reserve—which it is not. It is nothing but a demand obligation, and should have been honored by payment and retirement forty years ago, precisely as France and Japan honored and retired their demand obligations at the close of their respective wars.

Our United States notes are tolerated as reserves because they are currently redeemed in gold coin by the Government; not because of their inherent fitness for that purpose.

The only proper reserve for any country to have is one coined out of its standard of value.

Every United States note, every silver dollar, and every silver certificate in circulation is a burden thrown upon the back of gold, and but for their current convertibility into gold would be at a heavy discount. Therefore not one of them is inherently fit for reserves.

The privilege of issuing bank notes upon a practically unlimited number of bonds and then using the bank notes as reserves would drive every dollar of gold out of the country; and your standard of value would be credit and not gold. Your bank notes would again sell at a discount just as they did in 1862 when they brought 75 cents on the dollar, or in 1864 when they sold for 35 cents on the dollar in gold coin.

Let us settle once for all that the only proper reserve for our banks to hold is gold coin; and that we are most unfortunate in having to carry $346,000,000 of United States notes and $600,000,000 of silver, maintaining them upon a parity with gold and thereby justifying as best we can their use as reserves. Let us not forget that both our silver and United States notes are serious stumbling blocks, though not insurmountable obstacles to our becoming the financial center of the world, provided they may be practically eliminated in time from our financial calculations.

With all questions of a proper kind of reserve settled, there are those who say that the only mechanism through which we can secure a scientific, sound, and wise currency system is a central bank.

CENTRAL BANK.

Undoubtedly there are some here who may expect or desire to hear what I think upon this subject. Therefore I shall frankly express myself upon its various phases.

First. A great central bank is in my opinion a political impossibility at present.

Second. I am confident that if one were possible there is no such genuine knowledge in this country of the various aspects of the subject involved as would justify any right, proper, or adequate conception of a central bank that would meet the present needs, to say nothing of anticipating the commercial development of the country during the next thirty years.

Third. The establishment of a central bank in 1793 and again in 1817 was one thing; but the establishment of such an institution to-day would be a vastly different thing, when you recall the fact that the present banking power of the United States now exceeds $16,000,000,000, and is greater than the entire banking power of the world in 1890—only seventeen years ago.

A corresponding increase during the next thirty years will make our banking power more than $40,000,000,000, or $3,000,000,000 more than the entire banking power of the world to-day.

From my experience in public life, I venture the prophecy that it will take several years, possibly a quarter of a century, to educate the public to that degree of intelligence and appreciation that will justify a favorable vote in Congress for the establishment of a financial institution adequately meeting the commercial requirements of this great country; and to attempt it now and put such an institution into a strait-jacket would be one of the greatest misfortunes that could befall us.

Let me call your attention to the startling fact that it was four years after the decisive victory in favor of the gold standard in 1896 before the gold-standard act was passed—March 14, 1900.

CENTRAL BANK NOT ESSENTIAL.

I am one of those who do not regard a great central bank as essential to a scientific, sound, and wise banking and currency system for the United States, provided we can unify and coordinate our banking interests, bringing them substantially into one system which will secure universal cooperation and the strength of a combination of our entire banking capital, and even with a central bank the same coordination must be effected.

THE 10 PER CENT TAX.

It may be suggested in this connection that the 10 per cent tax be removed from State bank notes as a relief to the situation. But on second thought no one can hope to see that done, because the reserves required by many of the States are not of the right character or sufficient in amount to protect the public.

Again, the variety of the notes would equal the number of the banks; or, even if each State supervised and furnished the notes of its banks, we should have forty-six kinds of notes,

all paying a discount when away from home. The convenience and economy of the public require a currency good everywhere and national in its character.

If practically all the banking interests are brought under national supervision, two things at least will result with reference to the reserves—the quality and quantity will become uniform, and the bank notes will no longer drive out gold by displacing it in our reserves.

WHAT IS ESSENTIAL.

Our reserves must all be of the same character—gold or its equivalent—because gold is our standard of value.

Our reserves in all of our financial institutions must be adequate to prove our credits and protect our depositors.

We must adopt the principle of free interchange of bank-book credits and bank-note credits.

Our bank notes must spring into existence precisely as checks and drafts do through business transactions.

Our bank notes must be related to and based upon the consumable commodities of the country, going out with production and coming in with consumption.

No part of the capital necessary to conduct properly the commerce of the country and pay for production and transportation should be transferred to the investment account and thereby made fixed capital.

Savings from labor, the excess of profits on business, and the income from rents and securities should constitute the investment capital of the country.

Primarily, all classes of useful citizens are interested in productive occupations, and directly or indirectly are affected by them, if not dependent upon them; therefore, if possible, the commercial fund should never be encroached upon for investment purposes. This was the primary cause, and is an important factor in our present trouble.

A TAX ON CREDIT IS A TAX ON LABOR.

Credit is the very soul of modern commerce; and, upon the average, more than 90 per cent of our business is done by check and draft, based upon the book credits of the country. These credits are not taxed and should not be, because such a tax would be a tax upon production and therefore a tax upon labor.

The remaining 10 per cent of the business consists chiefly of the cash transactions of the masses, who are entitled to a current credit that will cost them just as little as checks and drafts cost the rich and powerful who keep bank accounts. Such a credit should not be taxed any more than deposits are, because it is, in fact, only another form of deposit.

THE COST OF OUR PRESENT SYSTEM.

The practice, I will not say principle, of finance and currency now in operation in this country is costing the American people at least $150,000,000 annually, in addition to the frightful devastation of values incident to such currency panics as the present, which are liable to occur at any time if some significant failure should precipitate it.

This cost to the people of $150,000,000 arises from the fact that the use of all the capital, represented by the bonds deposited to secure our present bank notes, is lost because the bonds are wholly unnecessary and in their present use and relation are an unmitigated curse.

The use of the capital represented by the bonds deposited to secure Government deposits is also lost, as well as interest at the rate of 2 per cent upon Government deposits, which since the establishment of the national banking system up to the present time would have amounted to about $75,000,000, or nearly twice as much as the loss to depositors resulting from failures of national banks.

There is in the pockets of the people $1,250,000,000 of reserve money, $1,000,000,000 of which at least should be exchanged for current credit or credit currency.

If the banks could exchange their credit notes, amounting to $1,000,000,000, for $1,000,000,000 of these reserves now in the pockets of the people, they would increase their liabilities only 8 per cent of the $12,000,000,000 deposits, while they would increase their reserves 145 per cent.

If any other business in the world, except one politically managed, were involved, this waste of $150,000,000 annually would be stopped at once.

Who pays for this waste of capital? American labor. Upon labor rests the entire cost of the banking business, which is a necessary evil incident to the production, transportation, and sale or disposition of $25,000,000,000 worth of products annually.

BANK UNIFICATION.

Having already spoken of proper bank reserves, I shall now speak first of bank unification and cooperation, and, second, of credit currency.

Practically all the business that distinguishes a trust company from a regular bank to-day has grown up since the passage of the national-bank act.

A law should be passed giving to the national banks the right of exercising in the respective States where located all the powers of executors, administrators, guardians, and trustees.

Who will oppose granting these powers to the national banks? Do you answer: "The trust companies in the various States?" If so, they can give but one reason, and that is cupidity and greed, evidenced by the fact that upon a much smaller reserve than prudence justifies they conduct a regular banking business and carry on the trust business in addition; for upon the passage of a law authorizing the national banks to do a regular trust business the trust companies could nationalize and have in turn all the advantages of the national-bank act.

Unless this step is taken, the advantages now enjoyed by the trust companies will gradually but inevitably compel the national banks to surrender their charters for trust-company charters; for if a trust company is required to carry only one-fifth or one-half the reserves of a national bank, it can afford to pay a much higher rate of interest upon deposits and eventually undermine the national bank.

These conditions are constantly confronting those who are starting new financial institutions; and, of necessity, the greater margin of profit promised under trust-company laws determines the decision of those interested, they relying upon their own wisdom as to what are proper reserves.

THE ENCROACHMENT OF TRUST COMPANIES.

The following tabulated statement demonstrates beyond the possibility of doubt the gradual encroachment of the trust companies and the final extinction of the national banking system, solely because of the reasons stated:

NATIONAL BANKS.

	Capital.	Deposits.
1890	$642,073,676	$1,521,745,665
1900	621,536,461	2,458,092,757
1907	896,451,314	4,319,035,462

TRUST COMPANIES.

1890	$70,676,247	$336,456,492
1900	126,930,845	1,028,232,407
1907	276,146,081	2,061,623,035

STATE BANKS.

1890	$188,700,000	$553,100,000
1900	237,000,000	1,236,700,917
1907	471,163,000	3,068,649,830

CAPITAL.

	1890.	1900.	1907.
National banks	$642,073,676	$621,536,461	$896,451,314
Trust companies and State banks	259,376,247	363,930,845	747,306,081

DEPOSITS.

National banks	$1,521,745,665	$2,458,092,757	$4,319,035,462
Trust companies and State banks	889,556,492	2,294,933,314	5,130,272,895

CREDIT CURRENCY.

Banks are created by the people; therefore they are the servants of the people.

Every depositor of a bank should have the option of taking his credit at the bank in such form as will best serve his convenience—either a book credit subject to check or a current credit in bank notes.

The masses of the people who use currency instead of checks are entitled to have just as economical and cheap credits as the rich and powerful who keep bank accounts; and the people have the right to insist that the current credits which they use shall be currently redeemed by the banks in gold coin, and so constantly measured in our standard of value, which is gold.

The laborers, the manufacturers, and the merchants of the country have the right to have their current credits related to and based upon their products, the consumable commodities of the country, the things we eat, wear, and use—the things that

always have a cash value and are worth the present year more than $25,000,000,000.

The cotton planter who has already picked, ginned, and baled $10,000 worth of cotton and is entitled to a loan at his bank for $10,000, and who obtains it by giving a warehouse receipt for the cotton already prepared for the market, should have the absolute right, after the credit of $10,000 has been granted to him, of taking it in current credits in the form of bank notes, with which he can proceed to pay for picking, ginning, and baling the rest of his crop.

The elevator owner who is entitled to a loan of $100,000 at his bank, and who turns over as security for his loan of $100,000 an elevator or warehouse receipt, the loan having been granted to him and placed to his credit, has the right to take any part or all of this credit on the books of the bank in the form of current credits or bank notes, which can be sent into the country to pay for the harvesting, thrashing, and marketing of more of the wheat in the territory from which that already in his warehouse has come.

So, any person who has a credit at a bank has an equal right to take it either in a book credit, subject to his checks, or in a current credit or bank notes.

The notes of our laborers, our farmers, our manufacturers, our merchants, and producers of every kind and character are, economically speaking, the titles to the products of our labor and capital, and furnish the only true basis of a currency in any country; for such a currency must reflect the ever-varying conditions of trade.

A strictly commercial bank does a business based upon thirty, sixty and ninety day notes, which are constantly being made and as constantly paid, because the requirements of the makers are always changing with the constant production and constant consumption of commodities.

The bank loaning its money upon securities is not a commercial bank at all, but an investment bank, and the basis of its business is fixed because its collateral may remain the same for years at a time. On the other hand, the discounts of a commercial bank never remain the same for twenty-four hours, some notes being paid and new ones discounted. Therefore, you can only have a true currency of commerce when it is related to and based upon the consumable commodities of the country.

Some banks do both a commercial and an investment business, but so far as any bank does an investment business it is using the commercial fund for investment purposes, and therein lies the root or primary cause of our present commercial difficulty—an encroachment upon the commercial fund for investment purposes.

It therefore follows that the national banks should have the right to issue current credits just as freely as they take deposits subject to check, neither being subject to limitation, if only adequate reserves in gold are maintained.

This power, with that of acting as executor, administrator, and trustee, would have the effect of bringing into the national system practically all the trust companies and State banks, if our recent experiences have confirmed the public opinion that the required reserves of the national banks are none too high.

COOPERATION SHOULD BE COMPELLED.

If opposition developed on the part of either the State banks or the trust companies, the people, who have $12,000,000,000 of deposits in our banks and are interested in a proper and adequate reserve to protect them, should compel cooperation.

The people have the right to insist upon uniformity in their banking system if such uniformity is essential to the safety and convenience of the public. Cupidity and unconscionable greed must be the only source of any opposition that arises.

THE ADVANTAGE OF CREDIT CURRENCY.

If our banks were authorized to convert their bank-book credits into bank-note credits upon the demand of depositors, there never would be a currency famine such as we are suffering from now.

Mark this: There is not the slightest difference in principle between bank-book credits and bank-note credits, for one is a credit subject to order and the other is a cashier's check to bearer. Tell me, would it make the slightest difference to a bank whether it owed a million to depositors subject to check or a million in cashier's checks? Certainly not. The Bank of France owes ten times as much to note holders as it does to depositors, owing about $1,000,000,000 to the note holders and only about $100,000,000 to depositors.

THE HABITS OF THE PEOPLE CONTROL.

If the customers of a bank had their choice between these two forms of credit, the habits of the people would determine whether the bank owed more to depositors subject to check or to note holders.

The people of Scotland for one hundred and forty-three years never made a deposit subject to check, but only exchanged their time notes for the cashier's checks payable to bearer or current credits, credit currency. Their habits are now so completely changed that they have only $35,000,000 of cashier's checks in circulation, while the deposits subject to their order amount to $500,000,000.

The Bank of Germany has outstanding $450,000,000 of cashier's checks or notes and has deposits amounting only to $150,000,000.

The Bank of France has issued about $1,000,000,000 of cashier's checks or notes, while the deposits amount to only one-tenth as much, or $100,000,000.

On the other hand, the banks of Canada with the right of capital issue have only $75,000,000 of cashier's checks out, while their deposits amount to $600,000,000.

In 1811 the notes of the First United States Bank outstanding amounted to $5,037,000 and the deposits were $6,900,000.

In 1832 the notes of the Second United States Bank outstanding amounted to $21,000,000 and the deposits were $22,000,000.

In 1860 the Bank of the State of Indiana, which alone of all the Indiana banks had withstood the panic of 1857, had $5,753,000 notes out and only $1,200,000 of deposits.

In 1857 there were 515 banks in the six New England States clearing through the Suffolk Bank of Boston, and there are about the same number of banks in those States to-day. Their deposits amounted to only $25,000,000, while their notes outstanding amounted to $55,000,000.

Without any possible fear of successful contradiction, therefore, I assert that there is absolutely no difference in principle between bank-book credits and bank-note credits, and that where there is a perfect interchangeability between the two the habits of the people will determine whether the notes outstanding or the deposits are the larger.

CREDIT CURRENCY NOT EXPANSION.

Credit currency does not mean expansion, nor does it mean inflation.

Whenever I fall in with anyone who has never studied this question and thought it out he almost invariably suggests as an objection that it means expansion or inflation or both, when neither is the possible consequence of a free issue of credit currency.

I assert that credit currency does not mean or lead to expansion.

Ricardo says:

> The issuers of paper money should regulate their issues solely by the price of bullion and never by the quantity of their paper in circulation. The quantity can never be too great or too little, while it preserves the same value as the standard.

What is expansion? It is increasing the liabilities of a bank without correspondingly increasing its reserves. The reserves may all be in gold coin, and yet the bank may expand to a dangerous point, even to the point of destruction; for it could expand its liabilities until its reserve was only 1 per cent. But such expansion would ordinarily be fatal even though the 1 per cent were in gold coin. When the management of a bank considers the question of increasing its liabilities, the only important matter is whether its reserves will justify it. It is a matter of no practical importance whether the increased debt is a ledger credit, to be checked against, or a cashier's check, payable to bearer, which is a current credit or credit currency.

Therefore, I assert that a credit currency can not in any way lead to expansion; but that it would rather tend to prevent it, as appears in what follows.

CREDIT CURRENCY NOT INFLATION.

What is inflation? It is basing one credit upon another credit; that is, basing a bank's liabilities upon credit such as our present bank notes, which are in turn based upon another credit, a Government bond, which is due in about twenty-five years.

Now, would any banker hold a cashier's check payable to order, whether of the weakest or the strongest bank in the United States, as a part of his reserves? You answer, "No; under no circumstances. He would send it home as directly and swiftly as he does checks and drafts for immediate redemption."

Would a banker be any more likely to hold a cashier's check payable to bearer, whether of the weakest or the strongest bank, as a part of his reserves? You answer, "No; under no circumstances. He would send it home as directly and swiftly as he does checks and drafts for immediate redemption."

But the cashier's check, payable to bearer, is a current credit, or credit currency.

Therefore I assert that credit currency can not under any circumstances lead to inflation. On the other hand, it will be a distinct prevention of inflation such as we are suffering from to-day by using bank notes as reserves. Because the bank's obligations in the form of cashier's checks or credit currency will be sent home with the same directness and swiftness that checks and drafts are, always keeping the currency of the country down to the lowest point of necessity, and yet always meeting the largest demands of trade and commerce.

I challenge anyone to deny and contravene these foregoing propositions with regard to expansion.

Now, do not forget this: A banker may make poor loans upon overvalued securities or high-priced goods or bad personal risks; but these are cases of faulty business judgment on the part of the banker and have absolutely nothing to do with bank-credit expansion or bank-credit inflation.

CREDIT CURRENCY COORDINATED TO BUSINESS.

Therefore I assert that credit currency, when put upon the same footing in all respects as checks and drafts, will, instead of meaning or leading to inflation, prevent inflation, for our currency will then be perfectly coordinated to the needs of business, being neither too great nor too little, the cashier's checks springing into being with business needs, and automatically disappearing precisely as checks and drafts do.

This is not a theory, but the experience of two hundred years. All the rest of the civilized world are availing themselves of this principle to-day, and are using credit currency to the extent of about $4,000,000,000, or of more than 20 per cent of their entire banking capital; while, on the other hand, the United States, with $16,000,000,000 of banking power, more than three-sevenths of the banking power of the world, has not one cent of current credit or credit currency in use.

BOND-SECURED CURRENCY NOT COORDINATED TO BUSINESS.

On the other hand, no civilized country now has a bond-secured currency such as we have; and no civilized country of consequence ever did have such a currency except one, and that is Japan, who copied it from us only to repudiate and discard it in favor of a credit currency.

When Secretary Chase forced our bond-secured note scheme upon the country in 1863, it was purely a bond-selling project, and it is only a bond-speculating device to-day. There has not been a single hour from the time when the first note was issued up to this moment when the notes outstanding bore any distinct relation to the business which was being transacted in the country.

Mark this: From 1882 down to 1891, during a period of great business expansion, the bank-note circulation decreased from $365,000,000 to $122,000,000, simply because there was no profit in holding the bonds. From 1891 down to this very autumn there have been many years when the bank-note currency has actually contracted during the fall months when it ought to have expanded at least $250,000,000, simply because it paid to sell the bonds; and there have been quite as many years when there has been an expansion from January to July, though there ought to have been a contraction of at least $250,000,000.

AMOUNT OF BANK NOTES NOW HELD AS RESERVES.

Note this fact and ponder well. Ask yourselves whether you want to go further in the direction we are now moving.

Already $200,000,000, or nearly one-quarter of all the reserves now held by the banking institutions of the United States, are in bank notes. That is, of the $12,000,000,000 deposits in the banks of the country between $2,500,000,000 and $3,000,000,000 are based upon bank notes, mere promises to pay, and these mere promises to pay are again in turn based upon a debt of the Government, another mere promise to pay, which is not due for about twenty-five years, and then to be paid, if at all, out of taxes to be collected.

How long will it be before all of our deposits will be based upon mere promises to pay, which in turn will be based on the debt of the Government, the debt of States, the debt of municipalities, and the debt of railroads?

THE DANGER OF WORSE DISASTER.

With these astounding facts pressed upon your attention, can any man—any honest, intelligent, fair-minded man—deny that there must be something radically wrong, fundamentally wrong, disastrously wrong with our present currency-making devices; and that to them can be traced with unerring certainty the inexcusable calamity that has darkened our commercial sky this fall in the very midst of abounding prosperity?

Yet, while we are still in the throes of our commercial catastrophe, there are those who, ignorant of the causes and thoughtless of the future, would have us take another plunge in the same direction by adding to our overwhelming load of fixed, immobile, bond-secured notes another mass of bank notes based upon State, municipal, and railroad bonds. Could anyone conceive and plan a more gigantic scheme of inflation?

I now declare that if this Government continues its present policy of injecting into the arteries of trade and commerce a fixed, bond-secured currency, by swapping securities, by bond speculations, by Treasury manipulations, and by Executive orders, we shall continue to move only with an accelerated speed, and with the directness of a musket groove, and the absolute certainty of passing time, toward a commercial breakdown—a commercial crisis, a commercial tragedy—compared with which the present currency panic is only a pleasant summer outing.

INTELLIGENCE AND COURAGE CHALLENGED.

Are we such business fools, such economic idiots, such political cowards, that we will not move even though the heavens fall? And if perchance we do move, shall we jump into the fathomless abyss of basing credit upon credit instead of basing all bank credits, whether deposits or note-issues, upon gold coin?

CREDIT CURRENCY IS SAFE.

I submit that beyond all possible doubt there is a complete want of any coordination between our business and our present currency. But for the purpose of an argument, let us admit that the currency is sound, and that no one has ever lost a dollar in holding the notes, although at one time they were worth only 35 cents in gold coin.

Now, if there is such a thing as an absolutely sound currency which will at the same time perfectly reflect the varying conditions of trade and commerce, and, with never failing accuracy, respond to every call and meet every requirement, let us with intelligence, courage, and patriotism proceed to adopt it.

Of course, above all else it must be absolutely sound, and every dollar of it must be as good as gold. Scotland has had such a currency for more than two hundred years. France has had such a currency for more than one hundred years. Indeed, practically all the civilized nations of the world, except our own, have such a currency to-day, and therefore we must conclude that it is sound.

Canada has had such a currency for forty years. No one has ever lost a cent by holding one of her bank notes. But Canada borrowed her banking law from Massachusetts, and before the civil war Massachusetts was the very center, all things considered, of the most perfect banking system the world has ever seen, the Bank of France, possibly, alone excepted, and that system was the outgrowth of the requirements of trade in that section.

It was so good in those early days, when the stage coach carried the mail and there were neither railroads nor telegraphs nor telephones to insure early and accurate knowledge of the changing conditions of the then remote parts of New England, that we have had nothing to compare with it since.

In many respects the Atlantic and the Pacific are not so distant from each other as some of the points in the interior of New England were then from Boston, where every bank in New England had to redeem its notes every day in coin. These notes were so good that they sold at a premium of from 1 to 5 per cent in all the western centers of trade.

A GUARANTY FUND.

Indeed, so absolutely sound was the banking of New England in those days before the war that it would have taken a tax of only one-eighth of 1 per cent upon all the notes issued to pay the notes of the failed banks. While it would have taken a tax of twenty-two one-hundredths, or more than one-fifth of 1 per cent, on all the notes so far issued by the national banks to pay the notes of the national banks that have failed.

Now, if such a system of banking grew up in New England, with very few legal limitations and under such adverse conditions, how much better ought our system to be if it were founded upon the same principles. But let us suppose that the banking for the next forty years should prove upon the average as safe as for the last forty years; then a tax of one-fifth of 1 per cent would pay the notes of failed banks.

Now, it is a matter of record that about 80 per cent, or four-fifths, of all the deposits of national banks which have failed have been paid; therefore an annual tax of one-fifth of 1 per cent would pay the remaining 20 per cent. Hence, a general guaranty fund of 5 per cent would last one hundred and twenty-five years; and of 2 per cent would last for fifty years. Certainly there is no insurance, life or fire, that is to be compared in point of safety with that proposed here.

I assert then that in point of safety a credit currency with a guaranty fund of 5 per cent is equal in point of safety to our present national-bank notes; and it may be claimed that both are perfectly safe if the proper reserves are held to protect them.

BANK-CREDIT NOTES V. BOND-SECURED NOTES.

When we come to compare a credit currency and a bond-secured currency in their relation to the business of the country, the advocate of a bond-secured note is compelled to admit that for forty years it has failed utterly, indeed has never failed to fail, to show the slightest variation because of the changing conditions of trade. As I have before stated, the circulation fell from $365,000,000 in 1882 to $122,000,000 in 1891, and just as strange and anomalous circumstances are attending it every month of the year.

Indeed, there has not been a single fall during all these forty years when we have not been hanging over the brink of a currency panic; and our danger has always been directly in proportion to the size and price of our crops—the possibility of panic and ruin increasing with our prosperity. What a system it has proved to be! The greater our crops and prosperity, the greater our danger and the more imminent our ruin!

On the other hand, the principle of converting our bank-book credits into bank-note credits, the adoption of a true credit currency, will bring such a perfect harmony between our business and currency that no season of the year will seem any different from any other season, so far as our supply of currency is concerned—it will never be too large, never too small, always just enough. The experience of every other civilized country in the world justifies this assertion.

CREDIT CURRENCY ADJUSTMENTS.

Now, mark this, wherever a credit currency is in use, it automatically registers every change in trade, year in and year out, month by month, and day by day.

In absolute confirmation of this statement, I call your attention to the currency fluctuations in Japan, Scotland, Austria, France, Germany, and Canada; and I hope that you will study them, for they are a mathematical demonstration of the principle of credit currency:

Name of country.	Percentage of variation.	Amount of variation.	Per capita variation.	Times of variation per year.	Month of maximum variation.	Month of minimum variation.	Amount of variation United States would have relatively.
Japan	21.1	$24,222,000	$0.48	One	January	May	$40,800,000
Scotland	15.8	5,465,000	1.22	Two	July and December	April and September	103,700,000
Austria-Hungary	20.9	62,530,000	1.28	Three	Jan., May, November	Mar. and July	108,800,000
France	7.8	67,600,000	1.73	Two	Jan. and November	April and July	147,050,000
Germany	39.7	120,000,000	2.12	Four	Mar., June, Sept., Dec.	Feb., May, Aug., Nov.	180,200,000
Canada	37.0	22,733,756	3.29	One	October	January	279,650,000

THE TAX ON ISSUES.

Since I have given so many instances already of where the note issues of banks were in excess of deposits, I presume it is now clear to all that there is absolutely no difference in principle between bank deposits and bank notes or bank-book credits and bank-note credits, both being debts to the people—the one a liability subject to check or order, the other a current liability.

Now, no one would think of taxing deposits in our commercial banks, because such a tax would be a burden upon production. But a tax upon production is a tax upon labor; therefore a tax upon bank notes, which are only another form of deposits, is also a tax upon labor.

Is it not perfectly plain that a tax upon the $1,000,000,000 bank notes of the Bank of France would be as distinctly a burden upon labor as a tax upon the $100,000,000 of deposits held by the Bank of France? So with the two United States banks and the 515 New England banks which cleared through the Suffolk Bank of Boston before the civil war and had $55,000,000 of notes in circulation and only $25,000,000 of deposits.

Who use these notes? The people. Then who must pay the tax? The people.

If the Government should impose a tax of $2 upon every pair of shoes that were sold, who would pay the $2—the man who bought them or the man who sold them? Shoes would be just $2 per pair higher, that is all.

I assert, therefore, that whatever tax is imposed upon bank notes must be paid ultimately by labor. Therefore there should be no tax in principle on either deposits or bank notes.

HIGH TAX A MISTAKE.

But there are those who, simply because they have not thought out this matter, may say: "You must put a high tax, say 6 per cent, upon note issues to drive them home when they are no longer needed."

I assert, without any fear whatever of successful contradiction, that a tax that is so high as to destroy all profit in note circulation will also completely destroy one of the two incentives bankers have for sending the notes home, and therefore will defeat the very purpose for which the high tax was imposed. Indeed, a high tax will tend rather to keep the notes out than to drive them home.

The reason is apparent. Any bank, upon receiving the notes of a competing bank, would have, under a proper system, two motives for sending the notes directly home for redemption.

The first motive would be to get its own notes out and make the profit that this competing bank is making. For instance, if the tax is 2 per cent, and the local interest rate is 6 per cent, it would want to make the difference of 4 per cent, and so would send home the notes of the competing bank.

The second motive would be to convert the notes, which are a mere credit, into reserve money, because then the bank can loan from four to six times as much as it could if it were to loan the notes themselves out again.

It is therefore clear that a tax of 6 per cent, where the rate of interest is 6 per cent, would absolutely destroy the first motive for returning the notes to the maker.

All business is based upon selfishness, and certainly the banking business is no exception to the rule. Indeed, banking is the very refinement of business, and therefore the very refinement of selfishness.

THE HIGH-TAX ADVOCATE.

But the advocate of the high tax may reply: "I can deposit with the Government lawful or reserve money to the amount of the notes I have outstanding, and so retire that amount of currency and relieve myself of the tax when the currency is no longer needed."

But just what has the high-tax advocate accomplished, should he pursue this course? He has put into the Treasury, and therefore has exchanged, reserve money for credit notes to the amount of his deposit; a most undesirable thing if the reserve money were to remain there.

But the reserve money would not remain in the Treasury, for any sensible Secretary of the Treasury would immediately pay it out again; and so we should have no contraction whatever. The reserve money would be redeposited in the banks, and the bank notes would continue in circulation and no tax would be paid upon them.

Such a scheme would be an utter failure in every respect simply because it is in violation of both commercial and economic law.

So far as I can ascertain, the whole theory of a high tax has sprung from the experience of the clearing houses in retiring their certificates. But the facts are entirely different.

In the case of the clearing houses, the certificates never leave the immediate circle of membership, and, therefore, can be retired at will by actually withdrawing them. While the bank notes may circulate in every State of the Union, some of them being in the cotton fields of Mississippi, some of them in the shoe factories of Massachusetts, some of them in the cornfields of Iowa, and some in the lumbering camps of Oregon; *and the banker has no way of getting possession of them unless they are returned to him for redemption in the regular course of business.*

A REASONABLE TAX.

Now, there are three good reasons why there should be a tax of some kind upon true bank notes.

First. There should be a small tax, say one-fourth of 1 per cent per annum, to create a guaranty fund to pay the notes of banks that fail; for every note holder who lives at a distance from the bank of issue is an involuntary holder of the notes, and public policy demands that he should be protected, in order that our currency may be good beyond peradventure and acceptable everywhere.

Second. There should be a tax of possibly 1 per cent to pay the cost of transmission and redemption.

Third. Since the banks of the country have adopted the practice of paying upon the average about 2 per cent upon bank balances, it would be reasonable to impose a tax of this amount upon true bank notes, since they are only another form of deposits.

But the total tax should not exceed 2 per cent, out of which the guaranty fund and the cost of transmission and redemption would be taken.

CURRENT REDEMPTION.

Let every bank in the United States be brought within twenty-four hours of a redemption agency and let all the cost of the transmission and redemption of the notes be paid by the United States out of the 2 per cent tax imposed upon the notes; then every bank note issued will be placed upon the same

footing with checks and drafts and will be sent home as directly and swiftly as checks and drafts are, and our bank notes will always be adequate to the demands, no more, no less, expanding automatically to meet every call and retiring automatically as the demand ceases.

This is precisely what is happening to-day in Japan, Scotland, Germany, France, Canada, and other countries, and be it remembered that it is wholly due to the law of economic gravitation, expressed in selfishness, cupidity, greed, and certainty of profit, and not in any instance to a tax upon note issues.

A PRACTICAL ILLUSTRATION.

I assert that if last July, when the demand for currency began, the banks of the United States had been authorized to convert their bank-book credits into bank-note credits, we should have escaped the calamities growing out of the currency panic this fall.

Now note just what would have happened. There is an extraordinary demand for currency in this country, beginning with July and terminating about the 1st of January, amounting to about three hundred millions of dollars, and it is known that the banks in our great commercial centers, like St. Paul, Omaha, Kansas City, St. Louis, New Orleans, Chicago, and the cities throughout the East, are owing to the banks throughout the country districts a sum largely in excess of this amount.

If the banks located in these commercial centers had been authorized to issue cashier's checks payable to bearer, or credit bank notes, they could have responded to this demand for three hundred millions of currency and paid off the bankers in the country districts without increasing their liabilities to the extent of one dollar, and without adding one single dollar to their reserves, for the banks issuing these cashier's checks or bank notes should carry the same reserves against these bank notes as they now do against their deposits subject to check or draft. It would have been simply a matter of bookkeeping; the banks in the commercial centers would have charged the banks in the country districts with the amount of notes sent and credited their own cashiers with a similar amount.

There has not been expansion to the extent of a single dollar; there has not been inflation to the extent of a single dollar, and when the demand throughout the country districts began to diminish in January these cashier's checks or credit notes would be returned to the banks that issued them and be paid in cash or deposited to the credit of the bank sending them in, and so be reconverted into a bank-book credit subject to check.

CLEARING-HOUSE CERTIFICATES.

When universal panic struck our beloved country in the very midst of abounding prosperity and we were in the throes of commercial distress natural law pointed out the way. It was through the use of current credit, related to and based upon the consumable commodities of the country, the things we eat, wear, and use.

What was it? It was the clearing-house certificate and cashier's check, a pure credit currency. This sprang into being under the pressure of necessity, and will automatically disappear as that necessity recedes, perfectly adjusting itself to every condition from day to day.

These clearing-house certificates and cashier's checks were issued without authority of law and under very great disadvantages, because it was necessary to successfully evade the law. And yet, will any man say that this credit currency did not save us from a commercial disaster which would beggar the imagination of any human being?

Has this great lesson taught us nothing? God forbid.

Now mark this—while all these credits will soon disappear, you will find that the immobile, sodden mass of Government bond-secured notes will remain to a single dollar, and will pile up and crowd themselves into the reserves of our banking institutions, State banks, trust companies, private banks, and even into our national banks, forcing out a corresponding amount of gold, and so undermining the $12,000,000,000 of credits in this country.

I warn you now against the fathomless abyss of inflation we are slowly but certainly approaching. Shall we stop now or proceed and hasten the day and guarantee the result by adding State, municipal, and railroad bonds as a basis of bank currency?

QUESTION MUST BE SETTLED RIGHT.

Gentlemen, until we adopt this principle and relate our currency to and base it upon the consumable commodities of the country, we shall experiment in vain. As I wrote to Secretary Cortelyou, "All these superficial tricks and mechanical devices will fail; and, after stumbling about for five, ten, fifty, or possibly one hundred years, we shall come back to these fundamental economic principles which work economy and justice to all who are affected by them."

Gentlemen, I know that this question will never be settled right until it is submitted to the people for decision precisely as the question of the establishment of the gold standard was submitted to them, and I know equally well that the people's intelligence and patriotism will decide this question as that was decided—right.

I know that if the Senate and the House of Representatives do anything before a great educational campaign upon this subject, it will simply be to sew another rotten patch upon an old ragged garment already well-nigh covered with rotten patches.

THE QUESTION RESTS WITH THE PEOPLE.

This question is not up to Congress now—it has passed that. It is up to the people of the United States; it is up to you, the men within the sound of my voice. Will you do your duty and make this question the issue of the hour, or will you let the politicians make your issues for you?

There is not a laborer, not a manufacturer, not a merchant in the United States to whom this question is not of vastly greater importance than all other questions combined. Indeed, when we consider what may happen to the commercial interests of this country at any moment, all other questions sink into nothingness in comparison.

Labor is now paying a penalty of $150,000,000 a year, as I have pointed out, to keep up the grotesque farrago of our financial and currency practices. Hundreds of thousands of men are now idle; two millions of men may be idle as the result of present conditions; and, so long as we continue these conditions, will we constantly jeopardize the prosperity of the people and the welfare of the whole country. For it will be an accident every fall if we get through without a repetition of our present experience, bitterly intensified, too, should the misfortune overtake us when general conditions were bad.

Mark my warning to-night. I challenge the attention, the intelligence, the self-interest, the patriotism, and the conscience of the American people; and, in the face of what has transpired during the last thirty days, I charge all the responsibility for the future upon the people of the United States, and especially upon you who hear me now, for you have it in your power to demand a full discussion of this question before the people, and a verdict at their hands. Will you do it?

THE NEEDS OF THE HOUR.

As the contest for the gold standard brought confidence, strength, stability, progress, and prosperity to our country, so will a campaign for a scientific, sound, and wise financial and currency system lead us out of our difficulty, protect us against like dangers and immeasurably greater misfortunes in the future, and guarantee to us permanent conditions.

In the first throes of this currency panic I was asked about the advisability of an extra session of Congress, and replied: "No; we want no more unrest, apprehension, destruction of credit, and disturbance of confidence in American business; we want rest, recuperation, construction, and a revival of faith and hope in American manhood."

We want less sensation and more sense.

We want less dynamite and destruction and more cement and construction.

We want less constitutional anarchism and more constitutional liberty.

We want less governmentalism and more individualism.

Remember! remember, my countrymen! remember that the corner stone of this Republic is a free man. Physically free, intellectually free, religiously free, politically free, commercially free. That its very foundations rest upon local self-government, and that if it endures forever it must be through the conscience, intelligence, and strength of the people themselves.

All our surpassing achievements and national glory are traceable to the individualism and personal initiative of the American people, and our sole hope of a triumphant and transcendent future is in an absolutely free man.

Let us see to it then that no citizen secures any advantage whatever over any other citizen through the forms of law, but that all have and enjoy equal opportunities under the operation of absolutely equal and just laws.

Let us see to it that no corporation secures any advantage whatever over any other corporation through the forms of law; that no corporation secures any advantage whatever over any private citizen through the forms of law, and that no corporation secures any advantage whatever over the people themselves through the forms of law, but that every grant of power by the people to a corporation giving it a legalized monopoly shall have its corollary and counterpart in legalized regulation.

Whatever our problems may be, however difficult our tasks may be, I have absolute confidence in the intelligence and conscience of the people to solve and settle them wisely and justly,

and I believe that they will not condone crime or wrongdoing of any kind, at any time, or anywhere.

I believe that the American citizenship of 1907 is morally and intellectually better and higher than that of one hundred years ago. I believe that we are better to-day than we were yesterday, and that we shall be better to-morrow than we are to-day.

I believe that American manhood and womanhood, man for man and woman for woman, are vastly superior to the manhood and womanhood of any other nation on this globe.

Let us respect ourselves as we are entitled to, and then others will respect us; and let us so live that all nations will recognize in the typical American the ideal individual citizen of the world for all the centuries to come.

PLATFORM FOR SCIENTIFIC, SOUND, AND WISE FINANCIAL AND CURRENCY SYSTEM.

We demand that the reserves in our banks shall be in gold coin, and shall be ample to prove their credits and to protect their millions of depositors, who have $12,000,000,000 to their credit.

We demand that the depositors shall have the option of taking their credit in the form of a book credit subject to check, or in the form of a current credit in bank notes.

We assert that the masses, who use currency instead of checks, are entitled to have just as economical and cheap credits as the rich and powerful who keep bank accounts.

We demand that the currency of the country shall be related to and be based upon the products of our labor, the consumable commodities of the country, the things we eat, wear, and use, and that our currency shall be measured in gold by currently redeeming it in gold coin. Such a currency is absolutely sound, because as good as gold, and comes into existence with purchase and production, and disappears with sales and consumption. Therefore, it always perfectly responds to the ever-varying demands of trade.

We demand such a reform of the financial and currency practices of the United States as will save to the laborers, manufacturers, and merchants the $150,000,000 per annum now wasted because our reserve and banking capital are uselessly employed.

In support of these propositions we cite the following illustrations of where bank deposits and bank notes are interchangeable:

	Deposits.	Note issues.
The Bank of France	$100,000,000	$1,000,000,000
11 Scotch banks	500,000,000	40,000,000
35 Canadian banks	600,000,000	75,000,000
510 New England banks in Suffolk system	25,000,000	55,000,000

We assert that a credit currency, currently redeemed in gold coin, does not mean expansion and can not lead to inflation; and in support of this proposition we submit the following illustrations:

	Permissible issue.	Actual issue.
France	$1,000,000,000	$829,000,000
Canada	94,000,000	83,000,000
Scotland	148,000,000	40,000,000
First United States Bank	10,000,000	5,000,000
Second United States Bank	35,000,000	23,000,000
Bank of Indiana	6,600,000	4,000,000
Bank of Iowa	2,006,000	1,400,000
New England Suffolk system	123,000,000	55,000,000

LIFE OF A CREDIT NOTE V. A BOND-SECURED NOTE.

The life of a true credit note or the time it remains out in circulation is absolute proof, indeed mathematical proof, that these notes are always just adequate to and never in excess of the requirements of trade. To illustrate this fact we submit the experience of the Scotch and Canadian banks, and of New England banks clearing through the Suffolk Bank at Boston, and the record made by the national banking system, as follows:

	Days.
The note of the Scotch banking system remains out	18
The note of the Canadian banking system remains out	30
The note of the New England (Suffolk) banking system remained out only	45
The average life of our national-bank bond-secured note is just the life of the paper upon which it is printed	730

Therefore, it is demonstrated that the life of our bond-secured note bears no relation to the business of the country.

We assert that it is wholly immaterial whether there is only 1 central bank of issue, as in France, or 11 banks of issue with branches, as in Scotland, or 35 banks of issue, with 1,600 branches, as in Canada, or whether there are 515 independent individual banks of issue as there were in New England before the war, or 5,000 or 25,000 banks of issue; and that it is wholly immaterial whether each bank of issue has $25,000 capital, or $250,000 capital, or $2,500,000 capital, or $25,000,000 of capital—the principle is the same.

We assert that the law controlling the movement of credit, constantly measured in gold, our standard of value, unless unwisely interfered with by some foolish device of man, is as certain and absolute in its operation as the law of gravitation or any other law of God.

The absolute proof of this statement is found in the daily redemption of checks and drafts and cashier's checks payable to order; and the operation of this great law would not be suspended if the cashier's checks should be made payable to bearer, a current credit, and the customers of our banks should take these cashier's checks because they desired a current credit in preference to using their own checks which are not current, but only pass by indorsement.

We base this declaration upon natural law and the experience of all the civilized nations of the world.

APPENDIX.

A bill (H. R. 12677) to establish a simple and scientific monetary system, founded upon gold, guaranteed bank notes, and silver, with uniform banking and bank reserves in gold coin or its equivalent; to guarantee all deposits and note issues; and to fix certain rules and regulations whereby the financial operations of the Government shall cease to be a disturbing factor in our trade and commerce.

Be it enacted, etc., That upon the passage of this act the Comptroller of the Currency shall immediately proceed to designate such cities in the United States, including the District of Columbia, Arizona, and New Mexico, for the location of bank-note redemption agencies, numbering them consecutively, as will practically bring every national banking association within twenty-four hours of some one of such agencies: *Provided, however,* That the twenty-four-hour rule shall only apply where the railroad facilities are good and that the number of such agencies shall not exceed the requirement of bringing all national banks practically within twenty-four hours of some one of such agencies.

SEC. 2. That within thirty days after the designation of the cities for the location of the bank-note redemption agencies, every national bank, with the approval of the Comptroller of the Currency, shall select one of the cities so designated as the place for its bank-note redemption agency, and thereupon the Comptroller of the Currency shall notify all the national banks to meet at their respective bank-note redemption agency cities on a given day, and at a designated place, for the purpose of organizing the several bank-note redemption agencies. Each bank shall be entitled to only one vote, which shall be cast by an officer of the bank who has been duly authorized by a vote of the board of directors thereof.

SEC. 3. That the association of all the national banks clearing or redeeming their notes at any one of the cities so designated shall be known as "The [insert number] bank-note redemption district."

SEC. 4. That all the national banks of each of the bank-note redemption districts so constituted shall organize themselves into an association to be known as "The [insert number] Bank-note Redemption District" by electing a board of managers consisting of seven members, who shall serve, according to the number of votes received, respectively, for seven, six, five, four, three, two, and one years, and by adopting a set of by-laws for the proper conduct of their business.

SEC. 5. That every year thereafter on the first Monday in May all the national banks of each of the bank-note redemption districts aforesaid shall elect one member to its board of managers to succeed to the vacancy caused by the expiration of the term of the retiring member, and such newly elected member shall serve for a period of seven years. In case a vacancy occurs in said board of managers by death or resignation the board of managers shall fill the same until the next annual election, when some one shall be elected to fill the unexpired term. In the election of all members to the board of managers each bank shall vote as prescribed in section 2 of this act.

SEC. 6. That the board of managers of each bank-note redemption district, so selected, shall appoint one of their number to act as chairman for the ensuing year, who shall thereupon become a deputy comptroller of the currency, and shall give his entire time to the bank-note redemption district, and shall receive as compensation therefor $6,000 per annum, payable $500 monthly; and in case of any bank failure in his bank-note redemption district the chairman of said board of managers shall act as receiver thereof without any additional compensation therefor.

SEC. 7. That each chairman of a board of managers, subject to the direction of the board, shall succeed to all the authority of the Comptroller of the Currency so far as the supervision of the banks in his particular bank-note redemption district is concerned, and all the decisions of the courts affecting the office of the Comptroller of the Currency shall be applicable to the conduct of the chairman of the respective bank-note redemption districts. But for the purpose of securing a uniform system of bank reports, all the national banks shall make reports to the Comptroller of the Currency as now provided by law.

SEC. 8. That five members of said board of managers shall constitute a quorum to do business.

SEC. 9. That each board of managers so selected shall have entire and sole charge of the organization and conduct of its bank-note redemption agency, and, without the suggestion of or consultation with the Comptroller of the Currency, shall select and direct such a number of bank examiners as the board may from time to time deem requisite for the proper supervision of the national banks within its redemption district; and thereafter all bank examinations under the direction of the Comptroller of the Currency shall cease, except when in his judgment the public interests demand a special examination, which shall be conducted under his direction.

SEC. 10. That each board of managers of the several bank-note redemption districts shall meet at least once every month throughout the year at its respective bank-note redemption agency. The day of said

monthly meeting shall be the second Thursday in every month, unless the board of managers shall, by vote, select some other day.

SEC. 11. That upon the completion of the organizations of the several bank-note redemption districts, as hereinbefore provided, any national bank may retire all of its present bond-secured note circulation by depositing with the United States Treasurer an amount of the present bond-secured notes and of lawful money, which, together, will be equal to its entire circulation now outstanding, and may thereupon take out for issue and circulation an amount of bank notes, which shall be known as "national bank guaranteed credit notes," equal to its paid-up capital without depositing United States bonds to secure the payment thereof as now provided by law: *Provided, however,* That before any national bank shall have the right to retire its present bond-secured circulation and take out "national bank guaranteed credit notes," as in this section prescribed, it shall first, unless located in its redemption city, make arrangements with a national bank which is located in its redemption city for the redemption of its bank notes in gold coin or its equivalent; and shall deposit in gold coin or its equivalent, with the Treasurer of the United States, an amount of money equal to 5 per cent of its average deposits during the preceding calendar six months, and in addition thereto an amount equal to 5 per cent of the "national bank guaranteed credit notes" it proposes to take out for issue and circulation.

SEC. 12. That any national bank desiring to take out for issue and circulation an amount of "national-bank guaranteed credit notes" in excess of its paid-up capital may do so, provided the board of managers of the bank-note redemption agency to which it belongs first gives its approval thereto.

SEC. 13. That the "national-bank guaranteed credit notes" referred to in the two preceding sections shall be printed upon paper with green background or effect, and shall bear these words: "National-bank guaranteed credit note. Will be redeemed upon demand over its own counter by the ——— National Bank in gold coin or its equivalent. The payment of this note is guaranteed by a fund deposited with the Treasurer of the United States," and such other words as the Comptroller of the Currency may approve.

SEC. 14. That thereafter every national bank shall have upon deposit upon the 10th days of January and July each year with the Treasurer of the United States an amount of gold coin or its equivalent equal to 5 per cent of its average deposits during the preceding calendar six months and 5 per cent of its "national-bank guaranteed credit notes" taken out for issue and circulation.

SEC. 15. That as soon as the amount of money deposited by the national banks with the Treasurer of the United States as aforesaid shall reach the sum of $25,000,000 all the bonds now deposited by national banks to secure Government deposits shall be returned to the respective banks to which they belong, and from and after that date any national bank holding a Government deposit shall pay interest thereon to the Treasurer of the United States at the rate of 2 per cent per annum, the same being payable as follows: One per cent on the 1st days of January and July in each year on the average balance during the preceding six months.

SEC. 16. That any national bank which has taken out "national-bank guaranteed credit notes" for issue and circulation in accordance with section 11 of this act shall pay to the Treasurer of the United States on the 1st days of January and July of each year 1 per cent upon the average amount of notes in actual circulation during the preceding six months.

SEC. 17. That the 5 per cent of all deposits so deposited with the United States Treasurer, the 5 per cent of all note issues so deposited with the United States Treasurer, the interest paid by the national banks upon United States Government deposits to the Treasurer of the United States, and the 2 per cent paid to the Treasurer of the United States upon the "national-bank guaranteed credit notes" in circulation shall constitute a common or general guaranty fund for the following uses and purposes, namely: To guarantee the payment of all individual deposits, all bank notes, all bank deposits, and all Government deposits without discrimination or preference, and to pay all the expenses incurred in any way in properly conducting and maintaining the several "bank-note redemption agencies," including the charges for the transmission of bank notes by any national bank to its "bank-note redemption agency," and all expenses of whatsoever kind incurred in the examinations of the banks of the respective "bank-note redemption districts," and all the expenses incurred by the members of the respective boards of managers in the performance of their official duties.

SEC. 18. That primarily, and for the time being, 80 per cent of the said guaranty fund shall be invested in United States Government bonds, bearing 2 per cent interest. In purchasing said bonds a first preference shall be given to the bonds now deposited by national banks with the United States to secure the payment of the bank notes now outstanding, the price in all such cases to be the price paid by the respective banks for the particular bonds now held by them. Second preference shall be given to the United States 2 per cent bonds, if any were purchased in good faith and are now held as security for the United States Government deposits. No purchases of bonds made by any national bank after January 1, 1908, shall be recognized as bona fide.

SEC. 19. That the balance, or remaining one-fifth of the said guaranty fund at least, shall be kept in cash and deposited with the various bank-note redemption agencies or national banks located in bank-note redemption cities, for the purpose of facilitating and effecting the redemption of national-bank notes.

SEC. 20. That said "national bank guaranteed credit notes," issued in accordance with the provisions of this act, shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, including duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. Said notes shall be received upon deposit and for all purposes of debt and liability by every national banking association at par and without charge of whatsoever kind.

SEC. 21. That any national banking association, situated and doing business in a central reserve city, or a reserve city, shall at all times have on hand in lawful money of the United States an amount equal to at least 25 per cent of its "national bank guaranteed credit notes" in circulation; and every other national banking association shall at all times have on hand in lawful money of the United States an amount equal to at least 15 per cent of its "national bank guaranteed credit notes" in circulation: *Provided, however,* That any national banking association situated and doing business in a reserve city may keep 7½ per cent, or three-tenths, of its reserve in cash deposits in a central reserve city; and that every national banking association, situated and doing business outside of a central reserve city, or a reserve city, may keep 4 per cent, or four-fifteenths, of its lawful money reserve in cash deposits in a central reserve city or a reserve city.

SEC. 22. That every national bank may count as a part of its required reserve the amount it shall have deposited with the United States Treasurer in accordance with sections 11 and 14 of this act, and shall be entitled to receive interest thereon at the rate of 1 per cent per annum, payable annually on the 1st day of July each succeeding year.

SEC. 23. That any national bank desiring to wind up its affairs and go out of business, shall be entitled to receive back its advance made to said guaranty fund, less any deductions made because of bank failures: *Provided, however,* That all the liabilities of such bank have been paid in full and satisfied, or an amount of lawful money equal thereto has been paid into the United States Treasury for that purpose, and the Comptroller of the Currency approves the repayment of said sum.

SEC. 24. That whenever any bank failure occurs after the 1st day of January, 1909, one-tenth of the loss resulting therefrom shall be borne by the banks of the bank-note redemption district to which the bank failing belongs, pro rata or according to their respective deposits and note issues, the same being deducted from the interest due such banks upon their deposits in the guaranty fund, and the balance, or nine-tenths of the loss, shall be borne by the general or common guaranty fund.

SEC. 25. That from and after the 1st day of January, 1909, no national bank shall pay out over its counter any bond-secured bank note, but shall send the same to its bank-note redemption agency, and the bank-note redemption agency shall forward it to the United States Treasury for redemption, cancellation, and destruction.

SEC. 26. That any national bank that shall count any national bank guaranteed credit note or notes as a part of its reserve shall pay into the said guaranty fund a penalty (tax) of 10 per cent per diem on the amount so counted, and any national bank that shall after January 1, 1909, count any bond-secured bank note as a part of its reserve shall pay into the said guaranty fund a penalty (tax) of 10 per cent per diem upon the amount so counted.

SEC. 27. That any national bank that has a paid-up capital of at least $100,000, and has a surplus of at least $50,000, and has been in business at least five years, may act as guardian, administrator, executor, or trustee in accordance with the laws of the State or Territory where situated or located, and the reserves required in all such cases shall be determined and fixed by the board of managers of the "bank-note redemption district" within which such bank is located. All such accounts shall be kept separate and apart from all other accounts.

SEC. 28. That from and after the passage of this act any national bank may accept savings bank accounts; but such accounts shall not be subject to check, but be paid out only on book account, and all the records and books shall be kept separate and apart from the commercial accounts of the bank, and the reserves required in all such cases, and the interest to be allowed, shall be determined and fixed by the board of managers of the "bank-note redemption district" where such bank is located.

SEC. 29. That all investments made for the benefits of the accounts referred to in the two preceding sections shall be under such rules and regulations as may be prescribed by the board of managers of the respective agencies, subject, however, to any laws that the several States may have passed or may pass limiting, determining, and prescribing such investments.

SEC. 30. That from and after the passage of this act no national bank shall pay on any commercial account a higher rate of interest than 2 per cent upon monthly balances. Nor shall time certificates be issued payable upon demand for a shorter period than three months, and in no case shall a time certificate or a savings bank account be transferred or converted into a commercial account. Nor shall this be accomplished in any way directly or indirectly, and any bank that violates this section shall pay into the guaranty fund a penalty of 10 per cent upon the amount so transferred or converted.

SEC. 31. That the Comptroller of the Currency and the deputy comptrollers, who are the chairmen of the boards of managers of the respective "bank-note redemption districts," shall meet at least every six months at such place as the Comptroller shall designate, and such regular meetings shall be held on the second Tuesday of April and October in each year, unless the Comptroller and the deputy comptrollers by vote select some other day and month.

SEC. 32. That the Comptroller shall always act as chairman of said meetings and except as herein provided shall continue to exercise all the authority and powers now exercised by him. The said deputy comptrollers shall report to the Comptroller all violations of law, and give him such information from time to time as he may call for.

SEC. 33. That all prosecutions for violations of the law shall be under the direction of the Comptroller of the Currency, and the said deputy comptrollers shall render him such assistance and services as he may require.

SEC. 34. That the Comptroller and the said deputy comptrollers, the chairmen of the several boards of managers of the "bank-note redemption districts" shall have the direction and control of the guaranty fund so far as it may be necessary to use it to facilitate and effect the redemption of the national-bank notes at the several agencies, and shall have power to determine in what securities said guaranty fund shall be invested, if at any time it shall be necessary to purchase other and additional securities than the United States Government 2 per cent bonds now outstanding, as herein provided.

SEC. 35. That from and after the date that said guaranty fund shall amount to the sum of $25,000,000 the United States Government shall deposit from day to day all its receipts from whatever source received in such national banks as it may select: *Provided, however,* That after the 1st day of January, 1909, it shall not have and keep on deposit in any one national bank an amount of money greater than 50 per cent of the capital thereof.

SEC. 36. That from and after the date that said guaranty fund shall amount to the sum of $25,000,000 all debts and obligations of whatsoever kind owing to the United States Government, including stamp sales, internal revenues, and duties on imports, may be paid by check and draft given by any national bank or by draft accepted, or check certified by any national bank, and all debts or obligations owing by the United States to others shall be paid by check or draft upon some national bank which is a United States depository, or upon the Treasury or one of the subtreasuries of the United States, at the option of the Government.

SEC. 37. That if the 5 per cent guaranty fund shall not amount to sufficient by January 1, 1909, to purchase all the United States Government 2 per cent bonds held by the banks, the United States Government shall use so much of its deposits then held by the banks as may be necessary to purchase the balance upon the same terms as prescribed in section 19 of this act, and the bonds so purchased shall remain in the United States Treasury to be taken up from time to

time as the said guaranty fund increases: *Provided, however*, That not more than $200,000,000 of the money in the Treasury outside of said guaranty fund, and held by the banks, shall be used for such purpose.

SEC. 38. That whenever the accumulations from said guaranty fund, arising from the interest on said bonds, and interest upon any part of said fund deposited with national banks, the interest on Government deposits, and the tax upon the national bank guaranteed credit notes, shall reach $25,000,000, after paying all the expenses as provided in section 18 and meeting any losses due to bank failures, the excess remaining over and above said $25,000,000 on each succeeding 1st day of January shall be paid in gold coin into the reserve fund of the United States Treasury until the amount of gold coin therein shall be $346,000,000, whereupon all the United States notes outstanding shall be converted into gold certificates, and thereafter no national bank shall hold a United States note as part of its reserves, nor shall the Government of the United States thereafter pay out a United States note, but they shall be canceled and destroyed.

SEC. 39. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent to present the following amendment to the bill in order that it may be printed in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to present an amendment to the pending bill in order that it may be printed in the RECORD. Is there objection?

There was no objection.

The amendment is as follows:

Add after section 2 the following:

"SEC. 3. That every street and suburban railroad company doing business in the District of Columbia shall, on each and all of their roads, furnish such a number of cars as will give comfortable and convenient passage to all persons desiring to ride. And it is made the duty of the District Commissioners (which they are especially required to perform) to see that the above requirement is obeyed. And said Commissioners shall have the authority to regulate the number of cars that shall at different hours be operated and the intervals of time between cars. And said railway companies are hereby required to obey all orders made by said Commissioners respecting the time and manner in which cars shall be operated, as well as the condition of such cars as to cleanliness, repair, appearance, and sanitary condition. Any street or suburban railroad company failing to obey the provisions of this section or any of the regulations or orders of the Commissioners authorized hereby shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of $1,000. And each day of neglect to perform duties imposed upon said companies by or under authority of this section shall be regarded as a distinct offense."

Mr. SMITH of Michigan. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10446, and had come to no resolution thereon.

ASSIGNMENT OF COMMITTEE ROOMS.

Mr. MANN. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building, and the redistribution of rooms under the control of the House in the Capitol building, beg leave to make a partial report and to recommend the adoption of the following resolution, to wit:

"*Resolved*, That rooms 119 and 121, according to the plan for permanent numbers of rooms in the House Office Building be, and the same are hereby, assigned to the Committee on Expenditures in the Navy Department."

All of which is respectfully submitted.

JAMES R. MANN.
JOSEPH H. GAINES.
H. O. YOUNG.
WILLIAM C. ADAMSON,
JAMES T. LLOYD.

The question was taken, and the report was agreed to.

CONDITIONS IN THE PHILIPPINES.

The SPEAKER laid before the House a message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed.

[For message, see Senate proceedings of this day.]

DEPUTY CLERK AT BIG STONE GAP, VA.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va.

The amendment was read, as follows:

Be it enacted, etc., That chapter 1421 entitled "An act to authorize holding of the regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.," approved April 22, 1904, is hereby amended so as to read as follows:

"That in the western district of Virginia the clerk of the circuit and district courts at Abingdon, Va., shall appoint a deputy clerk who shall be deputy clerk of both circuit and district courts and who shall reside and keep his office at Big Stone Gap, Va., for the purpose of taking charge and custody of the court records and papers, attending the sessions of said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of the said courts at Big Stone Gap, Va."

The amendment was read as follows:

Add to the bill, after line 4, on page 2:

"And that portion of the said act 1421, authorizing the appointment of the deputy clerk at Big Stone Gap, Va., by the clerk at Lynchburg, be, and the same is hereby, repealed."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this a unanimous report of the committee?

Mr. SLEMP. It is.

The SPEAKER. The Chair hears no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. SLEMP a motion to reconsider the last vote was laid on the table.

DUTIABLE MERCHANDISE TO CHATTANOOGA, TENN.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I sent to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 558) to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement.

Be it enacted, etc., That the privileges of immediate transportation of dutiable merchandise without appraisement conferred by the act of June 10, 1880, and by existing laws be, and the same are hereby, extended to the port of Chattanooga, in the State of Tennessee.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the privileges of the seventh section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to the port of Chattanooga, in the State of Tennessee."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this a unanimous report of the committee?

Mr. MOON of Tennessee. It is.

The SPEAKER. The Chair hears no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time and passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the last vote was laid on the table.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 17.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Oconto Harbor, Oconto, Wis., with a view to providing a 20-foot channel and turning basin in said harbor, and to submit estimates for the same—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 16.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made at Depere, Wis., for a turning basin; also for the purpose of deepening the present channel between Green Bay and Depere and making it a 20-foot channel clear through from Green Bay to Depere, and to submit estimates for the same—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 15.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey of the entrance and harbor at St. Augustine, Fla., with a view to determining the necessity for and cost of construction of necessary breakwaters, etc., to protect the Government works at St. Augustine, Fla., from damage from erosions and encroachments of the sea—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the portion of the Yellowstone River from the city of Glendive, Mont., to the mouth of said river, with a view of cleaning out the channel thereof so as to maintain a 4-foot stage of water therein, including a lock at the United States Government dam, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Flathead River, Montana, from the mouth of the same to the city of Kalispell, with a view of dredging and cleaning out a channel carrying 4 feet of water from the city of Kalispell to the mouth of said river, and to submit a plan and estimate for such improvements—

to the Committee on Rivers and Harbors.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 456. An act to provide for the holding of United States district and circuit courts at Salisbury, N. C.

LEAVES OF ABSENCE.

By unanimous consent Mr. MARSHALL was granted leave of absence until February 5, on account of important business.

Mr. GREENE was granted leave of absence for two days, on account of important business.

COMMITTEE ASSIGNMENT.

The SPEAKER. The Chair announces the following committee assignment.

The Clerk read as follows:

To the Committee on Alcoholic Liquor Traffic, Mr. OLCOTT.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for repair of barracks and contingent expenses of the Marine Corps—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Acting Secretary of War, recommending legislation in relation to the present requirements of the written contracts under section 3744, Revised Statutes—to the Committee on Military Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martin H. Mullin against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ole Jacobson against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Richard M. Johnson against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John Hamilton against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elvira D. Gregg, widow of Judson H. Gregg against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Russell P. Finney against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henrietta V. Dale, widow of John J. Dale, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings by the court in case of Mary E. James, widow of Thomas James, against the United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Helen E. Boon, executrix of estate of Martland Boon, deceased, surviving partner of Robert Tillson & Co., against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. J. Buero, administrator of estate of Angelo Buero, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation relating to giving official bonds by United States Indian agents—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6133) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., reported the same with amendment, accompanied by a report (No. 438), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8763) granting an increase of pension to William M. Kenyon, reported the same with amendments, accompanied by a report (No. 371), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10283) granting an increase of pension to John S. Barr, reported the same with amendments, accompanied by a report (No. 372), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10267) granting a pension to Alice George, reported the same with amendment, accompanied by a report (No. 373), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10152) granting an increase of pension to Robert S. Clark, reported the same with amendment, accompanied by a report (No. 374), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10128) granting an increase of pension to Thomas H. Addison, reported the same with amendments, accompanied by a report (No. 375), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9838) granting an increase of pension to Harriet B. Nichols, reported the same with amendments, accompanied by a report (No. 376), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8946) granting an increase of pension to John Adam Hollander, reported the same with amendments, accompanied by a report (No. 377), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8761) granting an increase of pension to Henry A. Walker, reported the same with amendments, accompanied by a report (No. 378), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8607) granting an increase of pension to John R. Bevilheimer, reported the same with amendments, accompanied by a report (No. 379), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9557) granting an increase of pension to James W. King, reported the same with amendment, accompanied by a report (No. 380), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4518) granting an increase of pension to James W. Eastman, reported the same without amendment, accompanied by a report (No. 381), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8095) granting an increase of pension to Charles B. Love, reported the same with amendment, accompanied by a report (No. 382), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 8477) granting an increase of pension to William H. Mathis, reported the same with amendment, accompanied by a report (No. 383), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7887) granting a pension to Michael Kresge, reported the same with amendments, accompanied by a report (No. 384), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7481) granting an increase of pension to Mary E. Cook, reported the same with amendment, accompanied by a report (No. 385), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6896) granting an increase of pension to George Aschemoor, reported the same with amendments, accompanied by a report (No. 386), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6870) granting an increase of pension to Day Wheeler, reported the same with amendments, accompanied by a report (No. 387), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4507) granting an increase of pension to Eliza J. McPherson, reported the same with amendment, accompanied by a report (No. 388), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4947) granting an increase of pension to William Leabo, reported the same with amendments, accompanied by a report (No. 389), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13814) granting an increase of pension to Simeon S. Goodrich, reported the same with amendments, accompanied by a report (No. 390), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14758) granting an increase of pension to Eri B. Sabine, reported the same with amendments, accompanied by a report (No. 391), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2777) granting an increase of pension to Thomas J. Spencer, reported the same with amendments, accompanied by a report (No. 392), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2927) granting an increase of pension to William J. Mull, reported the same with amendment, accompanied by a report (No. 393), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 2933) granting an increase of pension to Motier V. Eames, reported the same with amendments, accompanied by a report (No. 394), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2962) granting a pension to Mary E. Becking, reported the same with amendments, accompanied by a report (No. 395), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3223), granting an increase of pension to Marcus A. Stephenson, reported the same without amendment, accompanied by a report (No. 396), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3495) granting an increase of pension to Benjamin F. Clark, reported the same without amendment, accompanied by a report (No. 397), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3630) granting an increase of pension to Jennings Branham, reported the same with amendments, accompanied by a report (No. 398), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3685) granting an increase of pension to John V. Larrimer, reported the same with amendment, accompanied by a report (No. 399), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4104) granting an increase of pension to Henry C. Martin, reported the same with amendment, accompanied by a report (No. 400), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4129) granting a pension to Sophia Conlon, reported the same without amendment, accompanied by a report (No. 401), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4506) granting an increase of pension to Theresa M. Randall, reported the same with amendments, accompanied by a report (No. 402), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4515) granting an increase of pension to William S. Ankerman, reported the same with amendments, accompanied by a report (No. 403), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10419) granting an increase of pension to Shelton Canfield, reported the same with amendment, accompanied by a report (No. 404), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4935) granting an increase of pension to Clark Kelley, reported the same with amendments, accompanied by a report (No. 405), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4946) granting an increase of pension to Charles S. Baker, reported the same with amendment, accompanied by a report (No. 406), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4948) granting an increase of pension to Henry A. Lamontain, reported the same with amendments, accompanied by a report (No. 407), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6013) granting an increase of pension to James Brown, reported the same with amendments, accompanied by a report (No. 408), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6044) granting an increase of pension to Truman H. Baldwin, reported the same with amendment, accompanied by a report (No. 409), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6083) granting an increase of pension to Stephen Loranger, reported the same with amendments, accompanied by a report (No. 410), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6300) granting a pension to Benjamin L. Haynes, reported the same with amendments, accompanied by a report (No. 411), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13781) granting an increase of pension to George H. Smith, reported the same without amendment, accompanied by a report (No. 412), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6318) granting an increase of pension to Michael Sennet, reported the same without amendment, accompanied by a report (No. 413), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6410) granting an increase of pension to Thomas P. Clark, reported the same with amendment, accompanied by a report (No. 414), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 10346) granting an increase of pension to James C. Vorhes, reported the same with amendment, accompanied by a report (No. 415), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2862) granting an increase of pension to Theodore Ray, reported the same with amendments, accompanied by a report (No. 416), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4234) granting an increase of pension to William W. Tannery, reported the same with amendment, accompanied by a report (No. 417), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10418) granting an increase of pension to Robert A. Hodges, reported the same without amendment, accompanied by a report (No. 418), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10964) granting a pension to Patrick J. O'Brien, reported the same with amendments, accompanied by a report (No. 419), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11223) granting an increase of pension to George F. Cowing, reported the same without amendment, accompanied by a report (No. 420), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9552), granting a pension to Burton Walters, reported the same with amendments, accompanied by a report (No. 421), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11938), granting an increase of pension to Stephen Glanden, reported the same with amendments, accompanied by a report (No. 422), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11572), granting an increase of pension to William H. Smyser, reported the same with amendment, accompanied by a report (No. 423), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12208) granting an increase of pension to Robert B. Thomas, reported the same with amendments, accompanied by a report (No. 424), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12236) granting an increase of pension to James W. George, reported the same without amendment, accompanied by a report (No. 425), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12982) granting an increase of pension to William C. Schofield, reported the same without amendment, accompanied by a report (No. 426), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13029) granting an increase of pension to Elizabeth Gritzner, reported the same with amendments, accompanied by a report (No. 427), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13220) granting an increase of pension to Frank H. Wells, reported the same with amendment, accompanied by a report (No. 428), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13234) granting an increase of pension to Jacob Glass, reported the same with amendments, accompanied by a report (No. 429), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13396) granting an increase of pension to Corydon S. Hickman, reported the same without amendment, accompanied by a report (No. 430), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13771) granting a pension to Henry Stulen, reported the same with amendments, accompanied by a report (No. 431), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13815) granting an increase of pension to Levi M. Briddell, reported the same with amendment, accompanied by a report (No. 432), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13877) granting an increase of pension to Seneca R. Randall, reported the same with amendment, accompanied by a report (No. 433), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14149) granting an increase of pension to David Mitchell, reported the same with amendments, accompanied by a report (No. 434), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14344) granting an increase of pension to Peter Penord, reported the same with amendment, accompanied by a report (No. 435), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 436), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were referred as follows:

The bill (H. R. 2756) for the relief of L. K. Scott—Committee on War Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 3509) granting a pension to Margaret Matthews—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 5318) granting an increase of pension to Frank West—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7011) granting an increase of pension to Thomas Todd—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7077) for the relief of R. W. Sheild, of Yorktown, Va.—Committee on War Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 7151 granting a pension to Margaret Hertel—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 14289) granting an increase of pension to Flora Johnson Todd—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 14974) for the relief of Charles A. Bess—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 14992) granting a pension to Catharine Collins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 15203) for the relief of J. F. Steel—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

The bill (H. R. 14828) granting an increase of pension to Mahala Geren—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 3268) for the relief of Harry D. Nickerson—Committee on War Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 3269) for the relief of Alberth Pires—Committee on Military Affairs discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909—to the Union Calendar.

By Mr. HARRISON: A bill (H. R. 15220) constituting a commission to investigate consular affairs—to the Committee on Foreign Affairs.

By Mr. PARSONS: A bill (H. R. 15221) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. RUSSELL of Texas: A bill (H. R. 15222) to provide for a public building at Longview, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Vermont: A bill (H. R. 15223) to amend the act entitled "An act to authorize the Secretary of the Navy to loan equipment to certain military schools," approved March 3, 1901—to the Committee on Naval Affairs.

By Mr. COLE: A bill (H. R. 15224) to provide a site for an armory in the District of Columbia and a commission to report plans and estimates to the Congress—to the Committee on Public Buildings and Grounds.

By Mr. McCALL: A bill (H. R. 15225) for the erection of a public building at Woburn, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. WHEELER: A bill (H. R. 15226) providing for the erection of a public building at Ridgway, Elk County, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. PARKER of South Dakota: A bill (H. R. 15227) to provide additional judges for the district of Alaska, and for other purposes—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 15228) to increase the limit of cost for the purchase of site and erection of a public building at Charleroi, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD (by request): A bill (H. R. 15229) to encourage competition, to discourage overcapitalization of corporations engaged in interstate commerce, requiring all corporations desiring to engage in interstate commerce to procure national interstate commerce licenses, regulating the granting of national interstate commerce licenses, providing for the payment by corporations of graduated annual interstate commerce license fees, regulating the expenditures of moneys derived from this source, and limiting these expenditures to the purpose of building and maintaining of national roads and canals, to the improving of rivers and harbors, to the draining of swampy lands, and to the irrigation of arid lands—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia"—to the Committee on the District of Columbia.

Also, a bill (H. R. 15231) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire—to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 15232) to provide for circuit and district courts of the United States at Dothan, Ala.—to the Committee on the Judiciary.

By Mr. LAWRENCE (by request): A bill (H. R. 15233) to create a commission to investigate and report to Congress as to the advisability of the establishment of a Pan-American university or a Pan-American bureau of education—to the Committee on Education.

By Mr. MACON: A bill (H. R. 15234) declaring Black Fish Bayou to be a navigable stream from its mouth to the mouth of Fifteen-mile Bayou, in St. Francis County, Ark., and to provide for its annual maintenance for purposes of navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of Georgia: A bill (H. R. 15235) providing that the Government manufacture and print its own postal cards instead of contracting it out to other parties—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 15236) providing for installing plant for manufacture of paper upon which the paper money of the Government is printed, and for other purposes—to the Committee on Banking and Currency.

By Mr. COUDREY: A bill (H. R. 15237) providing for the transfer of special policemen to the regular police force—to the Committee on the District of Columbia.

By Mr. BATES: A bill (H. R. 15238) for better security of national bank deposits—to the Committee on Banking and Currency.

By Mr. LANGLEY (by request): A bill (H. R. 15239) requiring certain places of business in the District of Columbia to be closed on Sunday—to the Committee on the District of Columbia.

By Mr. EDWARDS of Kentucky: A bill (H. R. 15240) to increase the amount fixed as the limit of cost of site and building at London, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. DUNWELL: A bill (H. R. 15241) to increase the efficiency of the personnel of the Revenue-Cutter Service, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: A bill (H. R. 15242) to provide for the building of a public avenue on the south side of the Potomac River, from the city of Washington to Mount Vernon—to the Committee on Claims.

Also, a bill (H. R. 15243) to protect the monuments already erected on the battlefields of Bull Run, Va., and other monuments that may be there erected—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon: A bill (H. R. 15244) providing for the appointment of an assistant treasurer of the United States at the city of Portland, in the State of Oregon—to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 15245) providing for the granting of pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15246) providing for the granting of pensions to widows and children of certain officers and enlisted men who served in the United States Army or Navy during the late war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 15248) authorizing a survey of the public lands in Garfield, Iron, Kane, and Washington counties, in the State of Utah, and making an appropriation for the same—to the Committee on Appropriations.

Also, a bill (H. R. 15249) to aid the State of Utah to support a school of mines—to the Committee on Mines and Mining.

By Mr. GARRETT: A bill (H. R. 15250) to prevent the use of the United States mails for the transportation of matter relating to "dealing in futures," "stock gambling," etc., and providing penalties for its violation—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 15251) to appropriate $250,000 to the National Negro Fair, to be held at Mobile, Ala., in the fall of 1908—to the Committee on Appropriations.

By Mr. CUSHMAN: A bill (H. R. 15252) to provide for a final settlement with the Waukikum band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 8, 1851—to the Committee on Indian Affairs.

Also, a bill (H. R. 15253) to provide for a final settlement with the Wheelappa band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851—to the Committee on Indian Affairs.

Also, a bill (H. R. 15254) to provide for a final settlement with the lower band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851—to the Committee on Indian Affairs.

By Mr. GRONNA: A bill (H. R. 15255) to establish an agricultural experiment station at or near the city of Dickinson, in the State of North Dakota—to the Committee on Agriculture.

By Mr. CUSHMAN: A bill (H. R. 15256) providing for a public building at Olympia, Wash.—to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 15257) providing for the employment of letter carriers at all post-offices of the first, second, and third classes, and for the extension of rural mail service in fourth-class offices—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: A bill (H. R. 15258) providing for the construction of subsurface torpedo boats—to the Committee on Naval Affairs.

By Mr. HUBBARD of West Virginia: A bill (H. R. 15259)

to pension bridge builders and railroad repairers who were in actual service of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 15260) providing for an emergency currency—to the Committee on Banking and Currency.

By Mr. LOVERING: A bill (H. R. 15261) to acquire certain land in the District of Columbia as an addition to Rock Creek Park—to the Committee on Appropriations.

By Mr. McKINNEY: A bill (H. R. 15262) for the issue and redemption of national-bank guaranteed credit notes—to the Committee on Banking and Currency.

By Mr. OLCOTT: A bill (H. R. 15263) to purchase the original painting of Gen. Philip H. Sheridan on his favorite horse Rienzi, known as "Sheridan's ride"—to the Committee on the Library.

By Mr. LANGLEY: A bill (H. R. 15264) to amend the act approved June 30, 1906, for the acquisition of a site and the construction thereon of a Federal building in the city of Winchester, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS of Kentucky: A bill (H. R. 15265) to pension all widows of civil and Mexican war soldiers and sailors at $12 per month—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15266) to authorize the acquisition of a site and the erection of a Federal building at Mount Sterling, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 15267) to prohibit the giving to or receipt by public officers under the Constitution or laws of the United States of any free frank or privilege for the transmission of messages by telegraph or telephone, to prevent discriminations in interstate telegraph and telephone rates, and fixing requirements governing the receipt and preservation of such messages—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: A bill (H. R. 15268) to provide for the purchase of ground for and the erection of a public building for an immigrant station, on a site to be selected for said station, in the city of Baltimore, Md.—to the Committee on Immigration and Naturalization.

By Mr. LOVERING: Concurrent resolution (H. C. Res. 21) authorizing the Secretary of War to cause to be made a survey at Provincetown, Mass., with the view of constructing an earth dike—to the Committee on Rivers and Harbors.

By Mr. DAVEY of Louisiana (by request): Joint resolution (H. J. Res. 112) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex—to the Committee on the Judiciary.

By Mr. McLAUGHLIN of Michigan: Joint resolution (H. J. Res. 113) providing for an examination and survey of White Lake Harbor, Michigan—to the Committee on Rivers and Harbors.

By Mr. CARLIN: Joint resolution (H. J. Res. 114) asking for estimates for the improvement of Aquia Creek in Stafford County, Va., from Coal Landing to Whartons Landing—to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 115) asking for estimates for the improvement of Accotink Creek in Fairfax County, Va.—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 116) setting aside certain lands within the Mescalero Indian Reservation in New Mexico for the use of the Indians thereon, and providing for the sale of the residue of the lands therein for the benefit of said tribe of Indians—to the Committee on Indian Affairs.

By Mr. SULLOWAY: Resolution (H. Res. 197) for the employment of an additional stenographer to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. PARSONS: Resolution (H. Res. 198) authorizing Committee on the Library to employ an artist for certain purposes—to the Committee on the Library.

By Mr. MANN: Resolution (H. Res. 199) providing for a janitor to the office of Journal clerk—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 15269) granting an increase of pension to Enoch French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15270) granting an increase of pension to William A. Kerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15271) granting an increase of pension to George Metz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15272) to correct the military record of John D. Stevenson—to the Committee on Military Affairs.

Also, a bill (H. R. 15273) to correct the muster of Thomas S. Vale—to the Committee on Military Affairs.

Also, a bill (H. R. 15274) granting pensions to honorably discharged soldiers who served in the Department ——— Troops, Monongahela Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15275) granting pensions to honorably discharged soldiers who served in the Department ——— Troops, Monongahela Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15276) granting an increase of pension to William H. Underwood—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 15277) granting a pension to Lovina M. Bromagen—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 15278) granting an increase of pension to Samuel Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15279) granting a pension to Catharine Crockett—to the Committee on Pensions.

Also, a bill (H. R. 15280) granting an increase of pension to Ezra Taylor—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 15281) for the relief of Charles Steer—to the Committee on Claims.

Also, a bill (H. R. 15282) for the relief of certain persons living in the vicinity of Pelican Bend, on the Missouri River—to the Committee on Claims.

Also, a bill (H. R. 15283) granting an increase of pension to John Schenk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15284) for the relief of Henry Hirschberg—to the Committee on Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 15285) for the relief of Philip Epstein, Mordecai David, Henry Stein, Julius Louis, and Herman Somers—to the Committee on War Claims.

By Mr. BANNON: A bill (H. R. 15286) granting an increase of pension to Jesse Corn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15287) granting an increase of pension to W. B. Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15288) granting an increase of pension to James Gildea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15289) granting an increase of pension to Ewing W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15290) granting an increase of pension to Rebecca Arthur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15291) granting an increase of pension to William Pine—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 15292) granting a pension to Henry Gaertner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15293) granting a pension to Nathan S. Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15294) to correct the military record of Stephen W. Coakley—to the Committee on Military Affairs.

Also, a bill (H. R. 15295) granting an honorable discharge to Pierce John Ryan—to the Committee on Military Affairs.

By Mr. BRICK: A bill (H. R. 15296) granting an increase of pension to W. C. Haymond—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 15297) granting an increase of pension to George Siegfried—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15298) granting an increase of pension to William H. Bercaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15299) granting an increase of pension to Wilson Labar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15300) to correct the military record of Samuel Snyder—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 15301) to correct the military record of Samuel Seal—to the Committee on Military Affairs.

Also, a bill (H. R. 15302) to correct the military record of Samuel Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15303) granting an increase of pension to Edward J. Hurley, alias John Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15304) to remove the charge of desertion against Andrew Potter—to the Committee on Military Affairs.

By Mr. BURLESON: A bill (H. R. 15305) granting an increase of pension to Edward B. Wright—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 15306) for the relief of Morey Mulliken—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 15307) granting an increase of pension to Robert Guttery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15308) granting a pension to Alexander Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15309) for the relief of the heirs of H. O. Kilpatrick, deceased—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 15310) granting an increase of pension to William F. Null—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 15311) for the relief of Raleigh Brewer, sr., and directing that a patent issue to him to SE. ¼ sec. 10, T. 15, R. 19, in Noxubee County, Miss.—to the Committee on the Public Lands.

By Mr. CARLIN: A bill (H. R. 15312) for the relief of M. F. Snider—to the Committee on Claims.

Also, a bill (H. R. 15313) for the relief of William F. McKimmy, administrator of John McKimmy, deceased—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 15314) granting an increase of pension to Ann E. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15315) granting an increase of pension to Joseph C. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15316) granting an increase of pension to Daniel Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15317) granting an increase of pension to Abraham Blackburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15318) granting a pension to Abigail Tharpe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15319) granting an increase of pension to Francis Ham—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 15320) granting a pension to Nerva J. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15321) granting an increase of pension to Lazarus H. Paris—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 15322) granting an increase of pension to Martha Miller—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 15323) granting an increase of pension to Amy Johnson—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 15324) granting an increase of pension to William E. Chick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15325) granting an increase of pension to Robert D. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15326) granting an increase of pension to George W. McCartney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15327) granting an increase of pension to William Evans—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 15328) granting an increase of pension to Peter Huckelberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15329) authorizing the reappointment of Midshipman Worth Wright Foster, recently dismissed from the Naval Academy for hazing—to the Committee on Naval Affairs.

By Mr. DAVIDSON: A bill (H. R. 15330) granting a pension to Henry Tyriver—to the Committee on Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 15331) granting a pension to Mida W. Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15332) for the relief of the Louisiana Distillery Company (Limited), of New Orleans, La.—to the Committee on Claims.

By Mr. DAVIS of Minnesota: A bill (H. R. 15333) granting an increase of pension to Robert D. Robinson—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 15334) granting an increase of pension to James B. Walsh—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 15335) correcting the military record of James Bailey—to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 15336) granting an increase of pension to Thomas Gill—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 15337) to remove the charge of desertion from the record of Horatio C. Patch—to the Committee on Military Affairs.

Also, a bill (H. R. 15338) for the relief of James Finnegan and the heirs of Thomas Nesdall, deceased—to the Committee on Claims.

By Mr. DUREY: A bill (H. R. 15339) granting an increase of pension to B. W. Burnham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15340) granting an increase of pension to Marcus S. Burrus—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 15341) for the relief of the heirs of Francis H. McLeod—to the Committee on War Claims.

By Mr. EDWARDS of Kentucky: A bill (H. R. 15342) granting a pension to Maggie Cloutz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15343) granting a pension to Briant Scott—to the Committee on Pensions.

Also, a bill (H. R. 15344) granting an increase of pension to James R. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15345) granting an increase of pension to Joseph Woodall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15346) granting an increase of pension to Thomas Redman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15347) granting an increase of pension to Deborah A. Sebastian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15348) granting an increase of pension to Thomas J. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15349) granting an increase of pension to Thomas Cope—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 15350) granting a pension to Catherine D. McClintock—to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 15351) granting a pension to Mary E. T. Barber—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15352) for the relief of Elias E. Barnes—to the Committee on Claims.

Also, a bill (H. R. 15353) for the relief of the China and Japan Trading Company (Limited), of New York City—to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 15354) granting an increase of pension to Henry B. Patterson—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 15355) granting a pension to Matilda B. Aldrich—to the Committee on Pensions.

Also, a bill (H. R. 15356) granting a pension to Mary Hernden—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 15357) granting a pension to Catherine Waughop—to the Committee on Invalid Pensions.

By Mr. HACKNEY: A bill (H. R. 15358) making an appropriation for the purpose of paying certain warrants issued by the Chickasaw Nation, and for other purposes—to the Committee on Indian Affairs.

By Mr. HALE: A bill (H. R. 15359) granting an increase of pension to John Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15360) granting an increase of pension to Andrew T. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15361) granting an increase of pension to William A. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15362) granting an increase of pension to John Daly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15363) granting a pension to Henrietta E. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15364) granting a pension to William Hutcheson, alias William King—to the Committee on Pensions.

Also, a bill (H. R. 15365) for the relief of Charles J. Harvey—to the Committee on War Claims.

Also, a bill (H. R. 15366) for the relief of Harry A. Claiborne—to the Committee on War Claims.

Also, a bill (H. R. 15367) for the relief of the estate of William M. Goforth—to the Committee on War Claims.

Also, a bill (H. R. 15368) for the relief of the estate of William Kennedy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15369) granting an honorable discharge to T. J. Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 15370) to remove the charge of desertion standing against John W. Bennett—to the Committee on Military Affairs.

Also, a bill (H. R. 15371) to muster John Curtis as captain of Company K, Eleventh Tennessee Volunteer Cavalry, civil war—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 15373) to place Henry C. La Point on the retired list of the Army—to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 15374) granting an increase of pension to Amanda Hatter—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 15375) granting an increase of pension to Elinor H. Fletcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15376) granting an increase of pension to Mary P. Hermance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15377) to correct the military record of Charles H. Brown—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 15378) granting an increase of pension to Harley S. Hobbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15379) granting an increase of pension to Thomas G. Wood—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 15380) granting an increase of pension to Cleanthus Burnett—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 15381) making an appropriation to reimburse the Fort Henry Club, of Wheeling, W. Va., for loss occasioned by proceedings by the United States for the condemnation of property of said club and the subsequent abandonment of such proceedings—to the Committee on Claims.

Also, a bill (H. R. 15382) granting a pension to Enoch F. Blackwell—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 15383) granting an increase of pension to Henry G. Van Houten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15384) granting a pension to James Hanna—to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 15385) granting an increase of pension to Emily C. Cooper—to the Committee on Pensions.

Also, a bill (H. R. 15386) granting an increase of pension to John M. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 15387) granting an increase of pension to James B. Inness—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15388) granting an increase of pension to Mary A. Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15389) granting a pension to John B. Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15390) granting an increase of pension to Nannie E. Lenderman—to the Committee on Pensions.

Also, a bill (H. R. 15391) for the relief of the estate of William H. Willis—to the Committee on Claims.

By Mr. KNAPP: A bill (H. R. 15392) granting an increase of pension to Rosa A. Penfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15393) granting an increase of pension to Wakman D. Smith—to the Committee on Invalid Pensions.

By Mr. LAMAR of Florida: A bill (H. R. 15394) granting an increase of pension to J. W. Hathaway—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 15395) granting a pension to Jane Halloway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15396) granting a pension to Allen S. Thatcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15397) granting an increase of pension to Reuben T. Putney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15398) granting an increase of pension to Thomas F. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15399) granting an increase of pension to Paul Klepfer—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15400) granting an increase of pension to Hostin Litteral—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15401) granting an increase of pension to Louisa J. Long—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 15402) for the relief of the estate of Joseph Funderburk, deceased—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 15403) granting an increase of pension to Francis Beaumont—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 15404) for the relief of Maj. George Lawson Scott, United States Army, retired, executor of the estate of the late Maj. William M. Maynadier, paymaster, United States Army—to the Committee on Claims.

By Mr. McGUIRE: A bill (H. R. 15405) granting an increase of pension to John W. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15406) granting an increase of pension to Boman R. Butcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15407) granting an increase of pension to Lyman E. Bullock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15408) granting an increase of pension to Henry V. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15409) granting an increase of pension to James M. Best—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15410) granting an increase of pension to John W. Alyea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15411) granting an increase of pension to James W. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15412) granting an increase of pension to John P. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15413) granting a pension to Santevir Q. Brown—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 15414) granting an increase of pension to Clark Gwinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15415) granting an increase of pension to Henry P. Billman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15416) granting a pension to Cathrine Bibby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15417) granting a pension to Emma Crewitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15418) granting a pension to Sophia G. Eckman—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 15419) for the relief of Francis H. Connelly—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 15420) granting an increase of pension to Rachel S. Marshall—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 15421) for the relief of heirs of A. Underwood, deceased—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 15422) granting an increase of pension to George W. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15423) granting an increase of pension to Henry Love—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 15424) granting an increase of pension to Elliott P. Rider—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 15425) granting an increase of pension to Charles B. Maher—to the Committee on Pensions.

Also, a bill (H. R. 15426) granting an increase of pension to Louise C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15427) granting an increase of pension to E. H. McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15428) granting a pension to Francis Murphy—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15429) granting an increase of pension to W. R. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15430) for the relief of the heirs of James Henderson, deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 15431) for the relief of the rector, wardens, and vestry of St. Paul's Episcopal Church, of Sharpsburg-Antietam parish, Washington County, Md.—to the Committee on War Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 15432) granting an increase of pension to Josephus Carrico—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 15433) for the relief of George W. Warren—to the Committee on Military Affairs.

By Mr. SPERRY: A bill (H. R. 15434) authorizing the Secretary of War to bestow a medal of honor upon Laurence O'Brien, late lieutenant of Company B, Ninth Regiment Connecticut Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 15435) granting an increase of pension to Franklin C. Tracy—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15436) for the relief of the heirs of A. Cohn—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 15437) granting an increase of pension to Alvin Wiley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Civil Service Reform Association of Pennsylvania, January 20, 1908, against method of

selecting employees for Census Bureau—to the Committee on the Census.

Also, paper to accompany bill for relief of Jacob L. Roseberry—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Papers to accompany bills for relief of Catherine Crockett and John McConaughy—to the Commitee on Invalid Pensions.

Also, petition of Scott Post, No. 10, Grand Army of the Republic, of Van Wert, Ohio, for H. R. 7625, granting $1 per day for soldiers serving over eighteen months—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel Young Stryker—to the Committee on Invalid Pensions.

Also, petition of Scott Post, No. 10, Grand Army of the Republic, of Van Wert, Ohio, for H. R. 3912, known as the "Ansberry pension bill"—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of voters of the Seventeenth Congressional District of Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Harry D. Hach—to the Committee on Pensions.

Also, paper to accompany bill for relief of A. B. Scutt—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Paper to accompany bill for relief of Frank H. Holeman (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. BURNETT: Paper to accompany bill for relief of John H. Guffey (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Marine Trades Council of the Port of New York, for resumption of work in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of New York, favoring H. R. 4375 and 4377 and S. 1157 and 1168, for the relief of widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, petition of W. W. Webber, of Richmond, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Paper to accompany bill for relief of Mattie B. Ramsey—to the Committee on Pensions.

By Mr. CHANEY: Papers to accompany bills for relief of Ann E. Baker, Joseph C. Allison, Abraham Blackburn, Abigail Tharp, and Daniel Warren—to the Committee on Invalid Pensions.

Also, petition of A. H. Wampler and others, for H. R. 4776 (Littlefield original-package bill)—to the Committee on the Judiciary.

By Mr. COCKRAN: Paper to accompany bill for relief of Robert Callan—to the Committee on Military Affairs.

By Mr. CRAWFORD: Paper to accompany bill for relief of John H. Buckner (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Robert D. Robinson—to the Committee on Invalid Pensions.

Also petition of American Institute of Electrical Engineers, for preservation of timber supply and protection of water sources—to the Committee on Agriculture.

Also, petition of Commercial Club of Duluth, for amendment of interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of Wapeshike Tribe, Independent Order of Red Men, No. 122, for 5,000 copies of "Handbook on the American Indian"—to the Committee on Printing.

Also, petition of Turnverein Vorwaerts of Muscatine, Iowa, against H. R. 9086, prohibiting sale of liquor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of American Institute of Electrical Engineers, for forest preservation—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of Nelson H. Henry Naval Guard Association of United States, for proposed bill amending an act to promote efficiency of the militia—to the Committee on Military Affairs.

Also, petition of Citizens' Alliance, for legislation relative to inheritance tax, fixing from time to time the limit for uniformity among the several States—to the Committee on the Judicary.

Also, petition of Marine Trades Council of New York, for resumption of work in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Wholesale and Retail Hardware Joint Commission of Richmond, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS of Georgia: Paper to accompany bill for relief of estate of Lewis Ambos—to the Committee on War Claims.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of Maggie Cloutz—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James R. Campbell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Redman—to the Committee on Invalid Pensions.

Also, petition of Commercial Club of Louisville, Ky., for national forests—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Thomas J. Hicks—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of State Civil Service Reform Association, for appointment of census employees according to civil-service rules—to the Committee on the Census.

By Mr. FOSTER of Vermont: Petition of Edwin Sidney Williams and 30 other citizens of Saratoga, Cal., for modification of Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Hebbard, Spencer, Bartlett & Co., of Chicago, Ill., against portion of H. R. 7597, permitting appointments outside of civil-service rules—to the Committee on the Census.

Also, petition of Woman's Relief Corps of La Salle, Ill., for the McKinley bill, increasing widows' pensions to $12 per month—to the Committee on Invalid Pensions.

Also, petition of Thomas J. Abbott and 27 other volunteer officers, citizens of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Matilda B. Aldrich and Mary Hernden—to the Committee on Invalid Pensions.

Also, petition of E. T. Bent, of Oglesby, Ill., for a Bureau of Mines—to the Committee on Mines and Mining.

By Mr. GILLESPIE: Paper to accompany bill for relief of Mahala Geren (previously referred to Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. GRAFF: Petitions of residents of Peoria, Tazewell, Bureau, Marshall, and Putnam counties, Ill., comprising the Sixteenth Congressional District, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petitions of H. W. Lynch and 35 others, of Peoria; William Connor and 67 others, of Bureau County; John H. Welsh and 40 others, of Tiskilwa; F. G. Linduer and 39 others, of Buda; B. F. Thompson and 34 others, of Toulon; F. M. Herrick and 98 others, of Bureau; Charles C. Greener and 17 others, of Hennepin; Ben T. Stuart and 25 others, of Neponset; J. W. Cordington and 29 others, of Princeton and Wyanet; H. E. Abbott and 39 others, of Sheffield and Mineral, and Paul R. Goddard and 36 others, all of the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GRAHAM: paper to accompany bill for relief of Albert E. Beatty—to the Committee on Pensions.

Also, petition of James B. Ladd and J. Frank Wilkes, for H. R. 11562, to restore to the Stevens Technological Institute, Hoboken, N. J., the original Stevens endowment as inheritance tax—to the Committee on Claims.

Also, petition of Wholesale and Retail Hardware Joint Commission, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of William A. Aiken, Owen F. Thompson, Walter C. McClurkin, W. J. Copeland, and J. D. Edgar, for legislation prohibiting sale of intoxicants in United States property—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of citizens of Connecticut, for bill providing for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of American Institute of Electrical Engineers, for forest reservation in Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of Society of Arts of Massachusetts Institute of Technology and Association of Cotton Manufacturers, for forest reserve in White and Appalachian mountains—to the Committee on Agriculture.

Also, petition of American Society of Civil Engineers, for forest reserve in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. HINSHAW: Petition of Mrs. Mary L. Kerby, for H. R. 13261, granting $12 per month for widows of soldiers—to the Committee on Invalid Pensions.

Also, petition of United Commercial Travelers of Beatrice (Nebr.) Council, No. 79, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of John B. Johns—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of W. R. Huffman and John T. Rice—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of Pan-American Bureau of Education, for a commission to investigate and report relative to establishment of a pan-American university—to the Committee on Education.

By Mr. LILLEY: Paper to accompany bill for relief of Francis Beaumont—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Maritime Trades Council, for construction of a new battle ship in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of New York City, for relief of widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: Papers to accompany bills for relief of Emily C. Cooper and John M. Wilson—to the Committee on Pensions.

Also, papers to accompany bills for relief of John B. Dill, Mary A. Edwards, and Nannie E. Lewderman—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of Massachusetts Library Club, against S. 2900 and H. R. 11794, which provided for consolidation and revision of acts respecting copyright—to the Committee on Patents.

Also, petition of Massachusetts Institute of Technology, for forest reservation—to the Committee on Agriculture.

Also, petition of National Association of Cotton Manufacturers, for law that will contribute to preservation of forests—to the Committee on Agriculture.

By Mr. KNAPP: Papers to accompany bills for relief of Wakeman D. Smith and Rosa A. Penfield—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of adjutant-general's office, of Albany, N. Y., for legislation to promote efficiency of the militia—to the Committee on Militia.

By Mr. McCALL: Petition of voters of Massachusetts for assignment of more work to Boston Navy-Yard—to the Committee on Naval Affairs.

By Mr. McGUIRE: Paper to accompany bill for relief of Santovoir Q. Brown, alias Bird—to the Committee on Military Affairs.

By Mr. McKINNEY: Petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., favoring public improvements—to the Committee on Rivers and Harbors.

Also, petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of citizens of District of Columbia, for control of street railways of the District by the District Commissioners, etc.—to the Committee on the District of Columbia.

Also, petition of Maritime Association of Port of New York, for a light and fog signal on Governors Island—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Rachel S. Marshall—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of citizens of Eustis, Nebr., in favor of bill for Federal grain inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Petition of Marine Trades Council, for construction of battle ship in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of W. R. Moore—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Abraham Toller and Emily Hayes, administratrix of Oliver B. Hayes—to the Committee on War Claims.

By Mr. PRINCE: Petitions of C. H. Williamson and 62 others of Quincy; L. W. Sanborn and 48 others of Galesburg and Abingdon; George W. Burke and 17 others of Brooklyn and Adams County; and W. F. Trim and 42 others of Adams County, all in the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PEARRE: Paper to accompany bill for relief of St. Paul's Episcopal Church of Sharpsburg, Md.—to the Committee on War Claims.

By Mr. PUJO: Petition of Shreveport Ministerial Association, for legislation to prevent infringement of State laws on prohibition—to the Committee on the Judiciary.

Also, petition of Savannah (Ga.) Pilots' Association, against H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

By Mr. RIORDAN: Petition of Robert G. Shaw Post, No. 12, Grand Army of the Republic, Department of New York, against abolition of the pension agencies—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of voters of Massachusetts, requesting that work may be sent to the Boston Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Andrew J. Martin and other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Boston Wholesale Grocers' Association, against the Sherman antitrust law, so far as it is detrimental to cooperation of the smaller dealers—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of American Society of Civil Engineers, for the establishment of Government forest reserves—to the Committee on Agriculture.

Also, Petition of Boston Wholesale Grocers' Association, for amendment of the pure-food act—to the Committee on Agriculture.

Also, petition of Boston wholesale grocers, to amend interstate-commerce act, so as not to interfere with cooperation among smaller dealers—to the Committee on Interstate and Foreign Commerce.

Also, petition of adjutant-general of Connecticut, for H. R. 14783, to increase efficiency of the militia—to the Committee on Militia.

By Mr. SHERMAN: Paper to accompany bill for relief of Frank Schader—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Alumni Association of the New York Nautical School, against detaching naval officers from duty as superintendents at nautical schools—to the Committee on Naval Affairs.

Also, petition of Nelson H. Henry, favoring bill to be introduced further amending act to promote efficiency of the militia—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Farmers' Union of Worcester Township, Montgomery County, Pa., in favor of a parcels-post similar to that in Great Britain—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of E. H. Bedell, of Newark, N. J.; Albert F. Ganz, of Hoboken, N. J.; Henry S. Morton, of New York; A. Riesenburg, of Union, N. J.; Edwin L. Wiles, of Denver, Colo.; J. E. Sague, of Albany, N. Y.; W. E. S. Strong, of Chicago; and Roy E. Lynd, of Dover, N. J., for H. R. 11562, for repayment of $45,750 to the Stevens Institute of Technology, Hoboken, N. J.—to the Committee on Claims.

SENATE.

TUESDAY, *January 28, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PRIVILEGES OF THE FLOOR.

Mr. LODGE submitted the following order, which was unanimously agreed to:

Ordered, That the privilege of the floor be extended to Benito Legarda and Pablo Ocambo, Resident Commissioners appointed by the Philippine assembly in accordance with the provisions of the act approved July 1, 1902.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties; and

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 456. An act to provide for the holding of United States district and circuit courts at Salisbury, N. C.;

S. 2694. An act to authorize the construction of a drawbridge over the Black River in Lawrence County, Ark.;

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905;

H. R. 10368. An act to authorize the Secretary of War to change the name of Julius Flemming to his proper name of Jacob John Locher; and

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River in Woodruff County, Ark.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the general assembly of the State of Virginia, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safe water transportation south, avoiding the dangerous coast of Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore be it

Resolved by the house of delegates (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast, and that before any route is finally selected through this State our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route in their opinion from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's Representatives in the Congress of the United States.

Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,
Clerk of House of Delegates and Keeper of Rolls of Virginia.

The VICE-PRESIDENT presented a petition of the Wayne Knitting Mills, of Fort Wayne, Ind., praying for the adoption of an amendment to the present interstate-commerce law providing for a uniform classification of goods shipped by freight throughout the United States, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Grass Valley, Cal., praying that an appropriation be made for the purchase of a site and erection of a public building thereon at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Commercial Travelers' Association of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of 554 volunteer officers of the Army and Navy during the civil war and a petition of 2,509 representative citizens, all of the State of California, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. CLAY presented sundry petitions of citizens of Marietta, Ga., praying for the enactment of legislation for the relief of the Methodist Episcopal Church South at that city, which were referred to the Committee on Claims.

Mr. ANKENY presented a petition of the Chamber of Commerce of Bellingham, Wash., praying that an appropriation be made for the purchase of additional submarine torpedo boats for the defense of Puget Sound in that State and the cities along its coast, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry volunteer officers of the civil war of Meyers Falls, Harvey, Colville, and Daisy, all in the State of Washington, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of Pomona Grange, Patrons of Husbandry, of Chautauqua County, N. Y., praying for the establishment of postal-savings banks, and also for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Ilion, N. Y., praying for the ratification of international arbitration treaties, and also for the adoption of a progressive naval programme which will give the United States a more efficient Navy, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a petition of the Commercial Club of Duluth, Minn., praying for the adoption of an amendment to the interstate commerce law providing that whenever a railroad company shall propose to increase an interstate rate notice of the increase shall be furnished shippers, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Commercial Club of Fertile, Minn., and a memorial of Local Council No. 63, United Commercial Travelers of America, of Minneapolis, Minn., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a memorial of sundry citizens of Craig, Colo., remonstrating against the enactment of legislation providing for the Federal control of grazing upon public lands in the United States, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Fruita, Colo., praying for the enactment of legislation providing for the Government guaranty of deposits in national banks, which was referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war of Colorado Springs, Boulder, Florence, Fort Collins, Denver, and Cortez, all in the State of Colorado, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of the National Conference on Combinations and Trusts of Chicago, Ill., praying for the enactment of legislation permitting agreements between railroad corporations on reasonable freight and passenger rates subject in all respects to the approval, supervision, and action of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. BACON presented sundry papers to accompany the bill (S. 3206) for the relief of the estate of Sybil A. Penniman, which were referred to the Committee on Claims.

Mr. HEMENWAY presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Greensburg, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of A. H. Wampler and sundry other citizens of Gosport, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented the petition of C. E. Triplett and 138 other volunteer officers of the civil war, of the State of Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. McCUMBER presented a memorial of sundry citizens of Enid, N. Dak., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Hunter, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. DOLLIVER presented a memorial of the Commercial Club of Des Moines, Iowa, remonstrating against the passage of the so-called "Crumpacker bill," relating to the method of selecting and employing additional clerks to handle the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a petition of the Ladies' Literary Club of Independence, Iowa, and a petition of the National Association

of State Universities, of Washington, D. C., praying for the establishment of a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CURTIS presented a petition of the Commercial Club of Topeka, Kans., praying that interested parties be granted a hearing before the Interstate Commerce Commission before an increase in rates can be put into effect and higher charges collected, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry veterans of Chautauqua County, Kans., praying that increased pension be granted them on account of age, which was referred to the Committee on Pensions.

He also presented a memorial of the Fort Scott Council, No. 66, United Commercial Travelers, of Fort Scott, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Kansas City, Kans., praying for the enactment of legislation providing for the Federal inspection of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of sundry third-class postmasters of the First Congressional district of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3189) granting an increase of pension to John G. Snook, which were referred to the Committee on Pensions.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented petitions of sundry volunteer officers of the civil war, of Portland, Lubec, Houlton, Bridgton, and Pittsfield, all in the State of Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. STEPHENSON presented the memorial of M. J. Hansen and 14 other citizens of Fall River, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 93, American Federation of Musicians, of Superior, Wis., praying for the enactment of legislation to prohibit Army and Navy musicians from competing with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a petition of W. S. Rosecrans Post, No. 49, Department of Wisconsin, Grand Army of the Republic, of Grantsburg, Wis., praying for the enactment of legislation making $20 per month the maximum pension at the age of 65 years, which was referred to the Committee on Pensions.

He also presented a petition of the Petworth, Brightwood Park, Brightwood and Takoma Park Citizens' associations of the District of Columbia, praying for the enactment of legislation authorizing the Commissioners of the District of Columbia to regulate and control the management of street railway companies in the District of Columbia with respect to schedules, cleanliness, etc., of all passenger cars, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Portage, Wis., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Business Men's Association of Stevens Point, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the General Assembly of the Commercial Telegraphers' Union of America, of Milwaukee, Wis., praying that an investigation be made into the existing conditions of the telegraph companies in the United States, which was referred to the Committee on Education and Labor.

He also presented petitions of the Military Order of the Loyal Legion of the United States, Commandery of Wisconsin; of S. H. Siger Post, No. 207, Grand Army of the Republic, Department of Wisconsin, and of sundry volunteer officers of the civil war, all in the State of Wisconsin, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of the Wisconsin Pea Packers' Association, praying for the enactment of legislation to relieve the present financial situation, which was referred to the Committee on Finance.

He also presented a petition of the National Institute of Arts and Letters, praying for the repeal of the duty on works of Art, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the enactment of legislation to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Conference of the Methodist Episcopal Church, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Chicago, Ill., and a memorial of the Produce Exchange of New York City, N. Y., remonstrating against the enactment of legislation providing for a uniform inspection of grain under Federal control, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 545 of Waukesha, of Local Union No. 163 of Superior, and of Local Union No. 324 of Racine, all of the International Typographical Union, in the State of Wisconsin, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the American Institute of Electrical Engineers, of Boston, Mass., and a petition of the National Association of State Universities, of Washington, D. C., praying for the enactment of legislation to establish national forest reserves in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of New York, praying for the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of New York, praying that an appropriation be made for the improvement of Pearl Harbor, in the Hawaiian Islands, which was referred to the Committee on Commerce.

He also presented a petition of the National Association of Audubon Societies for the Protection of Wild Birds and Animals, of New York City, N. Y., praying for the enactment of legislation for the protection of wild birds and game in the United States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Fruit Growers' Association of the State of California, praying for the enactment of legislation providing for a modification of the present Chinese-exclusion law, which was referred to the Committee on Immigration.

TONKAWA INDIANS OF OKLAHOMA.

Mr. OWEN. I present a memorial of the Tonkawa tribe of Indians, of Oklahoma, relative to their claim against the United States, arising out of a pretended agreement between them and the United States, dated October 21, 1891. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

COMMAND OF HOSPITAL SHIPS.

Mr. GALLINGER. I present a memorandum relating to the command of hospital ships in the United States Army and Navy. I move that it be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

EMPLOYERS' LIABILITY BILL.

Mr. BURKETT. I present a compilation of the laws of the States, the Territories, and the United States regulating the liability of employers for injuries to employees, prepared by the Bureau of Labor. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1162) to correct the naval record of Alfred Burgess; and

A bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

Mr. CURTIS, from the Committee on Indian Depredations, to whom was referred the bill (S. 216) to provide for the payment of the volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. 4024) for the relief of John H. Hamiter, reported it without amendment.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (S. 2285) for the relief of Louisa G. Smithson, administratrix of the estate of Villo R. Smithson, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the Village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village; and

A bill (S. 2876) to correct the military record of Talton T. Davis.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 522) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892," reported it without amendment and submitted a report thereon.

COURTS IN FLORIDA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 14779) to transfer for the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said disrict, to report it favorably without amendment.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill just reported.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4550) granting a pension to J. Nelson Neill, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4551) granting an increase of pension to Peter J. Coughlin; and

A bill (S. 4552) granting an increase of pension to Robert W. Jones.

Mr. TALIAFERRO introduced a bill (S. 4553) to provide for the erection of a public building for the use of the United States court, custom-house, and post-office in the city of Key West, Fla., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4554) to carry into effect the findings of the Court of Claims in the case of St. John's Church, of Jacksonville, Fla., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4555) for the relief of the estate of F. C. Blackmer, deceased, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 4556) for issuance of land patent to W. B. Allen, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4557) for the relief of the estate of John Linton, deceased;

A bill (S. 4558) for the relief of the heirs of Harriet F. and Robert McPeters;

A bill (S. 4559) for the relief of heirs of Sylvia Cannon;

A bill (S. 4560) for the relief of Methodist Episcopal Church of Corinth, Miss.;

A bill (S. 4561) for the relief of the trustees of Cumberland Presbyterian Church, of Corinth, Miss.;

A bill (S. 4562) for the relief of the trustees of the Baptist Church of Corinth, Miss.;

A bill (S. 4563) for the relief of the heirs of George W. Gardner, deceased; and

A bill (S. 4564) for the relief of Don Manuel Pardo, of Nueva Caceres, P. I.

Mr. TELLER introduced a bill (S. 4565) granting to the State of Colorado for the Colorado State University certain lands in lieu of lands inclosed in forest reservations, which was read twice by its title and referred to the Committee on Public Lands.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 4566) to construct and place a light-ship off Point Judith, Rhode Island; and

A bill (S. 4567) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters.

He also introduced a bill (S. 4568) to establish a fish-cultural station in the State of Rhode Island, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4569) for the relief of George R. Frye; and

A bill (S. 4570) for the relief of Patrick J. Sullivan, Jeremiah McCarthy, and Bartholomew Shea, and for the relief of the heirs and legal representatives of John B. Dillon.

He also introduced a bill (S. 4571) to remove the charge of desertion from the naval record of John McLaughlin, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4572) to grant an honorable discharge to Nathan P. Randall, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4573) granting a pension to Almie C. Smith;

A bill (S. 4574) granting an increase of pension to William Henry Dean;

A bill (S. 4575) granting an increase of pension to James F. McKenna;

A bill (S. 4576) granting a pension to Henry W. Whiteman;

A bill (S. 4577) granting an increase of pension to Rosanna Sweeney;

A bill (S. 4578) granting a pension to Louisa Thompson;

A bill (S. 4579) granting an increase of pension to William Leonard;

A bill (S. 4580) granting an increase of pension to Fannie A. Moore;

A bill (S. 4581) granting a pension to Penelope T. Cummings;

A bill (S. 4582) granting an increase of pension to John Holt;

A bill (S. 4583) granting an increase of pension to Annie C. Anthony;

A bill (S. 4584) granting an increase of pension to Caroline M. Packard;

A bill (S. 4585) granting an increase of pension to George H. Paddock;

A bill (S. 4586) granting an increase of pension to John L. Nason;

A bill (S. 4587) granting an increase of pension to Ephraim Thurber;

A bill (S. 4588) granting an increase of pension to Adelia A. Gardner; and

A bill (S. 4589) granting an increase of pension to Henry E. Wells.

Mr. CLAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4590) for the relief of the trustees of Asbury School, of Clayton County, Ga.;

A bill (S. 4591) for the relief of the estate of Samuel E. Bratton, deceased;

A bill (S. 4592) for the relief of the heirs of Lucy T. Phipps, deceased (with accompanying papers); and

A bill (S. 4593) for the relief of the trustees of Asbury Methodist Church South, of Clayton County, Ga.

Mr. OVERMAN introduced a bill (S. 4594) authorizing a public building at Lexington, N. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 4595) to provide for the temporary warranting and for the retirement of pay clerks in the Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4596) granting an increase of pension to Charles E. Pendleton, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4597) granting an increase of pension to Jacob Mays, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 4598) for the relief of Isaac d'Isay, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4599) granting a pension to Alsey E. Potts;

A bill (S. 4600) granting an increase of pension to Jacob Wright;

A bill (S. 4601) granting an increase of pension to Harrison P. Hunt; and

A bill (S. 4602) granting an increase of pension to John C. Woody.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4603) granting an increase of pension to Charles H. Palmer;

A bill (S. 4604) granting an increase of pension to Stephen D. Taber;

A bill (S. 4605) granting an increase of pension to John L. Smith;

A bill (S. 4606) granting an increase of pension to George T. Miller;

A bill (S. 4607) granting an increase of pension to Mary J. Collett;

A bill (S. 4608) granting an increase of pension to Charles F. Still;

A bill (S. 4609) granting an increase of pension to Shadrach M. Cordon;

A bill (S. 4610) granting an increase of pension to Bradford H. Hall; and

A bill (by request) (S. 4611) granting an increase of pension to Calvin T. Blessing.

Mr. CULBERSON (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4612) for the relief of the heirs and estate of A. Underwood, deceased;

A bill (S. 4613) for the relief of John P. Anderson; and

A bill (S. 4614) for the relief of Tennessee J. Spiller.

Mr. JOHNSTON introduced a bill (S. 4615) to donate certain lands in Baldwin County, Ala., for educational purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4616) granting a pension to Mariette Roach (with accompanying papers);

A bill (S. 4617) granting an increase of pension to George Britton (with accompanying papers);

A bill (S. 4618) granting an increase of pension to Philester S. Elliott;

A bill (S. 4619) granting an increase of pension to William H. Elliott (with accompanying papers);

A bill (S. 4620) granting an increase of pension to Herman Greager (with accompanying papers);

A bill (S. 4621) granting an increase of pension to Charles C. Jones (with accompanying papers);

A bill (S. 4622) granting an increase of pension to Sidney F. Sanborn (with accompanying papers); and

A bill (S. 4623) granting an increase of pension to John H. Steward.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4624) granting an increase of pension to Joseph Hanna;

A bill (S. 4625) granting a pension to Mary A Wampler;

A bill (S. 4626) granting an increase of pension to William Smith;

A bill (S. 4627) granting an increase of pension to Armstead Fletcher; and

A bill (S. 4628) granting an increase of pension to Richard H. Bartlett.

Mr. RAYNER introduced a bill (S. 4629) granting a pension to William Bieber, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4630) for the relief of Richard T. Gott, administrator of Thomas N. Gott, deceased;

A bill (S. 4631) for the relief of the rector, wardens, and vestry, St. Paul's Protestant Episcopal Church, Sharpsburg-Antietam parish, Washington County, Md. (with an accompanying paper); and

A bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md.

Mr. HEMENWAY introduced a joint resolution (S. R. 43) directing the printing of 50,000 copies of Bulletin No. 333, issued by the United States Geological Survey, which was read twice by its title and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 44) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for performance of manual labor, and providing for pensions to widows and minor children and dependent parents, and for other purposes," which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $2,475.80 to reimburse Columbia Hospital for Women and Lying-in Asylum for expenditures for indigent patients sent to the hospital by the Board of Charities, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. TALIAFERRO submitted an amendment providing for the placing of lights on the Hillsboro, Halifax, and Matanzas rivers, in Florida, their entrances or inlets, tributaries, and connecting canals, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $1,600,000 for the purchase of two steamships for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAW.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking law, which was referred to the Committee on Finance and ordered to be printed.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. KEAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack.

PENSIONS FOR MEMBERS OF LIFE-SAVING SERVICE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, on motion of Mr. FRYE, referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

In my first annual message to the Fifty-ninth Congress I called attention to the desirability of legislation providing pensions for members of the Life-Saving Service when they become incapacitated for duty by reason of disability incurred in service. I said:

"I call your especial attention to the desirability of giving to the members of the Life-Saving Service pensions such as are given to firemen and policemen in all our great cities. The men in the Life-Saving Service continually and in the most matter-of-fact way do deeds such

as make Americans proud of their country. They have no political influence; and they live in such remote places that the really heroic services they continually render receive the scantiest recognition from the public. It is unjust for a great nation like this to permit these men to become totally disabled or to meet death in the performance of their hazardous duty and yet to give them no sort of reward. If one of them serves thirty years of his life in such a position he surely should be entitled to retire on half pay, as a fireman or policeman does, and if he becomes totally incapacitated through accident or sickness or loses his health in the discharge of his duty he or his family should receive a pension just as any soldier should. I call your attention with especial earnestness to this matter, because it appeals not only to our judgment but to our sympathy, for the people on whose behalf I ask it are comparatively few in number, render incalculable service of a particularly dangerous kind, and have no one to speak for them."

The need for some appropriate legislation for the relief of this body of men has not become less; it has, on the contrary, increased and will steadily continue to grow until relief is granted. The determination of what course will best secure the desired end involves two important considerations. One has to do with the efficiency of the Service itself, and the other—which I think should appeal to the Congress with equal force—directly concerns the welfare of the members of the life-saving crews when disability incurred in the line of duty has impaired their usefulness.

The exigencies of the Life-Saving Service require the employment of the hardiest men it is possible to enlist in the station crews and at the same time forbid that considerations of humanity should influence their retention in the ranks when their bodily vigor has become impaired, however ill fitted they may be to secure a livelihood for themselves and their families.

During the last several years the members of the station crews have given up their places in large numbers to seek employment where the work is less exacting and hazardous, the compensation larger, and the prospect for the future brighter. The exodus of these men, in many instances after long service, has embarrassed the work of the life-saving establishment to a marked degree.

A few years ago, when the demand for labor was less than at present, the Service had the pick of the coast fishermen, a class who were especially expert in surfmanship. As the station crews have been depleted it has become necessary, under the changed industrial conditions, to take on men of less experience in the handling of boats and unused to the concerted action of the fishing gangs from which their predecessors were largely recruited. The once excellent teamwork of the life savers—so important where combined physical effort is required—has consequently deteriorated and the former standard can not be regained in the present circumstances. Of late it has been found practically impossible to secure material of any kind for recruiting the crews at many of the stations. For instance, the records show that at one station there is but a single regularly enlisted man, and at several but two. In one district only two out of eleven stations have full crews of regulars; in another but two out of seventeen, and in still another only six out of fourteen. In fact, nearly all the thirteen districts of the Service are seriously crippled in this respect, and the eligible lists from which the crews must be selected are wholly insufficient to fill the vacancies occurring. A list recently furnished by the Civil Service Commission shows for one district but six eligibles, and for another nine, in which there are, respectively, twenty-three and thirty vacancies to be filled.

The only thing the Service has been able to do in this situation is to pick up at random for temporary service men who are unemployed at a season of unprecedented demand for labor. The very fact that these men can be obtained by such inducements as the Service is at present able to hold out is sufficient proof of their unsuitability for a vocation requiring exceptional energy and courage.

That the Service has not yet been chargeable with serious loss of life in consequence of this state of affairs is due to fortunate chance, and also to the fact that the introduction of recent great improvements in life-saving appliances has afforded the means to accomplish rescues which formerly would have been impossible. But the indefinite continuance of good fortune can not be hoped for, and occasions may be expected to arise when even improved appliances will not redeem the deficiencies of the men who are charged with their operation.

No one will deny that the conditions set forth call loudly for correction. The remedy should be to establish such conditions as will attract and retain men of the highest qualifications and character, and also safeguard the future welfare of the veteran surfmen who have been and are still the bulwark of the Service.

The pay of a surfman (the technical designation applied to the rank and file) is now $65 a month while actually employed. The longest period of employment, except at a few stations on the Pacific coast, is ten months in the year and the shortest five months. On the Great Lakes they serve from the opening to the close of navigation—approximately eight months. The average amount paid is, therefore, somewhere near $600 a year, or $50 a month. The chance for a surfman to become a keeper or captain of a station crew and receive $900 per annum is about 1 in 7, and of being made a superintendent of a life-saving district about 1 in 162. Their pay is the only remuneration they receive. They have to find their rations, supply their uniforms, and even furnish the heavy oilskins which they are obliged to wear on patrol and at wrecks. Moreover, they are required to reside constantly at the stations during the period of the active season. This requirement, while necessary to the efficient conduct of life-saving operations, nevertheless works great hardship upon such of the men as have families, as they are in that case required to contribute to the support of two housekeeping establishments, namely, the station mess and that in their own homes, which latter they visit only at irregular and uncertain intervals.

Recently the Secretary of the Treasury took occasion to inquire into the circumstances of a number of individuals who within the last five years became separated from the Service on account of disability incurred in the line of duty. Information was secured in forty-one cases. There are of record numerous similar cases concerning which no data of the character set forth are at hand, but those cited are representative of their class and will serve for illustration.

It appears that of the forty-one instances twenty-six men were totally incapacitated for labor of any kind, six could perform about one-fourth of a man's work, and nine about one-half. Forty had dependent families, the number of dependents ranging from one to eight per family, with an average of three or four. The average amount of property owned was less than $400 for each man. Twenty-three were entirely destitute. One of the number owned property to the estimated value of $7,500, which was not acquired, however, in the Service. If the last-named amount, which represents an exceptional instance, be deducted from the total value of the property held by all, the average for each of the forty persons remaining is a little less than $200. The twenty-three destitute surfmen and their families are of course objects of charity.

It should be borne in mind that the data above given are incomplete and confined to a period of but five years, and that there are many other former employees of the Service still living who at the present time are undoubtedly in absolute penury. Our treatment of these men is gravely discreditable to us as a nation.

The situation calls for immediate action, and I earnestly urge some adequate form of relief for a body of men who have saved thousands of lives, often under circumstances of extreme peril, and millions of dollars' worth of property at a comparatively insignificant cost; whose valor has never been surpassed upon the field of battle; whose achievements have won world-wide recognition, and who are deserving of the nation's gratitude and protection.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1908.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement; and

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties.

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was read twice by its title and referred to the Committee on the Judiciary.

MEDICAL DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT. Morning business is closed, and the Calendar, under Rule VIII, is in order. The Secretary will announce the first bill on the Calendar.

The bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, was announced as first in order, and the Secretary proceeded to read the bill.

Mr. BEVERIDGE. In view of the fact that the Senator from Wyoming [Mr. WARREN] is not here, I suggest that the bill go over.

Mr. LODGE. I ask the Senator from Indiana if he himself objects to the bill?

Mr. BEVERIDGE. I do not.

Mr. LODGE. The Senator from Wyoming, I know, is very anxious to have the bill passed.

Mr. BEVERIDGE. I suppose, as a matter of course, as he is in charge of the bill, that he will be present when it is considered.

Mr. LODGE. He is in charge of the bill, but he told me that if he was not here when it was reached he hoped the consideration might go on.

Mr. BEVERIDGE. Very well, if there is some one here to take charge of the bill. I did not see the Senator from Wyoming present, and I did not see any use in taking the time of the Senate if the Senator from Wyoming was not going to be here and the bill could not be considered; that is all.

The Secretary resumed and concluded the reading of the bill, which was considered as in Committee of the Whole.

Mr. WARREN entered the Chamber.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEA FOR MEDICINAL PURPOSES.

The bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was read.

Mr. LODGE. When this bill was up before I asked to have it go over in order that I might get information in regard to it. I have communicated with the Department of Agriculture and asked for information in regard to the operation or the probable operation of the bill. I have heard nothing as yet from the officers of the Department charged with the administration of the pure-food act, who promised to inform me in regard to it. I should be glad if the bill could go over until I can get that information.

I have no objection whatever to the bill if it can be enforced and if it does not lead to the manufacture of deleterious substances for medicine. It seems to me there would be great difficulty in discovering where the tea siftings and tea waste would go. I should be glad if the Senator from Missouri would let the bill go over until I can get the reply.

Mr. STONE. I ask the Senator from Massachusetts if he has taken occasion to examine the matter I placed in the RECORD on Wednesday last?

Mr. LODGE. Yes. The Senator was kind enough to send it to me and I examined it. It seems to make a very clear case in regard to the bill, but——

Mr. STONE. I know the Senator's feelings in regard to the

bill, and I have no objection to its going over in order to give him sufficient time to get the information desired, but I should like to suggest——

Mr. LODGE. I assure the Senator I shall make no factious opposition to the bill. I have no interest in it in the world except as to the pure-food act.

Mr. STONE. I should like to say to the Senator, in answer to his suggestion that he would like to know what drugs might be made of these importations, I think it would go almost without saying that any drug made from tea siftings would be made of wholesome tea brought in for the purposes of food, and if tea siftings could be used for any wrong purpose in the manufacture of drugs so could wholesome tea, the only difference being that the tea siftings serve the purpose of making the drugs mentioned in the bill just as well as the pure tea, and can be had for much less cost.

Mr. LODGE. I understand, of course, the main purpose of the bill, but it seems to me there must be great difficulty in determining what becomes of these articles after being imported, no matter how the importation is conditioned.

Mr. STONE. As the bill will go over, it is hardly worth while to enter upon that discussion now.

Mr. LODGE. No.

Mr. STONE. The bill will go over for the present.

Mr. LODGE. I assure the Senator that as soon as I get the information I have asked for I shall let him know, and I will make no further opposition to the measure.

Mr. STONE. That is satisfactory. Let the bill be passed over without prejudice.

Mr. LODGE. Without prejudice.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will be passed over, retaining its place on the Calendar.

WILLIAM R. LITTLE.

Mr. BURKETT. I wish to enter a motion to reconsider the vote by which the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was passed. It was passed yesterday while I had temporarily stepped out of the Chamber.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. BURKETT subsequently said: I understand that Senate bill 819 has been sent to the other House. I therefore move that the House be requested to return the bill to the Senate.

The motion was was agreed to.

BILLS PASSED OVER.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as next in order.

Mr. KEAN. The Senator from Idaho [Mr. HEYBURN] desires to be present when the bill is considered, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

The bill (S. 1643) for the relief of Englehart & Cease was announced as next in order.

Mr. BURKETT. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Nebraska.

The bill (S. 114) for the relief of Rathbun, Beachy & Co. was announced as next in order.

Mr. BURKETT. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Nebraska.

The bill (S. 2268) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same, was announced as next in order.

Mr. CLAPP. That bill can go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

Mr. CURTIS. I suggest that it go to the Calendar under Rule IX.

Mr. CLAPP. That course is perfectly agreeable to me.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Kansas.

The bill (S. 2227) for the relief of Mary C. Mayers was announced as next in order.

Mr. GALLINGER. I want to look up some precedents in the line of the bill, and I ask that it may go over without prejudice.

The VICE-PRESIDENT. It is so ordered.

POPE & TALBOT.

The bill (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal., was considered as in Committee of the Whole. It proposes to pay to Pope & Talbot, of San Francisco, Cal., $3,179.20 in full for damages to their schooner *Spokane*, injured by the United States revenue cutter *Bear* off the port of San Francisco, Cal., on the 4th day of June, 1904.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OVERTIME CLAIMS OF LETTER CARRIERS.

The bill (S. 2802) to provide for the payment of overtime claims of letter carries, excluded from judgment as barred by limitation, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the several parties named in Senate Document No. 216, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, out of any money in the Treasury not otherwise appropriated, the amounts set opposite each of their names, respectively, aggregating $282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day, and reported by the commissioners of the Court of Claims as being the amounts due them under the provisions of the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," but which have been excluded or excepted from judgment for the sole reason that the same were barred by the statute of limitations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARY LINE BETWEEN IDAHO AND WASHINGTON.

The bill (S. 135) for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the ascertainment, survey, marking, and permanent establishment of that portion of the boundary line between the State of Idaho and the State of Washington from a point in the center of the Snake River opposite the mouth of the Clearwater River, thence due north to the international boundary line between the United States and the British possessions, an estimated distance of 185 miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was read.

Mr. KEAN. Let the report be read.

Mr. SUTHERLAND. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Utah.

CHOCTAWHATCHEE RIVER BRIDGE AT JONES OLD FERRY, ALABAMA.

The bill (H. R. 9210) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEAVES OF ABSENCE TO HOMESTEADERS.

The bill (S. 134) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902, was announced as next in order.

Mr. KEAN. As I do not see the Senator from Idaho [Mr. HEYBURN], who reported that bill, in the Chamber I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. HEYBURN subsequently said: Mr. President, during my temporary absence from the Chamber Senate bill 134 was passed over. I ask unanimous consent to recur to that bill and that it may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 3, after the word "heretofore," to strike out "or shall hereafter make" and insert "made;" in line 7, after the word "showing," to insert "that they have made substantial improvements, and;" in line 11, after the word "canals," to strike out "on" and insert "from which;" and in the same line, after the word "land," to insert the word "is," so as to make the bill read:

Be it enacted, etc., That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, known as the national irrigation act, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, obtain leave of absence from their entries, until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided*, That the period of actual absence under this act shall not be deducted from the full time of residence required by law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALISBURY, N. C.

The bill (S. 3835) increasing the limit of cost for a public building at Salisbury, N. C., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, after the word "post-office," to insert "United States court," so as to make the bill read:

Be it enacted, etc., That the amount heretofore fixed as a limit of cost for the purchase of a site and the erection of a public building for the accommodation of the United States post-office, United States court, and other Government offices in the city of Salisbury, in the State of North Carolina, be, and the same is hereby, increased from $75,000 to $125,000, which sum is hereby fixed as a limit of cost for the erection of said building, including the cost of site therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF ARMY OFFICERS.

The joint resolution (S. R. 33) adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an Army officer to retirement on his own application, was considered as in Committee of the Whole. It provides that the period of service entitling an Army officer to retirement on his own application, as required by act of Congress approved June 30, 1882, shall include all service rendered by such officers as cadets at the United States Naval Academy, Annapolis, Md., or subsequent to graduation therefrom, or to service as commissioned officers of the Navy, or to both.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY OFFICERS RETIRED WITH INCREASED RANK.

The bill (S. 653) to authorize commissions to issue in the cases of officers of the Army retired with increased rank was considered as in Committee of the Whole. It provides that officers of the Army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMOS DAHUFF.

The bill (S. 428) granting an honorable discharge to Amos Dahuff, was considered as in Committee of the Whole. It proposes to grant an honorable discharge to Amos Dahuff as captain of Company H, Twelfth Indiana Cavalry Volunteers, on February 19, 1865, but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER AT KEY WEST, FLA.

The bill (S. 3345) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 7, before the word "dollars," to strike out "175,000" and insert "250,000," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class for service in the waters of Key West, Fla., at a cost not to exceed the sum of $250,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS RIVER DAM.

The bill (S. 3438) to authorize the construction and maintenance of a dam or dams across the Kansas River within Shawnee County, in the State of Kansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 7, after the word "at," to strike out "any" and insert "a;" and in line 8, after the word "Kansas," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable water,' approved June 21, 1906," so as to make the section read:

That the assent of Congress is hereby given to the Kansas Power Company, a corporation created and organized under the laws of Kansas, its successors and assigns, to erect, construct, and maintain a dam or dams across the Kansas River at a suitable place or places within Shawnee County, in the State of Kansas, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER, ARKANSAS, BRIDGE.

The bill (H. R. 12439) authorizing the construction of a bridge across White River, Arkansas, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LANDS FOR CALIFORNIA INDIANS.

The bill (S. 517) authorizing the purchase of lands for California Indians was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

HOOPA VALLEY INDIAN RESERVATION, CAL.

The bill (S. 518) to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation, in California, was considered as in Committee of the Whole.

Mr. KEAN. Let the report on that bill be read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary read the report submitted by Mr. SUTHERLAND January 23, 1908, as follows:

The subcommittee of the Committee on Indian Affairs, to whom was referred the bill (S. 518) to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation in California, report the said bill favorably, and as showing the necessity for this appropriation submit copy of a letter from the Commissioner of Indian Affairs, as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1907.

MY DEAR SENATOR: In response to your oral request, I send you herewith draft of a bill to appropriate the sum of $10,000, or so much thereof as may be necessary, for the purpose of constructing a wagon road on the Hoopa Valley Reservation in California.

It is the policy of this Department to withdraw its control and guardianship of individual Indians and Indian tribes as soon as it becomes apparent that they are possessed of the means and ability to take care of themselves.

The Indians of the Hoopa Valley Reservation in California have shown a disposition to work and earn their own livelihood, and I believe that the time is at hand when they can be given fee-simple title to their individual allotments, suitable disposal made of their surplus lands, and the support of the Government withdrawn.

When this is done the Indians will need every possible advantage that can be given them in order to maintain themselves among the surrounding white population.

Facility of transportation is of the greatest importance in a mountainous country and determines largely the prosperity of its inhabitants. The valley which comprises most of the agricultural lands of these Indians is now reached only by a wagon road 44 miles long from Korbel, the nearest shipping point, and by a mail trail which joins the wagon road at Redwood Creek, the combined distance by road and trail being 32 miles.

Owing to the circuitous route of the wagon road, steep grades, abrupt turns, and northern exposures, freight rates are high and the uncertainties of winter travel compel the trader in the valley to maintain an expensive pack train for transporting supplies, thus making it possible for one person to control practically all the trade of the valley.

Under existing conditions fruit raising, the purpose to which the valley is best adapted, can not be carried on with profit and other products are denied a place on the market.

With a good wagon road built on lighter grades and with southern exposures, so that it can be kept open all the year, freight rates and attendant risk and uncertainty would be reduced to a minimum, the present unsatisfactory trade conditions would soon regulate themselves through natural competition, and the Indians be enabled to market their surplus proudcts.

They are fully alive to the benefits which a better road will bring them and have volunteered to contribute 600 or more days' labor, in the aggregate, without pay.

It will be necessary to furnish them with blasting and other materials, tools, subsistence for themselves and horses, etc.

It is also likely that more labor will be required than they can contribute under their offer.

Superintendent Kyselka has submitted an estimate of the cost of these items, amounting to $7,800. This, however, does not include the cost of transportation or of a resurvey of the line, which may be required.

The length of the road which it is purposed to construct within the reservation is 9.12 miles. If this is done, it is anticipated that the county authorities will finish it to Redwood Creek.

I believe that the 9.12 miles can be constructed at a maximum cost of $10,000. I shall be pleased to have this legislation enacted.

Very respectfully,

F. E. LEUPP, *Commissioner.*

Hon. FRANK P. FLINT,
United States Senate.

P. S.—I may add that from the local newspapers and from personal letters I have received I learn that the authorities of Humboldt County are heartily alive to the wisdom of this project, and are ready to build a public road from the reservation line to Redwood Creek, thus making the connection of the valley with the market for its products complete.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION TO INVESTIGATE MINING OPERATIONS.

The joint resolution (S. R. 18) appointing a commission to investigate the recent mining disasters in certain States of the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Mines and Mining with amendments.

Mr. KEAN. Mr. President, I have understood that the Government of the United States is making an investigation of the causes of explosions in mines, and so on, and I think we ought to await some report from whatever body is making these investigations instead of embarking upon this large expenditure.

Mr. HEYBURN. I hope the Senator will withhold any objection until the amendments to the joint resolution can be stated, so that the record will be complete.

Mr. KEAN. Certainly.

Mr. HEYBURN. I should like to have the amendments stated.

The VICE-PRESIDENT. The amendments will be stated.

The amendments were, on page 1, line 3, after the words "consisting of," to strike out "three" and insert "six;" in line 5, before the word "Members," to strike out "three" and insert "six;" in line 8, after the words "into the," to insert "methods of operation and into the;" in line 9, after the word "recent," to strike out "explosions" and insert "accidents;" in the same line, after the word "coal," to insert "and other;" and in line 12, after the words "authorized to," to insert "appoint subcommittees with full power to," so as to make the joint resolution read:

Resolved, etc., That a commission is hereby created, consisting of six Senators, to be appointed by the President of the Senate, and six Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Said commission shall make full inquiry, examination, and investigation into the methods of operation and into the recent accidents in coal and other mines in the States of West Virginia, Pennsylvania, Alabama, and other States. For the purpose of said inquiry, examination, and investigation said commission is authorized to appoint subcommittees with full power to send for persons and papers, make all necessary travel, and through the chairman of the commission or any member thereof to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiring, examination, and investigation are hereby appropriated and authorized to be paid, out of moneys in the Treasury of the United States not otherwise appropriated, on vouchers approved by the chairman of said commission.

The amendments were agreed to.

Mr. KEAN. I think there ought to be some limitation on the expenditure. The appropriation is entirely unlimited.

Mr. GALLINGER. If the Senator from New Jersey will permit me, I desire to offer some amendments.

Mr. KEAN. Certainly.

Mr. GALLINGER. In lines 7 and 8, on page 1, the commission is directed to make "full inquiry, examination, and investigation." I think the word "investigation" covers "inquiry" and "examination," and I move to strike out the words "inquiry, examination and."

The amendment was agreed to.

Mr. GALLINGER. In line 11 I move the same amendment.

The SECRETARY. In line 11, page 1, it is proposed to strike out "inquiry, examination, and," so as to read:

For the purpose of said investigation.

The amendment was agreed to.

Mr. GALLINGER. In line 8, on page 2, I move to strike out "inquiring, examination, and."

The amendment was agreed to.

Mr. GALLINGER. That is all.

Mr. KEAN. I wish to offer an amendment. On page 2, line 11, after the word "appropriated" I move to insert "not to exceed $10,000."

Mr. SCOTT. Mr. President, I have no objection to a limitation being placed upon the amount, but I think the Senator from New Jersey ought to leave to the commission some discretion. If the commission is going to employ experts in the way of mining engineers and to use employees of the Geological Survey, it may have to send them to different mines to make investigation, and the expense may be greater than $10,000. Of course the commission will not expend any more than is necessary, whether the appropriation is limited or not.

Mr. KEAN. I have no desire whatever to hamper the investigation, but I think it is very unusual for Congress to pass a law without a limitation on the appropriation for a commission.

Mr. SCOTT. I suggest to the Senator from New Jersey that he make it $15,000.

Mr. KEAN. I am willing to increase the amount to $15,000, at the suggestion of the Senator from West Virginia. The purpose is merely to have a limitation. If this sum is not sufficient, I have no doubt that Congress will be glad to give more money. But I think a limitation ought to be put on. I modify my amendment to that extent.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Jersey as modified will be stated.

The SECRETARY. On page 2, line 11, after the word "appropriated" it is proposed to insert "not to exceed $15,000."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported an amendment to the title so as to make it read "joint resolution appointing a commission to investigate methods of operation and recent mining disasters in certain States of the United States."

Mr. GALLINGER. I wish to move an amendment to the amendment. As proposed to be amended the title reads: "Joint resolution appointing a commission to investigate methods of operation and recent mining disasters in certain States of the United States;" that is, to investigate methods of operation in certain States of the United States. I move to amend it by adding after the word "operation" the words "of coal and other mines."

The amendment to the amendment was agreed to.

The title as amended was agreed to.

INDIANS ON FORT BELKNAP RESERVATION, MONT.

The bill (S. 3084) providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over for the present, Mr. President.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

Mr. CARTER. What was the order with reference to the bill, the title of which has just been read?

The VICE-PRESIDENT. The Senator from New Hampshire asked that the bill go over.

Mr. GALLINGER. I do that, Mr. President, for the purpose of looking into this matter a little. A moment ago I asked that a somewhat similar bill should go over.

I should like to ask the Senator from Montana, however, whether, in his judgment, it ought to be the policy of the Gov-

ernment to appropriate money and grant lands to all the destitute Indians of the country? There are a great many destitute white men in the country who, I think, are equally as deserving and who, if public money is to be appropriated, ought at least to share in the appropriation. Perhaps the Senator from Montana can explain why we should make these appropriations for destitute Indians.

Mr. CARTER. Mr. President, I am glad to make the explanation suggested by the Senator from New Hampshire.

The Senator will recall that not many years ago we were required by the necessities of the case to appropriate for the maintenance of nearly every Indian tribe on the continent. The policy of late years, both in Congress and in the Executive Departments, has been to place these various tribes as rapidly as possible upon a self-sustaining basis. Contracts have been made by the Department for and on behalf of these particular Indians, looking to the erection of a beet-sugar factory near by these lands. During the last Congress we authorized the lease of 20,000 acres of land for the purpose of enabling parties to proceed to the cultivation of sugar beets in this vicinity. The Department concluded that it would be better for the Indians themselves to hold the lands. But in order to prepare for the cultivation of beets, the Indians must be provided with some agricultural implements. The Indians have no credit on their own account. They have no place to go to borrow money except the Public Treasury. This bill does not make a grant of money to the Indians, but merely an advance, and it provides for the repayment of the sums under rules and regulations to be prescribed by the Department.

This bill will undoubtedly result in making these Indians self-sustaining by giving them a loan for the time. I think the bill is very meritorious; it has been approved by the Department; and failure to pass it will result in setting the Indians back.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I will ask the Senator if he is rash enough to believe that this money will ever be repaid to the Treasury of the United States?

Mr. CARTER. On this identical reservation the present management secures repayments for the wagons which have been disposed of to the Indians from time to time by the Department. The Indians on the reservation are disposed to pay their debts and have been in the habit of doing so. A departure was made on this reservation, I understand, in that the present policy is to charge to the Indians any implements that may be issued to them, and in due time the Indians pay their bills. I have no doubt whatever they will repay this sum of money.

Mr. SMOOT. Mr. President, I think the statement made by the Senator from Montana is absolutely correct. In our State a sugar factory is now located in a section where Indians live, and we find in our State that the Indian is about as good a farmer for the raising of the sugar beet as any individual we have in the State. He has made a success of it. He is self-supporting, and it has been the means of bringing wealth even to a great many of them living in that section of our State.

I believe that these Indians in Montana, if they have a chance to raise beets for the factory that is to be established, will make a success of it and be able to repay all advances made for machinery, and as it is under the direction of the Indian Bureau, I have no doubt in the world that the money will be returned to the Government.

Mr. GALLINGER. Mr. President, having very great doubt on that point, I ask that the bill go over for the present.

The VICE-PRESIDENT. The bill will go over without prejudice.

ADOLPHUS N. PACETTY.

The bill (S. 1758) granting a pension to Adolphus N. Pacetty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adolphus N. Pacetty, late captain Pacetty's boat company, Florida Volunteers, Seminole Indian war, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVAH MOULTON.

The bill (S. 57) granting a pension to Alvah Moulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvah Moulton, invalid and dependent child of Elias Moulton, late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELMER HONNYMAN.

The bill (S. 1746) granting a pension to Elmer Honnyman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmer Honnyman, late of Company A, First Regiment Nevada Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE E. SWEET.

The bill (S. 1634) granting an increase of pension to Caroline E. Sweet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Spain," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Sweet, dependent mother of Maurice R. Sweet, late of Company G, Thirty-second Regiment Michigan Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE C. STINGLEY.

The bill (S. 1757) granting an increase of pension to Jane C. Stingley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane C. Stingley, widow of James D. Stingley, late of Capt. John Mathis's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH SWEAT.

The bill (S. 1408) granting an increase of pension to Elizabeth Sweat was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "company," to insert "independent;" in line 8, before the word "and," to insert "Seminole Indian war;" and in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sweat, widow of James A. Sweat, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA STEWART.

The bill (S. 1403) granting an increase of pension to Martha Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to strike out "of" and insert "East;" in line 8, before the word "and," to insert "Seminole Indian war," and in line 9, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Martha Stewart, widow of Daniel Stewart, late of Captain Niblack's company, Second Regiment East Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY MOTES.

The bill (S. 1423) granting an increase of pension to Nancy Motes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Motes, widow of Lewis Motes, late of Captain Thigpin's company, Second Regiment Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY AYRES.

The bill (S. 638) granting an increase of pension to Emily Ayers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dependent," to strike out the name "Ayers" and insert "Ayres," and in line 7, before the word "late," to strike out the name "Ayers" and insert "Ayres;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Ayres, dependent and helpless daughter of Whiting L. Ayres, late of Company E, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Emily Ayres."

JOHN S. HYATT.

The bill (S. 523) granting an increase of pension to J. S. Hyatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Hyatt, late of Captain Hancock's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John S. Hyatt."

JOHN LOWDER.

The bill (S. 524) granting an increase of pension to John Lowder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to insert "Utah Volunteers," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lowder, late of Capt. James A. Hunter's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DOROTHEA AND PAUL DANA CLENDENIN.

The bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers, was considered as in Committee of the Whole. It proposes that homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements the Commissioner of the General Land Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Let the title be amended by striking out the word "deceased." These are "minor orphan children;" doubtless the father is dead.

The amendment to the title was agreed to.

Mr. KEAN. I ask that the report in connection with the bill be published in the RECORD.

The VICE-PRESIDENT. The report will be printed in the RECORD, in the absence of objection.

The report, submitted by Mr. NELSON on the 23d instant, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers, having had the same under consideration, beg leave to report it back with the recommendation that the same do pass.

The measure was referred to the Secretary of the Interior, and his report thereon, which is printed herewith, shows that there is no objection to the legislation.

Your committee, therefore, unanimously recommend the enactment of the bill into law.

The letter of the Secretary is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

GENTLEMEN: I have the honor to acknowledge the receipt, from the clerk of your committee, of Senate bill 392, with the request that the Department submit its views thereon. The bill is entitled "A bill to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers," and provides:

"That homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements, the Commissioner of the General Land Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers."

The homestead entry No. 24024, Minot series, was made on July 15, 1903, by Clement A. Lounsberry, then and now an employee of the General Land Office, as guardian of Dorothea Clendenin, for the NW. ¼ NE. ¼, NE. ¼ NW. ¼ sec. 14; SE. ¼ SW. ¼, SW. ¼ SE. ¼ sec. 11, T. 152 N., R. 104 W., fifth principal meridian.

It appears that Dorothea Clendenin was a minor child of Maj. Paul Clendenin, a surgeon of the United States Army, and was born November 19, 1889; that her mother died in 1894, and the father remarried, and by such marriage Paul Dana Clendenin was born August 19, 1899; that Maj. Paul Clendenin died in Cuba July 4, 1899, and that his widow married Capt. Basil Taylor, an officer of the British Army, at Hongkong, China, June 17, 1903; that the child Paul Dana Clendenin is now residing with his mother in China under her guardianship as a British subject; that said Lounsberry was appointed guardian of Dorothea Clendenin on January 2, 1900, and in July, 1900, made settlement on the land described for the benefit of said Dorothea Clendenin, and annually since then the land has been cultivated and improved, and that actual residence was established in a house built on the land in the early part of July, 1904.

Section 452, United States Revised Statutes, prohibits persons employed in the Land Department from directly or indirectly purchasing or becoming interested in the purchase of public lands, but if the bill is enacted into law it will remove any question that might be raised respecting the right of Mr. Lounsberry to make the entry.

As Maj. Paul Clendenin was engaged in the war with Spain from the commencement thereof until his death, July 4, 1899, credit for military service may be given for the term of enlistment, not to exceed four years, but residence and cultivation for at least one year is required by section 2307, Revised Statutes. The marriage of the widow of Maj. Paul Clendenin to a British subject, and her removal to a foreign country, taking with her the minor child of Maj. Paul Clendenin, deceased, who was born a citizen of the United States, does not deprive such minor child of his citizenship, nor remove him from the protection of this country. Therefore, the entry should have been made in the interest of both minor children of Maj. Paul Clendenin, and when final proof is submitted in connection with said entry the final receipt and

certificate, if issued, should issue to both of said children. Attention is called to the fact that this bill directs the issuance of patent upon satisfactory proof of "cultivation and improvements," but does not provide that residence shall be shown as required by the homestead laws.

Prior to the time this entry was made, July 15, 1903, persons who made entry as widows or heirs of soldiers were only required by the rules of this Department to maintain cultivation and improvements and were not compelled to reside upon the lands covered by their entry, but subsequent to that date this rule was modified, and under the departmental decision in the case of Anna Bowes (32 Land Decisions, 331), rendered on December 7, 1903, all persons then holding entries of this character were notified that actual residence must be established within six months from the issuance of the notice and thereafter maintained as required in the case of other homestead entrymen, and since that decision no patents have been issued in cases where the required residence was not shown by the final proof.

Aside from these suggestions, this Department knows of no reason why this bill should not become a law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

POSTAGE ON CREDIT NEWSPAPER SUBSCRIPTIONS.

Mr. STONE. I ask the leave of the Senate to have printed as a document the papers I hold in my hand. The first is a letter from the Third Assistant Postmaster-General. It relates to recent rulings of the Department as to postage to be paid on newspaper subscriptions that have expired, or credit subscriptions. He has sent some data with the letter.

I do not know how it is with other Senators, but I am receiving a great many letters from publishers in my State for information concerning this ruling. It is very concisely and well stated by the Department in these papers, but it requires a very long letter to make an explanation to correspondents in regard to it. Therefore I thought it would be well to ask the Senate to have it printed in pamphlet form so that it could be distributed. I ask that 1,000 copies of it may be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that a thousand copies of the letter from the Post-Office Department submitted by him, with the accompanying data, be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

TIMBER ON INDIAN RESERVATIONS IN WISCONSIN.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

The bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin was announced as next in order, and was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments in section 2, on page 2, line 10, after the words "Secretary of the Interior," to insert "in so far as practicable;" and, in line 11, after the word "times," to strike out the words "employ Indians, and in so far as possible shall;" so as to read:

That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon such Indian reservations. The Secretary of the Interior, in so far as practicable, shall at all times employ none but Indians upon said reservations in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumber operations upon said reservations shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservations be disposed of except under the provisions of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. The report on this bill is exceedingly interesting as I have glanced at it. I ask that it be printed in the RECORD.

There being no objection, the report, submitted by Mr. LA FOLLETTE on the 23d instant, was ordered to be printed in the RECORD, as follows:

[Senate Report No. 110, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, have had the same under consideration and report it with an amendment, and when so amended recommend that it do pass.

The avowed object of all legislation pertaining to Indian affairs for the past half century has been to prepare and qualify the Indian for citizenship and the management of his own business. Because of his incapacity to manage his own property the Government has treated the Indian as a ward and has maintained guardianship over him. In some instances it has followed the plan of permitting the Indian tribes to hold the land included in the Indian reservations in common; in others it has allotted the lands in severalty to the individual members of the tribe. In the latter case restrictions as to alienation have been imposed, these restrictions not to be removed until it is made to appear that the Indian is capable of handling his own affairs. It is unfortunately too often the fact that the Government's officers charged with the duty of determining the capability of the Indian have acted upon false or misleading information. The work of preparing the Indian for the responsibility of providing for himself according to the ways of the white man in most instances has only resulted in making him more incompetent. He has been an idle spectator while others have managed his affairs. The tendency has been to weaken, not to strengthen, him. The result is, in a majority of cases, that the responsibility of caring for himself is thrust upon him when he is in no way prepared to meet it. He loses his property and becomes a charge upon the community.

The aim of the proposed legislation is to give to Indians on reservations in Wisconsin practical instruction and experience in the management of their own business and thus to prepare them against the time when their lands shall be allotted, their restrictions entirely removed, and they be compelled to assume the complete management of their own affairs. While this proposed legislation in no manner departs from the avowed purpose of all Indian legislation, yet the method herein provided for the accomplishment of the purpose is a departure from that now employed.

There still remain upon the Indian reservations of Wisconsin some fine bodies of timber. In fact the only considerable stand of white pine still remaining are those upon the lands of the Indians. The timber upon the reservation of the Menominee Indians is the finest in the State. In addition to the pine, there are also large quantities of hard wood. The value of this timber is constantly increasing. The rapid disappearance of our forests increases the desire of the lumber and mill men to secure the timber from the lands of the Indians. In 1890 Congress authorized these Indians, under rules and regulations to be prescribed by the Secretary of the Interior, to cut and sell not to exceed 20,000,000 feet of this timber in any one year. This law provided that the timber should be logged under the contract system. Under it contracts were let to Indians and to white men. Because of the anxiety of the contractors to take out as much timber as was permitted under the law, white labor as well as Indian labor was employed in the logging operations. The Indian funds were used to finance these operations. The net proceeds of the sale of the timber were credited to the Indian funds. The Indian received some financial benefit, but the system does nothing to educate him in the practical work of manufacturing the timber into lumber nor in the preservation and perpetuation of the forest.

Under the contract system there has been a constant breaking down of the character of the Indian, a lowering of his standards. This system has brought upon the reservations white loggers. This has been done in opposition to the desires of the Indians. In many cases they have protested against the system, pointing out that it inevitably resulted in the introduction of intoxicating liquors upon the reservation, the demoralizing of the men, and the debauching of the women. A system which does these things should not be continued. It has not only resulted in his moral degradation, but the contract system also tends to prevent the development of the Indian as an industrial factor. The forests are cut away under conditions which make for a reckless destruction and do not in any way teach them to properly conserve their resources.

The proposed legislation will change the method of handling the Indians' affairs by abolishing the contract system, by placing the care of the forests and the harvest of the forests' crop ultimately in the hands of the Indians upon these reservations. The forest is the natural home of these men. They are what is known as "timber Indians." Their every instinct teaches them to seek a livelihood from within the forest. The care, the preservation, of these forests should be the Indian's interest and his work. What the white man has in other places destroyed the Indian should be taught here to preserve. This does not mean that the forest shall be permitted to remain in its wild state and contribute nothing to the industrial life of the community and add nothing of economic value to our country. It does mean that the harvest of the crop of forest products should be made in such a way that the forest will perpetuate itself; that it shall remain as a rich heritage to these people from which, through their own labor, they may derive their own support, and that, too, without ruthless destruction. Under the bill as proposed the Secretary of the Interior is authorized to employ all of the assistance needed to properly educate the Indians in the care of the forest and in the manufacture of forest products. It provides that the Indians are to do the logging; that they shall make roads, improve the streams, build sawmills, manufacture the timber into lumber, and that the lumber is to be sold upon the market. In a word, it provides that these Indians shall be made a factor in our industrial life. In this way they will become self-reliant, learn to know the value of their heritage, and master the best methods for its preservation.

The Fifty-ninth Congress enacted a law authorizing the Indians of the Menominee Reservation to log the dead and down timber upon that reservation. Under the rules and regulations adopted for the administration of that law contracts were let to individual Indians to log certain portions of this timber. The Indians sublet the contracts to white men, and white men and Indians are now at work clearing the dead and down timber. It was not the intent of the law passed at that time that the contract system should be continued, and it is unfortunate that contracts were awarded under the act. While it is to be regretted that the Indians called in any white men to aid them, it is also true that in the logging of this dead and down timber and in the logging operations conducted under the act of 1890 these Indians have demonstrated that they are capable of logging. If they are given the aid, counsel, and encouragement provided for in the proposed legislation, and if the proposed legislation at all times be executed with intelligence and fidelity, the result will be not only to develop the Indian upon his industrial and moral side, but also to increase the financial returns. It has been urged against the change from the contract system to one which will permit the Indians to handle

their own affairs that it will result in the loss of some valuable timber. Your committee do not consider this a valid objection. It may be true that there will be some loss, but what will be lost in this way at the outset will be offset in the benefits which will accrue to the character of the individual Indian and to the uplift of the tribe as a whole, both industrially and morally.

The proposed bill has been submitted to the Department of the Interior and meets with the approval of the Secretary. His letter follows:

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., January 21, 1908.

MY DEAR MR. LA FOLLETTE: I have your letter of January 16, with the inclosed Senate bill No. 4046, the purpose of which is to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin.

I have but two minor verbal suggestions to make. On page 2, line 7, after the word "Interior," insert "in so far as practicable;" line 8, strike out the words "employ Indians and in so far as possible shall." As you will see, the purpose of these changes is to avoid the difficulty that might arise should it be impossible to obtain the full quota of Indian employees at any particular time or place.

I have conferred with Mr. Leupp, the Commissioner of Indian Affairs, very fully on this particular bill and the general subject of the use of timber lands belonging to the Indians. It is our purpose to have these logging and timber operations conducted either directly under the Forest Service or under such a system of cooperation as to give to the Indians the benefit of the experience which the Forest Service has gained from its administration of the national forests, and we believe that this bill will be a step in that direction.

As to the general purpose of the bill, I appreciate that it changes the system that has been in operation for a number of years on the Menominee Reservation, but, being advised by the Forest Service that under this bill a very much better method for the cutting and preservation of timber can be carried out, which will in the end yield a larger return to the Indians as well as continue the growth of the forests, I believe that the change should be made.

Very truly, yours,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

If this legislation be adopted it will certainly give to these Indians a business experience which should, if they are ever allotted, render them capable of protecting themselves against fraud and prevent, in Wisconsin, a repetition of the conditions now existing in Oklahoma which have forced many Indians to find homes upon the section lines while others seek safety in a foreign country.

The amendment proposed by the committee meets the suggestion of the Secretary of the Interior, and is as follows:

Amend by inserting in line 7, page 2, after the word "Interior," the words "in so far as practicable" and by striking out the words "employ Indians, and in so far as possible shall" where they occur in line 8, page 2.

AGNES LANGE SMITH.

The bill (S. 712) granting a pension to Agnes Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Lange Smith, widow of Lewis Smith, late major, Fourth Regiment United States Artillery, and lieutenant-colonel, Artillery Corps, United States Army, retired, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Agnes Lange Smith."

CALESTA CLARK.

The bill (S. 406) granting a pension to Celesta Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the name "Celesta" and insert "Calesta," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calesta Clark, widow of Joseph Clark, late of Company G, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Calesta Clark."

MARGARET K. HERN.

The bill (S. 2420) granting an increase of pension to Margaret K. Hern was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Hern," to strike out the letter "A." and insert "W.," and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret K. Hern, widow of David W. Hern, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. SANDS.

The bill (S. 1171) granting a pension to Mary A. Sands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Sands, helpless and dependent child of Edward D. Sands, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA A. KENNY.

The bill (S. 920) granting an increase of pension to Martha A. Kenny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Kenny, widow of Nicholas D. Kenny, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving:

Provided, That in the event of the death of Ellen Louise Kenny, helpless and dependent child of said Nicholas D. Kenny, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Martha A. Kenny the name of said Ellen Louise Kenny shall be placed on the pension roll at $12 per month from and after the date of the death or remarriage of said Martha A. Kenny.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO CERTAIN PERSONS.

The bill (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate per month stated, as follows:

Walter S. Sylvester, late of Company F, First Regiment Maine Volunteer Cavalry, $24.

Alvin S. Doughty, late of Company H, Eighth Regiment Maine Volunteer Infantry, $24.

Mary E. Linehan, widow of John C. Linehan, late musician, Third Regiment New Hampshire Volunteer Infantry, $12.

Horace L. Ingalls, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, $24.

Hattie S. Nourse, widow of Frederick A. Nourse, late captain Company A, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, $20.

Daniel Wagner, late of Company E, Twenty-first Regiment Iowa Volunteer Infantry, $24.

William Havens, late of Company K, Eighteenth Regiment New York Volunteer Infantry, and Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, $30.

Maria Wells, widow of Moses Wells, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, $12.

Littleton T. Morgan, late of Company B, Third Regiment West Virginia Volunteer Infantry, $30.

Royal M. Bones, late of Companies C and B, First Regiment Missouri Volunteer Engineers, $24.

Josephine Pagett, widow of Charles W. Pagett, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and landsman, U. S. S. *Great Western*, United States Navy, $12.

John C. Roth, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, $30.

Mary A. Allen, widow of James Allen, late captain Company L, Fifth Regiment Michigan Volunteer Cavalry, $20.

William Lockwood, late of Company H, One hundred and nineteenth Regiment New York Volunteer Infantry, $24.

George L. Courtney, late of Company A, Fortieth Regiment Indiana Volunteer Infantry, $24.

Ambros W. Geer, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, $24.

John M. Baker, late first lieutenant Company G, One hundred and fifteenth Regiment Illinois Volunteer Infantry, $24.

Matilda Daly, widow of Edward Daly, late of Company E, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, $12.

Sarah E. Hasler, widow of Samuel J. Hasler, late first lieutenant Company G, Twentieth Regiment Ohio Volunteer Infantry $17.

Theodore M. Burge, late of Company E, Sixth Regiment United States Cavalry, $30.

Richard Black, late of First Independent Battery, Iowa Volunteer Light Artillery, $30.

Augusta A. Hawes, widow of Eugene M. Hawes, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and Company D, Eleventh Regiment Massachusetts Volunteer Infantry, $12.

Hiram M. Tarbell, late of Company E, Eighth Regiment New Hampshire Volunteer Infantry, $30.

William L. S. Tabor, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, $24.

Sarah S. Luther, widow of William H. Luther, late of Company F, Tenth Regiment Rhode Island Volunteer Infantry, $12.

Frances E. Topliff, widow of Thomas D. Topliff, late acting master's mate, United States Navy, $16.

Sarah Cullen, widow of Philip Cullen, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, $12.

Patrick Devitt, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry, $24.

Helen Jeffcoat, widow of John Jeffcoat, late first lieutenant Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, $17.

James I. Walker, late of Company K, Twenty-second Regiment Ohio Volunteer Infantry, and Twenty-second Battery, Ohio Volunteer Light Artillery, $30.

Thomas H. Ewing, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24.

William P. Snowden, late of Company C, First Regiment Missouri Mounted Volunteers, war with Mexico, and veterinary surgeon Fifth Regiment Iowa Volunteer Cavalry, $30.

William H. Stannah, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, $30.

John M. G. Maver, late sergeant-major, Twenty-eighth Regiment Michigan Volunteer Infantry, $30.

Samuel M. Smith, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, $30.

Nelson Miner, late of Company C, Ninth Regiment Vermont Volunteer Infantry, $24.

Francis F. Clark, late of Company A, Sixth Regiment Vermont Volunteer Infantry, $30.

Euretta Betts, widow of Willis W. Betts, late of Company D, Fourth New York Volunteer Heavy Artillery, $8.

William C. Platt, late of Company H, Seventh Regiment Illinois Volunteer Cavalry, $30.

Mary H. Yule, widow of Thomas Yule, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, $12.

Sophia Froelich, widow of Louis Froelich, alias August Zimmermann, late of Company D, First Regiment Louisiana Volunteer Cavalry, $8.

Mary McCarty, widow of Owen McCarty, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, $8.

Daniel H. Dornsife, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, $24.

Jeremiah Hazen, late of Company E, Thirty-eighth Regiment New York Volunteer Infantry, $24.

Charles M. Kell, late of Company C, First Regiment Mountaineers, California Volunteer Infantry, $30.

Martha A. Spalding, widow of David C. Spalding, late surgeon Tenth Regiment Michigan Volunteer Cavalry, $20.

Allison Varney, late of Company G, Forty-first Regiment Ohio Volunteer Infantry, $30.

Frederick C. Wilkie, late captain Company G, and major, Fifth Regiment New York Volunteer Heavy Artillery, $30.

Elijah Trollope, late of Company I, Twentieth Regiment, and Company G, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, $24.

Elizabeth Plummer, widow of William Plummer, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, $16.

James M. Grimes Keyton, late of Company M, Fourth Regiment Missouri Volunteer Cavalry, $24.

Imogene P. Hunsdon, widow of Charles Hunsdon, late colonel Eleventh Regiment Vermont Volunteer Infantry, $20.

Peter B. Hoffman, late of Company I, Eighth Regiment Maryland Volunteer Infantry, $24.

Ada G. Dickerson, widow of Perley B. Dickerson, late first lieutenant Company H, Thirteenth Regiment United States Colored Volunteer Infantry, $17.

James M. Procter, late of Company G, Third Regiment United States Infantry, $30.

Annie E. Creary, widow of William E. Creary, late of Company K, Nineteenth Regiment, and Independent Company, Veteran Reserve Corps, and major and paymaster, United States Army, $20.

Monroe A. White, late of Company D, Eleventh Regiment United States Infantry, $30.

Joseph Beal, late of Companies I and D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, $24.

Fenimore P. Cochran, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, $30.

Marion B. Mullen, widow of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, $20.

Criss Becker, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, $24.

Henry M. Lester, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, $30.

Henry Tyler, late of Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry, $30.

Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, $30.

Franklin D. Allen, late of Company H, Eighth Regiment Iowa Volunteer Infantry, $30.

William H. H. Miller, late of Company F, Thirty-seventh Regiment Iowa Volunteer Infantry, $24.

Parnel B. Moor, late of Company B, Sixth Regiment Maine Volunteer Infantry, and Company E, First Regiment Maine Veteran Volunteer Infantry, $24.

Amanda M. P. Brock, widow of Alvan D. Brock, late captain Company L, Thirty-first Regiment Maine Volunteer Infantry, $20.

Naomi V. Culley, widow of Joseph Culley, late acting second assistant engineer, United States Navy, $12.

Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, $30.

Truman L. Walden, late of U. S. S. *Great Western* and *Kickapoo*, United States Navy, $30.

William Mulock, of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, $30.

Newell S. Swett, late of Second Company Massachusetts Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, $24.

Mr. McCUMBER. I move to strike out lines 21, 22, 23, and 24, on page 9, in the following words:

The name of Frederick C Wilkie, late captain Company G, and major Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The beneficiary named in this provision has died.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT DEPOSITARIES.

The next business on the Calendar was the resolution submitted by Mr. STONE, on the 23d instant, authorizing and directing the Finance Committee to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury.

Mr. GALLINGER. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over without prejudice.

ARMY DENTAL SURGEONS.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4432) to reorganize the corps of dental surgeons attached to the Medical Department of the Army.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. HEYBURN. Mr. President, it would appear that the report on this bill is not yet printed. This is rather an important measure. It creates a new department or branch of the——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2982.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER ELEVEN.

OFFENSES WITHIN THE ADMIRALTY AND MARITIME AND THE TERRITORIAL JURISDICTION OF THE UNITED STATES.

Sec.
269. Places within or waters upon which sections of this chapter shall apply.
270. Murder.
271. Manslaughter.
272. Punishment for murder; for manslaughter.
273. Assault with intent to commit murder, rape, robbery, etc.
274. Attempt to commit murder or manslaughter.
275. Rape.
276. Having carnal knowledge of female under 16.
277. Seduction of female passenger on vessel.
278. Payment of fine to female seduced; evidence required; limitation on indictment.
279. Loss of life by misconduct of officers, etc., of vessels.
280. Maiming.
281. Robbery.
282. Arson of dwelling house.
283. Arson of other buildings, etc.
284. Larceny.
285. Receiving, etc., stolen goods.
286. Laws of States adopted for punishing wrongful acts, etc.

SEC. 269. [*The crimes and offenses defined in this chapter shall be punished as herein prescribed:*

First. *When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States or of any State, Territory, or District thereof.*

Second. *When committed* upon any vessel registered, *licensed,* or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, *or upon the River St. Lawrence where the same constitutes the international boundary line.*

Third. *When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.*

Fourth. *On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.*]

Mr. HEYBURN. I think this section ought not to be passed without some explanation. First, I will move to strike out the comma in line 11, after the word "State." It is evidently an inadvertence in printing the bill.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Idaho.

The SECRETARY. In line 11, page 142, after the words "particular State," strike out the comma.

The amendment was agreed to.

Mr. HEYBURN. While the first and last paragraphs of this section come within the rule of being new legislation, the whole section is not new legislation. Therefore, we will not pass it over under the general understanding.

The existing law in regard to this subject is somewhat confused and has given the courts a good bit of trouble. The second paragraph especially was framed to meet the conditions that have arisen in the navigation of the Great Lakes and the rivers connecting them, where vessels weave back and forth, first on one side of the line and then on the other, and the question of jurisdiction for the commission of offenses has been rendered uncertain because it was not always possible to determine on which side of the international line a vessel was at the particular time when the offense was committed.

The committee have taken into consideration all the decisions and all the litigation had in regard to this question, and as a result of its thorough consideration have presented this section.

The Secretary resumed the reading of the bill, as follows:

SEC. 270. [*Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.*]

Mr. HEYBURN. Pursuant to the notice I gave that sections of this kind would be specially called to the attention of the Senate, I would say that this section 270 enlarges the common-law definition and is similar in terms to the statutes defining murder in a large majority of the States. I think it might be said that it is in harmony with the law in all the States.

The reading of the bill was continued, as follows:

SEC. 271. *Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:*

First. Voluntary—Upon a sudden quarrel or heat of passion.

Second. Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

SEC. 272. *Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years.*

Mr. SUTHERLAND. I think it is proper that a word be said with reference to the two sections which have last been read, section 271 and section 272.

Section 271 undertakes to divide manslaughter into two degrees or kinds, namely, voluntary and involuntary manslaughter. Under the existing statute simply the crime of manslaughter as at common law is provided for. The division into degrees is in accordance with modern legislation, and in accordance with the legislation in, I think, practically all the States of the Union. Section 272 simply recognizes these various divisions of murder and manslaughter into degrees and provides appropriate punishment for each.

Mr. BACON. I notice that in the penalty the committee has proposed a change to the extent that they do away with fine as a punishment and limit it to imprisonment. If I read correctly the old law, section 1543, it made the convict not only subject to imprisonment, but also to fine. I do not know what particular reason the committee may have had in view in eliminating that feature from the law. It may be an advisable change; I am not prepared to take issue with the committee on the subject, but I should like to know upon what ground they thought it would be best to eliminate the fine. The Senator will notice that it is a conjunctive penalty, not an alternative one, in the law as it now stands.

Mr. SUTHERLAND. Yes. The idea of the committee, as I recall it, in eliminating the provision for a fine is that that offense falls within the class of offenses where, I think, practically in all the States no fine is provided for. For example, a fine is, I think, in no instance ever provided for murder in the second degree or manslaughter of any degree. So it is not in accordance with modern ideas to provide a fine for grand larceny or robbery or offenses of that character. It is simply in line with that general notion.

Mr. BACON. I simply desired to know what was the view of the committee. I quite agree that it is not in harmony with the law as it now stands, but it is in harmony with the legislation in our States.

Mr. SUTHERLAND. That was the idea of the committee.

The reading the bill was continued, as follows:

SEC. 273. *Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years.* Whoever shall assault another with intent to *commit* any felony, *except murder, or rape,* shall be fined not more than $3,000, *or* imprisoned not more than *ten* years, *or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than $1,000, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than $500, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than $300, or imprisoned not more than three months, or both.*

Mr. HEYBURN. I think I should call attention to the fact that the language of that section has been broadened so as to include that class of offenses wherever committed within the jurisdiction of the United States. It will be apparent from an inspection of existing law, section 5346, that Congress undertook to enumerate the places where the offense should be punishable. The enumeration was not complete. Therefore the committee used such general language as would include all the places enumerated in existing law and any other place within the jurisdiction of the United States.

Mr. BACON. I may have, in my hurried reading, made a mistake, but I do not think there is any penalty here for the offense of rape.

Mr. HEYBURN. That is in another section.

Mr. CLAY. Section 275.

Mr. HEYBURN. The Senator will find that section 275 covers the offense.

Mr. BACON. Yes; it is not in the place where it would ordinarily be found. We have not yet reached it.

Mr. CLAY. Probably the preceding section may cover all the sections, but the committee has left out "all places solely within the jurisdiction of the United States." It would appear from reading sections 274 and 275, if there is nothing preceding to confine it to places within the jurisdiction of the United States exclusively, that for the offense of murder or for the offense of rape the Federal court would assume jurisdiction regardless of the place where the crime was committed.

Mr. HEYBURN. There is a provision here that attaches the jurisdiction of the United States court only to those offenses committed within places over which the United States has jurisdiction to consider and punish those crimes.

Mr. CLAY. Does the Senator state that there is a general section of that kind?

Mr. HEYBURN. There is.

Mr. CLAY. What is the number? I would thank the Senator to tell me.

Mr. HEYBURN. In the judiciary act there is a general jurisdictional provision which establishes the jurisdiction of the United States courts. That is the administrative law. It was not the purpose of the committee to recommend in this criminal code administrative law where it could be avoided.

Mr. CLAY. I call the Senator's attention to the language of section 270, as revised by the committee, "Murder is the unlawful killing of a human being with malice aforethought," etc., defining how murder shall be punished. If you will turn to the old section, you will find that it reads as follows:

SEC. 5339. Every person who commits murder—

First. Within any fort, arsenal, dockyard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States, etc.

Now, it might be construed to mean that the committee is attempting to give jurisdiction to the Federal courts outside of places where the United States has exclusive control.

Mr. HEYBURN. If the Senator will turn to section 269, which is the section preceding the one to which he calls attention, he will find there that the limit of jurisdiction is defined so far as it would be applicable in that case.

I would say again that the general jurisdictional limits of the United States courts are defined in the judiciary act, but section 269 of this criminal code, so far as it is necessary for the purposes of this code, defines the limits of the jurisdiction. It is stated in the report that that section was framed in order to avoid repeating in each section of the chapter the territorial limitations in connection with every separate section, so that it would not be necessary in every section to define the jurisdiction. The committee has reported section 269 to obviate the necessity of such a repetition.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. I would say to the Senator from Idaho that I see, in running through the old statutes, that every one of those statutes refers to the place where the offense must be committed in order to give jurisdiction, naming the places. I am frank to confess that if by inference the jurisdiction of the Federal courts can be enlarged so as to deprive the State courts of the right to try criminal offenses in any way whatever, then I

for one should not be willing to give my consent to that. I am frank to confess that I prefer the old statutes as they stand, because they specifically state where the offense must be committed in order to confer jurisdiction.

Mr. HEYBURN. The old statute is not more specific than section 269, which we have just passed over. That section is as specific as existing law; indeed, more so. It does not enlarge the jurisdiction of the United States courts by a hair's breadth. Let me call attention to it:

SEC. 269. *The crimes and offenses defined in this chapter shall be punished as herein prescribed—*

That is the chapter under consideration—

First. *When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States or of any State, Territory, or district thereof.*

Second. *When committed* upon any vessel registered, *licensed,* or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, *or upon the River St. Lawrence where the same constitutes the international boundary line.*

Third. *When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States, by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock yard, or other needful building.*

Fourth. *On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.*

Those are the geographical designations of the jurisdiction of the United States courts for the punishment of the offenses enumerated and provided to be punished in this chapter, and the section under consideration is one of the sections of this chapter.

Senators will find that we have not attempted to enlarge the jurisdiction of the United States either technically or geographically. We have simply gathered up a large number of existing provisions in the various statutes, the enumeration of the places over which the United States courts should have jurisdiction for the punishment of these offenses—we have gathered them together in a section at the beginning of this chapter providing for the punishment of these particular offenses in order to avoid the repetition with each separate section of this geographical jurisdiction. That certainly is in the interest of economy of time and space and consideration.

Heretofore, as the various statutes were being enacted, it was not convenient to refer to other sections in order to determine the jurisdiction. So each section as it was enacted enumerated the jurisdiction. We are codifying the laws in order that they may be more convenient for reference and application, and as a necessary part of the consideration in codifying these laws we bring together the oft-repeated expressions into some one particular expression that shall be applicable to the entire section.

The Senator from Georgia will find—and I say it on the faith of the committee, who were faithfully endeavoring to accomplish this object; and I believe they did, for they spent several days in considering this particular section referring to the jurisdiction of the United States courts—I think I may say on the faith of the committee that they have not enlarged the jurisdiction territorially or technically of the United States courts. They have merely brought these sections together, and if that looks to be larger or more comprehensive than it did at first, separated or scattered through twenty or thirty different sections, I think it will be found on comparison that the enlargement is merely apparent and not real.

Mr. BACON. Mr. President, my attention was withdrawn at the time the Senate passed the section which the Senator from Idaho has just been discussing, and I want to call attention to another matter in it, which I think should be at least looked after carefully. It may be that I am wrong.

Mr. HEYBURN. The Senator is now referring, as I understand, to section 269?

Mr. BACON. Yes; to section 269, in the matter of punctuation. Of course we know that punctuation will sometimes have a very material effect upon the question of construction, and I am referring to the comma which is after the word "State," in the eleventh line of that section.

Mr. HEYBURN. That has been stricken out. I moved that amendment. That was an error of the printer. When it was first reached I moved that it be stricken out, and it has been stricken out.

Mr. BACON. Then, I should like to ask the Senator another question. I am glad, however, to know that my suggestion in that particular was fortified by the concurrent opinion on the part of the committee. I think, however, in the next line there is possibly something which needs attention. I refer to the twelfth line.

Of course we all recognize the fact that a murder committed upon a vessel belonging to the United States is a crime within the jurisdiction of the United States. If the sentence had stopped there I should have had nothing to say, but it will be observed that in referring to the place of the commission of the crime which causes the jurisdiction to attach it reads in this way:

On board any vessel belonging in whole or in part to the United States or any citizen thereof.

Mr. President, the point of that only relates to a crime committed outside of the jurisdiction of the State. Am I correct in that?

Mr. SUTHERLAND. I did not hear the inquiry of the Senator from Georgia.

Mr. BACON. The question suggested to my mind is whether that phraseology as it stood in connection with the prior part of the sentence would not seem to seek to confer jurisdiction upon the United States in a case where a murder was committed upon any vessel belonging to private citizens.

Mr. SUTHERLAND. To citizens of the United States.

Mr. BACON. Yes. That is only in case it is outside of the jurisdiction of the particular State, is it?

Mr. SUTHERLAND. There may be a case where the United States and some other country would have concurrent jurisdiction over such an offense. The United States might have the right to punish an offense committed upon a vessel because it was owned by a citizen of the United States.

Mr. BACON. I may be mistaken in my construction, but the language used is not as clear as I should like to have it. I understand the intention of the committee in the phraseology adopted is to limit the question of the jurisdiction of the United States to a crime committed upon a private vessel to a case where the vessel is not within the territorial jurisdiction of any State. Am I correct in that?

Mr. SUTHERLAND. That is correct, as I understand it.

Mr. BACON. If that is the proper construction of it, I do not think there is any criticism to be made upon it. It is rather an involved sentence, and I think it rather unfortunate that it has not been separated in some way. The putting of vessels of the United States in the same sentence, without even the division of a comma, with vessels owned privately, misled me as to the purpose of the section. But if the construction is satisfactory and it limits such jurisdiction to a case where a crime is committed upon a private vessel, that vessel being at the time not in the jurisdiction of any State, then I think it is a proper provision of law.

Mr. SUTHERLAND. If the Senator will refer to lines 10 and 11, he will see that they read "and out of the jurisdiction of any particular State."

Mr. BACON. Yes. But the misfortune is that a crime when committed upon a vessel of the United States is a crime within the jurisdiction of the United States, never mind where that vessel may be, the Senator will understand, and at the same time it is conjoined in the sentence with the case of a private vessel where the jurisdiction of the United States can only attach under certain circumstances, to wit, when the vessel is not in the territorial jurisdiction of any particular State. For that reason I should say the intent is not expressed as happily as it might be. Still, I presume upon a careful examination of it one would not be misled by the construction.

Mr. SUTHERLAND. Mr. President, I have a very high regard for the opinion of the Senator from Georgia upon any legal question, but I think he is in error about this particular matter. The language is—

Or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States, etc.

So that it is qualified by the words "when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State."

Now, as I understand the law, if, for example, a vessel belonging to a citizen of the United States happened to be tied up at a wharf in the city of Boston, an offense committed upon that vessel is within the jurisdiction of the State——

Mr. BACON. A private vessel.

Mr. SUTHERLAND. And not within the jurisdiction of the United States.

Mr. BACON. Undoubtedly.

Mr. SUTHERLAND. But if it happens to be a war vessel, perhaps the United States might have jurisdiction under some other provision.

Mr. BACON. That is exactly the point to which I am calling the attention of the committee. As I understand it, if an offense be committed on a war vessel the United States has jurisdiction, or should have it, or it is intended that it should have it, whether committed within the jurisdiction of the State or not.

Mr. SUTHERLAND. Well, the United States would have jurisdiction of the offense, of course, were it a violation of military law, but I do not understand that in that case the United States would have jurisdiction of an offense which was a violation of civil law; as, for instance, in an ordinary case of murder.

Mr. BACON. Is it the design of the committee to put an offense committed on a war vessel upon the same footing as an offense committed in a public building of the United States?

Mr. SUTHERLAND. No; that would come within another principle. An offense committed in a public building of the United States over which the State had ceded its jurisdiction would come within an entirely different principle, as I understand it; but it is the intention of the committee to say that where a vessel, as in the case I have illustrated, is attached to a wharf within the limits of a State any offense committed against the civil law—and I use that term in contradistinction to the military law—is an offense within the jurisdiction of the State, and not within the jurisdiction of the United States. If it happens to be an offense against military law, of course the military authorities have jurisdiction.

Mr. BACON. In other words, if a murder is committed upon a war ship lying in the harbor of New York, the design is that jurisdiction of that offense and the trial of the perpetrator of it shall be by the civil authorities of New York and not of the United States.

Mr. SUTHERLAND. That is my understanding. If two citizens of the State of New York, for example, should happen to be on board a war vessel tied up at one of the wharves in New York, should enter into a quarrel, and one should kill the other, that would be an offense cognizable by the State authorities and not by the Government of the United States.

Mr. BACON. If, on the other hand, those same two citizens were in the post-office building in the city of New York and were to engage in an altercation and one were to kill the other, the offense would be within the jurisdiction of the Federal courts.

Mr. SUTHERLAND. Precisely.

Mr. BACON. Now, I want to ask the committee—I have not had time to examine it myself—if that is the status of the present law?

Mr. SUTHERLAND. It is, as I understand it. I understand that to be the decision.

Mr. BACON. It is rather an anomaly if such is the case, Mr. President; and, while I presume I can not be reasonably accused of desiring to take away jurisdiction from a State, but rather the reverse wherever it is practicable, I myself think the law ought to be the other way. I think the Federal courts ought to have jurisdiction over whatever transpires upon a war vessel, for the same reason that the Federal courts have jurisdiction, or have claimed to have it, in a case where there is a crime committed upon a Federal reservation. If that is the present law and this makes no change, I shall not seek to have the change made; but I confess that it is somewhat of a surprise to me that that is the status of the law at present.

Mr. SUTHERLAND. I will say to the Senator from Georgia that that is my understanding of the law. In the case of a post-office building or any other public building which has been erected under the provision in the Constitution which gives the United States Government exclusive jurisdiction over any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which it is situated——

Mr. BACON. Yes; I am quite aware of the fact that that is the constitutional provision.

Mr. SUTHERLAND. That falls within a different principle. But if a war vessel is tied up at a wharf within the limits of a State, as I understand, an offense committed upon it is within the jurisdiction of the State.

Mr. BACON. I think the Senator is mistaken simply in one expression he uses, when he says it is upon a different principle. It may be that it is controlled by a different law; but the principle, so far as I can see, would be the same in one case as in the other. In the one case it is required by the Constitution, but the same principle which has induced that constitutional provision would, it seems to me, now require a statutory provision where the Constitution did not itself point it out.

Mr. SUTHERLAND. It may be true that I used the word "principle" in too broad a sense; but I mean by that that it falls within a different rule. My colleague on the committee [Mr. HEYBURN] has the authorities and is informed on that question.

Mr. BACON. I am not, of course, asking that any change be made if that provision is in accordance with the law as it exists at present. I will not ask the committee to make any modification of it, but it seems to me to be rather a strange distinction between a crime committed in a public building on land—in that case being within the jurisdicton of the United States court—and a crime committed on a warship, probably within 50 feet or 50 yards of the same building, being within the jurisdiction of the State. I think there is a very much stronger reason why it should be within the jurisdiction of the United States in case of a war vessel than in the case of a public building.

Mr. HEYBURN. Mr. President, the committee had considerable difficulty in harmonizing and adjusting the several existing provisions of law taken in connection with the decisions that had been rendered upon this subject. This is what we might term a very large subject; and it has received the attention of the United States Supreme Court on more than one occasion. There has been a wide difference of opinion in that court with reference to this question of jurisdiction, and on one occasion one of the most eminent members of that court, dissenting from the court, gave very excellent reasons for his dissent. But the law has not been changed from what it was as recently decided by that court.

One of the decisions rendered under the act of 1825—and, in passing, I will say that this provision is made up of the acts of 1790, 1825, 1875, and 1890——

Mr. BACON. And numerous decisions under them.

Mr. HEYBURN. As I have said, the courts have not left the question in uncertainty, but the law is in such a condition as to require a very careful comparison and analysis of the decisions in order to determine what the court holds the existing law to be.

In reframing this language your committee endeavored to keep as closely as possible within the declaration of the court as to what the law is. It may have erred; but it was only after many days devoted to a discussion of this particular portion of their work that they arrived at the conclusion as expressed in the report of the sections. In the case of the United States against Arwo, reported in 19 Wallace, page 486—a case which was decided in 1873 on a certificate of division in opinion from the southern district of New York—the Supreme Court recites that—

> The statute of March 3, 1825—

That being the statute under which this prosecution was being maintained—

> make an assault committed on the high seas with a deadly weapon a crime against the United States, and the act is made cognizable in virtue of prior law—

Which refers to the act of April 30, 1790. That was the first enactment giving the courts jurisdiction of that class of offenses.

> This statute being in force, Arwo was indicted in the *southern* district of New York for an assault of the kind just spoken of, committed on a vessel alleged to have belonged to citizens of the United States. He pleaded to the jurisdiction, alleging that immediately upon the commission of the assault he had been placed in irons on board ship for custody and to be forthcoming to answer any charge therefor, and was so kept until the vessel reached the *lower quarantine* anchorage in New York Harbor, within the *eastern* district of that State; that the vessel lay at anchor at such station for five days, during which he, being still in such custody, was delivered to the harbor police, officers of the State of New York, in order that he might be forthcoming, etc., and that they without process or warrant from any court carried him to the city of New York, where he was delivered over to the marshal of the United States for the *southern* district of New York, and that a warrant for his arrest (being the first issued in this case) was afterwards duly issued to the said marshal; so that, upon the whole, he had been apprehended and brought first into the eastern and not into the southern district, and therefore could be tried only in the former district, etc.
>
> Upon demurrer the following questions occurred, and the court certified a division upon them:
>
> "1. Whether the prisoner having been taken into custody by the master of an American vessel, while on her voyage, upon a charge of having during the voyage committed an offense against the United States on board such ship, upon the high seas and out of the limits of any State or district, and first brought, in such custody, into the eastern district of New York, can be tried for such offense in the southern district of New York.
>
> "2. Whether the facts stated in the plea show that the southern district of New York is not the district in which the defendant was apprehended, within the meaning of the act of March 3, 1825.
>
> "3. Whether the plea discloses that, within the meaning of the act of March 3, 1825, the apprehension of the defendant occurred either upon the high seas, or in the eastern district of New York, and not in the southern district of New York.
>
> "4. Whether the act of March 3, 1825, confers jurisdiction in the alternative, and enables this court to assume jurisdiction to try an indictment by reason of the fact that the defendant has been arrested in this district, upon the charge in the indictment contained, by an officer of the United States, as stated in the plea, notwithstanding it appears that the defendant was first brought into the eastern district of New York."

I read more of the statement of facts than is really necessary for the consideration of this point so that the entire question before the court on the certificate of division in opinion might be understood. That is followed by the argument of counsel:

Mr. Justice Clifford delivered the opinion of the court.
Instead of answering separately the questions certified here, I am instructed to say that the court, upon the facts alleged in the plea, is of the opinion that the circuit court for the southern district of New York had jurisdiction in this case, and that the court directs that this statement be certified to the circuit court as the only answer required to the several questions presented in the record.

We may fairly deduce from the conclusion of the court in that case that they considered—the place of the commission of the offense being upon a vessel within the class designated by the act of 1825—that the question as to where the party first reached the land, so to speak, of the United States was immaterial, but that the act under consideration—the act of 1825—made it an offense against the United States to commit the crime upon a vessel, and that the question of the place of trial became immaterial after that—wherever he was apprehended and the United States chose to assume jurisdiction.

Mr. BACON. Was that a private vessel or a war vessel?

Mr. HEYBURN. It was a vessel owned by citizens of the United States.

Mr. BACON. Was it without the jurisdiction of a State?

Mr. HEYBURN. It was without the jurisdiction of the State at the time of the commission of the offense. That is recited in the statement of facts.

Mr. BACON. I understand.

Mr. HEYBURN. But the party was apprehended on a warrant served within the jurisdiction of the State of New York, so that, the place of the commission of the offense being without the jurisdiction of the State, it was immaterial where the party was apprehended.

Mr. BACON. I will ask the Senator's attention—if he will pardon me for the interruption——

Mr. HEYBURN. Certainly. The Senator does not interrupt me.

Mr. BACON. The Senator is possibly coming to that particular point, but the question that I was troubled about was whether an offense committed upon a war vessel within the jurisdiction of a State was or was not an offense against the United States cognizable in a Federal court.

Mr. HEYBURN. I will reach that in a moment. I think I have another decision upon this question. I will say in this connection that the citation as published in part 2 of the report is misleading in that the designation "Mas." should be "5 Mason" in stead of "5 Mass." The Senator will find it in the margin. There is also an important decision in the case of United States against Holmes, in 5 Wheaton, page 412.

There has been a great deal of consideration given to this question, but I think I can only take the time of the Senate at this juncture to say that the committee sifted down all of these decisions and that the section as reported is the result of a very careful consideration of the cases. Of course, that is not a sufficient answer to the question submitted by the Senator, but I will give that a moment's consideration.

An offense committed upon a war vessel of the United States, if it is in violation of the discipline of the Navy or the military law of the United States, comes within the jurisdiction of a court-martial. If it is an offense against the laws of the United States, applicable alike to all classes of citizens, it is a crime against the United States and it is triable in the United States courts. They have jurisdiction of the offense because it is a crime against the United States within territory under the exclusive jurisdiction of the United States, provided that the offense is committed without the jurisdiction of a State. If the offense is committed within the jurisdiction of a State the party may be turned over for trial to the civil authorities of that State within whose jurisdiction it was committed.

There is some conflict of authority as to whether or not there is a concurrent jurisdiction in such cases as that, but your committee have reported the law as it is written and left the question of interpretation of that law to the courts.

Mr. BACON. I merely want to ask the Senator a question in connection with what he has just said. It seems to me that of all the peculiar functions of the Committee on Revision, one of the most important is to settle any question that is in doubt as to statutory provisions. This is one question that ought to be specifically settled by statute. It is the statute which can confer the jurisdiction, and it is only by reason of the doubt that there is not jurisdiction. While, as I have suggested, I am not in the habit of seeking to withdraw any jurisdiction from the States which can properly belong to them, it does seem to me that the jurisdiction of the Federal authorities ought to be certain and couched in no ambiguous language in a statute conferring that jurisdiction in the case of a crime committed upon a war vessel of the United States. It is the territory of the United States; it is an exclusive territory of the United States, as much so as any public building can possibly be, situated in the body of a State. While I will not take the liberty of offering an amendment myself——

Mr. HEYBURN. Mr. President——

Mr. BACON. If the Senator will pardon me for a moment, if the Senators had found that the law was clearly stated, leaving no doubt of the fact that the jurisdiction was in the State, I would not contend that it was their duty to seek a change of the law, but where they themselves say it is in doubt, it seems to me the doubt ought to be settled. It ought to be specifically provided either that it is in the State or the United States. I myself think it ought to be in the United States.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER (Mr. WARNER in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I do not think that a crime committed on board of a war ship of the United States is therefore necessarily committed within a place that is within the exclusive jurisdiction of the United States within the meaning of the Constitution, which confers exclusive jurisdiction on the United States in certain cases specified and named. Places purchased within a State, by the consent of the State, for forts, arsenals, etc., are within the exclusive jurisdiction of the United States. A war ship, of course, like any other vessel of the United States owned by citizens of the United States, is, when on the high seas, within the admiralty and maritime jurisdiction of the United States, or when in any bay or inlet of the sea, or, indeed, when on any water, even though that water be within the exclusive jurisdiction, or perhaps I should say the territorial jurisdiction, of a foreign state, it is within the admiralty and maritime jurisdiction of the United States, because it is a vessel of the United States. But there is a case—I do not recall the title of it; perhaps the Senator from Idaho or the Senator from Utah will recall it—which went up from Massachusetts, where the crime was committed on board a vessel of the United States within the Boston Harbor, as I recall it—some waters on the Atlantic coast—I think Boston Harbor. Does the Senator from Utah recall the case?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. It is the case of The United States *v.* Grush. I have it in my hand.

Mr. FULTON. As I remember that case, the court held that the vessel was within the jurisdiction of the State and therefore it was not a case in which the United States court had jurisdiction.

Mr. HEYBURN. The court held the waters were within the county of Suffolk.

Mr. FULTON. That is the question.

Mr. HEYBURN. It was a question of the limit of the jurisdiction of the State, and the decision was rendered by Mr. Justice Story. But I should say in fairness to the consideration of this question that Mr. Justice Story differed from the majority of the court on a later occasion when a question involving a part of the principle here involved was before it, and the majority of the court was against him.

He not only filed a very strong dissenting opinion, but afterwards drew a bill and had it presented for consideration which was in conformity with his idea of what the law should be. It was in conformity with his idea of what the law was. The court having held that that was not the law, in his desire to have the law so established he drew a bill which was introduced, and he probably showed more feeling in regard to this question than any other question that came before the court during the long, many years that he was on the bench.

The Senators will realize that the committee had quite an undertaking before it when it undertook to sift down the exact line and limit of the jurisdiction. I agree with the Senator from Georgia that this question should be settled by a statute, but I do not agree with him that it was within the province or function of the Committee on the Revision of the Laws to attempt to frame a statute for that purpose. That should be——

Mr. FULTON. I should like to ask the Senator a question.

Mr. HEYBURN. Certainly.

Mr. FULTON. Is there a decision of any court holding that a crime, distinct from a violation of the Naval Regulations, which if committed on land would be simply an offense against the laws of a State, when committed on board of a man-of-war or naval vessel within the limits of a State is punishable under

the United States statutes and cognizable by a court of the United States?

Mr. HEYBURN. Does the Senator mean whether there is a record of anyone having escaped justice because of the absence of legislation?

Mr. FULTON. No; whether there is any case holding that a United States court has jurisdiction where the offense is committed on board a naval vessel within the waters of a State.

Mr. HEYBURN. Or while she is tied up to a wharf.

Mr. FULTON. Or while she is tied up to a wharf; that is, aside from the violation of the Naval Regulations.

Mr. HEYBURN. The decisions upon that question are usually by the lower courts, because in almost every instance, in fact in every instance that recurs to my mind, the party was acquitted, and, of course, there was no law under which the question could be brought to the Supreme Court of the United States. Parties have frequently escaped punishment because of this distinction, which we may term technical or not, as we see fit.

But Senators will remember that in the Guiteau case the insufficiency of the law was demonstrated and illustrated. The shot was fired in the District of Columbia. The victim died in the State of New Jersey. There was no law under which he could be tried in the State of New Jersey for that offense, and there was no law in the District of Columbia under which he could be tried for an offense where the victim died beyond the jurisdiction; and it was necessary for the court, in order to hold the defendant, to hold that the common law being applicable to the State of Maryland, from which the District of Columbia was carved at the time of the creation of the District, was applicable; and Guiteau was tried and convicted and executed under the common law as applicable in the State of Maryland in the absence of any legislation sufficient to try him either in the District of Columbia or in the State of New Jersey, where Mr. Garfield died.

That illustrates the insufficiency of the law, and I am free to say that, in my judgment, the law is pretty nearly as insufficient in regard to the clear line of distinction as to the jurisdiction of the United States and the State courts in respect to a certain class of offenses.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I think the point the Senator is now discussing is entirely distinct from the other proposition, and unless the committee has changed the rule which we adopted when I was a member of it, there is a section in the report the committee has filed which expressly provides that the crime shall be deemed to have been committed at the place where the mortal blow was struck.

Mr. SUTHERLAND. That is retained.

Mr. HEYBURN. We retain that.

Mr. FULTON. That does away with that question.

Mr. HEYBURN. I would not want the Senator from Oregon to think or to create the impression that I consider the Guiteau case as applicable to the consideration of this question. I used it for illustration only——

Mr. FULTON. I understand.

Mr. HEYBURN. As to the very fine distinctions that are very frequently drawn and have to be overcome by the courts either on behalf of the party charged or on behalf of the administration of justice, in the interest of the public. I was using it as an illustration. I said or intended to be understood as saying in response to the question submitted by the Senator from Georgia that the line of distinction is about as fine drawn in regard to the jurisdiction in the cases to which he has referred as it is in the other case—that is, in the Guiteau case, or that class of cases.

Mr. FULTON. I do not wish to be understood as questioning the fact that the Senator from Idaho clearly understood the distinction, or as intimating that he was confused at all in his statement of the two propositions. I simply wished to emphasize the contention I was seeking to make, that the propositions are, in my judgment, not only entirely distinct, but that the line of authority is much clearer on the one than it is on the other. I do not myself think that there is any reasonable doubt about what the law is touching where a crime is cognizable when committed even on board a vessel of the United States, if it be committed within the jurisdiction of a State. I think it is clearly cognizable by the State court.

Mr. HEYBURN. By the State court?

Mr. FULTON. Yes.

Mr. HEYBURN. I think that that probably was in the mind of Congress when it enacted the law, and I think probably that view would be contended for by those who are strict constructionists as to the rights and limits of the jurisdiction of the State. But the courts have not always so held.

Mr. BACON. Let me ask the Senator a question. What is the volume from which he started to read when the Senator from Oregon interrupted him?

Mr. HEYBURN. It is 5 Mason, page 290.

Mr. BACON. Did the Senator say the decision was rendered by Mr. Justice Story?

Mr. HEYBURN. The decision was by Mr. Justice Story, in the circuit court of the United States for the first circuit; reported in volume 5 by William P. Mason.

Mr. BACON. In that case, as I understand the Senator, Mr. Justice Story, dissenting from the majority, contended that the jurisdiction——

Mr. HEYBURN. No; the case in which he dissented from the majority was that of the United States *v.* Holmes, 5 Wheaton, 412.

Mr. BACON. In that case, as I understand, the opinion of Mr. Justice Story was that where the offense was committed upon a war vessel of the United States, regardless of where the vessel might be, the jurisdiction was in the United States courts.

Mr. HEYBURN. It arose out of the question of a vessel weaving backward and forward—the question of the necessity of the definite location of the vessel.

Mr. BACON. I am not speaking of the question of location.

Mr. HEYBURN. I will send for the case, and see whether it was a war vessel.

Mr. BACON. Of course the question as to the particular situs of the vessel at the time of the commission of the crime is altogether a different question from the one which I raised as to the jurisdiction of United States courts of a crime committed upon a war vessel, regardless of the situs.

Mr. SUTHERLAND. If the Senator will permit me, I wish to call his attention to one thing he said. I understand him to say that, in his opinion, if the United States has jurisdiction over a public building, it ought also to have jurisdiction over its war vessels.

Mr. BACON. Of course I understand in the case of public buildings it is controlled by constitutional provision.

Mr. SUTHERLAND. Yes; it is.

Mr. BACON. But I say the same principle, it seems to me, which induced them to incorporate that provision in the Constitution should induce us to incorporate a similar provision in the statute as applied to war vessels.

Mr. SUTHERLAND. But the United States has jurisdiction over a public building, not because it is a public building of the United States, but because the State has ceded its jurisdiction to the Government of the United States. For example, the United States Government——

Mr. BACON. It is because the Constitution requires that to such buildings the jurisdiction of the United States shall attach.

Mr. SUTHERLAND. Suppose there was no constitutional provision at all on the subject?

Mr. BACON. That would be a different thing altogether.

Mr. SUTHERLAND. Yes.

Mr. BACON. But the proposition I make, if the Senator will pardon me, is that the same principle that induced the framers of the Constitution to provide that when in a public building of the United States a crime was committed, jurisdiction should attach to the United States courts, would, it seems to me, constrain us in framing a statute which should prescribe the jurisdiction in the case of a crime upon a war vessel, also to give the jurisdiction to the United States court. It is simply an analogy.

Mr. SUTHERLAND. If I understand the Senator, then, he means to say that if it was wise for the makers of the Constitution to provide that the United States should have exclusive jurisdiction over a public building within a State when it had been ceded by the State government, it would also be wise to provide for the same sort of jurisdiction over a war vessel. But in the one case there is a constitutional provision and in the other there is not. In the case of a public building the Government has jurisdiction, not because of the character of the building, not because of the ownership, but it rests upon the proposition that the State under the Constitution has ceded its authority and its jurisdiction to the United States. In the case of a war vessel it is simply property owned by the United States which happens temporarily to be within a State and over which the State has not ceded its jurisdiction.

I can not see that it differs in principle from a case where the Government of the United States might own a car—a mail car, for example—it might own the whole thing; it might be the property of the United States, under the control of its offi-

cers, carrying its property. If that mail car happened to be within the limits of a State and an offense was committed upon it which did not violate some provision of the law which dealt with a crime against the sovereignty of the United States, it would be an offense under the jurisdiction of the State and not of the Federal Government, because it does not come within any class mentioned in the Constitution over which the State has ceded jurisdiction. So, it seems to me, it makes no difference whether the vessel is one owned by the United States or one owned by a citizen of the United States; that when it is upon the high seas, upon the waters out of the jurisdiction of the State, the United States has jurisdiction over it; when it is within the limits of a State, then the State has exclusive jurisdiction over any offense that is committed upon it.

Mr. HEYBURN. I have before me the case of The United States *v.* Holmes, in which the decision was rendered by Mr. Justice Washington in 1820, before the act of 1825 was passed. It was rendered under the act of 1790:

> The courts of the United States have jurisdiction under the act of the 30th of April, 1790, chapter 36, of murder or robbery committed on the high seas, although not committed on board a vessel belonging to citizens of the United States, as if she had no national character, but was held by pirates or persons not lawfully sailing under the flag of any foreign nation.
>
> In the same case and under the same act, if the offense be committed on board of a foreign vessel by a citizen of the United States, or on board a vessel of the United States by a foreigner, or by a citizen or foreigner on board of a piratical vessel, the offense is equally cognizable by the courts of the United States.
>
> It makes no difference in such a case and under the same act whether the offense was committed on board of a vessel or in the sea, as by throwing the deceased overboard and drowning him, or by shooting him when in the sea, though he was not thrown overboard. (The United States *v.* Holmes et al., United States Supreme Court Reports, vol. 18, p. 412, 5 Wheat., February term, 1820.)

That was a case which grew out of an act of piracy. It is not the case I had in mind.

Mr. BACON. As I understand the Senator, there is possibly no case where there has been an adjudication by a circuit court of the United States or the Supreme Court of the United States distinctly on the point whether the jurisdiction attaches to the United States in the case of a crime committed on a war vessel.

Mr. HEYBURN. There is no case in the Supreme Court of the United States. I will read the constitutional provision, so that it will appear in the RECORD.

Section 8, Article I, of the Constitution provides:

> The Congress shall have power * * * to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

That is the limit of the constitutional power given to Congress to legislate in regard to crimes, except that contained in a subsequent paragraph, which I will read:

> The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings—

And—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

That is the limit of the power of Congress to legislate in regard to criminal offenses, so far as territorial jurisdiction is concerned. Of course, it is not a limitation so far as the character of offenses is concerned, except as to territorial jurisdiction.

If the attendance of the Senate was larger than it is, I would feel that we might perhaps take up the consideration of the amendment of this law, but I suggest to the Senator from Georgia that we should not undertake at this time to change existing law, either by amending the report of the committee or the existing law.

Mr. BACON. I quite agree with the Senator that under present conditions it would not be practicable to do so.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, and read as follows:

> SEC. 275. Whoever shall commit the crime of rape shall suffer death.
>
> SEC. 276. [Whoever shall carnally and unlawfully know any female under the age of 16 years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years.]
>
> SEC. 277. Every master, officer, seaman, or other person employed on board of any American vessel, who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be *fined* not more than $1,000, or imprisoned not more than *one year, or* both; but subsequent intermarriage of the parties may be pleaded in bar of conviction.
>
> SEC. 278. [When a person is convicted *of a violation* of the section *last* preceding, the court may, in its discretion, direct *that* the amount of the fine, when *paid*, be paid for the use of the female seduced, or her child, if she have any; *but* no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port *of its destination.*]
>
> SEC. 279. [Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be *fined* not more than $10,000, or *imprisoned* not more than ten years, or both: *Provided*, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be *fined not more than $10,000, or imprisoned* not more than ten years, or *both.*]

Mr. BACON. I notice in the hasty reading, which I have been able to give of the existing law, while at the same time trying to follow the reading of the Clerk, that the Committee on Revision has left out the designation, which is now found in the existing law, as to that offense. It is designated in the existing law as manslaughter. The committee, I have no doubt, were wise in their conclusion, but I should like to know the reason why they changed the phraseology to that extent.

Mr. HEYBURN. The committee has divided manslaughter into two degrees. So it seemed that in the interest of simplicity and concise expression it was better to leave the section stand so that it would cover either class and avoid the necessity of practically repeating the entire section twice in order to cover the distinction between manslaughter in the first and second degrees, which the committee has reported, and which has already been passed. That is the reason.

Mr. BACON. If a party is to be indicted under this law, what is the designation of the offense with which he is charged?

Mr. HEYBURN. The designation of the offense would be a statement of the facts as to the act he had committed, and if it came within the provisions of this statute that would be sufficient:

> Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed.

You would allege in the indictment that the captain, for instance, had been guilty of misconduct, negligence, and inattention, and by reason thereof the occurrence had happened. That is the usual manner of stating the description of offenses where the offense has no name. There are a very large number of offenses in the statutes now that have no names, and the offense goes simply by its description rather than by its designation by name. It is not unusual at all.

Mr. BACON. I think the Senator will find in a body of laws where that course is pursued there is some general provision of law that wherever an offense is not otherwise designated it shall be termed a misdemeanor.

Mr. HEYBURN. We have such a general provision here.

Mr. BACON. If there is such a general provision, a party could be indicted under that and then the specification could follow.

Mr. HEYBURN. Yes. I did not understand the Senator's remarks to be directed to that phase of it.

Mr. BACON. Yes; they were.

Mr. HEYBURN. There is a general provision which applies to all parts of the code as reported, by which the grade or degree of any offense may be measured.

Mr. BACON. And the party can be so indicted?

Mr. HEYBURN. Yes.

Mr. BACON. I think that is entirely sufficient.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, and read as follows:

> SEC. 280. [Whoever, with intent to maim or disfigure, shall cut, *bite*, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out *or destroy* an eye, or cut off or disable *a* limb or *any* member of *another* person; *or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever,* shall be fined not more than $1,000 *or* imprisoned not more than seven years, *or both.*]

Mr. HEYBURN. I will say that we have simply enlarged that section to meet conditions now existing which did not exist within the contemplation of the original act.

The Secretary resumed the reading of the bill, and read as follows:

> SEC. 281. [*Whoever, by force and violence, or by putting in fear, shall feloniously take from the person of another anything of value, shall be imprisoned not more than fifteen years.*]

SEC. 282. Whoever shall willfully and maliciously *set fire to*, burn, *or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy*, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall *be imprisoned not more than twenty years.*

SEC. 283. [Whoever shall maliciously set fire to, burn, *or attempt to burn, or by any means destroy or injure*, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable not parcel of a dwelling house, or any other building not mentioned in *the* section *last preceding*, or any vessel built, building, or *undergoing* repair, or any light-house, or beacon, or any *machinery*, timber, cables, rigging, or other materials *or appliances* for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than $5,000 and imprisoned not more than *twenty* years.]

SEC. 284. Whoever shall take and carry away, with intent to steal or purloin, any personal *property* of another, shall be punished *as follows: If the property taken is of a value exceeding $50, or is taken from the person of another, by a fine of not more than $10,000 or imprisonment for not more than ten years, or both; in all other cases*, by a fine of not more than $1,000, or by imprisonment not more than one year, or both. *If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.*

Mr. KEAN. Will the Senator explain the last section read?

Mr. HEYBURN. I will do so. This section conforms to the law of the large majority of the States in dividing larceny into two classes and grading the punishment accordingly. The amendments, I think, are self-explanatory.

Mr. KEAN. Can the Senator state to which States it applies?

Mr. HEYBURN. By taking the data that was before the committee I could refer the Senator to each State to which it applies. I would say that the committee had before it reference to the laws of the several States in regard to this class of offenses. It is obvious to those familiar with the law that this offense may be of an exceedingly grave nature or a very trivial nature, and the distinction which is made in the section is one that would appeal to the courts as between the more grave offense and the offense of lesser gravity.

I do not know that any further explanation could be made. It is a section which deals with existing law. It is based upon an existing statute which provides for the punishment of some offenses, except that it makes no distinction between a very grave offense and a more moderate form of the offense.

Mr. KEAN. I would suggest that it is a pretty important change.

Mr. HEYBURN. There are a great many important changes here—that is to say, if we call them changes. I call the Senator's attention specifically, however, since it attracts his attention, to the first half of section 284, which is as follows:

Whoever shall take and carry away, with intent to steal or purloin, any personal *property* of another, shall be punished *as follows: If the property taken is of a value exceeding $50, or is taken from the person of another, by a fine of not more than $10,000 or imprisonment for not more than ten years, or both; in all other cases*, by a fine of not more than $1,000, or by imprisonment not more than one year, or both.

It is a distinction that has been common to larceny and such offenses in all the States, I think, from the very early days in the history of this country.

The only new provision contained in the section is the following:

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

In other words, it fixes a standard by which the grade of the offense may be determined, where the offense consisted in taking something that had an uncertain value. It might have a face value that would bring it within the graver class of offenses, and it might really be worth nothing.

Mr. KEAN. Is not that what it does? Does it not fix the face value as the value of the debt?

Mr. HEYBURN. No; it says the amount that "might be collected thereon:"

If the property stolen consists of any evidence of debt, etc., or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

If the Senator has a more equitable rule than that to suggest, the committee would be glad to have it.

Mr. KEAN. I ask if a person should steal a million shares of mining stock of the value of 25 cents each or 10 cents each, would the nominal par value of the stock be the degree of his guilt?

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I think in that case it would not. That would be tested by the provision in lines 21 and 22, "the value of the property the title to which is shown thereby." The rule stated in the italicized portion of the section is one which is to be found, I think, in nearly every State in the Union, and it was framed in those various States in order to get rid of the rule of the common law on the subject.

At common law when a man was indicted for having stolen a written instrument the value which the common law attached to it was the intrinsic value of the paper, which was merely nominal, and it was a very unjust rule. That rule of the common law has been modified by statute in England, and it has been modified by, I think, the statutes of nearly every State in the Union.

The old statute, of which this is a paraphrase, was enacted in April, 1790, and there has been no change made since that time. It was the purpose of many of the changes made by the committee, and this is one of them, to modernize laws which were passed more than a hundred years ago.

The Secretary resumed the reading of the bill, as follows:

SEC. 285. Whoever shall buy, receive, or conceal any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, *or embezzled*, from any other person, knowing the same to have been *so* taken, stolen, *or embezzled*, shall be *fined* not more than $1,000 and *imprisoned* not more than three years; *and such person may be tried either before or after the conviction of the principal offender.*

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment;* and *every* such State, *Territorial, or District* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*]

Mr. KEAN. I will ask the Senator from Idaho to explain the section.

Mr. HEYBURN. This is one of the most difficult sections in the revision, I am free to say, and I reserved the right, when the committee finally considered it, to criticise it and amend it. It is existing law in substance, but it attempts to engraft on Federal law the statutes of the State without reciting them, without showing what they are, and it provides that they shall remain engrafted as a part of the Federal law even though the State repeals them.

That is existing law. In my judgment it should not be law. There is very grave doubt in my mind whether, the question being presented to the highest court in the land, that class of legislation would be sustained. But as late as 1898 the provisions of the act of 1825, which went only a part of the way, were enlarged, so that to-day that is the law upon the statute books and the committee were very loath, under the general principle by which they were guided, to propose any change in a law so recently enacted that had received the consideration of the Committees on the Judiciary of the two Houses of Congress, many members of which are still Members of the respective bodies.

I could not pass this section without calling the attention of the Senate to the anomalous class of legislation which the section represents. At the time of the enactment of the section originally every section of the law of any State was engrafted upon the laws of the United States and it was limited to the laws then in existence of the States. There was a very serious controversy over the act of 1825 for many years in the courts, and it was held that it did not apply to any law that was passed subsequent to the enactment of the act of 1825.

Then, again, in 1898, when the provisions of the act were enlarged, it was held that it simply included the laws passed between 1825 and 1898 as being within the scope of this indefinite legislation, laws written in small characters high upon the pillars of the temple.

The courts hold that the provisions of the act of 1898 do not apply to any legislation by a State subsequent to that date. So in the United States courts the laws of the States that were in existence at the time of the passage of the act of 1898 are a part of the statutory laws of the United States. Congress never considers the wisdom of them, no committee of Congress ever passes upon or even reads or has called to its attention these laws that it adopts without specific reference, and it merely makes the laws of a State enforceable in a United States court without ever knowing what those laws are. In my judgment, which is evidently opposed by the wisdom of the courts and of the legislature, that is not a correct or safe system upon which to establish law in any country.

Mr. President, if we enact the provisions of this code as reported by the Commission we will do what was done in 1898. We will make the laws of the States at the hour of the enact-

ment of this code a part of the laws of the United States, enforceable in the courts of the United States, and a law that is enacted the next day by the legislature of any State will not be a part of the laws of the United States or enforceable in the courts of the United States. It will become necessary, if we adopt this provision, to reenact it every year in order that the courts of the United States may enforce the laws of the States up to date.

The difficulty arises out of the fact that we can only adopt the laws which are in existence. If we were to attempt to do more it would be in the nature of the delegation of authority to the States to legislate for and on behalf of the United States and thereby establish a rule for the courts to follow. The courts have held that Congress might adopt the laws in existence by reference in general terms, but could not adopt the laws that might be enacted by the States an hour after the passage of the act of Congress.

It is an anomalous condition. I admit the necessity for some legislation upon this subject. I think that the legislation which has been enacted to which I have just referred (and I say it without any disrespect to the legislative bodies that have gone before) has been in the interest of saving themselves trouble. There is no good reason why various acts of the various States could not be selected and referred to in express terms and incorporated in the legislation applicable to the Federal courts. It would require a complete consideration of the laws of the several States, and that they should be in specific terms incorporated into the Federal law.

I think it was only right to call the attention of the Senate to the character of this legislation, having reserved the right so to do at the time it was adopted by the committee.

Mr. BACON and Mr. SUTHERLAND addressed the Chair.

Mr. BACON. I will yield to the Senator from Utah, but I wish to make some remarks a little later.

Mr. SUTHERLAND. Mr. President, this is one of the very few matters about which the Senator from Idaho, my colleague on the committee, and myself disagree. I think not only the legislation is constitutional, but I think it is wise and proper legislation. Indeed, I do not know of any other practical way in which this question can be dealt with. To attempt to provide by special enactment for all of the various offenses which are offenses under the laws of the forty-six different States would involve a criminal code exceeding in bulk all of the Revised Statutes of the United States.

This section simply reads into the Federal law the provisions of the laws of each State and applies them to the particular places under the exclusive jurisdiction of the United States within that particular State. There may be in some of the States offenses which are peculiar to those States and which are not recognized in other States. We are dealing with forty-six different States. We can not undertake to search out the peculiar conditions in each of the States and provide by a vast and comprehensive system of law to cover every one of those offenses, and yet the offenses ought not to go unpunished because they happen to be committed in a post-office building in the exclusive jurisdiction of the United States. For example, a man in the city of Chicago, upon one of the streets of Chicago, in one of the hotels of Chicago, commits an offense which is punishable under the law of the State of Illinois. If we do not have this particular provision upon the Federal statute books, and he happens at that time to have been in the post-office building, he goes absolutely unpunished.

I do not see any other practical way by which we can deal with this question, because certainly it would not be a good condition of affairs if an offense considered by the State to be worthy of punishment when committed in a hotel building should not be punished when committed in a public building of the United States.

It is true that this law applies only to the laws which are in force at the time it is passed, because we would not have the power to make it apply, even if it were wise, to laws subsequently passed. To undertake to do so would be an unlawful delegation to the legislatures of the various States of the legislative authority which belongs to Congress.

I do not know of any authority which has ever questioned the validity of the legislation. There have been numerous prosecutions under the provision. I have here a comparatively recent case reported in 122 Federal Reporter, the case of The United States *v.* Tucker, which was brought under this provision of the law, and no question was made either by counsel or by the court as to the validity or the wisdom of the legislation which was enforced in that case.

Mr. BACON. What was the character of the offense?

Mr. SUTHERLAND. I do not just recall the character of it.

Mr. BACON. It is not material.

Mr. SUTHERLAND. No. The syllabus does not disclose the character of the offense. Congress began to pass this legislation as early as March 3, 1825. It was repeated April 5, 1886, and again repeated July 7, 1898. It does not appear from 1825 down to the present day that anybody has questioned either the validity or the wisdom of the law, and I do not think that at this late date Congress, and particularly this committee, ought to undertake to change it.

Mr. BACON. Mr. President, I confess that it is a question not free from difficulty in my mind. The act of 1898 I suppose I ought to be familiar with, as I think I was on the Judiciary Committee at that time, but I do not recall it. Much that the Senator from Utah [Mr. SUTHERLAND] has said, I myself had it in my mind, less perfectly, to say. There are very grave reasons why there should be some such legislation. At the same time I see very great difficulties in making the legislation effective and many difficulties in entirely justifying it, some of which have already been very forcibly suggested by the Senator from Idaho.

By way of illustration, to show the necessity for it, taking the case of a prohibition State, where the sale of liquors is prohibited in any part of the State: If there is to be no such legislation as this, in every public building or in every park which surrounds a public building there could very easily be established any number of illicit concerns, and even if there were no buildings there could be illicit transactions in the sale of whisky, and it would be resorted to for that purpose, because it would be without the jurisdiction of the State, and at the same time there would be no means by which it could be punished by the United States.

Mr. SUTHERLAND. If the Senator will permit me right there, I think his illustration bears out precisely what I have said—that there are in States offenses peculiar to the particular States, and if Congress were to undertake to pass a law of general application, it would be appropriate in some States and wholly inappropriate in others.

Mr. BACON. At the same time I confess there comes up a difficulty as to the compliance of Congress in that particular with the obligation to make the laws of uniform operation. Of course we recognize that all laws should be uniform, and especially all criminal laws. The question naturally arises as to whether that obligation can be evaded by the adoption of statutes which shall be different in different States rather than directly legislate ourselves for different States. It is a very troublesome question.

Another difficulty which arises is this: As I understand the learned Senator—I have not myself had the opportunity to examine the decisions in this regard—a statute of this kind can only be made effective as to legislation of States which has preceded the adoption of this statute. Am I correct in that?

Mr. SUTHERLAND. That is my understanding of the situation.

Mr. BACON. Very well. Now, the Senators will easily perceive the one great end to be accomplished by this legislation. Even if it is not open to the objection of the want of uniformity, necessarily it is very incomplete in its operation by reason of the fact that there are constant changes being made in the legislation of the different States, which are just as important, under the view presented by the Senator from Utah, to be enforced as legislation, which precedes the adoption of this particular statute.

Mr. HEYBURN. Mr. President, if I may be pardoned for interrupting the Senator from Georgia——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. One objection which has impressed itself on my mind is that after a State, in the light of the wisdom which it gathers from time to time, shall repeal a law because it is obnoxious to the sense of its people, the United States, within that same jurisdiction, goes on enforcing that law.

Mr. BACON. Has that also been determined by the courts?

Mr. HEYBURN. That is the practice, and that is the provision of this section, which was one of the strong objections that I have always urged. In the law passed in 1825 we adopted the State legislation up to that time. Now, as late as 1877, the year before the passage of the last act, the United States courts were enforcing State statutes that had been obsolete since or repealed twenty, thirty, forty, or fifty years. It strikes me that that is very inconsistent with the correct administration of justice.

Mr. BACON. Mr. President, this is a very difficult question and I think we had better let this section lie over for the purpose of seeing if we can not arrange it in some way. On this

matter of prohibition something must be done, if it is within the jurisdiction and power of legislation to accomplish it. I think there ought to be a specific provision prohibiting the sale of liquors, distilled, fermented, or otherwise, in any jurisdiction of the United States included within a State where there has been a prohibition of the sale of such liquors by the State, and a specific penalty provided by the United States, and not trust to the possibility of the statute itself being sufficient when referring to penalties prescribed in the statute.

Mr. HEYBURN. Mr. President, I have very much sympathy with the Senator's purpose, as expressed by him, to protect States against a violation of their local laws through the medium of the General Government itself; but I should think that such legislation should be introduced and go to the proper committee in the ordinary process of legislation rather than attempt to incorporate it upon this criminal code.

I should like, if the Senator will pardon me for a further interruption——

Mr. BACON. Certainly.

Mr. HEYBURN. To suggest that this section under consideration, while it pertains to the administration of the criminal laws, is merely in the nature of an administrative provision, and I think we should do no harm if we should refer this section to the standing Committee on the Judiciary of the Senate and allow them to consider it and report such separate action as they might deem wise; or, if they report in time, before the final disposition of this code, then the result of their wisdom might be incorporated into this criminal code. It is, however, not very material whether they reach a conclusion in time to incorporate it in the criminal code or not, because it is really an administrative provision.

Mr. BACON. Mr. President, I think it is very important that, if any change shall be made, it shall be made in the enactment of this revised penal code. We know how difficult it is to get legislation through Congress, unless it is some matter in which there is a general interest, or unless it is something connected with the operation of the Government. A very slight obstruction can defeat any legislation. I am perfectly willing, if the Senators so desire, that there shall be a reference of this section to the Judiciary Committee, with instructions to report either that section as it stands or such amendments as they may see fit to suggest or recommend. Something ought to be done about it.

Mr. HEYBURN (in his seat). Pass it over.

Mr. BACON. It is an important matter and it should be determined whether this statute is sufficient legislation, or whether additional legislation is required in order to make valid the legislation of States as to subjects-matter not covered by the general legislation of the United States.

Mr. GALLINGER. Mr. President——

Mr. BACON. If the Senator prefers——

Mr. GALLINGER. I will not interrupt the Senator if he desires to go on.

Mr. BACON. I yield to the Senator from New Hampshire with pleasure.

Mr. GALLINGER. I was simply going to inquire of the Senator if I am correct in the assumption that this very subject is now before the Committee on the Judiciary in another form?

Mr. BACON. No; I think not. The matter which is now before the Judiciary Committee is one which relates entirely to interstate commerce—the transportation of liquors into one State from another State. That, the Senator from New Hampshire will recognize, is an entirely different subject from this; which is a proposition to protect a State against the violation of the laws of that State within the reserved jurisdiction of the United States in public buildings and grounds and things of that kind. It is absolutely a different principle.

Mr. GALLINGER. It is.

Mr. BACON. And a different provision would be required.

Mr. GALLINGER. If the Senator from Georgia will permit me, I quite agree with him that if it is possible to legislate on this subject, we ought to have legislation.

Mr. BACON. Well, it is possible, and it must be possible in the nature of things.

Mr. GALLINGER. Mr. President, it is a crying evil as the matter stands to-day, that in prohibition territory the people are not protected; that to-day liquor is sent into such territory and the intent or the will of the people is really overridden in that way. I hope the Senator will exert his great influence to secure, either in this penal code or in some other way, legislation that will be effective.

Mr. BACON. Mr. President, I quite agree with the learned Senator from New Hampshire [Mr. GALLINGER], but I do not think that the suggestion of the Senator from Idaho [Mr. HEYBURN], which I overheard—it being sotto voce—that it be passed over would be satisfactory at this time. I do not think it is sufficient to pass it over unless we first determine whether we are going to act on it or whether we are going to ask the Judiciary Committee to examine it before we act. If the latter course is to be adopted, it is important that the subject should be referred at once, in order that the report of the committee may come in and that the Senate may have the benefit of it before we finally enact this penal code.

Mr. HEYBURN. Mr. President, I intended to move that it be referred to the committee, but I did not want to take the chances of having the question of a quorum raised should it come to a vote.

Mr. BACON. Oh, no; there is no danger of that.

Mr. HEYBURN. Of course there is a very slight attendance now. If there be no yea-and-nay vote called for, then I will move now that the section be referred to the standing Committee on the Judiciary of the Senate, with the request that the committee report as early as possible either this section or some section covering this question.

Mr. BACON. Either the section as it stands or with amendments.

Mr. HEYBURN. But if there is going to be any question or a roll call, I will not make that motion.

Mr. KEAN. What do I understand to be the motion of the Senator from Idaho, Mr. President?

The VICE-PRESIDENT. The Senator from Idaho moves that section 286 be referred to the Committee on the Judiciary.

Mr. KEAN. I ask the Secretary to kindly report that section.

The VICE-PRESIDENT. The Secretary will read the section at the request of the Senator from New Jersey.

The Secretary read as follows:

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment;* and *every* such State, *Territorial, or District* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*]

Mr. KEAN. Does the Senator from Idaho propose to commit that part of the bill to the Committee on the Judiciary?

Mr. HEYBURN. Yes. I will inquire of the Senator from New Jersey if he has been present during the statement of the reasons upon which this motion was made? I have not observed his presence in the Chamber, and I do not know whether or not he has been present.

Mr. KEAN. I do not know that I am very clear as to the reasons why the section should be referred.

Mr. HEYBURN. It has been discussed at some length. The reasons have been given which involve the question of the right of Congress to adopt by reference the laws of a State and also the inconvenience of the United States courts being required to enforce the laws of a State oftentimes long after the State has repealed them.

This section provides for the enforcement by the United States courts of the laws of the State in existence at the date of the passage of the act, giving them no right to recognize the subsequent repeal of the act, making it necessary to reenact this section. Should we adopt it, as I have suggested, it would result in the United States courts enforcing laws that are not written in the United States statutes.

It is rather a large question, and it has been under discussion for nearly an hour. In order that the question might be considered by the Judiciary Committee, a standing committee of the Senate, I moved to refer that section to that committee. That would in no way interfere with the progress of the consideration of this code, because the section is really in the nature of an administrative provision. In any event, it is suggested that the standing Committee on the Judiciary will be able to report either this section or some substitute for it before it will become necessary for the Senate to finally act upon it.

Mr. KEAN. A substitute for this section?

Mr. HEYBURN. They can either report this section or a substitute for it, or such amendment to it as it may be deemed wise by them to do.

Mr. SUTHERLAND. Mr. President, before that motion is put I merely want to make a suggestion.

The clause of the law which provides that notwithstanding the subsequent repeal or amendment of the State law it shall continue in force under this section has been criticised. I do not see that Congress could do anything else than to make that provision, because, if we permit a State to repeal a law which

we have put into operation by this section, then we are permitting the State to legislate, for to repeal a law is to legislate, and we have no authority to do that. While the section may be criticised, Senators have not pointed out any way in which the difficulty can be obviated.

Besides, a repeal may take place without getting rid of the substance of the law. Every time the statutes of a State are revised the old statutes are repealed, although the essential principles of them may be continued in force. Certainly we do not want to provide for any result of that kind, which, by a repeal in the nature of substituting new law of the same character, the old law will be absolutely swept out of existence. So there are two reasons why we are obliged to retain that section. First, because to take it out of the statute would result in conferring upon the States the right to legislate, for when we say that a State may repeal one of the laws which we have adopted it is to authorize it to make law for us in the future. So that, as it seems to me, there is no other way in which this subject can be approached from the practical standpoint.

Mr. BACON. I would ask the Senator, if he will pardon me——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I would like to ask the Senator whether, in his opinion, it would be within the competency of Congress to enact a statute that in every State where there is a prohibition against the sale of liquor it shall be unlawful on any of the United States reservations, such as court-houses, post-offices, and so forth, within that State for anyone to sell liquor, and to fix a penalty by the United States for the violation thereof? Does the Senator think we could enact a statute directed to that effect? If we could, I am in favor of the enactment of it, rather than to take the risk of the present section.

Mr. SUTHERLAND. Perhaps I do not quite catch the point of the Senator's inquiry.

Mr. BACON. I will repeat it.

Mr. SUTHERLAND. Does the Senator ask me whether it would be within the power of the State to pass such a law?

Mr. BACON. Oh, no.

Mr. SUTHERLAND. I did not think that was the question.

Mr. BACON. No; I do not think anyone would ask that question.

Mr. SUTHERLAND. I myself did not understand it that way, but others did. I think that it is within the power of Congress to pass a law providing that where it is an offense under a State law to sell liquor within the limits of the State it shall be an offense to sell liquor upon any property within the exclusive jurisdiction of the United States in that State.

Mr. BACON. Does the Senator think that would be competent?

Mr. SUTHERLAND. I do not see any reason why it would not be. Of course, the Senator is asking a pretty large question,

Mr. BACON. The reason I ask it is, if it should be deemed competent, I would desire the committee to report a proper amendment. If the committee does not desire to do so, I would myself offer an amendment to that effect, because it is an absolutely unbearable proposition that in a State where the sale of liquor has been excluded, upon every Government reservation in the State, in every post-office, court-house, or public building of any kind, there should be the privilege and the opportunity to violate the State law and set up the sale of liquors within those reservations. It is incumbent upon Congress, if there is any possibility of the enactment of a law which will effectually prevent that State of affairs, to enact a law of that kind.

Mr. SUTHERLAND. Mr. President, I entirely agree with the Senator, and I think that that very thing is accomplished by the section now under consideration.

Mr. BACON. I would suggest that, unless there may be a law now to that effect, there ought to be some general provision about the sale of liquors within reservations of the United States regardless of whether or not the reservation is within a prohibition State.

Mr. SUTHERLAND. Let me read just a line or two of the section to the Senator.

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act—*

Those are the places within the exclusive jurisdiction of the United States, like post-office buildings, and so on—

Shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.

Mr. BACON. There is no doubt——

Mr. SUTHERLAND. Does not that cover in precise terms what the Senator desires with reference to this specific offense?

Mr. BACON. It undoubtedly covers it, Mr. President; but the Senator certainly does not lose sight of the fact that, according to the decisions of the courts to which he himself has alluded, if the law, for instance, against the sale of liquors in a State was not in existence at the time of the passage of this statute, but should afterwards be enacted, then this statute would be ineffective to accomplish the purpose.

Mr. SUTHERLAND. That is quite true, Mr. President, and I do not know any way in which that particular trouble can be obviated.

Mr. BACON. It can be obviated if such a statute as I suggest can be enacted.

Mr. SUTHERLAND. Mr. President, I do not think we can go any further in providing for a specific offense than we have gone in the section covering the general subject of all offenses. We have provided here that the laws in force at the time of the passage of this law are adopted as the laws of the United States. If we were to pass a specific law with reference to this particular offense, we could only say that where the law of a State now provides that it shall be illegal to sell liquor within the limits of the State, then any person who sells liquor contrary to the terms of that law shall be deemed guilty of an offense against the law of the United States. I do not see that we could go any further with a specific law with reference to that offense than we have gone in this general section; and I think it covers the precise subject to which the Senator has alluded.

There is just one other suggestion that I was going to make with reference to this matter. The Code Commission, I think, reported 174 new offenses. The committee have adopted only about ten or twelve of them. If the Commission were to undertake to cover the whole field of criminal jurisprudence, those 174 cases would be multiplied many times. They would be undertaking a tremendous task, and they would get a body of law which, in many instances, would be entirely appropriate to some sections of the country, but would be entirely inappropriate to other sections of the country. I think it is very appropriate that, except with reference to the graver offenses which we have defined, where an offense is made punishable by the law of a State the same law and the same punishment should apply when the act defined by the law is committed within a place under the exclusive jurisdiction of the United States, but within the State. The citizen of the State then has his own local laws to look to. He is familiar with all those and familiar with the conditions, and is not driven to go to the laws of the United States as well as the laws of his State with reference to all these minor offenses.

The VICE-PRESIDENT. Will the Senator from Idaho kindly restate his motion?

Mr. HEYBURN. The motion was that section 286 as reported by the committee be referred to the Committee on the Judiciary of the Senate for their consideration and report.

Mr. BACON. Mr. President, I am not sure that that is an advisable course to pursue. We have at last got to thrash it out in the Senate. Attention has been called to it, and possibly between now and the time when we will take this up for future consideration there may be some better matured ideas upon the subject, at least on the part of some of us. It might be well to withhold that motion at least until we next meet.

Mr. HEYBURN. Let us pass over the section, then.

Mr. BACON. Very well.

The VICE-PRESIDENT. The Senator from Idaho withdraws his motion, and asks that the section be passed over. In the absence of objection, it is so ordered.

Mr. KEAN. I suggest to the Senator from Idaho, Mr. President, that it is now after 4 o'clock.

Mr. HEYBURN. Mr. President, I should like very much to have the consideration of the bill continued for half an hour. We are now approaching the end of the bill, and I think probably in half an hour we will have disposed of everything except the sections objected to. It will be necessary for me to be absent from the Senate to-morrow and the next day—an unavoidable absence—and, if it is within the rules of the Senate, it is my intention before we adjourn to-day to ask that the unfinished business be laid aside until 2 o'clock on Friday. I am not quite sure that that is within the rules. If it is, I shall ask it. I would like very much, if it will not inconvenience the Senator from New Jersey, to proceed with the consideration of the sections unobjected to of this bill for half an hour.

Mr. KEAN. The Senator need not consider that it will inconvenience the Senator from New Jersey, for it will not inconvenience him at all to go on with the bill; but numerous other

Senators have asked me if I would not kindly ask the Senator from Idaho to cease now and let the Senate adjourn. It is not on account of the Senator from New Jersey, who can stay here just as long as can the Senator from Idaho.

Mr. HEYBURN. If Senators who are present are tired of the consideration of the bill, that would be one thing. If it is those who are not present, it is another thing.

Mr. President, the presentation of this matter is not a labor of love, and those of us who have given our time to it and are willing to continue to do so, it seems to me might be indulged in the process of self-immolation here going on.

Mr. CLAY. Mr. President, I suggest to the Senator that we have been going too rapidly with this bill, anyway. We have been on it four or five days, and we will probably enact into legislation criminal laws that Congress ought to consume about three months in considering.

The VICE-PRESIDENT. Without objection, the Secretary will resume the reading.

Mr. KEAN. Mr. President, I think that we had better desist now.

Mr. HEYBURN. Mr. President, I ask that the reading continue.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. KEAN. I ask the Senator from Idaho if he will not lay aside his bill now?

Mr. HEYBURN. I can not consent to do so.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER TWELVE.

PIRACY AND OTHER OFFENSES UPON THE SEAS.

SEC. 287. Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

Mr. KEAN. Mr. President, I think this is the beginning of a new chapter. It is a good place to stop for the evening, and so I move that the Senate adjourn.

Mr. HEYBURN. Mr. President——

Mr. KEAN. I withhold the motion for a moment.

Mr. HEYBURN. To make a motion of that kind without laying aside the unfinished business is manifestly not fair.

Mr. KEAN. I do not wish to make it without laying aside the unfinished business.

The VICE-PRESIDENT. The Chair would state that the motion to adjourn is not debatable.

Mr. LODGE. Mr. President, I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator will state his parliamentary question.

Mr. LODGE. A motion to adjourn does not displace the unfinished business.

The VICE-PRESIDENT. In the opinion of the Chair it does not. It holds its place as the unfinished business.

Mr. HEYBURN. Can a motion to adjourn be made while a Senator holds the floor? I had the floor.

The VICE-PRESIDENT. The Chair understood that the Secretary was reading, and that no Senator had the floor.

Mr. HEYBURN. I think I had the floor, but, of course, the Chair determines whether I have the floor or not.

The VICE-PRESIDENT. The Chair will state that the bill before the Senate, which is the unfinished business, would not be displaced by a motion to adjourn.

Mr. HEYBURN. That is not sufficient, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from New Jersey.

Mr. KEAN. I withhold the motion.

The VICE-PRESIDENT. The Senator from New Jersey withholds his motion.

Mr. HEYBURN. Mr. President, if I am to have charge of the unfinished business, there is some consideration that will have to be given to the convenience of the committee that is before the Senate with its business. I can not consent to be displaced by a motion that is not debatable in the midst of the consideration of this business, or else I can not consent to have charge of this business—one or the other.

As I have said, this is not a desirable task nor a labor of love, and Senators will be called upon to have some consideration for the position the committee occupies in presenting this matter. I desire to say that I shall necessarily be absent from the Senate to-morrow and until some time Friday, and I desire, if it is within the rules of the Senate, that when the unfinished business is laid aside it shall be until 2 o'clock on Friday, to be then the unfinished business.

The VICE-PRESIDENT. The Chair would suggest to the Senator from Idaho that the bill might remain the unfinished business, the understanding being that it shall not be considered before the time mentioned by the Senator.

Mr. HEYBURN. But I think it was held on one occasion that such an understanding would not continue it the unfinished business if other business was taken up. There will be two legislative days between now and Friday, and some measure might be taken up in the regular order or on motion. An order of business taken up on motion would displace the unfinished business.

Mr. BACON. I suggest that the ordinary proceeding is the easy course to pursue—to lay aside the unfinished business temporarily. Then at 2 o'clock on the next day it will come up, and on the request of the Senator from Idaho or some other Senator it can again be temporarily laid aside. It will come up each day at 2 o'clock, and will in that way be disposed of, whereas if the Senator makes the motion he now suggests, and it is agreed to, that the unfinished business be laid aside until a time certain, the Senate may not be in session at that time certain.

Mr. HEYBURN. I realize that difficulty.

Mr. BACON. It seems to me the better course is the ordinary proceeding. When that is done the bill will come up at 2 o'clock on each successive day, and on each successive day the request can be repeated.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. Mr. President, I desire merely to say that it seems to me the method suggested by the Senator from Georgia is the proper one; but if I apprehended correctly what the Senator from Idaho has been saying, it is that he is obliged to be away for two days, and it would be a convenience to him if the Senate could go on with the bill on Friday, and, if an understanding could be had, that we should not adjourn over from Thursday, but would sit on Friday, so as to permit him then to continue the consideration of the bill. It seems to me that that is a courtesy which the Senate is always very willing to accord to any Senator who is compelled to be absent for two days or more.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator From New Jersey?

Mr. HEYBURN. Yes.

Mr. KEAN. I do not think the Senator from Massachusetts ought to ask us to agree at the present time not to adjourn over.

Mr. LODGE. I shall make no such request, but I do not think our adjourning over on Thursday is of the least importance. I do not think it would hurt the Senate if we sat on Friday.

Mr. FRYE. And Saturday, too.

Mr. LODGE. And Saturday, too, if we have business.

Mr. HEYBURN. I suggest to the Senator from Massachusetts that my purpose in laying aside the unfinished business until Friday was in order that it might forestall a motion to adjourn over from Thursday to Monday. I feel that this measure is of such importance that we might make some sacrifice to consider it, and I had it in mind that if the unfinished business was temporarily laid aside until Friday we would find the Senate in session on that day.

Mr. BACON. I hope if the Senator takes that course he will try to see to it that Senators attend the session and that not simply a few of us come here Friday, while four-fifths or nine-tenths of the Senate attends to other business.

Mr. HEYBURN. The first thing we know we will have some appropriation bills before us and we will have a dozen and one things that will keep pushing this important measure on ahead of it, and it is very important that this bill should be disposed of. For that reason I am disposed to resort to any proper parliamentary means in order that it may be disposed of and to keep the Senate in session at all proper times for that purpose.

The VICE-PRESIDENT. What is the request of the Senator from Idaho?

Mr. HEYBBURN. It is, as stated, that the unfinished business be temporarily laid aside and that its consideration be resumed at 2 o'clock on Friday next.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent——

Mr. BACON. No; Mr. President.

The VICE-PRESIDENT. The Chair will state the request. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside, to be resumed at 2 o'clock on Friday next.

Mr. BACON. I may have misunderstood the Senator from

Idaho, but I did not understand him to ask for unanimous consent. I understood him to make a motion.

Mr. HEYBURN. No; I asked unanimous consent.

Mr. BACON. I shall object.

The VICE-PRESIDENT. Objection is made.

Mr. BACON. I shall not object to a motion, and I should vote for such motion, but I shall object to a request for unanimous consent.

Mr. HEYBURN. There are not enough here to determine anything on a motion.

Mr. TELLER. Mr. President, I suggest the lack of a quorum.

The VICE-PRESIDENT. The Senator from Colorado suggests the absence of a quorum. The Secretary will call the roll.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 29, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1908.

INDIAN AGENT.

Thomas W. Lane, of Gannvalley, S. Dak., to be agent for the Indians of the Crow Creek Agency, in South Dakota, vice Harry D. Chamberlain, term expired.

RECEIVER OF PUBLIC MONEYS.

Daniel J. Foley, of California, to be receiver of public moneys at Eureka, Cal., his term having expired December 17, 1907. (Reappointment.)

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 28, 1908.

Isaac M. Meekins to be postmaster at Elizabeth City, in the State of North Carolina.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1908.

INDIAN AGENT.

John R. Howard, of Sauk Center, Minn., to be agent for the Indians of the White Earth Agency, in Minnesota.

PROMOTIONS IN THE NAVY.

Capt. William Swift to be a rear-admiral in the Navy from the 3d day of January, 1908.

Capt. Leavitt C. Logan to be a rear-admiral in the Navy from the 28th day of January, 1908.

Surg. Ralph T. Orvis, who was promoted to surgeon to fill a vacancy occurring March 1, 1905, to take rank as a surgeon from March 3, 1904, to correct the date from which he takes rank, in accordance with the opinion of the Attorney-General dated April 24, 1906.

P. A. Paymaster Arthur M. Pippin to be a paymaster in the Navy from the 22d day of October, 1907.

POSTMASTERS.

DELAWARE.

Charles Clifton Hickman to be postmaster at Lewes, Sussex County, Del.

GEORGIA.

William O. Tift to be postmaster at Tifton, Tift County, Ga.

NEVADA.

Ernest B. Loring to be postmaster at Fairview, Churchill County, Nev.

NEW JERSEY.

Abram J. Drake to be postmaster at Netcong, Morris County, N. J.

NEW MEXICO.

Miguel A. Romero to be postmaster at Estancia, Torrance County, N. Mex.

NEW YORK.

Henry R. Bryan to be postmaster at Hudson, Columbia County, N. Y.

Samuel H. Parsons to be postmaster at East Hampton, Suffolk County, N. Y.

Peter H. Vosburgh to be postmaster at Matteawan, in the county of Dutchess and State of New York.

NORTH CAROLINA.

Eugene Brownlee to be postmaster at Tryon, Polk County, N. C.

James McN. Johnson to be postmaster at Aberdeen, Moore County, N. C.

J. R. Joyce to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina.

L. D. Mendenhall to be postmaster at Randleman, Randolph County, N. C.

Charles F. Smathers to be postmaster at Canton, Haywood County, N. C.

Elisha C. Terry to be postmaster at Hamlet, Richmond County, N. C.

OKLAHOMA.

Dudley B. Buell to be postmaster at Krebs, Pittsburg County, Okla.

SOUTH CAROLINA.

R. C. Gettys to be postmaster at Blacksburg, in the county of Cherokee and State of South Carolina.

Wilmot L. Harris to be postmaster at Charleston, in the county of Charleston and State of South Carolina.

George H. Huggins to be postmaster at Columbia, in the county of Richland and State of South Carolina.

Aaron M. Morris to be postmaster at Pickens, Pickens County, S. C.

Samuel T. Poinier to be postmaster at Spartanburg, Spartanburg County, S. C.

Alonzo D. Webster to be postmaster at Orangeburg, Orangeburg County, S. C.

SOUTH DAKOTA.

James E. Wells to be postmaster at Mitchell, in the county of Davison and State of South Dakota.

TENNESSEE.

John J. Duff to be postmaster at Lenoir City, Loudon County, Tenn.

Lorenzo H. Lasater to be postmaster at Athens, in the county of McMinn and State of Tennessee.

VERMONT.

Mary W. Chase to be postmaster at Derbyline, Orleans County, Vt.

Thomas Mack to be postmaster at Vergennes, Addison County, Vt.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 28, 1908.*

The House met at 12 m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3640. An act to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment;"

S. 536. An act to establish a fish-cultural station in the State of Delaware;

S. 597. An act amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (27 Stat. L., p. 347);

S. 762. An act to establish a fish-cultural station in the State of New Jersey;

S. 819. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians;

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 1824. An act to establish a fish-cultural station in the State of Alabama;

S. 2024. An act to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891;

S. 2328. An act to establish a fish-cultural station in the State of North Carolina;

S. 2424. An act providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City; and

S. 3350. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida.

SECOND HOMESTEAD ENTRIES.

Mr. MONDELL. Mr. Speaker, I desire to submit a conference report, and move its adoption.

The SPEAKER. The Chair understands the gentleman presents this for printing under the rule?

Mr. MONDELL. I desire to call it up.

The SPEAKER. Is it presented now for the first time? Under the rule it would have to be printed and lie over unless it is taken up by unanimous consent.

Mr. MONDELL. Very well.

The SPEAKER. It will be printed in the RECORD.

EXTENSION OF REMARKS.

Mr. FOWLER. Mr. Speaker, I would like to ask unanimous consent to extend my remarks of yesterday in the RECORD and to print as part of my remarks an address which I delivered at Chicago upon this subject.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks of yesterday in the RECORD and print as part of his remarks an address which he made in Chicago upon a similar subject. Is there objection? [After a pause.] The Chair hears none.

COMMITTEE ASSIGNMENT.

The SPEAKER. The Chair announces the following committee assignment.

The Clerk read as follows:

Expenditures in the Navy Department, Mr. LOWDEN.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766—the urgent deficiency appropriation bill; and pending that motion I ask unanimous consent that general debate on the bill be closed in two hours.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that general debate upon the bill be closed in two hours.

Mr. LIVINGSTON. Mr. Speaker, I want to suggest to my colleague on the committee that on this side of the House we have a demand for an hour and twenty minutes of time.

Mr. TAWNEY. I have a request for only twenty-five minutes, and I think I can accommodate my colleague on the committee by yielding him enough of my hour to accommodate the gentlemen who requested time on his side.

Mr. LIVINGSTON. With that understanding, I shall not object, Mr. Speaker.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if his twenty-five minutes includes about fifteen minutes for myself?

Mr. TAWNEY. I have included fifteen minutes for the gentleman from Iowa [Mr. HULL] and ten minutes for the gentleman from Illinois [Mr. MCGAVIN].

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766, the urgent deficiency appropriation bill, with Mr. LAWRENCE in the chair.

Mr. LIVINGSTON. Mr. Chairman, I yield thirty minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, problems of a difficult character confront this Congress. They can not be waived aside by an indifferent Republican majority. Whatever prominence may be given to other questions, none is of more vital interest to the people than an honest statement of the country's finances.

In presenting the pending urgent deficiency bill to the House the chairman of the Committee on Appropriations has drawn the most comprehensive indictment yet presented against the present extravagant Administration. His fearless review of the financial condition of the country will challenge the attention of all patriotic men. It should awaken the country to a realization of what it means to have a government of men and not of law.

The Republican party has been in absolute control of the Government during the past eleven years. As a result of its policies and of its conduct of the public service the country finds itself in a situation unparalleled in its history. In a period of unrivalled prosperity it is afflicted with a panic. In a time of profound peace, with no threatened interruption of friendly relations with other nations, the expenditures for the military establishments for the most part exceed, and but for few years fall below, the entire cost of the Government in any year from the close of the civil war till the beginning of the war with Spain in 1898.

Some other time before the Congress adjourns I shall undertake to fasten the responsibility for the recent financial crisis and for the increasing industrial depression upon this Republican Administration—where the responsibility belongs. To-day I shall submit additional proof to sustain the charge of the chairman of the Committee on Appropriations [Mr. TAWNEY] that this Administration is grossly extravagant, and to demonstrate that preparations have been made to squander the public treasure with a lavishness hitherto unknown.

The gentleman from Minnesota stated on Thursday that the Congress is confronted with an enormous deficit. No one will question his declaration that there is no fear that the country can or will meet its obligations. With matchless resources, and with stupendous energy vitalizing every undertaking of our people, the most remarkable of history, there can be no fear that the day will ever dawn whose morning light will disclose them either unable or indisposed to discharge the country's just obligations. Unscrupulous administrators betraying the public trust are able, however, to increase the people's burdens by wantonly extravagant expenditures.

The estimates of money required to conduct the Government during the coming fiscal year, as submitted to Congress, aggregate $996,949,288.96. The estimated revenues for the same period are $878,123,011.20.

This estimate of revenue was made by the Secretary of the Treasury prior to the recent panic. It was based upon the assumption that there would be a perceptible increase of revenue over the receipts for 1907. If the Secretary of the Treasury had reason to express regret that the law compelled him to estimate in advance the revenues, because such estimates, as he said, "are for the most part problematical," it would be difficult to measure his remorse had the estimate been made after, rather than before, the panic had commenced.

Basing his estimate upon surface conditions existing when his report was prepared, the Secretary of the Treasury estimates that, excluding $73,000,000 required for the sinking fund and the national bank note redemption fund, there will be a deficit in the ensuing fiscal year of at least $35,826,277.66; while if provision is made for the sinking fund, as required by law, and for the redemption of national bank notes the deficit will be $118,826,277.66.

It may be urged that there should be eliminated from the calculation $33,000,000 required for the Isthmian Canal, and the $25,000,000 required for the national bank note redemption fund. As an offset to such allowances, however, it must be remembered that no allowance is made for supplemental estimates, which for the present year aggregate $31,500,000, nor for deficiencies, which in the pending bill, excluding canal items, amount to $12,000,000, nor are any new authorizations considered.

Less than three months have elapsed since the Secretary made his estimate. Meanwhile the prospect has not brightened. Instead of a deficit of $118,000,000 the chairman of the Committee on Appropriations [Mr. TAWNEY] after weeks of careful investigation warns the House that there is every likelihood that the deficit will reach the astounding sum of $150,000,000.

These fears are not groundless. They are predicated upon conditions that are real, not imaginary. To-day there is every indication that at the end of the present fiscal year there will be a deficit of $100,000,000. I am aware that the Secretary of the Treasury has estimated a surplus when this fiscal year ends on June 30 of $42,000,000. I have not overlooked either the valedictory of the chairman of the Committee on Appropriations on March 4 last to the Fifty-ninth Congress, invoking the commendation of the American people because the appropriations for the present fiscal year had been kept $20,000,000 within the estimated revenues. Yet it is very easy of demonstration that both the Secretary of the Treasury and the gentleman from Minnesota [Mr. TAWNEY] were entirely too optimistic in their estimates of revenue for the present fiscal year.

It is unnecessary to argue that the Administration is never pessimistic in estimating revenues to be derived from the prevailing laws. Nothing is more rare than to have an estimate of an official exceeded by the revenue. This is evidenced by the speech of the gentleman from Minnesota [Mr. TAWNEY] on March 4, 1907. Then he estimated the revenues for the present fiscal year at $850,000,000. In his report to this Congress, made much later, the Secretary of the Treasury places them at

$844,025,581.10, or $6,000,000 less than the figures upon which the gentleman from Minnesota [Mr. TAWNEY] was able to assert that the appropriations for the present fiscal year were $20,000,000 within the revenues.

The chairman of the Committee on Appropriations [Mr. TAWNEY], when unaffected by political considerations, as on Thursday, displays wonderful prescience in predicting the financial condition of the country. On February 21, 1907, he warned the House that in the present fiscal year there would be a deficit of $100,000,000. Three weeks later, on the day Congress adjourned, he made the statement to which I have already alluded. Let me read the concluding paragraph.

He then said:

In conclusion I respectfully repeat that in view of the splendid showing which we are enabled to present to the country at the close of this session, notwithstanding the dark and gloomy prospects of three weeks ago—in view of the reduction made by the committees of this House in the estimates submitted to Congress by the Departments and of the reduction of the amounts finally appropriated in the thirteen appropriation bills below the amounts carried by them when they came back to the House from the Senate, I respectfully submit that the House of Representatives of the Fifty-ninth Congress is entitled to the commendation and the congratulation of the American people for having thus guarded their interests in the matter of the authorization of the expenditure of public money from the Federal Treasury.

This statement was greeted with prolonged and enthusiastic applause, as appears truthfully in the RECORD. It illustrates the danger of swapping horses in crossing a stream. Had the gentleman from Minnesota [Mr. TAWNEY] adhered to the "dark and gloomy" predictions indulged in by him three weeks earlier, he would now be able to point out forcibly the accuracy of his forecasts. Instead, Mr. Chairman, of the appropriations for the present fiscal year being $20,000,000 less than the estimated revenues, the fact is that in less than seven months there is now a deficit of $13,000,000, and the prospects are not such as to encourage a belief that it will grow less. Instead of the appropriations for this year being $20,000,000 within the revenues they will more likely be $100,000,000 in excess of the revenues. The American people can take such comfort from the situation as they can find. No doubt they will heap praise and commendation upon the Republican party, to use the language of the gentleman from Minnesota [Mr. TAWNEY], for having so well guarded the people's interests in the matter of the authorization of the expenditure of public money from the Federal Treasury.

For the present fiscal year the grand total of regular and permanent annual appropriations aggregated $943,190,643.28.

To bring the appropriations for the present fiscal year within the revenues, as estimated in March last, the gentleman from Minnesota [Mr. TAWNEY] eliminated $20,000,000, required to redeem national bank notes; $57,000,000, the estimated amount for the sinking-fund requirements for the present fiscal year; $12,439,685.86 deficiencies, and $1,000,000 for miscellaneous items. These various sums, aggregating $90,439,685.36, were deducted from the total appropriations of $919,948,679.63, leaving $829,508,994.27 as the probable necessary expenditures for the present fiscal year.

His estimate of revenues, upon which he based his calculations that the appropriations would be $20,000,000 less than the revenues, was $850,000,000. The Secretary of the Treasury, in his recent annual report, as I have already stated, estimates the revenue for the present fiscal year at $844,025,581. This is $6,000,000 less than the estimate made last March.

The present urgent deficiency bill carries $24,174,450, so that it is apparent that even now there will be a deficit this year of $10,000,000. If the $12,000,000 carried in this bill for the Isthmian Canal be deducted, it does not aid, since the $57,000,000 sinking-fund requirement for the present fiscal year stands as a charge against credits which do not exist. Moreover, the assumption is indulged that there will be no falling off in the revenues for the present fiscal year, while the gentleman from Minnesota [Mr. TAWNEY] demonstrated that there would unquestionably be a considerable shrinkage in revenue.

These figures in themselves demonstrate that the chairman of the Committee on Appropriations uttered no idle warning when he predicted an enormous deficit for the coming fiscal year. A simple statement of some figures that are frequently placed in confusing array will confirm his prediction.

The total receipts for the fiscal year 1906 amounted to $762,383,904.62; for the year 1907, $846,725,339.62; for the year 1908, $844,025,581.10 is the estimate of the Treasury Department; for the year 1909 the estimate is $878,123,011.30.

The estimates for 1908 and 1909 were made before the panic. Since then there has been a growing deficit.

The daily statement of the United States Treasury on January 13, 1908, showed an available cash balance of $265,243,929.23. The receipts for that day were as follows: Customs, $710,003.60; internal revenue, $1,008,444.38; miscellaneous, $164,943.87; total, $1,883,391.85. The expenditures for the same day, excluding postal deficiency, were $2,020,000. The excess of expenditures over receipts, $136,608.15. For the same day last year, January 13, 1907, the receipts were $1,726,180.72; expenditures, $2,240,000; excess of expenditures over receipts, $513,819.28. Apparently a condition much more favorable this year. Yet for the thirteen days of January, 1908, the total receipts were $19,757,457.11; total expenditures, $21,750,000; excess of expenditures over receipts, $1,992,542.89; while for the same thirteen days in 1907 the receipts were $21,193,706.15, the expenditures $18,140,000, and the surplus—or excess of receipts over expenditures—$3,053,706.15.

From the beginning of the present fiscal year to January 13, 1908, the total receipts were $337,170,086.29, the expenditures $348,465,933.22, the excess of expenditures over receipts, or deficit $11,295,846.93; while for the same period in the last fiscal year the receipts were $349,654,824.09, the expenditures $321,550,209.17, the excess of receipts over expenditures, or the surplus, $28,104,614.92. Last year on January 13 there was a surplus of revenues over expenditures of $28,104,614.92, this year a deficit, or excess of expenditures over revenues, of $11,295,846.93. No advantage has been taken by selecting the statement of January 13. That of the 15th shows for the day this year an excess of expenditures over receipts of $135,597.04, last year $321,375.15. For the fifteen days this month (1908) deficit of $2,594,634.02; for the same period in 1907, surplus of $3,436,011.91. From the beginning of the present fiscal year to January 15, 1908, deficit of $11,897,938.06; for the same period in the fiscal year 1907, a surplus of $28,486,920.68.

The statement for any day would demonstrate equally conclusively that while the surplus was gradually increasing in the last fiscal year (1907), this year it is a deficit that increases with the same precision that last year marked the advancing surplus.

I have here the statement issued by the Treasury yesterday (January 27, 1908), the latest published. It discloses that for the day (January 27, 1908) the receipts were $1,831,453.72; same day in 1907, $1,783,155.88; expenditures, January 27, 1908, $2,660,000; January 27, 1907, $1,590,000; deficit, January 27, 1908, for the day, $828,546.28; for the same day in 1907 a surplus of $193,155.88.

For the twenty-seven days of January, 1908, receipts, $41,278,619.14; expenditures, $48,360,000; excess of expenditures over receipts, $7,081,380.86; for the same period in 1907 the receipts were $45,768,993.48; the expenditures, $41,020,000; the surplus, $4,748,993.48.

From the beginning of the present fiscal year to January 27, 1908, the receipts were $358,691,248.32; the expenditures, $375,075,933.22; the excess of expenditures over receipts, $16,384,684.90; for the same period in the fiscal year 1907 the receipts were $374,230,111.42; the expenditures, $344,430,209.17; the surplus, $29,799,902.25. Last year the surplus steadily increased during January; this year the deficit progressively grows larger.

These statements confirm the prediction of the chairman of the Committee on Appropriations made February 21, 1907, that there would be a deficit this present fiscal year of about $100,000,000. I am indebted to the gentleman from Nebraska [Mr. HITCHCOCK] for a calculation made upon the receipts for the three months of the present fiscal year prior to the panic and those of the following three months. From these figures he estimates that by June 30, 1908, the falling off in revenues from last year will be $5,000,000.

In his estimate for the present fiscal year the Secretary of the Treasury includes an increase of $17,000,000 in postal revenues over those of 1907 and an increase of $19,000,000 for next year over those of the present fiscal year, or an increase of $36,000,000 for 1909 over 1907. The gentleman from Minnesota [Mr. TAWNEY] pointed out that his investigations disclosed that in the past the increases in the postal revenues for the two fiscal years immediately following panics are insignificant. Such increases as are included by the Secretary of the Treasury in his estimates for this and for the next fiscal year are unreliable and purely imaginary, so that, in addition to the deficit of $35,826,277.66 apparent to the Secretary of the Treasury, there must be added the $36,000,000 increase in postal receipts assumed by him, which makes his apparent deficit for the next fiscal year more than $70,000,000.

It must be remembered that these figures do not include the $57,000,000 required for the redemption of the public debt through the operation of the sinking fund.

At this time I desire to recall some interesting facts which may not be particularly gratifying to this Administration.

In the annual report of Secretary Shaw for the fiscal year ending June 30, 1905, is found this statement:

> Excluding the extraordinary expenditure in 1904 on account of the Panama Canal, the last fiscal year [1905] was the first in the past six years in which the expenditures exceeded the revenues.
>
> It is quite impractical to adjust annually the Government revenues to its expenditures, *because the increasing growth of the country demands larger disbursements.*
>
> We are fortunate in that our available cash balance October 2, 1905, of $136,823,692.85, largely the accumulation of former years, is deemed adequate to meet the demands upon the Treasury for some time to come, until the present increasing revenues equal the outgo.

His report for 1906 shows a surplus of $25,669,322.61, and, further, that instead of applying $56,000,000 to sinking-fund requirements, he used only $1,651,611.33. In submitting the estimates of appropriations required for the fiscal year 1908, he, for the first time, so far as I have been able to ascertain, declined to submit an estimate of the probable revenues for the same year.

The act creating the Treasury Department, passed in 1789, provides:

> That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; *to prepare and report estimates of the public revenue* and the public expenditure. * * *

It was believed, Mr. Chairman, that under this statute it was the duty of the Secretary of the Treasury to submit to the Congress an estimate of the revenues, so that some information might be at hand to enable Congress to determine whether the revenues would be sufficient to maintain the Government, and if not to enable it to provide adequate revenues for the support of the Government.

To eliminate all doubt on the question the following provision was inserted in the legislative appropriation act approved February 26, 1907:

> The Secretary of the Treasury shall each year prepare and submit in his annual report to Congress estimates of the public revenue and the public expenditures for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year.

It is of this law the Secretary of the Treasury complains this year; it is obedience to this law which alone makes possible intelligent action by Congress in providing money for the conduct of the Government.

It is not strange, Mr. Chairman, that Secretary Shaw declined to furnish the information to Congress that had been given under the act of 1789 until his refusal in 1906. The country had been led to believe that the Government's finances were in excellent condition. All agitation for a revision of the existing tariff law had been frowned down. It was not denied that the operations of the Dingley law resulted in great injustice, but it was confidently asserted that it would be unwise to modify a law under which the country enjoyed marvelous prosperity and had revenues more than ample for the maintenance of the Government.

Economically administered the public affairs could have been efficiently conducted upon the revenues. But there was not economy in the administration. On the contrary, every Department of the Government has been distinguished for its lavish and extravagant expenditures.

From 1903 to 1907, inclusive, Congress has appropriated $280,000,000 for sinking-fund requirements, to provide for the reduction of the public debt. There has been used for such purposes only $89,965,197. As a result, the interest-bearing public debt of the country is $190,034,803, more than it would be if the money appropriated for its reduction had been used.

Had this sum been utilized for sinking-fund purposes, instead of being retained in the Treasury, the available cash balance, instead of being $264,974,990.20, would only be $74,940,187. Can there be any doubt that the result would have been either an issue of bonds to maintain the public credit, for which Republicans condemned so severely a Democratic Administration, or else an irresistible demand for such a revision of the tariff as would provide ample revenues for the country's needs?

What a peculiar showing is made when the figures are examined. In 1903, $54,000,000 was appropriated for sinking-fund requirements, $29,511,323 was used; in 1904, $56,000,000 appropriated, $24,000,000 used; 1905, $56,000,000 appropriated, $3,808,411 used; 1906, $56,000,000 appropriated, $1,651,611 used; 1907, $57,000,000 appropriated, $30,590,888 used.

I am aware that the custom existing during the past twenty-five years seems to justify the Treasury Department in exercising a discretion as to the amount of the appropriation to be used for the sinking-fund requirements. The law gives no such discretion. At the close of the fiscal year June 30, 1907, the total interest-bearing debt of the Government was about $894,834,280. Of the bonds represented by this sum $751,608,712.88 were deposited in the United States Treasury to secure national bank note circulation and deposits of public moneys in national banks. One hundred and forty-three million two hundred and twenty-five thousand five hundred and sixty-seven dollars and twelve cents of outstanding interest-bearing bonds were not used. What would have happened had $190,034,803 of the public debt been paid as required and such bonds been not available for the purposes for which they were needed in the recent financial stringency? Unless changes in our financial system are contemplated, some legislation along the lines of the so-called Aldrich bill seems imperative. The action of the Treasury Department under this Administration demonstrates conclusively that the revenues have been inadequate to meet the demands that have been made for money by the Administration.

No one has any confidence in the estimate of the Secretary of the Treasury that the revenues for the coming fiscal year (1909) will reach the unprecedented sum of $878,123,011.30. I have already pointed out some reasons to expect a falling off in the revenues from present-day conditions. It is notorious, too, that in years of Presidential campaigns there is a perceptible stagnation in business. Heretofore Republicans have attributed such business depression to the demand by the Democratic party for a revision of the tariff. In this campaign this argument will be unavailing. Not only has the Democratic party, but the President and his pet candidate for the nomination, Secretary Taft, have both declared for a revision of the tariff immediately after the election.

What will the Republican party do? With a deficit of $100,000,000 threatening, how will Republicans advocate tariff revision? In the past they have insisted that lower tariffs mean less revenues. Can they now shift and adopt the Democratic view that a reasonable change in the schedules will bring increased revenues? Or, Mr. Chairman, will the party now in power dare repudiate their President and Secretary Taft in their position on the tariff and flock to the standard of the most consistent standpatter of them all, the Speaker of this House?

If there is to be no tariff revision, then how is the needed revenue to be raised? Not only for this year, but for the coming year, there is promise of a deficit of $100,000,000. No new legislation is included in this estimate. No provision for public buildings, no money to improve rivers and harbors, no new aids to navigation, no increase of pay in the Army, the Navy, or in the civil establishment. Nothing is included for which authority does not exist to-day.

What new forms of taxation, then, will be devised to meet the increasing expenditures? What new burdens are in contemplation for the public from the Republican party?

Mr. Chairman, no new lance enters the lists when I charge, as I do now, that this Administration is insincere, extravagant, and hypocritical. Four years ago I asserted in this House "that there is a growing belief, even among its friends, that the present Administration is dominated by an unsafe man." Nothing has occurred to justify a change of opinion. This has been a lawless Administration. The example of the President has caused a riot of extravagance. Twice Congress has attempted to prevent the unauthorized expenditure of money by the Departments. Two so-called antideficiency acts have been enacted, and still the will of Congress is defied. Those familiar with the struggles of English-speaking peoples for their liberties realize the importance of retaining control of the public purse in the representatives of the people.

All efforts to restrain this Administration have apparently been in vain. Its actions have been such as to draw from the chairman of the Committee on Appropriations [Mr. TAWNEY], one of the most fearless, patriotic, and upright men in this House, the unprecedented declaration that the Administration, this Republican Administration, has requested the representatives of the people to appropriate $101,000,000 more than is required to conduct the Government in an efficient manner. How will the Administration plead to this indictment? What reply will be made to this charge? What answer will be made to such an arraignment? It does not come from the opponents of the Administration; it originates with a friend and supporter of the Administration.

Viewed in the light of history, Mr. Chairman, there is little hope that the Republican party will keep appropriations this year within the revenues. The Democratic minority will protest here in vain against extravagance and lavish expenditure. These protests may be heeded elsewhere. The country will be acquainted with the facts; and no opportunity will be permitted to pass to spread broadcast the information that this Administration—the Administration of Theodore Roose-

velt—has prepared to spend, and asks, $101,000,000 more than is required to conduct efficiently the affairs of the Government. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Chairman, it is impossible to say how often this side of the House has been reminded of Democratic panics. If one had the power to number the sands of the sea or the stars, he might be able to number the times that our Republican friends have reminded us of the issuing of interest-bearing bonds in time of peace. Sometimes we have been reminded of it most forcibly and almost brutally; sometimes the reminder has come from the masters of belles-lettres in eloquent diction, and sometimes in tones of oratory that thrilled the country. I remember now the applause that punctuated the admirable and eloquent speech of the gentleman from Indiana [Mr. LANDIS] during the Fifty-ninth Congress, when he took as his subject an advertisement in a Western town, "All kinds of work for all kinds of people." [Applause on the Democratic side.] And in a manner which I can not imitate he wound up paragraph after paragraph of that eloquent oration with the words, "All kinds of work for all kinds of people." It was in vain, gentlemen, that we called your attention to the fact that the Democratic tariff bill, the Wilson-Gorman bill, did not cause the panic. It is true as an historical fact that the panic occurred in 1893, and the Wilson-Gorman bill became a law in August, 1894. It was in vain that we called your attention to the fact that this period of depression was world-wide. We invited your attention to the fact that the great banking house of the Barings had gone down and shaken England from center to circumference. We reminded you of the depression in Germany, Canada, and in South America. We pointed to a long period of falling prices and crop failures. But, with the ad hoc propter hoc logic for which you are famous, that when two things are contemporary one is cause and the other effect, you continued to attribute to the Wilson-Gorman bill and the Democratic Administration the hard times of 1893. [Applause on the Democratic side.]

The following statements are from the Commoner:

November 11, 1890, the reports showed financial distress in New York. The New York Clearing House Association voted its certificates to banks in need of assistance.

The Boston Clearing House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank, of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company, of Chicago, assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver Iron and Steel Mills, of Pittsburg, shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale Rolling Mills and Pike Works, and the Charlotte Furnace and Coke Works, in Pennsylvania, closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank, at Kansas City, suspended, with liabilities at $2,225,000.

May 8, 1891, the Spring Garden National Bank, at Philadelphia, closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strikes and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called "panic" of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and while its effects were felt for several years it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depression for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff of 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,986 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year and 12,394 in the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus' as usual.

Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen of years.

The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country, have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds.

In spite of all these facts, you continued to insist that the Democratic party was responsible for the panics. With equal boldness and recklessness you claimed all the credit for the marvelous prosperity of the last few years. You iterated and reiterated that there was "all kinds of work for all kinds of people," due to the Republican Administration and Republican policies. It was in vain we pointed out the gradual improvement in business conditions that began in 1894. In the very midst of our great prosperity you claimed all credit. We tried to tell you that Canada, Mexico, Germany, England, South America, and all the countries of the earth were enjoying unexampled prosperity, and as these countries had neither the Republican Administration nor the Dingley law, there must be some other cause operating. Nations with the gold standard and nations with the silver standard were prosperous; nations with free trade and nations with protection moved onward and upward.

But what have we now? In the midst of plenty we are in want. With years of good crops, when Providence has smiled upon the people and the earth has given her increase, with all the factories running on full time, with a scarcity of labor in every department of the country—in the midst of all that there came a panic, not a Democratic panic, because you are in power in all branches of the Government. At the other end of the Avenue you are emphatically in power. [Laughter and applause on the Democratic side.] In both ends of the Capitol you are in power, and you have been in power since 1897, and if the panic is due to bad laws, you are responsible for them. If the panic is due to lack of law, you are likewise responsible. You must answer to the farmers who in a twinkling of an eye found themselves unable to sell their grain, their cotton, their products. You must tell the hundreds of thousands of workingmen who are willing and anxious to work why they are thrown out of employment. You blamed the Democratic party for the soup houses of 1893 and 1894. Shoulder the responsibility for the soup houses of 1907 and 1908—take your own chalice to your own lips.

But how did you handle the panic? That is a critical question. When Grover Cleveland was President of the United States and the revenues were running low, he issued $262,000,000 of bonds to protect the Treasury, and, oh, how often have you declaimed upon the iniquity of increasing the interest-bearing debt in time of peace! Yet what did you do? In the time of panic, with an abundance of money in the Treasury, with millions of dollars of the people's money lying in the banks of the country without interest, you increased the interest-bearing debt. [Applause on the Democratic side.] And you increased the interest-bearing debt, I undertake to say, in violation of the law. I want to call your attention to it. Just here let me remark, few papers that have come under my observation have criticised the action of the Secretary of the Treasury. No man on that side of the aisle in my hearing has criticised it. Is it because the people have not examined the law, or is it because there is abroad in the land a disregard of the law? Is law something to be observed and obeyed when it is convenient, and something to be swept aside when certain people think it best not to obey it? Now, your Secretary of the Treasury advertised for $100,000,000 of 3 per cent certificates. He did not issue that many, but he called for bids for the sale of $100,000,444 of 3 per cent certificates. Under what authority of law? I want to call your attention to the law under which these certificates were sold:

That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some multiple of that sum; and each certificate so issued shall be payable with the interest accrued thereon, at such time, not exceeding one year, from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed $100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtednes authorized by this act.

What was in the mind of Congress in the passage of that law? What does it mean in letter and in spirit? It means, gentlemen, and it can have no other meaning, that if the money in the Treasury is not sufficient to meet the appropriation Congress has provided for, the Secretary can temporarily borrow enough money to meet public expenditures. It means that work authorized by Congress shall be promptly paid for. It is

intended to protect the credit of the Government. That is what the law means. That is the only honest interpretation of it, and yet the Secretary of the Treasury, with more than $200,000,000 deposited in banks without interest, goes into the market and borrows money, as if the Treasury was in straits. It was not the Treasury that was in trouble. There was no difficulty in the Treasury of the United States. The trouble was elsewhere, and the Secretary of the Treasury violated the letter and the spirit of the law when he issued those certificates. And what did he do it for? What did he do with the money? He proceeded forthwith to deposit it in banks, without interest.

When banks purchased these certificates he collected only 10 per cent and left 90 per cent on deposit. Thus the Government is paying 3 per cent on $100, when it got only $10, which is 30 per cent the Government is paying the banks, although it is lending the banks more than two hundred millions without any interest at all. Suppose a town had large sums deposited in banks without interest and plenty of money in its treasury to meet all its obligations; then suppose the town authorities should go into the market and borrow thousands of dollars, paying interest therefor, and should promptly proceed to deposit the money borrowed on interest in banks without interest; then imagine, if you can, what the voters of the town would do to that administration. What man here would justify such a proceeding in his own town? But the Secretary of the Treasury did not stop with these certificates of indebtedness. He called for bids for $50,000,000 of Panama bonds. Now let me call your attention to the law:

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by the act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of $130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty days from such date, and bearing interest payable quarterly in gold coin at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, *giving to all citizens of the United States an equal opportunity to subscribe therefor*, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.
Approved, June 28, 1902.

Notice the provision that when these bonds are sold the proceeds can be used for but one purpose; yet, with no pretense that the money available from the sale of the bonds has been exhausted, with no pretense that the money arising from the sale of this issue of bonds is immediately needed——

Mr. TAWNEY. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. TAWNEY. Are you not aware of the fact that the Treasury of the United States received only $35,000,000 from the issue and sale of the bonds for that purpose, and the canal expenditures prior to the time of the issue of the last $50,000,000 up to this time now aggregate over $83,000,000?

Mr. JOHNSON of South Carolina. Yes; but it was taken out of the Treasury and it was authorized by law, but the point I am making now, and the point that no gentleman understands better than the chairman of the Committee on Appropriations [Mr. TAWNEY], is that at the time the Secretary of the Treasury issued these bonds he did not issue them for the purpose of getting money to pay for the construction of the Panama Canal.

Mr. TAWNEY. I will say to the gentleman from South Carolina that it was his duty to do so for the reason that the expenditures that had already been made exceeded by almost $50,000,000 the amount of the proceeds from the sale of the previous bonds.

Mr. FITZGERALD. Under the law the Secretary is authorized to pay the canal expenditures out of the general fund of the Treasury, or out of the proceeds of bonds if the funds of the Treasury are insufficient over the current expenses of the Government.

Mr. TAWNEY. I beg to differ with the gentleman. The discretion vested by that act in the Secretary is as to the time when the bonds shall be issued, but it is mandatory upon him ultimately to issue the bonds and dispose of them, and from the proceeds of the sale pay the expenditures directly or reimburse the Treasury for the expenditures previously made.

Mr. FITZGERALD. I will say that is my understanding of the law.

Mr. JOHNSON of South Carolina. What did he do with the money? [Applause on the Democratic side.] Did he cover it into the Treasury? Did he pay for the construction——

Mr. TAWNEY. He reimbursed the Treasury for expenditures previously made.

Mr. JOHNSON of South Carolina. He has not reported it as covered into the Treasury. As a matter of fact, it has not been paid. The banks that bought the bonds gave their checks and immediately those checks were handed back to the banks and the Government was given the credit. [Applause on the Democratic side.] That is what was done with it. I want to call your attention to another thing. This law says that all the citizens of the United States shall have an equal opportunity to bid for these bonds. I will read the exact language:

Provided, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States equal opportunity to bid therefor.

Did he do it? No. "Upon what meat doth this Cæsar feed that he has become so great?" [Applause on the Democratic side.] There is nothing in the law that would authorize him to reject a higher bid and accept a lower one. Yet he did it. What lawyer in this Congress, sitting as chancellor, would pass the accounts of a guardian who had sold the securities of his ward at 102¼ when bids of 104 or 104½ had been made? In the relation of guardian and ward, the guardian who rejected higher bids and accepted lower bids for his ward's securities would be held personally responsible for the difference.

Public office is a public trust. Public officers should administer public trusts with the scrupulous exactness required by the courts of equity of private trustees, not ordinary good faith, but the highest faith—uberrima fides. I saw by the newspapers that some citizen brought suit in the District of Columbia, and the answer of the Secretary of the Treasury amongst other things was that the plaintiff in that action was financially irresponsible. I want to say that that was an afterthought. It was not the reason that he rejected the bid. He did not inquire whether he was responsible or not. Here is a letter written by the Treasury Department:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF LOANS AND CURRENCY,
Washington, December 20, 1907.

Mr. GEORGE J. KLOBERG,
620 West Fourth Street, Wilmington, Del.

SIR: In reply to your inquiry of the 17th instant you are informed that individual bidders whose bids were greater than $10,000 were not allotted any Panama bonds.

Respectfully, yours,
J. H. EDWARDS,
Assistant Secretary.

Here is another letter. It also shows that no bid in excess of $10,000, except bids of national banks, were even considered, but it goes further and explains the reasons actuating the Secretary. Congress, remembering a former sale of bonds, in its wisdom provided that the Secretary in disposing of Panama bonds should give "all citizens of the United States an equal opportunity to bid therefor." The Secretary thought he knew more than Congress:

TREASURY DEPARTMENT,
Washington, January 4, 1908.

DEAR SIR: Your letter of December 23, regarding an allotment of the recent issue of Panama bonds, is received. In reply, you are advised that under the reservations made by the Department the allotments were made first to individuals and institutions who were the highest bidders for amounts not exceeding $10,000. The remainder of the $25,000,000 issued was allotted to the highest national bank bidders. This course was followed for the reason that it was not deemed wise during the existing currency stringency to withdraw any considerable amounts from savings banks and other institutions, which would have inevitably been done had the bonds been allotted to individual bidders in large sums. By making allotments to national banks two objects were accomplished, aside from the one above mentioned, and both of these, it is thought, will commend themselves to the public generally. We were in a position to leave on deposit with such banks 90 per cent of the purchase price and yet have it available for the expenses of the Government, as needed, without withdrawing it in a lump sum from the channels of trade. The banks receiving these bonds were also enabled thereby to substitute other bonds as security for these deposits and immediately take out additional circulation on the Panama bonds—a result very desirable at this time.

Very truly, yours,
J. H. EDWARDS.

You are in power. If you are willing for the men that you have in the Departments to override the spirit and the letter of the law the responsibility must rest with you, with the final verdict to be rendered by the people. [Applause on the Democratic side.]

Mr. TAWNEY. Mr. Chairman, I yield fifteen minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman, as at present constituted, I think the Committee on Appropriations in the House are to be congratulated on the fact that when it comes to criticising other committees for appropriations the Appropriation Com-

mittee can do that on this side of the House, and when it comes to criticising the President of the United States and the Executive Departments the same committee can do so on the other side of the House. The gentleman from New York [Mr. FITZGERALD] seems to be wonderfully distressed about the revenues of this country, with the promise of revision of the tariff to come at the assembling of the next Congress, after the Presidential election. He says that the President's pet candidate has declared himself in favor of a revision. I think the gentleman might have said that, if the present tendency of the country shall go on, the pet candidate of the President will be the pet candidate of the Republicans at Chicago, and I want to promise him if that candidate or any other candidate before that convention is elected, and the tariff is revised by the Republican party, it will be revised to meet the conditions of the country, whether it be up or down, and will not interfere with the revenues of the country or with the great industries of the country. [Applause on the Republican side.]

We are not promising to revise the tariff up or down, but we are promising positively that when the tariff is revised, if done by Republicans, it will be on the lines of protection and not on the lines of free trade. [Applause on the Republican side.]

The gentleman from South Carolina called attention to what is called an historical fact. That was that the panic came in 1893 and that the Wilson-Gorman bill was enacted in 1894. That is true. But he forgets another historical fact—that the election of 1892 put the Democratic party in power in the executive and legislative departments of the Government absolutely, and the people knew if that party was honest it would revise the tariff upon lines of free trade. Every prudent business man in the United States withdrew his expansion of business and got ready for the time that was about to come on the country, and the gentleman knows very well that the panic he refers to of to-day is simply a summer shower as compared with the terrific cyclone which swept over this country and destroyed the property of the United States in 1893 and 1894. [Applause on the Republican side.]

But, Mr. Chairman, I wanted to devote some time to this bill, although it is probable the committee will hardly forgive a man for talking about the measure before the House. The Committee on Appropriations, as represented by its chairman, in the opening speech of the distinguished chairman, refers to the fact that they had no control over the appropriations, or they might keep appropriations within the revenues of the country. In other words, that committee wants to again control all appropriations. He referred to some committees vaguely, and the gentleman from Georgia, with that marvelous honesty that always wants to fight in the open, said: "Will my colleague simply mention those two or three committees, and let us have it all out." So the chairman then mentioned the Military and Naval committees. I want to say that the Military Committee is vindicated in its action of last year in trying to save appropriations in the Army bill by the very bill reported by the Committee on Appropriations for deficiencies. Take, for instance, one item for the "regular supplies." We cut them down in their estimates of last year over a million and a half, hoping it would induce such economy that it would enable the Government to get through with that amount. They came before the Committee on Appropriations with $1,365,000 as a deficiency—a legitimate deficiency, if the Government needs it. I am not criticising the committee for giving it. I am only criticising their statement as to other committees of the House which are doing all in their power to reduce the expenses of the Government; and the very report they make here shows that we went too far in our efforts to save money. I will say, further, that the Committee on Military Affairs has had this theory at all times—that the closer you prune these appropriations the more you will induce the Department to try to live within their means, and that it is better to have a little deficiency on many items than to have a surplus on items, because if you gave a Department of the Government all that it asks it will have no inducement to practice rigid economy.

"Incidental expenses." That is only a very small amount—$200,000.

"Barracks and quarters." Last year the Committee on Military Affairs of the House cut $3,000,000 from that appropriation. The Senate added $1,700,000. That was finally agreed to in conference. That is not legitimate deficiency.

There is no excuse for the Government spending one dollar beyond what Congress appropriates for that. If they recognize a deficiency on barracks and quarters, Congress might in its wisdom say that after spending the sum of $60,000,000 since the Spanish war providing ample accommodation for our troops in the United States, to care for every soldier that is here, we would only allow in the Army appropriation bill enough money for repairs and incidental expenses. On the theory of the Committee on Appropriations, if they would go ahead and contract for a building, pursuing a policy of concentration that Congress might not be in favor of at all, start a new line of appropriations and concentration that in my judgment is not justifiable, all they would have to do would be to go before the Committee on Appropriations and say that they wanted so much money to complete contracts that they had entered into, such contracts as under the law they had not authority to enter into. I say that is not a legitimate deficiency.

Mr. TAWNEY. What deficiency does the gentleman refer to?

Mr. HULL of Iowa. Barracks and quarters.

Mr. TAWNEY. Is the gentleman aware of the fact that it is a deficiency for the fiscal year 1906?

Mr. HULL of Iowa. And 1907. You have two of them.

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. And what I want to emphasize now, Mr. Chairman, is that in all these appropriations that are not otherwise provided for by law, there should not be any deficiencies permitted. Where it is a question of the support of the Army, if we do not appropriate enough, it is a legitimate deficiency.

Mr. TAWNEY. Now, will the gentleman permit another question?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. Are you aware that the appropriation was sufficient to meet the obligations incurred at Fort Whipple and at Fort Buford, but that because of the accounts not coming in in time, they could not be paid out of the appropriation, and the appropriation lapsed?

Mr. HULL of Iowa. This money is available for two years after the expiration of the fiscal year.

Mr. TAWNEY. The Auditor holds differently.

Mr. HULL of Iowa. I want to say further, Mr. Chairman, that they have no right to make a contract that goes one dollar beyond the appropriations made by Congress.

Mr. TAWNEY. They did not, as they inform us.

Mr. KEIFER. I want to call the attention of the gentleman to the fact that the principal part of the deficiency for barracks and quarters was in consequence of the Cuban intervention.

Mr. HULL of Iowa. This does not say so at all.

Mr. TAWNEY. Not at all.

Mr. KEIFER. General Aleshire says, under the items "Barracks and quarters:"

This is on account of the Cuban intervention and for the erection of a storehouse at Newport News.

Mr. TAWNEY. That was a mistake.

Mr. HULL of Iowa. Newport News is not in Cuba.

Mr. KEIFER. But the two together made a deficiency.

Mr. HULL of Iowa. On the transportation of the Army and supplies we cut off something like $1,000,000, and they have only put in $1,318,077. That is a legitimate deficiency, if we did not give enough money to carry on that work. But, Mr. Chairman, it is also an answer to the criticism of extravagance on the part of the committee. It shows that in place of extravagant it was decidedly too economical.

Mr. KEIFER. That was on account of the Cuban intervention.

Mr. HULL of Iowa. I think it has hardly cost the Government that much extra.

Mr. KEIFER. Oh, yes.

Mr. HULL of Iowa. You start out with what is for Cuba, under the Chief Signal Officer, and say it is on account of Cuban intervention. There can be no estimates furnished for extra expense of the Army on account of intervention in Cuba. There are no estimates submitted for the extra cost of the Army in Cuba. There is only a general provision, that the extra expense of the Army in Cuba shall be paid by the Cuban Government, and when so repaid shall be covered into the Treasury. So that what comes up for Cuba comes out of the regular appropriation, and would very likely be a legitimate appropriation for that purpose.

Mr. KEIFER. Will the gentleman allow me to read one sentence?

Mr. HULL of Iowa. Yes.

Mr. KEIFER. This is an inquiry by the chairman, addressed to General Aleshire, the Quartermaster-General:

The CHAIRMAN. The next item is for the transportation of the Army and its supplies, fiscal year 1908. You estimate a deficiency there of $1,318,077.18.

General ALESHIRE. That is all on account of the occupation of Cuba.

Mr. HULL of Iowa. Now, I can not yield any further. I have only fifteen minutes.

Mr. KEIFER. I have read all that I wanted to.

Mr. HULL of Iowa. When I have concluded my remarks I shall be glad to answer any questions.

There are two items for the transportation of the Army and supplies, both of them deficiencies. Now, I am not criticising the Committee on Appropriations for bringing in these items. If it were necessary for the Government to have them to carry on the work provided by law, they did just right in bringing them in; but I am protesting against the bringing in of these items, and in the same breath criticising other committees for being extravagant, when these items are made necessary because of the very economy of the other committees.

Clothing, camp and garrison equipage is another legitimate item. But let me take the Military Academy for a minute:

For one professor of military hygiene (lieutenant-colonel), in addition to pay as major, $500.

Some one or two years ago the authorities at West Point made application to the Committee on Military Affairs for the detail of an officer to act as professor of military hygiene. They had a letter from the Surgeon-General, saying that the Medical Corps could detail a lieutenant-colonel to the Military Academy, who would discharge the duties of professor without any additional cost, and asked us to simply authorize that, and we did authorize the detail of a lieutenant-colonel.

I do not know whether they detailed a lieutenant-colonel or not, but the next year they came and said they had detailed a major and wanted us to pay $500 extra. We called attention to the fact that this was not a professorship created by law; it was for the Medical Department to carry on instruction in this branch of the public service. There are three doctors there all the time, and they are paid the full pay, with quarters and allowances, and they have ample time for the little instruction that is necessary to be given in these lines, and we refused to give them the extra compensation.

We had in mind the marvelous care, the strict scrutiny, the wonderful ability to detect a new item that always has confronted us from the Committee on Appropriations, and we said we will not subject ourselves to the criticism of the Committee on Appropriations; that that committee would undoubtedly raise the point or order, and we will simply make it a detail, with no extra expense to the Government, to give this instruction. But when we refused them the Committee on Appropriations was confronted with the same argument brought before us, and we find it in the deficiency bill that they give this amount to this man.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. It does not seem to me, Mr. Chairman, that I have had fifteen minutes. I do not want to borrow any other man's time, but I will take occasion under the five-minute rule to continue these remarks.

The CHAIRMAN. The Chair may have misunderstood, but he understood that the gentleman had fifteen minutes.

Mr. HULL of Iowa. That is right, Mr. Chairman.

The CHAIRMAN. Then the time of the gentleman has expired.

Mr. HARDY. Will the gentleman from Iowa answer a question?

Mr. HULL of Iowa. I can not, for my time has expired. I will answer the gentleman if I get time under the five-minute rule.

Mr. HENRY of Texas. Mr. Chairman, for the purpose of calling attention of the country to a few matters now pending before Congress, I take the floor this morning. The gentleman from Iowa [Mr. HULL] said the Republican party in due time would revise the tariff, but would do it along protective lines. If we mistake not the rumblings from Iowa and other States, the people of this Republic will revise it sooner than that, and it will be along the lines of old-fashioned Democracy, following the flag of the Democratic nominee, William J. Bryan. [Applause on the Democratic side.]

This plea for postponement of the tariff issue is in the nature of an application for continuance in a criminal case—hoping that if the continuance be granted the evil day of punishment may not come. They think that a postponement now may indefinitely prevent tariff reform.

However, these are not the questions I have arisen to present this morning. It is now manifest that the Republican party has no intention of enacting any legislation at this session, except the usual appropriation bills. There will be an effort to pass some sort of currency legislation, but from the deadlock exhibited on this floor between members of the Committee on Banking and Currency, it is apparent that no two of these gentlemen agree upon common ground.

Mr. Chairman, there are certain people whom we choose to call the laboring classes in this country, who have been clamoring at the doors of Congress for years for legislation along certain lines. They have appealed to the Speaker of the House, to the Committee on Rules, the only powers that can open the doors of relief to them; they have besought the Committee on the Judiciary and other committees. So far no relief has been given them, no encouragement has met their just demands. The first question I propose to discuss this morning is that of limiting the power of Federal judges in the issuance of temporary restraining orders and injunctions. For years the laboring people have appealed to Congress, and particularly to the Judiciary Committee, and no committee secrets are disclosed in making the statement. Their demands have been just and reasonable. I discuss them, not because this is class legislation, but because it is just legislation that should be enacted in the interest of the whole people. Session after session bills have been introduced and referred to that committee and other committees, but they have been silently pigeonholed and never reported back to the House.

Is this legislation just? Is it something that is reasonable? Mr. Chairman, it is legislation that should be passed, and I only take the floor this morning because these bills have been introduced from time to time and no attention has been paid to them by this body. The honor was mine to introduce some of the measures, and let me call attention to the provisions contained in one of these bills. One of them reads as follows:

That no writ of injunction or temporary restraining order shall be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same: *Provided*, That nothing herein contained shall be held to authorize the issuance of any injunction or restraining order not now authorized by law.

Mr. Chairman, substantially that language was the law of the country for seventy-nine years. In the act of 1791 it was provided that notice should be given by Federal judges before the issuance of temporary restraining orders and injunctions. In 1872 Congress passed an act which eliminated the provision requiring notice in injunction proceedings, and since that time Federal judges have held their star-chamber sessions and have issued their temporary restraining orders and injunctions without any sort of notice to the adverse party or his attorney. This manifest defect should be remedied by an act of Congress. Are you ready and are you willing to pass legislation, not only for the benefit of the laboring people who have demanded it, who have been tyrannized over by injunction suits, who felt the sting of unjust government by injunction, but are you ready to give it to the American people? This bill has been introduced by me at several sessions of Congress. There have been other bills introduced. The gentleman from Kansas [Mr. CAMPBELL] has introduced one along the same line and still the Speaker and the authorities of this House turn a deaf ear to such legislation. Secretary Taft, seeing the impending storm, has sought cover and now tries to face about and win back those he unjustly oppressed while he was Federal judge. He says in a letter to the Ohio labor organizations:

Second. You ask me what I think of a provision that no restraining order or injunction shall issue except after notice to the defendant and a hearing is had. This was the rule under the Federal statutes for many years, but it was subsequently repealed. In the classes of cases to which you refer I do not see any objection to the reenactment of that Federal statute. Indeed, I have taken occasion to say in public speeches that the power to issue injunctions ex parte has given rise to certain abuses and injustices to the laborers engaged in a peaceful strike. Men leave employment on a strike, counsel for the employer applies to a judge, and presents an affidavit averring fear of threatened violence and making such a case of the ex-parte statement that the judge feels called upon to issue a temporary restraining order. The temporary restraining order is served upon all the strikers; they are not lawyers; their fears are aroused by the process with which they are not acquainted, and, although their purpose may have been entirely lawful, their common determination to carry through the strike is weakened by an order which they have never had an opportunity to question, and which is calculated to discourage their proceeding in their original purpose. To avoid this injustice, I believe, as I have already said, that the Federal statute might well be made what it was originally, requiring notice and a hearing before an injunction issues.

Third. In answer to your third question, it would seem that it is unnecessary to impose any limitation as to the time for a final hearing if before an injunction can issue at all notice and hearing must be given. The third question is relevant and proper only should the power of issuing ex-parte injunctions be retained in the court. In such cases I should think it eminently proper that the statute should require the court issuing an ex-parte injunction to give the person against whom the injunction was issued an opportunity to have a hearing thereof within a very short space of time, not to exceed, I should say, three or four days.

Gentlemen, will you heed the voice of the people? If not, the time will come when they will be accorded this relief. I don't know whether it will be at the hands of a Republican Administration or at the hands of a Democratic Administration, but as certain as we live such legislation will be enacted.

Mr. GAINES of Tennessee. Why was the law changed?

Mr. HENRY of Texas. The gentleman from Tennessee asks me why the old law was changed. I have investigated that

and find that when the statutes were recodified it was left out, as it has been since stated, inadvertently, and that it was not done intentionally. Yet during all this time the omission has remained upon the statutes, although session after session bills have been introduced and Representatives have come before the Judiciary Committee and have asked for relief.

Mr. Chairman, this is manifestly a just proposition. Let me give you the precise language of the act of March 2, 1793, and show that I have only provided for reenacting the law as it once existed. The Clerk will read the section I have marked.

The Clerk read as follows:

SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the Supreme Court in cases where they might be granted by the Supreme or a circuit court; (a) but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

Mr. HENRY of Texas. In order to parallel the old law with the present law, let the Clerk read section 719 of the Revised Statutes, which shows the provisions requiring notice to have been eliminated.

The Clerk read as follows:

SEC. 719. (Injunctions.) Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of a circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court.

Mr. HENRY of Texas. Mr. Chairman, there is no demand for radical legislation, nor are the people who have come before the Judiciary Committee asking for that kind. They would be satisfied with a reenactment of the statute that was law for seventy-nine years, which requires notice by a Federal judge before an injunction issues.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes.

Mr. DRISCOLL. I heard the bill read. I want to ask the gentleman if he would in all cases insist that a notice be first served before an injunction or a restraining order be granted?

Mr. HENRY of Texas. I certainly would, because it was the law for seventy-nine years and worked well.

Mr. DRISCOLL. I will submit this proposition which came to me and of which I know, as I was the attorney in it. Suppose a man got title to a piece of land with a mortgage and the building is being removed off the land, which is practically all the value there is in it. Say that the building is being moved on rollers, etc., would you say the man who held the mortgage, practically owning the land, should be required to go to a judge and have him issue notice and serve notice on the party before he could restrain him from moving off that building? Would that be right or fair?

Mr. HENRY of Texas. Every State in this Union has laws against stealing horses, cattle, or any other property, and so they have against such an offense as that and covering all kinds of trespasses against property and persons.

Mr. DRISCOLL. There are many other ways in which said damage can be done as well as in that, and I am simply referring to that——

Mr. HENRY of Texas. I think that for all these difficulties, Mr. Chairman, there is a statute in every State in the Union to cover such offenses, to cover breaches of the peace and riots and all such cases as the gentleman may imagine.

Mr. DRISCOLL. For instance, in the case like that there can be no redress against the people moving that building. The man who really owns it has to protect himself; he must get an injunction to stop the removal before the damage is done.

Mr. HENRY of Texas. If the sheriff could not overtake a house with a writ of sequestration, he ought to be impeached.

Mr. DRISCOLL. The question is one of ownership.

Mr. HENRY of Texas. He steals without anybody knowing it, and when the house is found it can be recaptured.

Mr. HUGHES of New Jersey. As I understand this bill, it provides notice. In a case of that man I imagine a half-an-hour notice to the man would be sufficient.

Mr. DRISCOLL. It may take some time to get notice and serve it and have a hearing and get an injunction.

Mr. HENRY of Texas. I am glad these gentleman put these questions, because it brings before the House just the point I desire them to investigate this morning. The bill only provides for previous reasonable notice. Letters from a number of Federal judges have come to me approving this bill, stating that it is reasonable and manifestly just and ought to be passed; that star-chamber proceedings ought to be stopped, and blanket injunctions without notice ought to cease; that traps for trying, convicting, and imprisoning men should no longer be set. [Applause on the Democratic side.]

I have no attack to make upon the judiciary of this country, either the Federal or State judiciary. But legislation of this kind ought to be given the American people. Before anyone is enjoined in his property rights or his personal rights he ought at least to have notice from Federal tyrants. He ought to have the poor privilege of appearing, filing answer, and being heard. Equity rule 55 provides for and requires notice in all such cases, but for years Federal tyrants have ignored it, flagrantly violated it, and spat upon it. They utterly disregard this plain provision of our equity rule. Let us pass a simple mandatory statute requiring previous reasonable notice before these blanket injunctions, or any other kind, can be issued by a Federal judge. Let us as representatives of the people rob them of the power of imprisoning good and innocent men with their midnight orders and injunctions without hearing the other side, which often has a complete defense. But your Speaker and his Committee on Rules will stand with their eyes shut and as firmly as the walls of this Capitol spurn this just demand for relief. I freely make that prediction. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Are not cases reported where parties have been punished for contempt of court who had no real notice of the injunction and who disobeyed it unwittingly?

Mr. HENRY of Texas. Yes; there have been such cases, where they have been hauled up before a Federal judge without any notice that they were even charged with an offense, and Federal judges have denied them the poor privilege of trial by jury and placed them in prison and outraged them in many ways. Such judicial outrages ought to cease in this country, regardless of whether the man is a laboring man or any other citizen of the Republic. [Applause on the Democratic side.]

Mr. LENAHAN. Is it not a fact the case cited by the gentleman from New York is an exceptional one—so exceptional that it should be given no consideration in the consideration of this question which you are arguing now?

Mr. HENRY of Texas. I quite agree with the gentleman and think the trouble in that case is so small that it should not weigh one instant against the immense amount of benefit that would arise from the enactment of a just statute like this. Of course the injury could be prevented by other civil remedies. There is a remedy for all trespasses against property and personal rights.

I have introduced another bill, one that passed the United States Senate a few years ago by unanimous vote, with the exception of Senator Hoar of Massachusetts. He did not vote against the measure, but refrained from voting for it because he had not investigated it. I refer to the bill which passed that body providing for a trial by jury in cases of indirect contempt, that is, in cases of contempt committed out of the presence of the court. It passed the Senate and came to this body, and session after session, year after year, it has been reintroduced, and those entitled to the relief have been demanding its enactment; and yet it has never found its way out of the Judiciary Committee, and, in my humble judgment, will never do so until the American people command the Speaker of this House and that committee to take favorable action. [Applause on the Democratic side.] Substantially the same bill has been introduced by me at several sessions of Congress. It is now pending before the Judiciary Committee, of which I have the honor to be a member. It divides contempts into two classes, direct contempts and indirect contempts. Where the contempt is committed in the presence of the judge there should be no trial by jury, but the judge himself should have the power to punish summarily such offenses. But where it is committed out of the presence of a court, where the offender does not know whether or not he has committed a contempt, he ought to have the privilege of calling for a jury. Aye, more. We ought to transfer the case from the jurisdiction of the Federal judge that issued the injunction, and let some other judge, without prejudice, try the offense.

Are you ready to enact such legislation as that? Is the Republican Speaker ready to give ear to the demands of the people who have called for this legislation year after year? You will give hearings this session, but no relief. Year after year they have come in a body and have demanded it of the Speaker, and he has frowned upon them. They will come again and make the same demands. I serve notice now that as long

as I am in Congress this matter will be pressed until you act. These people would be satisfied with reasonable legislation if we would enact it. True, some of them want to go further. This House should not enact any law that is unreasonable, that is too radical, but we could certainly afford to reenact this old statute, and we agree that an offender in cases where an injunction has been issued without notice shall be entitled to the constitutional right of trial by jury. Jefferson said, and truly, that the Federal judges are "the sappers and miners, gradually undermining the foundation of this Government;" and he never stated a truer proposition.

Mr. Chairman, we have seen year after year one right after another taken from the American people, from the respective States of this Union by the Federal judiciary. When a power is conferred upon them they clamor for more. I know that in some quarters it is not fashionable to talk about States rights. I know that it is not fashionable to denounce tyrannical Federal judges. And I do not criticise the just ones. The Constitution does not commend itself to some gentlemen. But we observe that only a few days ago the Supreme Court again decided a measure which passed through this House was unconstitutional. This reminded us that we still have a Constitution to govern us in our actions, and may go only so far in our legislative actions.

There is another bill introduced by me touching this subject—that no Federal judge shall issue an injunction or restraining order against a State officer or enjoin a State statute. That is to say, that whenever a State like Virginia, or North Carolina, or Alabama, or Missouri, or Pennsylvania, or any other State has enacted a solemn statute, there shall be some presumption in favor of the justice and validity of the statute, and Federal judges shall cease to enjoin them, at least "before final judgment on the merits of the case."

Now, gentlemen, we can afford to go that far. I would even go further, if I had my way. I would provide that where a corporation or an individual attacks the validity of a State statute they should raise that defense in the courts of the State, and if they have a Federal question involved in their litigation the case should go by writ of error from the court of last resort of the State to the Supreme Court of the United States. Let us not deprive any citizen or any corporation in this broad land of the privilege of going into the Federal courts and adjudicating their rights. Let us not take from them any right that is guaranteed by the Constitution and the statutes. Throw wide the doors of the Federal courts and the State courts as well to every citizen and corporation who has a right to assert. But, Mr. Chairman, when a Federal judge can enjoin a solemn act of a State acting within its inherent sovereignty the time has come when we should have legislation preventing such exercise of Federal power. Not many months ago when a railroad corporation in Missouri applied to Judge Smith McPherson to enjoin the 2-cent passenger-fare law of the State of Missouri, he said:

> Gentlemen, the solemn enactments of the State of Missouri are entitled to some consideration, and I will not enjoin the enforcement of this State law, restraining the officers of the sovereign State of Missouri. I will allow it to be in operation for some time and see if it confiscates your property, as you say.

[Loud applause.]

Such is the true doctrine that should actuate a Federal judge. But it finds lodgment in the breasts of very few.

Mr. HACKNEY. I wish to make the suggestion that such order was made against the railroad companies a year ago, and they have made no application to have the injunction issue.

Mr. HENRY of Texas. I am glad the gentleman has made that statement, and desire to say that I understand the railroads have found remunerative business in carrying passengers at the rate of 2 cents per mile, although they swore in their ex-parte affidavit that their property was being confiscated. [Applause.] Mr. Chairman, give the other side a hearing, give them an opportunity, and whenever a State in this Union passes a law, the presumption should be that it is acting within the scope of its constitutional authority and in accordance with the Constitution of the United States. [Applause.] For the just Federal judge who respects his oath and the Constitution, who recognizes the rights of the States that have not been surrendered to any other power, who believes that the people of the States have retained some powers, I have a wholesome respect. But I fail to see the goodness and patriotism of those who would spit upon State statutes, as has been done in Virginia, North Carolina, and Alabama and other States. [Applause.]

Let me call your attention to another fact. In many instances where corporations have taken their cases to the Supreme Court of the United States, that court has held the State statutes constitutional and they should not have been enjoined.

Mr. SHACKLEFORD. If the gentleman will allow me, is not the judge to whom the gentleman refers as denying the issue of some of these oppressive and improvident injunctions the very judge that issued an injunction suspending the laws of the State of Missouri in reference to freight rates?

Mr. HENRY of Texas. Well, he issued some, but since that he has reformed to some extent, because his last order is subsequent to the one alluded to by the gentleman.

Gentlemen, I wish there were time to go into these subjects further, but I am limited this morning. I only took the floor for the purpose of calling the attention of the American people to these things, and to say that those interested in such statutes are appealing for legislation at this session of Congress. They may appeal and appeal again to the majority of the committee of which I am a member, where I and other Democrats as well are ready to report such legislation at any time, but they will find no sympathy there. Such legislation will come. We will all live to see the time when it will be law. There will be jury trial in contempt cases. The American people will have it, and, though justice may be tardy, it is certain. The power of Federal judges will be curbed. The period is rapidly approaching when those whom you choose to call the laboring people will come into their rights. They are asking for nothing more than that which should be accorded to every honest and patriotic American citizen. Let me warn the Republican side of this House that while these people have patiently waited while demanding relief from you, they have done so for the last time. They will do so no longer. The party which I represent is ready to heed their just demands. We are ready to join hands with you and be just. Help us to command the Speaker in his high place, surrounded by his arbitrary Committee on Rules, and these just measures will be speedily presented to the American people as solemn statutory enactments. [Loud applause.]

Mr. TAWNEY. I yield ten minutes to the gentleman from Illinois [Mr. McGAVIN].

Mr. McGAVIN. Mr. Chairman, in order to relieve the minds of gentlemen present of any intention on my part to transgress the rules of this House and to speak upon the subject under discussion, I want to say that my remarks have nothing whatever to do with the general deficiency bill in so far as it pertains to the Government; but inasmuch as the House is in Committee of the Whole House on the state of the Union, it may not be amiss to inquire as to what the state of the Union is, and what it is coming to in view of these international unions which are of such frequent occurrence of late between American heiresses and alleged nobility.

In thinking of these numerous weddings I have wondered what the early pioneers who battled with the Indians, challenged the forest, and braved the winter's winds and snows to establish a government where manhood might be recognized for its true value instead of for the accident of birth, would say if from their graves they could look back and see so many of the women of this country sacrificing their souls and honor upon the altar of snobbery and vice. [Applause.]

I am not going to make reference to the manner in which the fortunes of these heiresses have been founded, except that in most cases they were made by men who started out with meager means; suffice it to say, in the language of Shakespeare, that—

> 'Tis a common proof
> That lowliness is young ambition's ladder,
> Whereto the climber-upward turns his face;
> But when he once attains the upmost round,
> He then unto the ladder turns his back,
> Looks in the clouds, scorning the base degrees
> By which he did ascend.

[Applause.]

I have no reference to any particular girl [laughter], nor have I prejudice against all of these titled men, for some of them are worthy to grace any home; some of them have added to the honor of their names and to the glory of their country. I have reference only to those who have a monocle on their eyes and an idiotic look upon their faces—those who have neither the disposition to do good nor the ability to do harm. [Laughter.]

A bill has been introduced in the House by one of my colleagues [Mr. SABATH] from Chicago, to levy a tax upon all dowries and settlements made by heiresses and their parents upon their titled husbands. I am not here to advocate the passage of that bill, or to oppose it; but my curiosity was aroused to know to what committee it might have been referred, there being several committees with very appropriate names. The Committee on Foreign Affairs might do, or the Committee on Interstate and Foreign Commerce might also be appropriate, but on further

thought and examination I found it had been very properly referred to the Ways and Means Committee, inasmuch as it sought to levy a tax, and then I was more curious to know whether the present tariff schedule included dukes, earls, lords, and counts, and finding that these things were nowhere mentioned, I thought that it might be proper for the customs officer to classify them like frogs' legs, as poultry, for it is the general opinion among Americans that they are a species of geese. [Laughter.]

Mr. Chairman, we upon this side of the House, have in recent years referred triumphantly to the fact, that, as between this and other nations, the balance of trade was in our favor, but nowhere in the summary can be found a reference to such trade as these where soiled and frayed nobility is exchanged for a few million American dollars wrung from the lambs of Wall street, with a woman thrown in to boot. [Laughter.]

Every day seems to be bargain day in the great city of New York, whether it be for a yard of ribbon or a pound of flesh; whether it be upon the retail counter of Broadway or the auction block of Fifth avenue. [Applause.]

There was a time when wealthy Americans traveling in Europe were contented with buying costly fabrics, and paintings by "old masters," of whom they knew nothing, but now they want something even more costly but less valuable; so, when the wealthy girls traveling with their parents abroad see some remnant of royalty they enthusiastically exclaim: "Oh, mamma, buy me that!" [Laughter.] An interpreter is secured, the bargain is made and the money produced, and the girl is gone, to soon return a sadder but a wiser one. [Applause.]

I recently saw a play in Chicago, in which the leading man, who acted the rôle of an Indiana lawyer who happened to be abroad looking after some wards and who was subjected to the sneers of the leisure class there, was asked by a gentleman nobleman from another country as to whether they had any leisure class in America, and he very appropriately replied, "No; if anybody gets anything for nothing over in our country they have got to show at least energy enough to steal it." [Laughter.]

While I have engaged in some criticisms of those particular ones who have made a mockery of the most sacred relations of life—I want to say one word in tribute to those true American women who spurned the wiles of earls, lords, and counts for the love of his majesty, an American gentleman. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirteen minutes.

Mr. LIVINGSTON. I yield five minutes to the gentleman from Arkansas [Mr. WALLACE].

Mr. WALLACE. Mr. Chairman, the Washington Post January 16th, relative to its House poll of strength for a Democratic nominee for President, says:

> In the Alabama delegation 5 voted for Bryan, 2 for Johnson, and 1 for Culberson. This proportion between Bryan and Johnson is the same for Arkansas.

I am a member of the Arkansas delegation. But, unlike the ostrich, not content to rest my head under this covert of words. I am for Mr. Bryan, and so stated to the representative of the Post. I understand, sir, as no man is without fault, so no candidate may be without weakness. It is charged that Mr. Bryan talks too much. That, I confess, is a too common fault in men who can talk, and a most grievous one in the eyes of those who can not. [Laughter.] The remedy for this perhaps is to print. "I printed," said Byron, "older children do the same." And into the columns of the Commoner Mr. Bryan crowds pungent paragraph, earnest thought, and heartful love of country and humankind, until its readers feel that upon the ear of the editor-statesman has fallen perhaps the same voice that said to Isaiah: "Take thee a great roll and write in it with a man's pen." [Applause.]

Mr. Bryan is twitted with some political vagaries, and I join no issue there. The whole atmosphere of politics is surcharged with vagaries and some vagrants—a seething maelstrom and contagion of froth and bubbles!

Some say that he has made mistakes. What human has not! What better speaks forth his humanity? Some say he is radical. What reformer is not? Some say he is dogmatic, independent. Who would have him expedient, subservient? If there be one, his hope shall end in disappointment! There is no earthly prince who at noonday can proclaim "It is night," and have Williams Jennings Bryan forthwith declare that he sees the moon and stars! [Applause.]

They say he can not carry this or that State. He may not carry a particular State here and there. But he will do better. He will carry conviction to the people of the States, that he bears within himself the elements that make the world proclaim him a man—worthy the honor and suffrage of all the States. [Applause.]

Bryan's vote in 1896 and 1900 as shown by the World Almanac of 1904.

State.	1896.	1900.
Alabama	130,307	97,131
Arkansas	110,103	81,142
California	143,373	124,985
Colorado	161,153	122,753
Connecticut	56,740	73,997
Delaware	13,424	18,858
Florida	32,736	28,007
Georgia	94,202	90,448
Idaho	23,192	29,414
Illinois	464,632	503,061
Indiana	305,573	309,584
Iowa	223,741	209,466
Kansas	171,810	162,601
Kentucky	217,890	235,103
Louisiana	77,175	53,671
Maine	34,688	36,822
Maryland	104,735	122,271
Massachusetts	105,711	156,997
Michigan	236,714	211,685
Minnesota	139,735	112,901
Mississippi	63,253	51,706
Missouri	363,687	351,922
Montana	42,537	37,136
Nebraska	115,880	114,013
Nevada		6,347
New Jersey	133,675	164,808
New Hampshire	21,650	35,489
New York	551,389	678,383
North Carolina	174,488	157,752
North Dakota	20,686	20,519
Ohio	477,494	474,882
Oregon		33,385
Pennsylvania	433,228	424,232
Rhode Island	14,459	19,812
South Carolina	58,798	47,236
South Dakota	41,225	39,514
Tennessee	166,268	144,751
Texas	370,434	267,337
Vermont	10,637	12,849
Virginia	154,709	146,080
Washington	51,646	44,823
West Virginia	92,927	98,807
Wisconsin	165,523	160,764
Wyoming	10,655	10,164
Total	6,502,925	6,358,133

In 1904 Judge Parker, the eminent judge and Democratic nominee, polled 5,077,000 votes. It is interesting to note, in view of the effort of Republicans and some Democrats to show a wane in the popularity of Mr. Bryan, that in 1900 he polled a greater vote than in 1896 in the very States where his critics say he has no popularity. He polled more votes in 1900 than in 1896 in the following States: Connecticut, by more than 17,000; Delaware, by more than 5,000; Idaho, by about 6,000; Illinois, by about 39,000; Indiana, by about 4,000; Kentucky, by about 18,000; Maine, by about 2,000; Maryland, by about 18,000; Massachusetts, by about 51,000; New Jersey, by about 30,000; New Hampshire, by about 14,000; New York, by about 127,000.

Bryan held his own in his own State, receiving about 1,800 less in 1900 than in 1896; he held his own in North Dakota, Ohio, and his greatest falling off was in the Southern States.

They say he is a twice-defeated candidate and no longer draws. But have we not heard of the "jewel in the toad's head of defeat?" As for me, give me defeat with a man rather than victory with a counterfeit on humanity's baser metal! "He has not lost all who has another throw," and he is not a defeated archer who has another arrow in his quiver! [Applause.]

To our brother Democrats who may cast an eye to the limelight for new and dazzling stars to supplant Mr. Bryan, I commend a prudent observance of the proverb: "Hasty climbers have sudden falls." The flower of the morning-glory is born with the rising and dies with the setting sun!

But—

> "The gathering orange stain
> Upon the edge of yonder western peak
> Reflects the sunsets of a thousand years!"

[Applause.]

And the gentlemen opposite, who have gratuitously intruded their bumpers of discord into the Democratic love feast on this side, I admonish to bear the ills they have and trip it lightly over the span of thin ice whereon they tread! [Laughter and applause.]

To employ a scriptural term, Mr. Bryan is a man who "is become as one of us." A man who has borne himself beyond the promise of his years—doing in the figure of a lamb the

feats of a lion! A man who in the American Congress made two speeches that built for him a monument that cast its shadow across the continent. A man who spoke his party platform into being, and himself foremost in his party's choice—first in his party's gift!

A man who twice bore the commission of his party for the Presidency and polled more votes than any other Democrat, living or dead. Indeed, in the minds of thousands there is an abiding conviction that, like Tilden in 1876, he was elected in 1896; but, forsooth, Tilden was deposed under the mockery of law (8 to 7), and Bryan unhorsed by pernicious alternatives to the electorate and purchase of electors, in defiance of law! [Applause.]

A man who entered the arena of the national Democratic convention of 1904, himself not a candidate, but the champion of a platform of principles, and lost; but emerged from the ordeal, in the judgment of that convention, a Titan more powerful than before—stronger and bigger, perhaps, than any other man in it—the matchless triumph of ardent conviction and compelling force! [Applause.]

Stern as Jackson, astute as Clay, and like Clay he would rather be right than President!

With the opportunity afforded in such a station he might verify the assertion of the ancient Plato:

That every state will be relieved of its calamities when by the favor of fortune great power unites with wisdom and justice in one man.

That he would be great in the greatest office of the Government more than half the country has registered its conviction at the polls. But that he is great without it the whole country knows! Hence it is not conclusive that political preferment of any character could exalt him to heights where, as orator and thinker, he has exalted himself! A man, however, in whose hands the people would look on public office as a public trust; in whom labor finds a friend, liberty a champion, civic order an apostle, the country a patriot, and God a servant in His vineyard—one of the noblest types of clean, honest, self-controlling man under the stars! [Applause.]

God gave us men. The time demands
Strong minds, great hearts, true faith, and willing hands;
  Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
  Men who possess opinions and a will—
Men who have honor—men who will not lie;
  Men who can stand before a demagogue
And damn his treacherous flatteries without winking;
  Tall men, sun crowned, who live above the fog
In public duty and in private thinking!

Ending as I began, I declare my firm belief in the wisdom of the Democratic convention to nominate the great commoner by acclamation. If elected the country will have a President and no more than a President. If not elected—in the light of the current half century of our political history—it will, with two honorable exceptions from the East, have been demonstrated that no Democrat from other section than the South has or can be elected, and for the future—if both the man and the place must be considered—we shall turn again to the mother of States and of men not only for candidates, but for Presidents. History repeats itself! [Loud applause on the Democratic side.]

Mr. LIVINGSTON. Mr. Chairman, I now yield to the gentleman from New Jersey [Mr. HUGHES.]

Mr. HUGHES of New Jersey. Mr. Chairman, inasmuch as there seems to be a great diversity of opinion on, and considerable misinformation current about the legislation and political complexion of the country when the various panics occurred, it has struck me that a recital of the facts might not be amiss.

They are as follows:

[The Commoner.]

THE REPUBLICAN PANIC FALLACY EXPLODED.

The great panic which gave "Black Friday" to history occurred during the month of September, 1869, when the Republican party was in power.

The great panic marked by the failure of Jay Cooke & Co. occurred in September, 1873. Then the Republican party was in power and eleven months prior to the beginning of that panic that party had been reelected to power.

The panic of 1893 began long prior to that year and, indeed, long prior to the Presidential election of 1892; and it is a fact, although Republican orators and Republican organs try to forget it, that the so-called "panic of 1893" began and played its greatest havoc under that famous tariff law known as the "McKinley bill."

It may be well for Commoner readers to keep readily at hand some of the facts and figures relating to this question.

The Republican party was restored to power March 4, 1889.

The McKinley tariff bill became a law October 6, 1890, and remained in effect until August 27, 1894.

The Wilson tariff law, enacted by a Democratic Congress, went into effect August 27, 1894.

If anyone will take the trouble to examine the Republican campaign text-book for 1904, pages 125, 126, and 127, he will find considerable space devoted to a statement of business disasters from July 18, 1893, until November 13, 1894. The Republican managers expected their readers to remember that the Cleveland Administration was inaugurated March 4, 1893, and that all these disasters occurred under Democratic administration; but they expected their readers to forget that the Republican tariff law was in force up to August 27, 1894, or covering more than twelve months of the sixteen months' period of business disasters, as described by the Republican text-book.

In their references to the panic of 1893 Republican orators and organs habitually overlook the date when the McKinley law ceased and the Wilson law went into effect. But when in their tariff discussions they are required to face the fact that that panic played its greatest havoc during the life of the Republican tariff law, they answer that it was the anticipation of tariff legislation growing out of Democratic victory in 1892 which brought on these business disasters. For this reason in their list of business disasters they place July 18, 1893, as marking the beginning of that great panic.

Let it be remembered that the McKinley tariff bill became a law October 6, 1890, and that the first indications of the so-called "panic of 1893–94" were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged.

The Harrison Administration was inaugurated March 4, 1889, and when the first indications of this panic were given President Harrison had not exhausted the half of the term for which he was elected. It is admitted by everyone familiar with the facts that President Harrison's Administration had plates prepared for the bonds and Mr. Harrison's Secretary of the Treasury made a visit to New York for the purpose of negotiating the bond deal. He was wired by Mr. Harrison to return to Washington. Mr. Harrison said that he had concluded not to have any bond issues under his Administration, and in order to avoid the stigma the Harrison Administration warded off the bond issue and unloaded it on the incoming Cleveland Administration.

It may not be out of place to point out that when the Democratic Administration surrendered the reins of government March 4, 1889, there was in the Federal Treasury the largest surplus in history. When the Republican party went out of power March 4, 1893, there was a large deficit, and the incoming Administration was finally persuaded to make the bond issues which its Republican predecessor had at one time thought to be necessary, but had skillfully avoided.

The claim that the business disasters of the period referred to were due to the popular fear of tariff legislation to be enacted by Democrats is, as has been said, met by the fact that this panic began two years prior to the Presidential election day of 1892. The following will serve as reminders on this point:

November 11, 1890, the reports showed financial distress in New York. The New York Clearing-House Association voted its certificates to banks in need of assistance.

The Boston Clearing-House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company, of Chicago, assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver Iron and Steel Mills, of Pittsburg, shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale Rolling Mills and Pike Works and the Charlotte Furnace and Coke Works, in Pennsylvania, closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank, at Kansas City, suspended, with liabilities at $2,250,000.

May 8, 1891, the Spring Garden National Bank, at Philadelphia, closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strike and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called panic of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and, while its effects were felt for several years, it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depression for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff in 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,968 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year and 12,394 the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus' as usual.

"Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen years.

"The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds."

It might be well for Commoner readers to clip this statement from the Commoner and have it in convenient form to show to their Republican neighbors who may have been deceived by the Grosvenor claims.

Mr. TAWNEY. Mr. Chairman, in debate the other day the gentleman from Nebraska [Mr. HITCHCOCK] interrupted me and asked me if I could submit a statement showing the difference between the revenues collected for the several months of this fiscal year, as compared with the corresponding months of last fiscal year. I have that statement here, and it as follows:

Comparative statement of receipts from customs by months for fiscal years 1907 and 1908.

	1907.	1908.
July	$26,176,744.74	$28,836,448.57
August	29,012,059.26	29,716,410.66
September	27,280,010.83	25,604,198.07
October	27,775,890.95	28,158,649.75
November	25,921,327.39	21,909,007.39
December	28,640,631.02	21,744,672.69
To January 25	23,517,725.27	18,284,367.17
Customs receipts	188,324,389.46	174,253,754.30
Loss		14,070,635.16

Comparative statement of receipts from internal revenue by months for fiscal years 1907 and 1908.

	1907.	1908.
July	$22,102,238.65	$22,840,304.52
August	21,853,180.22	22,231,443.05
September	21,491,481.14	22,294,318.36
October	24,730,121.25	25,005,856.09
November	24,830,342.30	19,213,611.37
December	23,583,889.11	20,815,224.44
To January 25	16,119,107.59	15,933,031.02
Internal revenue receipts	154,740,340.26	148,333,820.85
Loss		6,406,519.41

I desire to call attention to this: The foregoing statement shows that the difference in the amount collected—the customs receipts—for the month of this fiscal year, as compared with the month of the last fiscal year, is $14,070,635.16, while the difference between the amount of internal revenue collected for the corresponding months of this year and last year is $6,406,519.41. That is the amount less than was collected last year. Notwithstanding this decrease, I observe from the statement that the two first months of this fiscal year the customs receipts were larger than for the corresponding months of the last fiscal year, and the amount less collected during the next two succeeding months was very little less—that is, it was very little less than was collected during the corresponding months of the previous year—while the internal-revenue receipts show that for the first four months of this fiscal year the revenues in each of these months exceeded the amount collected during the corresponding months of the last fiscal year. Let us take the amount of internal revenue collected up until the 25th day of January, 1908, and compare it with the internal revenue collected for the same number of days in the month of January, 1907, and the gratifying fact appears that our internal revenue is rapidly equaling what it was last year, and let us hope this favorable condition will continue from now on.

Mr. FITZGERALD. Does the gentleman say that we are now getting back to the amount collected last year?

Mr. TAWNEY. I say this statement shows that the customs receipts and internal revenues are increasing very rapidly over the receipts for the months of December, November, and October of the current fiscal year, and the first two months of this current fiscal year the revenues by customs are in excess of the revenues for the corresponding two months of last year—that is, July and August—while the first four months of the current year the revenues are in excess each month of the revenues collected during the corresponding months of last year, and that the internal revenue collected thus far in the month of January, or up to January 25, is $1,186,000 less than the amount collected for the corresponding days in the month of January of the last fiscal year.

Mr. Chairman, I call for the reading of the bill under the five-minute rule.

The CHAIRMAN. The time for general debate having expired, the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Division of bookkeeping and warrants: For one bookkeeper, at the rate of $2,000; one clerk of class 4; one clerk of class 3; two clerks of class 2; in all, $3,416.69, or so much thereof as may be necessary.

Mr. JOHNSON of South Carolina. Mr. Chairman, I wish to make a point of order, or to reserve it, and I desire the attention of the chairman of the Committee on Appropriations.

Mr. TAWNEY. Does the gentleman make the point of order?

Mr. JOHNSON of South Carolina. I reserve the point of order.

Mr. TAWNEY. I will say, Mr. Chairman, that this provides for one bookkeeper, one clerk of class 4, one clerk of class 3, and two clerks of class 2 in the division of warrants. By Executive order the Secretary of the Treasury has put in force a new system of accounting, first recommended by the Keep Commission—a new system of accounting which, in the judgment of the Secretary and the Chief Executive, is deemed an improved system—and in consequence of this change the clerks in the division of warrants and bookkeeping have been increased in the neighborhood of 33 per cent. If that work is to be done, and it is absolutely necessary that it should be, it can only be done by the additional force which is here asked for and which the committee recommends.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, it appears that a Commission which at one time was appointed by the President in his discretion and authorized by Congress, known as the "Keep Commission"——

Mr. TAWNEY. Permit me to correct the gentleman. It was never authorized by Congress.

Mr. JOHNSON of South Carolina. I thought it was subsequently authorized, but at any rate the Keep Commission recommend amongst other things that in the Treasury Department they should adopt the double-entry system of bookkeeping. On the 1st of July of the present fiscal year the Secretary of the Treasury put in operation the recommendation of the Keep Commission and started a system of double-entry bookkeeping in his Department. I believe that in adopting the double-entry system of bookkeeping he was within the law and acting wisely, but what passes my comprehension is that the Secretary of the Treasury should adopt a double-entry system of bookkeeping and at the same time retain the old system of single entry. Why it is necessary to have two methods of bookkeeping I do not understand.

Mr. VREELAND. Will the gentleman permit a suggestion?

Mr. JOHNSON of South Carolina. Certainly.

Mr. VREELAND. The statement of the Secretary of the Treasury was that they are obliged to carry forward both systems of bookeeping until the clerical force becomes accustomed to the new system and through that time the increased expense would run from 6 to 33 per cent, but at the expiration of that time, when the old system will be discarded and the new system taken entirely, there will be no increase of expense and very much increase in the benefit to the service.

Mr. JOHNSON of South Carolina. I understand the gentleman from New York. I read what the Secretary of the Treasury said about it and I am going to withdraw the point of order, but I still insist I do not believe that it was necessary for the Secretary of the Treasury to maintain two sets of books and two sets of bookkeepers. No business concern in this country does it. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, for the present I renew the point of order. I would like an explanation of what benefit it is to have the difference in the bookkeeping and what is the additional cost. The Government has proceeded fairly well along those lines for a good many years. Now, why, in attempting a policy of economy, does it always cost a great deal more than the previous extravagant policy did?

Mr. TAWNEY. I do not know that I can answer the gentleman's question. We all recollect with what a flourish of trumpets the Keep Commission came into existence, the extent to which red tape in the Departments was to be entirely eliminated in the administration of the affairs of the Government, and what great economies would result in consequence of the investigation and the adoption of the system of accounting which the Keep Commission proceeded to recommend. Now, I am not prepared, Mr. Chairman, to say that there will be a permanent increase in the cost of the administration of the Departments as the result of this new system of accounting, nor am I prepared to say that when the system is fully adopted and obtains in its entirety that there will be any less expense, but the system has been adopted within the power of the executive head of the Treasury Department, and he claims to the committee that when fully adopted there will be some economies and that he can not get along in this particular division, and one or two others, with any less clerks than we have allowed here. A great many more additional clerks were asked for than have been allowed; increases in salary also asked for by the Secretary of the Treasury, but when he came before the committee to be heard upon the proposition, he voluntarily withdrew his recommendation of increases of salaries and also of increases in the matter of clerks; but in this particular di-

vision and in the next division, covered by the next item of this bill, he insisted so very strongly, in view of the congested condition in these divisions, that the committee felt warranted in continuing or giving the number of clerks required for the remainder of this fiscal year, at which time they will then have adopted substantially and completely this new system of bookkeeping and the system of auxiliary accounts which accompanies that system of bookkeeping and assembling signed checks, so that the Auditor can look on the face of it and see at all times the exact condition of the account.

It is claimed that greater safety, greater security to the Government, will result in consequence of this, as well as economy in administration.

Mr. MANN. If the gentleman will permit me, does not he believe that if it were desired to introduce a new form of bookkeeping in any of the Departments of the Government at greater expense, that the Department, probably having the authority to do so in one way, should wait until it laid the matter before the committee and received the additional help and additional appropriation in the first place? In other words, is it to be left with some officer in the Executive Department to constantly coerce Congress in doing that which Congress has no chance to consider on its merits at all, and always at an increased expense to the Government? This matter could have been laid before the gentleman's committee for the next legislative appropriation bill and received consideration in the proper manner, and then the committee could have disposed of the matter upon its merits. Now, the gentleman is not even informed of the merits of the proposition by the Department, but is told, as the House is told, that we have adopted a new method requiring more money, and they demand the money.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. VREELAND having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Fuel, lights, and water for public buildings: To pay the account of the Manhattan Electrical Supply Company for electrical supplies furnished to the United States temporary post-office, Chicago, Ill., fiscal year 1905, $238.67.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will concede that the point of order is well taken on this paragraph, as would be the point of order on the succeeding one, and after the next paragraph is read I propose to offer an amendment to cover both.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay the account of the Brush Electric Illuminating Company for electric current furnished to three electric lamps in the United States Barge Office, New York, N. Y., from October 8 to November 9, 1904, $46.56.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. TAWNEY. Mr. Chairman, at this point I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, after line 16, insert:

"Fuel, light, and water for public buildings: To supply a deficiency in the appropriation for fuel, light, and water in public buildings on account of the fiscal year 1905, $285.23."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Collecting the revenue from customs: To defray the expense of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June 30, 1908, $800,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations if any steps have been taken, or if any steps are contemplated to be taken, with reference to a reform in the method of collecting the customs revenues in accordance with the suggestions submitted by the Secretary of the Treasury—I am not sure by the present Secretary of the Treasury, but by his predecessor, and by other Secretaries.

Mr. TAWNEY. I will say, Mr. Chairman, I suppose the gentleman from Texas [Mr. SLAYDEN] refers to the recommendation of the Secretary of the Treasury preceding the present occupant of that office.

Mr. SLAYDEN. I think the gentleman is right.

Mr. TAWNEY. He recommended a very radical change in the law in respect to customs districts and the abolition of a great many of the revenue customs districts, and also the repeal of the permanent appropriation of $5,500,000 for the collection of the revenue. I think the gentleman from Texas [Mr. SLAYDEN] must have a very clear and distinct recollection of the result of the effort that was made in the last Congress by the Committee on Ways and Means to carry out the first recommendation of the Secretary of the Treasury, and the failure on the part of the friends of the measure to secure its passage. The Committee on Appropriations has repeatedly carried a provision in the urgent deficiency apropriation bill for the repeal of that permanent appropriation, to the end that the Secretary of the Treasury will have to submit to Congress a detailed estimate for all employees and for all the service in connection with the collection of the customs revenues, and it has uniformly gone out on a point of order on the ground that it is a change of existing law. I hope, speaking for myself, and as chairman of the Committee on Appropriations, that at this session of Congress we will be able to report a bill from the committee repealing, or proposing to repeal, the permanent appropriation of $5,500,000, together with several other appropriations, the repeal of which has repeatedly been recommended by the administrative officers of the Government. That is the only promise I can make to the gentleman. I hope we will succeed.

Mr. SLAYDEN. I think he ought not to weary of welldoing or in his efforts toward welldoing. The Government, manifesting itself through the action of Congress, I regret to say, has steadily refused to enact a reform of a businesslike character, which has been recommended repeatedly, I am told, and which commends itself to the judgment of the chairman of the Committee on Appropriations and, I believe, must commend itself to the judgment of every Member of this House who will study the question and consider it without any reference to the particular alignment of the present districts.

We are engaged in the collection of revenues upon a preposterous and antiquated plan, where it costs in some instances $2,000 and more to collect one. It is not good business; it is not common sense; and I sincerely hope that the reform that the gentleman proposes to inaugurate will be successful.

Mr. TAWNEY. I would state to the gentleman from Texas I have introduced a bill for the repeal of the permanent appropriation for the collection of customs, together with the repeal of a number of permanent appropriations. The bill is now before the Committee on Appropriations, and in order that the committee may consider the proposition intelligently, I offered and secured the passage of a resolution a few days ago calling on the Secretary of the Treasury for information as to what permanent appropriations there are, and whether or not he would recommend the passage of the bill.

Mr. SLAYDEN. You can count on one vote.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman a question in reference to the matter the gentleman from Texas and the gentleman from Minnesota were discussing. I have been trying to find out honestly where this money goes. I think if the gentleman can devise some system by which lump-sum appropriations shall be abolished, he will go a long way toward correcting a great many abuses in the administration of the Government.

The Clerk read as follows:

Prevention of epidemics: To supply a deficiency in the appropriation to enable the President of the United States in case of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, including pay and allowances of all officers and employees of the Public Health and Marine-Hospital Service assigned to duty in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force, $200,000.

Mr. JOHNSON of South Carolina. I move to strike out the last word. I notice that that lump sum placed at the disposition of the President for the purpose of preventing epidemics—and I know of no other way, perhaps, in which the appropriation can be made except in a lump sum—has been largely used by the Government in San Francisco. It seems that the National Government has practically taken over the matter in the city of San Francisco and allowed the State and the municipality, practically, to escape any burden. I would like to know—I suppose the Committee on Appropriations approve of that by giving the deficiency asked for.

Mr. TAWNEY. I would say to the gentleman from South

Carolina, that in allowing the deficiency the gentleman is not entirely justified in saying that the committee approved of the plan in which this epidemic fund has been expended in San Francisco. If the gentleman will read the hearings——

Mr. JOHNSON of South Carolina. I have done so.

Mr. TAWNEY (continuing). He will see that members of the committee took occasion not to censure but at least to criticise the administrative officer for entering into a contract of this kind whereby the fund has been depleted without even asking the State of California to provide any part of the necessary expense.

Now, the city of San Franciso is not able, although it is absolutely necessary that this work should be done——

Mr. MADDEN. Is it not a fact that the State of California authorized San Francisco to issue a lot of bonds in connection with this matter, and that the contribution of California was made in that way?

Mr. TAWNEY. Yes; the State of California contributed to the extent of permitting the city of San Francisco to raise the money to pay for this expense.

Mr. KAHN. Mr. Chairman, the situation in the city of San Francisco respecting this matter is this: Some years ago there was an alleged outbreak of bubonic plague, and then there came a conflict of authority between the State quarantine officers and the Federal quarantine officers. A committee of prominent citizens came to the city of Washington and consulted with the Federal authorities at that time, and finally it was agreed that the spreading of this plague might work such great hardship throughout our country that the Federal Government should take it in hand, and, with the support of the State and city officers, stamp it out. Within the past year another outbreak of this plague was announced. The city of San Francisco expended every dollar of the money that it had in its fund for sanitary purposes in assisting in cleaning up the city and checking the spread of the dreaded disease. The State of California has a session of the State legislature only once every two years; and while it is true that a special session of the legislature was called in December last, to consider matters of urgent necessity, there was nothing in the governor's call for an extra session respecting the fund for this specific purpose, because probably the attention of the governor of the State had not been called to the matter. Every dollar that the city of San Francisco can raise by bonds or by taxation will be required for many years to come to build schoolhouses, thirty-four of which were burned down in the conflagration of April, 1906. Practically our entire sewer system will have to be rebuilt; we will have to build a new city hall; we will have to build a new hospital and a new jail; we will have to build fire-engine houses; we will have to build a new hall of justice; we will have to repair practically all of our streets in the burnt district.

Every dollar of money that we can raise by taxation will be used for these purposes.

Now, so far as the plague is concerned, that has ceased to be a matter in which the city of San Francisco alone is interested. It is a matter in which all the people of the United States are interested. We face the Orient. The vessels coming from China and Japan bring the vermin, the rats that carry this plague. It is of vital interest that the Government of the United States should take this matter in hand, in order that the infection should not be spread beyond the confines of California. For my part I think that the Federal Government is amply justified in taking the burden of this work upon its shoulders. The city of San Francisco will do its share so far as it can do it, but I do not think that this Congress should question the acts of the Federal authorities, who have undertaken, in the interest not alone of San Francisco but of all the great cities of the American Union, to stamp out this dread disease.

Mr. VREELAND. The committee felt obliged to put in this appropriation for the defense of the people of the United States, if for no other reason. What we would like light upon, if the gentleman can furnish it, is why the State of California has not furnished assistance in this most necessary enterprise. We admit that the city of San Fransisco has done well.

Mr. KAHN. As I stated a moment ago, the legislature of California meets but once in two years. The last regular session was at the beginning of 1907. This plague came long subsequent to the adjournment of the legislature. The members of that legislature could not foresee the outbreak of this disease, and hence made no appropriation for meeting such a condition.

Mr. VREELAND. They have just had a special session of the legislature.

Mr. KAHN. True; but the attention of the governor of the State probably was not called to the fact. I am satisfied that if his attention had been called to it he would have included it in his message calling the legislature together, and the State would have done its share. But even on that question I want to say this: The city of San Francisco pays one-third of the taxes of the State, and in the final analysis practically the entire burden of the State's work would fall back again on the city of San Fransicso.

Mr. LIVINGSTON. I should like to ask the gentleman if the governor did not know of this plague at the time when he called the special session of the legislature last December?

Mr. KAHN. I do not know what the governor knew. I can not speak for him, but I am satisfied that if his attention had been called to this matter he would undoubtedly have added it to his call. There were a number of matters that were exceedingly urgent and pressing. The extra session was called together on very short notice. The demand came from almost every quarter of the State, and immediate action upon two or three questions of great importance was necessary.

Mr. LIVINGSTON. The governor knew that the bubonic plague existed there at that time, did he not?

Mr. KAHN. I dare say he did.

Mr. LIVINGSTON. I only want to emphasize this fact, that he should have taken notice of it and that the State of California ought to do it now.

Mr. KAHN. The State of California can make no appropriation until the next session of the legisalture, which will be in 1909.

Mr. LIVINGSTON. Can not the governor call them together to-morrow?

Mr. KAHN. I submit that it is an expensive proposition to call the legislature together, especially in a State of such large extent as California, where some of the members have to travel six or seven hundred miles to get to the capital. But there is no question that the State of California will do its share, and will make an appropriation when the legislature meets in regular session.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MANN. As I understand it, this appropriation was for the purpose of suppressing the outbreak of the bubonic plague, which plague is spread solely through the aid of rats and fleas?

Mr. KAHN. True.

Mr. MANN. The rats may come from any ship that touches at the seaport of San Francisco?

Mr. KAHN. Yes.

Mr. MANN. And while San Francisco may be the place where the bubonic plague has broken out, it would be as sensible to say that a little town through which a railroad ran should pay the entire cost of preventing an epidemic as it is to make San Francisco pay the whole cost, simply because the rats and fleas come through San Francisco into the country.

Mr. KAHN. Very true. That is the stand that the Federal officers have taken. It is not San Francisco that is involved, but it is a question that affects the welfare of every community in the entire United States.

Mr. GAINES of Tennessee. I do not rise, Mr. Chairman, to protest against an appropriation to exterminate the enemy in common. The Philippine Islands that are under our flag always have been and always will be full of this plague, with which we are being daily inoculated, more or less, and especially on the western shores of the United States. The two gentlemen who have just addressed the committee in effect admit that we are more liable to this plague now than heretofore, and that practically it has become so awful, such an evil, such a horrible menace, that the Government of the United States must now take charge of it and protect all of the United States.

Mr. TAWNEY. Will the gentleman allow me?

Mr. GAINES of Tennessee. Certainly.

Mr. TAWNEY. I do not want to embarrass the gentleman's argument, but I want to say that the plague does not come from the Philippine Islands; it comes from China.

Mr. GAINES of Tennessee. It was in the Philippine Islands when I was there. I did not bring it back, thank God; I was afraid of the Dingley tariff. [Laughter.] I want to say that I paid duty on every dutiable thing I brought in, too. But I want to remind this distinguished body that when I returned from the Philippine Islands, I said that that country would soon inoculate with contagion the western shores of this country, and would later be a menace to the peace and welfare and happiness of the entire United States by reason of the awful diseases this plague brings on, that have depopulated portions of that country from time to time. I then warned the American Congress and the American people against permanently holding to

the Philippine Islands for that reason, and because, sooner or later, I knew that the expense upon the American Treasury would be increased exactly as we have it here to-day.

It is strange, Mr. Chairman, that the distinguished governor of the State of California, who was a leading Member of this House a few years ago, should have been so engrossed in something else as to have forgotten that the plague had previously visited the city of San Francisco and had previously scourged that beautiful city and glorious people and was liable to return.

We are paying to-day, as the gentleman from Georgia [Mr. LIVINGSTON] has just told me, $30,000 a month in San Francisco to exterminate this disease and prevent it from coming from the yellow countries. The gentleman from Minnesota, who has just undertaken to enlighten me as to this disease, is not as familiar, perhaps, with the history of the yellow countries as I am. I went there and investigated and came back here and gave my fellow-countrymen the full benefit of my investigation and information, and this is one of the many things against which I undertook to warn the people.

I regret exceedingly that the beautiful city of San Francisco should be scourged with anything. I regret that not only her shores are exposed to the yellow countries and to the diseases brought here by mice, rats, and rags, but also to those diseases brought back by our own people from the Philippine Islands.

Mr. DRISCOLL. Will the gentleman permit me to ask him a question?

Mr. GAINES of Tennessee. Yes.

Mr. DRISCOLL. Does the gentleman think that the national quarantine law would justify the United States Government in fighting this plague?

Mr. GAINES of Tennessee. I do not think the American people would put up with Congress being dilatory in the least. I am for my country first, whether it is against an armed enemy or a diseased rat, or any kind of a plague. I would be ashamed of myself, Mr. Chairman, if for a moment I should say anything against allowing all the money that California or the city of San Francisco or the United States wants to fight such a plague when it is at the gateway of my country or infests the people of the United States. I am for the appropriation if it is a million dollars or five hundred thousand dollars a day and necessary, but California should do her duty and not impose on the General Government.

But, Mr. Chairman, I am calling the attention of the Members of the House to the fact that one of my prophecies is admitted here in this great body, that sooner or later the American people and the American health would be scourged by disease brought here because of our communication from time to time with the Philippine Islands and other brown countries where the plague and other horrible contagions come from. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENBY having taken the chair as Speaker pro tempore, a message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district;

H. R. 9210. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala.; and

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Reimbursement of Philippine Islands tariff fund: To enable the Secretary of the Treasury to deposit to the credit of the Philippine Islands tariff fund the sum collected by the collector of customs at San Francisco, Cal., July 12, 1906, as tonnage tax from the British steamship *Sutherland*, entered at the port of San Francisco from Manila, via Iloilo, Philippine Islands, and erroneously covered into the General Treasury of the United States $136.62.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will say that the paragraph, on the face of it, is self-explanatory. There was a tonnage tax collected, and by the collector erroneously turned into the Treasury of the United States instead of turning it into the Philippine Island tariff fund, which is a special fund in the Treasury of the United States, a fund in which all of the tariff dues collected and tonnage taxes collected are deposited by the collectors to the credit of this special fund. Now, the collector erroneously turned in one hundred and sixty-odd dollars to the general fund of the Treasury instead of turning it into the special fund and crediting it to the Philippine tariff fund. This is simply to correct a little bookkeeping.

Mr. MANN. Do they require an act of Congress to correct a mistake in bookkeeping?

Mr. TAWNEY. Yes. When money is once put into the Treasury of the United States to the credit of the general fund, whether erroneously or otherwise, it can not be put out of that fund except by direct authority of Congress.

Mr. MANN. Yes; that is very true, but there is a direct authority of Congress to pay this money over to the Philippine government. Can the gentleman inform us anything of the amount of the tonnage taxes that we are paying into the Philippine treasury? That is a new thing to me, I will confess. I knew that we were paying over the customs dues and everything of that kind, but I did not know that we were contributing to the Philippine government a tonnage tax collected on this side of the ocean, which is supposed to be used for other purposes.

Mr. TAWNEY. I would say to the gentleman that in a recent decision by the Comptroller of the Treasury the Comptroller calls particular attention to the different classes of funds in the Treasury of the United States, calling some of them general funds, some special, and some of them trust funds; and one of the questions involved in that decision was whether a certain tonnage tax collected under the act—I have forgotten the date—which authorizes the payment or rebate to the Philippine Islands of all customs dues as well as tonnage taxes was covered in by that law, and the Comptroller of the Treasury held that it was. The law covers not only customs dues but also tonnage taxes.

Mr. MANN. Does the gentleman think that it was the intention and was so provided in that law of Congress that Congress intended to turn over to the Philippine government not merely the customs dues collected here on goods coming from there, but also the tonnage taxes?

Mr. TAWNEY. Yes.

Mr. MANN. It is a new thing to me. I shall object as far as I can, and I shall insist on the point of order.

The CHAIRMAN. The Chair assumes from the statement of the chairman of the committee that this can not be done without legislation, so that that would change existing law. The Chair therefore sustains the point of order.

The Clerk read as follows:

Charters, constitutions, and organic laws: The Secretary of the Treasury is hereby directed to withhold payment of the sum of $10,000 appropriated by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, for the purchase of the manuscript of a new edition of "Charters, Constitutions, and Organic Laws," pending the approval of the Joint Committee on the Library, which is hereby authorized to pass upon the question of the completeness and accuracy of the work and to determine whether the manuscript submitted is the identical, specific manuscript which Congress agreed to buy and for whose purchase it appropriated $10,000.

Mr. PERKINS. Mr. Chairman, I raise the point of order against the paragraph las read, beginning at line 17, on page 8, and continuing to line 5, on page 9, on the ground that it changes existing law.

Mr. DAWSON. Would the gentleman be willing to reserve the point of order until some explanation can be made of the merits of this question.

Mr. PERKINS. I am willing to reserve the point of order in order that the gentleman may make an explanation that he sees fit. But I feel bound to say in fairness to the Chair that I shall finally insist upon the point of order.

Mr. DAWSON. Mr. Chairman, I am not sure that my distinguished friend from New York was here the other day when this proposition was under discussion, but I am sure that if he appreciated the facts surrounding this particular item he would not desire to raise the point of order upon this provision, which is one purely of a protective character to the Government. If the gentleman from New York understood the merits of this proposition I am sure that he would not want to be a party to foisting something upon the Government which ought not to be foisted upon it.

In brief, the facts in the case are these: At the last session of Congress an appropriation of money was made for the purchase of the manuscript and printing a new edition of the charters, constitutions, and organic laws of the United States.

The last previous edition had been published some thirty years ago, and aside from being out of print was now entirely incomplete. So Congress, recognizing the necessity for a new edition of this work, provided for the appropriation of money. When the manuscript was presented to the Public Printer in conformity with this legislation, serious charges were made against the character of the manuscript—so serious that when the warrants in payment thereof came to the Secretary of the Treasury he declined to pay the money, and at the same time transmitted an official letter to Congress saying that he would withhold the payment of this sum of money until Congress had designated some suitable committee to pass upon the worth and the completeness of the manuscript.

Mr. GAINES of Tennessee. Who was the author of this?

Mr. DAWSON. A gentleman by the name of Thorpe, formerly a resident of the State of Pennsylvania, and now, I think, a resident of the State of New Jersey.

Mr. STAFFORD. I may say he is a professor of the University of Pennsylvania, a noted author and historical writer—Prof. Francis N. Thorpe, who has written several works on constitutional history.

Mr. DAWSON. So, in conformity with the recommendation of the Secretary of the Treasury, this item appears in this bill. It is there purely as a matter of protection to the Government.

Mr. GAINES of Tennessee. To what extent is this new law? It seems to have been previously authorized.

Mr. DAWSON. Congress, at the last session, provided for the purchase of the manuscript and publication of the document. When the manuscript was submitted it was found that it was not the one which Congress intended to purchase. Instead of being a complete edition it is an incomplete and inaccurate edition. So the proposition resolves itself into a question whether or not we desire that this money shall be paid for a manuscript that was not the one which Congress intended to purchase and for a manuscript which, instead of being new, 75 per cent of it is simply pages cut from Ben: Perley Poore's work, published thirty years ago. That is the whole situation in a nutshell, and I am sure my distinguished friend from New York does not desire to become a party to such a performance.

Mr. GAINES of Tennessee. And this provision is to prevent some sort of fraud, as you might term it, being perpetrated on the Government, and if this provision goes out we will have to accept it and pay for it; is that the idea?

Mr. DAWSON. That is perhaps——

Mr. GAINES of Tennessee. I do not mean to say it is a fraud, but without this provision we might be compelled to take an article we did not want. It is a kind of police provision, it seems to me.

Mr. BATES. Mr. Chairman, can the gentleman inform me whether or not this matter is now pending in the courts?

Mr. DAWSON. I can, and it gives me great pleasure to do so. It is pending in the courts in this manner: When the Secretary of the Treasury declined to pay this money, Professor Thorpe began mandamus proceedings to compel him to pay it.

Mr. GAINES of Tennessee. If this provision is left in here it will arm the Secretary of the Treasury to protect the Government against a thing which the Secretary thinks is wrong; is that the idea?

Mr. BATES. If the gentleman from Tennessee will allow me——

Mr. GAINES of Tennessee. Certainly.

Mr. BATES. The matter of the propriety and legality of making this payment is now pending in the Federal courts before a Federal judge.

Mr. DAWSON. Mr. Chairman, I want to say in answer to the gentleman from Tennessee that if this provision remains in the bill, then we will be assured that the manuscript which is finally accepted is a complete one and is the manuscript that Congress intended to purchase when it made the appropriation. If the item goes out, then for the time being the Government is without that protection.

Mr. GAINES of Tennessee. The Government is left to the courts.

Mr. DAWSON. If the item goes out and we decline to act upon the recommendation of the Secretary of the Treasury and he, with knowledge of the facts, declines to pay the money——

Mr. GAINES of Tennessee. Well, that goes back to what I tried to say a minute ago; it looks like this provision is to arm the Secretary of the Treasury to prevent this thing being imposed on the Government, or on Congress, or on the people because it is not the thing that the Government contracted for.

Mr. DAWSON. That is exactly right.

Mr. GAINES of Tennessee. And if it goes out, it will be turned over to the mandamus proceeding.

Mr. DAWSON. I want to explain to my friend from Pennsylvania and to the committee the situation from the standpoint of the court proceedings. As I said, Professor Thorpe brought a mandamus proceeding in the courts to compel the Secretary of the Treasury to pay the money. The district attorney filed his return thereto, and the case was argued on last Friday before Justice Wright, I believe, and he reserved his decision. Not more than thirty minutes ago I was advised upon inquiry that Justice Wright had filed his decision in the matter. That decision was favorable to the contention of the Government and of the Secretary of the Treasury. That decision makes it clear to me that the attorneys for Professor Thorpe seek to sue the Government on a contract under the guise of a mandamus proceeding.

Mr. GAINES of Tennessee. Then the Government has practically won the case, from what the gentleman says. What is the use of having this at all? The gentleman says it is favorable to the Government.

Mr. DAWSON. Even if the Government does win the case, as I believe it will, then this provision is absolutely essential in order that we may have some committee to pass upon the completeness of this manuscript.

Mr. GAINES of Tennessee. I see.

Mr. DAWSON. And so in the light of the facts surrounding this particular item, I trust, and I believe, that the point of order will not be made.

Mr. PERKINS. I am sorry to disappoint my friend from Iowa [Mr. DAWSON]. Of the merits of this proposition I know very little, I will say frankly. An appropriation of $10,000 was made to pay for certain collections or compilations of charters. It appears now that a distinguished professor from Iowa thinks he was the man intended, or, at least, he is the man who desires to get the $10,000. A distinguished professor from Pennsylvania has the same idea, and thus far, I judge, has somewhat the advantage of the position. As to that, Mr. Chairman, I have nothing to say. In behalf of some Members of the House who are not here I agreed to present to the Chair the sole question the Chair has to deal with, not the rights or wrongs between these two distinguished professors, but whether this provision is subject to a point of order, and I submit, Mr. Chairman, with very great confidence that it is subject to a point of order. The law to-day is this——

The CHAIRMAN. Does the gentleman from New York [Mr. PERKINS] insist upon his point of order?

Mr. PERKINS. I do.

The CHAIRMAN. The Chair is, then, ready to rule. It is clear to the Chair——

Mr. TAWNEY. Mr. Chairman, I would like to submit just one observation on the point of order before the ruling is made.

The CHAIRMAN. Then the Chair will ask the gentleman from New York [Mr. PERKINS] to resume his argument.

Mr. PERKINS. I am pleased to see that the Chair after reading the paragraph evidently thought it was subject to a point of order, because, it seems to me, Mr. Chairman, that would be apparent to anyone familiar with the principles of our parliamentary law. There is to-day a law upon the statute books which says that the sum of $10,000 shall be paid by the Treasury for an edition of charters, constitutions, and organic laws.

Mr. LIVINGSTON. May I suggest to the gentleman that he leaves out one important word there. It does not read "an edition," but it reads "a new edition."

Mr. PERKINS. Very well, a new edition. There is an appropriation for the payment of $10,000 for a new edition of charters and constitutions. If any question shall arise between the Government and the person presenting them, as to whether they correspond, it may be for the court to say upon mandamus or other proceeding when the new edition is presented. So far as Congress is concerned, Mr. Chairman, we are bound by our own rules of procedure.

Mr. MANN. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. MANN. The gentleman is on the distinguished Committee on Printing?

Mr. PERKINS. I have that honor; yes.

Mr. MANN. And is hence a sort of a guardian of the conscience of the House on printing.

Mr. PERKINS. The gentleman is entirely right.

Mr. MANN. And the gentleman must know something of the merits of this proposition.

Mr. PERKINS. There the gentleman is wrong.

Mr. MANN. I have never known any proposition to come before the House on which the gentleman could not contribute light on its merits.

Mr. PERKINS. I know about the parliamentary merits of this proposition very well.

Mr. MANN. How does such a proposition come into the laws? I have, and I presume the gentleman has, a very excellent copy of the Charters, Constitutions, and Organic Laws in two or three volumes. It has been of great value to me. Was it intended to pay $10,000 to write new charters and new constitutions for the States of the Union?

When the gentleman has answered these inquiries, will he in the same connection answer another? Can it be possible that in a contest between Iowa and Pennsylvania a very distinguished gentleman connected with a certain body of the Government and high in authority on questions of appropriation has been taken into a game of confidence, thinking the $10,000 would go to his State, and thereupon Pennsylvania comes in and grabs the money?

Mr. PERKINS. I must refer the gentleman to the chairman of the Committee on Appropriations to answer that question.

Mr. MANN. The gentleman is a member of the committee holding entire power over the matter of printing, and being on the committee he ought to know, and I am quite sure he does know.

Mr. PERKINS. The matter that is referred to in this bill did not come before the committee, and I must refer the question to members of the other committee.

Mr. MANN. I understand that it is the universal rule, wherever there is anything of new legislation put on the bill, that it is not allowed in conference until the appropriate committee has consented to it.

Mr. FOSTER of Vermont. I wish to suggest in this connection that I understand this legislation got into the bill last year owing to the fact that the distinguished chairman of the Committee on Appropriations called it up on that one day of the session when the gentleman from Illinois was not present devoting his usual care to the proceedings. [Laughter.]

Mr. MANN. Mr. Chairman, the gentleman is mistaken. That day does not exist. [Renewed laughter.]

Mr. PERKINS. Now, if this airy persiflage is ended I will proceed to discuss the merits of the point of order. I have no suggestion to make as to whether this appropriation ought to have been passed. It was passed, and it is the law. The question which we have to pass upon is whether this provision changes the law that has been enacted, whether wisely or foolishly, whether with the consent of the gentleman from Illinois or in his absence. That it makes a change seems manifest. I have only to read the provision. There being an absolute appropriation for the payment of $10,000, this provision says that the Secretary of the Treasury is directed—not merely authorized—but directed to withhold the payment of that sum of $10,000. There is the substance, except with the qualification afterwards. Does it not absolutely repeal the law, which now stands to-day? It is the law that $10,000 shall be paid. In this appropriation bill it is sought to be enacted that the $10,000 shall not be paid. How can it be said for one moment that it is not a change of the law which to-day stands upon the statute books? To-day the person authorized in the provision has the right to receive $10,000 for his work. To-morrow, if this amendment is adopted and this bill pass in the shape it is, he has not the right to receive 10,000 cents.

It is a serious matter for my distinguished friend from Minnesota to contend that this does not amount to a change of law, that a man can be paid at one time and can not be paid at another. Thus, I say, a change of existing law has been enacted by a clause of an appropriation bill.

Further, if the chairman please, the Joint Committee on the Library up to this moment has no more power on this question than has the chairman or any member of this committee. If this law is passed, there is vested an authority by which they shall ascertain the completeness and accuracy of the work and determine whether the manuscript submitted is the manuscript for which Congress was to pay. Now, as to a change of existing law. What has the Committee on the Library to say about this to-day? No more than any one of the pages of this House. But to-morrow it will have the right to reject the manuscript and say that no one who makes a claim against the Government shall be paid because the Committee on the Library decides that it is not, in the words of this amendment, a complete, accurate work, such as was intended by the statute.

Now, as the Chairman is familiar with parliamentary law, I shall not occupy his time by any long discussion. But let me read a few analogous cases—and it was possible in selecting a dozen to have selected a hundred. For instance, where it is formerly enacted that a certain payment might be made, and it was sought to change the word "may" to the word "shall," it was held by the Chair to be a change of existing law. There the provision was that the payment shall be made. A provision that it shall not be made is certainly a provision changing existing law. I have another authority that an amendment taking away from a Department officer a power conferred by law was held to be a change of existing law. Here we have a department or committee that is provided with authority to investigate, and that has been held to be a change of law.

A limitation on the discretion exercised by a bureau has been held to be a change of law. Here is a limitation upon the power held by the Secretary of the Treasury to make this payment, which is prevented unless a favorable decision is made by a new body.

The enactment of positive law where none exists is a change of law. To-day there is no provision of law by which the Committee on the Library or anybody else can pass upon this manuscript. To-morrow that authority will be committed to it. This has been held to be a change of law.

Now, my friend from Minnesota will undoubtedly say that a limitation upon a payment may be made. Let me suggest to the chairman two perfectly satisfactory answers to that position. In the first place the limitation must be made at the time of the appropriation. You can not pass a provision for an absolute payment and then subsequently put into that law, put upon that power of payment, provisions that were not adopted by Congress at the time it made the appropriation. That is not a limitation, but it becomes a change ingrafted upon the existing law.

Furthermore, in this case there is no such limitation. A provision that $10,000 be paid, provided that none of it shall be paid except to persons situated in a certain way, might be a limitation on an appropriation. Here, on the other hand, a committee of Congress is taken, and upon that committee is vested a new authority, by which it can prevent the payment of a sum of money heretofore authorized by act of Congress.

Now, just a word or two as to cases such as that. The limitation must be upon the appropriation, as held in a very recent case, and not an affirmative limitation upon official functions. This is exactly that. This is an affirmative limitation, an affirmative statement of official functions, to wit, the official functions of the Committee on the Library, by which they can not only limit this payment, but prevent the payment altogether.

And still more analogous—and this is the last word with which I shall weary the Chairman—I read from the Digest a heading exactly in these words, to which I ask the Chairman's attention:

An amendment proposing to make the payment of the salaries of certain officials or employees dependent upon a contingency was held to be a change of law and not a limitation.

Here is a provision proposing to make the payment, not of a salary but of a sum of money earned for certain services, dependent upon a certain contingency, to wit, the contingency that the members of the Committee on the Library shall see fit to approve of what has been done. I will not further weary the Chairman nor take the time of the committee.

Mr. LIVINGSTON. Mr. Chairman, I undertake to say that this paragraph is not subject to a point of order. Under a provision incorporated in the sundry civil bill this man was authorized to do a certain thing, to present Congress with a new edition of Charters, Constitutions, and Organic Laws. He offered that work to the Public Printer and to the Secretary of the Treasury, first to print and second for payment. They discovered, as they believed, that he had not complied with the purpose for which the $10,000 was appropriated. The matter comes to the House and to the Appropriation Committee, and this paragraph is inserted, not to change the law, but it is merely a delay in the completion of the contract, in order that Congress, which authorized the appropriation in the sundry civil bill, may have an opportunity to see if he has performed this contract as he should have done and as we expected him to do. There is no change of law. It is a mere matter of delay that the committee ask this House to adopt to protect the House and the country in this matter. That is all there is in it.

Mr. JOHNSON of South Carolina. Did anybody pass on this manuscript before Congress authorized its purchase?

Mr. TAWNEY. No.

Mr. LIVINGSTON. We could not pass on it before we authorized it, because it did not exist.

Mr. JOHNSON of South Carolina. Did the act which authorized the expenditure of the $10,000 contemplate that Congress was going to edit the work?

Mr. LIVINGSTON. It certainly contemplated that the Congress of the United States could accept or reject the work, certainly.

Mr. JOHNSON of South Carolina. Mr. Chairman, the act authorized the Secretary of the Treasury to enter into a contract with this author. That ended the functions of Congress.

Mr. TAWNEY. Mr. Chairman, this point of order raises an interesting question, and so far as I know, a new question. If the appropriation were now proposed, and it were proposed to amend it by offering the new matter contained in this provision, the amendment would be held in order as a limitation upon the appropriation.

I think there is no one who would dispute the proposition that as a limitation this would be in order if the appropriation was about to be made. The appropriation has been made, but as the appropriation has not been expended, is it now within the power of the House to impose the limitation that would have been in order in the first instance, even though subsequent to the adoption of the appropriation? We have here in the Manual and Digest of Rules, on page 343, this provision:

In making an appropriation for a purpose the House may, under the rule, provide that a portion of the same shall be withheld under certain conditions.

This appropriation is yet under the control of the Government. It has not been expended, and if the new matter now proposed would have been in order at the time the original appropriation was made, as a limitation, and the appropriation still being in the control of the Government, Congress would have absolute power to impose the limitation at this time.

Mr. DALZELL. Mr. Chairman, I am almost ashamed to say anything on the subject under discussion, because it seems so plain that nothing can be said about it. The last suggestion made by my friend lacks force for the reason that this is not a limitation and does not pretend to be a limitation on the appropriation. The limitation is on the Secretary of the Treasury. It is a direction to him as to how he shall act under certan circumstances. It seems to me too plain to talk about that this is a change of exising law in two particulars. First, because it directs the Secretary of the Treasury not to do that which the law says he shall do, and in the second place it confers a power on the Committee on the Library that under the law does not now exist.

The CHAIRMAN. The section under consideration directs the Secretary of the Treasury to withhold the payment of an appropriation formerly made by Congress and confers certain power and authority on the Joint Committee on the Library which it does not now have by law. It seems to the Chair, therefore, that it is an enactment of law where none now exists, and is therefore a change of existing law. As the gentleman from New York insists on his point of order, the Chair feels that he must sustain it. The point of order is sustained.

The Clerk read as follows:

INTERNAL REVENUE.

For salaries and expenses of forty revenue agents provided for by law and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, $150,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. With reference to the paragraph on the Life-Saving Service——

Mr. LIVINGSTON. That paragraph has been passed.

Mr. PERKINS. I am aware of that. I am merely asking about it for information, and not to make a motion affecting the paragraph. I wish to ask the gentleman by whom is the amount of payment to the Life-Saving Service officers fixed?

Mr. TAWNEY. It is fixed by statute. The act of Congress approved March 2, 1907, making appropriation for the support of the Army for the fiscal year ending June 30, 1908, provides:

That hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States, under such regulations as the Secretary of War may prescribe, and the request of the above authority is made in order that the necessary funds may be available to pay the allowance for heat and light to which the officers of the Revenue-Cutter Service who are detailed for duty in the Life-Saving Service are entitled under section 3 of the act of April 12, 1902, providing that officers of the Revenue-Cutter Service "shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army. * * *"

Mr. PERKINS. The question I wanted to ask is in reference to the Life-Saving Service officers: Is their pay fixed uniformly by the Appropriation Committee or by some Department in proportion to the work they are supposed to do?

Mr. TAWNEY. No; it is fixed by statute.

Mr. MANN. The pay of the revenue-cutter officers is fixed by law.

Mr. PERKINS. It is uniform?

Mr. TAWNEY. Yes.

Mr. MANN. It is the pay for the corresponding rank in the Army.

Mr. PERKINS. Sometimes changes are made in the time in which the office or station is required to be kept open. How is that regulated?

Mr. MANN. The revenue-cutter officers, of course, are not life-saving officers, but the revenue-cutter officers are detailed from the Revenue-Cutter Service to the Life-Saving Service as inspectors. In various life-saving districts a revenue-cutter officer is detailed for an inspector, that being the method by which the revenue-cutter officer obtains shore duty.

But they are paid as revenue-cutter officers, and they receive their pay from the appropriations for the Revenue-Cutter Service, that pay being fixed by statute according to rank. This proposition is to pay them an allowance out of the Life-Saving Service. The Light-House Service, so far as the inspections are concerned, are detailed from the Navy. Inspectors in the Light-House Service are naval officers.

Mr. PERKINS. Who are the light-house keepers? They are not naval officers.

Mr. MANN. No; nor are the life-saving officers revenue-cutter officers. The Light-House Service has a regular corps of servants, but the inspectors are naval officers and the engineers are Army officers.

Mr. PERKINS. Who fixes the pay of the light-house keepers?

Mr. MANN. The light-house keepers' pay is fixed partly by statute and partly by the Light-House Board under an appropriation which is made. The Light-House Board has earnestly recommended that they be authorized to slightly increase the pay of the light-house keepers, which now ranges from possibly $55 down. I am not sure but a few of them get as high as $60.

Mr. PERKINS. A month?

Mr. MANN. A month.

Mr. PERKINS. I withdraw the point of order.

Mr. MANN. It is a complicated system.

Mr. PERKINS. I should judge so.

Mr. MANN. Originally the Light-House Service grew out, possibly, of the naval service. The Life-Saving Service grew out of the Revenue-Cutter Service, and for that reason these details are made of these officers as inspectors, partly because of their familiarity with it, and undoubtedly partly because it gives an opportunity for shore duties to officers who otherwise would have no shore duty.

Mr. DALZELL. What are the Life-Saving Service paid? Are they paid all the year round, or only part of the year?

Mr. MANN. The Life-Saving Service on the Atlantic coast, on the seacoast, are paid ten months in the year $65 a month, and on the Lakes they are paid for eight months in the year at the same salary.

The Clerk read as follows:

To pay accounts for legislative expenses, Territory of Oklahoma, as set forth on page 16 of House Document No. 458 of the present session of Congress, $545.75.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. VREELAND. I reserve the point of order on that amendment.

The CHAIRMAN. Let the Clerk read.

The Clerk read as follows:

That the sum of $225,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections held as provided for in the enabling act of Oklahoma, the holding of the constitutional convention held in pursuance and by virtue thereof, and for the payment of the salaries, mileage, and expenses of members and other officers of the constitutional convention, payment of temporary county officers in the newly organized counties during the interim between the passage of the enabling act and the issuing of the statehood proclamation for necessary printing of ballots incident to the said elections. The respective salaries, mileage, and other expenses to be the same as provided by the laws of the Territory of Oklahoma prior to statehood.

The disbursements made hereunder shall be through the Secretary of the Interior, upon sworn vouchers of actual service rendered and actual expense incurred, the same to be approved and countersigned by the governor, State treasurer, and not less than three of the members of the supreme court of the State of Oklahoma.

Mr. VREELAND. I reserve the point of order on that, Mr. Chairman.

Mr. HULL of Iowa. But the gentleman has to make it when it is read.

Mr. VREELAND. I reserved it before and after.

The CHAIRMAN. The point of order is reserved by the gentleman from New York.

Mr. DAVENPORT. Mr. Chairman, I desire to say in support of that amendment that when the enabling act was passed permitting the Territories of Oklahoma and Indian to be brought into the Union as one State, in section 5 of that enabling act there was a provision that the sum of $100,000, or so much thereof as may be necessary, was appropriated for the purpose of defraying the expenses of the election and constitutional convention. When the constitutional districts were laid out in the two Territories now comprising the State and the election

for constitutional delegates was held and the constitutional delegates assembled to write that constitution, that appropriation was inadequate, it was not sufficient to meet the demands of the expenses that were necessary, and incident to the writing of the constitution and holding the subsequent election for the vote upon the constitution, as well as the State officers. We in Oklahoma feel that through the generosity of the Congress of the United States in kindly permitting us to be admitted into the Union that that generosity should be extended one step further, and the actual expense of drafting our constitution and holding our first elections should be borne by the Government of the United States. It is true that while we are the infant and the forty-sixth State, we are not the forty-sixth State in the Union in population. We occupy a different position, being about the twenty-third State in the Union in population, but our counties are new, many of them recently laid on one side of an imaginary line, which, when that enabling act was passed, was the territory known as the Five Civilized Tribes, that had no organized Territorial form of government.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. DAVENPORT. Yes, sir.

Mr. MADDEN. Does the gentleman know what this money was expended for, and can he give the House any information about the items of expense that made up this $220,000 which he seeks to have appropriated?

Mr. DAVENPORT. In answer to that, Mr. Chairman, I will say that I can not in detail itemize the number of clerks, the number of delegates, and the number of days that they served while they were writing the constitution or the number of election judges who were appointed on the election board of our State, but in round numbers, Mr. Chairman——

Mr. MADDEN. Will the gentleman allow me to ask another question?

Mr. DAVENPORT. Allow me to finish this. In round numbers, as nearly as we can give it, it amounted to $214,335.25.

Mr. MADDEN. Does the gentleman believe now that the Government ought to make an appropriation for the amount that he seeks to have appropriated without having any evidence whatever that the money was expended for the purposes for which he says it was expended?

Mr. DAVENPORT. I believe this, Mr. Chairman, that the money should be appropriated in the very language that was in the enabling act, and then it is provided in my amendment that it shall be disbursed by the Secretary of the Interior and the vouchers approved by the governor, the treasurer of the State, and not less than three judges of the supreme court of the State of Oklahoma.

Mr. TAWNEY. Will the gentleman permit?

Mr. DAVENPORT. Yes, sir.

Mr. TAWNEY. The Congress of the United States has already appropriated $100,000 to defray the expenses incident to the admission of Oklahoma. The largest amount Congress has ever appropriated for the benefit of any Territory coming into the Union as a State prior to this time was $30,000. In other words, Oklahoma has received $70,000 in excess of what any other Territory in the Union has received.

Mr. DAVENPORT. Mr. Chairman, not being in a position to correctly advise the gentleman, who is so much my senior in point of service, as to the amount that has been appropriated for the other States in the Union, I will say to him in reply there never was in the history of this Union a State which entered into the Union with one-twentieth part of the population which we have to-day, 1,414,000 people.

Mr. TAWNEY. Is not that a reason the State is better prepared and can better afford to pay the expenses of admission than other States that have come in with far less population and far less wealth than Oklahoma?

Mr. DAVENPORT. I want to say to the gentleman, no; because two-thirds of that population are Indians upon Indian lands which this Government will not yet permit us to tax and from which, therefore, there is no way to derive revenue by taxation. [Applause.]

Mr. MADDEN. Will the gentleman tell the House how much money the State of Oklahoma has in its treasury out of which they could pay this sum?

Mr. DAVENPORT. I can not, Mr. Chairman.

Mr. MADDEN. Is it not a fact the State of Oklahoma has four or five million dollars in its treasury?

Mr. DAVENPORT. I will answer the gentleman by saying no, and if he can contradict the statement I will ask him to do so. But, my fellow citizens and my fellow legislators, listen to me for a minute. For a long time we clamored to get into the Union and to become one of the sister States of this Union. Congress evidently in its wisdom intended to appropriate a sufficient amount of funds to permit us to come in free from the burden of the expense of statehood inauguration and organization. I believe, irrespective of what any gentleman may hold to the contrary, that we should have that expense paid by the Government of the United States. There never was a State in this Union which went in with as many difficulties and as many complications to settle as the State of Oklahoma. On one side of a general line we had an organized Territory; on the other side we had, to use a common expression, a disorganized Territory, a Territory without any organized government, controlled only and solely by our Interior Department of the United States and the Federal courts that had been kindly furnished us in that section of the country; so I say to you it is my opinion when our delegates went to write that constitution they undertook the most difficult task of State forming that has ever been undertaken by any State since the thirteen colonies.

And I believe, Mr. Chairman, that it is justice to my people and to my State that this expense should be met by the Government of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask that the gentleman from Oklahoma [Mr. DAVENPORT] be granted five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVENPORT. In conclusion, I desire to say, gentlemen, I care not what may have been said concerning the work performed in that new State, we have to-day a constitution written for that State that to me is as good as any in the United States, if not better. As an evidence of that fact, I want to say to the gentlemen on the majority side of this House, and every Representative from Oklahoma will bear me out in it, that irrespective of political affiliations the people of the State of Oklahoma gave more than a hundred thousand majority for the adoption of that constitution. And as an evidence of the kind and character of the constitution that we have, Mr. Chairman, I ask permission to have it incorporated in the RECORD as a part of my remarks. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Constitution of the State of Oklahoma.

PREAMBLE.

Invoking the guidance of Almighty God, in order to secure and perpetuate the blessing of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we, the people of the State of Oklahoma, do ordain and establish this Constitution.

ARTICLE I.

FEDERAL RELATIONS.

SECTION 1. The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

SEC. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and no religious test shall be required for the exercise of civil or political rights. Polygamous or plural marriages are forever prohibited.

SEC. 3. The people inhabiting the State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian, tribe, or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States. Land belonging to citizens of the United States residing without the limits of the State shall never be taxed at a higher rate than the land belonging to residents thereof. No taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

SEC. 4. The debts and liabilities of the Territory of Oklahoma are hereby assumed and shall be paid by the State.

SEC. 5. Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That nothing herein shall preclude the teaching of other languages in said public schools: *And provided further*, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children.

SEC. 6. The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

SEC. 7. The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of the State, heretofore known as the Indian Territory and the Osage Indian Reservation, and within any other parts of the State which existed as Indian reservations on the first day of January, Nineteen Hundred and Six, is prohibited for a period of twenty-one years from the date of the admission of the State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this Constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to provisions of this section, or who shall, within the above described portions of the State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of the State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty

days for each offense: *Provided*, That the Legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than two thousand population in the portions of the State hereinbefore described; and if there be no incorporated town of two thousand population in any county in said portions of the State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of the State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of the State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for the treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency, who shall be convicted of making any sale or other disposition of liquor contrary to these provisions, shall be punished by imprisonment for not less than one year and one day. Upon the admission of the State into the Union these provisions shall be immediately enforcible in the courts of the State.

ARTICLE II.

BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: *Provided*, Such change be not repugnant to the Constitution of the United States.

SEC. 2. All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

SEC. 3. The people have the right peaceably to assembly for their own good, and to apply to those invested with the powers of government for redress of grievances by petition, address, or remonstrance.

SEC. 4. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage by those entitled to such right.

SEC. 5. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

SEC. 6. The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

SEC. 7. No person shall be deprived of life, liberty, or property, without due process of law.

SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof of guilt is evident, or the presumption therefor is great.

SEC. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 10. The privilege of the writ of habeas corpus shall never be suspended by the authorities of this State.

SEC. 11. Every person elected or appointed to any office or employment of trust or profit under the laws of the State, or under any ordinance of any municipality thereof, shall give personal attention to the duties of the office to which he is elected or appointed.

SEC. 12. No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State.

SEC. 13. Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.

SEC. 14. The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

SEC. 15. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed. No conviction shall work a corruption of blood or forfeiture of estate: *Provided*, That this provision shall not prohibit the imposition of pecuniary penalties.

SEC. 16. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 17. No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination. Prosecutions may be instituted in courts not of record upon a duly verified complaint.

SEC. 18. A grand jury shall be composed of twelve men, any nine of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a judge of a court having the power to try and determine felonies, upon his own motion; or such grand jury shall be ordered by such judge upon the filing of a petition therefor signed by one hundred resident taxpayers of the county; when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime, and such other powers as the Legislature may prescribe: *Provided*, That the Legislature may make the calling of a grand jury compulsory.

SEC. 19. The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of twelve men; but, in county courts and courts not of record, a jury shall consist of six men. This section shall not be so construed as to prevent limitations being fixed by law upon the right of appeal from judgments of courts not of record in civil cases concerning causes of action involving less than twenty dollars. In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein.

SEC. 20. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed: *Provided*, That the venue may be changed to some other county of the State, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses on his behalf. He shall have the right to be heard by himself and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment or information, together with their post-office addresses.

SEC. 21. No person shall be compelled to give evidence which will tend to incriminate him, except as in this Constitution specifically provided; nor shall any person, after having been once acquitted by a jury, be again put in jeopardy of life or liberty for that of which he has been acquitted. Nor shall any person be twice put in jeopardy of life or liberty for the same offense.

SEC. 22. Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth of the matter alleged to be libelous may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous be true, and was written or published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 23. No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

SEC. 24. Private property shall not be taken or damaged for public use without just compensation. Such compensation, irrespective of any benefit from any improvements proposed, shall be ascertained by a board of commissioners of not less than three free-holders, in such manner as may be prescribed by law. The commissioners shall not be appointed by any judge or court without reasonable notice having been served upon all parties in interest. The commissioners shall be selected from the regular jury list of names prepared and made as the Legislature shall provide. Any party aggrieved shall have the right of appeal, without bond, and trial by jury in a court of record. Until the compensation shall be paid to the owner, or into court for the owner, the property shall not be disturbed, or the proprietary rights of the owner divested. When possession is taken of property condemned for any public use, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of such compensation. The fee of land taken by common carriers for right of way, without the consent of the owner, shall remain in such owner subject only to the use for which it is taken. In all cases of condemnation of private property for public or private use, the determination of the character of the use shall be a judicial question.

SEC. 25. The Legislature shall pass laws defining contempts and regulating the proceedings and punishment in matters of contempt: *Provided*, That any person accused of violating or disobeying, when not in the presence or hearing of the court, or judge sitting as such, any order of injunction, or restraint, made or entered by any court or judge of the State shall, before penalty or punishment is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall a penalty or punishment be imposed for contempt, until an opportunity to be heard is given.

SEC. 26. The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.

SEC. 27. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with an offense against the laws of the State, shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence.

SEC. 28. The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitorial and inquisitorial powers of the State, notwithstanding the immunities and privileges in this Bill of Rights secured to the persons, inhabitants, and citizens thereof.

SEC. 29. No person shall be transported out of the State for any offense committed within the State, nor shall any person be transported out of the State for any purpose, without his consent, except by due process of law; but nothing in this provision shall prevent the operation of extradition laws, or the transporting of persons sentenced for crime, to other States for the purpose of incarceration.

SEC. 30. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized.

SEC. 31. The right of the State to engage in any occupation or business for public purposes shall not be denied nor prohibited, except that the State shall not engage in agriculture for any other than educational and scientific purposes and for the support of its penal, charitable, and educational institutions.

SEC. 32. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 33. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

ARTICLE III.

SUFFRAGE.

SECTION 1. The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent native of the United States, who are over the age of twenty-one years, who have resided in the State one year, in the County six months, and in the election precinct thirty days, next preceding the election at which any such elector offers to vote: *Provided*, That no person adjudged guilty of a felony after the adoption of this Constitution, subject to such exceptions as the Legislature may prescribe, unless his citizenship shall have been restored in the manner provided by law; nor any person, while kept in a poorhouse or other asylum at the public expense, except Federal and Confederate ex-soldiers; nor any person in a public prison, nor any idiot or lunatic, shall be entitled to vote at any election under the laws of this State.

SEC. 2. For the purpose of voting, no member of the regular army or navy of the United States shall gain a residence in this State by reason of being stationed in this State, nor shall any such person lose a residence in the State while absent from the State in the military or naval service of the United States.

SEC. 3. Until otherwise provided by law, all female citizens of this State, possessing like qualifications of male electors, shall be qualified to vote at school district elections or meetings.

PRIMARY ELECTIONS.

SEC. 4. The Legislature shall enact laws creating an election board (not more than a majority of whose members shall be selected from the same political party), and shall provide the time and manner of holding and conducting all elections; and, at any time the Federal Constitution may permit the election of United States Senators by direct vote of the people, the Legislature shall provide for their election as for the election of Governor and other elective officers.

SEC. 5. The Legislature shall enact laws providing for a mandatory primary system, which shall provide for the nomination of all candidates in all elections for State, District, County, and municipal officers, for all political parties, including United States Senators: *Provided, however*, This provision shall not exclude the right of the people to place on the ballot by petition any non-partisan candidate.

SEC. 6. In all elections by the people the vote shall be by ballot and the Legislature shall provide the kind of ticket or ballot to be used and make all such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot; and may, when necessary, provide by law for the registration of electors throughout the State or in any incorporated city or town thereof, and, when it is so provided, no person shall vote at any election unless he shall have registered according to law.

SEC. 7. The reservation of the powers of the initiative and referendum in this article shall not deprive the Legislature of the right to repeal any law, propose or pass any measure, which may be consistent with the Constitution of the State and the Constitution of the United States.

SEC. 8. Laws shall be provided to prevent corruption in making, procuring, and submitting initiative and referendum petitions.

THE LEGISLATURE.

SENATE.

SEC. 9. The Senate, except as hereinafter provided, shall consist of not more than forty-four members, whose term of office shall be four years: *Provided*, That one senator elected at the first election from each even numbered district shall hold office until the fifteenth day succeeding the regular state election in nineteen hundred and eight, and one elected from each odd numbered district at said first election shall hold office until the fifteenth day succeeding the day of the regular state election in nineteen hundred and ten: *And provided further*, That in districts electing two senators, the two elected at the first election shall cast lots in such manner as the Legislature may prescribe to determine which shall hold the long and which the short term.

SEC. 9. (*a*) At the time each senatorial appointment is made after the year nineteen hundred and ten the State shall be divided into forty-four districts, to be called senatorial districts, each of which shall elect one senator; and the Senate shall always be composed of forty-four senators, except that in event any county shall be entitled to three or more senators at the time of any appointment such additional senator or senators shall be given such county in addition to the forty-four senators and the whole number to that extent. Said districts shall be numbered from One to Forty-four inclusive, and each of said districts shall contain as near as may be an equal number of inhabitants, such population to be ascertained by the next preceding Federal census, or in such manner as the Legislature may direct, and shall be in as compact form as practicable and shall remain unaltered until the next decennial period, and shall at all times consist of contiguous territory.

SEC. 9. (*b*) No county shall ever be divided in the formation of a Senatorial District except to make two or more senatorial districts wholly in such county. No town, and no ward in a city, when constituting only one voting precinct, shall be divided in the formation of a senatorial district, nor shall any senatorial district contain a greater excess in population over an adjoining district in the same county than the population of a town, or ward in a city, constituting only one voting precinct therein, adjoining such district. Towns, and wards in cities, constituting only one voting precinct, which may, from their location, be included in either of two senatorial districts, shall be so placed as to make such districts most nearly equal in number of inhabitants.

HOUSE OF REPRESENTATIVES.

SEC. 10. The House of Representatives, until otherwise provided by law, shall consist of not more than one hundred and nine members who shall hold office for two years: *Provided*, That the representatives elected at the first election shall hold office until the fifteenth day succeeding the day of the regular state election in nineteen hundred and eight: *And provided*, That the day on which state elections shall be held shall be fixed by the Legislature.

(*a*) The first Legislature shall meet at the seat of government upon proclamation of the Governor on the day named in said proclamation, which shall not be more than thirty days nor less than fifteen days after the admission of the State into the Union.

(*b*) The apportionment of this State for members of the Legislature shall be made at the first session of the Legislature after each decennial Federal census.

(*c*) The whole population of the State as ascertained by the Federal census, or in such manner as the Legislature may direct, shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives for the next ten years succeeding such apportionment.

(*d*) Every county having a population equal to one-half of said ratio shall be entitled to one representative; every county containing said ratio and three-fourths over shall be entitled to two representatives, and so on, requiring after the first two an entire ratio for each additional representative: *Provided*, That no county shall ever take part in the election of more than seven representatives.

(*e*) When any county shall have a fraction above the ratio so large that being multiplied by five the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratio among the several sessions of the decennial period. If there are two ratios, representatives shall be allotted to the fourth and third sessions, respectively; if three, the third, second and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

(*f*) Any county forming with another county or counties a representative district during one decennial period if it has acquired sufficient population, at a fixed decennial period, shall be entitled to an additional representative, if there shall be left in the district from which it shall have been separated a population sufficient for a representative. No such change shall be made except at the regular decennial period for the apportionment of representatives.

(*g*) If in fixing any decennial ratio, a county previously a separate representative district shall have less than the number required by the ratio for a representative, such county shall be attached to a county adjoining it and become a part of such representative district.

ARTICLE IV.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Oklahoma shall be divided into three separate departments: The Legislative, Executive, and Judicial; and except as provided in this Constitution, the Legislative, Executive, and Judicial departments of government shall be separate and distinct, and neither shall exercise the powers properly belonging to either of the others.

ARTICLE V.

LEGISLATIVE DEPARTMENT—INITIATIVE AND REFERENDUM.

SECTON 1. The Legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act of the Legislature.

SEC. 2. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the State office receiving the highest number of votes at such election.

SEC. 3. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the State shall be had at the next election held throughout the State, except when the Legislature or the Governor shall order a special election for the express purpose of making such reference. Any measure referred to the people by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast in such election. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be It Enacted By the People of the State of Oklahoma."

Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State and addressed to the Governor of the State, who shall submit the same to the people. The Legislature shall make suitable provisions for carrying into effect the provisions of this article.

SEC. 4. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the Legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of such act from becoming operative.

SEC. 5. The powers of the initiative and referendum reserved to the people by this Constitution for the State at large, are hereby further reserved to the legal voters of every county and district therein, as to all local legislation, or action, in the administration of county and district government in and for their respective counties and districts.

The manner of exercising said powers shall be prescribed by general laws, except that Boards of County Commissioners may provide for the time of exercising the initiative and referendum powers as to local legislation in their respective counties and districts.

The requisite number of petitioners for the invocation of the initiative and referendum in counties and districts shall bear twice, or double, the ratio to the whole number of legal voters in such county or district, as herein provided therefor in the State at large.

SEC. 6. Any measure rejected by the people, through the powers of the initiative and referendum, can not be again proposed by the initiative within three years thereafter by less than twenty-five per centum of the legal voters.

SEC. 7. The reservation of the powers of the initiative and referendum in this article shall not deprive the Legislature of the right to repeal any law, propose or pass any measure, which may be consistent with the Constitution of the State and the Constitution of the United States.

SEC. 8. Laws shall be provided to prevent corruption in making, procuring, and submitting initiative and referendum petitions.

THE LEGISLATURE.

SENATE.

SEC. 9. The Senate, except as hereinafter provided, shall consist of not more than forty-four members, whose term of office shall be four years: *Provided*, That one senator elected at the first election from each even numbered district shall hold office until the fifteenth day succeeding the regular state election in nineteen hundred and eight, and one elected from each odd numbered district at said first election shall hold office until the fifteenth day succeeding the day of the regular state election in nineteen hundred and ten: *And provided further*, That in districts electing two senators, the two elected at the first election shall cast lots in such manner as the Legislature may prescribe to determine which shall hold the long and which the short term.

SEC. 9. (*a*) At the time each senatorial appointment is made after the year nineteen hundred and ten the State shall be divided into forty-four districts, to be called senatorial districts, each of which shall elect one senator; and the Senate shall always be composed of forty-four senators, except that in event any county shall be entitled to three or more senators at the time of any appointment such additional senator or senators shall be given such county in addition to the forty-four senators and the whole number to that extent. Said districts shall be numbered from One to Forty-four inclusive, and each of said districts shall contain as near as may be an equal number of inhabitants, such population to be ascertained by the next preceding Federal census, or in such manner as the Legislature may direct, and shall be in as compact form as practicable and shall remain unaltered until the next decennial period, and shall at all times consist of contiguous territory.

SEC. 9. (*b*) No county shall ever be divided in the formation of a Senatorial District except to make two or more senatorial districts wholly in such county. No town, and no ward in a city, when constituting only one voting precinct, shall be divided in the formation of a senatorial district, nor shall any senatorial district contain a greater excess in population over an adjoining district in the same county than the population of a town, or ward in a city, constituting only one voting precinct therein, adjoining such district. Towns, and wards in cities, constituting only one voting precinct, which may, from their location, be included in either of two senatorial districts, shall be so placed as to make such districts most nearly equal in number of inhabitants.

HOUSE OF REPRESENTATIVES.

SEC. 10. The House of Representatives, until otherwise provided by law, shall consist of not more than one hundred and nine members who shall hold office for two years: *Provided*, That the representatives elected at the first election shall hold office until the fifteenth day succeeding the day of the regular state election in nineteen hundred and eight: *And provided*, That the day on which state elections shall be held shall be fixed by the Legislature.

(*a*) The first Legislature shall meet at the seat of government upon proclamation of the Governor on the day named in said proclamation, which shall not be more than thirty days nor less than fifteen days after the admission of the State into the Union.

(*b*) The apportionment of this State for members of the Legislature shall be made at the first session of the Legislature after each decennial Federal census.

(*c*) The whole population of the State as ascertained by the Federal census, or in such manner as the Legislature may direct, shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives for the next ten years succeeding such apportionment.

(*d*) Every county having a population equal to one-half of said ratio shall be entitled to one representative; every county containing said ratio and three-fourths over shall be entitled to two representatives, and so on, requiring after the first two an entire ratio for each additional representative: *Provided*, That no county shall ever take part in the election of more than seven representatives.

(*e*) When any county shall have a fraction above the ratio so large that being multiplied by five the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratio among the several sessions of the decennial period. If there are two ratios, representatives shall be allotted to the fourth and third sessions, respectively; if three, the third, second and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

(*f*) Any county forming with another county or counties a representative district during one decennial period if it has acquired sufficient population, at a fixed decennial period, shall be entitled to an additional representative, if there shall be left in the district from which it shall have been separated a population sufficient for a representative. No such change shall be made except at the regular decennial period for the apportionment of representatives.

(*g*) If in fixing any decennial ratio, a county previously a separate representative district shall have less than the number required by the ratio for a representative, such county shall be attached to a county adjoining it and become a part of such representative district.

(h) No county shall ever be divided in the formation of representative districts except to make two or more representative districts in such county. No town, or ward in a city, where it constitutes only one voting precinct, shall be divided in the formation of representative districts, nor shall any representative district contain a greater excess in population over an adjoining district in the same county than the population of a town or ward in a city, constituting only one voting precinct adjoining such district. Counties, towns, or wards in cities, constituting only one voting precinct, which, from location, may be included in either of two districts, shall be so placed as to make said district most nearly equal in number of inhabitants.

(i) Ascertaining the ratio of representation according to the Federal census, or such other enumeration as the Legislature may provide, and attaching any county, previously having a separate representative but found to have less than the number required by the ratio, to an adjoining county; and determining the number of representatives each county or district shall be entitled to, and for what sessions of the Legislature within the next decennial period; and apportioning the Senators, shall be done by the Legislature and be presented to the Governor for his approval in the same manner as other bills which may be passed by the Legislature.

(j) An apportionment by the Legislature shall be subject to review by the Supreme Court at the suit of any citizen, under such rules and regulations as the Legislature may prescribe. And such court shall give all cases involving apportionment precedence over all other cases and proceedings; and if said court be not in session, it shall convene promptly for the disposal of the same.

LEGISLATIVE APPORTIONMENT.

SEC. 11. Until the apportionment is made by the Legislature after the next Federal decennial census, the State, except as otherwise provided, shall be divided into thirty-three senatorial districts, each of which shall be composed of the counties as named, shall be numbered and elect senators as follows, namely:

First, Beaver, Cimmaron, Harper, and Texas, one senator; Second, Beckham, Dewey, Ellis, and Roger Mills, two senators; Third, Woods and Woodward, one senator; Fourth, Greer, one senator; Fifth, Jackson and Tillman, one senator; Sixth, Custer, Kiowa, and Washita, two senators; Seventh, Alfalfa and Major, one senator; Eighth, Garfield, one senator; Ninth, Osage, Grant, and Kay, two senators; Tenth, Noble and Pawnee, one senator; Eleventh, Creek and Payne, one senator; Twelfth, Logan, one senator; Thirteenth, Lincoln and Pottawatomie, two senators; Fourteenth, Canadian and Oklahoma, two senators; Fifteenth, Caddo and Grady, two senators; Sixteenth, Blaine and Kingfisher, one senator; Seventeenth, Comanche, Jefferson, and Stephens, two senators; Eighteenth, Carter, Love, and Murray, two senators; Nineteenth, Cleveland, Garvin, and McClain, two senators; Twentieth, Atoka, Bryan, and Coal, two senators; Twenty-first, Latimer and Le Flore, one senator; Twenty-second, Hughes and Okfuskee, one senator; Twenty-third, Pontotoc and Seminole, one senator; Twenty-fourth, Choctaw, McCurtain, and Pushmataha, one senator; Twenty-fifth, Pittsburg, one senator; Twenty-sixth, Marshall and Johnston, one senator; Twenty-seventh, Haskell, McIntosh, and Muskogee, two senators; Twenty-eighth, Adair and Sequoyah, one senator; Twenty-ninth, Mayes and Craig, one senator; Thirtieth, Ottawa, Delaware, and Cherokee, one senator; Thirty-first, Tulsa and Washington, one senator; Thirty-second, Okmulgee and Wagoner, one senator; Thirty-third, Nowata and Rogers, one senator.

SEC. 12. The following counties shall each elect one member to the House of Representatives: Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Canadian, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Craig, Creek, Custer, Delaware, Dewey, Ellis, Grant, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kingfisher, Latimer, Le Flore, Love, Major, Marshall, Mayes, Murray, McClain, McCurtain, McIntosh, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pontotoc, Pushmataha, Rogers, Roger Mills, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

SEC. 13. The following counties shall elect two members of the House of Representatives: Bryan, Caddo, Carter, Garvin, Grady, Kay, Kiowa, Muskogee, and Pittsburg.

(a) Garfield, one to be elected from each of the following districts: District One, the city of Enid, Enid Township, and the townships of North Enid, Banner, and Garland. District Two, all that part of Garfield county not contained in District One.

(b) Greer, one to be elected from each of the following districts: District One, all that part of Greer county lying east of the line between ranges twenty-three and twenty-four. District Two, all that part of Greer county not contained in District One.

(c) Lincoln, one to be elected from each of the following districts: District One, the townships of Pawnee, Ponca, North Fox, South Fox, North Keokuk, South Keokuk, North Creek, South Creek, North Seminole, South Seminole, North Choctaw, and South Choctaw, with all towns and cities contained therein. District Two, all that part of Lincoln county not contained in District One.

SEC. 14. The following counties shall elect three members each: Pottawatomie and Logan.

Pottawatomie shall elect three members at large. Logan, with three members pro rated as follows: District one shall be composed of the townships of Marshall, Bismarck, Orlando, Oak View, Rose Hill, Mulhull, Crescent, Woodland, Lawrie, Cedar, Iron Mound, Spring Creek, Antelope, and North Cimarron, and all towns and villages therein. District Two shall consist of all that part of the city of Guthrie described as follows: That part of the first ward lying north of Harrison Avenue, the second ward, the third ward, the fourth ward, and all of the fifth ward except that part lying south of Cleveland Avenue and east of Fourteenth Street. District Three shall consist of all that part of Logan county not included in Districts One and Two.

SEC. 15. Oklahoma County shall have representatives to be elected as follows, to wit: One from the county at large. The other three to be prorated as follows: District One, Oklahoma City, and the townships of Oklahoma and Greely, with all towns and cities contained therein, two members. District Two, all that part of Oklahoma County not contained in District One, one member.

SEC. 16. (a) The following pairs of counties shall compose additional legislative districts and each district shall elect one member to the House of Representatives: Johnston and Coal; Bryan and Atoka; Pontotoc and Seminole; Muskogee and Haskell; Pittsburg and Hughes; Comanche and Stephens; Washita and Custer; Pottawatomie and Lincoln; Sequoyah and Le Flore; Alfalfa and Grant; Craig and Rogers; Garfield and Kingfisher; Payne and Pawnee; Creek and Tulsa.

(b) The following trio of counties shall constitute one Legislative District with one member: Caddo, Canadian, and Cleveland.

QUALIFICATIONS AND RIGHTS OF MEMBERS.

SEC. 17. Members of the Senate shall be at least twenty-five years of age, and members of the House of Representatives twenty-one years of age at the time of their election. They shall be qualified electors in their respective counties or districts and shall reside in their respective counties or districts during their term of office.

SEC. 18. No person shall serve as a member of the Legislature who is, at the time of such service, an officer of the United States or State government, or is receiving compensation as such; nor shall any person be eligible to election to the Legislature, who has been adjudged guilty of a felony.

SEC. 19. A member of the Legislature expelled for corruption shall not thereafter be eligible to membership in either House. Punishment for contempt or disorderly conduct, or for any other cause, shall not bar an indictment for the same offense.

SEC. 20. The Governor shall issue writs of election to fill such vacancies as may occur in the Legislature.

SEC. 21. Members of the Legislature shall receive six dollars per diem for their services during the session of the Legislature, and ten cents per mile for every mile of necessary travel in going to and returning from the place of meeting of the Legislature, on the most usual route, and shall receive no other compensation: *Provided*, That members of the Legislature, except during the first session thereof held under this Constitution, shall receive only two dollars per diem for their services after sixty days of such session have elapsed.

SEC. 22. Senators and Representatives shall, except for treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, and, for any speech or debate in either House, shall not be questioned in any other place.

SEC. 23. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any office or commission in the State, which shall have been created, or the emoluments of which shall have been increased, during his term of office, nor shall any member receive any appointment from the Governor, the Governor and Senate, or from the Legislature, during the term for which he shall have been elected, nor shall any member, during the term for which he shall have been elected, or within two years thereafter, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which he shall have been elected.

SEC. 24. A member of the Legislature, who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

SESSIONS OF LEGISLATURE.

SEC. 25. The first session of the Legislature, held by virtue of this Constitution, shall not exceed one hundred and sixty days.

SEC. 26. The members of the Legislature shall meet at the seat of government on the first Tuesday after the Monday in January at twelve o'clock, noon, in the year next succeeding their election, or upon such other day as may be provided by law.

SEC. 27. The Legislature shall hold regular biennial sessions as herein provided, but this shall not prevent the calling of a special session of the Legislature by the Governor.

ORGANIZATION AND RULES.

SEC. 28. The Senate shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall preside over its deliberations in the absence or place of the Lieutenant Governor; and the Senate shall provide for all its standing committees and, by a majority vote, elect the members thereof.

SEC. 29. The House of Representatives shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members Speaker.

SEC. 30. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalty as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either House on any question, at the desire of one-fifteenth of those present shall be entered upon its journal.

Neither House, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 31. In all elections made by the Legislature, except for officers and employees thereof, the members thereof shall vote yea or nay, and each vote shall be entered upon the journal.

SEC. 32. No special or local law shall be considered by the Legislature until notice of the intended introduction of such bill or bills shall first have been published for four consecutive weeks in some weekly newspaper published or of general circulation in the city or county affected by such law, stating in substance the contents thereof, and verified proof of such publication filed with the Secretary of State.

SEC. 33. All bills for raising revenue shall originate in the House of Representatives. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the five last days of the session.

SEC. 34. Every bill shall be read on three different days in each House, and no bill shall become a law unless, on its final passage, it be read at length, and no law shall be passed unless upon a vote of a majority of all the members elected to each House in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

SEC. 35. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, immediately after the same shall have been publicly read at length, and the fact of reading and signing shall be entered upon the journal, but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which vote, by yeas and nays, shall also be entered upon the journal.

POWERS AND DUTIES.

SEC. 36. The authority of the Legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this Constitution, upon any subject whatsoever, shall not work a restriction,

limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever.

SEC. 37. The Legislature shall have the power to establish a state printing plant, and to provide for the election or appointment of a State Printer.

SEC. 38. The Legislature shall provide for the establishment of a State Geological and Economic Survey.

SEC. 39. The Legislature shall create a Board of Health, Board of Dentistry, Board of Pharmacy, and Pure Food Commission, and prescribe the duties of each. All physicians, dentists, and pharmacists now legally registered and practicing in Oklahoma and Indian Territory shall be eligible to registration in the State of Oklahoma without examination or cost.

SEC. 40. The Legislature shall provide for organizing, disciplining, arming, maintaining, and equipping the Militia of the State.

SEC. 41. The Legislature may enact laws authorizing cities to pension meritorious and disabled firemen.

SEC. 42. In any legislative investigation, either House of the Legislature, or any committee thereof, duly authorized by the House creating the same, shall have power to punish as for contempt, disobedience of process, or contumacious or disorderly conduct, and this provision shall also apply to joint sessions of the Legislature, and also to joint committees thereof, when authorized by joint resolution of both Houses.

SEC. 43. The Legislature shall, in the year nineteen hundred and nine and each ten years thereafter, make provision by law for revising, digesting, and promulgating the statutes of the State.

SEC. 44. The Legislature shall define what is an unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, and enact laws to punish persons engaged in any unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, or composing any such monopoly, trust, or combination.

SEC. 45. The Legislature shall pass such laws as are necessary for carrying into effect the provisions of this Constitution.

LIMITATIONS.

SEC. 46. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

The creation, extension, or impairing of liens;

Regulating the affairs of counties, cities, towns, wards, or school districts;

Changing the names of persons or places;

Authorizing the laying out, opening, altering, or maintaining of roads, highways, streets, or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets, or alleys;

Relating to cemeteries, graveyards, or public grounds not owned by the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns, or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in judicial proceedings or inquiry before the courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing the methods for the collection of debts, or the enforcement of judgments or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, or constables;

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estate of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

Providing for change of venue in civil and criminal cases.

SEC. 47. The Legislature shall not retire any officer on pay or part pay, or make any grant to such retiring officer.

SEC. 48. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration in this State.

SEC. 49. The Legislature shall not increase the number or emolument of its employees, or the employees of either House, except by general law, which shall not take effect during the term at which such increase was made.

SEC. 50. The Legislature shall pass no law exempting any property within this State from taxation, except as otherwise provided in this Constitution.

SEC. 51. The Legislature shall pass no law granting to any association, corporation, or individual any exclusive rights, privileges, or immunities within this State.

SEC. 52. The Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

SEC. 53. The Legislature shall have no power to release or extinguish or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liabilities, or obligations of any corporation, or individual, to this State, or any county or other municipal corporation thereof.

MISCELLANEOUS PROVISIONS.

SEC. 54. The repeal of a statute shall not revive a statute previously repealed by such statute, nor shall such repeal affect any accrued right, or penalty incurred, or proceedings begun by virtue of such repealed statute.

SEC. 55. No money shall ever be paid out of the treasury of this State, nor any of its funds, nor any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payments be made within two and one-half years after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

SEC. 56. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative, and judicial departments of the State, and for interest on the public debt. The salary of no officer or employee of the State, or any subdivision thereof, shall be increased in such bill, nor shall any appropriation be made therein for any such officer or employee, unless his employment and the amount of his salary, shall have been already provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 57. Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length: *Provided*, That if any subject be embraced in any act contrary to the provisions of this section, such act shall be void only as to so much of the law as may not be expressed in the title thereof.

SEC. 58. No act shall take effect until ninety days after the adjournment of the session at which it was passed, except enactments for carrying into effect provisions relating to the initiative and referendum, or a general appropriation bill, unless, in case of emergency, to be expressed in the act, the Legislature, by a vote of two-thirds of all members elected to each House, so directs. An emergency measure shall include only such measures as are immediately necessary for the preservation of the public peace, health, or safety, and shall not include the granting of franchises or license to a corporation or individual, to extend longer than one year, nor provisions for the purchase or sale of real estate, nor the renting or encumbrance of real property for a longer term than one year. Emergency measures may be vetoed by the Governor, but such measures so vetoed may be passed by a three-fourths vote of each House, to be duly entered on the journal.

SEC. 59. Laws of a general nature shall have a uniform operation throughout the State, and where a general law can be made applicable, no special law shall be enacted.

SEC. 60. The Legislature shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers of the Executive Department, and all commissioners and superintendents, and boards of control of State institutions, and all other officers entrusted with the collection, receipt, custody, or disbursement of the revenue or moneys of the State whatsoever.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive authority of the State shall be vested in a Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney-General, State Treasurer, Superintendent of Public Instruction, State Examiner and Inspector, Chief Mine Inspector, Commissioner of Labor, Commissioner of Charities and Corrections, Commissioner of Insurance, and officers provided by law and this Constitution, each of whom shall keep his office and public records, books, and papers at the seat of government, and shall perform such duties as may be designated in this Constitution or prescribed by law.

SEC. 2. The Supreme Executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Oklahoma."

SEC. 3. No person shall be eligible to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, Superintendent of Public Instruction, or State Examiner and Inspector, except a male citizen of the United States, of the age of not less than thirty years, and who shall have been three years next preceding his election, a qualified elector of this State: *Provided*, That residence in this State shall include the territory now embraced in this State.

SEC. 4. The term of office of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, State Examiner and Inspector, and Superintendent of Public Instruction shall be four years from the second Monday of January next after their election. The Governor, Secretary of State, State Auditor, and State Treasurer shall not be eligible immediately to succeed themselves. The term of the State officers chosen at the first election under this constitution shall begin on the day on which the State is admitted into the Union, and expire on the second Monday of January, in the year nineteen hundred eleven.

SEC. 5. The returns of every election for all elective State officers shall be sealed up and transmitted by the returning officer to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each branch of the Legislature, who shall for that purpose assemble in the hall of the House of Representatives. The persons respectively having the highest number of votes for either of the said offices shall be declared duly elected; but in case two or more shall have an equal and the highest number of votes for either of said offices, the Legislature shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for said office.

GOVERNOR.

SEC. 6. The Governor shall be Commander-in-Chief of the militia of the State, except when in service of the United States, and may call out the same to execute the laws, protect the public health, suppress insurection, and repel invasion.

SEC. 7. The Governor shall have power to convoke the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions, no subject shall be acted upon, except such as the Governor may recommend for consideration.

SEC. 8. The Governor shall cause the laws of the State to be faithfully executed, and shall conduct in person or in such manner as may be prescribed by law, all intercourse and business of the State with other States and with the United States, and he shall be a conservator of the peace throughout the State.

SEC. 9. At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to a joint session of the two Houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient. He shall also transmit a copy, to each

house, of the full report of each State officer and State commission. He shall communicate, from time to time, such matters as he may elect or the Legislature may require.

SEC. 10. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles, and pardons for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole, or pardon granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction and the date of commutation, pardon, parole, or reprieve.

SEC. 11. Every bill which shall have passed the Senate and House of Representatives, and every resolution requiring the assent of both branches of the Legislature, shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large in the Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases, the vote in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the Journal of each house respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within fifteen days after such adjournment.

SEC. 12. Every bill passed by the Legislature, making appropriations of money embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapproves the bill, or any item, or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the house in which the bill shall have originated, but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in the preceding section in reference to other bills: *Provided*, That this section shall not relieve emergency bills of the requirement of the three-fourths vote.

SEC. 13. The Governor shall commission all officers not otherwise commissioned by law. All commissions shall run in the name and by the authority of the "State of Oklahoma," be signed by the Governor, sealed with the Great Seal of the State of Oklahoma, and attested by the Secretary of State. When any office shall become vacant, he shall, unless otherwise provided by law, appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed, and qualified according to law.

SEC. 14. In case of a disagreement between the two houses of the Legislature, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him, by the presiding officer of the house first moving the adjournment, adjourn them to such time as he shall deem proper, not beyond the day of the next stated meeting of the Legislature. He may convoke the Legislature at or adjourn it to another place, when, in his opinion, the public safety or welfare, or the safety or health of the members require it: *Provided, however*, That such change or adjournment shall be concurred in by a two-thirds vote of all the members elected to each branch of the Legislature.

LIEUTENANT-GOVERNOR.

SEC. 15. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein, and also in joint vote of both houses. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die or be absent from the State, or become incapable of performing the duties of the office, the president, pro tempore, of the Senate, shall act as Governor until the vacancy be filled or the disability shall cease; and if the president, pro tempore, of the Senate, for any of the above enumerated causes, shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the House of Representatives shall act as Governor until the vacancy be filled or the disability shall cease. Further provisions for succession to the office of Governor shall be prescribed by law.

SEC. 16. In case of impeachment of the Governor, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor for the residue of the term or until the disability shall be removed.

SECRETARY OF STATE.

SEC. 17. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and shall lay copies of the same, together with copies of all papers relative thereto, before either house of the Legislature, when required to do so. He shall also perform such other duties as shall be prescribed by law.

SEC. 18. The Secretary of State shall be the custodian of the Seal of the State, and authenticate therewith all official acts of the Governor, except his approval of laws. The said seal shall be called "The Great Seal of the State of Oklahoma."

STATE EXAMINER AND INSPECTOR.

SEC. 19. The State Examiner and Inspector must have had at least three years' experience as an expert accountant; his duties shall be, without notice to such treasurer, to examine the State and all County Treasurers' books, accounts, and cash on hand or in bank at least twice each year, and publish his report as to every such Treasurer once each year. For the purpose of such examination he shall take complete possession of such Treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all Treasurers. Other duties and powers may be added by law.

COMMISSIONER OF LABOR.

SEC. 20. A Department of Labor is hereby created to be under the control of a Commissioner of Labor who shall be elected by the people, whose term of office shall be four years, and whose duties shall be prescribed by law.

SEC. 21. The Legislature shall create a Board of Arbitration and Conciliation in the Department of Labor and the Commissioner of Labor shall be ex-officio chairman.

THE INSURANCE COMMISSIONER.

SEC. 22. There is hereby established an Insurance Department, which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State.

SEC. 23. There shall be elected by the qualified electors of the State, at the first general election, a chief officer of said department, who shall be styled "The Insurance Commissioner," whose term of office shall be four years: *Provided*, That the first term of the Insurance Commissioner, so elected, shall expire at the time of the expiration of the term of office of the first Governor elected. Said Insurance Commissioner shall be at least twenty-five years of age and well versed in insurance matters.

SEC. 24. The Insurance Commissioner shall give bond, perform such duties, and possess such further qualifications as may be prescribed by law.

CHIEF MINE INSPECTOR.

SEC. 25. The office of Chief Inspector of Mines, Oil, and Gas is hereby created, and the incumbent of said office shall be known as the Chief Mine Inspector. The term of said office shall be four years, and no person shall be elected to said office unless he shall have had eight years' actual experience as a practical miner, and such other qualifications as may be prescribed by the Legislature. The Chief Mine Inspector shall perform the duties, take the oath, and execute the bond prescribed by the Legislature.

SEC. 26. The Legislature shall create mining districts and provide for the appointment or election of Assistant Inspectors therein, who shall be under the general control of the Chief Mine Inspector, and the Legislature shall define their qualifications and duties and fix their compensation.

COMMISSIONER OF CHARITIES AND CORRECTIONS.

SEC. 27. A Commissioner of Charities and Corrections shall be elected in the same manner, at the same time, and for the same term as shall the Governor. Said officer may be of either sex, and shall be twenty-five years of age or over; in all other respects said officer shall have the qualifications which shall be required of the Governor.

SEC. 28. The Commissioner of Charities and Corrections shall have the power, and it is hereby made his or her duty, to investigate the entire system of public charities and corrections, to examine into the condition and management of all prisons, jails, almshouses, reformatories, reform and industrial schools, hospitals, infirmaries, dispensaries, orphanages, and all public and private retreats and asylums, which derive their support wholly or in part from the State, or from any county or municipality within the State; and the officers of the various institutions named herein shall promptly, upon demand, furnish the said Commissioner with such information, relating to their respective institutions, as shall be demanded by said Commissioner, in writing. The said Commissioner shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The said Commissioner shall have the power to administer oaths to such persons as may be summoned, and to enforce all such powers as are given to notaries public when they are taking depositions. A full report of said investigation, including the testimony, shall be promptly made to the Governor, and shall be transmitted by him to the next Legislature with any suggestions which he may desire to make.

SEC. 29. On the first day of October of each year, and at any time on request of the Governor, the said Commissioner shall make a full and complete report of the operations and administration of said office, with such suggestions as said Commissioner may deem suitable and pertinent.

SEC. 30. The Legislature shall have the power to alter, amend, or add to the duties of, or grant additional authority to, such Commissioner.

BOARD OF AGRICULTURE.

SEC. 31. A Board of Agriculture is hereby created to be composed of eleven members, all of whom shall be farmers and shall be selected in manner prescribed by law.

Said Board shall be maintained as a part of the State government, and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulations, and shall be the Board of Regents of all State Agricultural and Mechanical Colleges, and shall discharge such other duties and receive such compensation as may be provided by law.

COMMISSIONERS OF THE LAND OFFICE.

SEC. 32. The Governor, Secretary of State, State Auditor, Superintendent of Public Instruction, and the President of the Board of Agriculture, shall constitute the Commissioners of the Land Office, who shall have charge of the sale, rental, disposal, and managing of the school lands and other public lands of the State, and of the funds and proceeds derived therefrom, under rules and regulations prescribed by the Legislature.

SEC. 33. An account shall be kept by the officers and commissioners of the State of all moneys and choses in action disbursed or otherwise disposed of severally by them, from all sources, and for every service performed; and a report thereof shall be made semi-annually and as often as may be required by law, to the Governor under oath. The Governor may, at any time, require information in writing, under oath, from all officers and commissioners of the State, and all officers of State institutions, penal, eleemosynary, educational, and industrial on any subject relating to their respective offices and institutions; which information, when so required, shall be furnished by such officers and managers, and any officer or manager who, at any time, shall make a false report, shall be punished as by law provided.

SEC. 34. Each of the officers in this article named shall, at stated times, during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected, nor shall he receive to his use, any fees, costs, or perquisites of office or other compensation.

SEAL OF THE STATE.

SEC. 35. In the center shall be a five pointed star, with one ray directed upward. The center of the star shall contain the central device of the seal of the Territory of Oklahoma, including the words, "Labor Omnia Vincit." The upper left hand ray shall contain the symbol of the ancient seal of the Cherokee Nation, namely: A seven pointed star partially surrounded by a wreath of oak leaves. The ray di-

rected upward shall contain the symbol of the ancient seal of the Chickasaw Nation, namely: An Indian warrior standing upright with bow and shield. The lower left hand ray shall contain the symbol of the ancient seal of the Creek Nation, namely: A sheaf of wheat and a plow. The upper right hand ray shall contain the symbol of the ancient seal of the Choctaw Nation, namely: A tomahawk, bow, and three crossed arrows. The lower right hand ray shall contain the symbol of the ancient seal of the Seminole Nation, namely: A village with houses and a factory beside a lake upon which an Indian is paddling a canoe. Surrounding the central star and grouped between its rays shall be forty-five small stars, divided into five clusters of nine stars each, representing the forty-five States of the Union, to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed, "GREAT SEAL OF THE STATE OF OKLAHOMA 1907."

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in the Senate, sitting as a court of impeachment, a Supreme Court, District Courts, County Courts, Courts of Justices of the Peace, Municipal Courts, and such other courts, commissions or boards, inferior to the Supreme Court, as may be established by law.

SEC. 2. The appellate jurisdiction of the Supreme Court shall be coextensive with the State, and shall extend to all civil cases at law and in equity, and to all criminal cases until a Criminal Court of Appeals with exclusive appellate jurisdiction in criminal cases shall be established by law. The original jurisdiction of the Supreme Court shall extend to a general superintending control over all inferior courts and all commissions and boards created by law. The Supreme Court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and such other remedial writs as may be provided by law, and to hear and determine the same; and the Supreme Court may exercise such other and further jurisdiction as may be conferred upon it by law. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and make such writs returnable before himself, or before the Supreme Court, or before any District Court, or Judge thereof, in the State.

SEC. 3. The Supreme Court shall consist of five Justices until the number shall be changed by law. The State shall be divided into five Supreme Court Judicial Districts until the Legislature shall change the number of members of the Court, at which time the Legislature shall redistrict the State to conform to the number of Justices of the Supreme Court. From each of said districts, candidates for Justice of the Supreme Court shall be nominated by political parties, or by petitioners of the respective districts, in the manner provided by law, and such candidates shall be voted for by the qualified voters of the State at large, and no elector at such election shall vote for more than one candidate from each district. The candidate from each district receiving the highest number of votes cast in the State at said election shall be declared the Justice-elect in said district. A majority of the members of the Supreme Court shall constitute a quorum, and the concurrence of the majority of said court shall be necessary to decide any question. No person shall be eligible to the office of Justice of the Supreme Court unless he shall be at the time of his election a citizen of the United States and shall have been a resident of the territory embraced within the State for a period of two years, and of the territory comprising the district from which he is elected for a period of one year; and unless he shall have attained the age of thirty years and shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or such judge and lawyer together at least five years.

The term of office of the Justices of the Supreme Court shall be six years, except as herein provided. Each member of such court shall be a conservator of the peace throughout the State; and in case of a vacancy in the membership of said court, the Governor shall, by appointment from the district, fill such vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 4. The term of office of the Justices of the Supreme Court shall commence on the second Monday of January following their election: *Provided, however,* That the term of office of the justices elected at the first election under this Constitution shall commence upon the admission of the State into the Union, and shall continue as hereinafter provided. Those appointed or elected to fill vacancies shall enter upon the discharge of their duties as soon as they qualify.

SEC. 5. The sessions of the Supreme Court shall be held at the seat of Government, and the sessions and duration thereof shall be fixed by rule of said court, until fixed by the Legislature; but the first term of the Supreme Court shall be held within ninety days after the admission of the State. The Supreme Court shall render a written opinion in each case within six months after said case shall have been submitted for decision.

SEC. 6. At the first session of the Supreme Court the justices thereof shall elect one of their number Chief Justice, who shall serve as Chief Justice until the expiration of his term of office; thereafter the Chief Justice shall be elected in the manner provided by law. Of the justices elected at the first election, the term of two of them shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and nine; and the term of two of the others shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and the term of the other justice shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and thirteen. The Supreme Court shall, by order duly entered in its minutes, provide the means of determining by lot the expiration of the terms of each of the justices as hereinbefore provided, and shall determine in accordance therewith, and enter in the minutes of the court its order showing the expiration of the term of each of such justices. After the first election, Justices of the Supreme Court shall be elected at the general biennial election next preceding the beginning of their respective terms.

SEC. 7. There shall be elected by the qualified electors of the State at each election for Governor, a clerk of the Supreme Court, who shall be at least twenty-five years of age and a qualified elector of the State, and whose term shall be the same as that of the Governor, and he shall give bond for faithful performance of his duty as may be prescribed by law.

SEC. 8. The appellate and the original jurisdiction of the Supreme Court shall be invoked in the manner now prescribed by the laws of the Territory of Oklahoma until the Legislature shall otherwise provide.

SEC. 9. Until otherwise provided by law, the State shall be divided into twenty-one judicial districts, and the qualified electors in each of the said districts shall elect a judge of the District Court as provided herein, except in the Thirteenth Judicial District two judges shall be elected. Such judge shall be a citizen of the United States, and shall have been a resident of the territory embraced within the State for two years, and of the territory comprising his district at least one year, prior to his election; and he shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or both such lawyer and judge, for four years next preceding his election, and shall reside in his district during his term of office. The term of office of the District Judge shall be four years, and at the time of his election he shall have reached the age of twenty-five years. Regular terms of the District Court shall be held in each organized county of this State at least twice in each year. The time of convening the District Court in each county in this State, until the Legislature shall otherwise provide, and the duration of the term, shall be fixed by the Supreme Court of the State. The term of the District Judges elected at the first election shall expire on the last day next preceding the second Monday in January, nineteen hundred and eleven, and the judges of the District Court thereafter shall be elected at the general election next preceding the commencement of their terms of office.

In case of the illness of the judge elected in any district, or if for any other cause he shall be unable to preside in the district in which he was elected, the Chief Justice may designate any District Judge in the State to hold any term of court in said district in lieu of the judge elected to hold the courts of said district. Whenever the public business shall require it, the Chief Justice may appoint any District Judge of the State to hold court in any district, and two or more District Judges may sit in any district separately at the same time. In the event any judge shall be disqualified for any reason from trying any case in his district, the parties to such case my agree upon a judge pro tempore to try the same, and if such parties cannot agree, at the request of either party a judge pro tempore may be elected by the members of the bar of the district, present at such term. If no election for judge pro tempore shall be had, the Chief Justice of the State shall designate some other District Judge to try such case.

SEC. 10. The District Courts shall have original jurisdiction in all cases, civil and criminal, except where exclusive jurisdiction is by this Constitution, or by law, conferred on some other court, and such appellate jurisdiction as may be provided in this Constitution, or by law. The District Courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and other writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments, or decrees. The District Courts shall also have the power of naturalization in accordance with the laws of the United States.

SEC. 11. There is hereby established in each county in this State a County Court, which shall be a court of record; and, at the election to ratify this Constitution, there shall be elected in each county a County Judge, who shall hold his office until the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and thereafter the term of office of the County Judge shall be two years, and he shall be elected at each biennial general election. The county judge shall be a qualified voter and a resident of the county at the time of his election, and a lawyer licensed to practice in any court of record of the State. The county judge shall be judge of the county court.

SEC. 12. The County Court, coextensive with the county, shall have original jurisdiction in all probate matters, and until otherwise provided by law, shall have concurrent jurisdiction with the District Court in civil cases in any amount not exceeding one thousand dollars, exclusive of interest: *Provided,* That the County Court shall not have jurisdiction in any action for malicious prosecution, or in any action for divorce or alimony, or in any action against officers for misconduct in office, or in actions for slander or libel, or in actions for the specific performance of contracts for the sale of real estate, or in any matter wherein the title or boundaries of land may be in dispute or called in question; nor to order or decree the partition or sale of real estate, not arising under its probate jurisdiction.

It shall have such appellate jurisdiction of the judgments of justices of the peace in civil and criminal cases as may be provided by law, or in this Constitution. The County Court shall have jurisdiction concurrent with justices of the peace in misdemeanor cases, and exclusive jurisdiction in all misdemeanor cases of which justices of the peace have not jurisdiction. In the absence of the Judge of the District Court from the county, or in case of his disqualification for any reason, the County Court, or Judge thereof, shall have power to issue writs of injunction in matters about to be brought or pending in the District Court; and to issue writs of injunction, mandamus, and all writs necessary to enforce the jurisdiction of the County Courts; and issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court or any other court or tribunal inferior to said court.

When the County Judge is disqualified in any case pending in the County Court, a judge pro tempore may be selected in the manner provided for the selection of judges pro tempore in the District Court.

SEC. 13. The County Court shall have the general jurisdiction of a Probate Court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the sale, settlement, partition, and distribution of the estates thereof. The County Court shall be held at the county seat, but the Legislature may provide for holding sessions of the County Court at not more than two additional places in the county: *Provided,* That alternate sessions of County Court in Le Flore County shall be held at Talihina.

SEC. 14. Until otherwise provided by law, the County Court shall have jurisdiction of all cases on appeals from judgments of the justices of the peace in civil and criminal cases; and in all cases, civil and criminal, appealed from justices of the peace to such County Court, there shall be a trial de novo on questions of both law and fact.

SEC. 15. Appeals and proceedings in error shall be taken from the judgments of County Courts direct to the Supreme Court, in all cases appealed from justices of the peace, and in all criminal cases of which the County Court is vested with jurisdiction, and in all civil cases originally brought in the County Court, in the same manner and by like proceedings as appeals are taken to the Supreme Court from the judgments of the District Court.

SEC. 16. Until otherwise provided by law, in all cases arising under the probate jurisdiction of the County Court, appeals may be taken

from the judgments of the County Court to the District Court of the county in the same manner as is now provided by the laws of the Territory of Oklahoma for appeals from Probate Court to the District Court, and in all cases appealed from the County Court to the District Court, the cause shall be tried de novo in the District Court upon questions of both law and fact.

SEC. 17. County Courts shall also have and exercise the jurisdiction of examining and committing magistrates in all criminal cases.

SEC. 18. The office of Justice of the Peace is hereby created, and, until otherwise provided by law, Courts of Justices of the Peace shall have, coextensive with the county, jurisdiction as examining and committing magistrates in all felony cases, and shall have jurisdiction, concurrent with the County Court, in civil cases where the amount involved does not exceed two hundred dollars, exclusive of interest and costs, and concurrent jurisdiction with the County Court in all misdemeanor cases in which the punishment does not exceed a fine of two hundred dollars or imprisonment in the county jail for not exceeding thirty days, or both such fine and imprisonment; but Justices of the Peace shall in no event have jurisdiction in actions for libel and slander. Until otherwise provided by law, appeals shall be allowed from judgments of the Court of Justices of the Peace in all civil and criminal cases to the County Court to the manner now provided by the laws of the Territory of Oklahoma governing appeals from the Courts of Justices of the Peace to the District Court. In cities of more than two thousand and five hundred inhabitants, two Justices of the Peace shall be elected.

SEC. 19. All judges of Courts of this State, and justices of the peace, shall, by virtue of their office, be conservators of the peace throughout the State.

The style of all writs and processes shall be "The State of Oklahoma." All prosecutions shall be carried on in the name and by the authority of the State of Oklahoma. All indictments, informations, and complaints shall conclude, "Against the peace and dignity of the State."

SEC. 20. In all issues of fact joined in any court, all parties may waive the right to have the same determined by jury; in which case the finding of the judge, upon the facts, shall have the force and effect of a verdict by jury.

SEC. 21. In all jury trials, the jury shall return a general verdict, and no law in force, nor any law hereafter enacted, shall require the court to direct the jury to make findings on particular questions of fact; but the court may, in its discretion, direct such special findings.

JUDICIAL APPORTIONMENT.

SEC. 22. The State is hereby divided into five Supreme Court judicial districts, numbered respectively, One to Five, inclusive, and is subdivided into twenty-one District Court judicial districts, numbered respectively, One to Twenty-one, inclusive; and all such judicial districts shall be and remain until changed as provided in this Constitution.

SEC. 23. Of the Supreme Court judicial districts, number One shall embrace the First, Second, Third, and Fourth District Court judicial districts; number Two shall embrace the Fifth, Sixth, Seventh, and Eighth District Court judicial districts; number Three shall embrace the Ninth, Tenth, Eleventh, Twelfth, and Twenty-first District Court judicial districts; number Four shall embrace the Thirteenth, Fourteenth, Fifteenth, and Sixteenth District Court judicial districts, and number Five shall embrace the Seventeenth, Eighteenth, Nineteenth, and Twentieth District Court judicial districts.

SEC. 24. Of the District Court judicial districts, number One shall comprise the counties of Adair, Cherokee, Delaware, and Sequoyah; number Two, the counties of Craig, Mayes, Nowata, Ottawa Rogers, and Washington; number Three, the counties of Muskogee and Wagoner; number Four, the counties of McIntosh and Pittsburg; number Five, the counties of Haskell, Latimer, Le Flore, and Pushmataha; number Six, the counties of Bryan, Choctaw, Marshall, and McCurtain; number Seven, the counties of Atoka, Coal, Johnston, Pontotoc, and Seminole; number Eight, the counties of Carter and Love; number Nine, the counties of Hughes, Creek, Okfuskee, and Okmulgee; number Ten, the counties of Lincoln and Pottawatomie; number Eleven, the counties of Kingfisher and Logan; number Twelve, the counties of Grant, Kay, and Noble; number Thirteen, the counties of Canadian and Oklahoma, with two judges; number Fourteen, the counties of Cleveland, Garvin, McClain, and Murray; number Fifteen, the counties of Caddo, Grady, Jefferson, and Stephens; number Sixteen, the counties of Comanche, Jackson, and Tillman; number Seventeen, the counties of Blaine, Custer, Kiowa, and Washita; number Eighteen, the counties of Beckham, Dewey, Ellis, Greer, and Roger Mills; number Nineteen, the counties of Beaver, Cimarron, Harper, Texas, Woods, and Woodward; number Twenty, the counties of Alfalfa, Garfield, and Major; number Twenty-one, the counties of Osage, Payne, Pawnee, and Tulsa.

SEC. 25. The terms of the District Court shall be held at the county seat of the respective counties.

ARTICLE VIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The Governor and other elective State officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

SEC. 2. All elective officers, not liable to impeachment, shall be subject to removal from office in such manner and for such causes as may be provided by law.

SEC. 3. When sitting as a Court of Impeachment, the Senate shall be presided over by the Chief Justice, or if he is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all the members of said court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as a presiding officer for such purpose. The House of Representatives shall present all impeachments.

SEC. 4. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 5. Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent punishment of any such officer on charges growing out of the same matter by the courts of the State.

SEC. 6. The Legislature shall pass such laws as are necessary for carrying into effect the provisions of this article.

ARTICLE IX.

CORPORATIONS—DEFINITION.

SECTION 1. As used in this article, the term "corporation" or "company" shall include all associations and joint stock companies having any power or privileges, not possessed by individuals, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall mean the charter of incorporation, by or under which any corporation is formed. The term "license" shall mean the authority under which all foreign corporations are permitted to transact business in this State.

RAILROAD AND PUBLIC SERVICE CORPORATIONS.

SEC. 2. Every railroad, oil pipe, car, express, telephone or telegraph corporation or association organized or authorized to do a transportation or transmission business under the laws of this State for such purpose, shall, each respectively, have the right to construct and operate its line betwen any points in this State, and as such to connect at the State line with like lines; and every such company shall have the right with its road or line, to intersect, connect with, or cross any railroad or such line.

SEC. 3. Every railroad, car, or express company, shall each respectively receive and transport without delay or discrimination each other's cars, loaded or empty, tonnage, and passengers, under such rules and regulations as may be prescribed by law or any commission created by this Constitution or by act of the Legislature, for that purpose.

SEC. 4. All oil pipe companies shall be subject to the reasonable control and regulation of the Corporation Commission, and shall receive and transport each other's tonnage or oils, or commodities, under such rules and regulations as shall be prescribed by law, or such commission.

SEC. 5. All telephone and telegraph lines, operated for hire, shall each respectively, receive and transmit each other's messages without delay or discrimination, and make physical connections with each other's lines, under such rules and regulations as shall be prescribed by law, or by any commission created by this Constitution, or any act of the Legislature, for that purpose.

SEC. 6. Railroads heretofore constructed, or which may hereafter be constructed in this State, are hereby declared public highways. Every railroad or other public service corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State, for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporation, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of stock, the amounts owned by them, respectively; the amount of stock paid, and by whom; the transfer of said stock, with the date of transfer; the amount of its assets and liabilities, and the names and places of residence of its officers, and such other matters required by law or by order of the Corporation Commission. The directors of every railroad company, or other public service corporation, shall hold at least one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent of every railroad company and other public service corporation organized or doing business in this State under the laws of this State or the authority thereof, shall report annually under oath, and make such other reports as may be required by law or order of the Corporation Commission, to said Commission their acts and doings, which report shall include such matters relating to railroads and other public service corporations as may be prescribed by law. The Legislature shall pass all necessary laws enforcing, by suitable penalties, all the provisions in this section.

SEC. 7. The rolling stock and all other movable property belonging to any railroad, transportation, transmission, or other public corporation in this State, shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 8. No public service corporation, or the lessees, purchasers, or managers thereof, shall consolidate the stock, property, or franchises, of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other public service corporation owning or having under its control a parallel or competing line; except by enactment of the Legislature upon the recommendation of the Corporation Commission: *Provided, however*, That the Legislature shall never enact any law permitting any public service corporation, the lessees, purchasers, or managers thereof when such public service corporation is organized under the laws of any other State, or of the United States, to consolidate the stock, property, or franchises, of such corporation with, or lease, or purchase, the works of, franchises of, or in any way control, any other public service corporation, organized under the laws of any other State, or of the United States, owning or having under its control in this State a parallel or competing line; nor shall any officer of such corporation act as an officer of any other corporation owning or controlling a parallel or competing line.

SEC. 9. Neither shall any railroad company, transportation company, or transmission company organized under the laws in this State, consolidate by private or judicial sale, or otherwise, with any railroad company, transportation company, or transmission company organized under the laws of any other State, or of the United States.

SEC. 10. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 11. No railroad, transportation, transmission, or other public service corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution, applicable to railroads, transportation companies, transmission companies, and other public-service corporations: *Provided*, That nothing herein shall be construed as validating any charter which may be invalid, or having any of the conditions contained in any charter.

SEC. 12. No railroad company shall transport, within this State, any article or commodity manufactured, mined, or produced by it, or under its authority, or which it may own, in whole or in part, or in which it may have any interest direct or indirect, except such articles or commodities as may be necessary and intended for the use in the conduct of its business as a common carrier.

SEC. 13. No railroad or transportation company, or transmission company shall, directly or indirectly, issue or give any free frank or free ticket, free pass or other free transportation, for any use, within this

State, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries for railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents, employed in such transportations; to inmates of the National Homes, or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to members of volunteer fire departments and their equipage while traveling as such; to necessary caretakers of live stock, poultry, and fruit; to employees of sleeping cars, of express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad company or transportation company is interested, persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carriers from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; nor to prevent them from transporting, free of charge, to their places of employment persons entering their service, and the interchange of passes to that end; and any railroad, transportation, or transmission company or any person, other than the persons excepted in this provision, who grants or uses any such free frank, free ticket, free pass, or free transportation within this State, shall be deemed guilty of a crime, and the Legislature shall provide proper penalties for the violation of any provision of this section by the railroad or transportation or transmission company, or by any individual: *Provided*, That nothing herein shall prevent the Legislature from extending these provisions so as to exclude such free transportations or franks from other persons.

SEC. 14. No railroad hereafter constructed in this State shall pass within a distance of four miles of any county seat without passing through the same and establishing and maintaining a depot therein, unless prevented by natural obstacles such as streams, hills, or mountains: *Provided*, Such town, or its citizens, shall grant the right-of-way through its limits and sufficient ground for ordinary depot purposes.

CORPORATION COMMISSION.

SEC. 15. A Corporation Commission is hereby created, to be composed of three persons, who shall be elected by the people at a general election for State officers, and their terms of office shall be six years: *Provided*, Corporation Commissioners first elected under this Constitution shall hold office as follows: One shall serve until the second Monday in January, nineteen hundred and nine; one until the second Monday in January, nineteen hundred and eleven; and one until the second Monday in January, nineteen hundred and thirteen; their terms to be decided by lot immediately after they shall have qualified. In case of a vacancy in said office, the Governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term.

SEC. 16. The qualifications of such commissioners shall be as follows: to be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in this State, or out of it, or any stock, bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such commissioner hold any other office under the Government of the United States, or of this State or any other State government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

SEC. 17. Before entering upon the duties of his office, each of said commissioners shall take and subscribe to the oath of office as prescribed in this Constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract or earnings of any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this Constitution, and all the laws of this State concerning railroads, street railways, traction lines, canals, steamboats, pipe lines, car lines, sleeping car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other corporations over which said Commission has jurisdiction, which oath shall be filed with the Secretary of State.

SEC. 18. The Commission shall have the power and authority and be charged with the duty of supervising, regulating, and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the Commission shall, from time to time, prescribe and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities, and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations, and requirements, the Commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the Commission, within the scope of its authority, shall be unlawful and void. The Commission shall also have the right, at all times, to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements, under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discrimination and extortion by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation, or transmission, or otherwise, in connection with the public duties of such company. Before the Commission shall prescribe or fix any rate, charge or classification of traffic, and before it shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation, or requirement, shall first be given, by the Commission, at least ten days' notice of the time and place when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before said Commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published in substance, not less than once a week, for four consecutive weeks, in one or more of the newspapers of general circulation published in the county in which the capitol of this State may be located, together with the notice of the time and place, when and where the Commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation, or requirement; and every such general order, rule, regulation, or requirement, made by the Commission, shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, so long as it remains in force, be published in each subsequent annual report of the Commission. The authority of the Commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges, and classifications of traffic, for transportation and transmission companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the Legislature to legislate thereon by general laws: *Provided, however*, That nothing in this section shall impair the rights which have heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town, or county to prescribe rules, regulations, or rates of charges to be observed by any public-service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town, or county, so far as such services may be wholly within the limits of the city, town, or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the Commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons or employees.

SEC. 18*a*. The Corporation Commission shall organize by electing one of its members chairman and appointing a secretary, whose salary shall be fixed by the Legislature. A majority of said commission shall constitute a quorum, and the concurrence of the majority of said Commission shall be necessary to decide any question.

SEC. 18*b*. As used in this article the term "Company" shall include associations and joint stock companies having any power or privileges not possessed by individuals, and include all corporations except municipal corporations and public institutions owned or controlled by the State.

SEC. 19. In all matters pertaining to the public visitation, regulation, or control of corporations, and within the jurisdiction of the Commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses, and the p roduction of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the Commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and by enforcing its own appropriate process, against the delinquent or offending party or company (after it shall have been first duly cited, proceeded against by due process of law before the Commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well as against the validity, justness, or unreasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The Commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation, or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the Commission, within reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the Commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the Commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed or authorized by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the Commission shall be a separate offense: *Provided*, That should the operation of such order or requirement be suspended, pending any appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalities.

SEC. 20. From any action of the Commission prescribing rates, charges, or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences, or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as hereinafter provided for, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to cost, as may be prescribed by law) may be taken by the corporation whose rates, charges, or classifications of traffic, schedule, facilities, conveniences, or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the State. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court from the District Courts, except that such an appeal shall be of right, and the Supreme Court may provide by rule for

proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges, or classifications of traffic, schedules, facilities, conveniences, or service are affected, the State shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The Legislature may also, by general laws, provide for appeals from any other action of the Commission, by the State, or by any person interested, irrespective of the amount involved. All appeals from the Commission shall be to the Supreme Court only, and in all appeals to which the State is a party, it shall be represented by the Attorney-General or his appointed representative. No court of this State (except the Supreme Court, by way of appeals as herein authorized) shall have jurisdiction to review, reverse, correct, or annul any action of the Commission within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the Commission in the performance of its official duties: *Provided, however,* That the writs of mandamus and prohibition shall lie from the Supreme Court to the Commission in all cases where such writs, respectively, would lie to any inferior court or officer.

SEC. 21. Upon the granting of an appeal, a writ of supersedeas may be awarded by the Supreme Court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the Supreme Court, no action of the Commission prescribing or affecting the rates, charges, or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceeding resulting from such appeal, until a suspending bond shall first have been executed and filed with, and approved by the Commission (or approved, on review, by the Supreme Court), payable to the State, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the Court on appeal. The Commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the Commission, from time to time, such reports, verified by oath, as may, in the judgment of the Commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the Commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company, pending the appeal, be not sustained on such appeal; and the Commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the Commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner and through such methods of distribution as may be prescribed by the Commission, or by law. All such appeals, affecting rates, charges, or classifications of traffic, shall have precedence upon the docket of the Supreme Court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus and State cases already on the docket of the court.

SEC. 22. In no case of appeal from the Commission, shall any new or additional evidence be introduced in the Supreme Court; but the chairman of the Commission, under the seal of the Commission, shall certify to the Supreme Court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the Commission as may be selected, specified, and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered as the Commission may deem proper to certify. The Commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the Supreme Court, upon disposing of the appeal. The Supreme Court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the Commission appealed from, as well as any other matter arising under such appeal: *Provided, however,* That the action of the Commission appealed from shall be regarded as prima facie just, reasonable, and correct; but the court may, when it deems necessary, in the interest of justice, remand to the Commission any case pending on appeal, and require the same to be further investigated by the Commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the Commission by any party in interest), before the appeal is finally decided.

SEC. 23. Whenever the court, upon appeal, shall reverse an order of the Commission affecting the rates, charges, or the classifications of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such orders as, in its opinion, the Commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the Commission at the time the original order appealed from was entered. The right of the Commission to prescribe and enforce rates, charges, classifications, rules and regulations affecting any or all actions of the Commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the Commission, prescribing or altering such rates, charges, classifications, rules, or regulations, shall be retroactive.

SEC. 24. The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit, or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the Commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the Commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceedings shall the reasonableness, justness, or validity of any rate, charge, classification of traffic, rule, regulation, or requirement, theretofore prescribed by the Commission, within the scope of its authority, and then in force, be questioned: *Provided, however,* That no case based upon or involving any order of the Commission shall be heard or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court as authorized by this Constitution or by any law passed in pursuance thereof.

SEC. 25. The Commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or the creation, supervision, regulation, or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

SEC. 26. It shall be the duty of each and every railway company, subject to the provisions herein, to provide and maintain adequate, comfortable, and clean depots, and depot buildings, at its several stations, for the accommodation of passengers, and said depot buildings shall be kept well lighted and warmed for the comfort and accommodation of the traveling public; and all such roads shall keep and maintain adequate and suitable freight depots and buildings for the receiving, handling, storing, and delivering of all freight handled by such roads.

SEC. 27. In case any railroad company shall hereafter seek to cross at grade with its track or tracks, the track or tracks of another railroad, the railroad seeking to cross at grade, within a reasonable time, shall be compelled to interlock or protect such crossings by safety devices, to be designated by the Commission, and all costs of appliance, together with the expenses of putting them in, shall be borne equally by each company: *Provided,* That this act shall not apply to crossings of sidetracks.

SEC. 28. The commissioners, or either of them, or such persons as they may employ therefor, shall have the right, at such times as they may deem necessary, to inspect the books and papers of any railroad company or other public service corporation, and to examine, under oath, any officer, agent, or employee of such corporations in relation to the business and affairs of the same. If any railroad company or other public service corporation shall refuse to permit the commissioners, or either of them, or any person authorized thereto, to examine its books and papers, such railroad company or other public service corporation shall, until otherwise provided by law, for each offense, pay to the State of Oklahoma not less than one hundred and twenty-five dollars, nor more than five hundred dollars, for each day it shall so fail or refuse, and the officer or other person so refusing shall be punished as the law shall prescribe.

SEC. 29. The Commission shall ascertain, and enter of record, the same to be a public record, as early as practicable, the amount of money expended in construction and equipment per mile of every railroad and other public service corporation in Oklahoma, the amount of money expended to procure the right of way, and the amount of money it would require to reconstruct the roadbed, track, depots, and transportation facilities, and to replace all the physical properties belonging to the railroad or other public service corporation. It shall also ascertain the outstanding bonds, debentures, and indebtedness, and the amount, respectively, thereof, when issued, and rate of interest, when due, for what purposes issued, how used, to whom issued, to whom sold, and the price in cash, property, or labor, if any, received therefor, what became of the proceeds, by whom the indebtedness is held, the amount purporting to be due thereon, the floating indebtedness of the company, to whom due, and his address, the credits due on it, the property on hand belonging to the railroad company or other public service corporation, and the judicial or other sales of said road, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor. The Commission shall also ascertain the amounts paid for salaries to the officers of the railroad, or other public service corporation, and the wages paid its employees. For the purpose in this section named, the Commission may employ experts to assist them when needed, and from time to time, as the information required by this section is obtained, it shall communicate the same to the Attorney-General by report, and file a duplicate thereof with the State Examiner and inspector for public use, and said information shall be printed, from time to time, in the annual report of the Commission.

SEC. 30. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages over a shorter than a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the Commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to this State, or to the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the Commission.

SEC. 31. No railroad, oil pipe line, telephone, telegraph, express or car corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business in this State, shall be entitled to the benefit of the right of eminent domain in this State until it shall have become a body corporate pursuant to or in accordance with the laws of this State.

SEC. 32. The said Commission shall have power, and it is hereby made its duty, to investigate all through freight or passenger rates on railroads in this State, and when the same are, in the opinion of the Commission, excessive or levied or laid in violation of the interstate commerce law, or the rules and regulations of the Interstate Commerce Commission, the proper officials of the railroads are to be notified of the facts and requested to reduce them or make the proper corrections, as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the Commission, it shall be the duty of the latter to notify the Interstate Commerce Commission and to make proper application to it for relief, and the Attorney-General or such other persons as may be designated by law shall represent the Commission in all such matters.

SEC. 33. Any person, firm, or corporation owning or operating any coal, lead, iron, or zinc mine, or any saw mill, grain elevator, or other industry, whenever the Commission shall reasonably determine that the amount of business is sufficient to justify the same, near or within a reasonable distance of any track, may, at the expense of such person, firms, or corporation build and keep in repair a switch leading from such railroad to such mine, saw mill, elevator or other industry; such

railroad company shall be required to furnish the switch stand and frog and other necessary material for making connection with such side-track or spur under such reasonable terms, conditions and regulations as the said Commission may prescribe, and shall make connection therewith. The party owning such line, saw mill, elevator or other industry shall pay the actual cost thereof. If any railroad company, after proper demand therefor is made, shall refuse to furnish said material for making said connection and put the same in place, or after the building of such switch, shall fail or refuse to operate the same, such railroad company failing and refusing for a reasonable time, shall forfeit and pay to the party or corporation aggrieved, the sum of five hundred dollars for each and every offense, to be recovered by civil action in any court of competent jurisdiction; and every day of such refusal on the part of the railroad company to operate such switch as aforesaid, after such demand is made, shall be deemed a separate offense.

SEC. 34. As used in this article, the term "transportation company" shall include any company, corporation, trustee, receiver, or any other person owning, leasing, or operating for hire, a railroad, street railway, canal, steamboat line, and also any freight-car company, car association, express company, sleeping-car company, car corporation, or company, trustee, or person in any way engaged in such business as a common carrier over a route acquired in whole or in part under the right of eminent domain, or under any grant from the Government of the United States; the term "rate" shall be construed to mean rate of charge for any service rendered, or to be rendered; the terms "rate," "charge," and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company, receiver or other person, owning, leasing, or operating for hire any telegraph or telephone line; the term "freight" shall be construed to mean any property transported or received for transportation, by any transportation company. The term "public-service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any right of way, street, alley, or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person" as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed. The term "frank" shall mean any writing or token issued by or under authority of a transmission company, entitling the holder to any service from such company free of charge.

The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

SEC. 35. After the second Monday in January, nineteen hundred and nine, the Legislature may, by law, from time to time, alter, amend, revise, or repeal sections from eighteen to thirty-four, inclusive, of this article, or any of them, or any amendments thereof: *Provided*, That no amendment made under authority of this section shall contravene the provisions of any part of this Constitution other than the said sections last above referred to or any such amendments thereof.

FELLOW SERVANTS.

SEC. 36. The common law doctrine of the fellow-servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or interurban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a nonassignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort or relatives, or any trustee, curator, committee or guardian of such consort or relatives, shall have the same rights and remedies with respect thereto, as if death had been caused by the negligence of the master. And every railroad company and every street railway company or interurban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section, for the acts of his or its receivers.

Nothing contained in this section shall restrict the power of the Legislature to extend to the employees of any person, firm, or corporation, the rights and remedies herein provided for.

PASSENGER FARE.

SEC. 37. No person, company, or corporation, receiver, or other agency, operating a railroad, other than street railroad or electric railroad, in whole or in part, within this State, shall demand or receive for first-class transportation for each passenger, between points within this State on the portion of its road operated within this State, more than two cents per mile, until otherwise provided by law: *Provided, however*, The Corporation Commission shall have the power to exempt any railroad from the operation of this section upon satisfactory proof that it cannot earn a just compensation for the services rendered by it to the public, if not permitted to charge more than two cents per mile for the transportation of passengers within the State.

PRIVATE CORPORATIONS.

SEC. 38. No private corporation shall be created nor foreign corporation licensed to conduct business in the State, except by general law.

SEC. 39. No corporation shall issue stock except for money, labor done, or property actually received to the amount of the par value thereof, and all fictitious increase of stock or indebtedness shall be void, and the Legislature shall prescribe the necessary regulations to prevent the issue of fictitious stock or indebtedness. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

SEC. 40. No corporation organized or doing business in this State shall be permitted to influence elections or official duty by contributions of money or anything of value.

SEC. 41. No corporation chartered or licensed to do business in this State shall own, hold, or control, in any manner whatever, the stock of any competitive corporation or corporations engaged in the same kind of business, in or out of the State, except such stock as may be pledged in good faith to secure bona fide indebtedness acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt. In all cases where any corporation acquires stock in any other corporation, as herein provided, it shall be required to dispose of the same within twelve months from the date of acquisition; and during the period of its ownership of such stock it shall have no right to participate in the control of such corporation, except when permitted by order of the Corporation Commission. No trust company, or bank or banking company shall own, hold, or control, in any manner whatever, the stock of any other trust company, or bank or banking company, except such stock as may be pledged in good faith to secure bona fide indebtedness, acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt; and such stock shall be disposed of in the time and manner hereinbefore provided.

SEC. 42. Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

SEC. 43. No corporation, foreign or domestic, shall be permitted to do business in this State without first filing in the office of the Corporation Commission a list of its stockholders, officers, and directors, with the residence and post-office address of, and the amount of stock held by each. And every foreign corporation shall, before being licensed to do business in the State, designate an agent residing in the State; and service of summons or legal notice may be had on such designated agent and such other agents as now are or may hereafter be provided for by law. Suit may be maintained against a foreign corporation in the county where an agent of such corporations may be found, or in the county of the residence of plaintiff, or in the county where the cause of action may arise.

SEC. 44. No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the Constitution or laws of the State. Nothing in this article, however, shall restrict or limit the power of the Legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

SEC. 45. Until otherwise provided by law, no person, firm, association, or corporation engaged in the production, manufacture, distribution, or sale of any commodity of general use, shall, for the purpose of creating a monopoly or destroying competition in trade, discriminate between different persons, associations, or corporations, or different sections, communities, or cities of the State, by selling such commodity at a lower rate in one section, community, or city than in another, after making due allowance for the difference, if any, in the grade, quantity, or quality, and in the actual cost of transportation from the point of production or manufacture.

SEC. 46. All existing charters or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business commenced in good faith at the time this Constitution becomes effective, shall thereafter have no validity.

SEC. 47. The Legislature shall have power to alter, amend, annul, revoke, or repeal any charter of incorporation or franchise now existing and subject to be altered, amended, annulled, revoked, or repealed at the time of the adoption of this Constitution, or any that may be hereafter created, whenever in its opinion it may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the incorporators.

SEC. 48. The Legislature shall provide such penalties and regulations as may be necessary for the proper enforcement of the provisions of this article.

ARTICLE X.

REVENUE AND TAXATION.

SECTION 1. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

SEC. 2. The Legislature shall provide by law for an annual tax sufficient, with other resources, to defray the estimated ordinary expenses of the State for each fiscal year.

SEC. 3. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, which, with other resources, shall be sufficient to pay the deficiency, as well as the estimated ordinary expenses of the State for the ensuing year.

SEC. 4. For the purpose of paying the State debt, if any, the Legislature shall provide for levying a tax, annually, sufficient to pay the annual interest and principal of such debt, within twenty-five years from the final passage of the law creating the debt.

SEC. 5. The power of taxation shall never be surrendered, suspended, or contracted away. Taxes shall be uniform upon the same class of subjects.

SEC. 6. All property used for free public libraries, free museums, public cemeteries, property used exclusively for schools, colleges, and all property used exclusively for religious and charitable purposes, and all property of the United States, and of this State, and of counties and of municipalities of this State; household goods of the heads of families, tools, implements, and live stock employed in the support of the family, not exceeding one hundred dollars in value, and all growing crops, shall be exempt from taxation: *Provided*, That all property not herein specified now exempt from taxation under the laws of the Territory of Oklahoma, shall be exempt from taxation until otherwise provided by law: *And provided further*, That there shall be exempt from taxation to all ex-Union and ex-Confederate soldiers, bona fide residents of this State, and to all widows of ex-Union and ex-Confederate soldiers, who are heads of families and bona fide residents of this State, personal property not exceeding two hundred dollars in value.

All property owned by the Murrow Indian Orphan Home, located in Coal County, and all property owned by the Whittaker Orphan Home, located in Mayes County, so long as the same shall be used exclusively as free homes or schools for orphan children, and for poor and indigent persons, and all fraternal orphan homes, and other orphan homes, together with all their charitable funds, shall be exempt from taxation, and such property as may be exempt by reason of treaty stipulations, existing between the Indians and the United States Government, or by Federal laws, during the force and effect of such treaties or Federal laws. The Legislature may authorize any incorporated city or town, by a majority vote of its electors voting thereon, to exempt manufacturing establishments and public utilities from municipal taxation, for a period not exceeding five years, as an inducement to their location.

SEC. 7. The Legislature may authorize county and municipal corporations to levy and collect assessments for local improvements upon prop-

erty benefited thereby, homesteads included, without regard to a cash valuation.

SEC. 8. All property which may be taxed advalorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values, or subjects, for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

SEC. 9. Except as herein otherwise provided, the total taxes, on an advalorem basis, for all purposes, State, county, township, city or town, and school district taxes, shall not exceed in any one year thirty-one and one-half mills on the dollar, to be divided as follows:

State levy, not more than three and one-half mills; county levy, not more than eight mills: *Provided*, That any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy, not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common school: *Provided*, That the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed ten mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election, vote for said increase.

SEC. 10. For the purpose of erecting public buildings in counties, cities, or school districts, the rates of taxation herein limited, may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor: *Provided*, That such increase shall not exceed five mills on the dollar of the assessed value of the taxable property in such county, city, or school district.

SEC. 11. The receiving, directly or indirectly, by any officer of the State, or of any county, city, or town, or member or officer of the Legislature, of any interest, profit, or perquisites, arising from the use or loan of public funds in his hands or moneys to be raised through his agency for State, city, town, district, or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 12. The Legislature shall have power to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes; also stamp, registration, production or other specific taxes.

SEC. 13. The State may select its subjects of taxation, and levy and collect its revenues independent of the counties, cities, or other municipal subdivisions.

SEC. 14. Taxes shall be levied and collected by general laws, and for public purposes only, except that taxes may be levied when necessary to carry into effect section thirty-one of the Bill of Rights. Except as required by the enabling act, the State shall not assume the debt of any county, municipal corporation, or political subdivision of the State, unless such debt shall have contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

SEC. 15. The credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or politicl subdivision of the State; nor shall the State become an owner or stockholder in, nor make donation by gift, subscription to stock, by tax or otherwise, to any company, association, or corporation.

SEC. 16. All laws authorizing the borrowing of money by and on behalf of the State, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 17. The Legislature shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or levy any tax for, or to loan its credit to any corporation, association, or individual.

SEC. 18. The Legislature may authorize the levy and collection of a poll tax on all electors of this State, under sixty years of age, not exceeding two dollars per capita, per annum, and may provide a penalty for the non-payment thereof.

SEC. 19. Every act enacted by the Legislature, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 20. The Legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes.

SEC. 21. There shall be a State Board of Equalization consisting of the Governor, State Auditor, State Treasurer, Secretary of State, Attorney-General, State Inspector and Examiner, and President of the Board of Agriculture. The duty of said Board shall be to adjust and equalize the valuation of real and personal property of the several counties in the State, and it shall perform such other duties as may be prescribed by law, and they shall assess all railroad and public service corporation property.

SEC. 22. Nothing in this Constitution shall be held, or construed, to prevent the classification of property for purposes of taxation; and the valuation of different classes by different means or methods.

PUBLIC INDEBTEDNESS.

SEC. 23. The State may, to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not, at any time, exceed four hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.

SEC. 24. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection or to defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 25. Except the debts specified in sections twenty-three and twenty-four of this article, no debts shall hereafter be contracted by or on behalf of this State, unless such debt shall be authorized by law for some work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due and also to pay and discharge the principal of such debt within twenty-five years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either House of the Legislature, the question shall be taken by yeas and nays, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

SEC. 26. No county, city, town, township, school district, or other political corporation, or subdivision of the State, shall be allowed to become indebted, in any manner, for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness: *Provided*, That any county, city, town, township, school district, or other political corporation, or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

SEC. 27. Any incorporated city or town in this State may, by a majority of the qualified property taxpaying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than that specified in section twenty-six, for the purpose of purchasing or constructing public utilities, or for repairing the same, to be owned exclusively by such city: *Provided*, That any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this Constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

SEC. 28. Counties, townships, school districts, cities, and towns shall levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payments of such parts of judgments as such municipality may, by law, be required to pay.

SEC. 29. No bond or evidence of indebtedness of this State shall be valid unless the same shall have indorsed thereon a certificate, signed by the Auditor and Attorney-General of the State, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or any other political subdivision of any county, shall be valid unless the same have indorsed thereon a certificate signed by the County Clerk, or other officer authorized by law to sign such certificate, and the County Attorney of the county, stating that said bond, or evidence of debt, is issued pursuant to law, and that said issue is within the debt limit.

SEC. 30. The Legislature shall require all money collected by taxation, or by fees, fines, and public charges of every kind, to be accounted for by a system of accounting that shall be uniform for each class of accounts, State and local, which shall be prescribed and audited by authority of the State.

ARTICLE XI.

STATE AND SCHOOL LANDS.

SECTION 1. The State hereby accepts all grants of land and donations of money made by the United States under the provisions of the Enabling Act, and any other Acts of Congress, for the uses and purposes and upon the conditions, and under the limitations for which the same are granted or donated; and the faith of the State is hereby pledged to preserve such lands and moneys and all moneys derived from the sale of any of said lands as a sacred trust, and to keep the same for the uses and purposes for which they were granted or donated.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may be hereafter given by the United States for the use and benefit of the common schools of this State, all such per centum as may be granted by the United States on the sales of public lands, the sum of five million dollars appropriated to the State for the use and benefit of the common schools in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory, the proceeds of all property that shall fall to the State by escheat, the proceeds of all gifts or donations to the State for common schools not otherwise appropriated by the terms of the gifts, and such other appropriations, gifts, or donations as shall be made by the Legislature for the benefit of the common schools, shall constitute the permanent school fund, the income from which shall be used for the maintenance of the common schools in the State. The principal shall be deemed a trust fund held by the State, and shall forever remain inviolate. It may be increased, but shall never be diminished. The State shall reimburse said permanent school fund for all losses thereof which may in any manner occur, and no portion of said fund shall be diverted for any other use or purpose.

SEC. 3. The interest and income of the permanent school fund, the net income from the leasing of public lands which have been or may be granted by the United States to the State for the use and benefit of the common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sums which may be added thereto by law, shall be used and applied each year for the benefit of the common schools of the State, and shall be, for this purpose, apportioned among and between all the several common school districts of the State in proportion to the school population of the several districts, and no part of the fund shall ever be diverted from this purpose, or used for any other purpose than the support and maintenance of common schools for the equal benefit of all the people of the State.

SEC. 4. All public lands set apart to the State by Congress for charitable, penal, educational, and public building purposes, and all lands taken in lieu thereof, may be sold by the State, under such rules and regulations as the Legislature may prescribe, in conformity with the regulations of the Enabling Act.

SEC. 5. Section thirteen in every portion of the State, which has been granted to the State, shall be preserved for the use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established, or hereafter to be established, one-third; and of the Agricultural and Mechanical College and Colored Agricultural and Normal University, one-third. The

said lands or the proceeds thereof as above apportioned to be divided between the institutions as the Legislature may prescribe: *Provided*, That the said lands so reserved, or the proceeds of the sale thereof, or of any indemnity lands granted in lieu of section thirteen shall be safely kept or invested and preserved by the State as a trust, which shall never be diminished, but may be added to, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of the State and no part of the proceeds arising from the sale or disposal of any lands granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university, and no portion of the funds arising from the sale of sections thirteen or any indemnity lands selected in lieu thereof, either principal or interest, shall ever be diverted, either temporarily or permanently, from the purpose for which said lands were granted to the State.

SEC. 6. The permanent common school and other educational funds shall be invested in first mortgages upon good and improved farm lands within the State (and in no case shall more than fifty per centum of the reasonable valuation of the lands without improvements be loaned on any tract), Oklahoma State bonds, county bonds of the counties of Oklahoma, school district bonds of the school districts of Oklahoma, United States bonds; preference to be given to the securities in the order named.

The Legislature shall provide the manner of selecting the securities aforesaid, prescribe the rules, regulations, restrictions, and conditions upon which the funds aforesaid shall be loaned or invested, and do all things necessary for the safety of the funds and permanency of the investment.

ARTICLE XII.

HOMESTEAD AND EXEMPTIONS.

SECTION 1. The homestead of any family in this State, not within any city, town, or village, shall consist of not more than one hundred and sixty acres of land, which may be in one or more parcels, to be selected by the owner. The homestead within any city, town, or village, owned and occupied as a residence only, shall consist of not exceeding one acre of land, to be selected by the owner: *Provided*, That the same shall not exceed in value the sum of five thousand dollars, and in no event shall the homestead be reduced to less than one-quarter of an acre, without regard to value; *And provided further*, That in case said homestead is used for both residence and business purposes, the homestead interests therein shall not exceed in value the sum of five thousand dollars: *Provided*, That nothing in the laws of the United States, or any treaties with the Indian Tribes in the State, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the State: *And provided further*, That any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

SEC. 2. The homestead of the family shall be, and is hereby protected from forced sale, for the payment of debts, except for the purchase money therefor or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon; nor shall the owner, if married, sell the homestead without the consent of his or her spouse, given in such manner as may be prescribed by law: *Provided*, Nothing in this article shall prohibit any person from mortgaging his homestead, the spouse, if any, joining therein; nor prevent the sale thereof on foreclosure to satisfy any mortgage.

SEC. 3. After the adoption of this constitution, paragraph three of section four, and section five, of Chapter thirty-four, Statutes of Oklahoma, of 1893, shall be inoperative: *Provided*, That no property shall be exempt for any part of the purchase price while the same or any part thereof, remains in the possession of the original vendee, or in possession of any purchaser from such vendee, with notice: *And provided further*, Nothing in this Constitution shall prevent or prohibit any person from mortgaging or encumbering his personal exemptions.

The Legislature may change or amend the terms of this article.

ARTICLE XIII.

EDUCATION.

SECTION 1. The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

SEC. 2. The Legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State.

SEC. 3. Separate schools for white and colored children with like accommodation shall be provided by the Legislature and impartially maintained. The term "colored children," as used in this section, shall be construed to mean children of African descent. The term "white children" shall include all other children.

SEC. 4. The Legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year.

SEC. 5. The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney-General shall be ex officio members, and with the Superintendent, compose said Board of Education.

SEC. 6. The Legislature shall provide for a uniform system of text books for the common schools of the State.

SEC. 7. The Legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State.

ARTICLE XIV.

BANKS AND BANKING.

SECTION 1. General laws shall be enacted by the legislature providing for the creation of a Banking Department, to be under the control of a Bank Commissioner, who shall be appointed by the Governor for a term of four years, by and with the consent of the Senate, with sufficient power and authority to regulate and control all State banks, loan, trust, and guaranty companies, under laws which shall provide for the protection of depositors and individual stockholders.

SEC. 2. The legal rate of interest shall not exceed six per centum per annum in the absence of any contract as to the rate of interest, and, by contract, parties may agree upon any rate not to exceed ten per centum per annum, and, until reduced by the Legislature, said rates of six and ten per centum shall be, respectively, the legal and the maximum contract rates of interest.

SEC. 3. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover from the person, firm, or corporation taking or receiving the same, in an action in the nature of an action of debt, twice the amount of the interest so paid: *Provided*, such action shall be brought within two years after the maturity of such usurious contract: *Provided, however*, That this section may be subject to such changes as the Legislature may prescribe.

ARTICLE XV.

OATH OF OFFICE.

SECTION 1. Senators and Representatives and all Judicial, State, and County Officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I, ——, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office."

SEC. 2. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of State, and in case of other judicial and county officers, in the office of the clerk of the county in which the same is taken; any person refusing to take said oath, or affirmation, shall forfeit his office, and any person who shall have been convicted of having sworn or affirmed falsely, or having violated said oath, or affirmation, shall be guilty of perjury, and shall be disqualified from holding any office of trust or profit within the State. The oath to members of the Senate and House of Representatives shall be administered in the hall of the house to which the members shall have been elected, by one of the judges of the Supreme Court, or in case no such judge is present, then by any person authorized to administer oaths.

ARTICLE XVI.

PUBLIC ROADS, HIGHWAYS, AND INTERNAL IMPROVEMENTS.

SECTION 1. The Legislature is directed to establish a Department of Highways, and shall have power to create improvement districts and provide for building and maintaining public roads, and may provide for the utilization of convict and punitive labor thereon.

SEC. 2. The State of Oklahoma hereby accepts all reservations and lands for public highways made under any grant, agreement, treaty, or act of Congress: *Provided*, This section shall not be construed to prejudice the vested rights of any tribe, allottee, or other person to any such land.

LEVEES, DRAINS, AND DITCHES.

SEC. 3. The Legislature shall have power and shall provide for a system of levees, drains, and ditches and of irrigation in this State when deemed expedient, and provide for a system of taxation on the lands affected or benefited by such levees, drains, and ditches and irrigation, or on crops produced on such land; to discharge such bonded indebtedness or expenses necessarily incurred in the establishment of such improvements; and to provide for compulsory issuance of bonds by the owners or lessees of the lands benefited or affected by such levees, drains, and ditches or irrigation.

ARTICLE XVII.

COUNTIES—COUNTY AND TOWNSHIP GOVERNMENT.

SECTION 1. Each county in this State, now or hereafter organized, shall be a body politic and corporate.

SEC. 2. There are hereby created, subject to change by the Legislature, in and for each organized county of this State, the offices of Judge of the County Court, County Attorney, Clerk of the District Court, County Clerk, Sheriff, County Treasurer, Register of Deeds, County Surveyor, Superintendent of Public Instruction, three County Commissioners, and such municipal township officers as are now provided for under the laws of the Territory of Oklahoma, except as in this Constitution otherwise provided.

SEC. 3. The several counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of the county.

CREATING OR ALTERING COUNTIES.

SEC. 4. The Legislature shall provide by general laws for the creation of new counties or altering or changing lines and the equitable division of assets and of liabilities, and the original location of county seats in such new counties: *Provided*, That every such question shall be submitted to the vote of the qualified electors residing in the territory to be formed into such new county or transferred to another county, and shall be approved by sixty per centum of the votes cast in said election: *Provided*, That no new county shall be formed of less than four hundred square miles taxable area, nor with a population less than fifteen thousand people, nor with taxable wealth less than two and one-half million dollars, as shown by the current tax rolls. Nor shall any territory be taken from an existing county for any purpose bringing the newly created line of such existing county nearer than ten miles to the county seat thereof. Nor shall the taxable area, population or taxable wealth of said existing county be reduced below that required for a new county. Nor shall any territory, in any case, be transferred from one county to an existing county, if, by such transfer of territory, the county from which the territory be taken will then be smaller in area than the county to which the addition is made: *Provided*, That when territory is to be transferred from an existing county to either a new or an existing county, there must be sixty per

centum of the vote cast in such particular territory in favor of the transfer, and, in case the transfer be to an existing county, the acceptance of such territory must first be approved by a majority vote of the electors of said county, at an election to be called and held therefor, as may be provided by law. The limitation as to area, valuation, and population shall not be increased by the Legislature.

SEC. 5. When, at any time hereafter, the aggregate value of all taxable property in any one county be a sum total less than two and one-half million dollars, upon petition of one-fourth or more of the qualified electors of such county, as shown by the last general election, signed, verified, and filed with the county commissioners thereof, not less than sixty days before the date of any general election, such county commissioners shall submit, upon the ballot at such next ensuing general election, to the qualified electors of the county, the question: "Shall the county be unorganized county?" "Yes" or "No." If a majority of the votes cast on this question at such election shall be in the affirmative, such county shall thereafter be unorganized and be attached to and be a part of the adjoining county having the lowest valuation of taxable property; and shall so remain as a district in such county until such time as the qualified electors of such unorganized county shall, by similar petition and vote, declare in favor of separate organized county existence: *Provided, however,* That at all times during such unorganized existence, such county shall have four terms of county court at the county seat therein each year, and the judge of the county court shall appoint a clerk of the county of said district, from among the qualified electors thereof, who shall keep and maintain his office at such county seat: *Provided, further,* That while so unorganized, such county shall, in all respects, be part and parcel of the county with which it is united.

REMOVAL OF COUNTY SEATS.

SEC. 6. The towns herein named as county seats shall be and remain the county seats of their respective counties until changed by vote of the qualified electors of such county, in the following manner:

(*a*) Upon a petition or petitions in writing, signed by twenty-five per centum of the qualified electors of the county, such per centum to be determined by the total vote cast in such county for the head of the State ticket in the next preceding general election, said petition or petitions being verified by an affidavit showing that the petitioners are qualified electors of said county, and such petition or petitions having been filed with the Governor at any time after four months after the admission of the State into the Union, the Governor shall within thirty days issue his proclamation calling an election to be held in such county not less than sixty nor more than seventy days from the date of his proclamation.

Such election shall be held under the provisions of the election laws of the State, and upon such public notice of such election as the Governor in his proclamation may direct; and the Governor shall cause to be placed upon the tickets to be voted at such election only the names of such towns as may, more than twenty days prior to such election, file with the Governor verified petitions therefor, as above mentioned, signed by not less than three hundred qualified electors of said county.

(The word "town," as herein used, shall be construed to mean town, city, or place.)

(*b*) Upon the holding of any such election the board of canvassers shall certify and return said vote to the Governor, who shall thereupon at once declare the result and cause the will of the electors to be carried into effect: *Provided,* That in all elections for the removal of any of the county seats named in this Constitution the following rules shall govern, until the county seat is once located by a vote of the people, but not later than the first day of April, nineteen hundred and nine: *Provided, further,* In case the necessary and proper petition for the holding of an election for the removal of a county seat shall be filed with the Governor, for over six months prior to the first day of April, nineteen hundred and nine (1909), in accordance with the foregoing provisions, and if such election or elections are delayed or postponed on account of any injunction or legal proceedings then the time limit provided in the subdivision of this section shall be extended the length of time that such election or elections are delayed or postponed by such injunction or legal proceedings.

If a majority of all the votes cast in the county at such county seat election shall be in favor of any town, such town shall thereafter be the county seat: *Provided, however,* That where the county seat named in this Constitution is within six miles of the geographical center of the county (said geographical center to be determined by certificate from the Secretary of State, and said distance to be determined by measurement from said geographical center to the nearest corporate limits of such county seat, as they existed on the twenty-first day of January, nineteen hundred and seven), it shall require sixty per centum of the total vote cast at such election by the competing town to effect the removal of such county seat, unless such competing town be more than one mile nearer the geographical center of said county, in which event a majority vote shall suffice; but if more than two towns are voted for and no town receive the requisite proportion of all the votes cast, then all names of towns voted for on said ballot, except the two receiving the greatest number of votes, shall be dropped; and the Governor shall, in like time and manner, cause to be called and held a second election, at which only two towns which received the greatest number of votes cast at the first election shall be voted for; and the town receiving the requisite proportion of the votes cast at the second election shall be the county seat: *Provided,* That, after the first day of April, nineteen hundred and nine, all county seats shall be subject to removal under the above named provisions; but, the town to which removal is sought must receive two-thirds of all votes cast in such county at the election held therefor, and such elections shall not occur at intervals of less than ten years: *Provided, further,* That until after the first day of April, nineteen hundred and nine, no public money shall be expended for court house or jail construction unless a vote of the people of such county shall have been taken on the re-location of the county seat.

SEC. 7. Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing town in such election, shall be deemed guilty of bribery.

ARTICLE XVIII.

MUNICIPAL CORPORATIONS.

SECTION 1. Municipal corporations shall not be created by special laws, but the Legislature, by general laws shall provide for the incorporation and organization of cities and towns and the classification of same in proportion to population, subject to the provisions of this article.

SEC. 2. Every municipal corporation now existing within this State shall continue with all of its present rights and powers until otherwise provided by law, and shall always have the additional rights and powers conferred by this Constitution.

CHARTERS.

SEC. 3. (*a*) Any city containing a population of more than two thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of freeholders, composed of two from each ward, who shall be qualified electors of said city, to be elected by the qualified electors of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board or a majority of them, and returned, one copy of said charter for such city, which shall be signed in duplicate by the members Register of Deeds of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published and of general circulation within said city, for at least twenty-one days, if in a daily paper, or in three consecutive issues, if in a weekly paper, and the first publication shall be made within twenty days after the completion of the charter; and within thirty days, and not earlier than twenty days after such publication, it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Governor for his approval, and the Governor shall approve the same if it shall not be in conflict with the Constitution and laws of this State. Upon such approval it shall become the organic law of such city and supersede any existing charter and all amendments thereof and all ordinances inconsistent with it. A copy of such charter, certified by the chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them shall, after the approval of such charter by the Governor, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in the office of said Register of Deeds, shall be deposited in the archives of the city; and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided) at a general or special election, and ratified by a majority of the qualified electors voting thereon, and approved by the Governor as herein provided for the approval of the charter.

SEC. 3. (*b*) An election of such board of freeholders may be called at any time by the legislative authority of any such city, and such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding the same, signed by a number of qualified electors residing within such city, equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election; and such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question of whether or not further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceeding shall be had, and all proceedings up to that time shall be of no effect.

INITIATIVE AND REFERENDUM.

SEC. 4. (*a*) The powers of the initiative and referendum, reserved by this Constitution to the people of the State and the respective counties and districts therein, are hereby reserved to the people of every municipal corporation now existing or which shall hereafter be created within this State, with reference to all legislative authority which it may exercise, and amendments to charters for its own government in accordance with the provisions of this Constitution.

SEC. 4. (*b*) Every petition for either the initiative or referendum in the government of a municipal corporation shall be signed by a number of qualified electors residing within the territorial limits of such municipal corporation, equal to twenty-five per centum of the total number of votes cast at the next preceding election, and every such petition shall be filed with the chief executive officer of such municipal corporation.

SEC. 4. (*c*) When such petition demands the enactment of an ordinance or other legal act other than the grant, extension, or renewal of a franchise, the chief executive office shall present the same to the legislative body of such corporation at its next meeting, and unless the said petition shall be granted more than thirty days before the next election at which any city officers are to be elected, the chief executive officer shall submit the said ordinance or act so petitioned for, to the qualified electors at said election; and if a majority of said electors voting thereon shall vote for the same, it shall thereupon become in full force and effect.

SEC. 4. (*d*) When such petition demands a referendum vote upon any ordinance or any other legal act other than the grant, extension, or renewal of a franchise, the chief executive officer shall submit said ordinance or act to the qualified electors of said corporation at the next succeeding general municipal election, and if, at said election, majority of the electors voting thereon shall not vote for the same, it shall thereupon stand repealed.

SEC. 4. (*e*) When such petition demands an amendment to a charter, the chief executive officer shall submit such amendment to the qualified electors of said municipal corporation at the next election of any officers of said corporation, and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of said charter, when approved by the Governor and filed in the same manner and form as an original charter is required by the provisions of this article to be approved and filed.

FRANCHISES.

SEC. 5. (*a*) No municipal corporation shall ever grant, extend, or renew a franchise, without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election; and the legislative body of any such corporation may submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended, or renewed for a longer term than twenty-five years.

SEC. 5. (*b*) Whenever a petition signed by a number of qualified electors of any municipal corporation equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election, demanding that a franchise be granted, extended, or renewed, shall be filed with the chief executive officer of said corporation,

the chief executive officer shall, within ten days thereafter, call a special election, at which he shall submit the question of whether or not such franchise shall be granted, extended, or renewed, and if, at said election, a majority of the said electors voting thereon shall vote for the grant, extension, or renewal of such franchise, the same shall be granted by the proper authorities at the next succeeding regular meeting of the legislative body of the city.

SEC. 6. Every municipal corporation within the State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said corporation.

SEC. 7. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds or ways of any municipality, shall divest the State, or any of its subordinate subdivisions, of their control and regulation of such use and enjoyment.

Nor shall the power to regulate the charges for public services be surrendered; and no exclusive franchise shall ever be granted.

ARTICLE XIX.

INSURANCE.

SECTION 1. No foreign insurance company shall be granted a license or permitted to do business in this State until it shall have complied with the laws of the State, including the deposit of such collateral or indemnity for the protection of its patrons within this State as may be prescribed by law, and shall agree to pay all such taxes and fees as may at any time be imposed by law or act of the Legislature, on foreign insurance companies, and a refusal to pay such taxes or fees shall work a forfeiture of such license.

SEC. 2. Until otherwise provided by law, all foreign insurance companies, including surety and bond companies, doing business in the State, except fraternal insurance companies, shall pay to the Insurance Commissioner for the use of the State, an entrance fee as follows:

Each foreign Life Insurance Company, per annum, two hundred dollars; each Foreign Fire Insurance Company, per annum, one hundred dollars; each Foreign Accident and Health Insurance Company, jointly, per annum, one hundred dollars; each Surety and Bond Company, per annum, one hundred and fifty dollars; each Plate Glass Insurance Company (not accident) per annum, twenty-five dollars; each foreign live stock insurance company, per annum, twenty-five dollars.

Until otherwise provided by law, domestic companies excepted, each insurance company, including surety and bond companies, doing business in this State, shall pay an annual tax of two per centum on all premiums collected in the State, after all cancellations are deducted, and a tax of three dollars on each local agent.

SEC. 3. The revenue and tax provisions of this Constitution shall not include, but the State shall provide for, the following classes of insurance organizations not conducted for profit, and insuring only their own members:

First, farm companies insuring farm property and products thereon; second, Trades Insurance Companies insuring the property and interest of one line of business; third, Fraternal Life, Health, and Accident Insurance in Fraternal and Civic Orders, and in all of which the interests of the members of each respectively shall be uniform and mutual.

SEC. 4. All fees collected by the Insurance Commission shall be paid to the State Treasurer monthly.

ARTICLE XX.

MANUFACTURE AND COMMERCE.

SECTION 1. Nothing herein shall prevent the manufacture or sale of denatured alcohol under such regulations as may be prescribed by law.

SEC. 2. Until changed by the Legislature, the flash test provided for under the laws of Oklahoma Territory for all kerosene oil for illuminating purposes shall be 115 degrees Fahrenheit; and the specific gravity test for all such oil shall be 40 degrees Baumé.

ARTICLE XXI.

PUBLIC INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

ARTICLE XXII.

ALIEN AND CORPORATE OWNERSHIP OF LANDS.

SECTION 1. No alien or person who is not a citizen of the United States, shall acquire title to or own land in this State, and the Legislature shall enact laws whereby all persons not citizens of the United States, and their heirs, who may hereafter acquire real estate in this State by devise, descent, or otherwise, shall dispose of the same within five years upon condition of escheat or forfeiture to the State: *Provided*, This shall not apply to Indians born within the United States, nor to aliens or persons not citizens of the United States who may become bona fide residents of this State: *And provided further*, That this section shall not apply to lands now owned by aliens in this State.

SEC. 2. No corporation shall be created or licensed in this State for the purpose of buying, acquiring, trading, or dealing in real estate other than real estate located in incorporated cities and towns and as additions thereto; nor shall any corporation doing business in this State buy, acquire, trade, or deal in real estate for any purpose except such as may be located in such towns and cities and as additions to such towns and cities, and further except such as shall be necessary and proper for carrying on the business for which it was chartered or licensed, nor shall any corporation be created or licensed to do business in this State for the purpose of acting as agent in buying and selling land: *Provided, however*, That corporations shall not be precluded from taking mortgages on real estate to secure loans or debts or from acquiring title thereto upon foreclosure of such mortgages or in the collection of debts, conditioned that such corporation or corporations shall not hold such real estate for a longer period than seven years after acquiring such title: *And provided further*, That this section shall not apply to trust companies taking only the naked title to real estate in this State as a trustee, to be held solely as security for indebtedness pursuant to such trust: *And provided further*, That no public service corporation shall hold any land, or the title thereof, in any way whatever in this State, except as the same shall be necessary for the transaction and operation of its business as such public service corporation.

ARTICLE XXIII.

MISCELLANEOUS—LABOR.

SECTION 1. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality.

CONVICT LABOR.

SEC. 2. The contracting of convict labor is hereby prohibited.

CHILD LABOR.

SEC. 3. The employment of children, under the age of fifteen years, in any occupation, injurious to health or morals or especially hazardous to life or limb, is hereby prohibited.

SEC. 4. Boys under the age of sixteen years, and women and girls, shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines of the State.

SEC. 5. The Legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

CONTRIBUTORY NEGLIGENCE.

SEC. 6. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury.

PERSONAL INJURIES.

SEC. 7. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

WAIVER OF RIGHTS.

SEC. 8. Any provision of a contract, express or implied, made by any person, by which any of the benefits of this Constitution, is sought to be waived, shall be null and void.

SEC. 9. Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

CHANGE IN SALARY OR EMOLUMENTS.

SEC. 10. Except wherein otherwise provided in this Constitution, in no case shall the salary or emoluments of any public official be changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was elected or appointed: *Provided*, That all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

DEFINITION OF RACES.

SEC. 11. Wherever in this Constitution and laws of this State, the word or words, "colored" or "colored race," "negro" or "negro race," are used, the same shall be construed to mean or apply to all persons of African descent. The term "white race" shall include all other persons.

ARTICLE XXIV.

CONSTITUTIONAL AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular general election, except when the Legislature, by two-thirds vote of each house, shall order a special election for that purpose. If a majority of all the electors voting at such election shall vote in favor of any amendment thereto, it shall thereby become a part of this Constitution.

If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

SEC. 2. No convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special election, and any amendments, alterations, revisions, or new Constitution, proposed by such convention, shall be submitted to the electors of the State at a general or special election and be approved by a majority of the electors voting thereon, before the same shall become effective: *Provided*, That the question of such proposed convention shall be submitted to the people at least once in every twenty years.

SEC. 3. This article shall not impair the right of the people to amend this Constitution by a vote upon an initiative petition therefor.

SCHEDULE.

In order that no inconvenience may arise by reason of a change from the forms of government now existing in the Indian Territory and in the Territory of Oklahoma, it is hereby declared as follows:

SECTION 1. No existing rights, actions, suits, proceedings, contracts, or claims shall be affected by the change in the forms of government, but all shall continue as if no change in the forms of government had taken place. And all processes which may have been issued previous to the admission of the State into the Union under the authority of the Territory of Oklahoma or under the authority of the laws in force in the Indian Territory shall be as valid as if issued in the name of the State.

SEC. 2. All laws in force in the Territory of Oklahoma at the time of the admission of the State into the Union, which are not repugnant to this Constitution, and which are not locally inapplicable, shall be extended to and remain in force in the State of Oklahoma until they expire by their own limitation or are altered or repealed by law.

SEC. 3. All debts, fines, penalties, and forfeitures which have accrued or may hereafter accrue to the Territory of Oklahoma shall inure to the State of Oklahoma, and may be sued for and recovered by the State.

SEC. 4. This constitution shall take effect and be in full force immediately upon the admission of the State into the Union.

SEC. 5. Until otherwise provided by law, notaries public appointed under the laws of the Territory of Oklahoma, or under the authority of the laws heretofore in force in the Indian Territory, may continue to exercise and perform the duties of the office of notary public until the expiration of their commissions: *Provided*, That any notary public appointed in the Indian Territory for any district, or in the Territory of Oklahoma for any county, shall, after this Constitution takes effect, exercise the powers, privileges, and rights of a notary public only of the county formed in whole or in part out of the district or county for which such person is a notary public, and in which such person resides at the time the State is admitted into the Union; but before any such notary public, except notaries public for those counties in the Territory of Oklahoma, the boundaries of which have not been changed by the Constitution, shall exercise the powers, privileges, and rights of a notary public of such county, he shall have filed in the

office of the county clerk of the county in which he resides his commission as notary public and an affidavit stating that he is a resident of such county, whereupon he shall become a notary public for such county.

SEC. 6. The appointments of female persons as notaries public, heretofore made by the Governor of Oklahoma, and by the United States courts for the Indian Territory, and by the judges of said courts, are hereby confirmed and made valid, and all official acts of such notaries public heretofore performed are hereby validated, in so far as the acts of such notaries public may be affected by any ineligibility of such persons to appointment as notaries public. Female persons possessing the other qualifications prescribed by law shall be eligible to the office of notary public and of County Superintendent of Public Instruction.

SEC. 7. All property, real and personal, credits, claims, and choses in action, belonging to the Territory of Oklahoma at the time the State is admitted into the Union, shall be vested in and become the property of the State of Oklahoma.

SEC. 8. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting the title to real and personal property in the Indian Territory and Osage Indian Reservation, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma extended in force in the State, as they were under the laws heretofore in force in the Indian Territory and Osage Indian Reservation.

SEC. 9. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting title to real and personal property in new counties that have been created out of the territory of any county or counties of the Territory of Oklahoma, and of any recording district or districts of the Indian Territory, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma, extended in force in the State, as the same would have been if no changes had been made by the provisions of this Constitution in the boundaries of the counties as they existed in the Territory of Oklahoma, or of the boundaries of the recording districts as they existed in the Indian Territory.

SEC. 10. Until otherwise provided by law, incorporated cities and towns, heretofore incorporated under the laws in force in the Territory of Oklahoma or in the Indian Territory, shall continue their corporate existence under the laws extended in force in the State, and all officers of such municipal corporations at the time of the admission of the State into the Union shall perform the duties of their respective offices under the laws extended in force in the State, until their successors are elected and qualified in the manner that is or may be provided by law: *Provided*, That all valid ordinances now in force in such incorporated cities and towns shall continue in force until altered, amended, or repealed.

SEC. 11. All taxes assessed or due to incorporated cities and towns in the Indian Territory, and all taxes levied by such incorporated cities and towns for the year nineteen hundred and seven shall, until otherwise provided by law, be levied and collected in the same manner as now provided by law in force in the Indian Territory and under the laws and ordinances now in force in such municipal corporations.

SEC. 12. In all incorporated cities and towns in the Indian Territory, all local improvements or public buildings in process of being made or constructed under the laws in force in the Indian Territory, or for which proceedings having been commenced under such laws at the time of the admission of the State into the Union, shall be completed under said laws, and said laws are hereby extended in force as to such improvements or public buildings until such local improvements or public buildings are completed and paid for, as by such laws provided.

SEC. 13. The Act of Congress entitled "An Act for the Protection of the Lives of Miners in the Territories," approved March 3, 1891, and the Act of Congress entitled "An Act to Amend an Act Entitled 'An Act for the Protection of the Lives of Miners in the Territories,'" approved July 1, 1902, are hereby extended to and over the State of Oklahoma until otherwise provided by law: *Provided*, That the words, Governor of the State are hereby substituted for the words, "Governor of such organized territory," and for the words "Secretary of Interior," wherever the same appear in said Acts, and the words, Chief Mine Inspector, for the words, "Mine Inspector," wherever the same appear in said Acts. The Chief Mine Inspector shall also perform the duties required by laws of the Territory of Oklahoma of the Territorial Oil Inspector until otherwise provided by law.

SEC. 14. Until otherwise provided by law, all dental surgeons licensed to practice in the Territory of Oklahoma and all dental surgeons who were residents of the Indian Territory on the sixteenth day of June, nineteen hundred and six, and also all graduates of some reputable school or college of dental surgery, shall be eligible and be licensed to practice in the State without examination.

SEC. 15. Until otherwise provided by law, the officers of the State shall receive annually as compensation for their services, the following sums:

The Governor, four thousand five hundred dollars; Lieutenant Governor, one thousand dollars; Secretary of State, two thousand five hundred dollars; Attorney-General, four thousand dollars; State Treasurer, three thousand dollars; State Auditor, two thousand five hundred dollars; State Examiner and Inspector, three thousand dollars; Chief Mine Inspector, three thousand dollars; Labor Commissioner, two thousand dollars; Commissioner of Charities and Corrections, one thousand five hundred dollars; Corporation Commissioners, four thousand dollars each; Superintendent of Public Instruction, two thousand five hundred dollars; the Insurance Commissioner, two thousand five hundred dollars.

SEC. 16. The salary of the Justices of the Supreme Court of the State shall be four thousand dollars per annum, each, and that of the judges of the District Court, three thousand dollars per annum, each, until changed by the Legislature.

SEC. 17. The members of the Board of Agriculture, Bank Commissioner, Clerk of the Supreme Court, and all other State officers, except as herein provided, or such as may be created, and all clerks and assistants, shall receive such compensation for their services as may be provided by law.

SEC. 18. Until otherwise provided by law, the terms, duties, powers, qualifications, and salary and compensation of all county and township officers, not otherwise provided by this Constitution, shall be as now provided by the laws of the Territory of Oklahoma for like named officers, and the duties and compensation of the probate judge under such laws shall devolve upon and belong to the judge of the county court: *Provided*, That the term of office of those elected at the time of the adoption of this Constitution, or first appointed under the provisions of the laws extended in force in the State, shall expire on the second Monday of January in the year nineteen hundred and eleven: *And provided further*, That county attorneys and judges of the county court of the several counties of the State, having a population of more than twenty thousand shall be paid a salary of two thousand dollars per annum; and of counties having a population of more than thirty thousand, a salary of twenty-five hundred dollars per annum; and of counties having a population of more than forty thousand, a salary of three thousand dollars per annum; such salaries to be paid in the same manner as is provided by law in force in the Territory of Oklahoma for the payment of salaries to county attorneys.

SEC. 19. Until otherwise provided by law, the boards of regents of the University of Oklahoma, of the Agricultural and Mechanical College, of the Normal schools now established, of the University Preparatory School, and of the Colored Agricultural and Normal and University, shall continue to hold their offices and exercise the functions thereof until their successors are elected or appointed and qualified.

SEC. 20. The Legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any county existing in the Territory of Oklahoma between such county and any new county or counties created in whole or in part out of the territory of such county.

SEC. 21. All property, real and personal, and credits, claims, and choses in action, belonging to the county of Day at the time of the admission of the State into the Union, shall be vested in and become the property of the County of Ellis: *Provided*, The Legislature shall provide, by general, special, or local law, for the equitable division of the assets of Day County, thus transferred to Ellis County, and of the liabilities of Day County, between the Counties of Roger Mills and Ellis.

SEC. 22. The Clerk of the Supreme Court shall procure a seal and cause such inscription to be placed thereon as may be prescribed by the Supreme Court. Each clerk of the District Court shall procure a seal, and, under the direction of the Judge of the District Court, cause to be inscribed thereon the style of his office and the name of his county. Each County Clerk, County Treasurer, Register of Deeds, County Surveyor, and County Superintendent of Public Instruction, shall procure a seal, and, under the direction of the County Judge, cause to be inscribed thereon the style of his office and the name of his county. Said seal shall be sufficient and used for all lawful purposes until otherwise provided by law: *Provided*, That, until any of such officers shall have procured a seal, the signature of any such officer shall be sufficient for all purposes without a seal.

SEC. 23. When this Constitution shall go into effect, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration, and guardianship, and other matters pending therein, shall be transferred to the county court of such county, except of Day County, which shall be transferred to the county court of Ellis County, and the county courts of the respective counties shall proceed to final decree or judgment, order, or other termination in the said several matters and causes as the said probate court might have done if this Constitution had not been adopted. The District Court of any county, the successor of the United States Court for the Indian Territory, in each of the counties formed in whole or in part in the Indian Territory, shall transfer to the county court of such county all matters, proceedings, records, books, papers, and documents appertaining to all causes or proceedings relating to estates: *Provided*, That the Legislature may provide for the transfer of any of said matters and causes to another county than herein prescribed.

SEC. 24. Until otherwise provided by law, the seal of the probate courts in the counties of the Territory of Oklahoma shall be the seal of the county courts, and in that part of the State heretofore comprising the Indian Territory and Osage Indian Reservation, and in the new counties created in the Territory of Oklahoma, until the county court shall have procured a proper seal, the signature of the county judge shall be sufficient for all purposes without a seal.

SEC. 25. Any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, that shall owe, at the time of the admission of the State into the Union, any indebtedness, evidenced by warrants, script, or other evidence of indebtedness, is authorized, through the proper officers thereof, to make provision for the payment of, and to pay, such indebtedness, either by tax levy or by issuing bonds in lieu thereof, in accordance with and under the provision of the laws extended in force in the State: *Provided*, That the limitation upon the amount of indebtedness that may be created by any county, city, incorporated town, township, board of education, school district, or other municipality, and upon the amount of taxes that may be levied by any county, city, incorporated town, township, board of education, school district, or other municipality, under the provisions of this Constitution, or of law, shall not apply to the indebtedness, the levying of taxes, and the issuing of bonds provided for herein.

SEC. 26. All cases, civil and criminal, pending, upon the admission of the State into the Union, in the Supreme Court of the Territory of Oklahoma, on appeal or writ of error from the district or probate courts of any county or subdivision within the limits of the State, and the papers, records, proceedings, and seal of said court shall be transferred to the Supreme Court of the State, except as is otherwise provided in the Enabling Act of Congress. And all cases, civil and criminal, pending, on the admission of the State into the Union, in the United States Court of Appeals for the Indian Territory, and the papers, records, and proceedings of said court, shall be transferred to the Supreme Court of the State, except as is otherwise provided by the Enabling Act of Congress and the amendments thereto.

SEC. 27. All cases, civil and criminal, pending, at the time of the admission of the State into the Union, in the District Courts of the Territory of Oklahoma, in any county within the district, and the records, papers, and proceedings of said District Court, and the seal and other property appertaining thereto, shall be transferred into the District Court of the State for such county, except as is provided in the Enabling Act of Congress, and all cases, civil and criminal, pending, at the time of the admission of the State into the Union, in the United States Court for the Indian Territory, within the limits of any county created in whole or in part within the limits of what was heretofore the Indian Territory, and all records, papers, and proceedings of said United States Courts for the Indian Territory, and the seal and other property appertaining thereto, shall be transferred to the District Court of the State for such county, except as is provided in the Enabling Act of Congress and the amendments thereto: *Provided*, That the Legislature may provide for the transfer of any such cases from one county to another county.

SEC. 28. The terms and provisions of an Act of Congress, entitled "An Act to Amend Sections Sixteen, Seventeen and Twenty, of an Act Entitled 'An Act to Enable the People of Oklahoma and Indian Territory to form a Constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a Constitution

and State government and be admitted into the Union on an equal footing with the original States,'" are hereby accepted, and the jurisdiction of the cases enumerated therein is hereby assumed by the Courts of the State.

SEC. 29. Any person who shall be a qualified elector of any county of a judicial district at the time of the election held to ratify this Constitution, and who shall, in all other respects, be eligible under the provisions of the Constitution, to be elected judge of the District Court of such district, shall be eligible to be elected judge of the District Court of such district at the first election held for the election of State officers.

SEC. 30. Any person who shall have been a resident of the territory within the limits of the State for a period of one year next preceding the date on which the election for the ratification of the Constitution is held, and who shall otherwise be eligible, under the provisions of this Constitution, to be elected to any State office, shall be eligible to be elected to any such State office at the first election held for the election of State officers.

SEC. 31. The assessment of property in the Osage Indian Reservation for the year nineteen hundred and seven, by the authorities of Pawnee County, shall be the assessment of Osage County for the year nineteen hundred and seven, and the proper authorities of Pawnee County shall levy a tax on the property of the Osage Indian Reservation for the year nineteen hundred and seven, as now provided by law, and immediately upon the admission of the State into the Union, the county treasurer of Pawnee County shall turn over to the county treasurer of Osage County the tax books and records of taxes in the Osage Indian Reservation, so made for the year nineteen hundred and seven, and the treasurer of Osage County shall proceed and have the authority to receive all such taxes in the Osage Indian Reservation for the year nineteen hundred and seven, and such taxes shall be collected and enforced in the manner provided by law. And there shall also be collected, in addition to the tax so levied by the authorities of Pawnee County, a county school tax of ten mills on the dollar of the assessed valuation, and the same shall be and become the property of said Osage County: *Provided*, That, out of the funds so collected, the county treasurer of Osage County shall pay to the county treasurer of Pawnee County the cost and expenses of making such assessment and the levying of such taxes.

SEC. 32. The Legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any school district existing in the Territory of Oklahoma between such school district and any new school district created in whole or in part of the territory of any such school district, as may be affected by a change in the county boundaries under this Constitution.

SEC. 33 All attorneys at law licensed to practice in any court of record of the Territory of Oklahoma, or in any of the United States Courts for the Indian Territory, or any court of record of the Five Civilized Tribes, shall be eligible to practice in any court of the State without examination.

SEC. 34. Until otherwise provided by law, any newspaper, published at the time of the admission of the State into the Union, in any new county, created in whole or in part out of the territory of any county of Oklahoma Territory, or in any county, created in whole or in part, out of territory within the limits of the Indian Territory or Osage Indian Reservation, shall, under the laws extended in force in the State, be considered, in law, to have been published continuously for fifty-two weeks in said county and shall be a newspaper entitled to publish all legal notices, advertisements, or publications of any kind required or provided by any law of the State.

SEC. 35. All debts and indebtedness, authorized to be incurred by the Constitutional Convention of the proposed State of Oklahoma, and all expenses of holding the election for the ratification or rejection of this Constitution and for the election of officers of a full State government, which shall remain unpaid after the appropriation made by the Congress of the United States has been exhausted, are hereby assumed by the State; and it is hereby made the duty of the Legislature, at its first session, to provide for the payment of same: *Provided*, That the debts and indebtedness, the payment of which is hereby assumed by the State, shall not include any debt or expense as a salary or compensation of the delegates of the Constitutional Convention.

SEC. 36. The Ordinance adopted by the Constitutional Convention, entitled, "An Ordinance providing for an election, at which the proposed Constitution for the proposed State of Oklahoma shall be submitted to the people thereof for ratification or rejection, and submitting separately to the people of the proposed State of Oklahoma the proposed prohibition article, making substantially the terms of the Enabling Act uniformly applicable to the entire State, for ratification or rejection, and for the election of certain State, district, county and township officers provided for by said proposed Constitution, and for the election of members of the Legislature of said proposed State of Oklahoma and for five Representatives to Congress," is hereby ratified and shall be valid for all the purposes thereof.

SEC. 37. Nothing in this Constitution contained shall legalize or make valid any illegal or invalid indebtedness of any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, or impair any defense against the payment of the same.

SEC. 38. Should the first session of the Legislature, provided by this Constitution, fail to provide for the division of the property, assets and liabilities of any county existing in the Territory of Oklahoma between such county and any county or counties created in whole or in part out of such county, original jurisdiction is hereby conferred upon the Supreme Court to make equitable division of such property, assets and liabilities, and for the purpose of hearing and receiving evidence and reporting findings of law and fact may appoint a special Master in Chancery in any such case.

SEC. 39. The qualifications prescribed by the laws of Oklahoma shall not apply to Superintendents of Public Instruction, elected at the time of the ratification of this Constitution, in the Indian Territory, and Osage Indian Reservation.

SEC. 40. The terms of all officers of the State government elected at the time of the adoption of this Constitution shall begin upon the admission of the State into the Union.

SEC. 41. All persons elected at the time of the adoption of this Constitution to any of the offices provided under the Constitution shall be deemed to have duly qualified upon their taking the oath of office before any officer authorized by law to administer oaths, and executing such bond as may be required by law.

SEC. 42. All officers elected at the time of the adoption of the Constitution shall execute such official bond as may then be required by law or thereafter required by act of the Legislature; and such bonds shall inure to the benefit of the State or other beneficiary, for whose protection or security the same shall be required.

SEC. 43. When this Constitution shall have been ratified by the people of the State of Oklahoma and the State admitted into the Federal Union, under the same, as engrossed on parchment and signed by the officers and members of this Constitutional Convention, it shall be filed in the office of the Secretary of State and sacredly preserved by him, as the fundamental law of the State of Oklahoma.

Done in open Convention at the City of Guthrie, in the Territory of Oklahoma, on this, the sixteenth day of July, in the year of our Lord one thousand nine hundred and seven, and the Independence of the United States of America one hundred and thirty-first.

Attest:

JOHN MCCLAIN YOUNG, *Secretary.*

[SEAL] CHAS. H. FILSON,
Secretary of Oklahoma.

Wm. H. Murray, president of the constitutional convention of the proposed State of Oklahoma and delegate from District No. 104; Pete Hanraty, vice-president; Albert H. Ellis, second vice-president and delegate 14, District; Philip B. Hopkins, District No. 75; C. N. Haskell, District No. 76; C. S. Leeper, 96; T. O. James, Dist. No. 1; C. H. Pittman; J. H. N. Cobb; C. W. Board, 73; W. S. Dearing, Dist. 44; David S. Rose, Dist. 15; Geo. A. Henshaw, Dist. 107; W. F. Hendricks, Dist. 10; James H. Chambers, Dist. 105; William J. Caudill, Dist. 50; Cham Jones, Dist. 101; John M. Carr, Dist. No. 54; L. B. Littleton, Dist. No. 32; J. B. Tosh, Dist. 52; J. K. Hill, Dist. 63; J. J. Savage, Dist. 48; J. S. Buchanan, Dist. 34; J. C. Graham, Dist. 106; J. A. Alderson, Dist. 12; Thad D. Rice, Dist. 38; A. G. Cochran, Dist. 38; William N. Littlejohn, Dist. 78; James R. Copeland, Dist. 62; J. A. Baker, Dist. 81; T. C. Wyatt, Dist. 33; Charles L. Moore, Dist. No. 13; A. L. Hausam, Dist. 70; J. J. Quarles, Dist. No. 56; Ben. F. Harrison, Dist. 88; E. G. Newell, Dist. 19; Hamner G. Turner, Dist. No. 80; Delphas G. Harned, Dist. 9; J. Howard Langley, Dist. 65; G. W. Wood, Dist. No. 8; J. S. Latimer, Dist. 99; Jno. B. Harrison, 45; Joel M. Sandlin, Dist. 22; L. J. Akers, Dist. 102; John L. Mitch, Dist. 29; W. A. Ledbetter, Dist. 103; Christopher C. Mathis, Dist. 100; Edwin T. Sorrells, Dist. 92; Carlton Weaver, Dist. 87; Henry S. Johnston, Dist. 17; J. E. Sater, Dist. No. 20; Milas Lasater, Dist. 94; S. W. Ramsey, Dist. 30; C. V. Rogers, Dist. 64; B. E. Bryant, Dist. 47; Samuel W. Hayes, Dist. 85; James I. Wood, Dist. 89; David Hogg, Dist. 43; Flowers Nelson, Dist. 68; Boone Williams, Dist. 97; W. L. Helton, Dist. 24; Edward R. Williams, Dist. 3; J. F. King, Dist. No. 16; J. W. Swarts, Dist. 60; W. E. Banks, Dist. 51; R. J. Allen, Dist. 93; Charles M. McClain, Dist. No. 86; Fred C. Tracy, Dist. No. 2; G. M. Berry, Dist. No. 18; William C. Liedtke, Dist. 83; R. L. Williams, Dist. No. 108; Henry L. Cloud, Dist. 23; E. F. Messenger, Dist. No. 82; John J. Carney, Dist. 36; Gabe E. Parker, Dist. 109; W. C. Hughes, Dist. 28; H. O. Tener, Dist. 42; C. H. Bower, Dist. 41; J. K. Norton, Dist. 35; Matthew J. Kane, Dist. 37; Joseph J. Curl, 57; O. H. P. Brewer, 77; A. S. Wyly, Dist. 72; William H. Edley, Dist. 53; George Norton Bilby, Dist. 6; T. J. Leahy, Dist. 56.

TERRITORY OF OKLAHOMA, *Logan County:*

I, Wm. H. Murray, President of the Constitutional Convention of the proposed State of Oklahoma, do hereby certify that the within and foregoing is the original parchment enrollment of the Constitution and the several articles thereof adopted by the Constitutional Convention of the proposed State of Oklahoma, to be submitted to the people of the proposed State of Oklahoma for ratification, and that all the interlineations therein contained and all the erasures and words striken out, were made and done before the same was signed by the President, the Vice-Presidents, and the members of said Convention.

Witness my hand this the sixteenth day of July, A. D. Nineteen Hundred and Seven.

WM. H. MURRAY,
President of the Constitutional Convention of the proposed State of Oklahoma.

RESOLUTIONS ADOPTING THE CONSTITUTION OF THE UNITED STATES.

Whereas the enabling act provides that a declaration be made by the delegates to this convention adopting the Constitution of the United States: Therefore, be it resolved by the organized convention, that the delegates elected to the Constitutional Convention for the proposed State of Oklahoma, assembled in Guthrie, the seat of government of said Oklahoma Territory, do declare on behalf of the people of said proposed state, that they adopt the Constitution of the United States.

I hereby certify that the above and foregoing resolution was duly passed by the Convention upon its organization, on the 21st day of November, A. D. 1906.

I hereby certify that the above and foregoing is a true, correct, and literal copy of the Constitution for the proposed State of Oklahoma, as the same is engrossed on parchment, and signed by the officers and members of the Constitutional Convention and as certified to by Chas. H. Filson as Secretary of the Territory of Oklahoma, under the seal of said Territory.

Given under our official signatures this 7th day of May, A. D. 1907.

WM. H. MURRAY,
President the Constitutional Convention of the proposed State of Oklahoma.

Attest:
JOHN MCLAIN YOUNG, *Secretary.*

ACCEPTING ENABLING ACT.

Be it ordained by the Constitutional Convention for the proposed State of Oklahoma, that said Constitutional Convention do, by this ordinance irrevocable, accept the terms and conditions of an act of the Congress of the United States, entitled "An act to enable the people of Oklahoma and the Indian Territory to form a Constitution and State Government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a Constitution and State Government and be admitted

into the Union on an equal footing with the original States," approved June the sixteenth, Anno Domini Nineteen Hundred and Six.

I hereby certify that the foregoing ordinance Accepting the Terms and Conditions of the Enabling Act as the same has heretofore been passed and engrossed, was engrossed with the engrossed copy of the Constitution on parchment, was read as engrossed and roll call had thereon and the same duly adopted by a majority of the votes of all the delegates elected to and constituting this Convention, at 11:41 o'clock, a. m., this 22nd day of April, Anno Domini 1907.

WM. H. MURRAY,
President the Constitutional Convention of the proposed State of Oklahoma.

Attest:
JOHN MCLAIN YOUNG, *Secretary.*

PROHIBITION—ARTICLE SUBMITTING THE SAME SEPARATELY TO A VOTE OF THE PEOPLE.

The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within this State, or any part thereof, is prohibited for a period of twenty-one years from the date of admission of this State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this Constitution and proper state legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within this State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from one place within this State to another place therein, except the conveyance of a lawful purchase as herein authorized, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: *Provided*, That the Legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than two thousand population in the State; and if there be no corporated town of two thousand population in any county in this State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars; conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the State shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinbefore provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescription pertaining thereof, shall be open to inspection by any officer or citizen of the State at all times during business hours.

Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall for each offense by fine of not less than two hundred dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of this State into the Union these provisions shall be immediately enforceable in the courts of the State: *Provided*, That there shall be submitted separately, at the same election at which this Constitution is submitted for ratification or rejection, and on the same ballot, the foregoing Article—— entitled "Prohibition," on which ballot shall be printed FOR STATE WIDE PROHIBITION and AGAINST STATE-WIDE PROHIBITION: *And Provided further*, That, if a majority of the votes cast for and against State-wide prohibition are for State-wide prohibition, then said Article———— shall be and form a part of this Constitution and be in full force and effect as such, as provided therein; but, if a majority of said votes shall be against State-wide prohibition, then the provisions of said article shall not form a part of this Constitution and shall be null and void.

I hereby certify that the above and foregoing provision and ordinance submitting the same separately to a vote of the people of the State as heretofore adopted on the 11th day of March, A. D., 1907, as above engrossed, was adopted as engrossed upon roll call for the purpose of such separate submission, on the 22nd day of April, Anno Domini, 1907.

WM. H. MURRAY,
President the Constitutional Convention of the proposed State of Oklahoma.

Attest:
JOHN MCLAIN YOUNG, *Secretary.*

Mr. DAVENPORT. The amendment offered asking that $225,000 be appropriated to pay the expenses of holding the election for the constitutional delegates in the new State of Oklahoma and to pay the expenses and per diem of the delegates for writing the constitution and the subsequent election for the adoption or rejection of the constitution as well as for State officers was offered by me for the purpose of presenting to the representatives of the Government of the United States the question that the appropriation of $100,000 made by Congress when the enabling act was passed was insufficient to meet the expenses incident to and necessary to holding the elections and writing the constitution for the new State of Oklahoma, and I believe that when this question is properly understood that the representatives of the Government of the United States will have no hesitancy in making the appropriation as requested in my amendment.

When the enabling act was being considered by Congress it was impossible to ascertain definitely what amount would be required to pay the expenses, but I believe that it was the intention of Congress when they appropriated the $100,000 to appropriate a sufficient amount to pay all the expenses incident to a full and complete organization of the new State of Oklahoma. Acting upon that belief, the amendment under discussion was introduced by me. Some gentleman has asked the question whether this amendment was before the committee. This question was before the committee of the Fifty-ninth Congress, and I am reliably informed that a similar provision to the amendment offered here was passed by the Senate, but for some cause failed in the House. There can be no just reason for not adopting this amendment upon the appropriation bill now being considered if the cause for which it is asked is proper and right. Gentlemen upon the floor of this House can not deny that this is an emergency appropriation if they should hold that the Government should make the appropriation to meet the unpaid expenses of the organization of the new State of Oklahoma.

This is no new question arising in Congress and is not without precedent. The last three States admitted into the Union prior to the admission of the State of Oklahoma were given appropriations to meet the expenses of writing their constitutions and organizing into States. If these States were entitled to have the appropriation made, then I say, Why not give it to Oklahoma? Oklahoma, it is true, is in the West; the other three States in the Northwest, but should gentlemen who are Members of the grandest lawmaking power in the world hesitate and refuse to do that which is right between their sovereign States because of geographical location or political affiliation? I ask the gentlemen who are on the majority side of this House if any question was raised when the appropriation of $100,000 was incorporated into the enabling act as to the amount of the appropriation. I ask them if any question was raised as to the appropriation in the same enabling act that gave Oklahoma her right to come into the Union when an appropriation of $150,000 was made for Arizona and New Mexico. If there was none at that time, then I ask you, Why should any question be raised after the State has been admitted into the Union and its political status established as one of the sister States? Is it because the gentlemen believe the amount is in excess of what has heretofore been appropriated for the organization of States? If so, I desire to call your attention to the conditions that existed in Oklahoma as contradistinguished from those of other States that have heretofore been admitted into the Union.

Since the admission of the original thirteen colonies into the Union no State has been admitted that had not theretofore had at least some kind of a Territorial organization, and no State or the territory embraced within the State has ever had such conditions of property holding, of citizenship, and disorganization as did the Territories now embraced within the State of Oklahoma. For almost a century prior to the admission of Oklahoma the greater portion of the lands now embraced in the State of Oklahoma were held and occupied by the Five Civilized Tribes of Indians and other reservated tribes.

The title to the lands were vested in these respective tribes with the Government of the United States acting as their trustee. In 1889 certain tribes of Indians, by treaty with the Government of the United States, ceded to the United States a portion of what was Oklahoma Territory, and the Territory of Oklahoma was then organized as one of the Territories of the United States. Oklahoma Territory has since that time had a Delegate to represent it upon the floor of the House of Representatives. The territory embraced in the State of Oklahoma that was commonly known as the Indian Territory has never had a Delegate upon the floor of the House to represent its people. Prior to the passage of the enabling act treaties between the Government of the United States and the various tribes of Indians residing in that portion of what is now Oklahoma that was commonly known as the Indian Territory had been entered into and through the representatives of the Government of the United States the lands, or a greater part of them, have been allotted to the respective tribes. This was the condition when the enabling act was passed, providing for the creation of an election board to lay out the territories of Oklahoma and Indian Territory into constitutional districts in order that delegates might be elected to write a constitution for the new State. After the passage of the enabling act the election board was created, composed of the Commissioner to the Five Civilized Tribes and two of the Federal judges occupying the Federal bench in the territory now comprising the State of

Oklahoma, the three members of the election board each being an appointee of the Federal Government and representing the majority political party. The districts were laid out by these gentlemen, and fairly, too, as God gave them the light to see it; the election was held and the delegates elected to write the constitution, which I have presented here and which has been incorporated into the RECORD as a part of my remarks.

When these delegates, elected to write the constitution of the new State of Oklahoma, assembled to perform that duty, I say that no delegation ever before in the history of these United States since the admission of the original thirteen colonies ever assembled to perform a more difficult task than did the delegates who assembled to write the constitution for the State of Oklahoma, and never was a task more nobly performed than was performed by the constitutional convention of the State of Oklahoma. They worked faithfully and earnestly to incorporate into their constitution provisions upon which a code of laws might be written for the protection of all alike, trying in every way to so draft the constitution that the man in everyday walks of life might understand its provisions and that the questions might not be continually arising in court as to whether or not certain things were constitutional or unconstitutional. These delegates soon learned that the appropriation was not sufficient to pay them for their time and expenses, and an appeal was made to the Congress of the United States at the last session of the Fifty-ninth Congress for an increased appropriation to meet the necessary and actual expenses. The appeal was heard, but not granted; but I thank God that in that convention there were men who had sufficient patriotism and love of country to continue that work and to spend their own time and pay their own expenses until it had been completed. Those men believed, and yet believe, that the Government of the United States would be willing to meet their actual expenses.

The constitution was drafted and an election was called, so that the voters of the new State might express their views as to whether or not the constitution should be adopted and to express their choice for officers to serve them in the new State. It was ascertained at that time that still there was no appropriation to defray the expenses of the various election officers from precinct officers to State election board, and the question arose as to who would meet the expenses. The two dominant political parties in the State of Oklahoma, in county as well as State, were appealed to, asking that each contribute a portion of the expenses, but one of these parties declined to do so, and it is needless for me to say which one. The gentlemen on the majority side of the House well know which of the two political parties refused to advance any of the expenses necessary for printing the ballots and other expenses of the election machinery. But the expenses, as is well known, were met by individuals who had patriotism enough to at least spend their money, and thereby give the people of the State of Oklahoma a State government.

When the election was held to vote upon the constitution which had been written by our delegates about 250,000 votes were cast, and the majority in favor of the constitution was more than 107,000, thus showing that the people of Oklahoma put patriotism above politics, and thereby ratified the action of their constitutional delegates irrespective of political affiliation. The majority for the constitution was not confined to any political party, and as evidence of that I call your attention to the fact that the Democratic majority for the State officers was from 27,000 to 33,000 votes, thus showing that by an overwhelming majority, irrespective of politics, the constitution was adopted. If you will examine this amendment, it provides for the appropriation of $225,000, or so much thereof as may be necessary, following almost in the exact language of the appropriation in the enabling act of $100,000. It also provides that vouchers for the payment of this money shall be approved by the governor, treasurer, and not less than three supreme judges of the State of Oklahoma, and that the money shall be disbursed by the Secretary of the Interior upon sworn vouchers. I ask you, then, does it not throw a proper safeguard around the Government, and is it not sufficiently clear that no fraud could enter in because of the requirements contained in the amendment. Some gentleman has asked the question as to why the expense is so much greater in forming the State of Oklahoma than it had been in other States. I answer him by saying that the State when admitted into the Union, as shown by a census taken by the direction of our President in 1907, had 1,414,177 people, a population more than twenty times as great as many of the States had when admitted into the Union, with the additional complications that have heretofore been mentioned of the peculiar condition of land tenure in the State, as well as the necessity of organizing many new counties, which had no organization whatever. All the new county officials for the purpose of holding the election had to be appointed and their expenses paid. As a result of these conditions the expenses in the new State of Oklahoma in electing its constitutional delegates, writing its constitution, and holding its first election was much greater than any State in the Union heretofore admitted.

We have more than seven times the population that both Arizona and New Mexico had when the enabling act was passed, but still the enabling act carried an appropriation of $150,000 for Arizona and New Mexico, when only $100,000 was appropriated for Oklahoma and Indian Territory to be formed into a State. I ask you if Oklahoma and Indian Territory should not have an appropriation sufficient to meet its expenses legitimately incurred, even though it be proportionately greater than other States? Some one may undertake to answer this question by saying that the population should not be considered in the expense of writing a constitution; that a constitution could be written as cheaply for a million and a half of people as it could for Nevada, Wyoming, and some of the northwestern States that had in 1900 from 42,000 to 93,000 people, but I answer that by saying that it is not a correct theory and can not be put into successful practice. When you compare conditions that existed in Oklahoma and Indian Territory with other Territories and States you will find that it took a much greater time to solve the complex questions of property interests, of citizenship, and of laying out of new counties than it did in the States which had an organized Territory before being admitted into the Union. Again, the constitutional convention was placed in a position where they could profit by the experience gained from the Constitution of the United States and of her forty-five sister States, and they did profit by that experience, though it cost more and consumed more time, and by that information gained they wrote for the million and a half people now living in the State of Oklahoma a constitution as good as any State in the United States, if not the best. They wrote a constitution which protects the rights of the high and the low, the rich and the poor; they wrote a constitution which protects both capital and labor, but places capital upon the same plane with labor; they wrote a constitution that protects the public-service corporation the same as it does the individual, but at the same time they wrote a constitution that makes corporations know and understand they must obey the law as well as the individual; they wrote a constitution which placed organized labor upon an equal plane with corporations, and thereby provided that the practice of modern years of controlling and blotting out organized labor by injunction should not be indulged in within the State until after the party charged with having violated that injunction had been heard in court and tried before a jury of his countrymen. They made the provisions in that constitution so clear that the common of the commonest may understand and that the grand of the grandest have to obey. They established in that constitution the much-needed rule that I regret to say has been heretofore violated by some of the executives of the States, and that is the right of habeas corpus should never be suspended by a State, profiting as they did by the past experience of some of her sister States in this regard.

All of these questions have been considered and fully considered by our convention, and the expenses incident and necessary to calling the election and voting upon this constitution must of necessity require time and expense, and I submit to you that I do not believe in considering this question that it should be considered from any partisan or political standpoint, but should be considered from the standpoint of what is right and just between sister States. I believe that it is the duty of the Government of the United States to meet the actual and necessary expenses of the organization of the new State of Oklahoma. I believe that it was the intention of the legislators at the time they passed the enabling act that the actual expenses should be met. No man could tell at the time what the expenses would be; and if they seem to be greater than they should have been, when the sworn vouchers are presented and approved by the governor of the State, the treasurer, and not less than three of the supreme judges, and the Secretary of the Interior passes upon these vouchers and pays them, can anyone say that fictitious or fraudulent claims have been presented? I never yet, nor do I ever hope to reach the point in life where I believe that our officers are corrupt. I believe that they will perform every duty imposed upon them under the law, and when they have done so under the provisions of this amendment no fraudulent or unjust claim could possibly be presented and paid, and I appeal to the Members of this House to duly consider this question before passing upon it and refusing to allow it.

This is not a question of politics and should never become a question of politics when the entire citizenship of a sovereign State is interested. No politics should enter into a question of general interest to all of the State, and the man or Representative who can not rise above partisan politics in the presentation and consideration of claims of this character should look well before acting, and in my mind is not considering the interests of his people. I rejoice to say that in the discussion of this amendment not one word has been heard from the minority side of this House in opposition to this amendment, and I regret to say that in the discussion of this amendment the only objections raised against it have been raised by the gentlemen who are on the majority side of this House. It may be that they are prompted by a spirit of patriotism and love of their country; it may be that they are prompted by a desire to see that no improper and unlawful appropriations are made, and it may be that they are prompted to raise these objections to this appropriation because of the fact that Oklahoma did not measure up to the standard expected when the enabling act was passed and did not return to the National Legislature a majority of its Representatives of the same political party as the majority of this House.

But be that as it may, in conclusion I desire to say that I appeal to you upon the majority side of this House to calmly, considerately, and dispassionately consider whether or not it is right and just that the expenses of writing the constitution and holding the elections in the new State of Oklahoma should be borne by the Government of the United States, or whether or not that expense should be heaped upon one of your sister States, who is an infant in the Union and who has not sufficient taxable property to raise a revenue to sustain its State and county government in many of its counties, because of the land tenure where the Indian lands are located and which can not be taxed by the government. I respectfully submit that you perhaps have the power and the votes to vote down this amendment; you may have the power and the rules of the House to exclude it upon a point of order, but I serve notice upon you now that if you do defeat it by a partisan vote, or if it goes out upon a point of order, it will rise again, and that, too, in this House and before the committees, and in the State of Oklahoma, where an impartial sovereignty can in the coming election in November set its seal upon partisan action when right and justice enters into the question being considered.

Mr. FULTON. Mr. Chairman, I want to say just a word in support of the amendment offered by my colleague [Mr. DAVENPORT]. I have here a telegram from the governor of Oklahoma which states that the deficiency in the expenses of holding the constitutional convention is $84,195, and that the estimated deficiency made by ex-Secretary Filson, of the Territory, of the election expenses—that is, the expenses of holding the election whereat we elected our delegates to the constitutional convention and the election which ratified the constitution—amounts to $130,140.25.

Mr. MADDEN. Does the gentleman believe that the United States ought to pay the expenses of the election at which the officers of the State were elected?

Mr. FULTON. Well, if we had had a separate election for the officers of the State I would say no; but when we were compelled to elect our officers at the same time that we voted on the constitution, the expense of electing officers would be no more than for voting on the constitution, and I say the Government should pay it, because they should pay the expenses of holding our election. Now, I do not know what has been the purpose or the idea which has prompted Congress heretofore in all other instances to make appropriations to bear the expenses of bringing a Territory into the Union. I apprehend it went on the theory of the Territory not having the power to create funds for this purpose, and also on the other theory that she really was a child, as you might say, of the Government, and that it was the right and the duty of Congress to bear these expenses. That being true, then it seems to me that the amount of the appropriation would be governed by the amount which is necessary to defray these expenses, irrespective of the amount.

Mr. MANN. Will the gentleman yield for a question?

Mr. FULTON. Certainly.

Mr. MANN. The gentleman may have investigated—I am sure I have not—in order to know whether Congress, in fact, has appropriated to pay the expenses of the election of delegates to a constitutional convention, all the expenses of the convention, and then all the expenses of the ratification.

Mr. FERRIS rose.

Mr. FULTON. If the gentleman from Illinois [Mr. MANN] will permit, I would like to give my colleague [Mr. FERRIS] opportunity to reply.

Mr. MANN. Certainly.

Mr. FERRIS. I will say to the gentleman that I investigated the last four States that were admitted into the Union, and in each case a deficiency appropriation was asked for, and in each case received; and I wish to say in addition, regarding another remark that was made, that this State of Oklahoma equals in population fourteen times the population of the last three States admitted.

Mr. MANN. The gentleman said that most of them are Indians. I wanted to get some other information—not the particular information which the gentleman has given. It seems that four States have been investigated. Has anyone gone further than that, in order to know?

Mr. FULTON. I have not.

Mr. ROBINSON. I would like to say to the gentleman that in the case of the State of Utah, by the act of June 8, 1896, there was a deficiency appropriation of $9,609.50, supplementing an appropriation of $30,000 for convention expenses.

Mr. MANN. Does that include the ratification of the constitution?

Mr. ROBINSON. Yes, sir.

Mr. FULTON. That was my understanding, Mr. Chairman.

Mr. MANN. Are those the only figures that the gentleman has?

Mr. ROBINSON. I have no other figures.

Mr. FULTON. I understand that my colleague from the Fifth District [Mr. FERRIS] wants to present a few figures on this question.

Mr. GAINES of Tennessee. I would like to know if you did not have to reassemble the convention for the purpose of making changes that possibly had been suggested by the President and by the Attorney-General of the United States, and that that necessitated additional expense?

Mr. FULTON. That is true.

Mr. GAINES of Tennessee. How much?

Mr. FULTON. I could not state the exact amount that was caused by the second convening of the constitutional convention.

Mr. GAINES of Tennessee. How much do you ask by this amendment?

Mr. FULTON. This amendment asks for a certain amount, as certified by the governor, of $225,000.

Mr. MADDEN. Will the gentleman permit me to ask him a question?

Mr. FULTON. Certainly.

Mr. MADDEN. If the practice in other States that have been admitted to the Union had been the same, does the gentleman from Oklahoma think it fair to ask Congress to appropriate $250,000, or any such large sum of money, without giving to Congress an opportunity to ascertain upon investigation whether that is the amount that should be appropriated?

Mr. FULTON. The gentleman evidently did not hear the resolution when it was read.

Mr. MADDEN. I heard the resolution.

Mr. FULTON. I mean the amendment.

Mr. MADDEN. I think that Congress should investigate, and not the officials in Oklahoma, when any appropriation should be made, and that it is Congress or a committee of Congress that should make the investigation and ascertain whether or not the amount sought to be appropriated is the amount that should be appropriated.

Mr. CARTER. Will you accept that amendment?

Mr. MADDEN. I will make no promise.

Mr. GAINES of Tennessee. Is it not a fact that this requires the Secretary of the Interior to make an investigation of the certificate?

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. FULTON. I yield to the gentleman for that purpose.

Mr. CLARK of Missouri. If that resolution was so changed that it was to be passed on by a Federal official or by Congress, then would you be willing to withdraw opposition to this and let it go?

Mr. MADDEN. I asked this question of the gentleman from Oklahoma, and I will say to the gentleman from Missouri in reply that if he believes and if it is established that the practice inaugurated by Congress in former instances was to make appropriations for deficiencies in such cases I still would insist that this appropriation should be made after investigation. I do not think that that investigation could be made on the floor of this House by the Committee of the Whole House. I think that the people who had charge of the election in Oklahoma should be brought before committees of this House and explain as to the amount of money expended in the election

before any appropriation shall be made at all. That is where I stand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the gentleman's time be extended five minutes, as we have used his time up.

There was no objection.

Mr. VREELAND. If the gentleman will excuse me a moment. Of course the gentleman from Oklahoma knows that the point of order is to be pressed against this, and it must go out.

Mr. FULTON. I was simply hoping that you would not press it.

Mr. VREELAND. Even if this were a proper account to come in, it would not come in the urgent deficiency bill. Gentlemen should collect their information and appear before the committee in order that it may have a hearing by the committee for some subsequent bill. It certainly ought not to come in on an urgent deficiency bill when no hearing has been given.

Mr. FULTON. Can you assure me that the point of order will not be raised then?

Mr. VREELAND. The gentleman knows that I could not assure that in a membership of nearly 400 men.

Mr. FULTON. Now, Mr. Chairman, it seems to me that only two things should be considered. In the first place, does Congress want to make the appropriation for any amount to defray that kind of expense, and, in the second place, if it does, is this amount correct? It does seem to me that in view of the practice that heretofore has prevailed when these expenses have been paid, irrespective of the amount——

Mr. TAWNEY. I must state to the gentleman that has not been the practice. Congress has appropriated a certain amount, and whatever additional expense has been incurred has been borne by the new State.

Mr. FULTON. The last four States admitted show that deficiencies were provided for. Well, now, our amendment provides that not one penny of this money shall be paid out except on sworn vouchers presented to the Secretary of the Interior, and that these vouchers be signed by the different officials of Oklahoma. So there can be no question whatever that any sum will be paid out except that which has been honestly expended. I ask the Members of this House to consider this question. It was not our fault, as a matter of fact, that the expense was as large as it was. But I can not go into that in the time that I have. It seems to me that this is a simple proposition that must appeal to everyone. [Applause.]

Mr. CARTER. Mr. Chairman, the purpose of this amendment is perfectly obvious—it proposes to take care of the expenses incurred in the organization of the State of Oklahoma. It is just such legislation as has been necessary, as has been enacted for many other States, and I can see no just reason why any fair-minded man should oppose it. It has been shown during the course of this debate that, at least in four instances heretofore, such expenses have been appropriated for other States.

The gentleman from Indiana has charged that we spent a greater amount of money than any of the other States. Our reply to that is that we had a much greater number of people to deal with than any other State at the time of its organization; that we are confronted by more complex conditions than any other State, and, above all, that we have written a great deal better constitution than any other State in this Union. [Laughter on Republican side. Applause on Democratic side.]

Notwithstanding the derision and adverse criticism that may come from the Republican side of this Chamber, I want to say that we people in Oklahoma believe in our constitution. We have an abiding faith in that instrument, and our election returns upon the constitution prove it. If it has cost more money to organize our State and write our constitution than that of any other State, we lay the fault at the door of the Federal Government and exculpate Oklahoma. Under the long-range bureaucratic government that had been doled out to our two Territories from this city the very principles of justice and equity had, in a large measure, been subverted. We charge that the administration of affairs by the Federal Government in our State was totally inadequate, for the reason that the field of application was far too remote from the source of government, for the very same cause that our futile attempts to govern isolated colonial possessions are proving incompetent and unsound, and will continue to prove incompetent and subversive of their intent. Under these adverse conditions the great public-service corporations had fastened their poisonous fangs deep into the vitals of the body politic, even before the birth of our young State, and it required the application of the most heroic remedies by our constitutional convention to wrench from these hydra-headed monsters the power they had acquired under the Federal Government and restore to the people of Oklahoma their just rights under our State constitution.

It is true our constitution has many new features, and these are calculated to meet new conditions which have arisen since the enactment of the fundamental law of other States. Many of these new provisions are, of course, experimental, and as no man or set of men are infallible, some of them will doubtless fall short of our expectations.

Viewing our constitution in this light, we believe that it is an instrument that will prove beneficial as a guide to every other State in this Union, and possibly to the Federal Government itself. For if the Oklahoma constitution proves a good constitution, giving more adequate protection to the people's rights than the organic law of the older States, then every State in this Union will have the privilege of adopting these novel provisions and get the benefit of them without the disadvantage of being forced to try them out on her own people first. While if such provisions should fail to make good or prove detrimental, then the people of Oklahoma alone must suffer the consequences.

So we believe, Mr. Chairman, that we are, at least, entitled to some consideration as pioneers in constitution making, for taking the initiative, for blazing the way, and hoisting the signal lights which other States, and even the Federal Government itself, may easily follow without the danger of experiment, should our constitution prove the righteous boon we think it will. [Applause.]

Whatever other people may think of the Oklahoma constitution, our election returns show that it has the unqualified approval of the people of our State, irrespective of politics. These returns will reveal the fact that while the Democrats only carried the State by twenty-five or thirty thousand, this constitution was adopted by more than 100,000 majority, showing that at least 35,000 supporters of the Republican nominees voted for the ratification of this "heinous abortion," as some of the leading Republicans have seen fit to dub this document.

Therefore any attempt to cast aspersions upon this instrument will be resented by a large majority of the patriotic citizens of our magnificent young Commonwealth, irrespective of their political affiliation.

This great American House of Representatives is composed, in my opinion, of the stalwart patriots of our Republic, no matter what creed or platform they may espouse, and I believe you will countenance and sanction the unselfish patriotism evidenced by the 112 delegates who worked so long and assiduously, without compensation most of the time, to give to our country freedom and statehood, and to the American people an unequaled sample of up-to-date Constitution. [Applause.]

Surely the gentlemen on the other side of this aisle will not attempt to make a party issue of this amendment, and thereby forever consign their political associates in Oklahoma to eternal banishment from participation in the governmental affairs of that State. Do not despair, gentlemen, it can not be said that the result of the last Oklahoma election is, by any manner of means, a certain criterion on which to base future results in that State.

Mr. MANN. The gentleman does not desire us to make the State Republican, I presume.

Mr. CARTER. No, sir. There is little danger of that at the present time, but I just want to sound a few notes of warning to the gentlemen on that side, for future reference.

Mr. MADDEN. The gentleman does not mean to insinuate that no person will be allowed to vote the Republican ticket in Oklahoma unless we do what the gentleman wants.

Mr. CARTER. I do not. I made no such insinuation.

Mr. HULL of Iowa. Does the gentleman mean to convey the idea that if we will give the $200,000 you will elect a Republican next time?

Mr. CARTER. No, sir. I mean to say this to the gentleman from Iowa, that if you continue to make a football of Oklahoma, you will lose the little support and following you have there. [Applause on the Democratic side.]

Mr. HULL of Iowa. That is only difference in degree and not in kind.

Mr. CARTER. I furthermore want to call the attention of the gentleman from Iowa to the fact that since certain restrictions have been removed upon the liberties of the people of Oklahoma, politics have undergone a change. We had you believing that we were Republican before statehood, but since we were admitted we have gone slightly Democratic. [Laughter.]

Mr. HULL of Iowa. I will say that it does not seem to make any difference, even in the State of Texas. Even with all the

votes they contribute to you, they still hold up there pretty well.

Mr. CARTER. I presume the gentleman from Iowa is making the same impression in his own State.

Mr. HULL of Iowa. This is a matter which the gentleman and his own State will have to take care of.

Mr. CARTER. No more than expected from the majority side of this House. [Laughter and applause.]

We of the Democratic faith had much the best of the evidence and argument in the first political contest in Oklahoma. The very fact that the Federal Government, which was Republican, had permitted our prodigious young State to be delivered, prostrate and helpless, with the iron grip of the monster trusts at her throat, the dilatory and erroneous administration of affairs incident to government at a distance, the making of our State a dumping ground for disappointed politicians from other States, and the further fact that many Republican voters feared that their leaders were insincere in their indorsement of our constitution, all contributed to the success of Democracy, and many big, broad-shouldered Republicans, dissatisfied with the treatment accorded Oklahoma by their own party, stood shoulder to shoulder with the patriots of Democracy for restitution to the people of their just rights.

Permit me to say, Mr. Chairman, that our Oklahoma citizenship is most cosmopolitan, emanating from every State in the Union; in fact, from the four quarters of the globe; and for the felicitation of the gentleman from Arkansas I desire to say that many of these good people hail from his splendid State and are numbered among our best and most substantial citizens.

A change of residence naturally makes a change in surrounding conditions, often causing an intelligent man to view public issues from an entirely different angle, even in some instances reaching the extent of a complete change of his political views. Hence a man who was a stanch Republican in his native State might be a good Democrat in Oklahoma, and vice versa.

Another element of uncertainty is the large number of first voters who took part in the Oklahoma election. Over on Indian Territory side I believe the first Democratic poll showed over 60 per cent of those of voting age to be first voters; about 10 to 20 per cent, I take it, were first voters on the west side. Therefore almost one-half of the voting population of our State cast their initial vote, so far as national affairs are concerned, in this our first election. The leaders in both parties in Oklahoma believe that such people as these are not politically anchored to either end of this Republic. The race there will go to the swiftest, and such free lances as these will, to a large extent, vote with the party that treats them best and offers the best inducements.

Now, I leave it to your good judgment as to how they will view your refusal to allow this appropriation, which will result in saddling this enormous expense on the taxpayers of the new State, with one-half of its lands already exempt from taxation by acts of this same majority on that side of the House. I want to warn you, gentlemen, if you defeat this measure by an application of the party whip on that side of the House, you do it at the peril of your party in Oklahoma. You imperil the chances of the few men whom you were able to pull through in our last election. [Applause on Democratic side.] I know that advice to Republicans does not come with very good grace from this side of the Chamber, but I warn you nevertheless that it is a fact, and I think that the only Republican Member from Oklahoma will agree with me. [Applause.]

Mr. MANN. Does the gentleman from Oklahoma think that that fact will influence this side of the House to decide what it would do?

Mr. CARTER. I don't know. It is pretty hard to tell just what that side of the House might do. [Laughter on the Democratic side.]

Mr. MANN. I do not believe it would have any effect on this side of the House. The gentleman from Oklahoma misunderstands the temper of this body if he thinks that political considerations would affect this side of the Chamber on this question.

Mr. CARTER. I hope so; and then, Mr. Chairman, permit me to say that such a measure as this is by no means a partisan measure. It is just; it is right; it is regular; it is backed and fortified by precedent, and will, I hope, be considered on a broad, high plane of statesmanship, free from partisan prejudice.

Mr. MANN. The gentleman wanted us to vote this appropriation because it would affect politics down there. Does the gentleman consider that a broad, high plane?

Mr. CARTER. That is the light in which I would like to see this amendment considered, and I hope that our friends across the way will consider it in such light, and not oppose this amendment simply because they want to get back at Oklahoma for going Democratic. [Applause.]

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, the committee is now considering the urgency deficiency bill which deals with deficits that have occurred during the last fiscal year and have been unprovided for by former appropriation measures. The section we seek to amend is on pages 11 and 12 of that measure. The section deals with Oklahoma deficiencies and is as follows:

GOVERNMENT IN THE TERRITORY OF OKLAHOMA.

Territory of Oklahoma: For salaries of the following from July 1 to November 15, 1907, inclusive, namely: For governor at the rate of $3,000 per annum; chief justice and six associates at the rate of $4,000 per annum each, and secretary at the rate of $1,800 per annum; in all, $12,300. To pay account of legislative expenses, Territory of Oklahoma, as set forth on page 16 of House document numbered 488 of the present session of Congress, $545.45.

The amendment we offer as the representatives of the State of Oklahoma is that the American Congress finish paying the expenses of the constitutional convention delegates, the clerks, and commissioners of the newly organized counties; the expense of holding the election for the ratification of the constitution; the printing incident thereto, and other incidental expenses connected with the organization of the State government.

In support of this amendment it is my purpose and desire to offer a few figures and facts, which I think will enable the committee to determine that this amendment is proper, that it is the duty of the Government to pay this character of expense connected with the admission of Oklahoma into the Union.

It will be remembered that at the time of the passage of the enabling act in June, 1906, that the only population that Congress had within reach was the census of 1899, which gave that portion of the State then known as Indian Territory 97,361, and Oklahoma Territory, which includes the west half of the present State of Oklahoma, 109,191, or a total of about 206,552. These figures will readily let the committee understand why it was that Congress at that time only appropriated about one-third enough to defray the necessary expenses incident to statehood. For since that time, gentlemen of the committee, the President of this United States has ordered a census taken that was concluded only last summer (the summer of 1907), and that made the remarkable disclosure that we had a growing population of 1,414,000 people, or about seven times the population that Congress had calculated upon at the time of admission.

I want to further make the observation that while we have had one appropriation, and are asking for a deficiency, we are not without precedent in making the request. It has been my pleasure to examine the data relative to the last four States that have been admitted into the Union, and I note that in each case a deficiency was asked for and in each case was graciously received.

I don't come in a complaining attitude asking for this relief, for I am sure it was an honest mistake. I don't come asking for my people what other States have been refused. I don't desire to consure anyone for their failure to make an adequate appropriation in the beginning, but I am here asking earnestly that the proper amount be now appropriated to the State of Oklahoma, of which I know you will be truly proud as a sister State.

It has been suggested that the States I refer to received much smaller appropriations than we are asking, and I am more than willing to confess that is true, but in making this confession it would be unfair to this Congress, unfair to this committee, unfair to the States referred to, and unfair to my own home State of Oklahoma if I did not make the observation that our recent census shows us to have approximately fourteen times the population of either of the States recently admitted, they averaging approximately 100,000 and under, and we now actually possessing by a Republican census over 1,400,000 people. This, in my judgment, offers one reason for the request that surely must present itself very forcibly to this committee, and surely would so present itself to every painstaking, thinking man.

The States that I have just referred to are the sister States of South Dakota, North Dakota, Washington, and Montana. I am sure you are proud of them and we as residents of Oklahoma are likewise proud of them. It was necessary in each of those cases to have a deficiency appropriation and they were admitted so recently, within the last ten or twelve years, that the statute of limitations has hardly had time to run and be a bar to a request coming from Oklahoma.

As a second and perhaps more pregnant reason than the first one why this request is not a violent one, is that a very large portion of the State is not subject to taxation. It being largely Indian lands and cumbered with Federal restrictions against sale, alienation and taxation. This has made the revenues of

the State light; this has made the State have an uphill pull to properly organize and doff the clothing of "territorism" and take on the new raiment of statehood.

As a further reason why this appropriation is earnestly requested, we desire to make the observation that the entire eastern half of the State has never enjoyed or been permitted to enjoy the blessings of local self-government. They have never had a representative in Congress before; they have never had a county officer, a township officer, not even a justice of the peace or constable elected and chosen from their own people. They did not even have counties or other subdivisions of the State, they had never held an election, they were unaccustomed to voting and were wholly unsupplied with election paraphernalia. I submit it is painful to refer to; "it is pitiful to believe." Yet in the face of all this these heroic people have drawn themselves together, have organized their counties, have organized their State, have held their elections and elected by the popular vote of the people 112 delegates to a constitutional convention and in strict conformity with the enabling act and have molded the best constitution upon which the sun has ever shone. [Loud and prolonged applause.]

Prior to this election of the constitutional convention the State had to be districted into proper subdivisions suitable for the holding of an election, which was a great task and a great expense. After the formation of a constitution in strict conformity with the enabling act they must then call an election and adopt or reject that organic law which was molded and made under adverse circumstances and largely at their own expense. The election was a great expense, the printing was a great expense; no public printing offices, no statehouse, no place to hold the convention. Halls had to be rented for the holding of the convention and expenses were incurred that were necessary, of which it is not within my power to impart nor within your time and disposition to have me here reiterate.

I say to you not one cent was spent dishonestly. Not one cent was squandered. Not one cent was lost or destroyed, but all used and more to carry out the true spirit and intent of the enabling act which is a product of your own pen. You would not have us enact a constitution of which you and the succeeding generations would be ashamed. "You would not have us slight the work." You would have us act in strict conformity with its provisions as I maintain and proclaim we did. [Loud applause.]

I have been criticised for asking for such a large amount as the amendment provides for. In reply thereto I desire to make reference to the Territories of Arizona and New Mexico, and I speak of them in the highest of terms, for they are our neighbors and our friends. They have a population combined of less than a hundred thousand, as shown by the last census, the exact figures being as follows: Arizona, 44,081; New Mexico, 55,067 making a total of 99,148. This Congress at the time of making the original appropriation for Oklahoma appropriated $150,000 for them and $100,000 for us. I don't speak complainingly nor with the spirit of envy or jealousy, but merely to explain the grave necessity of now giving Oklahoma exactly what she needs for State organization and no more.

Now, gentlemen, when those States formerly referred to came with a request for an additional appropriation just as we are doing to-day, they did not come in bad grace then. Why should you hold that we come in bad grace now? I think it was proper for them to come then. I think it is proper for us to come now.

Now one word regarding the wording of the amendment, and that is for the sole purpose of showing that every account claimed or asked for must be properly audited by the governor, the secretary of state, and countersigned by three or more members of the supreme court of the State, and after that approved by the secretary of the Interior. Is there any chance for any misappropriation? Is there any chance to be mistaken about this honest deficit? Surely there can be none.

I for one citizen felt proud the day the statehood bill passed. I for one citizen of the State feel proud to-day. The State of Oklahoma felt glad and her cups ran o'er with joy then and do now. The State and every citizen within her borders feel grateful to Congress for her admission and will ever so feel. Then, gentlemen of the committee, I earnestly ask of you not to side step precedent and refuse us what other States have had. Don't refuse to deal with us in the hour of need.

The State is new. Her resources are many—that is quite true. She is a giant in the rough. Still, at the crucial time of changing from a Territory to a State she richly needs, and, as I believe, truly deserves that she be started off right. Don't hide your lights under a bushel for this request of the State. Don't refuse her this honest request. [Loud and prolonged applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that his time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. I again repeat that as an individual citizen of Oklahoma and as one of the representatives of the million and a half of people living within her borders, I do not come complaining by reason of the fact that an insufficient amount was appropriated, but do come asking that an honest mistake may be now righted. We appreciated the one hundred thousand then appropriated, and we used it and tried to get along on that amount, but could not. We tried to make a constitution and hold an election and get the constitution adopted on that amount, but could not, and are now doing just what foresight could not foretell—asking for enough to pay the honest deficiency.

Mr. GAINES of Tennessee. Who made the mistake of giving the wrong estimate?

Mr. FERRIS. I merely say it was an honest mistake, merely an honest estimate that has later proved insufficient and is now within the power and the precedent of this Congress to supply. It was occasioned merely by an unprecedented growth and increase in the population of the State; and further, I am quite sure Congress did not have in mind the fact that the eastern portion of the State was largely free from taxation on account of being Indian land and wholly unorganized. It was a much larger expense to district and organize the new State than anyone had anticipated, and the condition has not so presented itself in any of the former States. In those States they had had at least a provisional government, with election machinery and paraphernalia suitable for the holding of an election, a place suitable for the holding of a convention free from rent and other incidental expenses, and that their lands, or the major portion thereof, was at least on the tax rolls, subject to the burdens of taxation.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. Yes, sir.

Mr. MANN. The gentleman and his colleagues have been Members of the House now since it was organized. Has the gentleman or his colleagues been before any committee of the House in reference to this proposed appropriation, or has he presented any claim or statement to any committee of the House, written or oral, in regard to it?

Mr. FERRIS. I submit to the gentleman's question and in reply thereto beg to say that our State is in the throes of organization, her first State legislature is now in session and up until this very day—and I have the telegram that bears the date of this day—I have been unable to get the information that I now seek to present to the House, but inasmuch as this measure deals with deficiency matters, and the very section we seek to amend deals with the payment of Oklahoma officers during the interim between territorism and statehood, I have hoped that no more opportune time could present itself than this very day and this very time. [Loud applause on the Democratic side of the House.]

Mr. MANN. Does not the gentleman appreciate then that if he has not received information which could be laid before the House committee until to-day that he ought to wait and put it before the proper committee of the House at the proper time?

Mr. FERRIS. In reply to the gentleman's question I think I can plainly see what would happen if we elected to take the advice of the gentleman from Illinois. This is an urgent deficiency bill. This bill provides for deficiencies of this particular character and if Oklahoma should let her chance go by to-day I fear the gentleman would then, perhaps properly, arise in his seat and announce that the amendment was out of order, and, further, that Oklahoma had slept on her rights. [Applause on the Democratic side.]

I know that it is within the power of this House to grant or refuse this relief. I know it is the province of this House to be economical in all governmental matters, but I don't believe now, nor never shall, that Congress would make a mistake in lifting this burden from the neck of Oklahoma and let her start off with the rest. [Loud applause on the Democratic side.]

Mr. MANN. Oh, the gentleman receives applause from men on that side of the House who are not familiar with the rules or practices of this House, but with those who are familiar with the rules and practices of the House, they know that this item, if it belongs anywhere, belongs properly on the general deficiency appropriation bill, which bill will not be reported to this House for some time to come, and the gentleman will have ample opportunity to lay before the Committee on Appropriations all the facts and precedents, and doubtless will receive

all that he ought to receive in accordance with those facts and precedents.

Mr. FITZGERALD. I wish to state to the gentleman from Illinois that this matter was submitted to the Committee on Appropriations in the last Congress.

Mr. FERRIS. And passed the Senate last year.

Mr. FITZGERALD. A memorial was presented by the constitutional convention of Oklahoma pointing out the fact that it would be impossible to continue a convention with the amount appropriated, and the committee declined to consider the application.

Mr. MANN. And the fact that they made such a statement—which was not true, because that they did continue is evident—at least, it did not interfere at all with anything out there.

Mr. FITZGERALD. The gentleman is mistaken, the gentleman misunderstood what I said. I said they could not continue with the amount of money allotted. They did continue because the Democratic Campaign Committee, I understand, advanced the money for that purpose.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. OLLIE M. JAMES. I want to suggest to the gentleman from Oklahoma that the gentleman from Illinois [Mr. MANN] impeaches the knowledge of Members on this side of the House who applauded when he gave an answer to the gentleman, because the gentleman from Illinois says those who applauded do not understand the rules of the House. Now, fortunately for that side of the House that rule does not apply. If it did no person on that side of the House could applaud except one, because nobody on that side of the House understands the rules except the gentleman from Illinois. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, recognizing as I do that the gentleman from Kentucky understands all things that he applauded, knowing how well he is acquainted with the rules, I withdraw my statement as to him.

Mr. OLLIE M. JAMES. Well, I can not with good grace withdraw my statement in regard to the gentleman from Illinois. [Laughter and applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentelman if he will kindly explain to the committee how it was you continued with your convention without any money? That is the first question. Second, to what extent was this deficit due to this misstatement as to population? Now I do not mean to say there was any willful misstatement, but the census did not enumerate all your people when it was taken, and the appropriation was passed upon that erroneous census. Now those two questions I would like to hear you explain.

Mr. FERRIS. I had not hoped to consume so much of the committee's time, but the question of the gentleman from Tennessee has led me to the belief that the committee is not clear on what was done with the money.

In reply to the first question of the gentleman, would say that I think it was largely due to that phase of the matter. No one knew the population of the State. No one knew how difficult it was to properly organize and start the State off on its feet. The men in charge acted in absolute good faith. No time nor money was ever squandered or wasted. It was an era of painstaking effort on the part of the Oklahoma citizenship, and the constitution is the product of which we are truly proud. [Applause on the Democratic side.]

In reply to the second question, would say that it was based on an old census, ten years old, and the population of Oklahoma has, by reason of recent openings and sales of public lands, wonderfully increased, as is shown by the figures heretofore given.

In reply to the gentleman's question as to how the convention was able to continue in session after the money was gone, will say that many of them were poor farmers who had to neglect and leave their crops to attend their duties in the convention. Many of them were wholly unable to bear the expense at all, and in that class of cases the ones who had would divide with the brother who had not. They were not aristocrats that built that constitution, and we are proud of it. They were not men who went there to distinguish themselves and cover themselves with glory, but who went there with an honest heart, a good conscience, and the product they created shows my version of the matter is true. [Applause.]

If that constitution had been made by autocrats we would not have had a provision for a general primary election; would not have had a provision for the initiative and referendum; would not have had an eight-hour day on the public works for the laborers of the State; would not have had within its borders a two-cent rate on every road within the State; would not have had a railway commission which has lowered the freight rates of Oklahoma in the past three years more than one-third of their former tariff; would not have provided for a board of public charities to look after the unfortunate and the poor; would not have had the longed-for "fellow-servants law" that every good citizen should support and want; would not have had strong impeachment laws for the removal from office for malfeasance in office; would not have prescribed that for every officer taking the oath of office in that State that he must swear that he has not, either directly or indirectly, paid or given anything of value to aid or in any manner contribute to the bringing about of his election or nomination; that he will not while in office ride on any free pass or accept any other complimentary thing to influence his official duties in any manner whatsoever; would not have made the charter of every corporation subject to referendum vote by the voters of the State; would not have made the constitution so simple and easy of amendment that a majority of the legislature may change its terms, but they do not become operative until submitted to a vote of the people of the State.

Laws like these are the product of that constitution; laws like these are what those convention delegates were doing on their own expense; laws like these are what we are asking you to help pay for; laws like these are the laws that don't tell the people they are powerful and sovereign, but it makes them so.

The CHAIRMAN. The gentleman's time has again expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman from Oklahoma be extended.

Mr. FERRIS. I thank the gentleman, but will not insist upon the request. I yield the floor. [Loud and prolonged applause.]

Mr. TAWNEY. Will the gentleman permit an interruption? Do you base the obligation on the part of the Government to defray these expenses upon any other ground than the fact that Congress in the past appropriated money for this purpose in the admission of other States?

Mr. FERRIS. In response to the gentleman I will state that I base it on that as one thing and in addition to that I think it is justice, and I think it is right that when a State is in the throes of organization, passing from territorialism to statehood, which is indeed a critical time, no land on the tax roll, no organization of county or State government, if there is an instance in the life of a Territory or State when they need assistance at the hands of this Government, surely it would be during that trying period and assuredly precedent has so held in the past.

Mr. TAWNEY. But as a matter of fact there is no legal or other obligation resting upon the Federal Government to defray any part of these expenses, and your demand now is based solely upon precedent and there is no precedent that you can cite where any State has received 75 per cent of the amount your State has received.

Mr. FERRIS. But, my dear sir, not in proportion to the population. We have a population thirteen times as large as the last four States admitted, and we are only asking for about three times as much as they had.

Mr. TAWNEY. But the question of population never determined or controlled Congress in the past in making the appropriations for defraying these expenses.

Mr. FERRIS. Then, if the gentleman from Minnesota [Mr. TAWNEY] will yield me one moment, I desire to say that there never has been a parallel case in the admission of any other State with Oklahoma, and I will tell you why. The entire eastern half of the State, which is known as Indian Territory, had no provisional government, had no county officers, had no representatives, had no taxes other than city and personal property tax——

Mr. TAWNEY. That is true.

Mr. FERRIS. And the first thing they had to do was to appoint county officers during that provisional government.

Mr. TAWNEY. But in the enabling act Congress also gave to your State an appropriation of $5,000,000 in cash.

Mr. FERRIS. That was in lieu of the school lands that belonged to the Oklahoma side, so that Indian Territory might start off square with the other side.

The CHAIRMAN. The gentleman's time has again expired.

Mr. TAWNEY. Mr. Chairman, I do not think I am justified in permitting the discussion to continue any longer. The point of order is made against this provision, and the gentleman who made it insists upon it. It is new legislation, and the appro-

priation is not authorized by law, and I ask for a ruling on the point of order.

Mr. GAINES of Tennessee. Will the gentleman withhold that for a moment?

Mr. TAWNEY. For a minute; yes.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I will ask the gentleman how much larger was the convention, the number of delegates in the convention, which framed this constitution, than those in former States, and how much greater was the population in the State of Oklahoma than in other States that have been formed?

Mr. LITTLEFIELD. He has stated the population proposition half a dozen times.

Mr. FERRIS. The population was thirteen times that of the last States.

Mr. GAINES of Tennessee. Is it not a fact also that Oklahoma is the largest and most populous Territory that has been admitted into the Union in years?

Mr. FERRIS. It is.

Mr. GAINES of Tennessee. Was the amount of money Congress gave to the State of Oklahoma in keeping with that condition of things?

Mr. FERRIS. I do not think so.

Mr. GAINES of Tennessee. Because of that you have this large deficit.

The CHAIRMAN. The Chair is prepared to rule. It is clear to the Chair that the proposed amendment contains several legislative provisions, and consequently violates Rule XXI, which provides that in a general appropriation bill no appropriation is in order unless authorized by existing law. The Chair therefore sustains the point of order.

Mr. CARTER. Mr. Chairman, when I rose to speak a moment ago I did not expect to be fired into by our friends across the aisle before I donned my war paint; but they did so, and I would like to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVENPORT. Mr. Chairman, during my remarks I was interrupted by gentlemen asking for time, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Executive office: For additional amount required for Engineer Commissioner (to make salary $5,000 per annum) for the fiscal years that follow:
Fiscal year 1908, $383.50;
For the fiscal year 1907, $135.10.

Mr. MANN. Mr. Chairman, I reserve the point of order for the purpose of asking whether this salary is provided by law.

Mr. TAWNEY. It is a statutory salary.

Mr. MANN. Then how does it happen that there is a deficiency?

Mr. TAWNEY. The former Engineer was a colonel; he was succeeded by a captain, and this represents the difference between a colonel's pay and a captain's.

Mr. MANN. I withdraw the point of order.

Mr. HULL of Iowa. As I understand, this has nothing to do with the rank and no part of this money can be used except to make up the difference between his salary and the $5,000 that is given the Commissioners.

Mr. HARDY. I rise, Mr. Chairman, before the close of the day, to incorporate in the RECORD what I would have liked to have asked of the gentleman from Iowa [Mr. HULL]. The gentleman, speaking this afternoon, said something with reference to the panic of 1893——

Mr. MANN. I make the point of order that the gentleman can not, under the five-minute rule, go outside of matters before the House. The House might as well come to that. The gentleman is not to be blamed for not being familiar with that, although he is a very conspicuous new Member here. In the Committee of the Whole, when we get to the five-minute rule, you must talk about the bill.

Mr. HARDY. If there is any objection, I bow to the superior wisdom of the gentleman.

Mr. MANN. The gentleman may not thank me; I did it in a very courteous way. The next time I will do it differently, as the gentleman does not seem to appreciate courtesy at all.

Mr. HARDY. Whenever the gentleman forgets to be courteous I assure him I will reply in kind. His courtesy is appreciated for all it is worth.

Mr. CLARK of Missouri. The gentleman from Texas has a perfect right to extend his remarks in the RECORD, notwithstanding what the gentleman from Illinois said.

Mr. MANN. That is not what he was doing.

Mr. HARDY. I say I desire to put in the RECORD what I would like to have said now and what I would have liked to ask the gentleman from Iowa.

The CHAIRMAN. Does the gentleman make that request now? Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Chairman, the gentleman from Iowa has stated that the panic of 1893 was caused by the Democratic triumph of 1892 and the country's anticipation of Democratic tariff reform. On that question I submit these facts, and in addition to these facts I want to state further that I have always understood and have heard it stated on the floor of this House without challenge that before the Administration of Mr. Harrison retired they knew they were necessary, and they had already prepared the plates for the bonds that had to be issued by Mr. Cleveland, and for which Republicans afterwards criticised him.

November 11, 1890, the reports showed financial distress in New York. The New York Clearing House Association voted its certificates to banks in need of assistance.

The Boston Clearing House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank, of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company, of Chicago, assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver Iron and Steel Mills, of Pittsburg, shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale Rolling Mills and Pike Works and the Charlotte Furnace and Coke Works in Pennsylvania closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank, at Kansas City, suspended, with liabilities at $2,250,000.

May 8, 1891, the Spring Garden National Bank, at Philadelphia, closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strike and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called "panic" of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and while its effects were felt for several years, it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York, in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depression for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff in 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,968 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year and 12,394 in the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus,' as usual.

"Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen years.

"The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds."

Mr. WILSON of Illinois. Mr. Chairman, we are discussing to-day a measure which will take from the public Treasury funds to be devoted to the improvement and development of the national capital.

The fact that we are making such appropriations brings forcibly to my mind the conditions under which the country has been laboring since October last, when men of criminal wealth, in order to escape the punishment which justly should be meted out to them, sought to create a situation that would impel the Government to stop enforcement of the law. Fortunately the condition of our country was such that we were able to emerge from it suffering only from a currency stringency and a slight depression which prosperity has obviated.

We are here to pass laws which shall deal fairly and justly with the public interests. The Republican party has passed such laws. The representatives of the Republican party have enforced those laws. The enforcement, which applies equally

to the rich as to the poor, aroused all those guilty of dishonest practices who feared the exposure of their deeds and the consequent punishment.

President Roosevelt, in observing his oath to enforce the law, has not permitted himself to be swerved from what was his plain duty. He was responsible for the railroad rate law, which has been of such inestimable value to the shipping interests of the country. He has exposed crimes perpetrated by the Standard Oil trust, bringing to its knees a corporation which considered itself so powerful that it stood above the Government of the United States. Through the Interstate Commerce Commission he investigated the so-called "Harriman situation," revealing an utterly indefensible condition of affairs caused by the action of the Wall street financiers in illegally combining great railroad systems of the West.

None of us soon can forget Harriman's exploitation of the Chicago and Alton, or the part played by him in attempting to absolutely dominate the Illinois Central.

No one can say that President Roosevelt was responsible for the railroad scandals which the investigation of the Interstate Commerce Commission disclosed. No one can charge President Roosevelt with responsibility for the insurance scandals. The corporation scandals and the stock jobbing scandals which aided in precipitating the financial panic of 1907 must be placed on other shoulders than those of our Republican President.

Throughout his Administrations President Roosevelt has been actuated by honesty, sincerity, and patriotism, and these cardinal virtues he has sought to earnestly impress upon our national life because he appreciated, as we must appreciate, that only through them can the Republic endure.

Now, Mr. Chairman, I have in my hand a pamphlet entitled "Roosevelt and the Money Power," which tells succinctly the story of the Roosevelt Administrations. It places where it belongs the responsibility for the panic of 1907, squarely upon the shoulders of those who precipitated it. It is as follows:

"SO COMES A RECKONING WHEN THE BANQUET'S O'ER."

When in the course of time a historian shall marshal the living facts relating to the financial depression which overtook the United States in the year 1907, his generation will read his conclusions and marvel at the truth they reveal.

And that generation with truer perspective than that which is suffering, will stand aghast at the tale of flagrant and flaunting thievery, of reckless and criminal wrong-doing, of wanton and brutal disregard of right and law; and its amazement will be followed by humble thanks to God for the Moses which led their country, purified, undaunted, and uninjured, from the Stygian evils which unscrupulous men had brought upon it.

WHAT HISTORY WILL REVEAL.

"The wickedness of a few is the calamity of all;" and those who had lusted after swollen wealth and power, cared naught that the sickening end of their piratical operations might be mad panic, making men hoard their earnings; threatening to shake national credit and confidence; to close mills and shops, and to bring poverty and anguish in homes where comfort and joy had prevailed. The day has come when the guilty are being haled naked before the judgment seat of public opinion, there to render heavy account for the trust they violated, to reveal the shameful details of how treason triumphed over patriotism, and ambition over conscience; and to confess the desperate and cowardly character of the measures they took to save themselves from punishment.

THE PROGRESS MADE.

Stupendous as has been the progress of the United States since the civil war, it has been accompanied by evils which tinge with sorrow the natural pride every American must feel in the achievement. He has marked that that struggle, instead of weakening, gave strength to the institutions of his Government. He has witnessed the obliteration of sectional lines. He has seen his country become the wealthiest on the face of the earth, and knows that every person in it has partaken of this prosperity. He recalls the easy conquest of a foreign nation, the acquisition of new territories, the liberation of an oppressed people, and the undertaking of the colossal task of connecting the waters of the Atlantic and Pacific, and he has noted the almost commanding influence his Government enjoys in the councils of the world.

THE GOOD AND BAD OF CORPORATIONS.

In the achievement of these marvelous results the American people are greatly indebted to those soulless things known as corporations. Through these combinations it has been possible to form large aggregations of capital, to perfect the methods of business, to extend both the domestic and export trade, and to effect important economies of benefit both to the producer and consumer. Great capital or a large combination of capital is not necessarily inimical to the national welfare, having no essential relation to monopoly. But, unfortunately, a small proportion of these combinations have developed into hugh monopolies, thereby destroying individual initiative, enabling command of the men they employ and weakening the mental and moral fiber of the community, and leading to increased and often extortionate prices. They have sought, and in some instances gained, control of the natural resources of the country and of the food supply of the people, dominated the steel highways of commerce and minimized the use of natural highways, and employed every method possible to aggrandize themselves, not forgetting even to pick the pockets of the very poor. To this end they have purchased city councils, debauched legislatures, placed their minions on the benches of courts of justice and in Congress, and even drawn their slimy trails across the executive machinery of Government. They have possessed no humanitarian sentiments. They were created to exploit, and the purpose strengthened with its exercise.

THE NEED PRODUCES THE MAN.

It is a saying that has become a commonplace that the American people may depend upon their need to produce the man capable of dealing with it. While enormous development was progressing, and evils were waxing strong, there was being fashioned a man capable of assisting the former and overcoming the latter—a man who believed with Lincoln that this is a government of the people, for the people, and by the people. Theodore Roosevelt was prepared for the great destiny awaiting him. In those qualities of mind, character, and personality he embodies the ideal of twentieth-century Americanism; and in methods and business of Government he has enjoyed a practical and theoretical training extending back to 1881, when he first assumed public office. Both in peace and war his native courage and decision have been displayed and these characteristics have been strengthened by their use. "Intolerant of evil, his spear knows no brother." The good of the people has been and is his single purpose.

HIS UNSELFISH VOW.

So when in September, 1901, William McKinley was assassinated at Buffalo, Mr. Roosevelt assumed the office of President, fitted by his remarkable character, personality, and training to understand the great and varied responsibilities of that high position. There were some who professed to believe that what they called the "impulsiveness and blunt methods" of Roosevelt, would, in a short time, involve the country in a bloody conflict that would shatter the peace of the world, and lead to the ruin of the people. Though unbound by any precedent or pledge, Mr. Roosevelt chose to regard himself merely as the instrument selected to do the things McKinley would have done had he lived. "In this hour of deep and national bereavement," he solemnly declared, "I wish to say that it shall be my aim to continue absolutely unbroken the policy of President McKinley for the peace, prosperity, and honor of our beloved country."

CUBA'S DEBT TO ROOSEVELT.

How that generous vow has been observed the nation knows. In spite of his remarkable individuality, Mr. Roosevelt adjusted himself to the conditions he found, retaining the Cabinet of his predecessor, maintaining harmonious relations with Congress, and applying himself to the execution of the policies McKinley had formulated. He gave independence to Cuba and insured the prosperity of the island by arranging a mutually advantageous treaty of commercial reciprocity; but to prevent the return of anarchy, with its train of evils, injurious not only to the Cuban but to the American people as well, he was compelled four years later to reestablish American occupation. This was done quietly, peacefully, without wound to the keen sensibilities of the Cubans, and it was accompanied by a pledge that evacuation would occur the second time when the natives showed a greater readiness to govern themselves. Alive with gratitude and enthusiasm for the United States in consequence of its liberation of their land from the chains Spain had riveted about it, the first occupation was naturally free from an anti-American movement. The suspicion evoked by the second American occupation, necessary as it was in the interest of the Cubans themselves, could easily have given rise to demonstrations and revolt; but so tactfully has the situation been handled that the Cubans are patiently waiting for the time when the government once more shall be confided to their hands. Had less courtesy and consideration been displayed, the United States to-day would be engaged in the same kind of strife in Cuba that Spain found necessary during the last twenty-five years of her possession. The single compensation the United States has obtained for the unselfish course it has pursued, alike under McKinley and Roosevelt, is Guantanamo Bay, on the south side of the island. A naval station has been established there which commands the Caribbean Sea and enables the Navy more advantageously to protect the southern coast of the United States and the Panama Canal. It is the opinion of European diplomats that the highest statecraft has been displayed in dealing with the Cuban question.

UPBUILDING COLONIAL GOVERNMENT.

As in Cuba the President peacefully carried out the policies of McKinley, so in the Philippines he sought to realize the high aims and purposes of the Executive so cruelly slain at Buffalo. Immediately following the suppression of the insurrection, the army occupying the islands was reduced from 67,000 to 15,000 men. Every encouragement was given to the Commission, headed by William H. Taft, now Secretary of War, to establish civil government, with the result that to-day Filipinos fill most of the offices and have their own elective assembly. The work done in the Far Eastern Archipelago belongs to the highest type of constructive statecraft, and Theodore Roosevelt has lost no opportunity to impress upon it the high civic ideals which he has entertained always. Porto Rico, too, has been a subject of the President's attention. The good of the people of that small island has been his object, and the maintenance of peace and the prosperous condition of its inhabitants are testimony of the wisdom of the policy pursued with respect to them.

THE PANAMA CANAL.

For half a century it had been the dream of the American people to connect the waters of the Atlantic and Pacific by means of a ship canal. All of President Roosevelt's predecessors during that period had appreciated the inestimable advantage of such a waterway; many of them recommended that it be undertaken. But both at home and abroad obstacles were placed or found in the way of the enterprise, the former, made up for the most part of railroad interests, which foresaw competition on long hauls and a consequent reduction of freight rates, and the latter due to the Clayton-Bulwer treaty of 1850 with Great Britain, which prohibited the United States from exclusive control of the waterway. During the Administration of President McKinley Secretary Hay negotiated a treaty abrogating the treaty prohibition, but the Senate declined to ratify without important amendments. Under the Administration of President Roosevelt Secretary Hay negotiated a new treaty, which was ratified twelve days after submission and effectually removed all interference by a foreign power in whatever action this Government might take with respect to the project.

GOOD FAITH OBSERVED.

Then with that energy which characterizes his every move, the President induced Congress to authorize the construction of an Isthmian canal; and when it seemed wise to abandon the Nicaraguan route, he insisted upon American jurisdiction over the Panama Zone, first in the negotiations with Colombia, and then with the independent Republic of Panama, which separated from its mother state. In every step he took the President's course was marked by good faith and disinterested statesmanship, without armed conflict with Colombia and

with the general and hearty approval not only of the American people, but of the great states of Central and South America and the powers of the Old World.

WHAT HAS BEEN DONE IN PANAMA.

Once the way was paved for construction the President threw himself enthusiastically into the work. The results speak for themselves. The Panama strip, which in the days of French construction was one vast graveyard, is to-day as healthy as the United States. Clean, comfortable quarters have been provided for employees. A railroad system, as unlike the Panama Railroad of days preceding American occupation as the New York Central is to the railroads of forty years ago, has been established, which is used for handling traffic across the Isthmus and to aid in canal construction. The work of digging the canal is proceeding energetically, more than a million cubic yards of dirt being removed monthly, and this amount will be doubled within a very short space of time. Although enormous expenditures, aggregating more than $26,000,000 per year, have been made, there has not been the slightest justification for or hint of charges of graft. It would seem that the visit the President paid to the Canal Zone in 1906, which was so encouraging to every man connected with the enterprise, had imbued all the employees from the chief engineer down to the meanest laborer with that sense of loyalty, zeal, and honesty which is so firmly rooted in the character of their distinguished chief.

SAFEGUARDING THE NATION.

We have seen how peace dominated President Roosevelt's conduct in Cuba, Porto Rico, the Philippines, and on the Isthmus. Now let us glance at the relations he has maintained with the great powers of the world. The President is no weakling. Summed up in his own words, the policy which guides him is: "Tread softly, but carry a big stick." The conquest of Spain transformed the United States into a world power. Prior to that time it had been merely a potential force in international affairs. President Roosevelt has made the United States not only a member of the council of nations, but one of the commanding figures of that council. To achieve this notable position, which carries with it respect for American citizens in foreign lands, promotion of American export trade, and protection of the United States and its citizens from insult and ignominy, from treatment, to illustrate, such as China receives, the President strongly advocated reform of the Army and enlargement of the Navy. His experience as a soldier and as Assistant Secretary of the Navy gave him an appreciation of the needs of those services which few other men can possess. To-day, the United States possesses a nucleus of a modern army, around which millions of untrained men may rally. The coast defenses of the United States are in condition to repel assault. A fleet of sixteen modern battle ships and eleven armored cruisers, with their auxiliaries, is about to be organized, and is a weapon for peace which no nation, however powerful, can afford to disregard. Those who recall the pin-prick policy of Japan in the spring of 1907, which magnified minor questions into serious complications, and of the labor agitation on the Pacific coast against the Japanese, which unfortunately is still continuing, are thankful that the foresight and judgment of Theodore Roosevelt have furnished the means which will preserve their beloved country from a bloody and unnecessary war. The American people are not a military people. They are peace-loving. But they realize that to be unarmed and assertive of their rights is to invite disaster. And this realization is responsible for the wholehearted support given by farmer, workman, and professional man alike to the Roosevelt policies of enlargement and improvement of the Army and Navy.

FRIENDS WITH ALL THE WORLD.

More than six years have passed since Mr. Roosevelt gave his promise to continue the policy of his predecessor for the peace of his native land. During that long period the American dogs of war have been held well in hand. Not a ripple has disturbed the surface of our international relations. Germany, Great Britain, and Italy blockaded Venezuela and threatened infringement and even violation of the Monroe Doctrine. President Roosevelt induced these powers to raise the blockade and to reenter upon peaceful relations with the South American Republic. When his Administration began, he found the relations between the United States and Germany strained. To-day those relations are most cordial, Germany losing no opportunity to manifest its good will and friendship for the great American nation. Tired of the conditions which existed in Santo Domingo, Europe determined to intervene, with a view to securing greater protection for its interests and payment for debts acknowledged and unpaid. To-day the disorder of that island has been replaced by order; a revolutionary government has been succeeded by a stable government; arrangements have been made for the prompt payment of all debts, and an era of prosperity and civilization stretches out before the people of that unhappy land. Venezuela and Santo Domingo furnished opportunities for the reassertion and strengthening of the Monroe Doctrine, and caused general recognition of the position of the United States as a just and disinterested arbiter in the affairs of the Western Hemisphere.

THE GREAT RUSSO-JAPANESE PEACE PACT.

But events were to show that the United States was not merely entitled to respect as the determining factor in American questions. The slow, silent advance of Russia toward the unfrozen Pacific, its domination of Manchuria, and its purpose to acquire Korea provoked Japan to war. President Roosevelt's first move was to proclaim and enforce American neutrality; his second, one most beneficent to humanity at large, to restrict the theater of military operations to Manchuria and Korea. Had the belligerents been allowed to conduct their military operations wherever in China they pleased, the vast Empire would have become the prey of every nation, and a world war would have been precipitated. As it was, there was constant danger that Chinese territory would be invaded and occupied and other countries drawn into the Russo-Japanese struggle. The President, therefore, constantly sought a means to arrange peace, making his overtures so tactfully that neither belligerent could feel offended nor rebuff the United States, and at last through his efforts he brought their plenipotentiaries face to face, and, in spite of hostility, mistrust, and disagreement, created a world sentiment which forced them to sign a treaty of peace. Thus China was preserved intact, and the United States successfully had maintained the principles of the Integrity of and the "open door" in that Empire. At the time the President was arranging the preliminaries of the Russo-Japanese peace, the Morocco question threatened to disturb European relations, and here again Mr. Roosevelt exercised his powers of right doing and brought about a European concert with regard to that benighted land.

A MAN OF PEACE.

History will term Theodore Roosevelt a man of peace and not a man of war. It will not only recount his achievements with regard to Venezuela, Santo Domingo, Morocco, and the Russo-Japanese war, but it will note the arbitration of the Alaskan boundary question which resulted in the recognition of American claims; the steps he took to establish stability in Central America and to preserve the Republics to the south of us from European collection of debts by force; the arrangement he made to increase the prestige of those Republics by securing their participation in The Hague conferences; the permanence he gave The Hague arbitration tribunal, through the reference to it of certain phases of the Venezuelan dispute, and the encouragement and support he extended which is assisting it to realize the lofty purposes for which it was established; and finally the promotion of more intimate relations between the Pan-American States, with arbitration of all differences as their basis. It is a record which sheds luster upon the American people; and they owe their new glory to the energy and courage of the President.

THE SANCTITY OF THE HOME.

Turn now to the domestic achievements of the President. There, too, we see that nicely balanced exercise of right, of the enforcement of the "square deal." Mr. Roosevelt knows his country and his countrymen. Born and bred in New York, educated in New England, plainsman in the West, he came in contact with all the people and gained an insight into the resources of the land. He knew the needs of the former, the extent and possibilities of the latter. A home lover himself, he fanatically believes in the preservation of the home. Possessing those virtues recognized as belonging to the truest type of manhood, a model husband, a tender father, he has not shrunk from using his influence in behalf of decency and of impressing upon his fellow-citizens the plain duty of providing their country with sound, healthy sons and daughters to carry it on to that splendid future which the past and present promise for it. There has been no cavil or cant about the President's expressions. Seven years before he entered the White House he proclaimed them to the world, and he did it then as he did it when at the head of the nation, because he believed that when the capacity and desire for fatherhood and motherhood are lost the race goes down, and should go down.

MORAL, MENTAL, AND PHYSICAL EDUCATION.

The greatest patriots are the mothers from whose wombs spring the sons to develop in peace or to defend in war their common land; and maternity has been reverenced in all ages and in all civilizations. In both their mental, physical, and moral make-up the President has been solicitous that American youth shall attain a high standard. He has preached the doctrine of education not alone for the benefit of the individual, but because he believes a thoroughly efficient system of education comes next to the influence of patriotism in making the nation great. The Federal Government is estopped by States rights from promoting such a system, but the President has advocated the most advanced legislation that wisely can be enacted for the District of Columbia, believing it will set an example to the States. A sportsman himself, the President believes in clean sport, and he has encouraged competitive games between the Military and Naval Academies and has followed with deep interest and given an impetus to the elimination of brutality from football.

RESCUING HOMES FROM THIEVES.

While Mr. Roosevelt has been limited to words in promoting private morality, he has been able, through the exercise of administrative power and the assistance of Congress in enacting proper laws, to fortify the home and to aid the home builder. He has rescued millions upon millions of acres of the public domain from the rapacious grip of influential thieves, and has dedicated them to the homeless. He is responsible for the reclamation policy, which is irrigating arid lands and draining swamps. The irrigation projects now under way will add 6,468,000 acres to the crop-producing land of the United States. Comparing this enormous area with that under cultivation, it is estimated the value of farm crops will be increased annually by $120,000,000; the taxable property of the people by at least $500,000,000, and homes will be furnished to almost 300,000 families. There are over 60,000,000 acres of swamp or overflowed land in the United States, and if it were possible to reclaim 25,000,000 acres, as the President hopes, the land values of the country would be increased by more than $2,500,000,000 and the crop values by more than $750,000,000. Subdividing this enormous area into 40-acre farms, 1,250,000 families would be supplied with homes. If his successors carry on the policy President Roosevelt has inaugurated in this connection, there will be no crowding of the United States for many long years, however prolific American parents or however great the tide of immigration coming to our shores.

HONESTY THE ROOSEVELT SLOGAN.

Public and civic morality has been recognized as one of the corner stones of the Roosevelt Administration. The President has demanded that the servants of the people be honest. He has no temper for fraud or wrongdoing. In spite of the clamor of politicians, he cleaned out the Post-Office Department. He renovated, also, the other Executive Departments. He ruthlessly removed district attorneys, marshals, and other officials who gave aid to or placed obstacles in the way of the prosecution of land or other thieves. He gave his countenance, though he could not give his assistance, to the movements to provide States and municipalities with clean administrations. At his instance Congress passed a law prohibiting contributions by corporations and national banks to campaign funds. Honesty, honesty, honesty, has been and is the President's unceasing cry, and it has reverberated in all sections and given impetus to that great moral regeneration, the influence of which has been felt both at home and in foreign lands.

ROOSEVELT A CONSTRUCTIVE STATESMAN.

President Roosevelt has not been merely reformatory; he has been constructive. His Administration has witnessed the organization of a new Executive Department—that of Commerce and Labor—the creation of a service for the protection and development of the forests, the reorganization of the consular corps, and the establishment of the foundation for industrial peace, which is intended to facilitate the settlement of disputes between labor and capital. The foundation was made possible through the award to the President of the Nobel peace prize for his services in terminating the Russo-Japanese war. But the piece of constructive work for which Mr. Roosevelt will long be known is in connection with governmental supervision of the railroads. In enforcing the law against rate discrimination by railroads in favor of

large shippers, and in compelling the passage of a new law to enable proper regulation of railroad rates by the Interstate Commerce Commission, the President dealt a blow to one of the greatest evils in connection with industrial combinations and insured equal treatment for the small with the large shipper. This law was not enacted without one of the most bitter legislative struggles the country has ever seen, the forces arrayed against it being the railroad and certain corporate interests, which lost no opportunity to prevent or nullify the President's purpose. But backed by an overwhelming sentiment, a bill meeting with the President's approval was placed on the statute books, and it is being enforced judiciously and fairly and has given results which to-day are as satisfactory to the railroads as they are to the people.

BUILDING UP THE NATION'S WEALTH.

It is a positive pleasure to describe the effect of the policies of President Roosevelt. Every man, woman, and child in the country has enjoyed throughout his Administration the luxuries which accompany an abounding prosperity. Had the President been as mischievously inclined as his enemies would have us believe, it would not have been difficult for him, with the immense power his office affords, to have embarked upon a course which long ago would have brought disaster. As it is, the President, by his determination to make honesty and decency triumphant, has been more conservative than the men who claim to be conservative, but really are reactionary. During the past six years—

Commerce has increased by $1,057,000,000.
Manufactures have increased by $2,000,000,000.
Crops have increased by $2,058,000,000.
Transportation by rail increased by 500,000,000 tons.
Transportation on the Great Lakes increased by 30,500,000 tons.
So much for the prosperity of the country generally.
Now as to the effect upon the individual:

WHAT THE INDIVIDUAL HAS GAINED.

Unfortunately the industrial statistics available are only those of the Census Bureau for 1900 and 1905. Yet they give a fair idea of the effect of the Roosevelt policies.

They show that:

"The number of industrial establishments in those five years, four with Roosevelt as President, increased by 8,700.

"The capital employed increased by $3,700,000,000.

"The number of salaried officials and clerks in industrial establishments increased by 155,000.

"The salaries of salaried officials and clerks in industrial establishments increased by $190,000,000.

"The average number of wage-earners increased by 609,000.

"The total wages paid increased by $602,000,000.

"The value of products of all the establishments increased by $3,400,000,000."

ASK YOURSELF.

But, after all, the easiest way to determine the effect of Roosevelt and the Roosevelt policies is to consult yourself:

"Do you earn more now than you did in 1901?

"While the cost of living has increased, do you not enjoy more luxuries to-day than you did in 1901? In other words, do you not live better?"

THE POOR MAN POORER ABROAD.

Glancing for a moment at the official statistics of the different countries in Europe, we find:

That the increase in the wages of labor has not kept pace with the increase in the prices of food and other necessities.

In other words, the poor man in Europe is poorer than ever.

THANKSGIVING OF THE FARMER.

Now let us turn to the condition of the farmers.

In five years the value of our farm real estate increased almost $7,600,000,000.

In five years the value of domestic animals increased more than $1,000,000,000.

In five years, then, the farmer's total capital, as composed of domestic animals, other live stock, and implements and machinery, increased by at least $8,600,000,000.

During the last seven years the farmers have produced an amount of wealth that has made them more prosperous than the farmers of any country of any age.

The value of their products in 1901 was $5,300,000,000. In 1907 it was $7,358,000,000, an increase of $2,058,000,000.

PROSPERITY OF THE FARMER.

What has been the effect of this tremendous prosperity upon the farmer?

His standard of living has risen.
He has become a traveler.
He has his telephone, his daily mail, and his newspaper.
He is debt-free.
He has money in the bank, or his promissory note is good.

ADVANTAGES TO POSTERITY.

Thus we see the wageworker, the salaried industrialist, and the farmer increasingly benefited during the years President Roosevelt has been at the head of the nation. We know also that the shipper no longer suffers from barefaced discriminatory methods, and that the small dealer stands a better chance in competition with the powerful corporation. The general practice of giving and receiving railroad discrimination never has been so curtailed as is the case to-day. We find that our food has been made more healthful, our drink purer, our medicines freed from adulterations. We see more careful scrutiny of immigration. We see action taken to conserve our mineral resources. Wherever the need, there the President has acted; and not only the present, but all future generations will enjoy the fruits of his wise policies.

THE FORESTRY POLICY.

Let us glance for a moment at the steps taken by President Roosevelt to conserve our natural resources. The national forest policy as it now exists has taken shape during the present Administration. On October 1, 1901, the area of the Government's forests, then under the administration of the Department of the Interior, was only 46,153,119 acres. To-day, six years later, the national forests have an aggregate area of 160,000,000. The year before the consolidation of the Government's forest work the income from the use of the resources of the national forests amounted to $59,000. For the fiscal year ending June 30 last the proceeds amounted to more than $1,530,000. These figures show that the great areas in the national forests have been brought to a condition where they are beginning to serve the purposes of the West. The conservation of timber and forage through wise use and the protection of stream flow is the only insurance of many industries which have contributed materially to the prosperity of the country.

THE FORAGE CROP.

The forage crop of the 160,000,000 acres of national forests supports cattle, horses, sheep, and goats which pay into the pockets of Western stockmen in profits something like $10,000,000 annually. The annual timber crop which these forests are capable of producing would be worth, on the stump, at present prices, perhaps $10,000,000 more, and probably ten times this amount when prepared for market. In many regions the national forests are the only guaranty that the user of wood will be able, in the future, to get it at any price.

By the wise use of the enormous resources of these forests, which, under the operation of the land laws would, but for their withdrawal from entry by Presidential proclamation, now be almost wholly in private hands with only nominal compensation to the public, they can be made, so to speak, to develop themselves. Without their conservation and development, there is not a form of human activity that would not, at some future time, suffer hardship.

THE MAJESTY OF THE LAW AND EQUAL JUSTICE FOR THE RICH AND POOR.

To President Roosevelt, the law is law. As a citizen, it is his duty to obey it; as the Chief Magistrate of the nation, it is his duty to enforce it. A man's wealth or a man's poverty makes no difference in his view, so far as the law is concerned. The fact that a special interest is powerful and rich is no reason why it should be excepted from the operation of the law. The fact that the men comprising that special interest have attained prominence and wealth and possess political and social prestige and influence is no reason why they should be excepted from the operation of the law. Similarly, the labor organization is amenable to the law, and the labor leader can not expect it to be contracted or expanded for his benefit. The President emphatically believes that if the people express their will, it is incumbent upon their servants to give that expression effect. If the law be inadequate, it can be amended; if obnoxious to the general welfare, enforcement will cause its prompt repeal.

CHANGED CONDITIONS REQUIRE NEW LAWS.

To a man so constituted, it was impossible to do otherwise than to enforce the law. When his administration first began, he was asked what action should be taken respecting charges against a United States Senator. His answer was: "Enforce the law, no matter how high or how low it may hit, and enforce it impartially." At the same time the President recognized that new social problems had appeared as a result of the tremendous and highly complex industrial development which the nation had enjoyed. The old laws and the old customs, which had almost the binding force of law, were once quite sufficient to regulate the accumulation and distribution of wealth. But having become inadequate to meet the changed conditions, it was imperative they should be improved. To insure proper legislation, which should not be harmful to the delicate mechanism of modern business, it was above all essential that an accurate knowledge of these conditions should be had. History has established that legislation inspired by hatred and fear and undertaken in ignorance is always unwise and ineffective. The President desired that calm inquiry should be made to establish what abuses existed, and then that the measures needed to correct them should be enacted in a spirit of sober self-restraint. No one appreciated more than he that crude and ill-considered legislation, which might turn out to be bad, created a risk of national disaster; and in his judgment it was preferable to do nothing than to run such risk.

CORRECTING THE ABUSES.

The six years of President Roosevelt's Administration have witnessed the enactment of Federal laws dealing with corporations and railroads and the development of a public opinion which have gone far to correct the grave abuses the President found when he assumed office. John D. Rockefeller and the other Standard Oil magnates could not, with success, carry on in cynical scorn of the rights of the people, the outrageous and oppressive operations which have made their trust so powerful. Edward H. Harriman would not dare to exploit to-day another railroad property as he did the Chicago and Alton. Yet both Rockefeller and Harriman have sneered at the reform policies of the President. Rockefeller's agents placed the Standard Oil above the Government. The creature had become more powerful than its creator. Harriman, having ascertained the limitation of existing law, conducted his indefensible speculative operations in the belief that he was safe from governmental prosecution. Apparently, both the Standard and Harriman believed in observing the law, but only in so far as necessary to avoid the penalties it imposed.

CREATING A MODERN MISSISSIPPI BUBBLE.

Inspired by just such operations as those of Harriman and his ilk, others, perhaps less shrewd, but equally callous and corrupt, embarked upon schemes which approached as near common swindling as high finance ever does. Corporations were organized, the capital of which ranged from five to fifty millions dollars, while the actual cash on hand with which to commence business was acknowledged to be only $1,000 in each case. These corporations included everything from an invention which might be useful to a mine which might contain gold and frequently did not exist. The wonderful prosperity of the country fully justified expansion, but not inflation or swindling. And it was fortunate there was a man like Mr. Roosevelt at the head of the nation strong enough to turn on the light and expose conditions favorable to the formation of another Mississippi bubble. Had not the public become aware of the dishonest practices which were being perpetrated by men who presumably were entitled to national respect and confidence, undoubtedly the reign of George Law would have had repetition and the United States would have become involved in a financial crash of great magnitude.

LIGHT AND DARKNESS IN FINANCE.

President Roosevelt believes in publicity. Here again he is directly opposed to the Rockefeller-Harriman type. Mr. Roosevelt has never had anything to conceal. What deception Rockefeller found necessary in the organization and development of the Standard Oil trust! What practices Mr. Harriman stooped to in order to accomplish the schemes constantly revolving in his mind! In what pits of darkness these high financiers worked overtime. Mr. Roosevelt holds that the honest corporation has nothing to fear from publicity; that there is no reason to spare the dishonest corporation. The beef trust, tobacco trust, and sugar trust interposed every possible obstacle in the way of governmental inspection of their books. Why? The Standard Oil Company absolutely declined to aid the Bureau of Corporations, which President Roosevelt organized, in the inquiry instituted into its affairs.

The report of the Bureau establishes potent reasons for this defiant attitude. Mr. Harriman hampered the investigation of the Interstate Commerce Commission into the situation he created through the merger of the Union Pacific and Southern Pacific and his manipulation of the Chicago and Alton and other properties, and went so far as to refuse to answer certain questions. The report of the Commission makes it clear why he considered himself impelled to adopt this course. The Government has begun legal proceedings to force him to furnish it with the information desired.

MONOPOLY DESTRUCTIVE TO LIBERTY.

There is nothing so inimical to liberty as monopoly. Its existence controls wages, fixes selling prices, indeed determines every condition of life since it may employ or discharge, reward or punish, as suits its fancy. It crushes independence, destroys initiative, and fetters progress. It leads to crime, as witness smuggling in those countries where government monopolies obtain, and it provokes a sensitive, proud people to revolt.

PROSECUTIONS UNDER THE ANTITRUST LAW.

The Sherman antitrust law specifically prohibits combinations in restraint of trade. It contains provisions for civil action to dissolve an offending corporation. It contains also a provision for the punishment of the men guilty of restraining trade. It has been alleged that there are no combinations which violate this law. The statute was approved on July 2, 1890. During the Administration of President Harrison, three combinations found to infringe the law were judiciously dissolved. Three were ordered dissolved during the Administration of President Cleveland. Two injunctions were granted while President McKinley was in the White House. Five years of President Roosevelt's Administration witnessed the institution of twelve bills in equity, of which six were granted; thirteen indictents, of which three resulted in indictments and nine are pending, and two convictions for contempt for refusal to testify before a grand jury.

MONOPOLIES CONTROL PRICES.

It is the earnest effort of defenders of monopolistic combinations to demonstrate that the prices of commodities in general consumption depend absolutely upon the natural law of supply and demand. Of course the combinations have assisted the law wherever declines have occurred, but no, no never, are they responsible for increases. Mr. Rockefeller admitted that combinations may be formed for speculation in stocks rather than for conducting business, and that for this purpose prices might be temporarily raised rather than lowered. Yet Mr. Rockefeller's trust used its monopoly power to compel producers to sell at the prices dictated and to extort excessive prices from consumers. The heads of other trusts, who have been less cautious in their utterances than Mr. Rockefeller, admit that the result of the formation of their combinations was reduction of prices paid to the producers and increase of prices made to the consumers.

THE STANDARD GREATEST OF ALL TRUSTS.

The greatest of all trusts, so far as investigation to date has shown, is the Standard Oil Company. This company with its affiliated concerns refines and sells fully 85 per cent of the illuminating oil, naphtha, and lubricating oil made and sold in the United States. It transports more than 90 per cent of the crude oil transported through pipe lines in the principal oil fields. In large sections of the country there is practically no independent oil sold, the Standard's own estimate of its proportion of the business exceeding 95 per cent.

PROFITS OF THE STANDARD.

The Standard has used its monopoly power to extort unreasonable profits. Its profits in 1903 were over $81,000,000 on a capital of about $98,000,000. The profits in that year constitute nearly 40 per cent of the total investment of the company as carried on its books. During five years the average increase in the price of oil was about 2 cents per gallon. The Standard's sales of petroleum products in the United States amount to about 1,400,000,000 gallons annually. The increased rate represents an enormous and altogether unwarranted increase in profits. Mr. Rockefeller could afford to be philanthropic and to distribute, as he has done, something like $150,000,000 "for the benefit of his countrymen."

REBATES AS AIDS TO MONOPOLIES.

It has been established beyond doubt that the greatest aid to the development of huge combinations was the rebate. Not only did the railroads grant them to favored shippers, but it was a common device of combinations for maintaining prices to sell goods to wholesale dealers, granting them after a certain period a rebate, provided such wholesalers failed to sell the goods at less than fixed prices. But the railroads were the chief offenders in this respect. It was a matter of the most common knowledge that railroad officials upon slight salaries and in a very few years amassed considerable fortunes, because it was within their power, by giving slight concessions in rates, directly or indirectly, to determine the fortune of any industry, whether it should prosper or fail. In numerous cases rebates over great sections of the country averaged upon the product of largest movement from 10 to 40 per cent of the published rates. Such advantages were given to those who could compel them by the large volume of traffic which they could control or to those with whom the railroad or its officials were intimately identified in interest.

CRIMINAL CONSPIRACIES.

Such practices inevitably led to the growth and prosperity beyond normal bounds of the industries so favored and to the utter destruction and bankruptcy of those industries to which such advantages were not extended; and, indeed, it is the judgment of those who have made investigations into the rise of some of our most potent and pernicious industrial combinations that they were alone made possible by a criminal copartnership with our interstate common carriers. So long as the railroads might extend one rate to one shipper and another rate to a competing shipper neither capital nor labor was free to seek those lines which offered the greatest return, for under such conditions the man of wealth and enterprise, together with the workman of intelligence and skill, were alike dependent upon the benevolence or malevolence of railroad officials.

RAILROADS ARE GOVERNMENT AGENCIES.

It is, therefore, not without justifications to say that one of the real accomplishments of President Roosevelt has been the putting in motion of those forces which have led to a change of railroad policy affecting so intimately the industrial life of the nation. Railroads are highways. The right to use the highways is a political right—fundamental and inalienable—which springs from the very nature and necessities of social order. It differs altogether from contract rights, which rest wholly upon mutual and voluntary agreement. The railroad, therefore, is not a private enterprise, but, in fact and in law, an agency of government for performing a public service of the highest utility. The right to use its facilities is primary and inherent, and the very essence of that right is equality and reasonableness of conduct and charges.

SECURING REASONABLE AND JUST RATES.

The right of the public to rates that are reasonable and relatively just measures the duty of the carrier, and that duty is no longer questioned even by the railroads. The question that faced the President was how the performance of this conceded duty could be secured. Obviously not by fixing rates by direct legislation. That method was plainly impracticable. Indeed, its use by certain States has provoked much adverse comment and is regarded by many as the principal cause of present disturbed business conditions. But, granting the feasibility of fixing State rates in this way, no one pretends that the Congress should undertake to deal directly with the vast and complicated network of interstate rates. On the other hand, it seemed evident that railway managers should not be the sole judges of the reasonableness of their own rates, nor the final arbiters of the just relation of rates as between different localities and different articles of traffic. Some authority there surely should be, superior to and independent of the carrying corporations, to investigate their schedules, prevent unjust exactions, and equalize so far as might be the burdens of transportation.

THE MEANS TO CORRECT ABUSES.

The plan adopted was for Congress to define the principles or rules of conduct which the carrier should observe, and to authorize an administrative tribunal to inquire and decide, after full hearing, whether particular rates and practices, of which complaint was made, do or do not conform to the established standard, and if such complaint be well founded to prescribe the lawful rates and practices to be substituted for the future in place of those condemned.

RAILROADS NOT IN GOVERNMENT'S HANDS.

This is the method or plan of regulation under the existing statute, including the amendments of 1906. Let those who condemn this method propose one more likely to protect the rights of both the railroads and the public or better suited to promote relations of mutual justice. To say that such a scheme of regulation is "fixing railroad rates" and "places the railroads in the hands of the Government" is to make a wild and baseless assertion, which finds no excuse in the theory of the law or the results of its administration. On the contrary, experience shows that its provisions are sound and wholesome and that its operation tends strongly to enforce fair dealing by the railroads and at the same time to sustain the value of railroad property.

NEED OF THE LAW.

To say that such a measure was "absolutely superfluous" because there has been a return of only 4 per cent upon the "modest capitalization" (!) of American railroads, is a non sequitur so obvious as not to admit of argument. The statement may be accepted as to aggregate capital and average earnings, but it manifestly does not follow that some roads are not overcapitalized, and that some or many rates are not excessive and discriminatory. Indeed, the evident purpose of this law is not to reduce rates generally, but to reach and correct the particular instances of departure from the standard of reasonableness and relative justice. It has already been amply vindicated, and its benefit will be more apparent as time goes on.

DEBT OWING TO MEN WHO DO.

It has never been President Roosevelt's policy to strike at a man of wealth because he possessed wealth. Socialists and demagogues have advised him to aim all his shot at capital; the money kings have urged him to enforce the law and to secure legislation only in their interest. He appreciated that prosperity could never be created by law alone, although it could be easily destroyed by mischievous laws, or that law could guard us against the consequences of our own folly. When he assumed office he knew that the men who are idle or credulous, the men who seek gain not by genuine work, but by gambling in any form, are a source of menace not only to themselves, but to the people generally. The President recognized the great debt the people owe to those captains of industry who drove railroad systems across the country, and he believed also in leaving as unhampered as compatible with the public good those strong and forceful men upon whom the success of business operations depends. But while favoring ample and full returns for these men, he will not permit, if he can help it, a policy of exploiting the many for the benefit of the few, and as far as he can he will punish the man who cares nothing for the property after the speculative deal in its securities has closed. With wealth honestly gained and honestly employed the President has not and never has had any quarrel. Such wealth deserves and receives his entire approbation. But fortunes gained dishonestly and employed dishonestly constitute menaces to the people, and their owners must be dealt with by the Government.

HARRIMAN NOT A RAILROAD BUILDER.

E. H. Harriman is a railroad financier, not a railroad constructor. For nearly seven years he has been in absolute control of the Union and Southern Pacific systems, and in all that time he has built no new line of railroad, excepting a few small feeders, a coast-line connection in California, and the line now under construction running out of the United States into Mexico. Contrasted with the work which James J. Hill did in the Northwest, where he built a transcontinental line without Government aid and through a virgin territory, the greater part of which was not only uninhabited, but thought incapable of habitation at the time of the initiation of his enterprise, whatever Mr. Harriman has done in the line of construction is inconsequential. His policy has been to stop new railroad building, or if this was not possible to secure control of the new road.

HOLD-UP TACTICS OF HARRIMAN.

When Senator Clark, of Montana, projected a railroad running from Salt Lake to Los Angeles, Mr. Harriman, by court injunctions and other methods, put a stop to the work of construction and only permitted it to continue when he was allowed a one-half interest in the enterprise and a traffic agreement for ninety-nine years with the Southern Pacific road. When the Santa Fe Company planned to extend its lines from the forest country in northern California to connect with its main line at San Francisco Bay, Mr. Harriman again compelled connection with lines which he owned himself, placing the new road under a joint management.

WHERE HARRIMAN'S GENIUS PLAYS.

It is as a railroad financier and manipulator that Mr. Harriman's genius has been exhibited. He looks at railroads from the Wall street standpoint. He knows the game as played in the great money market

of the United States and years ago forsook his previous occupation of buying and selling the stocks and bonds issued by other men and himself undertook to utter those securities in which Wall street speculates.

THE CHICAGO AND ALTON SCANDAL.

The first considerable enterprise with which Mr. Harriman's name has been identified is the exploitation of the Chicago and Alton, the history of which, as said by the Interstate Commerce Commission, "is rich in illustrations of various methods of indefensible financing." Some of the methods used are set forth in the report of the Commission in these words:

"First came the profit to the stockholders arising out of the sale to themselves of $32,000,000 of bonds at 65, which sold for several succeeding years for 82½ to 94. Second came the 30 per cent dividend based on amounts expended from income for improvements, much of it nearly thirty years before, and recently capitalized. Third came the pseudo transfer to Stanton, and his contract under which the new company paid $10,000,000 in cash for preferred stock which had cost less than $7,000,000. Fourth came the conversion of 183,224 shares of common stock in the railroad company into 195,428 shares of common stock plus 194,890 shares of the preferred stock in the railway company, part of which was sold to the Union Pacific at 86½ a share. Fifth came the sale of the St. Louis, Peoria and Northern for $3,000,000 cash. Sixth came whatever interest the syndicate may have had in the sale to Kuhn, Loeb & Co. of $22,000,000 of bonds at 60 cents on the dollar. Seventh came the fee of $100,000 to Mr. Harriman for financing the enterprise. This analysis is no doubt incomplete, but it is suggestive."

GAINING CONTROL OF THE UNION PACIFIC.

The striking success achieved by Mr. Harriman in this transaction no doubt led to his early preeminence in the affairs of the Union Pacific immediately following its reorganization. No man has ever been more fortunate in gaining possession of a great railroad at an opportune time than was Mr. Harriman in his advent into the railroad world. He came, after a long period of depression, into possession of properties which were the main arteries for the traffic of great sections of the country. He could not have destroyed these properties if he had wished to do so. The country was just entering upon the greatest period of prosperity which any land in all the world's history has ever seen.

WHAT PROSPERITY DID FOR HARRIMAN.

The only embarrassment which Mr. Harriman has found in the management of these properties has not been that of securing traffic upon which he could pay dividends, but that of moving the traffic which was offered him and with the creation of which he had absolutely nothing to do. The considerable betterments which have been put into his roads, most of which had been projected by Mr. C. P. Huntington and Mr. Leland Stanford, were forced upon the Harriman lines because of their inability to handle the great volume of business that was pressed upon them, an inability which still obtains.

HARRIMAN'S STOCK ISSUES IN THE UNION PACIFIC.

Mr. Harriman's fondness for stock issues was early exhibited in his control of the Union Pacific by the issuance of $100,000,000 of convertible bonds, and here began the evidence of an expanding ambition. The Union Pacific, when it came out of the hands of receivers, was but 1,800 miles long. It was a trunk line, and occupied the most important strategic position held by any railroad in the Far West. Why not bring all competitors under its domination? Nothing stood in the way of carrying out such purpose excepting a lack of funds.

THE SCHEME TO GAIN RAILROAD CONTROL.

The syndicate which bought the Union Pacific was not prepared for any such gigantic enterprise, nor did Mr. Harriman contemplate that their own funds should be used in this manner. They could mortgage the Union Pacific to buy one piece of road, and mortgage that second piece of road to buy another piece of road, and so continue this chain until all of the roads tapping the great territory from the Missouri River to the Pacific Ocean and from Puget Sound to Mexico were under one control. Again we quote from the report of the Interstate Commerce Commission:

"That it is only the law which prevents the concentration into Mr. Harriman's hands of every line lying between Canada and Mexico is the frank admission of Mr. Harriman himself, made at the hearing. Questioned by the Commission as to where his policy of acquisition was to stop, Mr. Harriman said:

"'A. I would go on with it. If I thought we could realize something more than we have got from these investments I would go on and buy some more things.

"'Q. Supposing that you got the Sante Fe?

"'A. You would not let us get it.

"'Q. How could we help it?

"'A. How could you help it? I think you would bring out your power to enforce the conditions of the Sherman anti-trust act pretty quick. If you will let us, I will go and take the Santa Fe to-morrow.

"'Q. You would take it to-morrow?

"'A. Why, certainly I would; I would not have any hesitation; it is a pretty good property.

"'Q. Then it is only the restriction of the law that keeps you from taking it?

"'A. I would go on as long as I live.

"'Q. Then, after you had gotten through with the Santa Fe and had taken it, you would also take the Northern Pacific and Great Northern, if you could get them?

"'A. If you would let me.

"'Q. And your power, which you have, would gradually increase as you took one road after another, so that you might spread not only over the Pacific coast, but spread out over the Atlantic coast?

"'A. Yes.'

"To gather under one head all existing transcontinental lines, or as many as possible, and to exclude the incoming of all competitors, became manifestly the Harriman policy, which was inaugurated in 1901 by the issuance of $100,000,000 of convertible bonds by the Union Pacific. With the proceeds of these bonds the Union Pacific purchased control of the Southern Pacific Company, and a majority of the outstanding stock of the Northern Pacific Railway Company, which latter incidentally carried with it control of one-half of the stock of the Chicago, Burlington and Quincy Railway Company, the stock of which had been purchased jointly by the Northern Pacific and Great Northern companies and their collateral trust bonds issued therefor. Possession of these lines would have given to the Union Pacific absolute mastery over every avenue leading to the Pacific coast within the United States save that afforded by the Great Northern Railroad on the northern border of the country, and that offered by the Santa Fe upon the southern. This plan, if executed, would have subjected to a common will and policy nearly one-half of the territory of the United States—a comparatively undeveloped, rapidly growing, and extremely rich territory, into which must necessarily extend the population and business of the Eastern States."

THE HARRIMAN IDEA.

Mr. Harriman sought to make this territory his own, a vast Harriman plantation, over which he would be master, but the complaint of his people is that he does not recognize the obligations of the landlord. He builds no new lines and joins in the building of no new lines unless other competitors first undertake such construction. The State of Nevada he treated as a means of ingress to California, a mere bridge, until others with enterprise made tributary to his own line the vast mineral deposits and rapidly growing communities in that territory. He has planned for a railroad from the Columbia River to Puget Sound, into the territory occupied by the Hill roads, and has left undeveloped nearly 50,000 square miles in eastern Oregon and southern Idaho. He has taken the money raised from the sale of bonds secured by mortgage of western roads, and upon which the traffic of that territory pays the interest, to gamble in the securities of far distant systems.

PLAYING THE WALL STREET GAME.

Harriman's policies have not been based upon public need, nor have they been rich in anticipation of the future. He has played the Wall street game and played it with a master's hand; but he has always been a manipulator only, who uses to his profit whatever others have created; a financier who supplied an eager market with securities, sometimes of certain and sometimes of problematical value.

ANTHRACITE COAL STRIKE.

No one loves the man whom he fears. No criminal applauds the judge who justly punishes. Those financiers who have been guilty of indefensible practices injurious to the people could not understand the "meddling propensities" of the President in behalf of the people. For instance, take the Roosevelt policy with respect to the great strike in the anthracite field in Pennsylvania. The same owners resented governmental action, because, forsooth, they regarded it as interference with their private business. They paid no heed to the prospect of suffering from cold and hunger which faced the people unable to obtain at the usual prices the coal they required. What they wanted was a President who would dispatch troops into the disaffected districts and by use of their weapons compel the miners to return to work under the harsh conditions they imposed. President Cleveland sent troops to Chicago in 1893 not to supplement or supersede the authority of the State of Illinois in suppressing riot and public disorder, but to protect Federal property, prevent obstruction in the carrying of the mails, prevent interference with interstate commerce and to enforce the decrees and mandates of the Federal courts.

THE CHICAGO RIOTS.

None of the causes leading to the dispatch of Federal troops to Chicago in 1893 arose during the anthracite strike, 1903. In the latter case there was no attempt to injure or destroy Federal property; there was no effort to obstruct the carrying of the United States mails; there was no interference with railroad property affecting interstate commerce; and there was no resistance to the enforcement of the decrees and mandates of the Federal courts. There was at no time a request from the State authorities of Pennsylvania for assistance in preserving law and order. Had Federal troops under these circumstances been dispatched into Pennsylvania to police the anthracite regions, President Roosevelt would have been among the first to cry out against any such usurpation of the prerogatives of the State of Pennsylvania or any such unwarranted and unlawful use of the military power of the Federal Government.

The only similarity between the situation in Chicago in 1893 and that in the anthracite region in 1903 was in the arbitrary and arrogant attitude assumed in both cases by the employers of labor.

FORCE A LAST RESORT.

Public order is always to be maintained, and riot must be put down with a ready and unsparing hand; but it must not be forgotten that this is done primarily in the public interest. But when in anticipation of an outbreak, any group of men appeal to the public authority for armed support, merely to enable them to conduct a quasi-public business in any manner they see fit, the public authorities are entirely within their rights if they insist that such applicants for armed assistance shall have displayed a spirit of fair dealing and shall have exhausted all reasonable and peaceful means to prevent the bringing about of public disorder.

LESSONS OF THE COAL STRIKE.

The action of President Roosevelt in compelling a settlement of the coal strike by arbitration established one of the most valuable precedents of recent years. It brought an era of peace and prosperity to the anthracite coal region of Pennsylvania; and the report of the commission appointed by the President and the machinery it established for preserving peace have met with practically the universal approval alike of wage-earners and employers throughout the United States. The course of the President met such universal approval that it practically put an end to that arrogant attitude on the part of large employers which in controversies of this kind refused to recognize that either their employees or the general public had any rights demanding consideration.

PEACE FOR LABOR AND CAPITAL.

President Roosevelt has never lost an occasion to provide the means and to enforce them, provided he could do so constitutionally, to harmonize the differences between capital and labor. In his first annual message as in his last annual message, the same thought has run, like a white thread on a black coat. The President believes in combination of capital, of the kind which on the whole is a benefit to the public. He believes it is often necessary, and where not necessary it is yet often wise, that there should be organization of labor in order to better secure the rights of the individual wageworker. To the capitalistic combination as to the labor union, the President feels that encouragement should be given so long as the former does no harm to the general public and so long as the latter is conducted with a due and decent regard for the rights of others. When any labor union seeks improper ends or seeks to achieve proper ends by improper means, all good citizens and more especially all honorable public servants must oppose the wrongdoing as resolutely as they would oppose the wrongdoing of any great corporation.

CHARACTER AND GOOD LAWS.

The President has repeatedly stated that the one fundamental fact to remember is that the character of the average man, whether he be

a man of means or a man who works with his hands, is the most important factor in solving aright the problems of capital and labor. But as he himself has said, it is almost equally important to remember that without good laws it is also impossible to reach the proper solution. Pressure by the President resulted in the amendment of the employers' liability law and an enactment diminishing the hours of work of railroad employees. He enforced the eight-hour law on Government work. Up to December, 1906, what is known as the Erdman Act, passed in 1898, providing for mediation in disputes between common carriers and their employees had never been invoked. In one year the railroads of the country have repeatedly appealed for its use. The President considers the creation of a board for compulsory investigation of important industrial controversies in cases where mediation fails and arbitration is rejected the next step in a progressive programme, and he has so advised Congress.

THE PACKING HOUSE SCANDAL.

Another instance of "meddling" by the President is found in his investigation of the packing house industry and his correction of evils discovered therein. The country has not yet forgotten the disclosure of insanitary conditions existing in these packing houses; and the details are too nauseous to repeat. In the face of the most determined and bitter opposition the President forced the passage of a law which made the Federal inspection more thorough and efficient and extended it to cover a larger proportion of the total meat production. The distrust arising from the agitation regarding packing-house conditions in the spring of 1906 has given way to renewed confidence in the wholesomeness of our inspected meats.

WHAT FEDERAL INSPECTION IS DOING.

In the fiscal year 1906 the inspection was conducted at 163 establishments in 58 cities and towns, while the following year it was applied to 708 establishments in 186 cities and towns. The number of Federal employees engaged in this inspection July 1, 1906, was 764; it is now 2,448. In the fiscal year 1906 the post-mortem inspection covered 42,901,284 animals and 158,953 carcasses, and 126,159 parts were condemned. For the year ending September 30, 1907—the first twelve months under the full operation of the new law—53,752,577 animals were inspected, and 160,366 carcasses and 888,653 parts were condemned. There were also condemned in reinspection during the last-named period 27,275,711 pounds of meat and meat-food products which had for various reasons become unwholesome or unfit for food since the inspection at time of slaughter, and for the inspection and condemnation of which the old law made no provision.

THOROUGHNESS OF THE LAW.

Under former law the inspection was practically confined to an examination before and at the time of slaughter. Now it not only comprises a careful ante-mortem and post-mortem veterinary inspection, but follows the product through all the processes of preparing, curing, canning, etc., prevents the use of harmful preservatives and coloring matter, requires honest labeling, and enforces sanitation in all the plants and processes.

PROTECTING THE PEOPLE'S FOOD AND DRINK.

The pure-food law which safeguards the food, drink, and drugs of the people, also owes its enactment to the President. Investigations had disclosed that an immense amount of deception, fraud and deliberate swindling was practiced by the misbranding of food products. False and misleading claims were often printed on the label attached to such products. False statements of origin or of the country in which the substance was produced were repeatedly made. Where a particular State or locality had managed to build up a reputation for its products, and thereby enhance their market value, it had become a common practice for manufacturers in other sections to steal the name of a favorite State or locality in order to enjoy the profit of an enhanced price. Adulteration of food, drink, and drugs had become prevalent to an alarming extent, and until President Roosevelt intervened it was an extremely difficult matter to obtain a pure article. The law, passed as a result of this action, has been enforced with due regard and consideration to business interests, and it is a fact that not a single honest manufacturer has been injured by the enactment. The people to-day obtain food which does not contain foreign substances, deleterious to health.

REASONS FOR FAITH IN ROOSEVELT.

The unbounded faith the American people have in President Roosevelt arises from their belief that in whatever he does he is actuated by a whole-souled desire to advance their interests. He has given powerful impetus to the movement for the upbuilding of the Navy. He has encouraged officers and men of that service by the deep personal interest he has evinced in their work. During the Spanish War, three years before Mr. Roosevelt assumed the Presidency, the American fleet which destroyed the Spanish squadron at Santiago de Cuba made a percentage of less than 3 per cent of hits—that is to say, only three shells out of every hundred struck the enemy's vessels. To-day the record of the fleet is more than 59 per cent. This means that sixty shells out of every hundred hit the target. Had the conditions of gunnery which existed when Mr. Roosevelt entered the White House continued, the American people would have a fleet, in material as good as any in the world, but in efficiency far below that of any other nation. As it is, we have a homogeneous, effective fleet, well officered and well manned, ready and able to uphold and maintain the dignity and honor of the nation. The President has increased the efficiency of the Army by giving it a new organization, based upon principles found essential in all great modern wars, and by eliminating the dead wood which develops in a military body. The American people are not a military people, and the President would not have them so. What he wants is a small nucleus of well-trained troops around which a great force of citizen soldiery may be organized. He is encouraging rifle practice by every citizen, in this following the example of the Swiss, who are expert shots, and who, therefore, are more valuable for defensive purposes in case war should ever come upon them.

DEFI OF THE STANDARD.

Abraham Lincoln made many wise sayings. One of these, which is in common use, is the following: "You can fool some of the people all the time, and all the people some of the time, but you can't fool all the people all the time." The trust magnates and financiers who had been picking the pockets of the people have come to realize now the truth contained in this epigram. They had grown to despise the people for their innocence and trust. The Standard Oil Company defiantly told the President to go ahead with his investigation and prosecution and made it clear that it considered itself more powerful than the Government. It was fined $29,000,000 in Chicago for accepting rebates from the Chicago and Alton Railroad. It has been alleged that the Standard was too severely punished for merely technical violations of the law, and the fine has been characterized as "one of the atrocities of modern times." The amount of the fine imposed was, of course, a matter with which the administrative officers of the Government were only indirectly concerned. The trial court had a wide range in which to exercise discretion, extending from $1,500,000 to $29,240,000. The decision was not final, but must be reviewed by higher courts.

ENORMOUS PROFITS FROM SECRET RATES.

Nevertheless, anyone familiar with the facts in connection with the rebate prosecutions knows that the Standard exhausted every means to defend itself. The secret rates the Standard obtained from the Chicago and Alton constituted only a feature of a great system of discriminatory rates practically covering the entire country. As the Standard undersold competitors in the great Southwest by means of the secret rate over the Chicago and Alton, it was able to secure an entire monopoly of the business of that section, and having brought about this result it increased its prices. It has been estimated that in 1904 the Standard's subsidiary company, which controlled the Southwest, made over 690 per cent on its capital stock. This enormous profit has been enjoyed for a period of fifteen years. In the light of this fact, can it be said that the fine imposed by Judge Landis was excessive?

DEBAUCHERY OF AMERICAN MEN.

And when we have considered all the facts in connection with the Standard Oil monopoly, who will not join in the regret of Judge Landis that the law failed to authorize him to impose also imprisonment upon the men guilty of the nefarious practices shouldered upon the creature that could not be placed behind the bars, but could only be fined. Judge Landis declared: "The men who thus deliberately violated this law (Elkins antirebate statute) wound society more deeply than does he who counterfeits the coin or steals letters from the mail." Who will not say that this conviction is just, when he recalls that the Standard's methods have contaminated hundreds of men who were forced to evade and circumvent the law, to bribe and cajole and to destroy competition by unfair methods?

THE ROOSEVELT VIRTUES.

We have seen that the course pursued by the President has been inspired by—

Honesty, sincerity, patriotism. Faithfulness to the people and to his oath. Farsighted preparation for continued prosperity.

WHAT SCANDALS HAVE COME.

Now, let us look at the things for which others are admittedly responsible but the effect of which is sought to be shouldered upon the President. These include—

The insurance scandals.
The railroad scandals.
The corporation scandals.
The stock-jobbing scandals.

Ask yourself—

Did Mr. Roosevelt cause the insurance scandals?
Did Mr. Roosevelt cause the Chicago and Alton scandal?
Did Mr. Roosevelt cause the Standard Oil scandal?
Did Mr. Roosevelt cause the New York Metropolitan Traction scandal?
Did Mr. Roosevelt cause the New York banking scandals?

THE CHILDREN OF SELFISHNESS.

Now, let us consider what the men really involved in these scandals were actuated by. We conclude selfishness, and as the outgrowth of this vice: Dishonesty, insincerity, treason to the best interests of their country, short-sightedness with respect to themselves and their country.

THE INSURANCE DISCLOSURES.

The facts in connection with these various scandals are too fresh in the memory of the country to require repetition. It is sufficient to refer to the reckless extravagance of the men charged with the solemn duty of caring for the funds intrusted to them in the interest of bereaved beloved. Who can soon forget the superb balls and dinners given by Hyde, of the Equitable, "in the interest of the policy holders," or of the "slush fund" used to bribe legislators, or the "rake off" which the favored enjoyed from investments of the money of policy holders, or the imperiling of this money in stock-gambling operations, or the extravagant nepotism praticed.

LAW HONESTY OF INSURANCE FINANCIERS.

President Roosevelt was moved by the disclosures to state to Congress that "it has been only too clearly shown that certain of the men at the head of these large corporations (insurance) take but a small note of the ethical distinction between honesty and dishonesty; they draw the line only this side of what may be called 'law honesty,' the kind of honesty necessary in order to avoid falling into the clutches of the law. Of course, the only complete remedy for this condition must be found in an aroused public conscience, a higher sense of ethical conduct in the community at large, and especially among business men and in the great profession of the law, and in the growth of a spirit which condemns all dishonesty, whether in rich man or in poor man, whether it takes the shape of bribery or of blackmail." The President was most anxious for Federal legislation regulating insurance, but unfortunately it was established that such legislation would be unconstitutional; and he has been compelled to content himself with an insurance law for the District of Columbia, which is serving as a model for the States to copy.

SOWING THE WIND.

The conduct of the Hydes and McCalls in exploiting policy holders for their personal benefit was observed also by the Rockefellers and Harrimans with a similar object in view. It is hardly necessary to speak further of Rockefeller and Harriman, but let us consider for a moment the operations of the Heinzes, Morses, and Thomases in New York. F. Augustus Heinze was elected president of the Mercantile National Bank last spring. His reputation was anything but that needed to give the public confidence in a banking institution. In connection with the celebrated Amalgamated Copper deal, he was accused of the most reckless manipulation of the courts, legislatures, banks, and mining companies. Into the management of what had been a well-managed, conservative concern, he introduced such men as Charles W. Morse and the Thomas brothers, who were known speculators and plungers, and whose operations naturally were subject to distrust and suspicion.

THE CHARACTER OF THE HEINZE GANG.

The public knew these men were associated in all sorts of speculative deals, as well as in the joint ownership or control of several national banks, and a still greater number of New York City State banks and trust companies. It is common newspaper report that, although Heinze may be a man of great talents, he is nothing but a high-handed, reckless speculator. Morse was a plunger and speculator, but law honest.

His reputation was still further damaged by his family relations and associations with the notorious Abe Hummel, now serving a term in jail, so that when the crisis came the people were suspicious of anything with which his name was connected. While the Thomas brothers were known to have inherited large fortunes, they had the reputation of being in all sorts of speculative enterprises and having gone into the banking business mainly to obtain loans for these enterprises, which otherwise they could not have secured. They were known to lead fast lives, owning race horses and participating in all kinds of spectacular sports, which, although perhaps not inherently vicious, certainly did not add to their reputation as bankers. Charles T. Barney, president of the Knickerbocker Trust, who committed suicide, was known to be faithless to every relation in life. So much for New York. John R. Walsh, who failed in Chicago, was of clean personal habits, and made the mistake of going into too many different enterprises at the same time and endeavoring to finance them alone. To save himself, and probably with the hope of carrying various concerns, he loaned to them from the national bank and two State banks which he owned some $15,000,000 of the money of his depositors. The Walsh failure was one of a number of known instances of unfaithfulness to financial trusts and induced apprehension in the public mind as to the standing of the institutions to which they confided their savings. He is now undergoing trial for violation of the banking laws.

THE PEOPLE FOR THE ROOSEVELT POLICIES.

Here then we have the comparison. Roosevelt, clean, honest, faithful, on the one hand, and Rockefeller, Harriman, Hyde, McCall, Heinze, Morse, Barney, the Thomases, and Walsh, on the other. It is not to be wondered at that the President has such a firm hold upon the confidence of the people; not to be wondered at that there is such a universal demand that he continue in the office of President. Without ambition, determined not to run again, the President emphasizes that he is not actuated by personal motives. All he wants—and in this the people know he is unselfish—is the continuance of his policies for decency, cleanliness, honesty, and morality. Suffering from the exploitation of the unscrupulous, indignant at the work of those men in digging an abyss into which the country would have plunged had not a man of strong heart and strong mind interfered, there is no question that the people will demonstrate their purpose by their ballots to continue the Roosevelt policies and enjoy for themselves and save for their posterity a land undefiled, sound, honest, and prosperous.

FIXING THE DATE.

There is no difficulty in fixing the date, when, affrighted by the terrible revelations of wrongdoing in institutions and by men of public trust, the people began to lose confidence in Wall street, to dispose of their holdings in stock and to hoard their hard-earned cash.

CAUSES WHICH PRODUCE PANICS.

The tightening of the money market and the more careful scrutiny of credits which have been going on for a year or two, were sure signs of the approach of a crisis. It is impossible to draw the line absolutely between the legitimate and conservative enterprises, and those of a speculative character which have coincidently absorbed the credits of the country, and locked up in the form of fixed or unproductive investments such an amount of capital that there is not sufficient left to carry on the business thus promoted. We have on the one side such large investments as the Pennsylvania and other railways have been making, and on the other, investments in all sorts of oil and mining shares and various flotations of stocks, which are not only highly speculative, but often fraudulent and criminal in their nature.

FIRING THE MINE.

It is, of course, natural and probably inevitable, when such a condition of expansion has been reached, that the spark that fires the mine, or incident that produces the panic, is almost sure to come from the speculative if not the fraudulent enterprises. The liquidation thus produced, if not promptly stopped, leads so far as to involve men in charge of the most careful and conservative undertakings.

It is beyond doubt that the immediate incident which led to "The rich man's panic" of last March was the revelation of indefensible financiering of which Harriman was guilty.

It is beyond doubt that the immediate incident which led to the panic of October, 1907, was the collapse of the corner in the stock of the United Copper Company, which had been engineered by the Heinzes.

HOW THE PANIC WAS PRECIPITATED.

It was the failure of the Knickerbocker Trust Company, due to suspicion in the public mind, which led to the issue of clearing-house certificates by the New York banks, in which they were at once followed by the banks of all the leading cities throughout the country. It is almost certain that if the banking crisis had not been precipitated in the city of New York by suspicion entertained against Heinze and his crowd, the liquidation which at the time was in progress in the stock market, spreading to the commercial and industrial concerns, would have proceeded more slowly and quietly and that nothing more disastrous than a gradual decline in business would have occurred instead of the widespread panic which occurred.

WHAT WARS AND DISASTER DID.

Wall street financiers have been expecting for more than a year a decline in business. Wars and natural disasters have destroyed hundreds of millions of dollars during the past few years. The war between the United States and Spain, the world intervention in China, the war between the British and the Boers, and the war between Russia and Japan destroyed at least $3,000,000,000; and $500,000,000 was swallowed up in the earthquakes of San Francisco and Valparaiso, Chile. Five billion dollars have been used up in the construction of permanent improvements, now represented by the securities held by those who gave the money. Writing a year ago, one Wall street magnate declared that the New York Stock Exchange had ceased to be a free market, but had become the plaything of a few managers of cliques and pools to such an extent that the investing public remained out of the market, in spite of tempting announcements of increased dividends and stock distributions. Europe at that time shared with the United States distrust of American corporate and gambling methods and cried out against the use of American finance bills. Farseeing financiers saw the necessity of trimming sails for the approaching storm.

ROOSEVELT NOT RESPONSIBLE FOR THE PANIC.

In view of these facts it is difficult to have patience with those who throw the responsibility for the recent panic upon the President. Byron W. Holt, editor of Moody's Magazine, and an authority on finance, writing in Everybody's Magazine, expressed the following conclusion:

"In view of all the facts it is absurd to credit the present panic to President Roosevelt, to anticorporation legislation, to 'muck raking,' or to socialistic agitation. It would, perhaps, be more reasonable to suppose that, together with the exposures in insurance and other industries, these factors, by causing distrust in 1906, checked speculation and inflation, and thus prevented an even greater collapse and panic than otherwise would have occurred. The sooner corruption is uncovered and crime exposed the safer are our institutions and the less danger there is of panic and disaster. Even 'muck raking,' by preventing present bad management from becoming worse, may do more good than harm."

DEPRESSION IN EUROPE.

But the United States has not been the sole sufferer in the way of financial depression. Europe, too, has sustained a setback during the past year. The following table shows the decrease of stock values on the London Exchange:

Stock.	Price on November 20, 1906.	Price on November 20, 1907.	Difference.
Consuls, 2½ per cent	86⅛	82	− 4⅛
Local loans, 1912	97¼	94⅛	− 3
Bank of England	269	262¼	− 6¼
Rand Water Board	93½	88	− 5½
Argentine Northern Railway Extensions, 5 per cent.	102½	101	− 1½
Egyptian Government Unified 4s	102½	99	− 3½
London and Northwestern Consolidated, ordinary	153½	143½	−10
North British Railway	42½	31½	−10¾
Antofasta, ordinary	172½	113	−59½
Buenos Ayres and Pacific (stock)	124	109½	−14½
Buenos Ayres and Rosario	113½	100	−13½
United Railway of Havana	107½	75	−32½

PRESIDENT NOT IMPETUOUS.

Attempts have been made to show that the President engaged in an impetuous and ill-considered raid on corporations generally, and that the financial situation which now exists, was created by his rash acts. It is a matter of common knowledge that the President, for years, has believed in Government control of railroads and corporations, has favored publicity, has demanded equal treatment for the rich and poor, and has insisted upon action to guard the people from the evil use of ill-gotten wealth. In this connection, the following parallel columns should be scrutinized:

FIRST MESSAGE, DECEMBER 3, 1901.

"* * * There are real and grave evils, one of the chief being overcapitalization, because of its many baleful consequences; and a resolute and practical effort must be made to correct those evils.

"There is a widespread conviction that the great corporations known as trusts are in certain of their features and tendencies hurtful to the general welfare. * * * It is based upon sincere conviction that combination and concentration should be not prohibited, but supervised and within reasonable limits controlled; and in my judgment this conviction is right."

"Corporations engaged in interstate commerce should be regulated if they are found to exercise a license working to the public injury. It should be as much the aim of those who work for social betterment to rid the business world of crimes of cunning as to rid the entire body politic of crimes of violence. Great corporations exist only because they are created and safeguarded by our institutions; and it is therefore our right and our duty to see that they work in harmony with these institutions."

"The first essential in determining how to deal with the great industrial combinations is knowledge of the facts—publicity. In the interest of the public, the Government should have the right to inspect and examine the workings of the great corporations engaged in interstate business. Publicity is the only sure remedy which we can now invoke. What further remedies are needed in the way of governmental regulation, or taxation, can only be

ADDRESS OF PRESIDENT ROOSEVELT AT INDIANAPOLIS, IND., MAY 30, 1907.

"* * * But the public interest requires guaranty against improper multiplication of securities in the future. Reasonable regulations for their issuance should be provided so as to secure as far as may be that the proceeds thereof shall be devoted to legitimate business purposes. In providing against overcapitalization we shall harm no human being who is honest; and we shall benefit many, for overcapitalization often means an inflation that invites business panic. It always conceals the true relation of the profit earned to the capital invested, creating a burden of interest payments, which may redound to the loss alike of the wage-earner and the general public, which is concerned in the rates paid by shippers; it damages the small investors, discourages thrift, and puts a premium on gambling and business trickery."

"* * * Surely, it ought not to be necessary to say that it (his policy) in no shape or way represents any hostility to corporations as such. On the contrary, it means a frank recognition of the fact that combinations of capital, like combinations of labor, are a natural result of modern conditions and of our national development. As far as in my ability lies, my endeavor is and will be to prevent abuse of power by either and to favor both so long as they do well. The aim of the National Government is quite as much to favor and protect honest corporations, honest business men of wealth, as to bring to justice those individuals and corporations representing dishonest methods."

"We hope as one of the chief means for betterment of conditions to secure as complete publicity of the railroads as now obtains with regard to national banks. * * * I believe in proper publicity. There has been complaint of some of the investigations recently carried on, but those who complain should put the blame where it belongs—upon the misdeeds which are done in darkness, and not upon the investigations which brought them

determined after publicity has been obtained by process of law and in the course of administration. The first requisite is knowledge, full and complete—knowledge which may be made public to the world."

"The captains of industry, who have driven the railway systems across this continent, who have built up our commerce, who have developed our manufactures, have on the whole done good to our people. * * * There have been abuses connected with the accumulation of wealth; yet it remains true that a fortune accumulated in legitimate business can be accumulated by the person specially benefited only on condition of conferring immense incidental benefit upon others."

"The mechanism of modern business is so delicate that extreme care must be taken not to interfere with it in a spirit of rashness or ignorance. Many of those who have made it their vocation to denounce the great industrial combinations which are popularly, though with technical inaccuracy, known as 'trusts' appeal especially to hatred and fear. They are precisely the two emotions, when combined with ignorance, which unfit men for the exercise of cool and steady judgment."

"The course proposed is one phase of what should be a comprehensive and farreaching scheme of constructive statesmanship for the purpose of broadening our markets, securing our business interests on a safe basis, and making firm our new position in the industrial world, while scrupulously safeguarding the rights of wage-earner and capitalist, of investor and private citizen, so as to secure equity as between man and man in the Republic."

to light. The Administration is responsible for turning on the light, but it is not responsible for what the light showed."

"One great problem that we have before us is to preserve the rights of property; and these can only be preserved if we remember that they are in less jeopardy from the socialist and the anarchist than from the predatory man of wealth. It has become evident that to refuse to invoke the power of the nation to restrain the wrongs committed by the man of great wealth who does evil is not only to neglect the interests of the public, but is to neglect the interests of the man of means who acts honorably by his fellows. The power of the nation must be exerted to stop crimes of cunning no less than crimes of violence."

"But the bulk of our business is honestly done. In the natural indignation the people feel over the dishonesty, it is all essential that they should not lose their heads and get drawn into an indiscriminate raid upon all corporations, all people of wealth, whether they do well or ill. Out of any such wild movement good will not come, can not come, never has come."

"Every Federal law dealing with corporations or with railroads that has been put upon the statute books during the last six years has been a step in advance in the right direction. All action taken by the Administration under these and the preexisting laws has been just and proper. Every suit undertaken during that period has been a suit not merely warranted, but required, by the facts; a suit in the interest of the people as a whole, and, in the long run, particularly in the interest of the stockholders as well as in the interest of business men of property generally."

THE CRISIS.

It has been insinuated that the cause of the recent crisis was different from the causes of former panics. It attributes its occurrence to the frightening of capital. This is as much the immediate cause of all panics as flame is the cause of fire.

PROMOTING THE WHIRLWIND.

The truth is, men in whom the financial trust had been reposed, dishonest financiers and speculators, had sown the wind. The reaping of their dire harvest was aided by men who believed the only way to stop criminal prosecution of themselves and further governmental regulation of their interests was by creating a period of business depression which would harm the wage-earner and destroy Theodore Roosevelt.

A year ago these men began to make preparatons for a panic.

They warned certain groups of capitalists to arrange for the coming storm.

One corporation borrowed $30,000,000, not because it needed it at the time, but in order to meet the expected stringency.

It is worth while to make a brief review of condition of the country.

EVILS IN THE TRAIN OF PROSPERITY.

The volume of our foreign trade and our staple crops has tremendously increased. The past year, on account of the unprecedented crops of 1906 and the promise of large crops for 1907 caused trade and also credit to expand enormously. Consequently speculators became reckless and speculation extravagant. Partly because of the immense production of gold, money became cheaper—that is prices, in spite of the great crops, increased immensely.

CAUSES OF REDUCTION IN CIRCULATION.

The "money in circulation" is really the money that has been issued by the Government and has not been returned to the Treasury. For obvious reasons this is not the actual amount of money in circulation. The large amounts of cash that were taken out of the country by American subscriptions to English and Japanese war loans; the immense amounts spent abroad by American tourists in these prosperous times, and the amounts sent home by immigrants who are now working in all parts of our country much reduces this "money in circulation."

THE CRASH.

Prior to September the immense boom in speculation, together with the great increase in prices, caused a demand for money. The result was a general calling in of loans and a throwing upon the market of many stocks, producing falling prices. Then shares, like copper, which had been boosted too high, toppled over, and fell with a crash. Immediately capital became deeply alarmed. This happened just at the time when the immensely valuable crops of 1907 were drawing money from other directions. Money became scarcer and capital more timid. This resulted in the crisis in New York. When it became evident there was an abundance of currency in the city capital immediately quieted down.

GREATEST PANIC OF MODERN TIMES AVERTED.

The fact can not be passed over that capital had been made more wary and timid by the revelations in connection with the insurance and other companies in New York. The mismanagement of funds held by them and their misuse in speculation of all kinds caused general unrest to both capital and credit. As has been stated, had these revelations not occurred at the time and in the manner they did, had not correctives been applied, and had matters taken their inevitable course, the result would have been the greatest panic of our times. With regard to the panic of 1893, it must be remembered that on March 4 of that year there was a change in the political administration of the country, which threatened to disturb the trade conditions of the United States through the abrogation of the customs tariff and the reciprocity treaties then in force. This fear proved justifiable, and the country suffered for four years—that is, until a new customs tariff was insured. The present political conditions of the country tend, through safeguarding investments by publicity, toward the averting and in no way toward the development of a prolonged crisis.

A study of the following table will promote knowledge of the situation:

	1907.	1893.	1884.
Money in circulation:			
Amount	$2,914,342,256	$1,596,701,245	$1,243,925,969
Per capita	$33.86	$24.03	$22.65
Money in Treasury	$336,953,999	$142,107,227	$243,323,869
Gold, including certificates: [a]			
In circulation	$1,301,736,428	$501,177,852	$411,770,843
In Treasury [b]	$300,278,214	$96,519,833	$133,729,954
Receipts from customs	$333,230,126	$203,355,017	$195,067,490
United States imports:			
Amount	$1,434,421,425	$866,400,922	$667,697,693
Per capita	$16.66	$12.73	$12.16
United States exports:			
Amount	$1,853,718,034	$831,030,785	$724,964,852
Per capita	$21.54	$12.50	$13.20
Production of—			
Iron (1906) ..... tons	25,307,191	7,124,502	4,097,868
Copper (1905) ..... do	402,637	158,120	64,708
Corn (1906) ..... bushels	2,927,416,019	1,619,496,131	1,795,528,000
Wheat (1906) ..... do	735,260,970	396,131,725	512,765,000
Cotton (1906) ..... bales	11,345,988	6,700,365	5,713,200
Coal (1905) ..... tons	350,820,840	162,814,977	107,281,742
Gold (1906)	$96,101,400	$35,955,000	$80,800,000
Population of United States	86,074,000	66,456,000	54,911,000

[a] Included in previous heading. [b] Exclusive of gold held to cover certificates.

The foregoing table establishes that there has been in circulation during the year 1907 and before the panic came almost double the amount of money in circulation in 1893. The amount of gold in circulation and in the Treasury was almost three times greater. The commerce of the United States had doubled during the intervening years. Production had vastly increased.

Yet, in spite of this enormous prosperity, panic came.

Why?

Because the President had enforced the law?

Absurd.

Because the President insisted upon elimination of abuses and future honest management of corporate affairs?

Absurd.

The panic came because of the mistrust and suspicion arising from the flagrant misconduct of men managing enterprises in which the people had their money invested and because of the desire of a few malefactors of great wealth to escape punishment for their crimes and to bring about the return of the "good old times" when they could plunder unrestrained.

Lynch law, as expressed by runs on banks, withdrawal of cash, and hoarding, was the recourse of the unreasoning.

And as the natural consequence, the many honest suffered with the few dishonest.

STOPPED THE PANIC.

The country knows of the promptness with which the President and Secretary of the Treasury Cortelyou acted to stop the panic and avert the awful consequences which it threatened. How Secretary Cortelyou worked ceaselessly in New York, distributing Government deposits among national banks, in order to equip them to stand against runs by frightened depositors; how the President decided to issue $50,000,000 of Panama Canal bonds and so much of 3 per cent certificates as might be necessary up to the full limit of $100,000,000 authorized by law. The firm stand taken by Mr. Roosevelt and his chief aid, Mr. Cortelyou, reassured the timid and tended to restore the confidence that the misdeeds of "frenzied financiers" had almost destroyed.

THE OUTLOOK.

What the situation would have been had not the President acted with his customary energy and promptitude, can best be left to the imagination. For a moment, industries began to curtail hours or to shut down and to throw people out of employment. But they are resuming and the outlook indicates there will not be a condition of depression warranting a general dismissal of employees or reduction in salaries. The crops are flourishing, the demand for American manufactures continues at home and abroad, and most of the corporations known to be afflicted with cancerous growths have either eradicated them or the Government is applying the knife in accordance with the law. Who will not admit that the business life of the country to-day is far healthier and more vigorous than it has ever been?

Until the policies of Theodore Roosevelt shall be forgotten, there will be honesty and decency in industrial operations; and a sounder and saner prosperity will be the resultant enormous benefit to all the people.

"For I regard this contest as one to determine who shall rule in this free country, the people through their governmental agents or a few ruthless and domineering men, whose wealth makes them peculiarly formidable, because they hide behind the breastworks of corporate organization.

"THEODORE ROOSEVELT."

[The Saturday Evening Post.]

DISHONEST FINANCIERS, NOT ROOSEVELT, RESPONSIBLE.

[By John Wanamaker, Philadelphia.]

Things are quieting down, the worst of the business depression is passing, the tide has actually turned, and confidence and prosperity will come along gradually.

For the widespread lack of financial confidence from which the country has been suffering I do not hold President Roosevelt to be in any degree responsible. It is the result of conditions which he has indeed helped to make known, but of which he has not been in any degree the cause. As he himself has admirably expressed it: If he lights a torch he is not responsible for what the light shows.

The depression first began through the loss of public confidence in financial names which the public had long been taught to revere. First came the great insurance scandals, in which the revelations regarding Alexander, McCall, and Hyde shocked and alarmed the public. We are still suffering from that. More recently there have been revelations regarding such things as the Metropolitan Railway management in New York, and the banking methods of the Heinzes, Morse, and others.

Lack of confidence and financial retribution have come as a punishment for financial wrongdoing; it is precisely the kind of punishment which follows a cashier's breach of trust. It is not surprising that a lack of confidence which ought to affect only those institutions which have justly forfeited trust should have extended to other great corporations and banks.

Meanwhile, the keeping of money out of the banks by people who aim at saving their principal, even at the expense of interest, has caused distinct increase of the troubled financial situation.

But it is all coming out satisfactorily. The country is so prosperous, manufacturers and workingmen are alike so busy, that there can be no cause for continued depression. As soon as the people feel that dishonesty has been thoroughly discountenanced and exposed, and that, after such a lesson as we have been having, the financial world will understand that honesty is the best policy, there will be a complete return of normal conditions.

[The Saturday Evening Post.]

DISTRUST OF WALL STREET METHODS.

[By Stuyvesant Fish, ex-president of the Illinois Central Railroad.]

The strain which the financial institutions and the great corporations of this country are undergoing at this writing is not the result of suddenly formed or suddenly precipitated conditions. It is the breaking of a storm which has been visibly rising for many, many months. I do not think I can better comply with "Everybody's" request for an analysis of the causes of the money stringency of this fall and winter, than by sending to you a copy of a letter written by me to the editor of a financial journal almost a year ago, for publication in his annual symposium of opinions as to the outlook. It was written at a time of great buoyancy of the market; Wall Street was highly optimistic; since then we have had three "panics": the market collapse of March, the "silent panic" of August, and the present period of wreck and depression involving banks and other fiduciary institutions. This letter seems to me ample proof that the present crisis was easily discernible to myself and others at least ten months before it came; and I have no change to make now in my apportionment of the causes responsible for it:

"DECEMBER, 27, 1906.

"DEAR SIR: Replying to your question, 'Are we approaching a great industrial and political crisis?' I beg to say:

"In point of time a great industrial crisis is due, and there are many indications of its being imminent. Despite the unprecedented output of gold, money is dear the world over, and dear because of high prices and activity in trade. Nor are other causes for dear money wanting. Great Britain has not fully made up its losses in the Boer war; Japan and Russia, particularly the latter, have scarcely begun to recover from the effects of their recent war.

"Indeed, it would look as if Russia had not fully financed the cost thereof, and may be on the verge of civil war. Within the past year there have been tremendous losses of capital in the destruction of San Francisco, and in the less awful calamity at Valparaiso, and at its close we have famine in China. Looked at the world over, the volume of crops of 1906 was not above an average, despite the phenomenal yield in the United States. Prices of commodities are above the normal and rising. Labor all over the world is dearer than ever before; and the tendency is toward higher wages and shorter hours; conditions which are economically wasteful as regards product, whatever their effect may be on the laboring class.

"Turning now to our own country, New York, especially that part of it known as 'Wall Street,' has absorbed, and is absorbing, more than its share of the loanable fund. While our Western and Southern banks—indeed all banks which are 'out of town' to New York—are lending more freely than usual at this season, that which they lend is instantly and persistently absorbed by Wall Street.

"The New York Stock Exchange has ceased to be a free market, where buyers and sellers fix prices through the ebb and flow of demand and supply, and has become the plaything of a few managers of cliques and pools to such an extent that for months past every announcement of increased dividends, of stock distributions, and of rights, has been met by a fall in prices. The investing public is and remains out of the market, not because of ventures in industrials, in electric railways, or in suburban real estate—the speculation in each of which was checked months ago—nor yet because of the more recently pricked bubble in mining shares, but simply because of the distrust which even those possessed of ample means have of the methods of corporate finance now in vogue in New York. That Europe shares this distrust of those methods is shown by its outcry against the misuse of American finance bills.

"The situation in London, the only available free-gold market in Europe, is by no means certain, even if it may not be called critical. A 6 per cent bank rate has never before prevailed for so long a time, and it continues to prevail chiefly, if not solely, through fear in London of what America may do. While it may contribute to our national vanity as a 'World Power' and as a financial center, to feel that London fears us, that does not increase confidence in our own future. We are still a debtor nation. Europe holds vastly more of our securities than we hold of all foreign securities.

"Indeed, it seems to me that we are already embarked on a long-needed moral financial reformation, which, like the religious reformation of the middle ages, will through much cruelty work out good in the end. To the needs of such a reformation the public is fully awake.

"The election of Mr. Hughes, a Republican, as governor of New York, accompanied as it was by the election of all the Democratic candidates for other offices, shows the temper of the people even in this State, and it is vastly stronger elsewhere. The selection by Mr. Hughes of Mr. Keep as superintendent of banks proves that the governor-elect recognizes the public demand for moral financial reform. That he is determined to reform other bureaus of the State government having jurisdiction over other corporations, through the appointment of men equally honest, capable, and fearless, is known of all men. President Roosevelt and his cabinet are like-minded with the governor in this respect. We as yet but see the beginning. Time will work out the end."

ROOSEVELT AND DECENT BUSINESS.

[By Ernest Cawcroft.]

Roosevelt is the friend of decent business. He has not menaced the right, privilege, or opportunity of any man to cultivate his acres, run his looms, barter his goods, or to mine the natural resources of the Republic. He has not deprived the man who works of a present or future dollar; he has not menaced the past or future dollars of those capitalists who honor the nation and themselves by showing by their methods that the basis of decent business is the production of articles which satisfy human needs. It has been his consistent endeavor, his insistent demand of legislators, that the commerce of the nation be surrounded with such a statutory code of honor that the results of business endeavor will not be pillaged by the mobs or absorbed by the machinations of predatory wealth.

Theodore Roosevelt is the friend of to-day's business because he has insisted that the coordination of capital and labor within the law is the only certain pathway to continued commercial prosperity. He has proclaimed that a prosperity based upon special privileges awarded to the few is an artificial indulgence of Providence and can not be of long duration; he has maintained that the business prosperity of the nation as a whole is dependent upon the moderate success of the many, rather than the abnormal achievements of the few in finance. The force and the sovereign fiat of his great office have been employed to compel capital and labor alike to obey the laws of the Republic. He is the friend of business because he has backed his words in behalf of commercial fair play by deeds in furtherance of business squareness.

He is the friend of the present genuine business interests of the nation because his administrative efforts to effect the dissolution of combinations existing in violation of law, even though these are approved by economic science, have enlarged the field of business opportunity for the many. Business has found and does find in him a friend, because he has planned to enable every producer to place his goods in the markets on the basis of transportation equality; commerce sees in him a champion, because, by a succession of acts, he has sought and is seeking to establish the decency of American products and the standard of Yankee business honor. A tarnished commercial name, uncleansed by executive or legislative action, will deter the sale of those surplus products abroad, whose very existence menaces the continuance of our prosperity from time to time.

He is the friend of decent business because he has made the fame of the financial pirate odious throughout the land; thereby he has given added dignity to the business of production. He is a friend of business because he wants to put a dollar's worth of property in the stocks which the few issue to the many.

He is the friend of business because his revelation of rottenness in high places has demonstrated to the world, by a process of exclusion, that American business men and their institutions are sound, sane, and square.

He menaced the beef trust until it finished house cleaning; he menaced the railroads until their managers quit bribing their trade through rebates. Not until stock watering is justified by a revelation from Sinai may Roosevelt be credited with being the foe of business.

Let us not in the hour of our vexation desert the man who has made patriotism stronger than the pocketbook.

[The Saturday Evening Post.]

A CONSTRUCTIVE FORCE.

[By Henry Clews.]

I do not believe that Theodore Roosevelt is a menace to American business. On the contrary, I think that it will ultimately prove that he has been a constructive and cleansing force. There is not an intelligent or fair-minded man in the whole United States who sincerely questions the honesty of Mr. Roosevelt's motives. In fact, I would go so far as to say that the name of Roosevelt is synonymous with honesty.

In the firm attitude that the President has taken toward capital and corporate power I maintain that he has had no other purpose than to protect the rights of all the people, and that his organized investigation, as some have seen fit to call it, has been directed entirely at the unsound, the unstable, and the dark places.

The country is paying what might be called the penalty of excessive prosperity. President Roosevelt, I think, has done much to enable the country to withstand this periodical reaction, because under him the country has grown and waxed fat.

To those detractors of the President's policies I should like to say that when he took the oath of office it was to uphold the Constitution. What he has done in all his legislative and executive acts has been to maintain the integrity of the Constitution. He has had the law and he has had the right on his side; in fact, he has only attacked dishonesty and lawbreaking.

Yet, while I fully approve of what he has done in the way of reform, I must confess that I do not entirely approve of his constantly repeated passionate utterances on the subject during the recent season of great apprehension and anxiety in financial circles.

That President Roosevelt should be blamed in any way for the banking troubles, business failures, and losses that have been made in the stock market is absolutely unfair. But it is always the case that the Executive in office bears the brunt of the disasters that overwhelm the country during his Administration.

I can well remember the calumny and the abuse which were heaped upon the devoted head of Abraham Lincoln. This denunciation did not for one moment cause him to desist in the great work that he had undertaken. To-day those who traduced him honor his memory. History will repeat itself, and the men who to-day are denouncing the President as a destroyer of confidence, as an annihilator of capital, will some day come to the realization that he is doing a great work.

The real cause of the present discontent and unrest in finance and in business lies to a large extent among the men who have committed the wrongdoing, who have abused corporate power, and who, when confronted with the revelations of their own misdeeds, have sought to put the blame on the President.

In view, therefore, of President Roosevelt's firm stand for the rights of the people against the corporate breakers of the law, we can forgive his excess of earnestness and his denunciation, which may have been ill-timed on some occasions. I believe in the end it will be proven that Mr. Roosevelt has aided rather than retarded a square deal in business operations.

[The Saturday Evening Post.]

THE DECLINING VALUE OF MONEY.

[By Byron W. Holt, editor of Moody's Magazine.]

The present financial crisis is world-wide. It is more acute in this country and in Japan because in these countries the prices of commodities, real estate, and securities have risen most rapidly, credit has been most extended, and speculation, largely on margin, has been wildest. It is almost equally acute in Egypt, and is pronounced in Germany, England, Canada, and other civilized countries. Uncivilized countries and countries that do not do business largely on a credit and margin or equity basis do not have financial panics.

The causes of this, as of all other similar crises, are economic and fundamental; they are not at all psychological and hysterical, unless the almost common desire to speculate when prices are rising may be termed psychological.

Economic conditions were ripe for a panic in 1907. Numerous professors and other financial students forecast, even before last March, "The irrepressible crisis," as Secretary W. H. Lough, jr., of the New York University School of Commerce, wrote of it in a financial magazine. Some of our greatest financiers began in 1906 to curtail credits, to stop unnecessary improvements, and in other ways to trim sail and prepare for the coming storm. They saw, all over the world, credit expanded to the danger point; they saw a tremendous expansion of loans and discounts, not only actually, but as regards deposits; they saw demand deposits increasing rapidly and cash reserves becoming inadequate; they saw liquid capital being changed to fixed capital at an unprecedented rate.

A rapid and long-continued rise in prices, such as we have had since 1897, always results in speculation and inflation. The cause of the present great rise in prices is the rapidly increasing output and supply of gold. This has caused its exchange value to depreciate. This depreciation is also largely responsible for the very high interest rates of to-day, which in turn are responsible for the present world-wide decline in the prices of bonds and other securities.

Present financial and industrial conditions, as to gold, prices, interest rate, business and credit, closely parallel those of 1857. If our banking conditions were not very much better than were those of 1857, we might now expect to see duplicated the avalanche of failures of banks and commercial houses which then laid business prostrate. The greater soundness and stability of our present banking institutions, together with better management and concert of action, have probably averted for us a panic which would have been as much greater than previous panics as our business expansion is greater than that of any previous period.

As happened in 1857, we may expect to see a sudden and sharp business depression follow in the wake of our financial crisis. We may be well through this depression in six months. It can hardly last more than a year, with gold depreciating in value and with prices tending strongly upward. Liquidation in commodities, real estate, and labor is not likely to go nearly so far as it has gone in bonds and stocks. Not only will a shortage in the world's food supply prevent a heavy decline in the prices of foodstuffs, but the flood of gold from our mines—amounting to more than $1,000,000 a day—tends to check any fall that may occur in the prices of real property.

But few persons realize the very great significance of this outpour of gold. In 1887 the world's annual output of gold was $105,774,900. In 1897 it was $236,075,700. In 1907 it will be about $430,000,000. The output is increasing rapidly, because the cost of producing gold is declining more rapidly than is the cost of producing most other commodities. The cost of producing a thing fixes, or tends to fix, its exchange value with other things. As gold is the universal standard of value, and the prices of all other commodities are quoted in gold, we have no way of judging the changing values of gold except by the change in the quoted prices of other commodities—that is, by the change in the level of average prices. As the price level has been rising rapidly for ten years, we know that the value of gold is depreciating equally rapidly.

The effects of the declining value of gold are far-reaching. They are revolutionary in the financial, industrial, economical, political, and social worlds. Not only are they seen in the rising prices of all tangible property, in high interest rates, in higher nominal but lower actual wages, and in lower prices of all securities bearing fixed rates of income, but they are upsetting all calculations in savings and insurance, based upon averages. Because of these effects debts are shrinking, to the benefit of debtors and the injury of creditors, and many new problems are presented to investors, employers of labor, politicians, and legislators.

Average prices will probably not decline more than 10 or 12 per cent. A decline of more than 15 per cent is necessary to cause a widespread failure of banks, mercantile houses, manufactures, and real estate interests. Inside of two years the cost of living, measured by gold, will almost certainly be higher than now and will be rising rapidly.

In view of all the facts, it is absurd to credit the present panic to President Roosevelt, to anti-corporation legislation, to "muck-raking," or to socialistic agitation. It would, perhaps, be more reasonable to suppose that, together with the exposures in insurance and other industries, these factors, by causing distrust in 1906, checked speculation and inflation, and thus prevented an even greater collapse and panic than would otherwise have occurred. The sooner corruption is uncovered and crime exposed, the safer are our institutions and the less danger there is of panic and disaster. Even "muck-raking," by preventing present bad management from becoming worse, may do more good than harm.

Two contributing causes of the present crisis are found in our inelastic currency system and our uncivilized tariff laws.

Nearly two years ago Mr. Jacob H. Schiff declared that if we did not reform our "hodge-podge, clumsy currency system" we should have one of the worst panics we had ever seen. Such a currency famine as we are now having is impossible in Canada, Scotland, or any other country with an asset currency. We can save ourselves now only by devising clearing-house certificates and other forms of asset currency which we will use, some illegally, until confidence is restored.

Our excessive tariff duties on imports are probably largely responsible for the fact that average prices have risen about 55 per cent in this country, since 1897, against a rise in England of about 35 per cent. This greater rise has induced greater speculation, has put a greater strain on our capital, and has caused interest rates to go higher here than in any other country. A sound and elastic currency and a reasonable tariff system would most certainly have mitigated, if they would not have prevented, our present financial crisis.

This highly enlightened country should be as well prepared to weather a financial storm as is Canada or England or Germany.

ANDREW CARNEGIE ON THE PANIC.

[Associated Press dispatch.]

NEW YORK, *October 26.*

Andrew Carnegie, upon his return from Europe to-day, after a long vacation abroad, expressed himself in a most optimistic way concerning the financial situation.

"I was delighted to read the good news this morning," he said. "I am surprised that the fall in stocks has been so small. This proves that the situation is not alarming and that the country is all right. Investors have only to hold on. The financial authorities have acted boldly, but wisely, and the flurry will soon blow over. It is quite right that savings banks should require notice.

"It should not be forgotten, however, that we have had the greatest expansion of modern times, and sure as fate, reaction must come and has already begun, but it will be healthful. We may have a season of less activity in trade, but that will be followed in due time by another period of expansion. Nothing can prevent the rapid progress of the Republic. She is all right and bound to distance all competitors in the race. Speculation will be less to the front for a time, but genuine business will not suffer seriously.

"GIVES PRESIDENT CREDIT.

"It lies in the nature of things that the attempt to attribute the recent and spasmodic fall in prices to the wise and, in the truest sense, the truly conservative resolve of the President and his Cabinet to enforce the salutary laws against the abuse of their powers by certain trusts is only a device to serve political intrigue.

"The decline in prices," continued Mr. Carnegie, "would have been greater had the people not been assured that investments in the stocks and bonds of corporations are hereafter to be safeguarded to a much greater degree than ever before.

"Nothing is proposed or intended by the President in this direction which is not the law in civilized States. No railroad corporation in Europe can increase its capital or its bonds or can merge with another without first obtaining authority from a competent tribunal. Even Canada has its commission for this purpose.

"SHOULD SUPERVISE TRUSTS.

"It is not only right, but necessary to supervise such corporations as we do national banks. They are creatures of the State, enjoying many privileges, and the interests of the nation must be protected. When this is secured it will be seen that the President has been a truly conservative force in the country, and that the investor is now protected from being swindled by small cliques of men who abuse their fiduciary positions as directors.

"This panic will soon run its course, as others have, and pass away, leaving no impediment to the return in due season of another period of wholesome, because needed, expansion of our resources, which are rapidly rendering those of other countries of less importance. This will reassure capital, which will flow to us from abroad even more abundantly than before, because our new laws will give security to the foreigner and our own investors, hitherto lacking.

"SAFEGUARDS ONLY AIM.

"Nothing more is aimed at by the President than such safeguards as the foreign investor has at home. Nothing of this kind should be objected to by the honest official, nothing less should be demanded by the people, and nothing less should the Government give.

"Let it be remembered that the President has been urging this vital reform for years, during which period prices have ruled highest, and that he stands to-day just where he did then, and where it is to be hoped he will stand until our laws protect honest investors from dishonest officials and their swindling schemes. New York is the best market in the world, because our country is the most profitable of all countries for the investment of money, and must continue to be so.

"All we have to do is to convince the world that our laws protect the investor as carefully as those of other civilized countries. This is the President's policy. He should be supported in this work."

DEMAGOGUES TO THE REAR.

[Editorial, the Washington Post, October 29, 1907.]

In every crisis of this country the cool, common sense of the people has mastered the situation.

The three days of foolish onslaught on financial institutions in New York brought into instant action the best qualities of the business men of the city, and has sufficed to array the entire country in solid phalanx for support of public and private credit. The insane proceedings of a few hundred persons, endangering for a time the interests of millions of our people, were quickly ended by the wisdom and firmness of leaders who knew the strength of our financial conditions and who felt they could rely upon the support and patriotism of the Administration and of the American people.

Every hour since the climax last Thursday has strengthened the ramparts which folly threatened and every measure adopted. The importation of gold, the issue of clearing-house certificates, the curtailing of stock speculation are a safeguard to the business of the whole country.

The excitement in New York has subsided and the danger is over, now that the business men of the country realize how close to fatal injury excited demagogues can bring them.

Congress will convene in December, with the sentiment of the country all alive to the necessity of amendment of the currency laws to meet just such emergencies and keen for legislation on corporations and trusts that, while protecting the people fully, will not be unjust to investors in corporate and industrial enterprises. The President has made it clear that he sympathizes with no wanton attacks on capital, that he favors no atrocious dragonades on vested interests, and the people of the Republic feel assured that in his message he will speak so distinctly and definitely for the measures he desires that those who have misrepresented will be humiliated and shamed.

Theodore Roosevelt is a sturdy reformer, no truckling demagogue. He is a student of history, a statesman able to apply its lessons wisely and well. Ambitious State executives, intellectual weaklings inoculated with the germs of demagogism, and disciples of socialism suffering from political mania in acute form, believe for the moment they are on the highway to national preferment by dastardly attacks on public confidence and vicious assaults on corporate interests.

They would appropriate the popularity of the President as puny valets who masquerade in the garments of a stalwart master. They forget that the President is the conservator of the rights of capital as he is the protector of the rights of the people.

He has nothing in common with those who tear down and destroy. He stands with the progress of the American Continent, with the spirit that won the West, with the ideals that builded from the naked rock of Plymouth and the vacant shore of Jamestown to this greatest nation of all time.

[Sydney Brooke, in the London Chronicle.]

ROOSEVELT, THE PEACEMAKER—AN ENGLISH TRIBUTE TO THE PRESIDENT—COURAGEOUS AND SINCERE.

President Roosevelt has done what no other man could have done, what no other man would have ventured to attempt. But for him not only would there have been no peace negotiations, but there would to-day be no peace. His two-fold success, first in bringing and then in keeping Russia and Japan together, is both a great personal and a great national triumph.

It is a personal triumph because he alone, after the destruction of the Russian armada, had the courage to speak out for humanity. He made peace not merely his aspiration, but his policy. The world watched his efforts with a certain admiring skepticism. It thought them premature, and premature in anybody else's hands they probably would have been. The task to which Mr. Roosevelt addressed himself asked a union of rare qualities. It asked first of all that moral courage which is willing to risk the reproach of meddlesomeness and the humiliation of a public rebuff. It asked, secondly, great flexibility of mind and disposition, great skill in the management of men, great resource in adapting various means to a single end.

And, thirdly and preeminently, it asked for its successful performance that whoever essayed it should be a man whose words and deeds had and were known to have the stamp of sincerity, singleness of purpose, and character.

All these qualities, all these qualifications, Mr. Roosevelt possessed, and to them he added the discernment of a statesman in knowing when to take occasion boldly by the hand. It was the man even more than the office that gave his representations their effective weight. Other Presidents might have tendered their good offices under similar circumstances; but not one of them, not even Lincoln, would have carried that international authority which Mr. Roosevelt has won for himself. The response which his proposals met with from the belligerents themselves and from the whole world of onlookers gave the measure of Mr. Roosevelt's standing in the opinions of his contemporaries. It was in its way a tribute in the field of international politics to the virtue of character.

But besides being this it was also a token of the confidence which is everywhere felt in the intentions and policy of the United States. Her intervention was the only intervention, under the circumstances of the moment, that at once compelled attention and aroused no suspicions. When America, through the mouth of her President, declared that the sole basis of her proposals was the feeling that "the progress of the world is being set back by the war between these two great nations," America was believed. There was no disposition either in Tokyo or St. Petersburg to regard her activity as a possible trap or as a screen for the furtherance of ends of her own. The President's diplomacy acquired a unique freedom and spaciousness from the conviction that it was untainted by self-seeking, and that its motive power was to be sought not in mere policy, not in a cold and exclusive study of purely national interests, but in a broad and genuine humanitarianism. For the prevalence of that conviction, which gave him precisely the assistance he needed, and gave it to him just when he most needed it, Mr. Roosevelt had to thank all American history. There was implied in his success an acknowledgment of the moral position which America holds among the nations of the world.

A PERSONAL TRIUMPH.

But if Mr. Roosevelt's initial success in bringing Russia and Japan within diplomatic speaking distance was as much owing to the fact that he was President of the United States as to the fact that he was Mr. Roosevelt, his later and more memorable triumph in forcing peace upon the two belligerents has been personal to himself alone. To speak of him as "forcing peace upon the two belligerents" is not, I think, to put it too strongly. When last Friday week he intervened in the negotiations matters had reached a deadlock. Sakhalin and the indemnity question stretched impassably between the rival envoys. A rupture was so imminent as to be accounted a matter not of days, but of hours. It was then, at that supreme and crucial moment, that Mr. Roosevelt determined to make himself felt.

Mr. Roosevelt has behind him a great and stirring part; he has before him the prospect of a great and stirring future. Everything he has ever done, everything he has ever said, has been stamped, above all things, by boldness and decisiveness. Yet I question whether he has ever yet approached, or whether he can ever again equal, the superb and astounding bravery of that particular deed. For the deed itself was a wholesale denial, by the very man who has been instrumental in summoning it, of the fundamental principle of the conference. That conference, in Mr. Roosevelt's own words, was to be a conference "directly and exclusively" between Russia and Japan. The author of that arrangement was now the first to break it.

But that was far from being the only consideration that might have deterred a less sanguine, a less dominant nature. He risked, indeed, an international snub of the kind that men and peoples so fantastically exaggerate. But he risked far more than that. He risked a failure that would have blotted out his initial achievement. And perhaps not one man in ten thousand expected that the result could be anything but failure. The problem that he tackled seemed not merely difficult, but hopeless; it seemed an effort "to solder close impossibilities and make them kiss."

MR. ROOSEVELT'S THOROUGHNESS.

But in Mr. Roosevelt's dictionary there is no such word as hopeless. "Right thou feelest, rush to do," was Emerson's formula for "freedom's secret." It is Mr. Roosevelt's, too, and less dangerous in him than in most men because of his background of solid Dutch caution and level-headedness. When Mr. Roosevelt is convinced that a great thing has to be done, he rushes to do it. Nothing is allowed to stand in his way. Conventions, the reproach of inconsistency, the hesitancies, and objections of little men of little minds—all these he heaves out of his path, if, indeed, they even cross his vision. That has always been his method, because it is the man himself. It was so in this case. He appointed himself the world's plenipotentiary. He broke the windows of diplomacy and let in the free clarifying breeze of conscience and humanity.

I recall inevitably a smaller but similar action of his. It was during the great anthracite coal strike of a few years ago. Pennsylvania was almost in a state of civil war. A terrible struggle was being fought out with the bullet, the torch, the bludgeon, and the knife. That in itself was horrible enough. But even more horrible was the suffering of the poor, who faced without coal the terrors of an American winter. Mr. Roosevelt was President. He knew, no one better, the dangers of a single move. Any step that he might take would be denounced as unconstitutional—and there is no more damning word than that in the political vocabulary of America—as unprecedented, as a surrender to capital or as a weak-kneed compliance with "the arrogance of labor." But the President did not hesitate then any more than he has hesitated now. He thought then, as now, of the general good, not of this "interest" or of that. He brought masters and men together; he imposed peace upon them.

Then, as now, he did what no other man could have done. And he did it, as he does everything, simply because it needed doing and because it was the right thing to do.

PETERHOF, ALEXANDRIA, *August 31, 1905.*

President ROOSEVELT:

Accept my congratulations and warmest thanks for having brought the peace negotiations to successful conclusion owing to your personal energetic efforts. My country will gratefully recognize the great part you have played in the Portsmouth peace conference.

NICHOLAS, *Emperor of Russia.*

TOKYO, *September 3, 1905.*

The PRESIDENT:

I have received with gratification your message of congratulations conveyed through our plenipotentiaries, and thank you warmly for it. To your disinterested and unremitting efforts in the interest of peace and humanity I attach the high value which is their due, and assure you of my grateful appreciation of the distinguished part you have taken in the establishment of peace based upon principles essential to the permanent welfare and tranquillity of the Far East.

MUTSUHITO.

MARIENBAD, *August 29.*

The PRESIDENT:

Let me be one of the first to congratulate you on the successful issue of the peace conference, to which you have so greatly contributed.

EDWARD R. AND I., OF GREAT BRITAIN.

NEUES PALAIS, *August 29.*

President THEODORE ROOSEVELT:

Just read cable from America announcing agreement of peace conference on preliminaries of peace; am overjoyed; express most sincere congratulations at the great success due to your untiring efforts. The whole of mankind must unite and will do so in thanking you for the great boon you have given it.

WILLIAM I. R. OF GERMANY.

LABEGUDE PRESIDENCE, *August 30.*

The PRESIDENT OF THE REPUBLIC OF THE UNITED STATES:

Your Excellency has just rendered to humanity an eminent service, upon which I felicitate you heartily. The French Republic rejoices in the rôle which her sister, America, has played in this historic event.

EMIL LOUBET,
President of France.

AMHERST, MASS., *August 29.*

The PRESIDENT:

I beg to offer my hearty congratulations for the successful conclusion of peace for which the whole world, especially the Orient, is overindebted to you.

CHENTUNG LIANG-CHENG,
Minister of China.

WASHINGTON, *August 29.*

President ROOSEVELT:

I beg to offer to you, Mr. President, on behalf of the Italian Government and of myself as representative of my august sovereign, heartfelt congratulations for your great success in reestablishing peace. Italy, which, since her constitution, has endeavored to be an element and factor of harmony among nations, will greatly admire and praise the work you brought on so advantageously for the benefit of humanity.

MAYOR DES PLANCHES,
Italian Ambassador.

Through Sir Mortimer Durand, the British ambassador, the lord mayor of Liverpool sent the following:

The citizens of Liverpool send congratulations to the President through you and rejoice at his successful efforts in the cause of humanity.

Consul-General Iddings, at Cairo, sent these sentiments of Fakhry Pasha, the regent of Egypt:

The regent of Egypt, Fakhry Pasha, sends his compliments to the President for his great and successful work, which he declares merits the praise of the world, in behalf of peace.

CLASHMORE, SCOTLAND, *August 30.*

PRESIDENT:

Skibo guests thankfully congratulate you and three continents upon the conclusion of honorable and, we hope, lasting peace between two great empires. May this be the last war between civilized people.

Signed by the Archbishop of Canterbury, John Morley, President Murray Butler, Charles Dabney, Richard Harlan, Gen. Grant Wilson, Andrew Carnegie, and others.

LONDON, *August 30.*

President ROOSEVELT:

Beg Your Excellency to accept my heartfelt congratulations on successful issue of your able and persistent efforts on behalf of peace. The whole world, civilized and uncivilized, to you.

General BOOTH, *Salvation Army.*

BALTIMORE, MD., *August 29.*

President ROOSEVELT:

Accept hearty congratulations on your splendid victory for peace.

JAMES, Cardinal GIBBONS.

JANESVILLE, WIS., *August 29.*

President ROOSEVELT:

Accept congratulations. Your successful efforts to secure peace between Russia and Japan reflect credit on the nation.

WILLIAM J. BRYAN.

GOVERNORS FAVOR ROOSEVELT'S PLAN—WELCOME OPPORTUNITY TO DISCUSS CONSERVATION OF OUR NATURAL RESOURCES—CONFIDENT GOOD WILL COME—GOVERNOR BROOKS, OF WYOMING, THINKS, HOWEVER, THAT THE STATES THEMSELVES SHOULD CONTROL RESTRICTIVE MEASURES.

President Roosevelt's invitation to the governors of all the States to meet at the White House May 13, 14, and 15 to consider measures for the conservation of the country's natural resources has interested the chief executives of the various States. Almost without exception they approve of his plan.

Some of their letters to the Times are appended:

WANTS CONFERENCES OFTEN—WEST VIRGINIA'S EXECUTIVE HAS SUGGESTED SIMILAR PLAN BEFORE.

STATE OF WEST VIRGINIA, GOVERNOR'S OFFICE.
Charleston, November 22.

To the Editor of the New York Times:

I heartily approve of the President's plan. I regret that the meeting can not be held before May. I have long thought that there ought to be an association of the governors of the several States and annual meetings held, and I had already taken up this question with several of the governors and had from them favorable responses. It seems to me much good would result to the public from such an association and meeting of the chief executives of the States. It would bring the States in closer touch and be the means of much useful information to the governors by exchange of ideas, and in many other ways, in my judgment, promote the public welfare.

In my message to the last legislature in this State I refer at some length to the waste of the natural resources of West Virginia. This waste occurs principally in our natural gas, oil, coal, and timber. Our State geologist estimates that in the last decade alone this State has lost $150,000,000 worth of natural gas from its needless escape into the air, and probably half as much more in value has been lost by the inexcusably wasteful methods of burning the gas for the producing of heat, light, and power.

The advantages of concerted action among the States in the effort to conserve the natural resources of the country are so apparent that no argument is needed to enforce them. We all learn from one another, and every man can be helped by his neighbor; and as men united in an organized effort to accomplish a purpose can do more than one man, so a united effort of the States or part of the States in an organized effort to prevent the waste of our natural resources would accomplish more than an effort anyone could make alone.

WILLIAM M. O. DAWSON,
Governor of West Virginia.

CONNECTICUT FAVORS PLAN—GOVERNOR WOODRUFF APPROVES THE MEETING AND WILL ATTEND.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Hartford, November 22.

To the Editor of the New York Times:

I am directed by his excellency Governor Woodruff to say in reply to your inquiry of November 19 as to his views on the proposed gathering of governors at Washington next spring that he approves of such a conference. He believes that it would be to the advantage of the several States to have their executives meet for an exchange of ideas on such problems.

Governor Woodruff does not know what plan will be put forward for the conservation of the nation's natural resources, but he will attend the conference in the hope of learning in what way the State of Connecticut can assist in such plans as may be feasible, and in what way the State can benefit thereby. In the absence of more definite information than he now has he is not able to go into a discussion of the question at greater length.

CHARLES E. JULIN,
Executive Secretary.

WOULD BE OF VALUE—GOVERNOR GLENN, OF NORTH CAROLINA, THINKS CONFERENCE WOULD INFLUENCE CONGRESS.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, November 21.

To the Editor of the New York Times:

I know nothing of the meeting of the governors in Washington next spring, save as contained in a letter to me from the President. The object of the President in calling us together is to have a full conference of the governors of every State regarding the conserving of the nation's natural resources, such as waterways, forests, mines, etc., in order that every aspect of the subject should be fully discussed and all information bearing upon these matters brought to the attention of the lawmaking power of the country. It seems to me that such a conference would naturally be of great benefit, and ideas could be advanced and suggestions for cooperation made that would have great influence with Congress and cause that body to take immediate steps to preserve our resources.

R. B. GLENN,
Governor of North Carolina.

WISDOM TO PROTECT FORESTS—FLORIDA'S GOVERNOR THINKS NATION SHOULD CONSERVE RESOURCES.

STATE OF FLORIDA, EXECUTIVE CHAMBER,
Tallahassee, November 23.

To the Editor of the New York Times:

There is no doubt in my mind but what the nation should take some steps to conserve the coal, iron, and timber contained in and upon the public domain. I also think it wise to protect especially the forests and shrubs near the headwaters of our streams, that the moisture there might be retained and the water supply conserved. I am also of the opinion that our water power ought to be conserved for the public by the nation.

I understand that private parties and corporations are endeavoring to secure the right to control many of our waterfalls in our great rivers and even in some streams for power purposes.

I also think that the President's suggestion to consider the clarification of water is a good one. If the sewage of our great cities is turned into our fresh-water streams near the headwaters of the same, to what extent the waters are polluted for the length of the river should be investigated and determined, and it may be found necessary to prevent the emptying of sewage into the fresh-water rivers of our country. As the protection of these resources can only be wrought through the legislative bodies of our country, one of the most effective methods of impressing them is by agitation. Therefore I look forward to the convention of governors, called by the President at the White House next spring for the consideration of this matter, as being a very important gathering from the standpoint not only of wise consideration of the problem but as a method of bringing before the public in a forcible way the very great importance of the matter.

N. B. BROWARD, *Governor.*

SHOULD BE AN AWAKENING—GOVERNOR JOHNSON SAYS PUBLIC SENTIMENT HAS BEEN TOO LONG ACQUIESCENT.

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT,
November 25.

To the Editor of the New York Times:

I am not quite certain just what immediate results can be attained by the President's call for the meeting of the governors at the White House to discuss the conservation of the country's natural resources. Certain I am, however, that there should be an awakening of the public conscience on the matter.

Too long has public sentiment been acquiescent while our public domain has been denuded of its forest wealth, its mineral resources remorselessly and recklessly exploited, and its waters allowed to run away to the seas without let or hindrance. Generations have been prodigal of nature's resources, and there has been no thought of the inevitable time when posterity will anathematize our present-day recklessness.

The President's call for a conference of those who, from their official positions in the different Commonwealths, should assist in shaping public sentiment, should, and I believe will, give impetus to the proposition that we should not attempt to harvest in one generation what it has taken centuries to develop. Certainly in the scientific development of our waterways there can be some almost immediate effect of the proposed conference.

JOHN A. JOHNSON, *Governor.*

SUBJECT OF VITAL INTEREST—GOVERNOR HOCH BELIEVES IT THE GREATEST BUSINESS SCHEME EVER DEVISED.

STATE OF KANSAS,
Topeka, November 26.

To the Editor of the New York Times:

During our recent trip down the Mississippi with the President all the things set forth in the President's recent call for a proposed conference in Washington next May were discussed by the seventeen governors aboard the *Alton.*

At that time I gave my full and cordial indorsement to the scheme, and upon more mature reflection still believe it to be the greatest business scheme ever proposed in the United States. The conservation of our waters for irrigation and manufacturing purposes and their improvement for navigation purposes is in itself a gigantic undertaking.

But its importance forbids that we should falter because of its magnitude. The preservation and restoration of our timber lands is another subject of vital and vast importance. Add to these our national interest in the remaining public lands, mineral and agricultural, and we have a project, I repeat, surpassing in magnitude and importance any ever before proposed in this country. The proposed conference of governors and others interested in this great project ought to give it great impetus.

E. W. HOCH.

WANTS AMERICAN LABOR—GOVERNOR CUTLER, OF UTAH, SUGGESTS NEW PLAN FOR MINING INDUSTRY.

COMMONWEALTH OF UTAH, EXECUTIVE CHAMBER,
Salt Lake, November 25.

To the Editor of the New York Times:

In my opinion the proposed gathering of the governors of the States at Washington next spring is one of the most important and can be made one of the most beneficial movements ever undertaken by our Government. I heartily approve of the idea of calling the governors together.

The following are some of the advantages which I think will come from this proposed conference: The broad general principle of conserving the nation's resources for the benefit of future generations will probably become unquestionably established in the minds of the governors who are not already converted to that idea and by them inculcated in the minds of the citizens of their States. And I believe there are a few governors who do not take the position that this conservation should be carried out, at least on the lines the Government is following.

After this general principle has been established, there is a possibility of much being done along certain specific lines. For example, the Government's forestry policy is being opposed in some sections, this opposition arising, I think, largely from lack of understanding. The removal of this misunderstanding and uniting of the governors in support of this policy I regard as a possible and very desirable result of the proposed conference. Another matter in which concerted action is needed is the sale of public lands, both agricultural and mineral. There is not much of the public domain still in the possession of the States, and that is the greater reason for the States settling on a policy, which, I am sure, the President favors, of selling the lands to bona fide settler instead of speculators. In this connection the mat-

ter of leasing coal lands, instead of selling them, may be profitably considered.

The subject of conserving the mineral deposits in the various States may also be taken up. I think it is time a policy is instituted of employing American labor exclusively in our mines and smelters, instead of giving employment to undesirable foreigners who never can become a part of our citizenship and whose chief purpose is to hoard all their wages except a mere pittance for their own support and carry their savings back to Italy, Austria, Greece, and other nations of southern Europe.

This is an element of conservation which could go under the broad title "American mines for American miners." Of all our resources our mines are preeminently liable to complete exhaustion, for they never can be renewed after being drained of their wealth. And I think it would be well for this conference to consider the advisability of following a better national policy in this matter, by means of which the mines, instead of being rapidly exhausted to the enrichment of undesirable foreigners, will be saved for American laborers and for future generations of American citizens and the building up of American institutions.

There are probably other matters that the President has in mind to bring before the proposed conference of equal importance with those here named. On the whole, I am in hearty accord with the idea.

JOHN C. CUTLER,
Governor of Utah.

TIME HAS COME TO SAVE—GOVERNOR HARRIS, OF OHIO, CONFIDENT THERE HAS BEEN GREAT WASTE.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
Columbus, November 21.

To the Editor of the New York Times:

I have accepted the invitation of the President for the gathering of the governors of the States and of others at Washington next May. I am unable to express an opinion in advance as to what may be either the advantages or results of the conference. I am confident that there has been a great waste of the natural resources of our country in some of the minerals as well as in timbers, and that the time has come for the husbanding of our resources and also for the improvement of waterways.

ANDREW L. HARRIS, *Governor.*

COLORADO IN SYMPATHY—CENTENNIAL STATE WILL BE REPRESENTED AT THE CONFERENCE.

STATE OF COLORADO, EXECUTIVE OFFICE,
Denver, November 22.

To the Editor of the New York Times:

I have hearty sympathy with the President's call for a meeting of the governors in May of 1908 at the White House. Colorado will be represented in that gathering. The President has stated the purposes of the conference with sufficient clearness.

HENRY A. BUCHTEL,
Governor of Colorado.

FOLK APPROVES PLAN—SAYS IT'S EASIER TO SAVE RESOURCES THAN RESTORE THEM.

OFFICE OF THE GOVERNOR, STATE OF MISSOURI,
City of Jefferson, November 25.

To the Editor of the New York Times:

Replying to your communication as to the proposed gathering of the governors of the States and Territories at Washington next spring, will say my view is that much good can come from such a meeting. It will be far easier to conserve the nation's natural resources now than it would be for the next generation to restore them after they are destroyed.

JOSEPH W. FOLK.

WILL EDUCATE THE PEOPLE.

EXECUTIVE DEPARTMENT, STATE OF SOUTH DAKOTA,
Pierre, November 27.

To the Editor of the New York Times:

I approve of the proposal of the President for a gathering of the governors of the States at Washington next spring. In my opinion the advantages of a conference of governors and delegates in a voluntary meeting of this character for the purpose of discussing the conservation of the nation's natural resources are many. The question is one of vast importance.

The governors and accompanying delegates, coming fresh from the people from all parts of the United States, can no doubt, by discussion and interchange of ideas, call the attention of the people generally to the importance of the subject and stimulate healthful and beneficial legislation by the National Congress.

COE I. CRAWFORD,
Governor of South Dakota.

[New York Herald, December 10, 1907.]

ROCKEFELLER CLASS CHEERS MR. HUGHES—BOOM FOR THE GOVERNOR AS CANDIDATE FOR HIGHEST OFFICE APPLAUDED TO THE ECHO—MR. VANDERLIP ON FINANCE—DECLARES THAT RECENT CRISIS WAS RESULT OF INVESTIGATIONS WHICH MADE THE PUBLIC MIND SUSPICIOUS.

John D. Rockefeller, jr., acting as toastmaster at the eleventh annual dinner of the Young Men's Bible Class of the Fifth Avenue Baptist Church at the Murray Hill Hotel last evening, plunged into politics for a moment, and launched a boom for Governor Hughes as a candidate for President of the United States.

In point of attendance and enthusiasm the dinner was the most successful the class has ever held. About two hundred men of different ages were present, the majority in evening dress, but a few, Mr. Rockefeller among them, in business suits.

In introducing the Rev. W. S. Richardson, the new leader of the class, as the first speaker, Mr. Rockefeller said:

"Many changes have taken place in this class, but the work goes on. One of the changes is that he who was once leader of the class is now governor of the State, and Mr. Troxell, our president, has for some years predicted that before long he would be invited to a Christmas or Thanksgiving dinner in the White House."

At this juncture every one in the room arose and gave three cheers for Governor Hughes, referring to him as the next President.

After addresses by Mr. Richardson and James Barnes, a speech was made by Frank A. Vanderlip, vice-president of the National City Bank, who reviewed in detail the recent financial crisis.

In explaining the cause, Mr. Vanderlip said much was due to the state of the public mind, suspicious as a result of a period of denunciation, of investigation, and of results in some of these investigations which he said furnished good ground for criticisms. The other cause he ascribed to exhausted capital due to tremendous industrial activity. When the demand was made on the banks, he said, they were forced to resort to clearing house certificates.

"Most people," he said, "think the function of the bank is to receive deposits of money to be returned to them when desired. That is the function of a safe deposit vault, not a bank. The business of a bank is really the interchange of credit. What the bank does is to take the credit of an individual, firm, or corporation and to give each his credit in return. A bank can not possibly be in a position, after using these deposits as loans, to pay up all the depositors' money at once or a very considerable part of it."

Mr. Vanderlip said the time was ripe to educate the public in financial affairs. He said a central bank, like the bank of Germany, might be a solution of the difficulty, though he did not think the majority of bankers here would favor it.

The Reverend Doctor Aked, pastor of the Fifth Avenue Baptist Church, made a humorous speech, ending by eulogizing the Reverend Mr. Richardson, the new leader of the class. Referring to Mr. Rockefeller, the former leader, he turned to that gentleman and said, "The King is dead! Long live the King!"

At the election of officers, which also took place, J. W. Troxell was again elected president and Mr. Rockefeller vice-president of the class.

[From Selz Weekly News.]

VIEWS UPON THE BUSINESS SITUATION.

Last week I spent two days in New York City, and three days in Pittsburg. I found the business situation in New York somewhat mixed. New York being the origin as well as the cause of the recent financial disturbance, I was very much interested to learn the average New Yorker's views of the situation, the cause of same, and his opinion of the effect. I found that every one with whom I talked seemed to feel President Roosevelt is to blame for the entire trouble, with which I immediately took issue; in fact, some went so far as to state openly that President Roosevelt was a menace to business.

When I asked for an explanation as to how President Roosevelt was a menace to business, and in what way he was the cause of the financial flurry, I was met with the same reply from every one, viz, that his various attacks on corporations had aroused distrust; this distrust had brought about a lack of confidence; the lack of confidence had caused runs on banks, which resulted in some good banks closing down, and compelling all others to go on a clearing house basis.

SOME QUESTIONS ASKED.

Upon asking the pointed question whether President Roosevelt had caused, first of all, the life insurance scandals, the reply was: "No; he had nothing at all to do with that."

Second, if he had caused the Alton Railway scandal; the reply was also: "No; he didn't do that."

Third, whether he was the cause of the New York Metropolitan traction scandal; the reply was: "No; he wasn't the cause of that."

Fourth, if he caused a lot of frenzied financiers to get control of some New York banks and loan money to themselves and to insiders on worthless collateral; the reply was: "No; he wasn't the cause of that."

I thereupon asked what he had done, and was informed he had talked against leading corporations, stating he was going to make them obey the laws.

I replied, "Where was the harm in that; should not they obey the laws?"

"Yes; they should, but they should not be held up publicly the way they were," was the response.

THE PRESIDENT HAS MADE GOOD.

"In other words," I said, "what you New Yorkers think he should have done where the trusts violated the Federal laws by taking rebates, and in other ways, was to have written them a courteous letter, stating he did not approve of their course. Well, President Roosevelt isn't built that way. When he took the oath of office years ago, President Roosevelt announced he as Chief Executive of this country, would see that the Federal laws were enforced against rich and poor alike; that he would treat everybody equally. The law-abiding citizen and the law-abiding corporation had nothing to fear, but that the dishonest rich would have to obey the laws or suffer the consequences." They admitted this. I then replied, "And he has made good," which is more than any President in recent times has done.

AN ILLUSTRATION.

The situation reminds me very much of a gang of thieves who have boarded a train for the purpose of robbing the passengers. There is one passenger aboard—an officer of the law—who has the courage to lay violent hands on them. A panic ensues; everybody makes a scramble for the door and in the rush to get away from the trouble some innocent panic-stricken people are hurt. The prisoners, when confronted with the result of their work, very blandly and naively say, "Don't blame us; this officer here has caused all the trouble and is to blame for the mad rush for the doors. We didn't hurt these people; he did, by stopping us in the noisy way that he did, instead of going about the matter quietly."

NOT THE USUAL "GRAND-STAND PLAY."

This appears to me to be the true state of affairs. I admit that President Roosevelt did not go at the matter in a very diplomatic manner; he did not write soft, loving, and kindly letters to the corporations that were violating the laws, but, as soon as he had the evidence, he proceeded against them in a court of justice, and stated in every speech that he made that this was what he proposed to do. The trouble is the trusts did not believe him; they thought it was the usual "grand-stand play" of the average politician they had heretofore been dealing with. In this President Roosevelt may have been wrong, but, in my opinion, and I believe in the opinion of the majority of business men in this country, he did perfectly right. The men in high places who betrayed their trusts, as did the officials of the life insurance company; the men who engineered the Alton Railroad deal, where they issued $90,000,000 worth of watered stocks and bonds on a $30,000,000 company; the brilliant frenzied financiers who disregarded all honesty and folsted on the public the Metropolitan Traction stocks after they had manipulated the stocks so as to enrich themselves with

unheard-of millions; the daring financial buccaneers who got control of some of the principal banks and deliberately set about to take every dollar there was in the vaults, leaving worthless securities instead; these men are to blame and they alone for the loss of that confidence which the American people have a right to expect of men in high places.

FEDERAL LAWS SHOULD BE RESPECTED.

Had President Roosevelt allowed these things to go on, Federal laws would not be regarded any more sacred than some obsolete city ordinances are to-day, such as exceeding the automobile speed limit of 8 miles an hour, or selling liquor to a man already intoxicated. For the first time in the history of this country, we find the trusts have the most profound and utmost respect for the Federal laws against accepting rebates from railroads. I dare say there isn't a corporation in the United States to-day, if offered a rebate by a railroad official, that wouldn't immediately telephone for the police, where only a short time ago they would have accepted the offer without asking any questions.

SOME INNOCENT PERSONS HURT.

It is true, innocent people have been hurt by the President's bold stand, but in every movement of any consequence, where drastic action is necessary, a great many innocent suffer with the guilty; but one thing has been accomplished, which alone is worth the price that has been paid by the public; that is, there is to-day the most profound and absolute respect for Federal laws, and for the first time in years the greatest corporations and trusts in this country know they can not violate these laws with impunity. So much for the financial flurry and its causes; now for its after effects.

WE'VE HAD A MONEY SCARE.

Confidence can be destroyed in a week, but it takes a long time to build it up. There is considerable talk about the scarcity of money; as a matter of fact, there is no scarcity of money. A better and truer definition of the situation to-day would be a "money scare." There is more money in the country to-day than there was a year ago this time. There has been imported from Europe in the neighborhood of $100,000,000 in gold. The banks have increased their circulation to the extent of $134,000,000. The mines have produced untold millions in gold during the past year, and there is more money to-day in the United States than there has ever been before in its history. There is simply a "money scare." The banks are hoarding money, and individuals are hoarding money. If all of this money were released there would be more than enough to go around; a good deal more than there was a year ago when the supply seemed to be sufficient. Until currency is released there will be an apparent though not a real scarcity of money, but it will only be put into circulation again when confidence has been fully restored. Confidence is returning, though slowly; it will increase day by day, more rapidly as the true situation is understood. All that is needed now is for the banks to resume currency payments and for people to put their money into the banks instead of hoarding it.

CHICAGO BANKS ARE ALL RIGHT.

As an example, the Chicago banks on the last call of the Comptroller, show that they had more actual currency in the vaults than they ever had before; several of them reaching almost 50 per cent in cash resources. Chicago is in better financial condition to-day than any other city in the country, and I am told all that the Chicago bankers are waiting for is for the balance of the country to resume currency payments so that they will not be in danger of having all of their money drawn out by their country bank correspondents; but I understand from bank officials here that in the meanwhile they are not refusing to ship currency to the country where their bank correspondents ask for it. This is a sure sign of the return of confidence, and let us hope that New York, St. Louis, and Kansas City banks will soon be in as good shape as the Chicago banks are. It may be said to the credit of Chicago bankers that there has been less speculation, less inflation, and less investment in doubtful securities by Chicago bankers than in any other city in this country, and we predict they will be the gainers by it, by larger reserves being kept there by country banks than in New York City, where the money reserve of the country has heretofore been so recklessly invested.

GREAT WEALTH OF THE COUNTRY.

According to the editor of Dallas Farm and Ranch, Texas produced this year more than $200,000,000 in cotton and cotton products, $100,000,000 in corn; $120,000,000 in live stock, dairy, and poultry products, and more than $80,000,000 worth of miscellaneous agricultural products. The total contribution of the Texas farmer to the wealth of the country this year is more than $500,000,000.

The editor of the Minneapolis Farm, Stock and Home reports there were 4,000,000 more bushels of grain marketed in Minneapolis up to November 15 than were sold at the same market up to the same date a year ago, and that prices averaged 40 per cent higher.

Kansas looms up with $200,000,000 worth of grain and other products, and $165,000,000 in the banks, with which to move the crops. Kansas farmers never have known such a crop or such large bank rolls.

The editor of the Dakota Farmer reports that South Dakota produced $15,000,000 more crops in 1907 than in 1906, and that their banks show an increase in deposits of $12,723,000 over a year ago.

The editor of the Nebraska Farmer reports a hay crop valued at $38,000,000, the largest ever produced in the State, and a total value of $170,000,000 on the eight principal crops.

The editor of the Wallace's Farmer, of Iowa, reports a corn crop of 300,000,000 bushels, much higher in price than a year ago; a better hay crop, which is bringing good prices, and a good oat crop.

The editor of the Fruit Grower, of St. Joseph, Mo., reports a better crop and conditions much better than they were the year before.

The editor of the Rocky Mountain Husbandman says Montana never knew better agricultural conditions.

The editor of the Inland Empire, of the State of Washington, reports a total output for the year of $128,000,000, which makes an average, according to the population, of $1,000 to each family in the State.

Wisconsin is in prosperous condition. Illinois is busy with a big crop. Kentucky agricultural districts are prosperous.

The editor of the Indiana Farmer's Guide says Indiana farmers were never more contented or more prosperous than at present.

Ohio country banks are paying money more rapidly than the city institutions. Ohio agricultural districts are more than prosperous.

The Atlanta Constitution reports unusual prosperity in Georgia, with a price of 11 cents a pound on cotton and the prospect of 15 cents before spring. The value of the cotton crop in the Southern States is placed at $700,000,000. Not since the civil war has Georgia enjoyed such prosperity as now; and from all other States, except the strictly manufacturing States, we get the same reports.

Mr. FITZGERALD. A parliamentary inquiry. Has the gentleman from Illinois announced that hereafter the five-minute rule shall be enforced and no debate shall be had except on the pending paragraph?

The CHAIRMAN. The Chair did not understand the gentleman to go to that extent.

The Clerk read as follows:

Municipal building: For furnishing and equipping complete in every detail by the Commissioners of the District of Columbia the new municipal building, for repairing and renewing old furniture, and cost of removal to new building, $107,000, to continue available until expended.

Mr. MANN. I reserve the point of order upon that paragraph. Why should this matter "continue available?"

Mr. TAWNEY. Mr. Chairman, I have no objection whatever to striking out that provision, making it available until expended. The Commissioners reported that it might be necessary because of the fact that the purchase of the furniture, all of it, perhaps, could not be made during the remainder of this fiscal year, and it was intended that this appropriation should cover the entire cost of the furniture and equipment of the municipal building.

Mr. MANN. Has there been any provision made before?

Mr. TAWNEY. Mr. Chairman, I move to strike out "continue available."

Mr. MANN. You can not make that motion while the point of order is pending.

Mr. LIVINGSTON. I would suggest to my colleague that very little of the furniture could be had until the end of this fiscal year, and if you do not make it available then you might as well make no appropriation.

Mr. MANN. Has there been any appropriation for the furnishing of this building?

Mr. VREELAND. No.

Mr. MANN. Whose fault was it?

Mr. VREELAND. I do not know that it was anybody's fault.

Mr. MANN. I do not mean that it was any fault of the Committee on Appropriations.

Mr. VREELAND. The building is not yet completed and will not be before July next. Congress has just met, after being absent for nine months, and the Commissioners have just made up the estimates and submitted them to the committee.

Mr. HULL of Iowa. Is this furniture to be supplied before the building can be occupied?

Mr. TAWNEY. They expect to occupy it temporarily about the 1st of April.

Mr. VREELAND. It is partly occupied now.

Mr. MANN. I withdraw the point of order.

Mr. TAWNEY. I move to amend by striking out the word "expended" and inserting after the word "until" the words "the end of the next fiscal year."

The Clerk read as follows:

Line 8, strike out the word "expended" and insert in lieu thereof "the end of the fiscal year 1909."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sewers: That appropriations heretofore made for the construction of sewers shall be available for the purchase and condemnation of such rights of way as may be required.

Mr. FITZGERALD. I wish to reserve a point of order against that provision.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. FITZGERALD. I wish to call the attention of the chairman of the committee to these facts: In the District of Columbia appropriation bill for the present fiscal year there was appropriated about $222,000 for construction and repairs of sewers. The Commissioners of the District have been anxious for years to have that fund available also for the purchase and acquisition by condemnation of rights of way. Upon the explanation that in the construction of sewers authorized it frequently becomes necessary to condemn rights of way, the cost of which was never expected to exceed $1,000, a provision was inserted in the bill authorizing the expenditure of $1,000 for that purpose. If this provision be retained in the bill, it makes available the entire appropriation for the construction of sewers, for the purchase or acquisition by condemnation of rights of way, or so much of it as they may wish to use. The Commissioners have at times requested authority to undertake the construction of sewers that the committee did not deem it advisable to initiate at the time, and I have not that confidence in the administration of the Government in the District of Columbia to put in the power of the men who are administering the affairs of the Government the authority to use as much money as could be used under such a provision. I understand it was shown in the hearings that in the con-

demnation of certain rights of way the verdict of a jury for $3,000 was rendered, and that there may be a deficiency for that amount, or a small amount more. If it be desired to give the Commissioners some small amount, or to make available some small amount, I have no objection; but I do object and will object to making available the entire appropriation for the construction of sewers, for the purchase or acquisition by condemnation of rights of way for sewers.

Mr. TAWNEY. Mr. Chairman, I will say, for the information of the committee and the gentleman from New York, that the estimate as submitted by the District Commissioners applied not only to the existing appropriations for sewers, but applied to future appropriations. The word "hereafter" was stricken out, and the application of a part of the current appropriation for sewers was allowed in this case upon this state of facts: In the construction of a very large and important sewer in or in the vicinity of Anacostia condemnation proceedings were instituted and a judgment of $2,600 was obtained. The sum of $1,000 was all that they were allowed to use. Now the owner of this proposed right of way agreed to compromise by accepting $600 less than the amount of the verdict. In order that this work, which is now being delayed, may continue, the Commissioners desire authority to pay out of the current appropriation for sewers the sum of $3,000, the amount of the verdict less the discount which the owner of the right of way is willing to make, but including costs, etc.

Mr. FITZGERALD. Yes; but I call the attention of the gentleman to the fact that in the appropriation bill for the past fiscal year for sewers there were allotted, for mains and pipe sewers, $44,000; for suburban sewers, $100,000; for continuing work on extension of east side intersecting sewer from boundary sewer to Brookland, $50,000; for sewer in the valley of Broad Branch, between Rock Creek and Soapstone Branch, and in the valley of Soapstone Branch, between Broad Branch and Wisconsin avenue, $28,000.

The hearings in the preparation of the District of Columbia appropriation bill showed that from time to time there were insignificant amounts required in order to permit a sewer to be put through the corner of a lot; and $1,000 was allotted for that purpose; but under the language of the provision in the deficiency bill the Commissioners have the authority to utilize whatever may now be unexpended of the appropriations just mentioned for the purpose of purchasing rights of way and condemning rights of way. There are a number of sewers contemplated in the District of Columbia which, if this authority were granted, would result in the expenditure, contrary to the wish of Congress, of a very exorbitant amount of money for rights of way, instead of placing them through public thoroughfares and public places. I have no objection to a limitation upon this item for the amount that will be necessary, but I do object to this extraordinarily broad power being vested in the Commissioners.

Mr. TAWNEY. I will say to the gentleman that the Commissioners, when before the committee, asserted to the committee that there was only this single instance where it was desired or where it would be necessary to draw upon the appropriations for the current year for sewers in order to pay for right of way. We accepted their word; this being the only case, and believing this was a meritorious case, and that $80,000 worth of sewer work is now awaiting the settlement of the controversy, we thought it wise to make the recommendation as we have.

Mr. MANN. How much is required to make up the balance to pay for the condemnation proceedings?

Mr. TAWNEY. The verdict, as I recollect it, is for $2,600, but there are some expenses. I think $3,000 was the maximum amount that the Commissioners informed the committee they would require in order to meet the necessities and in order that the work might go on.

Mr. MANN. Why not, if the gentleman from New York and others will permit, amend by saying that $3,000 out of the appropriation heretofore made may be used for this purpose, in taking care of this particular case, and not create a precedent that will go into every appropriation bill hereafter?

Mr. FITZGERALD. I call attention to the fact that the recommendation of the Commissioners contemplated only the use of $2,600 or $3,000, because in their recommendation they say the appropriation hereafter made; this is something they have been struggling to obtain for a long time.

Mr. TAWNEY. I know they have, and it is something that the committee has refused to give them.

Mr. FITZGERALD. My judgment is that the limitation should be placed on the amount that they may use under this provision.

Mr. MANN. Would the gentleman from New York be willing to leave the item in, with an amendment inserted after the word "that," so as to read, "the sum of $3,000 out of the appropriation heretofore made?"

Mr. GARDNER of Michigan. Or so much as may be necessary.

Mr. MANN. So it would permit them to use the sum necessary to go ahead with the sewer.

Mr. FITZGERALD. I have no objection to that because it seems that for some reason or other, they will require the $3,000.

Mr. TAWNEY. I would like to have the Chair rule on the proposition, on the point of order, and then if it is ruled out, we will endeavor to fix it.

The CHAIRMAN. Does the gentleman from Minnesota wish to be heard on the point of order?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. TAWNEY. I will now offer an amendment, if the gentleman from New York will consent.

Mr. FITZGERALD. I have no objection to giving them the $3,000.

Mr. TAWNEY. I think it is necessary that they should have the $3,000. I offer the following amendment:

The Clerk read as follows:

On page 13, after line 21, insert:

"SEWERS.

"Of the sum appropriated for sewers for the fiscal year 1908 not exceeding $3,000 may be used for procuring right of way for sewers."

The amendment was considered and agreed to.

The Clerk read as follows:

Reimbursement of J. Nota McGill and others: For the reimbursement of J. Nota McGill, Chapin Brown, Rufus H. Thayer, Robert C. Wilkins, and J. Wesley Bovee for amount expended for plumbing in the building for male employees in the Reform School for Girls of the District of Columbia, $391.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I insist that this is not subject to a point of order. This expenditure was made upon a building authorized by law, and I have here memoranda showing how the expenditure was made and why it was made. J. Nota McGill, Chapin Brown, Rufus H. Thayer, Robert C. Wilkins, and J. Wesley Bovee are the trustees appointed under authority of law for the control of the Reform School in the District of Columbia. This building was erected under their supervision and in accordance with law.

In 1893 Congress appropriated $6,000 for the erection and completion of a dormitory for male employees, to be erected in accordance with plans to be approved by the Architect of the Capitol, the inspector of buildings and the District Commissioners. Certain unavoidable delays were experienced and the plans were not perfected until during the past fiscal year of 1907. Owing to the increased cost of building material, it was found necessary in order to bring the expenditure within the appropriation to eliminate from the plans several important items, including plumbing and heating.

The changes in the plans were approved by the Supervising Architect, the inspector of building, and the District Commissioners, and the building was erected accordingly. It was found, however, that it could not be used without the installation of plumbing, and it was necessary that it be put into immediate use, as the men were then living in the stable. The matter was taken up with the Comptroller of the Treasury with a view of ascertaining whether or not any part of the maintenance funds could be employed to pay for this plumbing. As to this the Comptroller was in doubt, and thought the better plan would be for the members of the board of trustees to pay for the plumbing themselves and go to Congress for reimbursement, and this they did. These gentlemen have been without the money for several months, and they are claiming no interest, but only reimbursement for this outlay.

Those were the circumstances. Here was the incomplete building and the inmates of this institution were occupying a barn. Young men and boys were occupying the barn. The building was completed, but before it could be occupied this plumbing had to be done in order to make the building habitable. These men were acting under the authority of Congress and were the officers of the Government in respect to the control and supervision of this institution, and also with respect to the supervision and construction of this building, and I don't think the point of order lies.

Mr. MANN. Mr. Chairman, the gentleman himself reads a paper which states that Congress made an appropriation of $6,000 for the erection and completion of a dormitory, and then adds that it is not complete unless it has plumbing in it.

Mr. TAWNEY. On plans that were to be approved, and the building was constructed in accordance with the plans as approved.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota a question. The limit of cost of the building was $6,000?

Mr. TAWNEY. Yes.

The CHAIRMAN. And this amount is in addition to the $6,000?

Mr. MANN. It is in addition to the $6,000. Admit that this claim ought to be paid. It is a claim against the Government. But, Mr. Chairman, to say in the statute that you are going to pay a particular man is a change of existing law. That of itself would render the item obnoxious to the rules. If these people have a proper claim against the Government which can be paid at all by the Department officers, a proper method of reaching it is to make an appropriation for the deficiency, and not attempt without having the item go through the Auditor's Office, without having any Government official pass upon it, to say by the appropriation bill that it shall be paid because somebody says that they ought to have the money. That is practically what this letter says.

Mr. TAWNEY. That is not a fair statement, and I submit it is hardly fair to gentlemen of the standing of these trustees who are contributing their time gratis to the Government for the benefit of this institution.

Mr. MANN. If I have said anything which reflects on these gentlemen, I retract it.

Mr. TAWNEY. These gentlemen, rather than to see the people under their control live in a barn—a stable—proceeded to pay this money out of their own pockets in order to complete the plumbing, thereby making the building habitable. I think they are to be commended for taking the course they did in order to afford convenient and comfortable quarters for the inmates of that institution rather than to be censured.

Mr. MANN. I do not desire to say anything which reflects upon these men, although, now that the gentleman calls it to my mind, I think they might well have it said of them. Congress made an appropriation of $6,000 for the erection and completion of a dormitory. These men were in charge. What do they do? They proceeded to erect a dormitory without any plumbing to it at all, knowing that it was not habitable. They exceeded the appropriation, or expended the entire appropriation, knowing that when it was expended they would not have a building in which the help could be placed. I don't know but they are entitled to have criticism passed upon them. Congress determined the amount which should be applied on this building, and we had a right to suppose that these distinguished people in charge of the building would provide a habitable building out of the $6,000, and not a barn, as they say they have.

Mr. TAWNEY. Mr. Chairman, the trustees in this instance, whom the gentleman now does criticise, were instructed by law to construct this building in accordance with plans and specifications prepared by the supervising architect of the Capitol, the inspector of buildings, and the District Commissioners. These plans and specifications as prepared entirely eliminated plumbing; did not provide for plumbing.

Mr. MANN. It was done at their request—the elimination of plumbing.

Mr. TAWNEY. They therefore constructed the building in accordance with the law and not in violation of the law, as the gentleman from Illinois contends.

Now, while that building was being constructed there was not sufficient accommodations for all the inmates of the institution, and a part of them were temporarily provided with quarters in the barn, and in order that that condition might cease and that they might be provided with more comfortable quarters these men went on and provided for the plumbing which was necessary to the entire completion of the building, but, so far as the action of the trustees is concerned, they acted in accordance with the strict letter of the law, because upon a revision of the estimate or plans, which revision was made by the architect and approved by the Commissioners, the item of plumbing was eliminated.

Mr. MANN. Do the supervising architect and his assistants violate the law?

Mr. TAWNEY. They revised the plans——

Mr. MANN. And went beyond the appropriation.

Mr. TAWNEY. There is nothing in the law that requires plumbing should be included in it any more than the law requires plumbing to be included in barracks and quarters. When we make an appropriation for barracks and quarters we appropriate money for the building, and then the Army pays the plumbing out of the appropriation for transportation of the Army.

Mr. HULL of Iowa. We have changed that now.

Mr. MANN. Does the gentleman claim a dormitory building, which is not habitable when completed, complies with the law providing for the construction of a dormitory building?

Mr. TAWNEY. I am not claiming anything except what the law expressly provides. The gentleman stated these gentlemen had violated the law in building a building exceeding the limit of cost. I say he is mistaken; they did nothing of the kind.

Mr. MANN. Oh, I am not mistaken about that at all. These gentlemen prepared plans, and when they found the plans which they had prepared would cost more than $6,000 they deliberately cut the plumbing for the purpose of doing just what they are trying to do now.

Mr. TAWNEY. These men had nothing whatever to do with the preparation of the plans.

Mr. MANN. It was at their request that plumbing was omitted from the plans——

Mr. TAWNEY. I beg your pardon——

Mr. PAYNE. Mr. Chairman, I want to suggest to my friend from Illinois if this is not a very proper case to withdraw the point of order? These gentlemen have come nearer building a building for $6,000 than private individuals have been able to do during this period when material has been going up as it has. They have only exceeded it by some $391, and they have put their hands in their pockets and paid the amount in order to accommodate these people. It seems to me my friend from Illinois ought not to insist upon the point of order where the equities are so strong as they are here and the amount so small.

Mr. MANN. We know nothing about the claim but what these gentlemen say. The claim has never been audited, never been before a Department, or passed upon by any official of the Government; it is not approved in this case by the Department under which it comes.

Mr. PAYNE. I want to say to the gentleman he might incorporate an amendment that the bill should be audited by the Department before the sum was paid; but it seems to me these gentlemen, having put their hands into their pockets and paid the bill, ought not to be relegated to the Committee on Claims.

Mr. TAWNEY. I will say to the gentleman from New York it is not necessary to plead with the gentleman from Illinois, for if it goes out on the point of order I have it in another form in which it is in order.

Mr. MANN. I have no objection to the gentlemen being paid their money, but I shall object in all these cases, if I can, to specifying in an appropriation bill that certain people shall be paid money on claims which nobody has passed upon except the people themselves.

Mr. TAWNEY. The District Commissioners did approve of this payment.

Mr. MANN. The District Commissioners did approve? Why, they disavow all knowledge of it.

Mr. TAWNEY. Where?

Mr. MANN. In your own hearings, taken before the gentleman himself, they stated they knew nothing about it, and the gentleman presented it to the District Commissioners.

Mr. TAWNEY. It is submitted in the Book of Estimates by the Commissioners.

Mr. MANN. Not by the District Commissioners.

Mr. PAYNE. Mr. Chairman, I withdraw as a voluntary peacemaker. [Laughter.]

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] will find in the hearings that the president of the District Commissioners stated to him that he knew nothing about the claim, and the gentleman presented to the president a letter from these people stating the claim ought to be paid.

The CHAIRMAN. The Chair is ready to rule on the point of order. The pending section provides for reimbursement of certain persons for an amount expended for plumbing in the building for male employees in the Reform School for Girls in the District of Columbia. Congress authorized, the Chair understands, the construction of this building at the limited cost of $6,000. The amount called for in this section is in excess of that amount, and it seems to the Chair it is a claim against the Government, and is a claim that must be audited by the proper authorities before it can be an order upon a general appropriation bill. The Chair, therefore, sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 14, after line 17, insert:

"The Reform School for Girls: To pay for plumbing in the building for male employees in the Reform School for Girls, authorized in the District of Columbia appropriation act for the fiscal year 1904, $391."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. LAWRENCE, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 14766, the urgent deficiency bill, and had come to no resolution thereon.

THE LIFE-SAVING SERVICE.

The SPEAKER laid before the House a message from the President of the United States, which was referred to the Committee on Civil Service Reform and ordered to be printed.

[For President's message see Senate proceedings of to-day.]

WILLIAM R. LITTLE.

The SPEAKER laid before the House the following request of the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was granted indefinite leave of absence from February 3, 1908, until he can return from Oregon, on account of the requirement of primary nomination law, which requires registration in person as a prerequisite of being nominated again for the office of Congressman.

NATIONAL CONFERENCE ON COMBINATIONS AND TRUSTS.

Mr. HEPBURN. Mr. Speaker, I have in my hand the resolution adopted at the National Conference on Combinations and Trusts, held in Chicago October 22–25, 1907. I ask unanimous consent that these resolutions may be printed in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolutions are as follows:

Resolutions adopted at the National Conference on Combinations and Trusts, Chicago, October 22–25, 1907.

After twenty years of Federal legislation as interpreted by the courts, directed against the evils of trusts and combinations and against railroad rebates, beginning with the interstate-commerce act of 1887 and the antitrust act of 1890, a general and just conviction exists that the experience gained in enforcing these Federal acts and others succeeding them demonstrates the necessity of legislation which shall render more secure the benefits already gained and better meet the changed conditions which have arisen during a long period of active progress, both in the enforcement of statute law and in the removal of grave abuses in the management of railroads and corporations. These changes now demanded are:

First. Immediate legislation is required, following the recommendation of President Roosevelt and the Interstate Commerce Commission, permitting agreements between railroad corporations on reasonable freight and passenger rates, subject in all respects to the approval, supervision, and action of the Interstate Commerce Commission.

Second. The enforcement of the Sherman Act and the proceedings under it during the administrations of Presidents Harrison, Cleveland, McKinley, and Roosevelt have accomplished great national results in awakening the moral sense of the American people and in asserting the supremacy and majesty of the law, thus effectually refuting the impression that great wealth and large corporations were too powerful for the impartial execution of law. This great advance has rendered more secure all property rights, resting, as they must, under a popular government, on universal respect for and obedience to law. But now that this work is accomplished it has revealed the necessity for legislation which shall maintain all that the Sherman Act was intended to secure and safeguard interests it was never expected to affect.

As the next step in executing the determination of the American people to secure in all industrial and commercial relations justice and equality of opportunity for all, with full sympathy and loyal support for every effort to enforce the laws in the past, we urge upon Congress without delay to pass legislation providing for a nonpartisan commission in which the interests of capital, of labor, and of the general public shall be represented. This commission, like a similar commission, which proved most successful in Germany in 1870, shall consider the entire subject of business and industrial combinations and report such proposals as to the formation, capitalization, management, and regulation of corporations (so far as the same may be subject to Federal jurisdiction) as shall preserve individual initiative, competition, and the free exercise of a free contract in all business and industrial relations. Any proposed legislation should also include modification of the prohibition now existing upon combinations on the following subjects:

1. National and local organizations of labor and their trade agreements with employers relating to wages, hours of labor, and conditions of employment.

2. Associations made up of farmers, intended to secure a stable and equitable market for the products of the soil, free from fluctuations due to speculation.

3. Business and industrial agreements or combinations whose objects are in the public interest as distinguished from objects determined to be contrary to the public interest.

4. Such commission should make a thorough inquiry into the advisability of inaugurating a system of Federal license or incorporation as a condition for the entrance of certain classes of corporations upon interstate commerce and also into the relation to the public interest of the purchase by one corporation of the franchises or corporate stock of another.

On no one of these subjects must what has been gained be sacrificed until something better appears for enactment. On each this conference recognizes differences between good men. On all it asks a national nonpartisan commission to be appointed next winter to consider the question and report at the second session of the approaching Congress for such action as the National Legislature, in the light of this full investigation, may enact.

Third. The examination, inspection, and supervision of great producing and manufacturing corporations, already begun by the Department of Commerce and Labor and accepted by these corporations, should be enlarged by legislation requiring, through the appropriate bureaus of the Department of Commerce and Labor, complete publicity in the capitalization, accounts, operations, transportation charges paid, and selling prices of all such producing and manufacturing corporations whose operations are large enough to have a monopolistic influence. This should be determined and decided by some rule and classification to be devised by the commission already proposed.

Fourth. The conflicts between State and Federal authority raised in many States over railroad rates, being now under adjudication and under way to a final and ultimate decision by the Federal Supreme Court, this conference deems the expression of an opinion on these issues unfitting, and confidently leaves this great issue to a tribunal which for one hundred and eighteen years has successfully preserved the balance between an indissoluble union and indestructible States, defining the supreme and national powers of the one and protecting the sovereign and individual powers of the other.

ALBERT SHAW (New York), *Chairman.*
JOHN H. GRAY (Minnesota), *Secretary.*

Members at large.—Seth Low, publicist, New York; Samuel Gompers, president American Federation of Labor, Washington, D. C.; C. H. Smith, president Illinois Manufacturers' Association, Chicago, Ill.; James M. Lynch, president International Typographical Union, Indianapolis, Ind.; Aaron Jones, National Grange, South Bend, Ind.; George W. Perkins, president International Cigarmakers' Union, Chicago, Ill.; Franklin MacVeagh, wholesale grocer, Chicago, Ill.; A. T. Ankeny, attorney at law, Minneapolis, Minn.; James O'Connell, president International Association of Machinists, Washington, D. C.; John F. Crocker, president Chamber of Commerce, Boston, Mass.; Frank Duffy, general secretary United Brotherhood of Carpenters and Joiners of America, Indianapolis, Ind.; William Jay Schieffelin, National Association of Wholesale Druggists, New York; Daniel J. Keefe, president International Longshoremen, Marine and Transporters' Association, Detroit, Mich.; Prof. J. Laurence Laughlin, University of Chicago, Chicago, Ill.; A. T. Stebbins, National Retail Hardware Men's Association, Rochester, Minn.

Members selected by State delegations.—John W. Tomlinson, Alabama; G. W. Hull, Arizona; Charles S. Thomas, Colorado; Irving Fisher, Connecticut; J. Howard Gore, District of Columbia; J. W. Archibald, Florida; Avery C. Moore, Idaho; John V. Farwell, jr., Illinois; John H. Holliday, Indiana; F. L. Maytag, Iowa; James W. Orr, Kansas; George L. Sehon, Kentucky; Theodore Marburg, Maryland; Dr. Fred William Hamilton, Massachusetts; George H. Barbour, Michigan; John W. Willis, Minnesota; Robert H. Whitelaw, Missouri; Walter L. Locke, Nebraska; Nahum J. Bachelder, New Hampshire; Howard H. Wood, New Jersey; J. H. Bearrup, New Mexico; Dr. Albert Shaw, New York; D. A. Tompkins, North Carolina; Allen R. Foote, Ohio; David B. Marum, Oklahoma; George Langford, Oregon; Talcott Williams, Pennsylvania; J. A. Pickler, South Dakota; James S. Mead, Tennessee; F. G. Howland, Vermont; Wyndham R. Meredith, Virginia; James C. Lawrence, Washington; James M. Payne, West Virginia; William George Bruce, Wisconsin; Nellis Corthell, Wyoming, committee on resolutions.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2424. An act providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City—to the Select Committee on Industrial Arts and Expositions.

S. 2328. An act to establish a fish-cultural station in the State of North Carolina—to the Committee on the Merchant Marine and Fisheries.

S. 2024. An act to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891—to the Committee on the District of Columbia.

S. 1824. An act to establish a fish-cultural station in the State of Alabama—to the Committee on the Merchant Marine and Fisheries.

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford—to the Committee on Claims.

S. 762. An act to establish a fish-cultural station in the State of New Jersey—to the Committee on the Merchant Marine and Fisheries.

S. 597. An act amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (Twenty-seventh Statutes at Large, p. 347.)—to the Committee on the Judiciary.

S. 536. An act to establish a fish-cultural station in the State of Delaware—to the Committee on the Merchant Marine and Fisheries.

S. 3640. An act to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment"—to the Committee on Indian Affairs.

S. 3350. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905.

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark.

H. R. 10368. An act to authorize the Secretary of War to change the name of Julius Flemming to his proper name of Jacob John Locher.

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa.

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind.

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

The SPEAKER also announced his signature to enrolled bill of the following title:

S. 2694. An act to authorize the construction of a drawbridge over the Black River, in Lawrence County, Ark.

COMMITTEE ON THE MILITIA.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Militia may have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriations for salaries, officers of Light-House Board—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for quota of the United States for the support of the International Institute of Agriculture at Rome, Italy—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of deficiency appropriation for boundary line, Alaska and Canada—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, reported the same without amendment, accompanied by a report (No. 440), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., reported the same without amendment, accompanied by a report (No. 441), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River, reported the same without amendment, accompanied by a report (No. 442), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2662) to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz., reported the same without amendment, accompanied by a report (No. 443), which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14434) to validate certain entries of public lands in the State of Colorado, reported the same without amendment, accompanied by a report (No. 444), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills and resolution of the following titles, which were thereupon referred as follows:

A bill (H. R. 1072) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2672) granting a pension to Edward Dodsworth—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6523) granting a pension to Jesse H. Wade—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6525) granting a pension to Helen Mathews—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6526) granting a pension to Freda Burow—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6532) granting an increase of pension to Morris Lavin—Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 6543) granting an increase of pension to Margaret C. Storts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7029) for the relief of C. L. Huey—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 7037) for the relief of Benjamin F. King—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 5610) granting a pension to Augustus H. Ewell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A resolution (H. Res. 169) for the relief of Marcellus Butler—Committee on Accounts discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURTON of Delaware: A bill (H. R. 15438) for the establishment and organization of a corps of trained women nurses for the United States Navy—to the Committee on Naval Affairs.

By Mr. WOOD: A bill (H. R. 15439) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. PORTER: A bill (H. R. 15440) to provide for survey and estimates for deepening the channel in Niagara River

between Tonawanda Island and Gill Creek—to the Committee on Rivers and Harbors.

By Mr. STAFFORD: A bill (H. R. 15441) providing for the payment of expenses of district judges of United States courts—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 15442) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898—to the Committee on Private Land Claims.

Also, a bill (H. R. 15443) to authorize the exploration and purchase of mines within the boundaries of private land claims—to the Committee on Mines and Mining.

By Mr. BEDE: A bill (H. R. 15444) extending the time for the construction of a dam across Rainy River—to the Committee on Interstate and Foreign Commerce.

By Mr. SNAPP: A bill (H. R. 15445) to provide for enlarging and improving the United States building at Elgin, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. KALANIANAOLE: A bill (H. R. 15446) to direct a survey of Kahului Harbor, on the island of Maui, Territory of Hawaii—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: A bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 15448) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901—to the Committee on the District of Columbia.

Also, a bill (H. R. 15449) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901—to the Committee on the District of Columbia.

By Mr. LANGLEY: A bill (H. R. 15450) to provide for the further improvement of the Kentucky River, in the State of Kentucky—to the Committee on Rivers and Harbors.

By Mr. YOUNG: A bill (H. R. 15451) to increase the appropriation for a site and public building at Sault Ste. Marie, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 15452) to establish two or more fish-cultural stations on Puget Sound—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARRETT: A bill (H. R. 15453) to encourage agriculture in the Philippine Islands by providing that the Philippine government may loan to agriculturists in said islands a fund equal in amount to the net seigniorage profit derived by the Philippine government from the recoinage of certain coins—to the Committee on Insular Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 15454) to prevent the issue of internal-revenue special-tax receipts to retail liquor dealers in communities where the sale of liquor is prohibited by State laws—to the Committee on Ways and Means.

By Mr. PAYNE: A bill (H. R. 15455) to provide for the purchase of a site and the erection of a public building thereon at Penn Yan, in the State of New York—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15456) to provide for the purchase of a site and the erection of a public building thereon at Newark, in the State of New York—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 15457) to approve the verdict of the second jury summoned to condemn land for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes—to the Committee on the District of Columbia.

By Mr. GRIGGS: A bill (H. R. 15458) providing for a parcels post for rural routes—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: A bill (H. R. 15459) authorizing the leasing of Indian lands on the Shoshone or Wind River Reservation, in Wyoming—to the Committee on Indian Affairs.

By Mr. FULTON: A bill (H. R. 15460) to provide for improvement and designation of homestead of certain Indian lands in Oklahoma of the Kiowa, Comanche, Apache, Caddo, Wichita, Cheyenne, Arapaho, Shawnee, and Pottawatomie Indians—to the Committee on Indian Affairs.

By Mr. HEFLIN: A bill (H. R. 15461) for the establishment of a fish-cultural station for the propagation of fish at or near Prattville, Ala.—to the Committee on the Merchant Marine and Fisheries.

By Mr. LANDIS (by request): A bill (H. R. 15462) to regulate the construction and operation of elevators in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 15463) providing for changing the title of warrant machinist, United States Navy, to machinist, for the promotion of machinists after six years from date of warrant according to law governing the promotion of other warrant officers, and for other purposes—to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 15464) to provide for the further improvement of the Levisa and Tug forks of the Big Sandy River in Kentucky and West Virginia—to the Committee on Rivers and Harbors.

By Mr. CHAPMAN: A bill (H. R. 15465) granting pensions to the widows and minor children of certain officers and enlisted men who served in the civil war or in the war with Mexico—to the Committee on Invalid Pensions.

By Mr. LOVERING: Concurrent resolution (H. C. Res. 22) authorizing the Secretary of War to cause to be made a survey of Little Harbor, Woods Hole, Mass.—to the Committee on Rivers and Harbors.

By Mr. MANN: Joint resolution (H. J. Res. 117) concerning the location of the Grant Memorial, in the District of Columbia—to the Committee on the Library.

By Mr. MONDELL: Resolution (H. Res. 201) for the payment of an assistant clerk to the Committee on the Public Lands—to the Committee on Accounts.

By Mr. BEDE: Resolution (H. Res. 202) concerning certain public lands around Cedar Island Lake, Minnesota—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 15466) granting an increase of pension to William Esslin—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 15467) for the relief of William P. Drummon—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 15468) granting an increase of pension to Harry C. Crary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15469) granting an increase of pension to William H. Hastings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15470) granting a pension to William C. Stanford—to the Committee on Pensions.

Also, a bill (H. R. 15471) granting a pension to C. B. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15472) for the relief of Jose Salazar y Ortiz—to the Committee on Claims.

By Mr. BEALE of Pennsylvania: A bill (H. R. 15473) granting an increase of pension to Mary A. L. Hawk—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 15474) authorizing the Secretary of War to place on the retired list John J. Janezeck, as a retired sergeant of ordnance, with full pay and allowances as such—to the Committee on Military Affairs.

By Mr. BURLESON (by request): A bill (H. R. 15475) granting an increase of pension to Fannie T. Shipley—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 15476) for the relief of Don Manuel Pardo, of the Philippines—to the Committee on War Claims.

Also, a bill (H. R. 15477) for the relief of William R. Butler—to the Committee on War Claims.

Also, a bill (H. R. 15478) for the relief of M. T. Sigrest—to the Committee on War Claims.

Also, a bill (H. R. 15479) for the relief of John F. Byars—to the Committee on War Claims.

Also, a bill (H. R. 15480) for the relief of Thomas P. Burnham, administrator of the estate of Dr. J. Burnham, deceased, of Scott County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 15481) for the relief of heirs and estate of Reuben Milsaps, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15482) for the relief of heirs and estate of John Graham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15483) for the relief of heirs of Edmund Kennedy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15484) for the relief of heirs or estate of Thomas Jarrell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15485) for the relief of heirs of William R. Morris, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15486) for the relief of heirs of Purify Tingle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15487) for the relief of heirs of Mary and L. B. Wilkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15488) for the relief of heirs of Mary E. Spence, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15489) for the relief of heirs of George W. McCabe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15490) for the relief of the estate of Alexander Russell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15491) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Matilda B. Harvey, deceased—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 15492) granting an increase of pension to Ada W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15493) granting an increase of pension to Margaretha Loether—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15494) to complete the military record of Elijah M. Berand—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 15495) granting an increase of pension to Daniel Greer—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15496) granting a pension to J. Nelson Neill—to the Committee on Pensions.

Also, a bill (H. R. 15497) granting a pension to Francis Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting an increase of pension to Peter Hantz—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15499) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Fairfax Lodge, No. 43, Ancient Free and Accepted Masons, of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15500) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Hartwood Presbyterian Church, of Stafford County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15501) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Forest Hill Methodist Episcopal Church, Dumfries, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15502) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Mount Olivet Methodist Protestant Church, Alexandria County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15503) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Calvary Protestant Episcopal Church, Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15504) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15505) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of St. Paul's Free Church, of Routts Hill, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15506) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of Zion Protestant Episcopal Church, Fairfax, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15507) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of Lambs Creek Protestant Episcopal Church, King George County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15508) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Methodist Episcopal Church South, Marshall, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15509) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Lebanon Union Church, of Lincolnia, Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15510) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Round Hill Church, King George County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15511) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Liberty Church, of Dranesville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15512) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Broad Run Baptist Church, Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15513) to carry into effect the findings of the Court of Claims in the matter of the claim of Zoar Baptist Church, Bristersburg, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15514) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15515) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Baptist Church of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15516) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15517) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Grove Baptist Church, of Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15518) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Presbyterian Church, Warrenton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15519) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of St. Luke's Episcopal Church, of Remington, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15520) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Baptist Church, Waterford, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15521) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Jeffersonton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15522) for the relief of Susan J. P. Stiglar, widow, administratrix of the estate of John W. Stone, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 15523) granting a pension to Mary A. Denny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15524) granting an increase of pension to George C. Miller—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 15525) granting an increase of pension to William H. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15526) granting an increase of pension to James H. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15527) for the relief of Andrew Wilkinson and William D. Wilkinson—to the Committee on Claims.

Also, a bill (H. R. 15528) granting an increase of pension to James Hopkins—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15529) granting an increase of pension to Arline E. McNutt—to the Committee on Pensions.

Also, a bill (H. R. 15530) granting an increase of pension to James R. Gibson—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 15531) granting an increase of pension to Rebeckah Williams—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 15532) granting an increase of pension to Levi Witham—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 15533) granting a pension to Sarah A. Waite—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 15534) for the relief of the Union Bridge Company, a corporation of Pennsylvania, having its chief office in Pittsburg, Pa.—to the Committee on Claims.

By Mr. DARRAGH: A bill (H. R. 15535) granting an increase of pension to Sidney D. Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15536) granting an increase of pension to David Thuma—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 15537) granting a pension to James C. Braselton—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 15538) granting an increase of pension to George W. Fairchild—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 15539) granting an increase of pension to Edward P. Howe—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 15540) granting a pension to John H. T. Yost—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15541) for the relief of G. W. Dismukes for captured cotton appropriated by the United States to its own use—to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 15542) for the relief of the estate of John Gibson, deceased—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 15543) granting a pension to Daniel Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15544) granting a pension to Sarah L. Volz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15545) granting an increase of pension to Mattie T. Fick—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 15546) granting a pension to John T. Maloney, jr.—to the Committee on Pensions.

Also, a bill (H. R. 15547) granting a pension to Alexander Iaun—to the Committee on Pensions.

Also, a bill (H. R. 15548) granting an increase of pension to Samuel B. Bowman—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 15549) granting an increase of pension to Christian Richter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15550) granting an increase of pension to Joseph McCain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15551) granting an increase of pension to Haydon Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15552) granting an increase of pension to Nathaniel Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15553) to remove the charge of desertion from the military record of John Hall—to the Committee on Military Affairs.

Also, a bill (H. R. 15554) to remove the charge of desertion from the military record of Larkin T. Robertson—to the Committee on Military Affairs.

Also, a bill (H. R. 15555) granting a pension to Rachel J. White—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15556) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be lieutenant-general, United States Army—to the Committee on Military Affairs.

By Mr. FOULKROD: A bill (H. R. 15557) granting a pension to Eloise Wilkenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15558) granting a pension to Thomas T. McMullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15559) granting a pension to Mrs. Edwin C. Butcher—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 15560) for the relief of Durham W. Stevens—to the Committee on Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 15561) granting an increase of pension to Frank T. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15562) granting an increase of pension to John P. Veach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15563) granting an increase of pension to Eliza Calver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15564) granting an increase of pension to Adelaide E. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15565) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be lieutenant-general, United States Army—to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 15566) granting an increase of pension to William McLain—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 15567) granting an increase of pension to Naomi V. Culley—to the Committee on Pensions.

Also, a bill (H. R. 15568) granting an increase of pension to John McKuan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15569) granting a pension to Mary A. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15570) granting a pension to Lillian Garner—to the Committee on Pensions.

Also, a bill (H. R. 15571) for the relief of James H. Gambrell—to the Committee on Naval Affairs.

By Mr. GORDON: A bill (H. R. 15572) for the relief of Marion B. Patterson—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 15573) granting a pension to J. S. Grubb—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 15574) granting an increase of pension to John W. Henry—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15575) granting a pension to Rhoda A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15576) granting a pension to Lucy F. Welton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15577) granting a pension to Harriet L. Gist—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 15578) granting a pension to John C. Wheaton—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 15579) granting an increase of pension to Alonzo C. Abbey—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15580) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 15581) granting an increase of pension to John H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15582) granting an increase of pension to Washington M. Knight—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 15583) granting an increase of pension to Marvin F. Weston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15584) granting an increase of pension to Thomas G. Wood—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15585) granting an increase of pension to William P. Routt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15586) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15587) granting an increase of pension to Caleb Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15588) granting an increase of pension to James L. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15589) granting an increase of pension to Francis Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15590) granting an increase of pension to Isham Maxey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15591) for the relief of the estate of Harvey Woodward—to the Committee on War Claims.

By Mr. KENNEDY of Iowa: A bill (H. R. 15592) for the relief of W. H. Heule—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 15593) granting an increase of pension to David Mather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15594) granting an increase of pension to Richard Shapland—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15595) granting an increase of pension to Albert Bennett—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 15596) granting an increase of pension to Napoleon B. Beaulieu—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 15597) granting an increase of pension to George H. Hales—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15598) to remove the charge of desertion and grant an honorable discharge to George W. Weiser—to the Committee on Military Affairs.

Also, a bill (H. R. 15599) granting an increase of pension to Ira Phillips—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15600) for the relief of the estate of Samuel E. Bratton, deceased—to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 15601) granting an increase of pension to Cecelia Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15602) granting an increase of pension to Michael Guth—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 15603) for the relief of John W. Wood—to the Committee on Claims.

By Mr. MANN: A bill (H. R. 15604) granting an increase of pension to Mary L. Betzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15605) granting an increase of pension to Dinah E. Sprague—to the Committee on Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 15606) grant-

ing a pension to Thomas F. Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15607) granting a pension to Lena Roedelsheimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15608) for the relief of Thomas F. Walter—to the Committee on Military Affairs.

Also, a bill (H. R. 15609) granting a pension to Katharine H. Williams—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 15610) for the relief of Andrew Erickson—to the Committee on Claims.

By Mr. OLCOTT: A bill (H. R. 15611) to correct the military record of Bartholomew Cronin—to the Committee on Military Affairs.

Also, a bill (H. R. 15612) to correct the War Department records of Henry Donovan—to the Committee on Military Affairs.

By Mr. PARKER of South Dakota: A bill (H. R. 15613) for the relief of Daniel W. Flick—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 15614) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 15615) granting an increase of pension to Mary M. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15616) granting an increase of pension to Hugh Irwin—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 15617) granting an increase of pension to Frederick Greiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15618) granting a pension to David H. Burket—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15619) granting an increase of pension to Stephen Pullen—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 15620) for the relief of Parks S. Townsend, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 15621) granting a pension to Mary T. Parrish—to the Committee on Pensions.

By Mr. ROBINSON: A bill (H. R. 15622) for the relief of the heirs of John H. Austin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15623) for the relief of J. F. Steel—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 15624) for the relief of George A. Armes—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 15625) for the relief of John W. Hyatt—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 15626) granting an increase of pension to George Shiebel—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 15627) granting an increase of pension to Eliza L. Reimsdorff—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15628) granting an increase of pension to John H. Layne—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 15629) granting a pension to Anna Sterr—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 15630) granting an increase of pension to Samuel Hobson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15631) granting a pension to Emma A. Pyle—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 15632) granting an increase of pension to Jerome B. Thomas—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 15633) granting a pension to Marcellus Howser—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 15634) for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased—to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 15635) granting an increase of pension to Ann McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15636) granting an increase of pension to John P. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15637) granting an increase of pension to Henry Stocks—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 15638) granting an increase of pension to Ben de Lemos—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 15639) granting an increase of pension to Ann J. Ward—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 15640) providing for salary and allowances of the postmaster at Mackinac Island post-office, Mackinac County, State of Michigan—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Paper to accompany bill for relief of Joseph Jackson—to the Committee on Invalid Pensions.

By Mr. AMES: Petition of Andrew J. Martin, George Lamb, and 3 other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ANSBERRY: Paper to accompany bill for relief of William Johnson—to the Committee on Invalid Pensions.

By Mr. BYRD: Papers to accompany bills for relief of estate of Thomas Jarrell, estate of Edmund Kennedy, estate of John Graham, and estate of Reuben Millsaps—to the Committee on War Claims.

By Mr. CALDER: Petition of National Corps, Army and Navy Union, for increase of pay of officers and men of the Army and Navy—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petition of Kansas Board of Trade, indorsing the McCumber bill for Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Institute of Electrical Engineers, for forest preservation—to the Committee on Agriculture.

Also, petition of Commercial Club of Topeka, against advancing railway rates without supervision of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Grain Dealers' Association of Kansas, for Government inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. G. Schmidler, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of O. N. Aylworth, Charles Drown, J. H. Sommers, C. E. Woodruff, E. O. Rose, E. H. Quinn, W. C. Milligan, W. P. Bowman, William H. Smith, N. T. Dodson, J. H. Sweet, Len. Smith, Andrew Sweet, Joseph A. Woodman, Charles Morris, Rev. John W. Hannum, and Wilson Wreath, for prohibition of liquor on all Government property and prevention of shipment of liquor into prohibition States—to the Committee on the Judiciary.

By Mr. CARLIN: Paper to accompany bill for relief of Mrs. Susan J. P. Stigler—to the Committee on War Claims.

By Mr. CHANEY: Paper to accompany bill for relief of James H. Ross—to the Committee on Invalid Pensions.

By Mr. COCKRAN: Paper to accompany bill for relief of Amy Johnson—to the Committee on Invalid Pensions.

By Mr. COUDREY: Petition of State Federation of Labor, against Government musicians competing with civil musicians—to the Committee on Naval Affairs.

Also, petition of George Warren Brown, against act to provide for extra clerical force for next census and for civil service competitive examination—to the Committee on Reform in Civil Service.

By Mr. DARRAGH: Memorial of State legislature of Michigan, against further reduction of tariff on sugar and agitation of same—to the Committee on Ways and Means.

Also, petition of Jotham Allen and 63 other farmers, and Farmers' Institute of Gratiot County, Mich., for reduction of tariff on imports from the Philippines—to the Committee on Ways and Means.

Also, petition of Grand Traverse Grange, No. 379, of Michigan, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Lewis H. Woodruff—to the Committee on Invalid Pensions.

Also, petition of citizens of Lakeview, Mich., for free delivery of mail in towns having postal revenue of $5,000 per annum or over—to the Committee on the Post-Office and Post-Roads.

Also, petition of Typographical Union of Traverse City, Mich., for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. DE ARMOND: Papers to accompany bills for relief of James M. Pickett and John Noble—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Paper to accompany bill for relief of Samuel C. Tompkins—to the Committee on Invalid Pensions.

Also, petitions of Merchants' Association of New York, for adequate pensions for widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, petition of N. Johannsen, for currency legislation—to the Committee on Banking and Currency.

By Mr. ELLIS of Missouri: Petition of A. S. Van Valkenburgh and 169 other citizens of Missouri, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon: Petition of citizens of Umatilla County, Oreg., to accompany H. R. 15118—to the Committee on the Public Lands.

Also, petition of Multnomah Typographical Union, Portland, Oreg., favoring a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John W. Boals—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Wholesale and Retail Hardware Joint Commission, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marine Trades Council of Port of New York, for construction of another battle ship at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of estate of John Gibson—to the Committee on War Claims.

By Mr. FOCHT: Paper to accompany bill for relief of Mrs. Mary E. T. Barber—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Boling (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. FOSTER of Indiana: Petition of Indiana Grain Dealers' Association, favoring uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Typographical Union No. 35, Evansville, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Commercial Travelers' Congress of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Vermont: Petition of B. H. Kerr and 17 other citizens of San Jose, Cal., for change of rules and regulations governing Chinese-exclusion laws—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rockford (Ill.) Typographical Union No. 213, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, for ship subsidy bill—to the Committee on the Merchant Marine and Fsheries.

Also, petition of Ingersoll Milling Machine Company, of Rockford, Ill., for currency legislation—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Daniel A. Steadman—to the Committee on Invalid Pensions.

Also, petitions of F. E. Carpenter, of Rockford, Ill., and Glass Bottle Blowers' Association of Streator, Ill., for a parcels-post law and postals savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: Petition of George G. Mead Post, Grand Army of the Republic, Department of California and Nevada, for H. R. 6100, for pensions to all honorably discharged soldiers of the civil war—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of William McLain—to the Committee on Invalid Pensions.

By Mr. GORDON: Paper to accompany bill for relief of Marion B. Patterson—to the Committee on Claims.

By Mr. GRAHAM: Petition of the Paul C. Wolff Automobile Club, of Pittsburg, for appropriation to mark the Oregon trail—to the Committee on the Library.

By Mr. HALE: Petition of McKinley Post, Department of Tennessee, for allowance of pensions of $30 per month and $12 per month to widows of soldiers—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: Paper to accompany bill for relief of John W. Henry—to the Committee on Invalid Pensions.

Also, petition of Commercial Club of Des Moines, Iowa, against the Crumpacker bill (H. R. 7597) concerning employment of clerks for new census—to the Committee on Reform in the Civil Service.

Also, petition of Wapello County Medical Association, for adequate pensions for widows of Maj. James Carroll and Dr. Jesse W. Lazear—to the Committee on Pensions.

By Mr. HAMLIN: Paper to accompany bill for relief of John B. Clements—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of James McQueen and 201 other citizens of Minnesota, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HAYES: Petition of citizens of San Francisco, against extension of rights of naturalization and for an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of John Sain—to the Committee on Invalid Pensions.

Also, petition of Carriers' League of California, for amendment to interstate-commerce law requiring notice of any change in rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wholesale and Retail Hardware Commission, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of United Presbyterian Synod, against sale of liquor to Indians and to stop collecting internal revenue from speakeasies in no-license territory—to the Committee on Indian Affairs.

By Mr. HINSHAW: Papers to accompany bills for relief of Anna L. Mills, Martha E. Geesaman, Luman Vanhoosen, and Dallas Seaburg—to the Committee on Invalid Pensions.

Also, petition of old soldiers of Stromsburg, Polk County, Nebr., for H. R. 13261 (the Hinshaw pension bill)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Marvin F. Weston—to the Committee on Invalid Pensions.

Also, petition of Delevan Bates and 81 others, of Nebraska, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: Papers to accompany bills for relief of William P. Rontt, James Allen, Caleb Reynolds, James L. Hamilton, Ernest Woodward, Francis Reynolds, and Isham Maxey—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Petition of citizens of Washington, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Washington, against extension of right of naturalization and for an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of Joe Hooker Relief Corps, of Chehalis, for soldiers' widows' pension bill—to the Committee on Invalid Pensions.

By Mr. KEIFER: Petitions of Andrew L. Harris, governor of Ohio, and 1,924 other citizens of Ohio, including judges of different courts and county officers, bankers, manufacturers, merchants, farmers, and professional men, and 221 citizens of west Tennessee and 44 from Oklahoma, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of T. H. Sullivan and 30 other citizens of Springfield, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Paper to accompany bill for relief of Albert Bennett—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of York Branch, No. 509, National Association of Letter Carriers, for H. R. 10504, for a special parcels post in York and Adams counties, Pa.—to the Committee on the Post-Office and Post-Roads.

Also, petition of York Typographical Union, No. 242, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Louisa J. Long—to the Committee on Pensions.

By Mr. LEGARE: Paper to accompany bill for relief of John Duncan—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of John Merriam, of Livermore Falls, Me., and others, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LLOYD: Petition of 131 citizens of Adair County, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. LOWDEN: Petition of Local Union No. 54, Typographical Union, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. MANN: Paper to accompany bill for relief of Mary E. Betzel—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Dinah E. Sprague—to the Committee on Pensions.

By Mr. NYE: Petition of German-American Alliance of St. Paul, Minn., against prohibition in District of Columbia—to the Committee on the District of Columbia.

By Mr. O'CONNELL: Petition of Boston Wholesale Grocers' Association, for amendment of pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Wholesale Grocers' Association, for amendment of Sherman antitrust law, for benefit of trade associations—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Paper to accompany H. R. 4525—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany bill for relief of Sidney S. Smith—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of third-class postmasters of First Congressional District of Nebraska, for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Wholesale and Retail Hardware Joint Committee, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Paper to accompany bill for relief of Blair W. Peck (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RIORDAN: Petition of masters and pilots, for H. R. 31, for a light and fog signal on Governors Island—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of Local Union No. 9, International Typographical Union, of Buffalo, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of Martha C. Pace—to the Committee on Pensions.

By Mr. SLEMP: Paper to accompany bill for relief of John W. Hyatt—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of Columbia County Union of Educational and Cooperative Association of America, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tampa Board of Trade, for legislation to safeguard deposits in national banks—to the Committee on Banking and Currency.

Also, petition of Central Trades and Labor Assembly, of Tampa, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petitions of Edward P. Nobles and others and Wilbur W. Smith and others, citizens of Connecticut, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of Duluth (Minn.) Commercial Club, for amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of T. W. Lee and others, for legislation to preserve the wild elk of western mountains or forest reserves—to the Committee on Agriculture.

Also, petition of H. Bahn, for resumption of work at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Massachusetts Library Club, against a bill entitled "A bill to consolidate and revise the acts respecting copyright" (S. 2900; H. R. 11794)—to the Committee on Patents.

Also, petition of Merchants' Association of New York, for an adequate pension for the widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. TALBOTT: Paper to accompany bill for relief of civil war transport men—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Paper to accompany bill for relief of John Scott—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of American Institute of Electrical Engineers, for forest preservation to conserve water powers—to the Committee on Agriculture.

By Mr. WILEY: Petition of William B. Gere, of Bessemer, Ala., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WOOD: Petitions of J. E. Pinkney, James B. Ladd, Warren D. Church, J. Frank Wilkes, and Carl H. Graf, all of Hoboken, N. J., for return of collateral inheritance tax to Stevens Institute of Technology, Hoboken, N. J.—to the Committee on Claims.

By Mr. YOUNG: Memorial of house of representatives of Michigan, against reduction of tariff on sugar from Philippines—to the Committee on Ways and Means.

Also, petition of Wholesale and Retail Hardware Joint Commission, of Fort Smith, Ark., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alma (Mich.) Board of Trade, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 29, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

FINANCIAL STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 12, 1907, a statement relative to Treasury operations, United States depositaries, condition of national banks, etc., which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Great Falls and Old Dominion Railroad Company for the year ended December 31, 1907, which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, returned to the Senate in compliance with its request the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa;

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind.;

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.; and

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Council No. 4, United Commercial Travelers of America, of Indianapolis, Ind., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cronomer Valley Grange, No. 982, Patrons of Husbandry, of Orange County, N. Y., and a petition of Orange County Pomona Grange, Patrons of Husbandry, of Newburgh, N. Y., praying for the enactment of legislation to establish a national park in the Highlands of the Hudson, in that State, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STONE presented a petition of Local Union No. 88, International Typographical Union, of Hannibal, Mo., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Moberly, Mo., praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Educational and Cooperative Union of Scott County, Mo., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Government Townsite Protective Association of the State of Oklahoma, praying for the enactment of legislation for the relief of landowners on town sites and in the segregated land district in that State from the encroachments of "squatters," which was referred to the Committee on Public Lands.

He also presented a petition of the Medical Association of Madison County, Mo., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr.

James W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of the State Federation of Labor of Kansas City, Mo., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry volunteer officers of the civil war, of Sedalia, Edina, St. Louis, Springfield, Kirksville, all in the State of Missouri, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. GAMBLE presented a petition of the Men's Christian Club of Alexandria, S. Dak., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BURROWS presented a memorial of the general conference of the Seventh-Day Adventists, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives, in Congress assembled:

Your memorialists respectfully represent that the body of Christian believers with which they are connected, the Seventh-Day Adventists, and whose views they represent, has a growing membership residing in every State and Territory in the Union; that nearly all these members are native-born American citizens, and that it is supporting missionaries and has a following in every continent of the world. It is a Protestant body, which was established in this country about sixty years ago.

We recognize the authority and dignity of the American Congress as being the highest lawmaking power in the land, to whose guidance and fostering care have been committed the manifold interests of this great country, and our justification for presenting this memorial to your honorable body is that we are not seeking to direct your attention to any private or class concerns, but to principles which are fundamental to the stability and prosperity of the whole nation. We therefore earnestly ask your consideration of the representation which we herewith submit.

We believe in civil government as having been divinely ordained for the preservation of the peace of society and for the protection of all citizens in the enjoyment of those inalienable rights which are the highest gift to man from the Creator. We regard properly constituted civil authority as supreme in the sphere in which it is legitimately exercised, and we conceive its proper concern to be "the happiness and protection of men in the present state of existence, the security of the life, liberty, and property of the citizens, and to restrain the vicious and encourage the virtuous by wholesome laws, equally extending to every individual." As law-abiding citizens we seek to maintain that respect for authority which is the most effective bulwark of just government, and which is especially necessary for the maintenance of republican institutions upon an enduring basis.

We heartily profess the Christian faith, and have no higher ambition than that we may consistently exemplify its principles in our relations to our fellow men and to the common Father of us all. We cheerfully devote our time, our energies, and our means to the evangelization of the world, proclaiming those primitive principles and doctrines of the gospel which were interpreted anew to mankind by the Saviour of the world, and which were the fundamental truths maintained by the church in apostolic times. We regard the Holy Scriptures as the sufficient and infallible rule of faith and practice, and consequently discard as binding and essential all teachings and rituals which rest merely upon tradition and custom.

While we feel constrained to yield to the claims of civil government and religion, as both being of divine origin, we believe their spheres to be quite distinct the one from the other, and that the stability of the Republic and the highest welfare of all citizens demand the complete separation of church and state. The legitimate purposes of government "of the people, by the people, and for the people," are clearly defined in the preamble of the national Constitution to be to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to all. All these aims are of a temporal nature and grow out of the relations of man to man. The founders of the nation, recognizing that "the duty which we owe our Creator, and the manner of discharging it, can only be directed by reason and conviction, and is nowhere cognizable but at the tribunal of the Universal Judge," wisely excluded religion from the concerns of civil government, not because of their indifference to its value, but because, being primarily a matter of the heart and conscience, it did not come within the jurisdiction of human laws or civil compacts. The recognition of the freedom of the mind of man and the policy of leaving the conscience untrammeled by legislative enactments have been abundantly justified by a record of national development and prosperity which is unparalleled in history. This is the testimony of our own experience to the wisdom embodied in the principle enunciated by the Divine Teacher of Christianity: "Render unto Cæsar the things that are Cæsar's, and to God the things that are God's."

We therefore view with alarm the first indication of a departure from this sound principle. In the history of other nations of the world, where church and state have been united to a greater or less degree, or where the struggle to separate them is now in progress, we have a warning, ofttimes written in blood, against the violation of this doctrine which lies at the foundation of civil and religious liberty. We affirm that it is inconsistent with sound reasoning to profess firm adherence to this principle of the separation of church and state, and at the same time endeavor to secure an alliance between religion and the state, since the church is simply religion in its organized and concrete expression; and, furthermore, that the same authority which can distinguish between the different religions demanding recognition, and give preference to one to the exclusion of the others, can with equal right and equal facility distinguish between the different denominations or factions of the same religion, and dispense to one advantages which it denies to the others. These considerations ought to make it doubly clear that what God has put asunder man ought not to attempt to join together.

A more specific reference to an important period of history may illustrate and enforce the affirmations herein set forth. Under a complete union of a heathen religion and the state, with extreme pains and penalties for dissenters, the first disciples, directed by the Divine commission, proclaimed the doctrines of Christianity throughout the Roman Empire. For nearly three centuries the warfare of suppression and extinction was waged by this haughty power, glorying in the superiority of its own religion, against nonresistant, but unyielding adherents to the right to worship according to the dictates of their own consciences. Then came a reversal of the unsuccessful policy, and what former emperors had vainly sought to destroy, Constantine, as a matter of governmental expediency, embraced, and Christianity became the favored religion.

Then began that period of "indescribable hypocrisy" in religion, and of sycophancy and abuse of power in the state. "The apparent identification of the state and the church by the adoption of Christianity as the religion of the Empire altogether confounded the limits of ecclesiastical and temporal jurisdiction. The dominant party, when it could obtain the support of the civil power for the execution of its intolerant edicts, was blind to the dangerous and un-Christian principle which it tended to establish. * * * Christianity, which had so nobly asserted its independence of thought and faith in the face of heathen emperors, threw down that independence at the foot of the throne, in order that it might forcibly extirpate the remains of paganism and compel an absolute uniformity of Christian faith."—*Milman.*

"To the reign of Constantine the Great must be referred the commencement of those dark and dismal times which oppressed Europe for a thousand years. * * * An ambitious man had attained to imperial power by personating the interests of a rapidly growing party. The unavoidable consequences were a union between church and state, a diverting of the dangerous classes from civil to ecclesiastical paths, and the decay and materialization of religion."—*Draper.*

Succeeding decades bore testimony to the fact that "the state which seeks to advance Christianity by the worldly means at its command may be the occasion of more injury to this holy cause than the earthly power which opposes it with whatever virulence."—*Neander.*

It was but a series of logical steps from the union of church and state under Constantine to the Dark Ages and the Inquisition, some of these steps being the settlement of theological controversies by the civil power, the preference of one sect over another, and the prohibition of unauthorized forms of belief and practice, and the adoption of the un-Christian principle that "it was right to compel men to believe what the majority of society had now accepted as the truth, and, if they refused, it was right to punish them."

All this terrible record, the horror of which is not lessened nor effaced by the lapse of time, is but the inevitable fruit of the acceptance of the un-Christian and un-American doctrine so inimical to the interests of both the church and the state that an alliance between religion and civil government is advantageous to either. If the pages of history emphasize one lesson above another, it is the sentiment uttered on a memorable occasion by a former President of this Republic: "Keep the state and the church forever separate."

The American colonists, who had lived in the mother country under a union of the state and a religion which they did not profess, established on these shores colonial governments under which there was the closest union between the state and the religion which they did profess. The freedom of conscience which had been denied to them in the old country, they denied to others in the new country; and uniformity of faith, church attendance, and the support of the clergy were enforced by laws which arouse righteous indignation in the minds of all liberty-loving men of this century.

The pages of early American history are stained with the shameful record of the persecution which must always attend the attempt to compel the conscience by enforcing religious observances. The Baptists were banished, the Quakers were whipped, good men were fined or exposed to public contempt in the stocks, and cruel and barbarous punishments were inflicted upon those whose only crime was that they did not conform to the religion professed by the majority and enforced by the colonial laws. And all these outrages were committed in the name of justice, as penalties for the violation of civil laws. "This was the justification they pleaded, and it was the best they could make. Miserable excuse! But just so it is: Wherever there is such a union of church and state, heresy and heretical practices are apt to become violations of the civil code, and are punished no longer as errors in religion, but as infractions of the laws of the land."—*Baird.* Thus did the American colonies pattern after the governments of the Old World, and thus was religious persecution transplanted to the New World.

We respectfully urge upon the attention of your honorable body the change which was made when the National Government was established. The men of those times learned the meaning and value of liberty, not only of the body, but also of the mind, and "vindicating the right of individuality even in religion, and in religion above all the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained of God in Judea."—*Bancroft.* Warned by the disastrous results of religious establishments in both the Old and the New World, these wise builders of state excluded religion from the sphere of the National Government in the express prohibition, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Thus they founded a nation, the first in all history, upon the Christian idea of civil government—the separation of church and state. And the century and more of liberty and prosperity which has crowned their efforts, and the widespread influence for good which the example of this nation has exerted upon the world at large in leading the way toward freedom from the bondage of religious despotisms and ecclesiastical tyrannies, has demonstrated the wisdom of their course. The "new order of things" to which testimoney is borne on the reverse side of the Great Seal of the United States introduced an era of both civil and religious liberty which has been marked by blessings many and great both to the nation and to religion.

We are moved to present this memorial, however, because of the persistent and organized efforts which are being made to secure from Congress such legislation as will commit the National Government to a violation of this great principle, and to the enforcement of a religious institution. Already there have been introduced during the present session of Congress five bills of this nature:

S. 1519. A bill to prevent Sunday banking in post-offices in the handling of money orders and registered letters.

H. R. 4897. A bill to further protect the first day of the week as a day of rest in the District of Columbia.

H. R. 4929. A bill prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath day.

H. R. 13471. A bill prohibiting work in the District of Columbia on the first day of the week, commonly called "Sunday."

S. 3940. A bill requiring certain places of business in the District of Columbia to be closed on Sunday.

While a merely cursory reading of the titles of these bills may not indicate clearly their full significance, we affirm that an examination of their provisions will reveal the fact that they involve the vital principle of the relation of government to religion. Their passage would mark the first step on the part of the National Government in the path of religious legislation—a path which leads inevitably to religious persecution. If Government may by law settle one religious controversy and enforce one religious institution, it may logically settle all religious controversies and enforce all religious institutions, which would be the complete union of church and state and an established religion. We seek to avoid the consequences by denying the principle. We are assured that the only certain way to avoid taking the last step in this dangerous experiment upon our liberties is to refuse to take the first step.

We hold it to be the duty of civil government to protect every citizen in his right to believe or not to believe, to worship or not to worship, so long as in the exercise of this right he does not interfere with the rights of others; but "to pretend to a dominion over the conscience is to usurp the prerogative of God." However desirable it may seem to us who profess the Christian faith to use the power of government to compel at least an outward respect for Christian institutions and practices, yet it is contrary to the very genius of Christianity to enforce its doctrines or to forge shackles of any sort for the mind. The Holy Author of our religion recognized this great principle in these words: "If any man hear my words, and believe not, I judge him not." The triumphs of the Gospel are to be won by spiritual, rather than by temporal, power; and compulsion may be properly employed only to make men civil.

Therefore, in the interest of the nation, whose prosperity we seek; in the interest of pure religion, for whose advancement we labor; in the interest of all classes of citizens whose rights are involved; in the interest of a world-wide liberty of conscience, which will be affected by the example of this nation; in the interest even of those who are urging this legislation, who are thereby forging fetters for themselves as well as for others, we earnestly petition the honorable Senate and House of Representatives in Congress assembled, not to enact any religious legislation of any kind whatsoever, and particularly not to pass the bills to which reference has been made in this memorial. And for these objects your memorialists, as in duty bound, will ever pray.

THE GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS,
A. G. DANIELLS, *President.*
W. A. SPICER, *Secretary.*

Mr. BURROWS presented a petition of the Century Club, of Charlotte, Mich., praying for the establishment of a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Stewart Post, No. 259, of Litchfield; of J. B. Richardson Post, No. 13, of Harbor Springs; of Joseph R. Smith Post, No. 76, of Monroe, and of Woodbury Post, No. 45, of Adrian, all of the Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the passage of the so-called "per diem pension bill," which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation placing the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a memorial of Local Council No. 43, United Commercial Travelers' Union, of Saginaw, Mich., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 455, of Owosso; of Local Union No. 18, of Detroit, and of Local Union No. 362, of Traverse City, all of the International Typographical Union, in the State of Michigan, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war, of Muir, Lyons, Ionia, Grand Rapids, Detroit, Chelsea, Coldwater, Mound City, Vanderbilt, Gaylord, and Morrice, all in the State of Michigan, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. PERKINS presented petitions of sundry volunteer officers of the civil war, of Lakeport, Upper Lake, Ventura, Venice, and Los Angeles, all in the State of California; of Phoenix, Ariz.; Portland, Oreg.; Lordsburg, N. Mex.; Litchville, N. Dak., and Meyers Falls, Wash., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DICK presented petitions of Local Union No. 200, of Youngstown; of Local Union No. 237, of Sandusky; of Local Union No. 53, of Cleveland, and of Local Union No. 497, of Alliance, all of the International Typographical Union, in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war of Tiffin, Akron, Fremont, Clyde, Tarleton, Circleville, Zanesville, Columbus, Wellsville, Dayton, Marietta, Macksburg, Malta, Toledo, and Oberlin, all in the State of Ohio, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BROWN presented petitions of sundry volunteer officers of the civil war of Omaha, East Omaha, Sidney, Bridgeport, Stella, all in the State of Nebraska, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented an affidavit to accompany the bill (S. 2703) granting an increase of pension to Charles Adams, which was referred to the Committee on Pensions.

Mr. CULBERSON presented petitions of sundry volunteer officers of the civil war of Houston, Anna, Savoy, Denison, Dallas, San Antonio, Beaumont, all in the State of Texas, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BURKETT presented the petition of John Cusack, of North Bend, Nebr., praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Beatrice Council, No. 79, United Commercial Travelers, of Beatrice, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BACON presented a paper to accompany the bill (S. 2626) for the relief of Thomas N. Poullain, which was referred to the Committee on Claims.

Mr. BEVERIDGE presented petitions of sundry volunteer officers of the civl war of Spencer, Bedford, Paoli, Indianapolis, Morocco, Goshen, Rensselaer, Tipton, Logansport, Delphi, Elkhart, Monticello, Seafield, Winchester, and Warsaw, all in the State of Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. WARNER presented sundry affidavits to accompany the bill (S. 2759) granting a pension to Thomas Seal, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 3284) granting an increase of pension to James A. McCoy, which were referred to the Committee on Pensions.

THE UNITED STATES NAVY.

Mr. HALE. Mr. President, I present a letter in the nature of a memorial, which will speak for itself. The signers are very eminent men and well known in New York and elsewhere. I ask that the memorial, in the form of a letter, be read. The names need not be read, but I want them to appear in the RECORD. I ask that the memorial then be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial presented by the Senator from Maine, as requested by him.

The Secretary read the memorial.

Mr. HALE. I ask that the names appear in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HALE. I move that the memorial be printed as a document and referred to the Commttee on Naval Affairs.

The motion was agreed to.

The memorial is as follows:

FIFTH AVENUE HOTEL, NEW YORK CITY,
January 25, 1908.

Hon. EUGENE HALE,
Chairman of the Senate Committee on Naval Affairs,
Washington, D. C.

DEAR SIR: We, whose names are undersigned, members of a ministerial society in the city of New York known as Chi Alpha, voicing, as we believe, the sentiments of many thousands of American citizens, respectfully express to you our earnest hope that the present Congress will call a halt in what seems to us the needless and hazardous enlargement of the United States Navy.

Believing that America should be the leader among the peacemakers of the earth, we can not but look with regret and alarm on the further multiplication of battle ships, not only because of the disastrous influ-

ence which this is likely to have upon the temper and fortunes of our own people, but because it is wellnigh certain to retard that reduction in the armaments of nations for which a sorely burdened world has long been waiting.

Charles E. Jefferson, Pastor of the Broadway Tabernacle.
James S. Dennis, Member of Board of Foreign Missions.
George Alexander, President of Board of Foreign Missions.
Charles Augustus Stoddard, New York Observer.
Henry Sloane Coffin, Pastor Madison Avenue Presbyterian Church.
J. Ross Stevenson, Pastor Fifth Avenue Presbyterian Church.
Abbott E. Kittredge, Pastor Madison Avenue Reformed Church.
Nath'l W. Conklin.
Chas. P. Fagnani, Professor Union Theological Seminary.
Samuel Macauley Jackson, Editor Schaff Herzog Enciyclop.
Duncan J. McMillan, Pastor New York Presbyterian Church.
John C. Bliss, Pastor Emeritus North Presbyterian Church.
Wm. Adams Brown, Professor in Union Theological Seminary.
Geo. S. Webster, Pastor Church of the Covenant.
A. C. McGiffert, Professor in Union Theological Seminary.
Julius A. Bewers, Associate Professor Union Theological Seminary.
Wm. R. Richards, Pastor of Brick Church.
Jesse F. Forbes, Adams Memorial.
James H. Hoadley, Thirteenth Street Church.
Anthony H. Evans, West Church (Presbyterian).
James M. Farr, Pastor Christ Church (Presbyterian).
John Lyon Caughey, Pastor Harlem Presbyterian Church.
Abram Woodruff Halsey, Secretary Board Foreign Missions.

PRICE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. I present a memorial of sundry citizens of the District of Columbia, relative to the price of gas in the District. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a letter from the Secretary of State representing the appropriateness of early action by Congress to enable the United States to participate in the exposition to be opened at Quito August 10, 1909, submitted a report, accompanied by a bill (S. 4633) making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador, which was read twice by its title.

He also, from the same committee, to whom was referred the message from the President of the United States transmitting a report from the Secretary of State in regard to the representation of the Government of the United States in the First Pan-American Scientific Congress, to be held at Santiago, Chile, the first ten days of December, 1908, submitted a report, accompanied by a bill (S. 4634) making an appropriation for the representation of the United States at the First Pan-American Scientific Congress, which was read twice by its title.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 4377) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels, reported it without amendment.

Mr. McCREARY, from the Committee on Foreign Relations, to whom was referred the bill (S. 390) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 929) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $4,926.67 to pay the owners of the Norwegian steamship *Nicaragua* for damages, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the Committee on Immigration, to whom was referred the bill (S. 4121) authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, Mass., reported it without amendment.

He also (for Mr. PENROSE), from the Committee on Immigration, to whom was referred the bill (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa., reported it without amendment.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, reported it with amendments and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described, reported it without amendment and submitted a report thereon.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska, reported it without amendment and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 553) for the relief of certain homestead entrymen, reported it with an amendment and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2873) for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof, reported it without amendment and submitted a report thereon.

RESERVOIR ON ROARING FORK RIVER, COLORADO.

Mr. TELLER. On the 20th of this month I presented a joint memorial of the legislature of Colorado, and had it referred to the Committee on Irrigation. That committee believe that the memorial should have been referred to the Secretary of the Interior, as they think it concerns administration rather than legislation. Therefore I ask leave to have it referred to the Secretary of the Interior. I should like to have the notice to the Secretary put into the RECORD, so as to show how it comes to go to him.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the Committee on Irrigation be discharged from the further consideration of the House joint memorial No. 3, passed by the sixteenth general assembly of the State of Colorado, and referred to the committee on January 20, 1908, and that the same be transmitted by the Secretary to the Secretary of the Interior.

BILLS REFERRED TO THE COURT OF CLAIMS.

Mr. FULTON. I report a resolution from the Committee on Claims, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the claims of the heirs of Robert M. Ely, deceased (S. 4037); the city of Nashville, Tenn. (S. 4088), and the legal representatives of Anthony S. Abbay (S. 4089), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act," and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. FULTON. Mr. President, I, perhaps, should offer a word of explanation in regard to the resolution.

The committee do not make a practice of reporting resolutions referring bills to the Court of Claims except at the close of a session, when they usually report what we call an "omnibus resolution." These particular bills were referred to the Court of Claims at the last session, but it was found that they were not in proper form to permit the court to take the cases into consideration or to adjudicate them and report findings. Therefore the Senators who had introduced them at the last session of the Senate reintroduced them at the present session and requested that they be rereferred to the Court of Claims. Hence we have deviated from the rule we have usually followed and report them at this time.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4635) to regulate the sale of milk and cream in the District of Columbia, and for other purposes, which was read twice by its title.

Mr. GALLINGER. This is a bill which was sent to me by the Dairyman's Association of the District of Columbia, Maryland, and Virginia. I understand that the Commissioners of the District of Columbia are likewise to submit a bill, regulating this very important product. For the purpose of having the matter in such shape that the committee can readily consider it, I ask unanimous consent that the bill and the accompanying letter from the Dairyman's Association be printed as a document, and referred to the Committee on the District of Columbia. The bill will be printed separately, of course, in the usual form.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. McLAURIN introduced a bill (S. 4636) for the relief of

heirs of Josiah White, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4637) granting a pension to Mary E. Sloan (with the accompanying papers); and

A bill (S. 4638) granting an increase of pension to Helen A. Pulsifer.

Mr. CULLOM introduced a bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, which was read twice by its title and referred to the Committee on Foreign Relations.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4640) granting an increase of pension to John J. Foraker; and

A bill (S. 4641) granting an increase of pension to Isabelle F. Lowe.

Mr. DICK introduced a bill (S. 4642) providing for the promotion of warrant officers, providing that all officers of the Navy shall be entitled to the pay of the grade to which promoted from the date on which they take rank therein, and for other purposes, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. GUGGENHEIM introduced a bill (S. 4643) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army and place him on the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4644) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

A bill (S. 4645) to authorize the Minnesota and Manitoba Railroad Company to convey certain lands granted to it by the act of Congress approved April 17, 1900.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 4646) to provide for the purchase of a site and the erection of a public building thereon at Trenton, in the State of Missouri;

A bill (S. 4647) to provide for the purchase of a site and the erection of a public building thereon at Chillicothe, in the State of Missouri;

A bill (S. 4648) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri; and

A bill (S. 4649) to provide for the purchase of a site and the erection of a public building thereon at Brookfield, in the State of Missouri.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4650) granting an increase of pension to Louise B. Angle;

A bill (S. 4651) granting an increase of pension to Agnes Hanson;

A bill (S. 4652) granting an increase of pension to Isaac N. Van Pelt;

A bill (S. 4653) granting an increase of pension to Henry J. Dorman;

A bill (S. 4654) granting an increase of pension to Thomas M. Skaggs;

A bill (S. 4655) granting a pension to Jacob Scott;

A bill (S. 4656) granting an increase of pension to Eli Fish;

A bill (S. 4657) granting an increase of pension to Peter A. Teachout;

A bill (S. 4658) granting an increase of pension to William P. Brown;

A bill (S. 4659) granting an increase of pension to Josiah Tilton;

A bill (S. 4660) granting an increase of pension to Richard H. L. Crumbaugh;

A bill (S. 4661) granting an increase of pension to John A. Wier;

A bill (S. 4662) granting an increase of pension to Richard E. Lewis;

A bill (S. 4663) granting an increase of pension to Lucien W. Dunnington;

A bill (S. 4664) granting an increase of pension to Amanda J. Frybarger;

A bill (S. 4665) granting a pension to George Patterson;

A bill (S. 4666) granting an increase of pension to Philip C. Cooter;

A bill (S. 4667) granting an increase of pension to James W. Coker;

A bill (S. 4668) granting an increase of pension to Jacob Yoachum;

A bill (S. 4669) granting an increase of pension to Pete T. Murphy;

A bill (S. 4670) granting an increase of pension to Archibald T. Stewart;

A bill (S. 4671) granting an increase of pension to N. B. Petts;

A bill (S. 4672) granting a pension to Robert D. Walkinshaw;

A bill (S. 4673) granting an increase of pension to William H. Isenberg;

A bill (S. 4674) granting an increase of pension to Perry Harter;

A bill (S. 4675) granting an increase of pension to Nathaniel E. Murphy;

A bill (S. 4676) granting an increase of pension to Archibald Goodwin;

A bill (S. 4677) granting an increase of pension to William A. Graham;

A bill (S. 4678) granting an increase of pension to David H. Norris;

A bill (S. 4679) granting an increase of pension to Anthony Coleman;

A bill (S. 4680) granting an increase of pension to Theodore M. Burge;

A bill (S. 4681) granting an increase of pension to Christine Lusk;

A bill (S. 4682) granting an increase of pension to Sophrona Watts; and

A bill (S. 4683) to extend the provisions of the pension act of June 27, 1890, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the war of the rebellion.

Mr. BULKELEY introduced a bill (S. 4684) granting an increase of pension to Edwin W. French, which was read twice by its title and referred to the Committee on Pensions.

Mr. du PONT (by request) introduced a bill (S. 4685) to grant additional grade to retired officers of the Army, veterans of the civil war, below the grade of brigadier-general, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FLINT introduced a bill (S. 4686) to make an appropriation for the construction of a roadway across the United States military and naval reservations on Point Loma, in California, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4687) to relieve William G. Gosslin and his assigns of and from the effect of a release made by him and his wife, Marthena Gosslin, of certain land in California, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CULBERSON (by request) introduced a bill (S. 4688) for the relief of Eliza Snell Breckville, which was read twice by its title and referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 4689) for the relief of Isaac Stover, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4691) to provide for the purchase of a site and the erection of a public building thereon at Marshall, in the State of Missouri, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4692) providing for the erection of a public building at Poplar Bluff, Mo., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. McCREARY introduced a bill (S. 4693) to carry into effect the findings of the Court of Claims in the matter of the claim of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 4694) granting an increase

of pension to Caroline O. Peak, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S 4695) for the relief of Shadrick Lechresh;

A bill (S. 4696) granting an increase of pension to Almon Sparling; and

A bill (S. 4697) granting an increase of pension to Catherine Greelish (with accompanying paper).

Mr. CARTER introduced a bill (S. 4698) to establish engineering experiment stations at land-grant colleges, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. RAYNER introduced a bill (S. 4699) for the relief of the representatives of James Hooper, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4700) to classify certain grades in numbered post-office stations, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE introduced a bill (S. 4701) authorizing the Secretary of the Interior to sell and convey the unappropriated nonmineral desert lands of the United States, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 4702) for the relief of Willard W. Howe, of Aurora, Ind., which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a joint resolution (S. R. 45) proposing an amendment to the Constitution of the United States providing for the levy and collection of an income tax, which was read twice by its title and referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein) That Congress shall have the power to levy and collect taxes, graduated or otherwise, on any or all classes of income.

Mr. HOPKINS introduced a joint resolution (S. R. 46) to amend the Constitution of the United States prohibiting polygamy and polygamous cohabitation, which was read twice by its title and referred to the Committee on the Judiciary.

INJUNCTIONS IN LABOR DISPUTES.

Mr. BEVERIDGE. On the 27th I introduced a bill (S. 4533) concerning injunctions in labor disputes. I have made a slight change in the phraseology of the bill, and I ask that it be printed in the RECORD as modified and that a reprint of the bill be made.

The VICE-PRESIDENT. Without objection, it is so ordered.

The bill as modified is as follows:

A bill (S. 4533) concerning injunctions in labor disputes.

Be it enacted, etc., That no temporary injunction or temporary restraining order shall be issued without notice by any court of the United States in controversies between employers and employees, and all such temporary injunctions and temporary restraining orders shall be heard by the court issuing the same within a reasonable time, not to exceed seven days from the date when said temporary injunction or temporary restraining order is issued: *Provided*, That said court, upon agreement of parties or at the application of the defendant, may postpone said hearing to a later date than said seven days, in the discretion of the court: *Provided further*, That nothing herein contained shall be held to authorize the issuing of a restraining order or an injunction in any case in which the same is not authorized by existing law.

AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing for the transportation by sea of material and equipment for use in the construction of the Panama Canal, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

FINANCIAL STATISTICS.

Mr. CULBERSON. Mr. President, I notice that the Chair submitted to the Senate during the morning hour the response of the Secretary of the Treasury to Senate resolution No. 33 of December 12, 1907. On the desks of Senators I find also a printed pamphlet dated January 29, 1908, which purports to be either the response referred to or a portion of it. I desire to ask the Chair if there is any other portion of the response of the Secretary of the Treasury submitted this morning which is not contained in this printed pamphlet?

The VICE-PRESIDENT. The Chair has not examined the pamphlet to which the Senator refers nor has he examined in detail the report submitted by the Secretary of the Treasury.

Mr. CULBERSON. My experience, Mr. President, in this Chamber is not by any means as extensive as that of many others here, but I do not recall since I have been in the Senate, and after conversation with others longer in the service they do not recall, an instance in which the head of a Department of the Government has answered a Senate resolution in printed form, distributed among Senators in the fashion in which this has been to-day.

I have not had time to examine it, but it occurs to me that there is some portion of the response of the Secretary which is not included in this printed pamphlet. For instance, on page 1 it says, "The information furnished embraces." Then follow eighteen paragraphs consisting of references to various matters, letters, list of national-bank bidders, etc., which do not appear in this paper.

I wanted to invite attention to it and to ask if the full response contains the enumerations which are referred to in the printed pamphlet we have on our desks this morning.

The VICE-PRESIDENT. The Chair would state that the communication from the Secretary of the Treasury was in two packages, and the Senate ordered the report printed.

Mr. CULBERSON. But the point I was suggesting is that the Secretary of the Treasury apparently had anticipated the action of the Senate in ordering this paper printed and had it printed himself, taking upon himself the responsibility which has heretofore, according to the precedents, devolved upon the Senate itself.

The VICE-PRESIDENT. The Chair will state for the further information of the Senator from Texas that he is advised the report of the Secretary of the Treasury, submitted by the Chair to the Senate, is on its way to the Public Printer, by the order of the Senate.

Mr. TILLMAN. I notice the Senator from Massachusetts [Mr. LODGE] on his feet. He is a great stickler for Senatorial dignity and the maintenance of our rights. I ask him, for information, Has it ever occurred before that a Cabinet officer has transmitted a reply to a Senate resolution in print?

Mr. LODGE. Mr. President, I had no intention, as I was about to leave the Chamber, of saying anything on this question. But since the Senator from South Carolina asks me I will state that I do not know whether a Cabinet officer ever sent in a letter of transmittal as a matter of convenience printed, and I do not think it is the slightest matter whether he ever did.

Mr. TILLMAN. Of course the Senator would say that. I took it for granted he would say that.

Mr. LODGE. It is a great convenience to the Senate to have the letter of transmittal in this form. The letter and all the papers will be printed to-morrow in one volume, by the order of the Senate. In the meantime this print is sent here for the convenience of Senators. I can not conceive of anything more reasonable or more proper.

Mr. TILLMAN. The question is as to the legality.

Mr. LODGE. Of course it is legal. He can communicate in print, in typewriting, or in handwriting.

Mr. TILLMAN. Does the Government pay for it before the Senate orders it?

Mr. LODGE. Of course, all the Departments have a right to have printing done, and they have offices for that purpose.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. I will state that all the reports of heads of Departments, made in accordance with law, are made in print to this body. Invariably that is the case.

Mr. TILLMAN. This is made in answer to a Senate resolution.

Mr. ALDRICH. Still it is in the nature of a report. It is in answer to a Senate resolution, and it is made in print for the convenience of Senators.

Mr. TILLMAN. It may be a small matter, Mr. President, but I am just old fogy enough to recall that it never has occurred before, and it appears to me that it is somewhat along the line of assuming the airs of a President before this gentleman is elected there. The President has sent his message here printed beforehand for our convenience, so that we can read it along with the reading at the desk, but I have never known a Cabinet officer to assume to do it.

Mr. CULBERSON. The Chair will recall that I rose for the purpose of inquiring if this printed pamphlet contained all the response of the Secretary of the Treasury. Incidentally I mentioned that in my experience, and in that of other Senators with whom I had conferred, it had not been customary for Cabinet officers to communicate to the Senate in this form. But my inquiry has not yet been answered. It is, Does this pamphlet include all the answer of the Secretary of the Treasury, and if it does not, why does it not include it, since he saw proper to print any portion of it?

Mr. LODGE rose.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. LODGE. I do not desire to interrupt the Senator. I thought he had finished.

Mr. CULBERSON. That is my inquiry, and the Chair does not seem to be able to answer it.

The VICE-PRESIDENT. The Chair will state again that the Chair has not examined the report which the Senator from Texas has in his hand, nor did he examine the report of the Secretary of the Treasury which he submitted to the Senate and which the Senate ordered printed, and which report is now on its way to the Government Printing Office; nor does the Chair understand that it is his province to make a comparison between the report laid before the Senate by him and the pamphlet in the hands of the Senator from Texas.

Mr. CULBERSON. I beg the pardon of the Chair. I assumed that the Chair knew more about the answer of the Secretary, under the circumstances, than he did.

Mr. ALDRICH. I can answer the Senator's question, if he desires to have it answered.

Mr. CULBERSON. I do.

Mr. ALDRICH. The response of the Secretary of the Treasury shows on its face that there are 18 voluminous statistical reports and tables which accompany this report, and they have gone to the Public Printing Office to be printed. I think it will take about twenty-four hours to get them into type. They were in manuscript.

Mr. TILLMAN. Why was this pamphlet printed at all, then?

Mr. ALDRICH. These are to be printed at the Government Printing Office. This pamphlet was printed undoubtedly for the convenience of the Secretary in the first instance, and probably for the convenience of the Senate in the second instance. There is a printing office in the Treasury Department where they do this printing. The Senator from South Carolina has been extremely anxious to have this information.

Mr. TILLMAN. I have, and I have waited for it since the 12th of December and the last of January has come. I have been waiting for it a long time, and when it does come, instead of printing it all the Secretary prints a part of it and sends the balance in manuscript.

Mr. ALDRICH. From the fact that it comes here in printed form the Senator will be able to examine it now. It will no doubt be twenty-four hours before it comes from the Government Printing Office. I think it is a matter of convenience.

Mr. TILLMAN. I am much more concerned about the facts than I am about the Secretary's defense of his action. I do not care three straws for his vindication, or attempted vindication, for transgressing the law and doing what he knows he had no right to do. I want the facts.

Mr. CULBERSON. Mr. President, just a moment. The Senator from Rhode Island suggests that the full document has been sent to the Government Printing Office to be printed. The document which we have before us was printed at the Government Printing Office. So that specious argument is of no consequence.

Nor is there anything in this pamphlet to which I have been able to refer in the limited time since my attention was called to it showing that there is any other portion of the report yet to be seen by the Senate. The Senator from Rhode Island says there is, and we accept that, but the fact remains that the Secretary of the Treasury has printed beforehand his argument and left to be printed afterwards the statement of facts which accompanies it.

Mr. CARTER. Mr. President, the situation presented this morning is somewhat extraordinary, it seems to me. For several weeks we have heard constant importunity and exhortation addressed to the Senator from Rhode Island and demand made in more or less emphatic form of all persons assumed to be responsible for an immediate answer from the Secretary of the Treasury to the resolution presented by the Senator from Texas.

Manifestly, Senators desired information at the earliest possible date. As stated repeatedly by the Senator from Rhode Island, the collation of the facts required much time. The statistical tables are voluminous. It required the investigation of national-bank deposits in every State and Territory in the Union; it required that the facts should be tabulated and put in convenient form for the information of Senators in quest of the information.

Now, after all this information has been put in form for the printer, it is objected that the Secretary of the Treasury has been superserviceable in giving his reasons for the action complained of, referring merely to the exhibits which are now in the hands of the Government Printer and which will no doubt in the course of a few days be printed.

Had the Secretary of the Treasury delayed the additional days necessary to print the schedules or exhibits attached to this report, he would, as usual, have been criticised this morning most severely for the long-continued and inexplicable delay. He comes forward with his reasons succinctly and satisfactorily stated, no doubt, and yet the Senator from South Carolina has condemned the Secretary of the Treasury before reading his answer to the Senate resolution.

Mr. President, this zeal of the Secretary of the Treasury, this explicit manner of placing his reply before the entire Senate at the earliest possible day, is now made the subject of criticism. How in the world could the Secretary of the Treasury please the Senator from Texas or the Senator from South Carolina if his zeal in presenting the report is in itself as offensive as was his action in taking reasonable time to prepare it?

Mr. BEVERIDGE. I call the attention of the Senator from Montana to the fact that the single criticism of the Senator from South Carolina was finally as to the airs which the Secretary of the Treasury had assumed.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Oh, certainly; with much pleasure.

Mr. TILLMAN. The Senator desires to know what would satisfy the Senator from South Carolina. I will tell him very frankly. It is that the Secretary of the Treasury shall comply with the Senate resolution in the orderly manner of all his predecessors, and that when asked for information he shall send it here like any other man under our authority, and let us print it if we see fit. The Senator from Montana can not point to a solitary instance in the history of this Government when this has been done before.

Mr. CARTER. I recall very distinctly that many years ago a motion was made to dismiss an appeal in the supreme court of Montana upon the ground that the notice of appeal was not in writing, being typewritten instead of being written by hand. I found that that question had been raised once in New York. It is now raised in the Senate. The fact that the report is printed seems to be objectionable.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Certainly.

Mr. TILLMAN. Will the Senator from Montana contend that this is a full report? Is it only a part of it and the argument, without regard to the facts? Why not send it all in manuscript or typewriting, or send it all in print?

Mr. CARTER. This is a full and complete report, referring to certain voluminous exhibits, which exhibits are now in the hands of the Printer, and they will be in the possession of the Senate in due course of time.

In further reply to the Senator from South Carolina, permit me to suggest that never in the history of the Senate, under my observation, has there been such insistence upon the immediate presentation of a report as in this case.

Mr. TILLMAN. And never in the history of the Senate has there been such an unaccountable delay in giving us the information we had a right to call for. And the Senator from Montana, knowing that the Secretary of the Treasury has been off to New York making speeches, and then takes two weeks after his speech to come forward with this labored defense, gets up and undertakes to vindicate or justify an act which has never occurred before in the history of the Government.

Mr. CARTER. Manifestly the Senator from South Carolina has not read the report.

Mr. TILLMAN. No; I have not had time to read it.

Mr. CARTER. Most assuredly. It may not be a labored report. It may be a very fluently prepared and a very satisfactory report, skillfully worded in a free off-hand style, and it may be entirely satisfactory, perchance, to the Senator from South Carolina, who is fair-minded and just. Notwithstanding, he has announced his hostile view, it may be that before the sun goes down to-day he will agree that the Secretary of the Treasury has fully explained this matter to his entire satisfaction.

Mr. TILLMAN. If the Senator from Montana will divorce himself from partisanship and the active defense of his friend, the Secretary of the Treasury, he will be compelled to acknowledge that the Secretary of the Treasury, no matter what he may have given us in the way of defense, has transgressed the law in the issue of those bonds. I ask him now, Does he vindicate and pretend to justify the issue of the Panama bonds and the 3 per cent certificates of indebtedness?

Mr. CARTER. Having called upon the officer who is primarily responsible for the issuance of the bonds for informa-

tion, I withhold my judgment until all the facts and circumstances and conditions shall have been fully considered.

Now, Mr. President, I object to the word "partisanship" in this connection. Every Presidential candidate in this country will bear me witness that I have not been in any case a partisan. The Senator from South Carolina has ventured to say that this pamphlet indicated that the Secretary of the Treasury was assuming Presidential airs somewhat prematurely, and therefore suggestion of partisanship would indicate that I am flying to the rescue of a Presidential candidate, when I am sure, on consultation with the Secretary of the Treasury and all other candidates, he will find I stand entirely acquitted of any such charge.

This is a case, Mr. President, that does not require much consideration. Senators are objecting to a matter of form and not of substance in making the criticism. This reply, printed and accessible at the earliest moment the Secretary of the Treasury could present it here, is objectionable because it has covers upon it and is printed in pamphlet form. It does look somewhat like the Presidential messages as they are finally sent forth to the public. But, Mr. President, there is no transgression of the rules of the Senate, because the report came here in an orderly manner, just as other reports come. The Secretary of the Treasury doubtless consulted the CONGRESSIONAL RECORD from day to day and was advised of the extreme and intense desire of the Senator from Texas and the Senator from South Carolina to get at the facts at the earliest moment, and therefore he had printed in the Government office in the Treasury Department the report which we have before us.

Mr. TILLMAN. Are there any facts in this pamphlet?

Mr. CARTER. I have no doubt the report——

Mr. TILLMAN. Are there any facts here called for by the Senate?

Mr. CARTER. The report is surcharged with facts. It is full of facts.

Mr. TILLMAN. It is full of assertions, perhaps.

Mr. CARTER. And of facts.

Mr. LODGE. Mr. President, I thought the Chair made a very complete explanation of the situation on the inquiry which was made by the Senator from Texas [Mr. CULBERSON] that the reply came in the usual way accompanying certain elaborate exhibits. This letter of transmittal, in pamphlet form, summarizing what is in those exhibits, is nothing but what is done by every head of a Department whenever he makes an annual report, as the Senator from Rhode Island [Mr. ALDRICH] has already pointed out. Every year the Secretary of War, for example, sends in his annual report in pamphlet form, which is often distributed here some days beforehand, and then come in the detailed reports and exhibits, which fill volumes and require some time to print.

Moreover, the Senator from South Carolina [Mr. TILLMAN], in his zeal for the law and the Constitution, forgets that the Secretary of the Treasury is the one head of a Department who is authorized by law to make communications to Congress on his own motion and in his own way. I am not aware that the law prevents his putting that communication, when he sends it in, in writing and also in pamphlet form for the convenience of Members of both Houses. It is a perfectly natural thing to do. I have not the slightest question we could find endless precedents in addition to those which occur every year when the heads of Departments send in letters of transmittal, and I confess I am surprised, Mr. President, at the annoyance of the Senator from South Carolina. I know no one who is so constantly pleading for light. He is always wanting light, and he has been particularly anxious to have light on this dark place——

Mr. TILLMAN. Mr. President——

Mr. LODGE. One moment. But when we begin to "cheer the clouded mind with light divine" he immediately resists. He objects to have light shed unless it is all shed at once and in his own particular way; and because it begins with a partial illumination, he feels that the Constitution and the laws and the privileges of the Senate are in danger.

Mr. TILLMAN. Now, Mr. President——

Mr. LODGE. I think, Mr. President, that it is a great advantage to have the reply of the Secretary of the Treasury in this convenient form, summarizing the exhibits which will be in our hands to-morrow.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yield the floor.

Mr. TILLMAN. Will the Senator from Massachusetts assert that there is any light between the sheets of this pamphlet?

Mr. LODGE. Mr. President——

Mr. TILLMAN. Light, light, light! Do not go off on something else. [Laughter.]

Mr. LODGE. Yes, Mr. President; I think there is an abundance of light in it, but whether the Senator from South Carolina will be able to see it I do not know. [Laughter.]

Mr. TILLMAN. And, undoubtedly, if the brilliant mind of the Senator from Massachusetts can not see it before I do, nobody will ever see it. [Laughter.]

Mr. CULBERSON. Mr. President, as I appear to have provoked the running debate on this subject, I desire to recall to the Senate that my inquiry originally was whether the pamphlet laid on our desks constitutes the entire response of the Secretary of the Treasury to the resolution of the Senate. It appears, from a further examination of it which I have made, that it does not. The Secretary says:

> I have the honor to transmit, in accordance with the direction of the President, the detailed statements which accompany this communication.

Then he recites the resolution of the Senate, after which he adds:

> The information furnished embraces—

A number of documents, aggregating eighteen, on matters which the answer of the Secretary of the Treasury covers, are then referred to. I call the attention of the Senator from Massachusetts [Mr. LODGE], who seems to have reaped some enjoyment from this, and others who claim that this is a full answer, to the fact that the Secretary says on page 2:

> While the resolution calls for a statement as to the daily balance in each bank, it is presumed the information covering these dates—

That is the several dates previously named—

> will fully answer the scope of the inquiry, as they are the dates upon which the depositaries reported their balances to the Treasury Department.

Showing, Mr. President, that the Secretary of the Treasury in the particular pointed out—and it is the only one to which my attention has yet been called—showing that the Secretary of the Treasury admits at the outset that he has not answered the specific inquiry made by the Senate upon the matters to which I have called attention.

On page 3, after saying what his report will contain, the Secretary of the Treasury in this pamphlet proceeds with an argument. I have no objection to the argument, because if any man can justify the conduct of the Treasury Department in the particulars inquired into I desire it to be done. I have such respect, Mr. President, for the officers of the United States that I hope they will never violate the law. After stating what his report will contain as to the facts called for in the resolution of the Senate, the Secretary says:

> In view of the importance of the subject and the wide discussion which has occurred in regard to certain matters mentioned in the resolution, it seems to me proper to summarize as briefly as possible the operations of the Treasury for the past few months, and to follow this by a statement more in detail of the methods and reasons for some of the steps taken.

Then follows his argument. It appears, therefore, that the Secretary of the Treasury presents to the Senate in manuscript his answer on the facts as called for by the resolution, and presents to the Senate and the country his argument in print prior to the time the Senate orders his entire response to be printed.

So far as I am concerned, I make no point as to whether the Secretary of the Treasury shall answer a resolution in print or in writing, though if it were submitted to me I would follow the precedents of the Senate; but I do object to him presenting his answer in piecemeal to the Senate and giving out to the country a portion of his answer before the Senate orders the full answer to be printed. In other words, he says substantially, I will answer the facts in writing; I will present my argument in print and submit it to the Senate and the country before the Senate sees proper or can print my entire report.

That is the criticism, Mr. President, I make upon the matter, because, as I have said, I care not especially whether the answer itself be in writing or in print.

Mr. ALDRICH. Mr. President, I had supposed that the Senator from Texas [Mr. CULBERSON] and the Senator from South Carolina [Mr. TILLMAN] were seriously engaged in making a serious inquiry into a serious business. I think the impression that their remarks this morning must make upon the Senate and the country will be that, for some reason or other, they have been taking part in a comedy.

Mr. CARTER. Mr. President, I am quite sure that the fair-minded Senator from Texas [Mr. CULBERSON] does not desire an impression entirely erroneous to go forth as a result of his observations just made. The inference to be drawn from what the Senator has said—and fairly drawn, I think—is that the

Secretary of the Treasury set forth the facts with reference to this matter in response to a resolution in one paper, which was filed with the Senate and is hereafter to be placed in print, and that a specious argument in defense of his action, which has been the subject of the Senator's complaint, is printed in an entirely separate document for the purpose of having this document circulated in advance of the statement of the facts.

Now, let it be distinctly understood that that inference is not warranted by the facts, nor do I assume that the Senator from Texas intended it should be drawn from his statement. The printed report is the report filed with the President of the Senate, by him handed to the Secretary of the Senate, and laid before the Senate. It is a report to the Senate addressed to the President of the Senate, and is the entire report of the Secretary of the Treasury on this subject, save and except to the extent that it is elaborated and supplemented by a certain line of exhibits referred to from time to time and from page to page in the course of this printed document.

There has been no sharp practice in this. The Secretary of the Treasury is not sending a confidential communication to the Senate. The country is entitled to the information, and it was intended undoubtedly that the information should go to the country. The moment this report is presented here the newspapers of the country are entitled, as a matter of right, to send it forth as public news, public information to the waiting people. The fact that the Secretary of the Treasury put the whole statement in convenient form, leaving only the exhibits to be hereafter printed, seems to be the entire basis of all the criticism offered this morning.

WILLIAM R. LITTLE.

The VICE-PRESIDENT laid before the Senate the message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

Mr. BURKETT. I move that the message and accompanying bill lie on the table.

The motion was agreed to.

TEA FOR MEDICINAL PURPOSES.

The VICE-PRESIDENT. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order. The first bill on the Calendar will be stated.

The bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. LODGE. Mr. President, I have not yet received the letter from the Agricultural Department which I stated the other day I had expected, but I do not propose to delay the bill further. I have read with care the statement the Senator from Missouri [Mr. STONE] prepared, and I am not going to make any objection to the bill.

Mr. STONE. I will say to the Senator from Massachusetts that I have here a letter which was received from the Secretary of Agriculture in response to a former call of the Committee on Commerce made on him in the last Congress, in which the Secretary makes no objection to the passage of the bill.

Mr. LODGE. I suggest to the Senator to have that letter printed in the RECORD. As I have stated, I make no further objection to the bill.

Mr. STONE. Mr. President, I ask leave to have printed in the RECORD in this connection the letter of the Secretary of Agriculture to which I have referred.

The VICE-PRESIDENT. Without objection, permission is granted to insert in the RECORD the letter mentioned, without reading.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 16, 1905.

DEAR SIR: By your reference of February 2, S. 5600, to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," was brought to the attention of this Department. A letter to Senator STONE from the Monsanto Chemical Works, of St. Louis, Mo., a concern which proposes to manufacture caffeine from tea waste, sweepings, etc., was also referred.

I approve of the measure, provided the safeguards against the consumption of the articles imported are sufficiently explicit to secure for manufacturing purposes the whole of the imports admitted under the provisions of the proposed act.

Very truly, yours, JAMES WILSON, *Secretary.*

MR. WOODBURY PULSIFER,
Clerk to the Committee on Commerce, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

The following letter was subsequently presented by Mr. LODGE and ordered to be printed in the RECORD at this point:

JANUARY 29, 1908.

Hon. H. C. LODGE, *United States Senate.*

DEAR SENATOR: I have examined very carefully the bill which you transmitted with your note yesterday and beg leave to make the following suggestions:

So far as I can see, this bill provides only for the importation of inferior tea, or tea fragments, for the purpose of manufacturing caffeine under supervision. It has been the practice for some time to permit the importation of such tea for the above purpose when properly denatured. One of the denaturants used is asafœtida. The bill would permit the inferior tea and tea fragments to be imported without denaturing, and manufactured under conditions which apparently safeguard the interests of the consumer. It is often difficult to denature inferior food products in such a way that they can not be used for food in order that they may be used for technical purposes, yet it is not impossible, as is shown by the denaturing of alcohol. The principle, it appears to me, is a sound one if it can be applied in such a way that these inferior products are not offered for consumption as foods or drugs in the unmanufactured state. There are other drugs which come in the same class, as, for instance, inferior grades of opium to be used for making morphine and codeine; inferior grades of nux vomica, for making strychnine and brucine; inferior grades of cocoa leaves, for the manufacture of cocaine; inferior, worm-eaten, and shriveled nutmegs, for manufacturing nutmeg oil, etc.

I imagine from the character of the bill that it is not desirable to extend the present bill further than inferior tea and tea sweepings. I am simply calling attention to these other matters, because it seems to me it would be wise to provide at some appropriate time for the importation of materials ordinarily used as food products, for technical purposes, either by requiring their denaturing or under bond, in such way that the rights of the consumer would be preserved. I think the present bill is a step in the right direction.

Sincerely, H. W. WILEY, *Chief.*

BENTON WATER COMPANY.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as next in order on the Calendar.

The VICE-PRESIDENT. The senior Senator from Idaho [Mr. HEYBURN] made a suggestion to the Secretary that he desired to be present when this bill was considered.

Mr. FULTON. Mr. President, under those circumstances I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Oregon.

MARY C. MAYERS.

The consideration of bill (S. 2227) for the relief of Mary C. Mayers was resumed as in Committee of the Whole.

The VICE-PRESIDENT. The bill has been heretofore read at length.

Mr. GALLINGER. Mr. President, in reference to that bill, to which I objected on yesterday, I desire to say that it belongs to a class of bills that I think ought to be very carefully considered before they receive the approval of either House of Congress. I am not going to object to it to-day, because I have been appealed to not to do so, but I want to put in the RECORD a brief statement.

A good many years ago, when I chanced to be a Member of the other House of Congress, I introduced a bill on behalf of some citizens of the State of New Hampshire who were fired upon by soldiers, ignorant or vicious, from Fort Constitution, in Portsmouth Harbor. The firing resulted, as I remember now, in the death of one of the persons, a woman, and the maiming of one or more other citizens of the State. It was thought by the family and their friends that the Government was responsible for the injury done to those people. That bill, as I remember it, passed the other House and came to this body, when the former Senator from Wisconsin, Mr. Spooner, made a very careful investigation of the matter and, I think, made a written report. At any rate, the bill did not receive the sanction of the Senate. The then Senator from Wisconsin frequently alluded to it in debates on bills similar to this, saying that was a bill that had great merit, but he did not think the Government ought to enter upon the payment of money to citizens who chanced to lose their lives in the service of the Government.

Mr. President, that bill has passed out of sight and it never will be revived. When it was disposed of in that way I hoped it had established a precedent that would be followed by Congress; but since then, as I remember, a good many similar bills have passed the Senate and some of them doubtless have been enacted into law.

Two days ago, Mr. President, I received the following letter from a citizen of the District of Columbia:

JANUARY 27, 1908.

HON. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: I most earnestly appeal for your kind consideration for a just compensation from the Government for the loss of my husband,

John A. Dugan. He was employed from 1878 to 1896 as a chemist's assistant in the Department of Agriculture. During the early summer of 1896 he was engaged in the line of duty testing soils. It was necessary to do this work under glass and in a place exposed to the direct rays of the sun. The severe heat affected his brain so that we were obliged to send him to Mount Hope Asylum, outside Baltimore, Md. He did not improve, so we sent him to St. Elizabeth's Asylum, District of Columbia, where he remained for a year, his condition unchanged, and died in December, 1897. I had five children to provide for and found it difficult to get along. I lost my home in my effort to meet expenses.

Very respectfully,

MARY A. DUGAN.

Another good woman, under the same date, writes concerning this claim, and she addressed me as a "friend of the District." I am glad to know that there are some people in the District who think that I am a friend to the people of a community that is disfranchised, and, as some people say, dependent upon Congress. She says:

JANUARY 27, 1908.

HON. J. H. GALLINGER,
United States Senator, and friend of the District.

HONORABLE AND DEAR SIR: I most earnestly appeal to your powerful influence and kind consideration in behalf of this worthy widow, Mary A. Dugan. She has no influence to push this claim. All she asks is a just consideration for the loss she has met with and a compensation such as a soldier's widow would be entitled to or your fair mind would suggest.

Very respectfully, MRS. A. H. DOUGHERTY,
1013 East Capitol Street, City.

Mr. BURKETT. Mr. President, may I inquire if the Senator is reading those letters with reference to Senate bill 2227, for the relief of Mary C. Mayers?

Mr. GALLINGER. I am.

Mr. BURKETT. As I read the report on the Mayers bill, Mayers was killed by the fall of a whaleboat belonging to the U. S. S. *Charleston*, in Victoria Harbor, Hongkong.

Mr. GALLINGER. He was.

Mr. BURKETT. I do not understand how the letters the Senator has read have reference to this case.

Mr. GALLINGER. I have been reading these letters simply to show that this is a somewhat similar case, where a man lost his life in the service of the Government—so it is alleged—by undue exposure, and for the purpose of showing that, if these claims continue to be passed by Congress, we shall have a deluge of them before long, and that every man who has been employed by the Government who has sustained an injury or loses his life, whether it possibly be by his own fault or not, will be here demanding that the Government should remunerate him or his widow for the damage that may have been done to him.

Mr. President, I do not think I shall introduce a bill in behalf of this worthy woman who has written me, because I do not think the case could be made out conclusively, inasmuch as it is alleged that this man was injured by undue exposure to the heat of the sun in a place where, very likely, he ought not to have been asked to work; but I do want to sound the alarm, at least, when I say that the passage of this bill—and I recall the fact that we have passed certain other similar bills in prior Congresses—if it becomes a law, will open a channel that will be clogged with similar claims made against the Government for injury, for loss of life, and possibly the loss of property on the part of citizens of the country who may be engaged in the service of the Government.

I have said, Mr. President, to a Senator who is greatly interested in this bill that I will not renew my objection to it today; but I wanted to put the brief statement I have made in the RECORD. With that I will submit the matter to the Senate.

Mr. FULTON. Mr. President, so far as the Committee on Claims is concerned, which is charged with the consideration of such bills as this, it would be very glad if Congress would establish the precedent, if that is the disposition of Congress, that no claim for personal injury shall be allowed. But, Mr. President, these bills are constantly being introduced and referred to the Committee on Claims, and constantly being passed by both Houses. Perhaps I should not use the word "constantly;" but "frequently."

Since I have been chairman of the Committee on Claims I do not think to exceed two or three bills for personal injuries have been reported by that committee. I will ask the Senator from Utah if I am correct in that?

Mr. SMOOT. Only four such bills, I think.

Mr. FULTON. The Senator from Utah says "four;" I am quite sure not beyond that. We have exercised extreme care in inquiring into the facts and circumstances of every case. We require more than an ordinarily clear showing to be made in cases of that character, for we are well aware that it is easier to establish a claim by ex-parte testimony than it would be were the witnesses before a court and subject to cross-examination. But, Mr. President, so long as Congress continues to recognize any of these claims, just so long will bills to pay them be introduced and referred to the committee, and just so long will the committee be compelled to report such of them as seem to the committee to be perfectly clear in the establishment of the claim.

This bill, for instance, is one as to which the facts are with remarkable clearness established and where they clearly show that the Government is liable, if it ever is to be held liable, for negligence. It is a case where the injury occurred on board of a little launch that was lying alongside of the cruiser *Charleston* at the gangway. Through the negligence of one of the crew of the *Charleston* the ship's boat above was loosened, fell down upon the party who was in this launch, and killed him. The Government recognized its responsibility in the case of the Chinamen who were on board by paying them. The Government also appointed a board to survey the launch and ascertain the damages it had sustained. The survey reported some $500 damage, which was paid by the Government, thus recognizing its liability and responsibility for the injury.

Under those circumstances, it clearly appearing that the accident was entirely due to the negligence of the crew, it seemed to us that if we should ever report any bill for personal injury, this was one that should be reported.

Now, I would be very glad if we could in some way secure a test vote on the proposition whether it is to be the policy of Congress to allow any claim for personal injuries. If the Senate shall say that such is not to be the policy, very well; the committee will know what to do with the bills. But until the Senate shall specifically state or by its action indicate that it will not allow these bills the committee has but one thing to do, and that is to inquire into them carefully and report them, if they seem to be meritorious.

The Senator from New Hampshire need not fear that there is going to be a flood of these bills. There may be a flood of them up to the committee, but they will find that there is a dam there which will restrain the flood from that point.

Mr. LODGE. Mr. President, I think this class of bills ought not to receive the favorable consideration of the Senate, because it would open the door to an endless demand upon the Government and to a great many cases which probably are not deserving. But the Senator from Oregon [Mr. FULTON] made one point in regard to this particular case which seemed to me conclusive, although I was about to object and ask to have the bill sent over under Rule IX.

Mr. Mayers was not in the employ of the Government. He went on board the ship to collect payment for a bill, and he was killed, owing to the negligence of sailors of the United States. That is admitted by the court of inquiry. The Government paid the three Chinamen who were injured at that time, and it paid for the launch in which Mr. Mayers was, because the injury was done by the fall of the ship's boat from the davits into the launch below. Therefore it paid everybody who was injured, either pecuniarily or physically, by the accident except the family of this unfortunate man who was killed. I think under those circumstances there is no ground for excluding this widow.

Mr. BURKETT. Mr. President, some one called my attention to this matter, and I objected to the bill a few days ago. I think the bill is entirely outside of the precedents that the Congress ever has established heretofore. I have not had time to go through all of them, but I have gone through a good many of them, and so far as I have found the precedent we have made—and it is limited, perhaps, to half a dozen cases—has been to pay for injuries to Government employees.

Mr. FULTON. I did not understand the Senator. Will he kindly repeat his statement?

Mr. BURKETT. I said that so far as concerns any precedents I could find, they were confined to payments for damages incurred on account of the injury or death of Government employees.

Mr. FULTON. Let me ask the Senator from Nebraska a question. Does he think there is a greater obligation on the Government to pay an employee who has suffered through the negligence of some other agent of the Government than there is to pay a perfect stranger who has suffered through the negligence of the Government? For instance, in this case, the man went on board the vessel by invitation, that is, impliedly by invitation, because the parties whom he was representing had sold the cruiser some coal, and he went on board to collect for it. As he was leaving the ship and had gotten down on a launch, through the negligence of servants of the United States he was killed. Does the Senator think there would have been a greater obligation to pay his widow had he been an employee of the Government? If so, I should be glad to have the Senator explain wherein a different equity would arise in the one case than in the other.

Mr. BURKETT. I do think there is a difference and that there is a different obligation of the Government to pay an em-

ployee of the Government than there is an outsider who is injured in a place where he has gone himself for a business transaction.

Mr. FULTON. Will the Senator allow me one other question?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. BURKETT. Yes.

Mr. FULTON. I ask the Senator if the equity would not in fact be stronger in favor of the stranger, in view of the fact that the employee assumes a certain amount of risk when he enters the employment, whereas the stranger assumes nothing, going there by invitation.

Mr. BURKETT. I expected to cover that point. I was about to say that I do think there is a different obligation morally on the part of the Government—and of course they are all moral obligations, and when we pass these bills we recognize them as such—to its employees than there is to the stranger who goes at arm's length on his own invitation to do business with an officer of the Government.

The report shows that this man was a coal dealer in Hongkong; that he went aboard the vessel to transact business with officers of the vessel; that while he was there this unfortunate occurrence took place, and the boat falling struck him. He was not there by direction of Government officers. So far as I can find from the report he was not there by invitation of a Government officer. He had gone there to transact business with Government officers, and assumed whatever liability attached from going there.

Mr. FULTON. I will ask the Senator if it is not a well-established principle in the law that where you purchase of another or incur indebtedness and fix a place where he shall come for pay and he goes there, he goes there on your invitation. Therefore, the cruiser having purchased coal, and that being a proper place for the agent to go to get the pay for the coal, he went there by invitation.

Mr. BURKETT. It might have been that the proper place to get the pay was in his office. He could have stayed there and there received his pay. There is nothing in the report to show any invitation, either direct or implied.

Mr. President, I have glanced through these precedents. Every one is where, under very distressing circumstances, the hearts of the members of the Committee on Claims and of the Senate and House have been won over by exceptional equity. There have been extremely appealing circumstances in the cases where the Government has paid damages, even to the families of its own employees, who were under the direction of its officers.

I have pending before the committee a case where, by the direction of the superior officer, a young employee went into a certain dangerous place and was killed. His family are asking the Government to recompense them. He was acting under the direction of the Government, through its officers. I submit that that is an entirely different case and that there is an entirely different equity in that case than in the case where a man in business goes to a place to transact business and by some unfortunate circumstance is injured.

Yesterday the Senate passed over from Rule VIII to Rule IX two claims that came up under this sort of reasoning: Some men out West somewhere started some cattle to market. By carelessness or negligence, or whatever we may call it, an officer of the Government improperly delayed the cattle, as the owner of the cattle contends, in getting to market. The market went down. As a result the owner lost some money, and he asks the Government to recompense him. A man in the transaction of business should recognize the law and the requirements and the conditions that are imposed by the Government. If the cattle had gone up the Government would have had just as good a claim to have the owner recompense it for what the Government's delay had made him in the increased price.

Here is a case that is entirely different from any precedent, so far as I can find, and I took occasion to investigate it some time a year ago when this matter was before the Committee on Claims and I was a member of that committee. I have not been able to find a precedent similar to this case, where the Congress has paid damages for the accidental death of any person who was standing at arm's length doing business with the Government. I submit it is a different proposition; and if we open the doors to this class of cases, we will simply open it to another class in addition to those for which there are precedents. In my opinion we ought to hold a man doing business with the Government up to the same responsibility, and attach to the Government no other liability than if the Government were a private individual.

Mr. FULTON. I should like to ask the Senator from Nebraska a question.

Mr. BURKETT. Certainly.

Mr. FULTON. The Senator has observed, I suppose, from the report that in this case the Government paid the Chinamen for the injuries they suffered?

Mr. BURKETT. They were employees of the Government.

Mr. FULTON. Very well.

Mr. GALLINGER. They got $10 apiece.

Mr. FULTON. All right. If the Senator from Nebraska prefers to be understood as defending the payment for the injuries suffered by the Chinamen, even though they were employees of the Government, and the payment on account of the boat that was lying alongside and was injured, and yet is willing to stand here and deny any compensation to the widow of this man, he is entitled to that position.

Mr. BURKETT. When we get to an argument of that sort, I submit it should not be entitled to any recognition here. It is not a question of payment to this widow. It is a question here as to what sort of a precedent we are going to establish and whether we are acting within the proprieties in this case, or whether we are going to do that which will bring us trouble and endless expense hereafter. The Chinamen the Senator refers to were employees of the Government. They were there in that particular employ by the direction of an officer of the Government, and to adjust their claims and to relieve the Government of any further liability they did adjust those claims for a very small amount. I think some Senator said $10 apiece.

Mr. PERKINS. I should like to ask the Senator from Nebraska a question.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Certainly.

Mr. PERKINS. I understood the chairman of the Committee on Claims to state that this party was lawfully on board the ship.

Mr. BURKETT. Yes, sir; he had gone there to collect a coal bill.

Mr. PERKINS. He was lawfully there. If it had been a merchant vessel and if he had gone into a court of equity, is there any question that the heirs of the deceased person would be entitled to damages? There is no question of it. I can cite case after case in my own experience where people lawfully on board a vessel have been injured by the employees of the vessel and the company or the owners of the ship were held liable for damages.

Now, it seems to me in all fairness and equity the Government should be equally as generous and equally as liberal as a private corporation or individual can be compelled to be if the party injured can have a hearing in a court of justice.

Mr. BURKETT. I am not going into the question as to how liberal the Government can afford to be. It can be as liberal as Congress thinks it ought to be. We have power to pass this bill. There are a great many widows and orphans whom the Government could help. There are a great many cases where its charity could be very well meted out, and I suspect that most of us know a great many instances where we could, with great propriety, upon arguments which would appeal to the Senate, appropriate money here and there. I rose only to answer the statement of the chairman of the committee and to call the attention of the Senate to the fact that there are no precedents for this case, and if we pass this bill we will make a precedent for which we will have a thousand similar bills hereafter.

This man was the agent of another person. He went on board the ship under the direction of the other person. He was injured in his employ, doing his work, at a place where he was sent. If there is any moral or other obligation to recompense this widow for her loss, it must be on the part of the man in whose employ he was and who sent him to this place where he was killed.

Mr. President, I submit there is no precedent for this case. There is not any more equity in it than there is in hundreds of other cases. If we establish this precedent, then the Committee on Claims ought to take up and recommend every other bill of this character. I am not saying it is improper to do so. I sympathize with the widow who lost her protector and support. We all do. There is no question about that. The question comes back, What is the proper thing for the Congress to do? We should not let ourselves be carried away by sympathy, but we should determine what is the proper thing to do. If this case is right, then let the committee recommend a hundred other cases which are before it.

Mr. BORAH. Mr. President, the rule which the committee undertook to follow in this case and in other classes of cases is in some way to measure the responsibility which would exist if the Government were an individual. There can be no question under the law that if this party went upon board ship by invitation, either expressed or implied, the Government, were it an individual, would be liable. It is not a question of negligence. If a party is conducting a place of business where by invitation, either express or implied, another party is asked to go to transact business and he receives an injury while there which arises out of the carelessness of the party who has invited him there, the law obligates the latter party to pay.

The party in this case was upon board ship by reason of the express invitation of the Government to go there and transact the business which he was called there to do. It is immaterial that he was sent there by another party. The fact is he went by the invitation of the Government to perform the functions which he was designated as an agent to do at that particular place, and it was the Government's duty to protect him while he was there in that position. It is not a question of protecting the widow by reason of charity, but simply of giving her what she would be entitled to have if she was proceeding against an individual by reason of the legal liability which exists.

Mr. SMOOT. Mr. President, as a member of the Committee on Claims, I have always made it a rule that I would vote for the payment of no claim against the Government of the United States that I would not be perfectly willing to pay if the claim were against myself. The Committee on Claims has been very careful indeed in scrutinizing every bill that has come before it, and in this particular case the facts, as stated by the Senator from Oregon, were taken under consideration, and the committee decided that it was a worthy case and should be recognized and paid by the Government.

I should like an expression as to the attitude of the Senate in relation to these personal-injury cases. I hope that either the Senator from New Hampshire or the Senator from Nebraska will object to the bill and let us have a vote upon a motion to proceed to its consideration, and thus secure an expression of the Senate upon this class of cases, for, as a member of the committee, I want to say there are a great many such claims to be passed upon. If it is understood that it is to be the policy of the Senate to pay no personal-injury claims, then, as a member of that committee, I should like to know, and I shall be very willing to take that position. But I do feel that if we are going to pay any kind of personal-injury claims, the one which is now before the Senate should be paid, because I believe it is a just one and has been carefully considered by the Committee on Claims of the Senate.

Mr. GALLINGER. Mr. President, I rise more particularly to correct the statement I made when I said that this man was in the employ of the Government. I thought he was in the employ of the Government on a Government vessel. It appears he was not. The accident occurred to him when he was visiting the ship on business.

Attention has been called to the fact that some Chinamen who were injured were compensated. They were, to the extent of $10 a piece, and I presume that was all they were entitled to.

In looking at the report I find that in addition to Mr. Mayers four men who were not Chinamen were injured:

George Wolf (ordinary seaman) received a scalp wound, Frank Byrne (apprentice, second class) a scalp wound, and John Belevsen (seaman) suffered from shock.

James Hawkins (apprentice, second class) sprained his ankle.

Those four men do not seem to have been settled with, and I presume we will have four claims from these men, if they are alive, or from their representatives, if we pass the pending bill. I am not going to vote for the bill, but I shall not ask that it go over or make any factious opposition to it. If the debate is closed, I wish to offer some amendments to the bill, inasmuch as I propose to move to strike out the preamble, which I think ought not to remain in the bill. On page 1, line 4 of the bill, before the words "Mary C. Mayers," I move to strike out "the said," and in the same line, after the words "widow of," I move to strike out "the said."

The amendments were agreed to.

Mr. GALLINGER. On page 2, line 1, after the name "Joseph L. Mayers," I move to insert:

Who lost his life as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. *Charleston*, then lying in Victoria Harbor, Hongkong, China.

Those are the words of the preamble.

The amendment was agreed to.

Mr. GALLINGER. I shall move to strike out the preamble at the proper time, because it states that the accident occurred by the negligence of some of the ship's crew, while the late Secretary of the Navy, John D. Long, says it was not due to the negligence of the officers or the ship's crew, but by the error of a young fellow who happened to have something to do with the machinery.

Mr. FULTON. I think the preamble should be stricken out.

Mr. GALLINGER. I think so.

Mr. FULTON. I did not personally report the bill, as I recall.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. BURKETT. I can not sit here and let a bill of this kind pass without a protest. I want a vote upon it.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. GALLINGER. I move to strike out the preamble.

The motion was agreed to.

LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was announced as the next business in order on the Calendar.

Mr. GAMBLE. The senior Senator from Wyoming [Mr. CLARK] indicated a desire to be heard on the bill if it came up for consideration. I do not see him in the Chamber at the moment, and I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from South Dakota.

LAND FOR CALIFORNIA INDIANS.

The bill (S. 517) authorizing the purchase of lands for California Indians, was announced as the next business in order on the Calendar.

Mr. GALLINGER. Mr. President, the bill was read yesterday, and I asked that it go over. I have no disposition to antagonize it. I hope it will be put on its passage without being read at this time, having been read yesterday.

The VICE-PRESIDENT. The bill has been read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to expend not to exceed $50,000 to purchase for the use of the Indians in California now residing on reservations which do not contain land suitable for cultivation and for Indians who are not now upon reservations in that State suitable tracts or parcels of land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS ON FORT BELKNAP INDIAN RESERVATION, MONT.

The bill (S. 3084) providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops, was announced as the next business in order on the Calendar.

Mr. CARTER. The bill was read yesterday.

Mr. GALLINGER. Mr. President, the bill was read yesterday, and I made some objection to it. I have not changed my mind about the legislation. I think it is not only extraordinary, but somewhat vicious; but as it deals with the Indians of Montana, about whom the Senator from Montana knows a great deal more than I do, I do not propose to urge any further objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments. The amendments were, in line 3, after the word "implements," to strike out "and;" in line 4, after the word "animals," to insert "and other equipment;" in line 5, after the word "Montana," to insert "and for the compensation of additional employees at the Fort Belknap Agency in said State," so as to make the bill read:

Be it enacted, etc., That for the purchase of machinery, tools, implements, animals, and other equipment for the Indians on the Fort Belknap Indian Reservation, in the State of Montana, and for the compensation of additional employees at the Fort Belknap Agency in said State, to enable said Indians to engage in the raising of sugar beets and other crops, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Interior, under such conditions as said Secretary may prescribe for the repayment by said Indians to the United States of the sum so expended.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORPS OF ARMY DENTAL SURGEONS.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4432) to reorganize the corps of dental surgeons attached to the Medical Department of the Army. The bill was read yesterday just at the close of the morning hour.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BULKELEY. I ask unanimous consent that 300 additional copies of the bill and the report be printed; the supply is exhausted.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

ALFRED BURGESS.

Mr. PLATT. I ask leave to call up the bill (S. 1162) to correct the naval record of Alfred Burgess.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct the record of Alfred Burgess, late a seaman on board the U. S. S. *Sonoma* and *Juniata*, and to remove any charge of desertion now standing against his record and to issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER H. BRODIE.

Mr. PLATT. I should like also to call up the bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

Mr. GALLINGER. I will not object to this bill, but after it is considered I shall ask for the regular order.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct the naval record of Peter H. Brodie, alias Patrick Torbett, late a sailor in the United States Navy, serving on the United States battle ship *Ohio*, the United States ship *Maria Denning*, and the *Undine*, and to issue to him a discharge from the service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The next business on the Calendar will be announced.

GOVERNMENT DEPOSITARIES.

The resolution submitted by Mr. STONE on the 23d instant, authorizing and directing the Finance Committee to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury was announced as next in order.

Mr. STONE. I ask that the resolution may go over without prejudice.

The VICE-PRESIDENT. The resolution will go over without prejudice at the request of the Senator from Missouri.

EXTENSION OF BOUNTY-LAND LAWS.

The bill (S. 1407) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies of the Florida Seminole Indian war, was announced as next in order.

Mr. LODGE. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Massachusetts.

WILLIAM C. O'NEAL.

The bill (S. 1405) granting an increase of pension to W. C. O'Neal was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. O'Neal, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William C. O'Neal."

HESTER KITE.

The bill (S. 1406) granting an increase of pension to Hester Kite was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "and," to strike out "St. George Rogers's regiment of cavalry" and insert "First Regiment Florida Mounted Volunteers, Seminole Indian war;" and in line 12, before the word "dollars," to strike out "fifteen" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester Kite, widow of Benjamin Kite, late of Captain Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LOURCEY.

The bill (S. 1404) granting an increase of pension to John Lourcey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lourcey, late of Captain Brady's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ULYSSES G. WINN.

The bill (S. 604) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States was considered as in Committee of the Whole. It proposes to appropriate $132.80 to reimburse Ulysses G. Winn for the amount, erroneously deposited by him while United States commissioner at Center and Stonewall, in the southern district of the Indian Territory, in the years 1900 and 1901, and which was paid into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. A. NOON.

The bill (S. 533) for the relief of A. A. Noon was announced as next in order.

Mr. BURKETT. There does not appear to be a report in that case. I ask that the bill may go over.

Mr. SMOOT. I should like to state that I called for the report, but the report has not been printed. I have, however, the report which was made at the last session of Congress.

Mr. BURKETT. Let the bill go over for the present until I can see the report.

The VICE-PRESIDENT. The bill will go over without prejudice.

GEORGE W. YOUNG.

The bill (S. 534) to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps was considered as in Committee of the Whole. It proposes to appropriate for the reimbursement of George W. Young, postmaster at Wanship, in the State of Utah, for postage stamps stolen from a safe without fault on his part, $163.87.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSAY OFFICE AT SALT LAKE CITY, UTAH.

The bill (S. 642) to establish an assay office at Salt Lake City, State of Utah, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF MERIDIAN PLACE NW.

The bill (S. 3416) to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907, was considered as in Committee of the Whole. It proposes to amend the act by adding after the words "50 feet," at the end of section 1 thereof, the words "along such line as said Commissioners shall deem most advantageous."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING TECHNOLOGY BRANCH.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as next in order.

Mr. LODGE. I ask that the joint resolution may go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice at the request of the Senator from Massachusetts.

LOCATION OF MINERAL CLAIMS.

The bill (S. 129) to validate the location of mineral claims heretofore made by United States deputy mineral surveyors during their incumbency in office was considered as in Committee of the Whole.

The bill was reported from the Committee on Mines and Mining with an amendment, in line 7, page 1, after the word "office," to insert "as deputy mineral surveyors and such locations shall not be deemed to be," so as to make the bill read:

Be it enacted, etc., That the title to mining claims heretofore located by persons holding commissions as United States deputy mineral surveyors shall not be held invalid by reason of the fact that such locations were made by deputy mineral surveyors during their incumbency in office as deputy mineral surveyors and such locations shall not be deemed to be in violation of section 452 of the Revised Statutes of the United States.

Mr. GALLINGER. I desire to call attention to the amendment. The Senator who reported the bill is not here. The bill reads, "such locations were made by deputy mineral surveyors during their incumbency in office," and it is proposed to insert "as deputy mineral surveyors." If they were deputy mineral surveyors I do not know why we want to put an amendment in the bill repeating the fact that they were deputy mineral surveyors. Let the bill go over until the Senator who reported it is present.

The VICE-PRESIDENT. The bill will go over without prejudice.

ALASKA-YUKON-PACIFIC EXPOSITION.

The bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909 was announced as next in order.

Mr. BURKETT. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Nebraska.

PORT HUDSON FORLORN HOPE STORMING PARTY.

A bill (S. 629) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn hope storming party, was considered as in Committee of the Whole.

Mr. GALLINGER. In line 10, page 1, before the word "volunteers," I move to insert the word "surviving;" after the word "party," in the same line, I move to strike out the comma and insert a period; and to strike out the word "or," in the same line, and let the word "in" begin with a capital. Let the Secretary kindly read the bill as it will stand if amended.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. In line 10, before the word "volunteers," insert the word "surviving;" in the same line, after the word "party," strike out the comma and insert a period; strike out the word "or" and begin the word "in" that follows with a capital I, so that if amended the bill would read:

Be it enacted, etc., That the Secretary of War is hereby authorized to procure a suitable bronze medal commemorating the organization of the volunteer storming party against the works at Port Hudson, La., organized, pursuant to General Order No. 49, by command of Major-General Banks, commanding the Department of the Gulf, June 15, 1863, and present one of said medals to each of the surviving volunteers of said storming party. In case of the decease of the volunteer said medal shall be given to his widow or oldest heir: *Provided*, That such medal shall bear an inscription in suitable language to be designated by the Secretary of War, giving the name of the volunteer, his company and regiment, and stating in substance that the person to whom this medal was awarded volunteered for said storming party: *Provided further*, That for the purposes of this act the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. Mr. President, a few moments ago I was out of the Chamber in answer to the call of a gentleman who had some business with me, when I understand that the bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909 was put under Rule IX at the request of the Senator from Nebraska [Mr. BURKETT]. I hope the Senator will withdraw his request. If he is opposed to the bill, I have no objection, of course, to his urging any objection he may have to it, but I should like to get it up in its regular order instead of having it put under Rule IX. I am perfectly willing to have the bill called up when he is present; I shall not call it up in his absence, but I do not care to have the bill put under Rule IX.

Mr. BURKETT. I am very much opposed to the bill. I did not know that I had done anything improper or more than the Senator might expect I would do in having the bill placed under Rule IX. I had supposed that when a bill went to the Calendar under Rule IX it then took a motion to take it up for consideration, and therefore it could not be taken up properly when I would not have a chance to know something of it. If it simply goes over under Rule VIII, as I understand——

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. SUTHERLAND. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

DELAY IN CONSIDERATION OF THE CALENDAR.

Mr. LODGE. I ask that the Senate may continue the Calendar under Rule VIII.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. If the matter of Rule IX has been settled between the two Senators, I wish to call attention to the fact that from Order of Business 144, Senate bill 4024, we have neither bills nor reports on our files, and therefore it is impossible to deal with them. There is no report here for Calendar No. 133, Senate bill 533, and the bill was reported on the 27th of January. Those reports and bills ought to have been here this morning in time to go on our files. I mention it in order to call the attention of the Printing Office to it. We can not undertake to do business here unless we can get ordinary bills and reports of this kind, which are mostly very brief, in the morning in time to deal with them. As it is, we are cut off from finishing the Calendar, because we have no reports or bills.

Mr. CULLOM. If there is nothing further to be done in legislative session, I will move an executive session.

Mr. KEAN. I hope the Senator will withhold the motion for a moment.

Mr. CULLOM. I will withhold it if there is anything to be done.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. I should like to ask——

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. Certainly.

Mr. BURKETT. I was in the midst of a statement when I was cut off by the expiration of the morning hour, and I wish to finish it.

As I said, I asked to have the bill go to the Calendar, under Rule IX, because I thought then when it was taken up I would be here and would get a chance to oppose it. I have no objection to the bill being taken up at any time, provided we can debate it and have a vote on it. I did not want to have anything improperly done because the Senator from Washington was absent. If I could not have had the bill passed to Rule IX, had the Senator from Washington been here, then I want to withdraw any request I made and put it right back to where it was. I do not want to take any advantage of his absence. If by the Senator's objection he could have prevented its going to Rule IX, then I want to withdraw my request and put it back under Rule VIII.

The VICE-PRESIDENT. What is the request of the Senator from Nebraska?

Mr. BURKETT. My request now is that the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. In the absence of objection the

order placing the bill upon the Calendar under Rule IX is rescinded at the request of the Senator from Nebraska and the bill will be placed on the Calendar under Rule VIII.

Mr. BURKETT. I now renew my request that it go to the Calendar under Rule IX.

Mr. PILES. I oppose that request and ask that the bill remain on the Calendar under Rule VIII. It is important that the bill shall be disposed of one way or the other at an early date. The people of my section of the country have expended very large sums of money in an effort to give an exposition, which will take place in June, 1909. In order to prepare for the exposition it is necessary that action shall be taken on the bill at an early date. I will ask for a vote on the proposition if necessary.

Mr. BEVERIDGE. I take it for granted if the bill goes back, as the Senator from Nebraska has so kindly said he would consent, to the Calendar, and the Senator from Washington should give assurance that the bill will not be called and acted upon without the Senator from Nebraska being present, that is only fair.

Mr. PILES. I shall certainly call it up publicly and ask that it be set down for discussion.

Mr. BURKETT. This matter——

Mr. LODGE. I do not see how we can make an arrangement of that sort. There may be other Senators who wish to discuss the bill. As long as it is on the Calendar under Rule VIII it is likely to go through, or may go through, as unobjected business. I personally have no objection to the bill, but there may be other Senators who do object to it. I think it ought to be placed either under Rule IX or Rule VIII. I do not think you can put any qualification upon it.

Mr. BEVERIDGE. There is nothing to prevent the Senator from Washington making the request that he did. It is that the bill should go to the Calendar as it was before. The Senator from Nebraska has withdrawn his objection to that, and I made the suggestion, in view of that very courteous action on the part of the Senator from Nebraska, that the Senator from Washington of course would give the Senator from Nebraska assurance in open Senate that the bill would not be taken up in the absence of the Senator from Nebraska, which is fair on both sides.

The VICE-PRESIDENT. The Senator from Nebraska will kindly restate his request.

Mr. BURKETT. My request is now that the bill shall go to the Calendar under Rule IX. As I understand it, the Senator from Washington objects. It may require a vote to send it to Rule IX.

The VICE-PRESIDENT. According to the usual practice, the bill will go to the Calendar under Rule IX at the request of the Senator from Nebraska. The Senator from Washington can move to take up the bill from the Calendar under Rule IX for consideration.

Mr. BURKETT. I have requested that the bill go to the Calendar under Rule IX.

Mr. PILES. Do I understand the Chair to state that the bill can be put under Rule IX on the request of one Senator without a vote?

The VICE-PRESIDENT. It has been the long established practice to do so upon the request of one Senator. The Senator from Washington can move to proceed to the consideration of the bill, which brings it before the Senate if the motion prevails, notwithstanding the request made by the Senator from Nebraska.

Mr. PILES. Several Senators want to make some remarks on the bill, and there may be some who desire to make objections to it. I will take it up at a stated time and let them know. For that reason I do not like to move its consideration at the present time, but I will move, if it is proper for me to do so, that the bill be reinstated on the Calendar.

Mr. LODGE. I do not think the Senator from Washington is really in the least limited by its going to the Calendar under Rule IX. He can make a motion to take it up any day after 1 o'clock.

Mr. PILES. Then I will give notice now that I shall submit some remarks next Monday on the bill and ask for its consideration.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I was on my feet to make that motion.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 30, 1908, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 29, 1908.

SURVEYOR OF CUSTOMS.

Leander M. Shubert, of Iowa, to be surveyor of customs for the port of Council Bluffs, in the State of Iowa.

POSTMASTERS.

COLORADO.

Robert E. Hanna to be postmaster at New Windsor, Weld County, Colo.

ILLINOIS.

William A. Collins to be postmaster at Western Springs, Cook County, Ill.

Charles A. Duntley to be postmaster at Bushnell, McDonough County, Ill.

Leander F. Gowdy to be postmaster at Enfield, White County, Ill.

Horace H. Peaslee to be postmaster at Naperville, Dupage County, Ill.

William L. Seymour to be postmaster at Raymond, Montgomery County, Ill.

Allen H. Webster to be postmaster at Cuba, Fulton County, Ill.

IOWA.

Alonzo Bryson to be postmaster at Davenport, Scott County, Iowa.

William C. Marsh to be postmaster at Aurelia, Cherokee County, Iowa.

Minnie A. Muhs to be postmaster at Akron, Plymouth County, Iowa.

George W. Wiltse to be postmaster at Montezuma, Poweshiek County, Iowa.

MAINE.

George L. Thompson to be postmaster at Brunswick, Cumberland County, Me.

MASSACHUSETTS.

Edward G. Spooner to be postmaster at Fairhaven, Bristol County, Mass.

Frank M. Tripp to be postmaster at Marion, Plymouth County, Mass.

Edwin F. Wyer to be postmaster at Woburn, Middlesex County, Mass.

MINNESOTA.

Emil Nelson to be postmaster at Albert Lea, Freeborn County, Minn.

Charles W. Paige to be postmaster at Dawson, Lac qui Parle County, Minn.

William B. Strom to be postmaster at Hector, Renville County, Minn.

NEBRASKA.

Joshua H. Evans to be postmaster at Callaway, Custer County, Nebr.

NEW MEXICO.

May Crawford to be postmaster at Mesilla Park, Dona Ana County, N. Mex.

Charles O. Leach to be postmaster at Portales, Roosevelt County, N. Mex.

Thomas B. Platt to be postmaster at Hagerman, Chaves County, N. Mex.

NORTH DAKOTA.

William G. Mitchell to be postmaster at Minto, Walsh County, N. Dak.

PENNSYLVANIA.

James M. Dreher to be postmaster at Weatherly, Carbon County, Pa.

Samuel S. Graffin to be postmaster at Catasaqua, Lehigh County, Pa.

Harvey W. Marburger to be postmaster at Denver, Lancaster County, Pa.

J. H. Rowe to be postmaster at Millersburg, Dauphin County, Pa.

George S. Stroup to be postmaster at Oakmont, Allegheny County, Pa.

WEST VIRGINIA.

John F. Lewis to postmaster at Point Pleasant, Mason County, W. Va.

WISCONSIN.

Samuel L. Mason to be postmaster at Blanchardville, Lafayette County, Wis.

A. J. W. Nixon to be postmaster at Delafield, Waukesha County, Wis.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 29, 1908.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

Good Lord, deliver us, we beseech Thee, from the jingo, the demagogue, the bigot, and all other undesirable citizens, and give us instead the patriot, the statesman, the broad-minded, generous-hearted, manly man, that Thy Kingdom may come and Thy will be done on earth as it is in Heaven, for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

IMMEDIATE-TRANSPORTATION PRIVILEGES, KNIGHTS KEY, FLA.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 14011) amending an act approved June 10, 1880, entitled "An act to amend the statute in relation to immediate transportation of dutiable goods, and for other purposes," which was referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

SECOND HOMESTEAD ENTRIES.

Mr. MONDELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 300.

The SPEAKER. Does the gentleman desire the statement read in lieu of the report?

Mr. MONDELL. I do.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 300 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the same with an amendment, as follows:

Strike out the word "or," in line 5 of the House bill, and insert the words "or abandoned" after the word "forfeited," in the same line.

That the House recede from its disagreement to the amendments of the Senate numbered.

FRANK W. MONDELL,
A. J. GRONNA,
JNO. W. GAINES,
Conferees on the part of the House.

H. C. HANSBROUGH,
ROBERT J. GAMBLE,
FRANCIS G. NEWLANDS,
Conferees on the part of the Senate.

The statement was read as follows:

STATEMENT.

The effect of the agreement reached by the conferees is to leave the House bill in the form in which it passed the House with the exception of the addition of the word "abandoned," in line 5, so as to make the beneficiaries of the measure those who had lost, forfeited, or abandoned their former entry.

The change in no wise affects the object or intent of the bill as it passed the House, but is intended to make the intent clearer.

FRANK W. MONDELL,
A. J. GRONNA,
JOHN W. GAINES,
Conferees on the part of the House.

Mr. MONDELL. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 134. An act granting leave of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902;

S. 57. An act granting a pension to Alvah Moulton;

S. 135. An act for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington;

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers;

S. 406. An act granting a pension to Calesta Clark;

S. 428. An act granting an honorable discharge to Amos Dahuff;

S. 518. An act to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation in California;

S. 523. An act granting an increase of pension to John S. Hyatt;

S. 524. An act granting an increase of pension to John Lowder;

S. 638. An act granting a pension to Emily Ayres;

S. 653. An act to authorize commissions to issue in the cases of officers of the Army retired with increased rank;

S. 712. An act granting a pension to Agnes Lange Smith.

S. 920. An act granting an increase of pension to Martha A. Kenny;

S. 1171. An act granting a pension to Mary A. Sands;

S. 1256. An act for the relief of Pope & Talbot, of San Francisco, Cal.;

S. 1403. An act granting an increase of pension to Martha Stewart;

S. 1408. An act granting an increase of pension to Elizabeth Sweat;

S. 1423. An act granting an increase of pension to Nancy Motes;

S. 1424. An act to increase the efficiency of the Medical Department of the United States Army;

S. 1634. An act granting an increase of pension to Caroline E. Sweet;

S. 1746. An act granting a pension to Elmer Honnyman;

S. 1757. An act granting an increase of pension to Jane C. Stingley;

S. 1758. An act granting a pension to Adolphus N. Pacetty;

S. 2420. An act granting an increase of pension to Margaret K. Hern;

S. 2802. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation;

S. 3345. An act to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla.;

S. 3438. An act to authorize the construction and maintenance of a dam or dams across the Kansas River within Shawnee County, in the State of Kansas;

S. 3835. An act increasing the limit of cost for a public building at Salisbury, N. C.;

S. 4046. An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin;

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. R. 18. Joint resolution appointing a commission to investigate methods of operation of coal and other mines and recent mining disasters in certain States of the United States; and

S. R. 33. Joint resolution adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an Army officer to retirement on his own application.

FAIRFIELD COLLECTION DISTRICT, CONNECTICUT.

Mr. HILL of Connecticut. Mr. Speaker, I desire to call up for present consideration the bill H. R. 9217.

The SPEAKER. The bill is on the Union Calendar.

Mr. HILL of Connecticut. I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to discharge the Committee of the Whole on the state of the Union from the consideration of the bill indicated, and to have the same considered at this time by the House. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9217) amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district.

Be it enacted, etc., That paragraph 5 of section 2533 of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

"Fifth. The district of Bridgeport, to comprise all the waters and shores in the State of Connecticut west of the district of New Haven, in which Bridgeport shall be the port of entry, and Norwalk and Stamford subports of entry, and Greenwich and Stratford ports of delivery."

SEC. 2. That paragraph 5 of section 2534 of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

"Fifth. In the district of Bridgeport, a collector, who shall reside in Bridgeport."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. HILL of Connecticut, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRIVILEGE OF IMMEDIATE TRANSPORTATION TO NORWALK, STAMFORD, AND GREENWICH, CONN.

Mr. HILL of Connecticut. I also call up the bill H. R. 9218, which is a necessary accompaniment of the other bill.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the following bill and consider the same in the House.

The bill was read, as follows:

A bill (H. R. 9218) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the ports of Norwalk, Stamford, and Greenwich, in the State of Connecticut.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. HILL of Connecticut, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Judiciary from the consideration of Senate bill 485, and that it be considered in the House.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following bill, which the Clerk will report:

The Clerk read as follows:

An act (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

Be it enacted, etc., That the counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Lubbock, Hale, Swisher, Randall, Potter, Moore, Sherman, Hockley, Cochran, Bailey, Parmer, Dallam, Hartley, Oldham, Deaf Smith, Castro, and Lamb shall constitute a division of the northern judicial district of Texas.

SEC. 2. That the terms of the circuit and district courts of the United States for the said northern district of Texas shall be held twice each year at the city of Amarillo, in Potter County, Tex., and that until otherwise provided by law the judges of said courts shall fix the times at which said courts shall be held at Amarillo, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Lubbock, Hale, Swisher, Randall, Potter, Moore, Sherman, Hockley, Cochran, Bailey, Parmer, Dallam, Hartley, Oldham, Deaf Smith, Castro, and Lamb, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Amarillo, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Amarillo: *Provided*, That no process issued, or prosecutions commenced, or suits instituted before the passage of this act, shall be in any way affected by the provisions hereof, and that all persons who have committed offenses against the United States in any of the counties mentioned in this bill shall be prosecuted and tried as if this act had not been passed.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Amarillo, which shall be kept open at all times for the transaction of the business of said division.

Mr. PAYNE. Reserving the right to object——

The SPEAKER. This is a Senate bill. Has the original bill been referred to the Committee on the Judiciary?

Mr. STEPHENS of Texas. The original bill is in the Judiciary Committee, and they have reported a substitute.

The SPEAKER. The gentleman asks unanimous consent to discharge the Committee on the Judiciary from the further consideration of the bill which has been read, and consider the Senate bill in the House at this time. Is that the request of the gentleman?

Mr. STEPHENS of Texas. That is right.

Mr. PAYNE. Reserving the right to object, as I understand, this bill simply creates a new division in one of the judicial districts of Texas?

Mr. STEPHENS of Texas. That is all.

Mr. PAYNE. And has no other object?

Mr. STEPHENS of Texas. None whatever.

Mr. PAYNE. And it has been to the Committee on the Judiciary, and that committee has recommended a similar or identical bill?

Mr. STEPHENS of Texas. With an amendment recommended by the Attorney-General, and also an amendment suggested by the gentleman from Illinois [Mr. MANN], and all agreed to by the committee.

Mr. PAYNE. And these amendments will be offered to the bill?

Mr. STEPHENS of Texas. Yes.

Mr. PAYNE. I have no objection.

Mr. RANDELL of Texas. Reserving the right to object, I would like to ask the gentleman if this bill in any way affects the eastern judicial district of Texas?

Mr. STEPHENS of Texas. It does not. It only provides for a new division of the northern district.

Mr. RANDELL of Texas. And it does not affect the counties of Montague, Crook, or Denton?

Mr. STEPHENS of Texas. It does not change that part of the State at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JENKINS. Mr. Speaker, I desire to call the attention of the gentleman from Texas to the fact that this Senate bill should be amended, in accordance with his wish, as suggested by the Attorney-General, to strike out all of lines 3, 4, 5, 6, and 7 in section 2 and insert in lieu thereof "beginning on the third Monday in April and on the fourth Monday in September of each year," so that the act will fix the time without leaving that to the judge of the court.

Mr. STEPHENS of Texas. That is correct. That is the time recommended by the judge.

The Clerk read as follows:

Strike out all of lines 3, 4, 5, 6, and 7, and insert in lieu thereof "beginning on the third Monday of April and on the fourth Monday of September of each year."

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, there is another amendment which I wish to have adopted. In line 22, after the word "hereof," add the words:

And that all persons who have committed offenses against the United States in any of the counties mentioned in this bill prior to the passage of this act shall be prosecuted and tried as though this act had not been passed.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 22, after the word "hereof," insert: "And that all persons who have committed offenses against the United States in any of the counties mentioned in this bill prior to the passage of this act shall be prosecuted and tried as though this act had not been passed."

Mr. MANN. I think that amendment is in the Senate bill, except the words "prior to the passage of this act." I call the gentleman's attention to that fact.

Mr. STEPHENS of Texas. Then I will not push that amendment.

Mr. MANN. Take the Senate bill that was originally sent up, and it will show what the provision is.

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. STEPHENS of Texas. Yes; I withdraw the amendment and offer another, to include simply those words.

The SPEAKER. The gentleman withdraws his amendment and offers another, which the Clerk will report.

The Clerk read as follows:

Line 24, after "bill," insert:
"Prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas a motion to reconsider the last vote was laid on the table.

PRINTING FOR COMMITTEE ON PATENTS.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Patents shall have authority to order such printing and binding done as they may deem to be necessary, connected with the business of said committee during this Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

INDORSEMENT OF PRIVATE BILLS.

The SPEAKER. The attention of the Chair has been called to the fact that under the rule a Member introducing a private bill should make an indorsement as to what committee it should be referred to. Many Members introduce private bills, especially pension bills, without making the indorsement, and it is not practicable for the clerks in the Journal Clerk's office to tell whether the bill should go to the Committee on Invalid Pensions or to the Committee on Pensions, and much confusion results from the failure of the Members to comply with the rule. The Chair desires to call attention of Members to this fact.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766, the urgent deficiency appropriation bill, with Mr. LAWRENCE in the Chair.

The CHAIRMAN. At the time the committee arose the bill was being read under the five-minute rule. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Elimination of grade crossings: Toward carrying out the provisions of the acts of Congress providing for the elimination of grade crossings and the construction of a union railroad station in the District of Columbia, approved February 12, 1901, and February 28, 1903, for purchase or condemnation of the land necessary for the plaza and new streets, and for reconstructing, grading, and paving, together with the necessary incidental work in connection therewith, the streets, avenues, and ways changed in line or grade or newly created under the provisions of said acts, including the employment on the approval of this act of special assistant counsel, at a rate not to exceed $3,000 per annum, and one clerk, at a rate not to exceed $1,000 per annum, in connection with the settlement of claims for damages incident to changes of grade, this sum to be expended under the provisions of said acts, and to continue available until expended, $150,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 15, after line 19, insert "Washington Asylum." That any unexpended balance in the appropriation for pupil nurses at Washington Asylum Hospital for the fiscal year 1908 is hereby made available for payment of any nurses that, in the judgment of the Commissioners of the District of Columbia, may be necessary in the work of the hospital.

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I desire to ask the chairman of the committee a question. In line 18 you make this available until expended. Does the gentleman think that is as good phraseology as you adopted for an amendment of the same character yesterday? You make that run over into an extra fiscal year. This makes the appropriation available until expended, and therefore any little balance unused out of the appropriation will be carried on the books of the Treasury for an indefinite number of years until released. The question has been brought up repeatedly. I do not propose to offer an amendment if the gentleman thinks this is better.

Mr. TAWNEY. I will state the reason for phrasing the appropriation in this way. This appropriation is for a specific purpose, and before that purpose is fully accomplished there will have to be a number of additional appropriations to carry it out. Now, the work that is in progress for which this money is to be expended will run over into the next fiscal year. The appropriation is made available until expended for that reason. It is not at all analogous to the case that occurred yesterday, referred to by the gentleman from Iowa. This removal of the grade crossings is a project that Congress authorized several years ago, and until this current year there was a balance or a surplus in the appropriation of a certain amount that is made every year, but the Commissioners were not able to do the work as rapidly as they have been doing it this fiscal year. The purpose is to eliminate the grade crossings as quickly as possible, and in order to do that they need this in order to enable them to continue the work. There is no danger of any unexpended balance; they are sure to use it all up, and they will require a great deal more.

Mr. HULL of Iowa. If they are to require more, I have no objection.

Mr. TAWNEY. A great deal of the delay has been caused by litigation in condemnation proceedings.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

UNDER THE CHIEF SIGNAL OFFICER.

For expenses of the Signal Service of the Army on account of the Army of Cuban Pacification during the fiscal year ending June 30, 1908, in the purchase of equipment, stores, and supplies, the engagement of services personal and not personal, and all other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, $10,000.

Mr. CLAYTON. Mr. Chairman, I desire to make an inquiry of the gentleman from Minnesota. Will the gentleman inform me what has been the total cost incurred by the United States for the pacification of Cuba?

Mr. TAWNEY. I can give the gentleman the exact figures. I made that inquiry last week of the Secretary of War and asked him to give a detailed statement, which he has done. The aggregate is $4,453,384.32.

I will send the letter of the Secretary of War to the desk that it may be read and go in the RECORD.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, January 22, 1908.

DEAR SIR: In response to the request contained in your telegram of 17th instant, I beg to inform you that the amount expended to January 1, 1908, on account of the present intervention in Cuba is $4,453,384.32, as follows:

Quartermaster's Department	$3,586,674.52
Paymaster's Department	356,709.14
Commissary Department	257,566.16
Medical Department	110,100.30
Ordnance Department	11,815.57
Engineer Corps	24,950.77
Signal Corps	99,308.49
Military Information Division	6,259.37
General Staff Corps	4,453,384.32

No part of the above sum has been reimbursed to the United States.

The Commissary-General's report includes expenditures made to and including January 1, 1908, while in the report of the Paymaster-General the figures for November and December are only estimated, as the analysis of disbursing accounts of paymasters in Cuba for that period has not been completed.

Very respectfully,
WM. H. TAFT,
Secretary of War.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

Mr. CLAYTON. Now, Mr. Chairman, I desire to ask the gentleman from Minnesota if the Government of the United States has taken any steps, or is now taking any steps, to be reimbursed for any part of the sum expended for the pacification of Cuba?

Mr. TAWNEY. I will state for the information of the gentleman from Alabama that at the last session of Congress the Committee on Appropriations reported a provision in one of the appropriation bills as follows:

The President is hereby authorized to receive from the treasurer of the Cuban Republic and pay to the Treasury of the United States, from time to time, such sums to reimburse the United States for the expenditures of the United States Treasury made necessary by the present intervention as he may consider the Cuban treasury able to pay without serious embarrassment.

That was enacted at the last session of Congress, but I will say that under it there has been no money paid back to the Government of the United States or the Treasury of the United States has not been reimbursed to any extent whatever on account of the expenditures made in the pacification of Cuba.

Mr. CLAYTON. Now, will the gentleman tell us whether any of the surplus revenues derived by the Government of Cuba from its various sources is being used or appropriated toward the reimbursement of the United States for the expense it has incurred in the pacification?

Mr. TAWNEY. I will say to the gentleman that so far as I know there have been no steps taken by the provisional governor to reimburse out of the treasury of Cuba the Treasury of the United States on account of any expenditures made. The report of the provisional governor shows that the balance in the treasury of Cuba, October 31, 1907—that is, the Cuban treasury—was $15,254,330.56; but I will state further that, as chairman of the Committee on Appropriations, I have made inquiry of the War Department as to what steps have been taken; and if none were taken, why, to reimburse the Government, in view of this showing as to the condition of the Cuban treasury.

Mr. CLAYTON. Then I take it the gentleman can not give the House any information as to what has been done or what is being done to get this money back from the Cuban government.

Mr. TAWNEY. So far as I know no steps have been taken—nothing has been done.

Mr. CLAYTON. Something over $4,000,000 has been expended?

Mr. TAWNEY. Yes.

Mr. CLAYTON. And upon an average how long since that money has been paid out?

Mr. TAWNEY. It has been paid out in the last eighteen months—a little less than eighteen months.

Mr. CLAYTON. So far as the gentleman knows, no steps

have been taken to get that money back, although there are $15,000,000 in the treasury of Cuba.

Mr. TAWNEY. So far as I know, no steps have been taken to reimburse the Treasury of the United States on account of the money that has been expended on account of the Cuban pacification.

Mr. SLAYDEN. Mr. Chairman, if the gentleman will permit, I will state that information has reached the Committee on Military Affairs which enables me to state that the bulk of that expenditure was in the early days of the occupation of the island of Cuba. It was for the transportation of the Army and for the supplies immediately required. So, it is easy to say this debt has been due on an average for more than a year.

Mr. CLAYTON. Mr. Chairman, I do not desire to make any very extensive remarks, but I desire to call the attention of the House and the country——

Mr. TAWNEY. Before the gentleman proceeds, let me read another paragraph from the report of the provisional governor. The fact that there are $15,000,000 in the treasury of Cuba does not necessarily show that that amount is what we call free cash.

This amount is not available or "free cash." There are included in said funds unexpended balances of permanent appropriations by the Cuban Congress for public works, $5,489,516.42, and unexpended balances of permanent appropriation for public improvements made by the provisional administration amounting to $2,153,909.87. These two foregoing sums can not be charged in full against the cash balances in the treasury, for the unexpended portion of appropriations for works now in progress are, either in whole or in part, in the hands of disbursing officers and deposited to their credit in the Banco Nacional or Royal Bank of Canada, and do not appear on the cash account of the treasury. The total amount on deposit in the Banco Nacional to the order of the disbursing officers is $3,476,955.96, and in the Royal Bank of Canada $72,234.54, making a total of $3,549,190.50.

Mr. CLAYTON. From what document is that statement made?

Mr. TAWNEY. From the annual report of Charles E. Magoon, provisional governor of Cuba, to the Secretary of War, January 14, 1908.

Mr. CLAYTON. Mr. Chairman, briefly I desire to call the attention of the House and of the country to the fact that the gentleman from Minnesota [Mr. TAWNEY], who has charge of the appropriation bills and understands our financial condition perhaps better than any other Member in this House, a few days ago warned the Congress against the probable deficit; and here we have the spectacle of this Administration, with the party in control of which the gentleman is one of the chief advisers, spending upward of $4,000,000 in the island of Cuba for its pacification, and, so far as we know or are advised, it has taken no steps, and does not contemplate taking any early steps, to secure the return of that money. I would like to know from him and from his associates when, how, and what efforts the Government will take to have this money collected from the Government of Cuba?

Mr. GAINES of Tennessee. Mr. Chairman, it seems that we have no arrangement by law for the Government of the United States to be reimbursed. If so, why has not that law been executed?

Mr. TAWNEY. Had the gentleman from Tennessee been in his seat a moment ago when I read the law, he would know that we have a law authorizing the reimbursement.

Mr. GAINES of Tennessee. Then we are in a worse fix than ever. We have a law without executing it.

Mr. TAWNEY. I wanted to correct the gentleman's other statement.

Mr. GAINES of Tennessee. All right. Here we have a law that is a dead letter, that has been put upon the statute books a few years—in the last Congress, I am told—and here we have hundreds and thousands of the people's money that are spent simply policing Cuba, to make the Cuban people behave themselves.

Now, taxation is a burden; maintaining the Army is a burden. These Cubans should be made to know beforehand that if they have a row, if they break the peace, if they rebel against the Government—in other words, if they call upon the Government of the United States to make them behave themselves—they have to pay for it. They should be made to know that if they dance they have to pay the fiddler. As it is, Mr. Chairman, Uncle Sam is paying the fiddler and they are dancing. It seems to me that if they were made to know beforehand that they have to pay the bill they would be much slower than they have been to break the law as they have and breach the peace and force our Government to go down there and make them behave themselves. As it is, we proceeded off down there with our men-of-war, with our detachment of soldiers, and took charge of them and made them behave themselves, and when everybody was sitting in his seat, as we were made to do at school, and everybody was in his seat behaving himself, we picked up our men and came back without impressing it upon them at any time that this burden was imposed by their own misconduct and the law. It seems to me we have been taught a lesson by what the gentleman from Alabama has brought to our attention and from what the distinguished chairman himself admits—that this law should be enforced and vigorously enforced, instead of letting it remain a dead letter.

Mr. TAWNEY. I want to say to the gentleman from Tennessee when I visited Santiago last November I made inquiry if the people understood that the expenses of our pacification was to be borne by them, and I was informed that all the better class of the Cuban people understood it. The mass of the people, perhaps, do not, but the better class of the people so understood that the cost of the intervention must be paid by them.

Mr. GAINES of Tennessee. Well, now, that goes exactly back to the point I wanted to impress and, seriously, without any desire to be partisan, that we should make the people down there, not simply the upper class, which perhaps the gentleman only met, but impress the great mass of them with the fact that they, and they alone, have to pay for this war burden on account of their raising trouble down there, provoking the Government of the United States to come down there and make them behave themselves. A law that is a bad law enforced repeals itself, it has been well said. Now, gentlemen, but here we have a good law that is not enforced, and the gentleman admits here is a great body of the taxpayers of Cuba who, even at this late day, do not know that when they misbehaved themselves and brought about a rebellious condition of society there they alone must ultimately bear the burden. What I have said previous to the gentleman's statement is more than accentuated by the last admission the gentleman has made.

The Clerk read as follows:

For barracks and quarters for troops, including all objects mentioned under this head in the Army appropriation act for the fiscal year 1905, $209,036.69.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word in order to get a little information. I would like to ask the gentleman from Minnesota, the chairman of the committee, if we have not a law passed under his distinguished leadership prohibiting deficiencies in all appropriations except for regular support of the Army or Navy or carrying on the Government in any line that must be carried on whether Congress appropriates in full for it or not, but in all other cases prohibiting such deficiency. Have we such a law as that?

Mr. TAWNEY. We have, but the law is not as broad, however, as the gentleman states it, especially in respect to the Army and Navy. There are a number of items which are included in the old act of 1861, but not included in the statement of the gentleman.

Mr. HULL of Iowa. My understanding is the intention of the gentleman from Minnesota——

Mr. TAWNEY. What particular deficiency does the gentleman claim is illegal?

Mr. HULL of Iowa. I am talking about barracks and quarters now. In other words, Mr. Chairman, my proposition in what I stated a day or two ago is, in the question of barracks and quarters, the Department has no right to create any deficiency whatever, and that Department must be governed by the amount of money that Congress is willing to appropriate for that subject from year to year; in other words, it is not included in the list that is necessary for the actual maintenance of the Government for them to create a deficiency, and therefore it is prohibited by the law as it stands to-day.

Mr. TAWNEY. The difficulty about the position of the gentleman from Iowa is the fact that this is a deficiency, in the first place, of 1905——

Mr. HULL of Iowa. This is 1908——

Mr. TAWNEY. Before the antideficiency law was enacted. I want to read what General Aleshire said in response to this question:

The CHAIRMAN. The next item is "For barracks and quarters for troops, $209,036.69." Is that on account of Cuban occupation?
General ALESHIRE. No, sir. That is for 1905.

Mr. HULL of Iowa. I want to hear about this item for the fiscal year 1908, $4,000.

Mr. TAWNEY. I will come to that. The general statement covers it, I think, as I now recall it. I will read:

That is because of the failure of the people to submit their accounts in time for settlement. That covers three accounts that they failed to get in. One is in favor of The Hoskin Brothers Construction Company. They had a contract dated January 24, 1905. They completed the contract September 17, 1907, which is after the end of the fiscal year. It was for the construction of some barracks and storehouses

at Lawrence, Ind., $31,527.72; Wallace Construction Company, contract dated January 22, 1905, completed September 30, 1907, construction of officers' quarters at Lawrence, Ind., the amount being $32,504; Warren B. English Company, $145,179.97, for the construction of 21 buildings at Whipple, Ariz., contract dated August 15, 1906.

The CHAIRMAN. Are those buildings completed?

General ALESHIRE. They are just about completed now; yes, sir.

The CHAIRMAN. Are you asking for an additional appropriation for the Whipple Barracks, Ariz., for the next fiscal year?

General ALESHIRE. I think not. I have not the list with me.

The CHAIRMAN. Can you in this instance tell us how much was turned back on account of not receiving the accounts before the expiration of the year?

General ALESHIRE. One thousand one hundred and seventy-six dollars. The Auditor had passed some of them. They have been paid and suspended, and the suspension can not be removed until the funds are reappropriated.

Now, of these divisions, one is for the contract of January 24, 1905, and the other arises under the contract dated January 22, 1905, for the completion of certain work that was authorized by law. Now, the accounts were not rendered in time and the work was not completed in time to be expended out of the appropriations that were made, and it is necessary to appropriate for that purpose now in order that these contract obligations may be met.

Mr. HULL of Iowa. The gentleman does not yet cover what I am anxious to get at. I think the gentleman will find that these contracts are in excess of any appropriation that was made by Congress.

Mr. TAWNEY. This amount is required to cover the additional expense for rents in the fiscal year on account of Cuban intervention.

Mr. HULL of Iowa. Mr. Chairman, I have no information as to that part of it. The point I want to make is that if the Department makes a contract to-day for barracks and quarters, or makes a contract on the 1st day of June, out of appropriation for barracks and quarters for the fiscal year ending the 30th of June, the very minute that the contract is made that amount is available until expended and not covered back into the Treasury at least for two years.

Mr. TAWNEY. The ruling of the Auditor is entirely different from the understanding of the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. I think not. That is a difference of opinion between the gentleman from Minnesota [Mr. TAWNEY] and myself.

Mr. TAWNEY. It was in this particular case. The gentleman referred to another thing, namely, that this would be an illegal deficiency if it was in addition, or if it was on account of the Department having expended more money for the given object than was appropriated for the fiscal year 1908. In order to have a clear understanding of what is included, I want to read from section 3732 of the Revised Statutes, and it will be seen that it is therefore eliminated from the annual deficiency law in regard to Army and Navy expenditures:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Mr. HULL of Iowa. Well, Mr. Chairman, that brings back the same proposition. The gentleman's amendment carried on an appropriation bill I think is wider and broader than that, and, if broader, would, so far as it conflicts with anything there, repeal it, no matter if it is in the Revised Statutes, being passed at a later date. I want to say to the gentleman from Minnesota [Mr. TAWNEY], for his guidance in the future, because the probabilities are that he will be chairman of the committee indefinitely, that where Congress makes a specific appropriation for any line of public work not going to the maintenance of the necessary and lawful function of government, as it would on clothing and subsistence, and that line, that is a legitimate deficiency if Congress does not appropriate enough; but for any line of public work not going to the support of the Government directly when the Department goes beyond the appropriation it has no right to come here and ask for a deficiency appropriation.

So far as I am concerned, I want to serve notice now that hereafter as long as I shall occupy a seat on this floor I am going to try to compel the observance by the Departments of the act of Congress along this line.

Mr. PAYNE. That will also be for an indefinite period.

Mr. HULL of Iowa. That will also be, I hope, for an indefinite period. [Laughter.]

Mr. TAWNEY. I want to ask the gentleman if it is not a fact that if a contract for the doing of a certain work is made in the fiscal year for which an appropriation has been provided that appropriation lasts for two years? Now, if the obligations created under that contract and accounting are not closed before the expiration of two years thereafter, then the balance of the appropriation, whatever it may be, lapses and goes back into the Treasury, and in order to make up that balance it is absolutely necessary to have an appropriation. Is not that the fact?

Mr. HULL of Iowa. In case the two years lapse and it is covered into the Treasury it is not a deficiency. It is the lack of getting the work done in that time.

Mr. TAWNEY. That is all this is.

Mr. HULL of Iowa. Congress has appropriated it and authorized it, but where it is a deficiency it is simply an excess of the amount the Department desired to expend over the amount authorized by law.

I want to say, while on my feet, to the gentlemen on the other side of the House, I hope that they will take cognizance of the fact that about $4,618,000 of the money apparently for the Army was for the pacification of Cuba, and not properly chargeable to the Army in the United States. I imagine and believe that every citizen of the Republic indorses the intervention of the United States in Cuba when it became so lawless that it was necessary for this Government to exert its power to assure stable government there; so that, no matter what it might cost, that should be paid in fulfillment of the sentiment in the United States to establish in Cuba a stable, peaceful, and prosperous government, and such expenses should not be charged to the military arm of the United States. And, so far as this idea of recovering it is concerned, I hardly think the Department is to be criticised for not having already received the money back, as I have no doubt that when we move out of Cuba a year from now all our accounts will be adjusted and this money paid back to the United States and covered into the Treasury, but it will never go to the credit of the military arm of the service. It will go back to the general revenues of the country.

Mr. SLAYDEN. Mr. Chairman, I am sorry that I can not take so hopeful a view as the gentleman from Iowa, the chairman of the Committee on Military Affairs, concerning the reimbursement of the Government for its expenditures in the pacification of Cuba. From the statement made there are now in the treasury about $12,000,000. Now, I understand that our people are at the seat of customs and are collecting these revenues. We have absolute control of them, and there apparently has been no effort made, as was brought out so well by the questions of the gentleman from Alabama [Mr. CLAYTON], to recover this enormous sum of money advanced by the people of the United States to pacify that turbulent island. I think that under the law passed a year ago, authorizing the President of the United States to receive, through the Secretary of War, and cover into the Treasury the amount expended by us in the pacification of this island, some steps should be promptly taken, so that the money may be recovered while it is there, while it is free, and while we control it.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including all objects mentioned under this head in the Army appropriation act for the fiscal year 1908, $1,318,077.18.

Mr. TAWNEY. Mr. Chairman, I want to call particular attention that the paragraph just read, appropriating $1,318,077.18, is wholly on account of the Cuban occupation for transportation of the Army.

Mr. HULL of Iowa. And the gentleman might further call attention to the fact that that same statement applies to the item of regular supplies, $1,365,388.05.

Mr. TAWNEY. Practically all of it; not quite all. The Quartermaster-General's Department submitted a detailed statement showing just what the items were for.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Transportation of the Army and its supplies on account of the fiscal year 1905, including all objects mentioned under this head in the Army appropriation act for the fiscal year 1905, $78,458.64.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. This is a considerable sum—$78,000—for transportation of the Army back in the fiscal year 1905, and I should like to ask the chairman of the committee if he can explain with some definiteness what it is for.

Mr. TAWNEY. On page 91 of the hearings the gentleman will find this question:

The CHAIRMAN. Next is the transportation of the Army and its supplies for the fiscal year 1905, $78,458.64.

General ALESHIRE. That is a lot of small accounts from railroads that failed to get in before the lapse of the appropriation. Some of them are for some construction work, as well as railroad accounts, but they make up that amount. I have the details here.

And then he submitted the details. This is on account of the railroads not getting their accounts in before the appropriation made for the fiscal year had lapsed.

Mr. DRISCOLL. I am aware that some few years back officers of the Army insisted upon paying for transportation of enlisted men, especially on transcontinental lines, at club rates. For instance, the railroad companies had club rates to parties at lesser rates than for single individuals. They were intended for theatrical parties, baseball parties, and other associations, enabling them to go at lesser rates than the rates for single individuals.

Now, those accounts were adjusted by the officers of the Government and paid at the club rates. After that time the railroad companies insisted upon opening up these accounts and getting extra pay for the transportation of those troops. They appealed to the Department, and they also appealed to Congress, but their application was not approved by the Congress. I should like to know whether any of this large sum is made up of those items.

Mr. TAWNEY. I am unable to say whether the amount here appropriated covers any of the items referred to by the gentleman from New York. The obligation, however, was created by the Department pursuant to law, and the settlement of that obligation was not effected within the year, or within the life of the appropriation which was made for that purpose. When the accounts of the railroad companies under their contracts came to the Department, they came after the appropriation had lapsed, and there was no appropriation out of which they could be paid; hence it is necessary to provide for it now. So far as the obligation is concerned, it was a legal obligation; otherwise the accounts would not have been passed and audited. I do not know anything about the rates.

I think perhaps the gentleman has confounded the appropriation for officers and contract surgeons with the appropriation for the transportation of the Army. I think there was some question in regard to the officers and contract surgeons in the payment of mileage, but I do not think there was anything of that kind involved here.

I want to say, while I am on my feet, that the estimates submitted by the Department to the committee for a deficiency of $50,000 on account of mileage for officers and contract surgeons was disallowed by the committee and is not carried in this bill.

Mr. DRISCOLL. I read the evidence taken by the committee, especially on this item, and it does not seem to clear up the matter at all. So far as appears on the record it may include those items for extra pay. I believe that when the Government has once settled with the railroad companies or other parties they should not be permitted to come back years afterwards and open up an account and get extra pay for the same service. So far as the record shows this may be made up largely of items of extra pay for the transportation of these troops.

Mr. TAWNEY. I will say that it is not made up of any items of that kind. The Committee on Appropriations, in matters of this sort relating to obligations created in previous years, to be met out of appropriations that have expired or lapsed, has no discretion in the matter at all. The accounting officers have passed upon these accounts, and no other accounts are allowed on account of previous years except those that have been passed on and are approved by the accounting officers. We must necessarily accept their judgment. Otherwise the Committee on Appropriations would become a mere auditing bureau.

Mr. DRISCOLL. That is all right. I take the chairman's word for it.

Mr. HULL of Iowa. I have no doubt that the appropriation is all right. I do not want to criticise it, but I do want to correct a little statement of the chairman. He said that it probably included the mileage of officers and contract surgeons.

Mr. TAWNEY. I said that I thought the gentleman was confusing the mileage of officers and contract surgeons with the transportation of the Army.

Mr. HULL of Iowa. The contract surgeons get 7 cents a mile for transportation.

Mr. DRISCOLL. My suggestion was not that it included officers, but enlisted men who were transported in squads for the payment of which the Government settled and paid at club rates. The companies received that and then tried to get more. I did not know but that this item included such items of extra pay.

The Clerk read as follows:

Clothing and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, including all objects mentioned under this head in the Army appropriation act for the fiscal year 1908, $716,163.21.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word for information on that item. We gave them a large appropriation for this current fiscal year, and I would like to ask the gentleman if this is not to accumulate reserve clothing, or is it for the current uses of the Army this year?

Mr. TAWNEY. The note accompanying the estimate says:

Of the amount now estimated for $25,000 is required for payment for the campaign badges, bars, etc., manufactured or to be manufactured at the United States mint at Philadelphia, under the provisions of General Orders, No. 4, 1905, and for which no funds have been appropriated by Congress. Forty-five thousand dollars is required with which to provide a supply of clothing for special issue in the coming spring to troops stationed in Alaska, the reduced condition of the appropriation for clothing and camp and garrison equipage for this fiscal year rendering it impossible to provide from it the funds necessary for the foregoing purposes. In addition $146,163.21 is required to cover the expenses of the army of Cuban pacification additional to those which would have been incurred had the troops remained in the United States.

So these are the three items, $25,000 on account of badges, the clothing for Alaska, and the expense of the Army in the Cuban pacification.

Mr. HULL of Iowa. That makes about $150,000, and here is an appropriation of $716,000. The gentleman's items on account of Cuba and Alaska and the medals amounts to less than $150,000. Now, what are the other items, amounting to about $500,000 for unless it is another way of getting a larger increase for reserve? I believe they ought to have reserve clothing, and the Committee on Military Affairs is now considering it. We have a special item sent us asking for $2,500,000 to accumulate a reserve stock. I do, however, object to carrying in a deficiency bill anything except deficiencies that are now pressing on the Government, and I submit to the committee if it is not a proper thing to reduce this item by at least $300,000?

Mr. TAWNEY. It is not for the purpose of stocking up. On page 92 of the hearings General Aleshire says:

The $500,000 is explained pretty fully here in the notes, Mr. Chairman. There is a list of the essential articles of clothing which are necessary, and that table shows which articles we are deficient in, and the number in which we are deficient, and the actual cost. The total as shown there is $377,572. That provides only for these articles to bring the stock which we now have on hand up to the quantity sufficient to meet the needs of the service up to June 30. It was thought that the stock should be increased so as to provide for three or four months in addition to that amount, and in view of that fact the estimate was submitted for $500,000.

I have also included in the note a statement showing the distribution, or disbursement, you may say—or rather the disposition—of the appropriation of the last fiscal year; the amount appropriated the last fiscal year, $3,649,000; how much we have added, $246,000, on account of sales and overdraft of clothing for enlisted men. That amount, $3,649,000, has been disposed of in this way: We allowed to the Philippines for the purchase of khaki clothing, etc., $15,000; the payment of employees connected with the clothing of the Army, $373,000; we paid small claims or set aside for that amount a thousand dollars. The authorization of liability cards—those are the amounts we have set aside or authorized, as we express it in the office, to cover the amounts contracted for on account of clothing and equipage. That leaves a balance of $214,644. Of that balance, since the statement was prepared we have used or obligated ourselves for $114,856, which left when this estimate was submitted an available balance of $99,788.24.

The CHAIRMAN. General, how much of this is intended to supply the stores, general supplies, under this head? How much of it is intended to be used this year?

General ALESHIRE. This $500,000. You understand that of the first amount $3,046,000 was for Cuba; $45,000 for clothing that we wanted to send to Alaska.

The CHAIRMAN. You need that to send to Alaska before July 1.

General ALESHIRE. Yes. We want to send them in the first ship in the spring so that they can be distributed to the posts. There are only three or four months of navigation. You see, it takes a good while to get our clothing, Mr. Chairman, and we ought to be contracting right now for that which we want five or six months ahead. The uniform which is adopted is this olive-drab color, so-called, a special color, and it is not held in stock. You can not go and buy the stuff. You must have it manufactured.

Mr. HULL of Iowa. That confirms my idea that they are asking for a larger amount than there is a deficiency for, for the purpose of accumulating a reserve supply. I am in full sympathy with the theory that we ought to have it, but I don't believe this is the way to get it. It emphasizes the misfortune of our rules by which two committees have current jurisdiction practically over the same thing, one in the deficiencies and the other in the regular bill.

Mr. TAWNEY. Let me read another paragraph or two from page 93 of the hearings.

The CHAIRMAN. I did not get your answer, if you made it, as to how much of this, if any, was to be used for the purchase of uniforms to go in stock for this fiscal year.

General ALESHIRE. We ought to have all of this, Mr. Chairman. This $500,000 is the amount that is estimated for that purpose. We may say, of that amount, $377,000 of it is required to purchase the essentials of the uniform to take us up to June 30—the essentials in which we are actually deficient in stock now, as shown by this table in the note.

The CHAIRMAN. Is that so urgent that it ought to be provided for in an urgent deficiency appropriation bill, or could it not wait until July 1, the beginning of the next fiscal year, and be carried in your regular Army appropriation bill?

General ALESHIRE. I think it ought to be provided for now. You know it takes so much time to get this clothing.

The CHAIRMAN. Is your stock so depleted at the present time that if you had to wait until the beginning of the next fiscal year and take the appropriation out of the regular Army appropriation bill there would be any inconvenience or loss to anyone?

General ALESHIRE. Of course it would be an inconvenience. We could not fill the requisitions.

The CHAIRMAN. Is your stock so low now that you could not fill requisitions between now and July 1 next?

General ALESHIRE. I think it is, of these articles. We could fill some requisitions, but we will not be able to fill requisitions for all that we are liable to be called upon for, as is shown by this statement. For instance, there are canvas coats, of which we are $10,800 short, and we may be short of what may be called for by the 30th of June. It is the same with belts and other items. Leggings are short, and leather gauntlets and summer drawers, and so are slickers and canvas trousers. They are all short of what we are liable to be called upon to furnish by the 30th of June. Of course if there are no appropriations we simply send the requisitions back after we have exhausted the stock. I was going to say that if it is put over until the next year, of course we could not let out our contracts until after the commencement of the fiscal year, and it would put off our deliveries perhaps a year from now.

Mr. HULL of Iowa. They have given here about $150,000 of legitimate deficiency covering the items of this appropriation, the balance of it, to my mind, indicating they want the reserve stock. Now, the hearings we have had show that the earthquake at San Francisco has reduced their stock, and that the surplus they have been working on for some years is largely reduced, so that for the next fiscal year they will need largely increased appropriation for this item; but our information does not confirm at all the idea that there is any such shortage as this, and that of the contracts out at the time of this hearing there were still $99,000 of the regular appropriation that had not even been contracted for, according to statement just received by General Aleshire. Let us take the $25,000 for badges. I am not very clear on that. I have a great many letters about badges, and I wish the gentleman would refer me to the act that authorizes the badges. I think there is one, but I can not recall it.

Mr. FITZGERALD. Is it the opinion of the gentleman from Iowa [Mr. HULL] that the Department could very easily do without this appropriation?

Mr. HULL of Iowa. I think they could do without at least $300,000 of it.

Mr. FITZGERALD. Why does not the gentleman offer an amendment to that effect?

Mr. HULL of Iowa. I propose to move to strike out seven and insert four when I have gotten all the information I desire.

Mr. STEVENS of Minnesota. I would like to ask the gentleman a question. If I remember rightly, there was an act passed some years ago authorizing the issue of badges to soldiers of the Regular Army, and subsequently the Judge-Advocate-General issued some sort of an opinion that under that act these badges could be treated as a part of the uniform of the Army. Has there ever been an appropriation from the Committee on Military Affairs or any other committee authorizing the purchase of these badges as part of the uniform of the Army?

Mr. HULL of Iowa. Not that I know of.

Mr. STEVENS of Minnesota. Is a badge a necessary part of the uniform of a regular soldier?

Mr. HULL of Iowa. I would only be giving you my opinion, and that would not be worth any more than the opinion of any other man who says it is. I would say "no," but some other man might say "yes," and it would be simply a question of opinion. I will move, Mr. Chairman, to strike out, in line 2, page 18, the word "seven" and insert the word "four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 2, page 18, strike out "seven" and insert "four," so as to read "four hundred and sixteen thousand one hundred and sixty-three dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LITTLEFIELD. Mr. Chairman, I want to make an inquiry. Is this subject of cloth, woolens, and material, a subject-matter that is in the jurisdiction of the committee of the gentleman from Iowa [Mr. HULL]?

Mr. HULL of Iowa. Yes.

Mr. LITTLEFIELD. And for which they have heretofore appropriated money?

Mr. HULL of Iowa. Yes; altogether.

Mr. LITTLEFIELD. I would like to inquire of the chairman of the Committee on Appropriations whether the Department pursued the course recently provided for in respect to deficiencies by apportioning the expenditures and then creating legitimate deficiencies under these circumstances.

Mr. TAWNEY. I would say to the gentleman that this appropriation is not one that the law requires an apportionment. Under the act of 1861, which I read a moment ago, section 3373 of the Revised Statutes, this is one of the appropriations that is excepted from the antideficiency law.

Mr. LITTLEFIELD. Recent legislation does not apply to it.

Mr. TAWNEY. No.

Mr. LITTLEFIELD. Is this $500,000 in any proper sense a deficiency?

Mr. TAWNEY. I read what the gentleman says. Of course the committee in making up or allowing this item took the testimony and relied upon the testimony of the accredited officers of the War Department, men who have the administration of these appropriations in charge, and when General Aleshire was asked, "Is your stock so low now that you could not fill requisitions between now and July 1 next?" and he answered that it was, and gave in detail the particular items where the stock was so low that requisitions could not be met between now and the 1st of next July, the committee relied upon his statement, believing that it was absolutely necessary and knowing that under the statute of 1861 the obligation can be created anyhow, and the committee felt that we were justified in allowing this amount because of its being, as the General has suggested in another part of the examination, urgent and absolutely necessary for the purpose of meeting these requisitions as they come in. He gives a detailed statement.

Mr. LITTLEFIELD. I understood that detail covered about $150,000.

Mr. TAWNEY. Oh, no; that is in Cuba.

Mr. HULL of Iowa. In the hearing upon the estimates he goes further.

Mr. TAWNEY. He says:

They are all short of what we are liable to be called upon to furnish by the 30th of June. Of course, if there are no appropriations we simply send the requisitions back after we have exhausted the stock. I was going to say that if it is put over until next year—

That was what I was trying to do; I did not want to carry it in this appropriation bill if I could avoid it. I wanted it to go in the regular Army bill, and unless it was made clear to the committee it was an urgent and necessary item it would not under any circumstances have been included. In fact, it was the policy of the committee in making up this bill to include only those items which are urgent, and for that reason we went into the matter in detail.

Mr. LONGWORTH. Will the gentleman read again that testimony of General Aleshire why it was necessary this should go in this bill other than in the regular Army bill from the Committee on Military Affairs?

Mr. TAWNEY (reading)—

The CHAIRMAN. Is your stock so low now that you could not fill requisitions between now and July 1st next?

General ALESHIRE. I think it is, of these articles. We could fill some requisitions, but we will not be able to fill requisitions for all that we are liable to be called upon for, as is shown by this statement. For instance, there are canvas coats, of which we are $10,800 short, and we may be short of what may be called for by the 30th of June. It is the same with belts and other items. Leggings are short, and leather gauntlets and summer drawers, and so are slickers and canvas trousers. They are all short of what we are liable to be called upon to furnish by the 30th of June. Of course, if there are no appropriations, we simply send the requisitions back after we have exhausted the stock. I was going to say that if it is put over until the next year, of course we could not let out our contracts until after the commencement of the fiscal year, and it would put off our deliveries perhaps a year from now.

Now, in view of the statement made to the committee by accredited officers of the Army in charge of the administration of this appropriation and administration of the service here in the Department the committee thought it was wise and necessary that this should be included. Now, if in the judgment of the gentleman from Iowa, who is chairman of the Committee on Military Affairs, we have erred in following the testimony of these men, I have no objection whatever to a reduction of this appropriation. I have no desire—I do not want under any circumstances—to appropriate money that is not for the use of the Army, that is not absolutely necessary, but believing it was, and it was urgent, we carried it for that reason in this bill. The gentleman from Iowa, I am aware, is far more familiar with the needs of this service than I am, and if he, acting upon his own judgment and against the testimony of the officers of the War Department, thinks this can be reduced, I have no objection to it.

Mr. HULL of Iowa. Mr. Chairman, in support of my motion, I want simply to say that my amendment will still leave them about $250,000, in round numbers, to accumulate supplies going beyond the 30th of June. The Army is 22,000 men short to-day of the authorized strength. We increased the artillery 6,000 last year, and yet we have 4,000 enlisted men less than we had a year ago to-day because of the fact we can not get enlistments. The uniform in the Philippine Islands and in Cuba costs less than the uniform in this country, so that the Army in both of these places is a saving in place of being an additional

expense. The Committee on Military Affairs, in the appropriation bill for the current fiscal year, as I remember now—and I am speaking only from memory—gave the War Department for these allowances every dollar that they asked for. We cut down in transportation of the Army, incidental expenses, and other matters, but for clothing and clothing allowances we gave all that was asked for, and to come in now with seven hundred and more thousand dollars as a deficiency seems to me an excessive amount. The Book of Estimates shows, as a rule, the deficiency amounts to less than $150,000. The items covering the uniforms for those countries are the cheapest kind of uniform that is in use. There is another thing that this committee certainly realizes, and that is in a short time the regular Army appropriation bill for the support of the Army will be before Congress and a large increase in this item is contemplated, and I think is necessary to allow, and the minute it is adopted the Department can begin to make arrangements for contracts and let every one of them on the 1st of July. The preliminary work is done in many lines of public service before the expiration of the fiscal year, to be completed and entered upon as soon as the next fiscal year begins.

Mr. TAWNEY. Does the gentleman from Iowa say that this committee contemplates supplying a deficiency in the general appropriation bill?

Mr. HULL of Iowa. Not a bit; in the bill carrying this item for the next fiscal year we only intend to increase in order to get a reserve supply of clothing for the Army. In the event of an increased number of men they can be cared for. Now we have an appalling shortage of enlisted men. In spite of the bill increasing the enlisted strength of the Coast Artillery we are short over 20,000 authorized enlisted force. It is between 4,000 and 5,000 enlisted men smaller to-day than one year ago.

Mr. DRISCOLL. Than it was a year ago?

Mr. HULL of Iowa. Yes. And yet Congress about one year ago authorized an increase of 6,000 in the Coast Artillery.

Mr. LONGWORTH. I notice, in referring to a direct question as to whether it ought to be provided for in the urgent deficiency bill or whether it could not wait until July 1, the beginning of the next fiscal year, and be carried in the Army appropriation bill, the answer was: "I think it ought to be appropriated for." He did not think it was an absolute necessity.

Mr. HULL of Iowa. I think that is something that both the gentleman from Ohio [Mr. LONGWORTH] and the chairman of the Committee on Appropriations will agree with me in. Any bureau of the Department should come to the proper committee and make its estimate to cover substantially what it will need for that year, and if there is any shortage whatever in this item it is charged to the Department itself and not to the Committee on Military Affairs. I do not want to encourage any bureau of any Department of the Government with the idea that the Committee on Military Affairs has jurisdiction over an estimate, and then have it come to another committee and make an estimate appealing for an increase. In other words, I do not think it will cripple the Government by not giving $300,000 more than the Book of Estimates shows. A legitimate deficiency will not cripple them, and will enable them to discharge all the obligations necessary to be discharged prior to the 30th of June next, if this item shall be reduced.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For cloth, woolens, materials, and for the manufacture of clothing for the Army, including all objects mentioned under this head in the Army appropriation act for the fiscal year 1905, $7,869.40.

Mr. LITTLEFIELD. Mr. Chairman, I want to inquire of the chairman of the committee whether those were deficiency appropriations for the purpose of taking care of contracts made during those periods?

Mr. TAWNEY. Yes; during the fiscal year 1905.

Mr. LITTLEFIELD. The Department is short that amount of money and wants it in order to carry out the contract?

Mr. TAWNEY. It wants it on account of not being able to settle the account during the life of the appropriation of 1905.

Mr. LITTLEFIELD. That simply takes care of existing obligations.

Mr. TAWNEY. Yes.

The Clerk read as follows:

For reimbursement of expenses incurred by the Wabash Railroad Company in the assembling of transportation for the movement of two squadrons of the Eleventh United States Cavalry, ordered by the War Department in April 1906, $283.39.

Mr. MANN. I make the point of order on the last paragraph.

Mr. TAWNEY. I wish to say to the gentleman from Illinois [Mr. MANN] that the estimate for this item is accompanied by the following note. I read the note, because it is more directly to the point than the testimony taken on that subject:

NOTE.—In April, 1906, the War Department issued orders for the movement of two squadrons of the Eleventh Cavalry from Fort Des Moines to San Francisco for duty in San Francisco in connection with the earthquake and fire at that point. The movement was awarded to the Wabash Railroad under bids opened April 28. Equipment ordered for the journey was 2 standard sleepers, 12 tourist sleepers, 6 baggage cars, 27 horse cars, and 10 box cars, and the Wabash Railroad was requested to assemble the equipment at Fort Des Moines to take care of the movement. Notice was received by the chief quartermaster on the afternoon of April 29 that the movement was suspended. The successful bidder was notified by wire and requested to cancel the order for the movement of the cars. In the meantime this equipment had been started from Chicago and other adjacent points empty for the post, and before it could be stopped certain mileage and trackage charges had been incurred, amounting in the aggregate to $283.39, payable from appropriation "Relief of the Pacific coast." As this movement had been ordered by competent authority, payment of same was approved and payment was made by the depot quartermaster at St. Louis accordingly.

In the examination of the account by the Auditor for the War Department, the law board of that office decided that it was a claim for unliquidated damages in consequence of revocation of the order for the movement of the second squadron of the Eleventh Cavalry, and that a disbursing officer was not authorized to pay same.

The Wabash Railroad Company, upon being advised of the finding of the Auditor for the War Department that the payment was erroneous, refunded the amount, but has requested the allowance of the claim, which I consider a just one, and therefore recommend appropriation for its relief.—*J. B. Aleshire, Quartermaster-General, U. S. Army. Approved: Wm. H. Taft, Secretary of War.*

The money has been paid to the company, and upon the request of the War Department the money was refunded by the railroad company and the matter was all adjusted, and it was recommended to the committee that, under the peculiar circumstances of this case, it ought to be paid.

Mr. MANN. As I understand the case it is a claim for unliquidated damages.

Mr. TAWNEY. They are liquidated. All the accounting officers have approved the account and the amount has been paid.

Mr. MANN. But the Comptroller held that it was for unliquidated damages, and therefore the money was refunded in preference to having the officers stand the loss. Now, there are a great many claims for unliquidated damages pending before Congress and pending before the Department. I see no reason why we should make an exception just because it happens to be a railroad company. The gentleman can find in the various reports of the Government hundreds of cases which the Departments say ought to be paid, but which are for unliquidated damages, and hence not authorized by law. I do not think the item has any place in this appropriation bill for that reason. If it had been authorized by law it would have been paid. The Comptroller decided that it was not authorized by law, and hence it is not paid. It ought to take its standing along with other bills of that sort. I would like to suggest to the gentleman in charge of this bill, or some other enterprising Member of the House, that there is a great opportunity for some Member of this House to make himself distinguished by preparing and introducing a bill in the House conferring upon some court or upon the Department, to a limited extent, the power to settle claims for unliquidated damages and to pay them out of the appropriations. There is not a Department of the Government, not one, that is not constantly met with requests for settlement of claims unliquidated, and which ought to be paid. For instance, a vessel of the War Department, the Navy Department, the Light-House Board, or the Revenue-Cutter Service runs into a wharf or pier somewhere, or comes in collision with a sailing vessel or a merchant vessel at some place and damage is caused by the Government vessel. There is no authority of law for the settlement of such claims, and there ought to be; and any gentleman here who will prepare a proper bill upon that subject, I think, would merit and receive the thanks of the Members of this House, and probably have his name attached to a law for many years to come.

The CHAIRMAN. It seems to the Chair that the appropriation provided for in this section can not be made in a general appropriation bill unless it is either a judgment of the Court of Claims or an audited claim. The Chair understands that it is neither a judgment of the Court of Claims nor an audited claim, and therefore sustains the point of order.

The Clerk read as follows:

MILITARY ACADEMY.

For one professor of military hygiene (lieutenant-colonel), in addition to pay as major, $500.

Mr. LITTLEFIELD. I make the point of order to the paragraph just read, for the purpose of inquiring of the Chairman what this paragraph is. It seems to be simply an increase of salary, and in that case it ought not to be on a deficiency bill. I would like to ask the gentleman the reason for it.

Mr. TAWNEY. The law originally reported in the form of a bill from the Committee on Military Affairs, approved June 28, 1906, created the office of professor and this item as submitted provides the additional pay to which he is entitled under the statute.

Mr. LITTLEFIELD. Well, you mean that the statute gives him an additional $500?

Mr. TAWNEY. It is in the statute now.

Mr. LITTLEFIELD. How, then, did it happen to be in an urgent deficiency bill?

Mr. TAWNEY. There is no appropriation for paying it.

Mr. SLAYDEN. I make the point of order against the item.

Mr. LITTLEFIELD. How long has it been the law?

Mr. TAWNEY. Since June 28, 1906.

Mr. LITTLEFIELD. That is a matter, I suppose, that comes under the jurisdiction of the Military Committee.

Mr. MANN. It provides pay of lieutenant-colonel; a major may have been there.

Mr. HULL of Iowa. The gentleman from Texas is familiar with this subject, and, as he has made the point of order, I yield to him. He makes the point of order if the gentleman from Maine does not want to adhere to it.

Mr. LITTLEFIELD. I did not know anything about it and wanted information.

Mr. HULL of Iowa. I think it can be stated entirely differently from the manner in which it was stated by the gentleman from Minnesota.

Mr. SLAYDEN. Mr. Chairman, the Committee on Military Affairs refused to recommend and the law that was enacted did not provide for a professor, in one meaning of that word. The question was discussed and fully considered by the committee, and on the recommendation of the Superintendent of the Military Academy that an officer of the Medical Corps, then stationed at the Military Academy, could perform the duties, a surgeon was detailed to do the work of instructing the cadets in military hygiene. That work occupied about ten hours in two months during the spring. The committee fully considered the matter, and made up its mind there was no reason why he should be a professor. A professor is a permanent officer of the Academy, having the rank, as suggested by the gentleman from Illinois [Mr. MANN], of lieutenant-colonel. They may detail to this duty of teaching military hygiene an officer of any rank. Here is the language of the estimate and request as submitted to the committee.

Mr. LITTLEFIELD. That is, the Committee on Military Affairs.

Mr. SLAYDEN (continuing):

Provided, That the position shall be filled by the detail of an officer of the Army, who, while so serving, shall have the pay and status of other professors.

And then:

Pay of professor of military hygiene (lieutenant-colonel), in addition to pay as major, $500.

Now, here is the language of the act, the first time that this was provided for by law:

That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor of military hygiene.

That is the first appearance of it. I want to call the attention of the Chair to that.

Mr. TAWNEY. What is the date of it?

Mr. SLAYDEN. Nineteen hundred and seven.

Mr. TAWNEY. This is June 2, 1906. Congress was not in session in June, 1907.

Mr. SLAYDEN. Mr. Chairman, I ask your attention to the language of the act, and specially to the law that provides for an instructor of ordnance and science of gunnery in the same law. It says: "For pay for one instructor of ordnance and science of gunnery (major), in addition to pay of captain, $500." Then comes the provision for an instructor of military hygiene:

And the Secretary of War may detail to the Military Academy as professor of hygiene (lieutenant-colonel), in addition to pay as major.

Omitting, as you see, the provision for the $500 additional pay.

Then right below it, and showing the distinct plane upon which this officer was put, is the following:

For the pay of one associate professor of mathematics (major) in addition to pay as captain mounted, $500.

The CHAIRMAN. Does the gentleman from Texas claim that there is a law permitting the assignment of an officer as a professor of military hygiene, but that there is no law fixing his compensation? Is that the contention of the gentleman?

Mr. SLAYDEN. He is an officer detailed—not as professor—simply an officer serving at the Military Academy, to whom these additional duties of teaching for a brief time are assigned.

The CHAIRMAN. Without any provision being made for increased compensation.

Mr. HULL of Iowa. I want to add to that contention my contention that by the terms of the law this is entirely different from any law creating a professorship, but that under this the Secretary of War may detail an officer to perform these duties, they being so trival, in the judgment of the committee, ten hours a week for not to exceed two months in the year, that we would not authorize the creating of a professorship out of it, but did allow the detail of an officer already on duty at West Point to discharge this duty, if, in the judgment of the Secretary of War, he could do it in addition to his other duties. That is my contention.

Mr. TAWNEY. Mr. Chairman, the whole trouble arises from the language of the act authorizing this detail, which language appears in the Army appropriation bill:

That the Secretary of War may detail an officer of the Medical Corps of the Army to the Military Academy as professor of military hygiene.

The officer detailed is a major. Now, section 1336 of the Revised Statutes reads as follows:

Each of the professors in the Military Academy whose service at the Academy exceeds ten years shall have the pay and allowances of colonel, and all other officers shall have the pay and allowances of lieutenant-colonel.

Now, if the Committee on Military Affairs had been as careful as the members of that committee now think they were, and had omitted the word "professor," then their contention would be good; but they authorized the detail of an officer as "professor of military hygiene," which brings him clearly under the provisions of this general statute. This is authorized by law, and that is the reason that it is here. They created the obligation, but refused to make the appropriation.

Mr. LITTLEFIELD. Do I understand there has been an actual detail?

Mr. TAWNEY. An actual detail; and this is for the difference between the pay of a major who has been detailed as professor of military hygiene and his pay as lieutenant-colonel while on detail as professor of military hygiene.

The CHAIRMAN. Will the gentleman from Minnesota send to the desk a copy of the law to which he refers.

Mr. SLAYDEN. Mr. Chairman, the hearings on this proposition when it first came before the Committee on Military Affairs showed that by an executive order a surgeon stationed at the West Point Military Academy was then discharging the duties of a teacher of military hygiene, for a brief time during the spring of the year. The committee refused to entertain the idea of having a professorship created there for that purpose. The language of the bill as reported by the committee was "instructor."

I admit, of course, because the records are against me, that at the instigation of gentlemen legislating in another part of this building the word "professor" was substituted for "instructor;" but, Mr. Chairman, it was regarded by the committee of conference as being a mere definition of the duties of this position; in addition to being a surgeon to care for the health of those stationed at West Point, this man by detail was made a teacher, an instructor or professor; that is, he was merely detailed to teach.

Mr. TAWNEY. That is what all of them are detailed to do.

Mr. LITTLEFIELD. Did it appear before the Committee on Military Affairs that the man had been actually detailed—an independent surgeon who was giving instruction?

Mr. CLAYTON. One surgeon had been detailed.

Mr. HULL of Iowa. That was by Executive order. There were four surgeons at West Point; it is a select community; they haven't very much to do. Military hygiene is an important thing, and they had an Executive order for one of the surgeons there to be detailed to teach military hygiene.

Mr. MANN. What does the gentleman mean by "Executive order"—an order of The Adjutant-General?

Mr. HULL of Iowa. No; the Secretary of War, by direction of the President.

Mr. MANN. An order by the Secretary of War; that is the way all officers are ordered around.

Mr. HULL of Iowa. The full hearings will show that they came to us to create a full professorship, the same as we did for ordnance and gunnery. We refused, but simply confirmed the detail of a teacher there, as we understood it, without providing extra pay, and told them that we would not provide extra pay. In the general discussion it was then understood that this would give the man a better status in teaching military hygiene to do that much. Now, it is possible that the word "professor" may be construed to hold that this is a full professorship, but if you take the language of the law I do not see

how it is possible to so construe it. In one place you create a professorship absolutely, and in the other case you say that the Secretary of War may detail a man to teach a certain thing. It is not a full professorship; it simply gives him the status to teach by Executive order what they are determined he should do.

Mr. VREELAND. I would like to ask the gentleman from Iowa if he did not make the same contention last year, and was not the decision of the Chair against it?

Mr. HULL of Iowa. We have made the same contention every time it has been up.

Mr. TAWNEY. Then I will ask the gentleman from Iowa why he doesn't change it and make it what the Military Committee recommended, and what he says they intended to do?

Mr. HULL of Iowa. My opinion is that the better way would be to leave it out entirely. I do not think there is any deficiency here.

Mr. TAWNEY. He could sue the Government and get his pay.

Mr. HULL of Iowa. He couldn't sue the Government for a penny.

The CHAIRMAN. By existing law the Secretary of War is authorized to detail an officer as military professor of hygiene, and such detail has been made. Section 1336 of the Revised Statutes fixes the salary of professors of the Military Academy. It seems to the Chair that while such detail lasts the officer comes properly under the head of a professor at the Military Academy and is entitled to pay provided for by the section referred to, and the Chair overrules the point of order.

Mr. PRINCE. Mr. Chairman, I move to strike out, on page 19, beginning with line 2 and ending with line 3, the following words: "For one professor of military hygiene, lieutenant-colonel, in addition to pay as major, $500."

The CHAIRMAN. The gentleman from Illinois offers the amendment which the Clerk will report:

The Clerk reported as follows:

On page 19 strike out lines 2 and 3.

Mr. TAWNEY. I simply want to call the committee's attention to the fact that this would simply strike out the appropriation of $500, and that it would not change existing law in the least, and would authorize the officer to bring suit in the Court of Claims against the United States Government, with all the annoyance incident thereto. Now, if you are going to do anything, the proper thing to do is to repeal the law, as the Committee on Military Affairs suggested in the discussion a year ago. I think the man is entitled to the compensation authorized under the law and could successfully recover it in the event of his bringing suit, as he would do.

Mr. PRINCE. As to that, that is a question for the court. Undoubtedly here is an officer receiving $500 for practically doing nothing in addition to his duties as an officer.

Mr. TAWNEY. If the gentleman will permit me, that is something that his committee ought to have considered when they originally authorized the creating of this office.

Mr. PRINCE. I think the statement has been made by my colleague that the Military Committee of the House is not in the slightest degree responsible for the words or language in the military bill now under discussion.

They prepared, so far as the House was concerned, a bill which would not make this officer a professor, and we ought not to be charged with it here in this branch of the Congress. If another branch of it saw fit to do otherwise, that was a matter for another branch of the Congress, but the way for us to protect ourselves here is to try and save this kind of fudging and slipping in here and there little suggestions and amendments that are constantly costing this Government a considerable amount of money; and about as good a way to stop it is for the House to put its foot down on that kind of legislation that comes in under the guise of legislation which costs, as it does here, $500 to the Government. If we do that I think there will be less of it practiced on the committees of the House, and less officers in the different branches of the civil service of the Government, as well as the military and naval branches of the Government, trying to lobby through this kind of legislation. For that reason I insist on a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and on a division (demanded by Mr. PRINCE) there were—ayes 26, noes 18.

Mr. TAWNEY. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. PRINCE and Mr. TAWNEY were appointed tellers.

The House again divided, and the tellers reported—ayes 43, noes 58.

So the amendment was rejected.

The Clerk read as follows:

For maintaining and improving the grounds of the post cemetery, $500.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. The cemetery is cared for under the appropriation made in the bill carrying the appropriations for the Military Academy from year to year. For something nearly twenty years a thousand dollars a year was all that was ever asked for. This does not include the keeper of the cemetery, but simply the common labor of caring for it. At one time one of the old graduates of the Military Academy was on the Board and proposed that if Congress would give an extra appropriation he would superintend the work—he was an engineer officer, I think—and make the designs for a largely improved cemetery, and that after this had been done, then the care of it would drop back to the old amount. We gave $2,000 for a year and then $4,000. The plans were adopted. A few acres of additional ground were taken in, but no part of this $1,000 had gone to the care of the new grounds or the making of improvements on the new grounds. It is for the care of the cemetery proper. The extra appropriations were for taking care of the new grounds and bringing it into a proper state of cultivation. After very full hearing the Committee on Military Affairs believed that the time had come when $1,000 would be sufficient to care for that cemetery for the next fiscal year, the one we are now on.

It is another one of those cases where it seems to me that where you have your full hearing and the committee charged with the responsibility of the appropriation decides they will not need so much for a specific purpose the authorities charged with the disbursement of that appropriation should confine their expenditures to the amount authorized by Congress. I am not going to move to strike it out, but I am going to say to the Committee on Appropriations that if they were one-half as careful and critical in their own actions as they are in scrutinizing the action of other committees, they would have said to the authorities as they came for this $500, "You have had your day in court, Congress has passed on what you ought to have, and you must cut your coat according to the cloth the Government has given you." It is not one of those cases where any harm would have come to the authorities or the cemetery if it had not been given. It is one of those cases where the authorities could have complied with the law without injury to any interests, and while I am perfectly willing for the House to give them the extra $500 or $5,000, if they desire it, I want the Committee on Appropriations when we bring our bill in to remember that every time we try to save they insist on giving away.

Mr. LITTLEFIELD. The gentleman wants them to let up on him if he will let up on them. [Laughter.]

Mr. HULL of Iowa. No; I want them to keep it up, but I would like them when they come to their own action to apply a little of the same advice they are so free to give all the rest of us to their own action.

Mr. LITTLEFIELD. A sort of warning.

Mr. TAWNEY. Mr. Chairman, I desire to state, in regard to this item, the amount appropriated for the current year is $1,000. That is for the cost of maintenance and labor of cemetery at West Point. The unexpended balance of the appropriation of $1,000 for maintenance December 1 was $406. The expenditures made during this current fiscal year were all made for absolutely necessary purposes, including labor. Now, $406 is the amount that remains unexpended. This amount, we were told, would be sufficient to pay for necessary labor through the winter, or until about April 1, 1908, leaving nothing whatever to take care of the cemetery from April 1 until July 1. Now, in the investigation which the Committee on Military Affairs made, when they made this appropriation and reduced the estimate which was made, they did not take into consideration all the expenses necessary for the upkeep of this cemetery. The number of burials in this cemetery July 1, 1906, to June 30, 1907, were twenty-six and the number to date since July 1, 1907, is fifteen. The indications are that the interments each year will be as great, if not greater, than the preceding year. Then, in addition to that, there were from 18 to 20 acres of land added to the cemetery, which had to be taken care of out of the current appropriation, and in consequence of that the appropriation is not sufficient to maintain the cemetery beyond April 1 of this current year. Rather than see the cemetery neglected the committee listened to and approved the recommendation made by the officer in charge of this appropriation.

Mr. HULL of Iowa. Mr. Chairman, I want to say just one word additional. We gave $1,200 for a man to superintend

the cemetery, and all this is to pay the common labor——

Mr. TAWNEY. Oh, no. He must pay out of this for all tools, seeds, and everything that is incident to the maintenance of the cemetery.

Mr. HULL of Iowa. It is to cut the grass and care for the graves, and all that, but I want to say to the gentleman for at least some twenty years a thousand dollars is all they ever asked for. It is not to care for the new ground especially, because we gave some $6,000 to put that in order, and the testimony before us then was this was for the cemetery proper. Now, if their investigation has demonstrated the fact that the Committee on Military Affairs cut them too low, we will take it as an evidence of the belief they ought to have $1,500, and will be glad to give it in the future. I do not move to strike it out at all.

The Clerk read as follows:

For one associate professor of mathematics, major, in addition to pay as captain, not mounted, $200.

Mr. HULL of Iowa. Mr. Chairman, before proceeding to the other item I want to call attention to the fact the difference between the pay of a captain and the pay of a major is $500, and we gave this and have always given the officer here, that they have treated as a deficiency, $500, but as it is for a very excellent officer I think it would be all right for him to have $1,000 a year extra. I do not feel like moving to strike it out or raising any question on it. We have made the appropriation of $500. The words "captain, mounted," are used in the language. They wanted $700, and a cavalry captain has come in now. The pay of a captain, mounted, is $200 more than the pay of a captain of infantry. They have never had the $700 for that professorship, although they have had captains repeatedly there, and it is only in the last two years they have brought in a deficiency on it. In my judgment it is not a deficiency, but I further think the man is more than earning it, although we would not undertake to increase his pay because we did not want to discuss the point of order on the subject. He is earning a great deal more than that in the care of the cadets, and, as far as I am concerned, I would like to see him get it.

The Clerk began to read——

Mr. MANN. Mr. Chairman, I move to strike out the last word. That sort of statement should not——

The CHAIRMAN. The Clerk had commenced reading the next paragraph.

Mr. MANN. I can not help it; I rose and addressed the Chair.

Mr. TAWNEY. Mr. Chairman, the increased pay of this officer has been estimated for in House Document No. 506 at $500. The difference is in pay between captain, mounted, and a major. The present incumbent is a captain, not mounted, requiring $700 to meet this increase. Therefore there is only $500 appropriated for 1908, and the law expressly authorizes the additional $200 of pay to the professor. The man is entitled under the law to the additional compensation because of his rank, and he is detailed to that position.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. MANN. Does the gentleman think where an estimate is made before the Committee on Military Affairs and they report, in their judgment, that the money ought not to be appropriated that the Department ought to be given a chance to go before another committee not fully familiar with the subject and work that committee for an additional amount?

Mr. TAWNEY. No——

Mr. MANN. Is not that the question here?

Mr. TAWNEY. That is not at all the case. The amount appropriated for by the Committee on Military Affairs was the difference between the pay of the officer who was then filling the position and the amount of compensation that officer was entitled to while in that position under the law.

Since that time there has been a transfer and an unmounted captain has been assigned to this duty, who is entitled to $200 more compensation because of his rank. That is the reason it comes in. It is not because the Military Committee gave all that was estimated, which was $500, and it was the difference at that time between the pay of the officers.

Mr. HULL of Iowa. I am in error in my statement, because it is not a commissary. It is the associate professor of mathematics. I have not looked that up, except I know that we gave them the additional pay of $500.

Mr. TAWNEY. That does not give him the money he is entitled to for the balance of the fiscal year.

Mr. MANN. If he had asked $500 from the committee and the committee had given it to him——

Mr. TAWNEY. That is entirely another state of facts.

Mr. HULL of Iowa. This is on the same principle that the captain was appointed, and the Committee on Military Affairs gave the $500 difference in pay. This provides "captain, not mounted," and we gave the other man "captain, mounted."

The Clerk read as follows:

For reimbursing the Corps of Cadets, United States Military Academy, an amount equal to the per diem commutation of rations at 30 cents each (provided for in the appropriations for the support of the Military Academy, fiscal year 1908), for the battalion of cadets while absent from the Military Academy attending the Jamestown Tercentennial Exposition, $1,072.50.

Mr. HULL of Iowa. Mr. Chairman, I want to reserve a point of order on that and secure a little information, if possible. I want to call the attention of the chairman of the Committee on Appropriations to the fact that the bill carrying appropriations for the Academy, approved March 2, 1907, has this proviso:

For expense of subsistence of cadets while attending the Jamestown Tercentennial Exposition, at the rate of $1.50 per day—

Now, the regular ration of 30 cents—

for each cadet in attendance, $6,000, to be immediately available.

The Government took the Corps of Cadets down there and gave them $1.50 a day, fully supporting them during the trip, and now we find a deficiency on the regular appropriation of 30 cents a day for rations, while the Government was giving them $1.50 a day in place of the 30 cents. I would like to ask the gentleman if he thinks that is a good deficiency?

Mr. TAWNEY. Mr. Chairman, I will say that they are allowed 30 cents a day at the academy to defray the expense of attendance. Now, they were sent to Jamestown, and because of the fact of their not being at the academy it appears that this 30 cents a day was deducted from the amount that they were entitled to, while the cost of attendance at the academy went on just the same during their absence and as though they had been present all the time. It had to be paid by the cadets in the academy, and it was simply taking that much out of them and requiring them to pay it out of their own pockets—that was all—for the period of time they were away. The 30 cents a day is unquestionably very low, but even while they are absent this 30 cents a day goes to pay their attendants in the dining hall, and so forth, and, of course, their employees had to be maintained while the cadets were temporarily absent. It is simply a question of whether we will pay it or compel them to pay it out of their own pockets.

Mr. HULL of Iowa. Mr. Chairman, the gentleman is mistaken in saying that this $6,000 was to pay all their expenses to the Jamestown Centennial. It was only to pay subsistence, and nothing else. And it was never dreamed that there could be a deficiency claim in for subsistence for the men who were at Jamestown.

Mr. TAWNEY. This is not a deficiency at all on that appropriation.

Mr. HULL of Iowa. It is not a deficiency, but it is a reimbursing in the urgent deficiency bill.

Mr. TAWNEY. Reimbursing them because of the fact that the Auditor does not approve their being paid the 30 cents which they are allowed while they are in the academy for attendants in the dining hall.

The CHAIRMAN (Mr. BONYNGE in the chair). Why does the Auditor refuse to allow it?

Mr. TAWNEY. Simply because Congress had appropriated for their subsistence at Jamestown during their absence from the Military Academy. But, as a matter of fact, the expense covered by the 30 cents a day went on just the same while they were away.

Mr. LITTLEFIELD. Was it not because there was no law authorizing it?

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota [Mr. TAWNEY] does the Auditor think the appropriation of $1.50, which I understand was paid while they were absent, repeals the decision of 30 cents a day while they were absent?

Mr. TAWNEY. Yes; that is what was held by the Auditor. I am not contending against the point of order at all. I am simply answering the gentleman's question.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HULL] insist upon his point of order?

Mr. HULL or Iowa. Mr. Chairman, I think I shall insist on it. I want to say further, though, that I want to put myself right in the RECORD to this extent, that the statement of the gentleman that the expenses at the academy went on just the same as if the cadets were there can hardly be true. Four hundred active young men were away.

Mr. TAWNEY. I will give the testimony of the Superintendent and let the gentleman from Iowa state whether his statement is correct or the statement of the Superintendent is

correct. I am giving my information based on what the Superintendent said.

The CHAIRMAN. Does the Chair understand the gentleman from Minnesota to contend against the point of order?

Mr. TAWNEY. I do not contend against the point of order; but I want this statement to go into the RECORD of what Col. H. L. Scott of the United States Army, Superintendent of the United States Military Academy, said:

It is necessary to maintain the messing establishment at West Point and to keep on the pay rolls the employees of this department of the academy during the absence of the corps. The cost of subsistence of the cadets at West Point averages about 55 cents a day, and this will be increased by at least 200 per cent, and probably more, during their visit to the Exposition. To charge the individual cadet with this additional expense would result in putting some of them in debt, and thus depriving them of certain privileges and liberties which only cadets out of debt are allowed to enjoy. Similar action to that now requested was taken when the cadets went to Washington on the occasion of the inauguration of the President in March, 1905, the item covering the subsistence being at that time put in the Army appropriation bill.

Now, these are the facts in regard to the matter and the reason why the Committee on Appropriations recommended favorably the allowance of this item.

Mr. HULL of Iowa. One word. I want to say that the cadets get a little over $50 a month while they are in the academy. I think it is ample. They undoubtedly have some little expense in connection with the mess when they are absent, but not nearly to the extent of 30 cents a day. But in view of the fact that it would put any of them behind the least bit, I will not insist upon the point of order, although I think it is no way to get an increase of pay for the cadets.

The Clerk read as follows:

BACK PAY AND BOUNTY.

For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1908, $300,000.

Mr. SHERWOOD. Mr. Chairman, I offer an amendment:

The Clerk read as follows:

On page 21 and line 16 add after the word "dollars," as follows:

"And the Secretary of the Interior is hereby authorized and directed to enter upon a roll to be known as the veteran volunteer roll every surviving soldier of the Union Army who served eighteen months, between April 20, 1861, and July 15, 1866, who has been honorably discharged, to be paid out of moneys appropriated for pensions, the sum of $1 per day, from and after the date of his application for the benefits conferred by this act."

Mr. TAWNEY. I reserve the point of order.

Mr. SHERWOOD. Mr. Chairman, I do not desire a vote on this amendment at this time, but I desire to make a statement on behalf of the 175,000 veterans of the civil war who are interested in this bill. I wish now only to present the reasons why I have introduced the bill (H. R. 7625). I take it that the Members of this House desire to know, in the first place, how much this bill will cost if enacted into law. I have been consulting the experts in the Pension Office, and so near as I can ascertain it will take the first year about $17,500,000. The amount will be reduced every year by 15 per cent; and the experts in the Pension Office say that at the end of nine years there will be practically no appropriation called for, because the veterans who will be benefited by this bill are the older class of soldiers and will practically all be dead in about nine years.

It is estimated in the Pension Office that 175,000 men will be included under the provisions of this bill. The estimates of the Pension Office differ as to the average amount that the veterans are receiving now. It varies from $17.50 a month to $20 a month. I have estimated it at $20, and from that estimate it will take $17,500,000 the first year. I have within the last thirty days received about 3,600 letters from soldiers scattered throughout the Northern States. I have issued no circulars; I have prepared no blank petitions. It is a spontaneous contribution of these old soldiers, the men with whom I touched elbows for four years in that terrible war. I have had my secretary, with two assistants, go through this enormous correspondence, and I have condensed the opinions of these old soldiers, which I desire to incorporate and print in the RECORD for the information of this House. I think it is due to the Members of the House to know the purpose of this correspondence—letters from veteran organizations and resolutions by patriotic societies.

I understand also in the Pension Office that the so-called McCumber Act of February 6, 1907, is taking out of the Treasury of the United States about $20,000,000. Now, these statistics are very difficult to obtain, even by the officials of the Pension Office, but I have made my best effort in the Pension Office to ascertain what proportion of this $20,000,000 goes to the men who fought the battles of the civil war and what proportion of this $20,000,000 has been paid out to the men who served ninety and one hundred days, and I estimate that over $12,000,000 of this money goes to the ninety and one hundred day men.

And this, my fellow Members, is not satisfactory to the veterans of the war. Let me illustrate. At the opening of the Atlanta campaign there came down to us to join that Army a division under the command of General Hovey, of Indiana. We called them "Morton's boys" (Governor Morton at that time being the war governor of Indiana). The average age of those boys was about 19 years. A large number of them were not over 16 years old. They went through that wonderful Atlanta campaign and served until the close of the war. I have had over a hundred letters from those boys, old boys now, saying that under the McCumber Act they can not get a dollar of pension because they have not yet arrived at the age of 62 years.

In presenting this matter to the House I assume that you desire to be the guardians and protectors of these old soldiers who fought the fiercest, the longest enduring, and the bloodiest battles of modern times.

[The time of Mr. SHERWOOD having expired, by unanimous consent, at the request of Mr. GAINES of Tennessee, it was extended five minutes.]

Mr. SHERWOOD. Now, I have here a letter from an old veteran who enlisted for three years in 1862, being then 16 years old. There are thousands of these, yes, 10,000 of them, as you will ascertain at the Census Office. This man is now 62 years old and can only get $12 a month. If he was 18 when he enlisted he could get only $12. Here is another soldier who enlisted in 1864 for ninety days, who is now 75 years old, and is drawing $20 a month under the McCumber bill.

I appeal to you, Members of the House, as I feel a deep interest in these men. This matter is very near to my heart. I appeal to you to give this correspondence, which I will ask to have printed in the RECORD, your careful, your scrutinizing, and your patriotic consideration. [Applause.]

Mr. Chairman, I desire to add just one word to what I have said. The soldiers of the civil war to-day are dying at the rate of one every eighteen minutes. They are dying at the rate of eighty every day. Twenty-eight thousand of them died last year. We believe the Panama Canal and the construction of new battle ships can wait, but the old soldiers can not afford to wait. I ask justice for the men who stood behind the guns. [Applause.]

Mr. Chairman, I ask unanimous consent to include in the RECORD these letters and testimonials from veterans, also a copy of my bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD and to include certain letters. Is there objection?

There was no objection.

The following are the letters and testimonials indorsing the Sherwood pension bill:

A bill (H. R. 7625) for the enactment of a veteran volunteer roll.

Be it enacted, etc., That upon the written application of the Secretary of the Interior and subject to the conditions and requirements hereinafter contained, the name of each surviving volunteer soldier in the United States Volunteer Army of the civil war shall be entered upon a roll to be known as "the veteran volunteer roll:" *Provided, however,* That each such soldier shall have served with credit as an enlisted man not less than eighteen months in the field with troops in said Volunteer Army between April 20, 1861, and July 15, 1866. He shall have been honorably discharged from service. Said application shall be accompanied with proof of the identity of the applicant as the person whose name appears upon the military record of the military organization to which he claimed to belong, and such application to be placed upon such roll and the identity shall be sworn to in the manner and form provided by law of other applications for pensions. In the event that such applicant has been wounded in the line of his duty and thereby disabled from serving for said term of eighteen months, or was discharged for disability contracted in the service, or was mustered out because of close of war, upon proof of such fact, if he be otherwise qualified, he shall be entitled to be entered upon such roll the same as though he had served for the full term hereinbefore provided for. Any soldier captured in battle or in the line of his duty and serving in Confederate prisons shall have his time of such service counted the same as if he had served in the field.

SEC. 2. That each of the class hereinafter described, when entered upon such roll, shall be paid, out of any money in the Treasury of the United States appropriated for pensions, the sum of $1 per day from and after the date of his application for the benefits conferred by this act during his natural life.

SOLDIER PETITIONS.

Veterans of Burkett, Nebr.
Veterans of Clarinda, Iowa.
Veterans, by Hiram Weese, Forty-third Indiana.
Ex-Soldiers, Sailors, and Marines' Protective Association, Toledo, Ohio.
Veterans, by Edger Hayes, Sixth Wisconsin Battery.
Post 20, Rising City, Nebr.
Veterans, by J. E. Harding, Camden, Ohio.
Veterans of Chautauqua County, Kans., Sedan, Kans.
Winfield Scott Post, Webster City, Iowa.
Veterans of Virgina, Ill.
Veterans of Fredericksburg, Ohio.
Veterans of Cuba, N. Y.
Dick Moon's Post, Galion, Ohio.

Veterans of Winnebago City, Minn.
Veterans of Washington, Kans.
Veterans of Lockport, N. Y.
Veterans of Sulphur Springs, Ark.
Veterans, by James A. Finney.
Veterans of Portland, Oreg.
Veterans of Harrisburg, Oreg.
Veterans of Lebanon, Kans.
Fairchild Post, Tulsa, Okla.
Veterans, by Daniel H. Barton, Fourth Arkansas.
Veterans, by H. D. Todd, Forty-ninth New York.
Forsyth Post, Toledo, Ohio.
Volunteer Post, Toledo, Ohio.
Veterans of Wood County, Ohio.
J. B. McPherson Post, Miami, Okla.
Pacific Branch Veterans, Los Angeles County, Cal.
Veterans, by Edward Schenck.
Veterans, by Daniel Duserbeg.
Veterans, by Henry Marsh, Fourteenth New York.
Veterans of Sawtelle, Cal.
Veterans of the New York Soldiers' Home.
McKinley Post, Knoxville, Tenn.
Veterans, Mound Valley, Kans.
Irwin McDowell Post, Enid, Okla.
Veterans of De Graff, Ohio.
James Smith Post, Wellston, Ohio.
Veterans of Tedrow, Ohio.
State Soldiers' Home, St. James, Mo.
Veterans of Parsons, Kans.
Veterans of Claremore, Okla.
Veterans of Fort Scott, Kans.
Grand Army of the Republic Post of Humansville, Mo.
Veterans, by W. W. Townley.
Veterans of Williams County, Ohio.
Veterans of Corvallis, Oreg.
David E. Hunter Post, Sandoval, Ill.
Veterans of Whitehall, Ill.
Veterans of Marion, Ind.
Veterans of Youngsville, Pa.
Veterans of Litchfield, Mich.
Veterans of Hendrysburg, Ohio.
Veterans of Oswego, Kans.
Veterans of Harper, W. Va.
Veterans and citizens of Lena, Ohio.
Veterans, by Francis M. West, Seventy-ninth Indiana.
Veterans of Iowa, WALTER I. SMITH'S District.
Veterans of La Salle County, Ill.
Veterans of New Salem, Ill.
Veterans of Norristown, Ohio, by Joshua De Weese.
Veterans of Custer Post, Wakarusa, Ind.
Veterans of Independence, Iowa.
Veterans of Lincoln, Ill.
Veterans, by George W. Windell, Thirty-eighth Indiana.
Veterans, by Thomas R. McKinn, Sixty-fifth Indiana.
Veterans of the Indiana Soldiers' Home.
Eugene Rawson Post, Fremont, Ohio.
Grand Army of the Republic Post, 83, of Greenville, Mich.
Veterans, by Robert M. Berrill, Eighth Illinois.
Veterans, by J. H. McLain, First Connecticut.
Veterans, by Matthew Murray, Sixty-third Pennsylvania.
Veterans, by John O'Brien, Fifteenth Kentucky.
Veterans, by Thomas F. Kingsley, Eighty-sixth Illinois.
Veterans, by James M. Wheat, West Virginia Light Artillery.
Veterans, by Henry Weemslage, Thirteenth Illinois.
Veterans, by Alern B. Mettler, Fifty-third Illinois.
Veterans of Grand Army of the Republic Post, Troy, Ohio.
Veterans, by Harmon A. Jones, Eighth Iowa Cavalry.
George W. Robinson Post, Amelia, Ohio.
J. C. McCoy Post, No. 1, Columbus, Ohio, first and strongest in the State.
Veterans of Camden, N. J.
Veterans of the Ohio Soldiers and Sailors' Home.
Veterans of Battle Mountain Sanitarium, S. Dak.
De Golyer Post, 110, Grand Army of the Republic, Hudson, Ohio.
Veterans of the National Military Home, Kans.
Veterans of Carver Post, No. 28, Hemlock, Mich.
A. L. Carver Post, No. 28, Hemlock, Mich.
Veterans of Danville, Ohio.
Veterans of Lapeer, Mich.
Veterans of Cadillac, Mich.
Veterans of Leipsic, Ohio.
Veterans of Fulda, Minn.
Veterans of Covington, Ohio.
Canfield Post, Canfield, Ohio.
Veterans of the Iowa Soldiers' Home, Marshalltown, Iowa.
J. B. Streetman Post, No. 19, Reed City, Mich.
Chanute Post, No. 129, Chanute, Kans.
Veterans of Great Bend, Pa.
Veterans of Gasport, N. Y.
Veterans of Joel A. Haycock Post, Calais, Me.
Veterans of Sandridge, Ill.

About 1,000 letters have been received from veterans in territory from Salem, N. H., to Roswell, N. Mex., in the following vein:

B. F. Smith, of Youngsville, Pa., writes: "Your dollar pension bill is the best I ever saw, because it discriminates in favor of the veterans."

John A. Goodwin, of Richmond, Va.: "I served four years in First Massachusetts Cavalry. Surely, for the few years left to us, our country should make us comfortable and free from want and worry. God bless you, General, for the interest you are taking in your old comrades. Your bill, if successful, will bring rest and peace to many an aching heart."

Fayette Wolcott, of Delta, Ohio: "Wishing your labors will prosper, that you will build a monument more enduring than marble."

Hiram A. Buck, Winnebago, Minn.: "Your bill suits the veterans. I will see that the Grand Army of the Republic posts are supplied with petitions in this part of the State."

William Meyer, of Greenville, Ill.: "We are not paupers or beggars, but we want justice, and your bill comes nearer justice than any ever introduced. We are writing our Congressman to support your bill. If successful, all the old soldiers will remember you with gratitude."

William Watson, of Pineglen, Pa.: "The Sherwood pension bill is the only one ever introduced that was not a pauper bill. Now, in many instances, the ninety-day man gets more pension that the veterans who served from 1861 to 1865."

R. L. Sidwell, Chicago: "Your bill is right. It was the volunteer soldier that made the country what it is, and you are heroically right in trying to take care of the men who stood behind the guns."

John E. Bradlish, of Shaftsbury, Vt.: "Your bill is the best that has been introduced since the war. Every old veteran should help you to push this bill through. The old boys are dropping off very fast and we must act quickly."

E. G. Stends, Allegheny, Pa.: "Your bill is the best so far introduced. It will be a grand thing for the old soldiers, now in military prisons, to return to their homes and friends to spend the balance of their years."

John Emerson, of Morrow, Ohio: "Your bill is based upon merit and service, and is just what I have always advocated. All the soldiers in Morrow County are in favor of it. It will save the Government lots of money. I get $12 a month and can't live on it. I will never go to a so-called 'Soldiers' Home.' The Government is spending millions and millions for gunboats that never will do any fighting. Why not spend the money on the boys who did the fighting? Let the big Navy and Panama Canal wait. If your bill passes, you will never be forgotten by any of us as long as we live."

W. A. Carnahan, National Soldiers' Home, of Kansas: "Your bill is just the thing. It helps those who were too game when sick to go to the hospital, while those who flunked and got a hospital record have been blessed with big pensions."

W. A. Heath, Washington, D. C.: "We don't claim the credit from Columbus for discovering America, but we do claim that we have made America what it is to-day—fair in name and honor. Who says the dollar a day is too much for the old boys before they cross the Great Divide?"

C. C. Palmer, St. James, Mo.: "I have talked with a number of the old boys, and they want me to write you for a petition, and I will hustle for signers for your bill."

Lieut. A. S. Palmer, of Memphis, Ind.: "I served all through the war; was wounded at Gettsburg, but went back and saw the thing out. Your bill is just right."

D. Bartlett, of the National Soldiers' Home, of Kansas: "If the old soldiers here had a dollar a day they would be glad to leave this Soldiers' Home forever. I voice the feeling and desires of 99 per cent of the soldiers of this Home."

Andrew Jackson Hill, State Soldiers' Home, New York: "I was not a ninety-day man. I was there in every battle from Antietam to Appomattox. My $12 a month pension would not pay for a room and potatoes at $1.60 a bushel. I thought it was time to stop trying to live on two meals a day, and poor at that, so I came to this Home, but it was jumping out of the frying pan into the fire. I am glad you are using your influence for the soldiers who did the work, which has never been done before."

Joseph W. Gilson, of Anna, Ill., writes eleven pages of a closely written letter, of which the following is a brief extract: "As you are a real friend of the old soldier, I desire to write you fully. I served the whole four years in Goodspeed's battery, except a thirty-day furlough, when we veteranized. I get $12 per month, and had a long fight to get that. Now I am a financial and physical wreck and have to live in a Soldiers' Home. I know another soldier, who served five months and never saw an armed enemy, who was recently raised to $24 per month."

J. W. Hendershott, of Degraff, Ohio: "I send you the names of some old veterans who join me in wishing you success. Every comrade wishes you godspeed."

Col. N. Turk, adjutant of Irwin McDowell Post, Oklahoma, sends a testimonial of 125 veterans, as follows: "We consider your bill the most just and wise measure that has ever been introduced. It takes care of the men who did the hard fighting. We have no objection to the Panama Canal, but don't forget the Grand Army boys' needs in their passing moments from time to eternity."

Twenty-three soldiers of Clairmore, Okla.: "We desire to show how heartily we approve your bill. Every soldier here in this vicinity is for your bill except one, and he was a deserter. We protest against the act of February 6, 1907, for the following reasons: Not that we disapprove of the act giving pensions at the ages of 62, 70, and 75, but that it is an injustice that any soldier drawing a pension for wounds should be deprived of the age benefit also. All the old soldiers here thank you and feel grateful for the interest you are taking in their benefit."

James H. Little, pastor of the Universalist Church of South Paris, Me.: "I believe in the justice and equity of the Sherwood pension bill. The present graded age bill is not equitable. Our nation should recognize this fact and make the last days of its defenders comfortable outside of poorhouses and free from the necessity of appealing to charity. The Sherwood bill would remedy the defect of the present graded pension law. Our ex-soldiers are sending a letter to Senator FRYE in favor of your bill."

Seventy-five soldiers of Fort Scott, Kans., send a joint letter, as follows: "We consider your bill one of much merit. We think it is just and fair in every respect. We also thank you sincerely for the part you have taken in this important matter. All the above signers are veterans who served eighteen months or more at the front."

S. B. Evans, Humansville, Mo.: "The Grand Army post, by unanimous vote, has declared in favor of your bill. The old boys wish to state that we most highly appreciate your efforts to have justice done the men who stood behind the guns. God bless your efforts to do good for the old soldiers. We have written Senator WARNER and our Congressman, G. W. HAMLIN, to give your bill their hearty support."

Two hundred and eighty soldiers and citizens from Williams County, Ohio, send a joint letter and petition indorsing the Sherwood pension bill as a fair and just tribute to the men who loved their country better than life.

John W. Lake, of Parsons, W. Va.: "It does my heart good to see your bill. I am an old Pennsylvania soldier; enlisted in 1861 and discharged July 2, 1865. Was always in active service from start to finish. Now I am old and feeble and can not work, and I get $12 per month pension. But, oh, how light our hearts would be if your bill will be passed. What burdens would be lifted from us God alone knows. Your bill is the greatest pension bill ever gotten up, and God bless you, comrade, is the prayer of your humble and obedient servant."

George W. Reed, of Roswell, N. Mex.: "I hope you can use the manuscript to some advantage to the old veterans. After years of helplessness I am again on my feet, and still receive my $12 per month pension, no more. May God help you in your efforts for the passage of your bill."

H. D. Todd, of Blooming Valley, Pa., writes as follows, inclosing a petition in favor of $1 pension bill: "There is not one of the veterans who have signed who are capable of self-support. I inclose a letter from our Congressman, Hon. ARTHUR E. BAKER, who writes he will do all he can to assist the veteran idea of your bill."

Col. C. M. Howe, Manhattan, Kans., sends the indorsement of Manhattan Post, No. 271, in favor of Sherwood pension bill; also indorsement of Lew Gove Post, 91 members.

George W. Sillings, Sixty-sixth Indiana, sends a petition signed by 31 veterans in favor of the bill.

Curtis B. Roby, Company H, Thirteenth Indiana Cavalry, sends a petition signed by 49 veterans.

George W. Windell, Company K, Thirty-eighth Indiana Infantry, sends petition signed by 60, all veterans, saying the Sherwood bill will make comfortable veterans now in want and distress.

Eugene Rawson Post, Fremont, Ohio, indorse formally the Sherwood bill, and inclose petition also signed by 31 veterans.

Greenville (Mich.) Post, Grand Army of the Republic, send petition in favor of Sherwood pension bill signed by 33 veterans.

Robert M. Beuell, Company B, One hundred and eighteenth Illinois, sends petition signed by 9 veterans.

Capt. George M. Sexton, Chicago Board of Trade, sends petition signed by 35, all veterans.

Mathew Murray, Company B, Sixty-third Pennsylvania Infantry, sends petition signed by 33 veterans.

Russell L. Frisbie, Company K, Fifteenth Connecticut, and Demarest J. Smith, Sixth Maryland Infantry, send petition signed by 48 veterans.

Henry Weemslorge, Company A, Thirteenth Illinois, sends petition signed by 27 veterans.

John Cordovi, Company A, Fifteenth New York, sends petition signed by 33 veterans.

James A. Lynch, Company D, Twenty-fourth Wisconsin, sends petition signed by 59 veterans.

Philip Volmer, Company B, Sixth Kentucky, sends petition signed by 30 veterans.

BUCHANAN, MICH., *January 18, 1908.*

By unanimous vote of William Perrott Post, No. 22, Department of Michigan, Grand Army of the Republic, Comrade Graham offered a resolution asking your indorsement and earnest support of the pension bill presented by Gen. I. R. SHERWOOD, of the Ninth Ohio District, that it may become a law, believing, as we do, this to be one of the fairest and most just bills yet offered for action by Congress.

Respectfully,

JOHN C. DICK, *Commander.*
O. F. RICHMOND, *Adjutant.*

Alern B. Metler, Company F, Fifty-third Illinois, sends a petition signed by 30 veterans.

John E. Jones, Company B, Thirty-first Ohio, sends petition signed by 29 veterans.

Samuel Roby, Company B, Thirty-eighth Indiana, sends petition signed by 34 veterans.

W. H. Alexander, J. C. Byrkett, and W. A. Evans, veterans of Troy, Ohio, send a petition with the names of 100 veterans, and add the following sentiment: "We have talked with a good many who were not in the war, who think your bill ought to pass, and give the old soldiers a square deal."

Harmon A. Jones, Company A, Eighth Iowa Cavalry, sends a petition signed by 43, all veterans.

Jesse B. Green, Company B, Fifth Ohio Infantry, sends a petition with 30 names, all veterans.

UNION VETERANS' LEGION INDORSE BILL.

John P. Donahoe, past national commander and chairman national pension committee, Union Veterans' Legion, Wilmington, Del.: "I have received copies of your bill and reviewed the same carefully. I must pronounce it a very strong and favorable measure to benefit our old comrades. You have done a proper thing in including the Regulars. We were all volunteers together in the early days of the war before the draft. A class of long-standing injustice is that of the men of the United States Marine Corps, who should be added to your bill. Those men who enlisted in the Marine Corps during 1861, 1862, and 1863 never received a single dollar of bounty and when their term expired the war had ended. They were even deprived of the benefit of the veteran reenlisting clause. Success to your patriotic efforts."

Edward Davidson, Baltimore, Md.: "I served four years. The eyes of the veterans are on you now and the dollar-a-day bill, and I hope the Lord will help you."

Frederick K. Harmon, Company F, Sixty-third Ohio Volunteer Infantry, Canal Fulton, Ohio: "Your soldiers' pension bill is eminently just and fair. I enlisted October 25, 1862, and was discharged at Camp Denison May 24, 1865. Was taken prisoner on the skirmish line at Atlanta, Ga., July 22, 1864, the day General McPherson was killed, and was four months at Andersonville. This great nation should try to aid those who have suffered this way."

Thomas Mullen, Coeur d'Alene, Idaho: "Do all you can for the dollar-a-day pension bill. The soldiers who put down the rebellion are all past three score years and ought to have something to keep them in a degree independent."

G. W. Wheeler, Boon, Mich.: "Your bill is more than just and reasonable. There is rank injustice in granting pensions. I know a man who enlisted in 1864, got a big bounty, stayed in the hospital till his discharge, never fired a gun or did a day's duty at the front, came home, was examined, was pensioned $12 a month for 'last stages of consumption,' and is living yet. I, who served at the front, was with Sherman in all his marches and battles, including the famous march to the sea, never drew a dollar of pension."

B. W. Gregg, Company A, First Arkansas Infantry, Fayetteville, Ark., writes that every soldier of his knowledge would rather go to the poorhouse than the Soldiers' Home; that every soldier favors the dollar-a-day pension bill.

David Robison, Company C, Sixtieth Indiana, writes from Hobstadt, Ind., saying the man who stood behind the guns from 1861 to 1865 favor the Sherwood pension bill and have forwarded a petition to Hon. J. H. Foster in favor of the bill.

Henry Pierce, Ramer, Tenn., writes, inclosing a petition in favor of the bill.

Capt. L. Murray Wilson, Tipton, Mich., urges the immediate passage of the bill, as in a few years the soldiers will all be dead.

Soldiers from the National Soldiers' Home, Milwaukee, Wis., write complaining of the injustice of the McCumber law and of the prison character of a Soldiers' Home, saying the Sherwood bill would be an actual saving to the Government, adding the following: "Please withhold our names. If it should be known to the officers who sends this, I would be driven from this place."

Charles Wildes, Exeter, Me., writes: "I am too old and crippled for work. My pension is not sufficient for actual needs, and if Congress is ever to do anything the time to do it is now. Hope you will be successful in passing your bill for the old comrades."

Michael McChaseton, National Soldiers' Home, Virginia, writes: "General, you were never more right in all your years than now, when you advocate a dollar a day for the old veterans."

J. H. Tourjee, Ormond, Fla., writes: "Send me a copy of your bill which gives honor where honor is due, to the old soldier. What we do for the gun holders must be done quickly, as they are going fast."

Col. W. H. Alexander, Troy, Ohio, commander A. H. Coleman Post, says: "Our soldiers here will send a petition to our Congressman asking that the bill be passed."

Rev. W. H. Mentzer, pastor First Baptist Church, Allegheny, writes: "It is just such a measure as I have long felt should be enacted. I was one of the boys who went out the last year of the war, and was in serious business at Petersburg and around Richmond. Wish you every good," etc.

E. F. Hayes, Sixth Wisconsin, Three Rivers, Mich., writes: "I am getting all the signers I can for your bill and sending to our Congressman. All the old soldiers say your bill is right and the best ever introduced in Congress for the veterans."

Jonas B. Kauffman, Fifty-fourth Pennsylvania, Johnstown, Pa., writes: "The Sherwood bill is the only bill of true merit. It is the only bill looking after the interest of the veterans who fought and won the great battles of the war. The age pension may be all right for paupers, but has no business with soldiers."

Miss Clara Wilson, Mundy, Ill., writes: "All the old soldiers here say your bill is just the one to pass. We wrote our Congressman, HOWARD M. SNAPP, about it, and he wrote he would do all he could toward its passage. Many of our soldiers are being helped by the town. Do all you can; the need is great and the suffering hard to bear. My father was a veteran of the civil war."

J. R. Hindman, Columbia, Ky., a veteran of the Thirteenth Kentucky Infantry; W. H. Hobson, Bowling Green, Ky., colonel, and who was ordnance officer of the Second Division, Twenty-third Army Corps, the command in which the author of the Sherwood bill served, writes: "In looking over my receipts I was impressed with your sober business sense and that you were the best business officer in your command in looking after the needs of your soldiers. And now I wish you success in your bill and will write Representative EDWARDS to do all he can to help you."

C. Weatherwax, Lockport, N. Y., writes as follows: "After reading your pension bill, recently introduced in the Congress as the veteran volunteer bill, I will say that in my estimation it is the best bill ever introduced in the House of Representatives from an honor standpoint. Under former bills enacted into laws, all the dead beats and tramp soldiers are equally well provided for with those who did the actual work without any apparent distinction. Dear General, I wish to thank you for this mark of justice."

Louis Schmidt, Coulter Post, New York City, writes to inclose a petition, and says: "If we can do something to push that bill, please answer."

Jacob H. Unruh, Cheswold, Del.: "I was wounded in the seven-days' fight at White Oak Swamp, and now, in my seventy-seventh year, I am depending on my pension. I wish to God your bill may pass. All soldiers so wish."

Mart Armstrong Post, Lima, Ohio, at a regular meeting, with full attendance, by unanimous vote, recommended the passage of your pension bill and the adjutant instructed to inform you of such action. The membership of the post, 216, and the action was taken after full discussion. Signed: G. E. Copeland, post commander; O. H. Hollister, acting adjutant.

At a called meeting of veterans, held at Wauseon, Ohio, under a published call for a meeting of all soldiers and members of Lozure Post, the Sherwood bill was discussed and a rising vote taken, every soldier rising to be counted. One hundred and twenty-five veterans were present, and all voted aye.

Josiah Wilson, National Soldiers' Home, Johnson City, Tenn., writes: "That bill of yours for a dollar a day, if passed, would cause great rejoicing and would take the veterans out of want. It would relieve the veterans of these political guardhouses, a just reward to the men who carried the musket without hope of reward.

THE PRIVATE.

Let us offer a prayer for the hero
Who lies unnamed, unknown,
The private soldiers lying
Beneath the sunken stone;
Who fought where the war raged strongest,
And after the day was done
Was merely reported "missing,
With resting place unknown."

The following letter reflects the universal sentiment of old soldiers everywhere:

JANUARY 19, 1908.

Hon. I. R. SHERWOOD:

OLD COMRADE: Allow me to congratulate you on being the only Representative to Congress in over forty-two years that has ever seen the difference between a veteran soldier of the civil war and a so-called veteran of to-day. I am 70 years old, served four years seven months and sixteen days, and receive $20 per month for injuries and rheumatism received in service. My neighbor, who is 75 and served one hundred days, receives $20, and he told me he never was sick a day in his life. God bless you for your effort, but I do not believe you will be able to convince the rest of your colleagues in time for the resurrection.

J. C. ARMSTRONG,
Late of Thirteenth Ohio Veteran Volunteer Infantry.

A California veteran writes: "Your bill is simple justice and the cheapest way for the Government to reward its defenders. I speak from personal knowledge, as I have been a member of a Soldiers' Home ten years. They are unbearable for a decent man, to say nothing of the graft and humiliation a man must bear. As a friend of mine expressed it, it is the halfway place between hell and the penitentiary. Anything, a tent under a tree is preferable. The vile stuff usually served is unfit for human consumption and the arrogance of the management is unbearable, the association damnable; it is high time the three and four year veterans were recognized and rewarded. I put in four years and seven days in the Army of the Potomac and Army of the James in Company L, Third New York Cavalry, one of the best regiments in the United States service. So says the Government history. Please read this to Congress.

"D. M. FISK,
"414 West Forty-seventh Street, Los Angeles, Cal.,
"Late of L Company, Third New York Cavalry."

Case Christance, Soldiers' Home, Johnstown, Tenn: "Your bill granting $1 per day pension to all honorably discharged Union soldiers who had eighteen months or more active field service, is the most fair pension bill ever introduced in Congress and I hope you will succeed in having it passed."

Thomas J. Wright, Crestline, Ohio: "I write on behalf of the old soldiers in this section. Your bill has been discussed and is generally favored by old soldiers here."

John W. Carroll, North Dakota Soldiers' Home, Lisbon, writes against excluding the regulars from the Sherwood bill, not knowing that the bill as now amended does not exclude the regulars.

Orrin Barker, Third Ohio Cavalry, Monett, Mo.: "The McCumber bill does not do justice to the men who served three and four years. Your bill is the only bill to do justice to veterans. Perhaps Senator WARNER will assist you to pass the bill in the Senate."

Col. W. N. Northedge, S. H. Sizer Post, Martinett, Wis., writes that Sizer Post has forwarded to Representatives STEPHENSON and KÜSTERMANN a petition asking their support of the Sherwood bill, and says: "I wish to thank you for your efforts to do justice to my comrades."

William J. Brown, Normalville, Pa.: "Your pension bill is honest and just and our lawmakers should quickly pass it. None of the present generation know what we saw and suffered."

Alfred Garner, Canton, Ohio: "Looking over the pension bills before the present Congress, yours is the best. I learn, also, that a number of men in the Soldiers' Homes have money in bank and farms and are living off the Government. All the soldiers here say your bill is a good one who will remember you. I was told to-day of two soldiers who could not get work because they are too old."

H. A. Vail, Towanda, Pa.: "Your bill is a good one. I hold up both my hands for it. Give the widows the same pensions, regardless of date of marriage."

George W. Reed, Roswell, N. Mex.: "I was a member of the National Soldiers' Home, California, for fifteen months. I wrote a hundred pages on the mismanagement of that and other Soldiers' Homes, and every Congressman could study the facts to advantage."

John W. Keith, Twenty-fourth Massachusetts, Everett, Mass.: "I hope your bill will become a law, as it will be the life of many old soldiers. I will write Mr. ROBERTS to give it his support. Many thanks for your efforts."

Capt. S. V. Taylor, Yountsville, Cal.; "The bill is the only equitable one ever before Congress and the cheapest for the Government. It will close nearly all the National and State Homes. Only a few will stay if they can get a dollar a day to stay at home. Wipe these Homes off the map."

W. F. Steele, Mansfield, Ohio: "Like your idea, but would have it reach more. Wipe out the special examiner and medical examiners. Give the pension direct to the veterans on the date of their discharges."

Frank Walk, Sandridge, Ill.: "I was in the war four years and get $12, the same as the ninety-day man. I would like to have your bill passed immediately."

E. S. Gillette, chairman Scott Post pension committee, Blue Springs, Nebr.: "Excuse lead pencil. A ball through my shoulder makes it slow work with the pen. Scott Post, after a careful consideration of your bill, indorses the same with three cheers. We like it because it recognizes the men who served through the war. In all former legislation the hundred-day men have received the same as the four years' men. We like it because it has no pauper clause."

J. J. Kelser, North Bend, Nebr.: "If you can not make an eight months' limit, or a two years' limit, make it three years. Was a member of the Twenty-third Ohio, a comrade of McKinley, served through the entire war. You will find loyal support from our Congressman from the Third Nebraska District. He should give loyal support to any measure favoring the veteran."

C. H. Jones and 185 other inmates of the Soldiers' Home of Nebraska petition for the Sherwood bill. The former writes:

"We notice that 15,000 private pension bills have been introduced into Congress this session, and have noticed that for years the class of people who get their pensions this way are not those who have served their country best in time of need. Those who have served longest and best are getting the small end of the bargain all the way through. Your bill is the only one which recognizes the services of the veterans, and it comes just as they are ready to drop into the grave. Crowd it that we may get a little benefit before we die. Instead of the Government giving the State Homes a hundred dollars, as now, for every inmate let them add a little more and give it to us direct, so that we may once more feel like men."

Eli Mathews, Clarinda, Iowa: "We send you the copy of a petition sent this day by the old boys of Clarinda, Iowa, to Representative W. P. HEPBURN to support the Sherwood bill, and I thank you for taking up their cause in earnest."

T. M. Davis, Company D, Fifty-first Illinois: "Your bill is the only bill with equity in it. All others are echoes of past bills. I have noticed 60 bills introduced, none of which are of any benefit, but a sop to the veterans. I indorse everything you say as to the cost of keeping these veterans in the so-called "Homes." These Homes, as they are managed, are the biggest grafters out. Your bill gives all the veterans an equal show. It would abolish the enormous expense of Soldiers' Homes—or prisons—and be a great saving to the Government."

Lew Gove Post, Manhattan, Kans.: "Eighty-seven members present unanimously indorsed the Sherwood bill. Thomas Hunter, Company D, Seventy-fourth Ohio Volunteer Infantry, adjutant. Capt. C. M. House, Twenty-fifth Michigan Infantry, of Gove Post, was named 'The Boy Captain' by Colonel Moore, of the Twenty-fifth Michigan. Captain McCord, of the One hundred and eleventh Ohio Volunteer Infantry, is also among the Manhattan veterans who urge their Congressmen to support this bill."

Daniel D. Fagan, Dawson, Ohio, who served in the Forty-fourth Ohio from 1861 to 1865, writes that the Sherwood bill is the best of all.

Col. J. W. Cope, One hundred and twenty-ninth Indiana, writes from the Indiana Soldiers' Home that all the old soldiers favor the Sherwood bill, and says: "If all the veterans eligible under your bill were given a dollar a day pension, 75 per cent of them would return to their homes, and that means 75 per cent of the best men here. No doubt it will be said if they should get a dollar they would spend it drinking. A few of them would, but that is no reason why the vast number, who are sober men, should be kept away from their real homes."

D. H. Todd, Blooming Valley, Pa., writes: "Your bill is nearest right of any under my notice. I served from June 1, 1861, to June, 1865, and am opposed to State pensions. The old veterans did not serve to save the State but to save the nation."

C. H. Jones, Third Michigan Volunteer Cavalry, Burkett, Nebr., writes: "Line up every Democrat for your bill. Make your best effort in the line of oratory. Put the matter up squarely to the Republicans. Have your votes recorded and let them go back on us again if they dare. The veterans have been most patient. Year after year the Republicans have been giving the three and nine months' men pensions through special acts. We old veterans are getting very tired of it. We have not much longer to live and would like to die outside the poorhouse."

H. A. Buck, M. D., writes that Stannard Post, Burlington, Vt., passed the following resolutions:

"We, the members of said post, do favor and will do what we can for the passage of the Gen. I. R. Sherwood pension bill, granting soldiers and sailors who served eighteen months or more, and all those that were discharged sooner for wounds, disability and prisoners, $1 a day, or $365 a year for life. The venerable old General calls for support of his bill from all veterans. The resolution was passed unanimously and a copy was ordered furnished the Burlington papers."

H. W. Hunt, Maumee, Ohio, late Ninth Ohio Cavalry, supports the Sherwood bill and says: "The money paid out in pensions is not gone from the people who furnish it, but comes back to them like the gentle dews, or like the vapors of evaporation that return to us in gentle rain to revivify and nourish. The sentiment was never stronger than now throughout the country for liberal pensions."

Andrew J. Sperry, Fourth Indiana Cavalry, Sawtelle, Cal.: "Your bill to give $1 a day to the veterans who saw long service is certainly the most fair pension bill ever brought before Congress. It gives satisfaction to all veterans, particularly in the Soldiers' Homes, as it would enable them to return to their families."

John W. Dyer, Company I, Third Delaware Infantry, Cheswold, Del.: "I served three years and was wounded and thoroughly damaged. It would be a godsend to many."

H. A. Cummings, Ferry, Mich., served three years and thirty-eight days in the Thirty-ninth Indiana Infantry and Eighth Indiana Cavalry and was in the battle of Atlanta after enlistment expired. Then he served seven months in Company G, Fourth Maine Infantry. He writes: "I want to commend you for introducing this bill. I have seen so much pandering and playing to the galleries of the ninety-day men that I had become disgusted and wondered how soon it would be before we who served three or four years would have to apologize for our loyalty in stepping forth so soon to crush the rebellion. Many are the hearts your bill will make glad and I hope our Congressman MCLAUGHLIN will join you in support of your excellent bill."

J. F. Robinson, commander J. C. McCoy Post No. 1, Columbus, Ohio: "McCoy Post indorses the Sherwood bill, and by unanimous vote asks Hon. E. S. TAYLOR, Member of Congress from the Twelfth Ohio District, to give it his support. It is a just and equitable measure, recognizing no distinction between the officer and the private."

Soldiers' Home, Grand Rapids, Mich.: "A hundred soldiers, eligible under the provisions of the Sherwood bill, petition its immediate passage." The letter with petition says 90 per cent of the inmates will quit the Home if the bill passes.

Capt. Greenleaf Cilley, senior vice-commander George Robinson Post, the largest in Clermont County, indorses the Sherwood bill: "If you could have heard the expressions of joy and appreciation of the bill, which has no superior and is the most deserving of any ever before Congress, and the cheers and tigers that were given the Member from the Ninth District in the post and upon the streets of the town, you would feel you were leading your troops to victory on the battlefield. This town is principally inhabited by old veterans of the civil war, who have fought and bled together, who at enlistment were only boys, who endured the long marches together, the days of hunger and of cold, the horrors of prison life and the operating table, and we feel that you deserve the gratitude and heartfelt thanks of every veteran soldier who is alive to-day. Give us the dollar a day, do away with Soldiers' Homes, examining boards, and pension agencies, and save the Government millions of dollars."

Soldiers' Home, Togus, Me.: "Your bill was read to a group of inmates of this Home, and I can assure you it was well received. Give us the dollar a day pension and we will give this Home a wide berth."

C. M. Ellis, chairman Chautauqua County, Kans., veterans, writes of the unanimous indorsement of the Sherwood bill by the soldiers, and says: "General Sherwood, of Ohio, fully realizes and appreciates the sacrifices made and the value of the services performed; and well knowing that, only for these sacrifices, we could not boast of a great nation extending from ocean to ocean and from the Gulf to the Lakes, proposes pension legislation more nearly commensurate with sacrifices made and services performed than has been suggested since Gen. John A. Logan ceased to be our most faithful champion. The Chautauqua County veterans send him greetings and demand our Members of Congress from Kansas to put themselves on record in support of the proposed legislation."

Lyman B. Miner, of Gravette, Ark., writes: "I think the Government in the end would make money by passing your bill. It would stop the expense of Soldiers' Homes, and medical boards, and special agents, etc."

Daniel Lynch, of National Soldiers' Home, Kansas, writes: "I served four years, but am too young to get any benefit from the McCumber law, as I can not prove my age to be 62. I was, in 1861, a friendless, homeless orphan and a wanderer; but I did the fair thing for this Government, and your bill will help save my life in comfort."

Chris C. Layman, Twentieth Ohio Volunteer Infantry, writes from Woodville, Ohio, as follows: "Yours is the only bill that provides for those who did the work. The law (McCumber law) that places donothing soldiers with workers on an equality, is a disgrace to the nation."

Capt. J. C. Bartholomew, of the Fourth Indiana Cavalry writes from New Richmond, Mich.: "Your bill is the most acceptable to the veterans of any that has ever been framed. I will see that Congressman Hamilton hears from this post. I do hope it will become a law."

Capt. William Cook, Second Colorado Cavalry, writes from Oswego, Kans., as follows: "The Republicans have held a strong hand on the old soldiers for many years on the promises that have never been fulfilled. I think the passage of this bill will do much to change them from the G. O. P. of tariff robbery of the poor and overflowing coffers of the rich to honesty and equal rights to all regardless of the dollars they possess."

Mrs. Anna E. Wiltsie, of Toledo, Ohio, a prominent worker in soldiers' charity, writes: "Some time ago I visited the National Soldiers' Home, at Marion, Ind., and I was surprised and shocked at the similarity in it to our asylums, penitentiaries, and prisons. What little difference there is between them! 'Tis true they have more liberties than are allowed the criminals and insane, but otherwise the similarity exists.

"What home comforts does the old veteran have in these Soldiers'

Homes? A space 8 feet square, a single iron bed, a small locker, and one hard-bottom wood chair. And do you not think, General, that if the money expended in these Homes, to keep them up, was added to an amount sufficient to pay a pension of say $1 a day to the old veteran, would it not be a better way of caring for them? Every old soldier that stood about me that day said if the Government would give them $25 or $30 per month they would go home and never step a foot inside of a Soldiers' Home again."

From the Pacific slope:

OLYMPIA, WASH., *January 6, 1908.*

Gen. I. R. SHERWOOD:

DEAR COMRADE: In a recent issue of the National Tribune I saw a copy of your pension measure, and all of the old boys in this neck of woods say it is the peach of the whole lot; and if those fellows in Congress don't give you a clean bill, just read the riot act and call on us.

I have F. W. CUSHMAN'S ear on the matter by letter and expect you will have his support.

Your comrade,

LYMAN P. FOWLES,
Olympia, Wash.

Cyrus Ellingwood, of Castleton, Ind., writes: "I stood behind the guns for four years, but as I did not have any hospital record it has been hard work to get any pension to what it ought to be, and have not succeeded. I get only $14 a month, and yet am not able to do a day's work. I think it is time the Government did something for us old vets."

Lieut. W. S. Tripp, writes from Robert Lee, Tex.: "I enlisted in Thirty-third New York at the age of 15 years, and served to the close of the war and never a day absent, and yet I am not a pensioner under the McCumber bill. I have to wait nearly two years, yet there are hundreds drawing pensions under it who saw no service. So I wish you Godspeed in your bill becoming a law that those that were in it from the start until the finish may be at last recognized."

Martin Ridenour, of Peru, Kans., writes: "I thank you for introducing your bill. It has the ring and spirit of Gen. John A. Logan to us old vets. We are tired of the conditions of the McCumber bill, which is a promise if we live to be very old we will get enough for funeral expenses. It is up to Congress now to fulfill the promise made by dear old Uncle Abe on the battlefield of Gettysburg. The time to do is now."

Andrew Jackson Hill, New York Soldiers' Home: "Pass the Sherwood bill and you will have the everlasting gratitude of the men who did the work of putting down the rebellion. I was in the Army of the Potomac and in every battle from Antietam to Lee's surrender, and never saw a ninety-day man and yet they have the bulk of legislation on their behalf. The Government pays the States $12,500 for the support of State Soldiers' Homes, many of them inferior to the poorhouse, the seat of political graft. Give every veteran a dollar a day and let him live at home."

James Kephart, Thirteenth United States Infantry, forwards a petition from Webster City, Iowa, which reads: "We recognize in this bill the measure that would more nearly give justice to the men who served longest and saw the most service than any other bill of which we have any knowledge. It will not add materially to the pension roll; rather, it will decrease it by letting out of the Soldiers' Homes many who prefer not to remain and whose expenses are much more than the bill entails."

B. N. Turk, adjutant Irwin McDowell Post, Enid, Okla., writes: "Our Grand Army post at this place, which numbers about 125 members, sends their sincere and heartfelt thanks to you for introducing the pension bill allowing every ex-Union soldier who served eighteen months in the Union Army from 1861 to 1865 $1 per day for the few remaining days they may live, which at most will be very short. We consider your bill the most just, wise, and grand measure that has ever been introduced, doing justice to all as near as it is possible to do, and paying the soldier who did the hard fighting for this glorious country of ours in that mighty conflict. This $1 per day would release hundreds from the Soldiers' Homes to return with gladdened hearts to their poor friends at home—'ever so humble, no place like home.' Our Grand Army of the Republic national mortality this year, 1907, runs up close to 20,000 who have answered the last roll call. We have no objections to the midwaterway, Panama Canal, and all the great improvements which we should have as a mighty nation, but don't forget the Grand Army boys' needs in their passing moments from time to eternity."

James T. Kent, Danville, Ill.: "I indorse your dollar-a-day bill. As General Butler said, 'These so-called Homes are heaven to the officers and hell to the privates.' Give us the liberty of citizens, not the prison rules of the barracks in time of peace."

Joshua De Weese, Morristown, Ohio: "Your bill is the most sensible measure I have seen, the most righteous, and at the same time the most economical. Cut down our standing army, call a halt on building war ships and sending them around the world in time of peace, and the millions saved can be sent out in pensions; help the veterans and go far toward solving the money question."

Rev. J. H. Little, South Paris, Me.: "The present graded pension law, while good as far as it goes, is not equitable in its provisions. Under this law as it now stands the soldier who enlisted at the age of 18, and served three, and some of them four, years, saw as hard service, was in as many battles, and to-day at the age of 63 to 64 is suffering as much, and is as much disabled as the soldier who enlisted at the age of 36 to 38, yet he must wait twenty years from now before he will be on a pension level with the other soldier as he stands to-day. This is not just or equitable, for the younger man with his fresh vitality when he enlisted, could endure more, and perform more arduous duties than his older companion, and certainly was worth as much to the National Government as the other, and he is just as much crippled to-day, in many cases, as his older companion; thus the present law is partial and unjust in its discriminations. Without the service and aid of these brave men, in that hour of peril, there would have been no rich and powerful and prosperous United States to-day, and it is no more than right that our nation in its present prosperity should recognize this fact and make the last days of the defenders of the Republic days of comfort outside of the poorhouse and free from the necessity of appealing to the charity of the public for bread and clothing. The Sherwood bill will remedy the defect of the present graded pension law."

W. H. Robinson, writing from the Ohio Soldiers' Home, Sandusky, Ohio, says: "I would like to know if it does not cost the State and General Government more than $1 per day to keep soldiers at this Home? Then why not give them $1 per day and let them go home? Besides, these soldiers all get pensions now, and $80,000 pension money was spent in Sandusky saloons last year."

Wirty Namblen, writing from Clarksburg, W. Va., says: "Us soldiers of West Virginia hope and pray you will be successful in your good work. The pension bill passed last winter (February 6) is of no benefit to veterans. The half of us will be in our graves even before we reach 70 years, let alone 75 years. It is plain to be seen that the one that got that bill up did not intend for it to do the soldiers any good. The craziest man in the West Virginia asylum could have framed a better bill."

C. P. Nash, writing from Brattleboro, Vt., says: "As a soldier in that unpleasantness, I would beg to congratulate you, and assure you that thousands, yes, tens of thousands, who, with stooping forms and tottering limbs, are now waiting, waiting for the command to cross the great divide, will call you thrice blessed. At every fireside where an old ex-Union soldier is found your name will ever be mentioned with deep respect and love.

William Meyer, veteran of Greenville, Ill., writes: "I am yet too young to get benefit from McCumber bill. Age should cut no figure, anyway. All we ask is pensions on merit, and your bill does that. If you can't get $1 a day compromise on 75 cents."

Capt. William A. Ogden, Ness City, Kans.: "Thanks for your bill. It is nearer a service pension."

Rev. Robert D. Gardner, of Queen City, Mo., writes: "You have a heart in the right place. Where would the United States be had it not been for the veterans? Are dollars now more precious than life? I served in Company K, Twenty-fourth Ohio Volunteer Infantry."

Capt. C. C. Palmer, of St. James, Mo., writes for a blank petition that all the old boys of '61 want to sign.

Horace G. Odell, writing in the Soldiers' Home, Napa, Cal., says: "I would be only too glad to take the $1 per day and remain out of the Home, for it is a prison to me, and I voice the sentiment of the old boys of this Home and am writing this at their request. The boys that would be benefited by this bill are honest, sober men."

From the headquarters of the Grand Army of the Republic of the State of Idaho comes a letter from Captain Jeanjaquet, of First Colorado Cavalry, in part as follows: "Give us $1 per day and we can live fairly well, and then do away with State Soldiers' Homes altogether, as the present system of conducting some of them is nothing more nor less than a graft and a reward for broken-down politicians. I am very much in favor of your bill and hope sincerely that you will be able to get it through both Houses. It will be more economical both to the United States and State. The $10,000 given the Homes for benefit of the old boys will very nearly give them clothing and board, and it will be better than which they are getting at present."

Lieut. L. B. Church, Company H, Seventeenth Indiana Veterans, writes: "The Sherwood bill will be assisted right and left. Our Congressman will be solicited to meet you and 'push it along.' To me everything looks good, because it is reasonable and a just bill. Many of us are doing hard work striving to get along, hoping that a more substantial appreciation will be given before it's too late."

Maj. L. W. Hainmon, Company D, First Iowa Veteran Volunteers, writing from Topeka, Kans., says: "All that I say will be voiced by every veteran in Kansas. No pension bill ever passed would send such a thrill of delight in the hearts of the old vets as your bill. If your bill is defeated and the old boys turned down in their last hope, there will be hundreds and thousands of votes that will not be cast this year the way they have in the past."

Washington dispatch to Cincinnati Enquirer: "Col. D. W. Wood, of Newark, Ohio, who served throughout the civil war with the Twentieth Ohio Volunteers and is active in Grand Army affairs, is in Washington working aggressively in the interests of the bill recently introduced by Gen. ISAAC R. SHERWOOD, of Toledo, providing for the payment of a pension of a dollar a day to all veterans of the war. Wood is a Republican and SHERWOOD a Democrat, but the Colonel says there should be no politics in pension matters, and consequently has been doing his best to persuade the committees in charge of pension legislation that no more deserving bill was ever offered for their consideration. Thus far he has not encountered much enthusiasm among the lawmakers over it, for they are telling him that the McCumber age pension act, which passed the last Congress, was about all that could be expected in the way of pension legislation for the present. The Colonel is going home to tell the veterans what the prospects are, and widespread agitation in favor of the Sherwood bill may be aroused. The Colonel said to-night:

"The Sherwood bill is the most equitable measure ever introduced in Congress. It recognizes service during the war, while the McCumber law does not. Under the McCumber Act about $12,000,000 a year is being paid out to men who never fired a gun in battle and never saw a Confederate; some even never got farther south than the Ohio River. The veterans are much dissatisfied with it, because it does not discriminate between the men who saw long service and those who saw no service at all. They are complaining about the injustice of it, and if Congress does not pass the Sherwood bill the Republicans will hear from it in the next general election."

General SHERWOOD is receiving hundreds of letters from veterans in Ohio and other States urging him to press his bill for passage.

The CHAIRMAN. Does the gentleman from New York insist upon the point of order.

Mr. VREELAND. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized to pay voucher in favor of ——— Copenhaver, Washington, D. C., for embossing 2,000 sheets of note paper and 2,000 envelopes, $11.25 from the appropriation for contingent expenses, Navy Department, for the fiscal year ended June 30, 1907.

Mr. MANN. I make the point of order on that paragraph.

Mr. VREELAND. Mr. Chairman, the item is undoubtedly subject to a point of order.

Mr. MANN. Do you think it ought to be allowed?

Mr. VREELAND. The committee allowed the item because it was very small, and because the man who did the work had furnished the envelopes to the Department and had not received his pay. I will also say, so that it will become a part of the record, that the order was given for the printing before the chief clerk of the Bureau of Yards and Docks learned of the act

passed by Congress, requiring all of the Departments to have their printing done at the Government Printing Office.

Mr. MANN. Will the gentleman answer one question? Does the gentleman think this expense was incurred because of the honest ignorance of some official, or was it incurred with a design to get around the law? I am perfectly willing to forgive honest ignorance, because we all of us possess so much of it.

Mr. VREELAND. Yes; it was because of lack of knowledge of the law. They own up to it, and say that the Comptroller refused it on that account.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

NAVAL ESTABLISHMENT.

BUREAU OF NAVIGATION.

To supply a deficiency in the appropriation "Transportation, Bureau of Navigation," $135,000.

Mr. GAINES of Tennessee. I should like to ask the gentleman what is the cause of this deficiency? It is a pretty large sum of money for a deficiency.

Mr. VREELAND. I will state in answer to the inquiry of the gentleman that this deficiency is caused entirely by the increase in the number of enlisted men in the Navy. For some reason the public interest in the Navy has been stimulated during the past summer, and the number of enlistments have greatly increased. During the past few years it has been found impossible to get the quota of enlisted men provided by law in the Navy anywhere near up to the figure; but during the past year the number has been increased almost up to the limit. I may say that there has been an average of nearly 6,000 more men in the Navy during the past year than was anticipated by the Department when these appropriations were made.

Mr. GAINES of Tennessee. That would increase the size of the Navy, but I do not see how it would increase the cost of transportation.

Mr. VREELAND. The gentleman will understand that these men have to be brought from the place of enlistment to the training ships, or to whatever other points they are directed to be brought. I may add also for the gentleman's information that the transferring of our fleet to the Pacific coast accounts for a considerable portion of the item, for the reason that these men have to be sent across the continent instead of to nearer points on the Atlantic shore.

Mr. GAINES of Tennessee. How much is due to that?

Mr. VREELAND. I am unable to state what part of the difference is due to sending the fleet to San Francisco.

Mr. GAINES of Tennessee. Of course I can understand that carrying men by railroad would increase the cost of transportation. Now, I understand that this deficit has been caused by transportation by land, plus the increased cost of the fleet going all around the world. But what I want to ask the gentleman is, How in the world could the transportation be increased by reason of this fleet going to the Pacific coast?

Mr. VREELAND. It has nothing to do with the movement of the fleet except that we are sending a very large number of men to California instead of to the Atlantic coast, in order that they may join the fleet—the transportation of men to meet the fleet on the Pacific coast.

Mr. GAINES of Tennessee. Oh, that will explain it.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Purchase of coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, $1,000,000.

Mr. LITTLEFIELD. Mr. Chairman, I reserve a point of order on that paragraph, and pending that I would like to inquire of the gentleman in charge of the bill how this deficiency arises and what the circumstances are.

Mr. VREELAND. I will say to the gentleman from Maine that the Commander in Chief of the Army and Navy of the United States, in his discretion, has sent a large portion of the naval force of the United States, consisting of sixteen battle ships, a flotilla of torpedo boats and torpedo-boat destroyers, and other craft—twenty-nine war vessels in all—from the Atlantic coast of the United States to the Pacific coast of the United States, following the coast line of the United States down around South America and up back to San Francisco. These estimates were made by the proper officers of the Navy Department upon the theory that the fleet would remain in the Atlantic Ocean.

Mr. LITTLEFIELD. The gentleman means last year.

Mr. VREELAND. Yes; therefore, when the fleet was ordered by the Commander in Chief to proceed to the Pacific coast, large quantities of coal had to be purchased in addition to that estimated for. But, I may say that more than the cost of the coal enters into this deficiency; it is the cost of the transportation added. Instead of transporting it to the Atlantic coast it must be sent across the continent to the Pacific coast, and, I may add also, to ports in the Philippine Islands. Now, this cost amounts to something like $5 per ton for transportation. So the gentleman will see at once that the procuring of this additional amount of coal and transporting it across to the Pacific coast and ports in the Philippine Islands amounts to this large sum of money.

Mr. LITTLEFIELD. Do I understand that the deficiency is mainly for the purchase and transportation of coal for the use of the fleet?

Mr. VREELAND. Almost entirely.

Mr. LITTLEFIELD. Is the committee advised of where the coal was purchased, the bulk of it?

Mr. VREELAND. Most of it on the Atlantic seaboard.

Mr. LITTLEFIELD. And this is to provide for its transportation to the Pacific seaboard.

Mr. VREELAND. Yes; and to the Philippine Islands.

Mr. LITTLEFIELD. To the Pacific seaboard would be coastwise transportation of coastwise merchandise. Is the committee in possession of information so that they can tell the committee how much of the coal has been transported in foreign and how much in American bottoms?

Mr. VREELAND. My information is that in accordance with the law passed by Congress in 1904, providing that shipment of supplies to the Philippines shall be made in American bottoms unless the cost should be excessive, I understand in pursuance of that law the President fixed 50 per cent, above which he would consider it an excessive amount and would employ foreign instead of American bottoms. I understand in pursuance of this offers of American bottoms appeared only to the amount of 12,000 tons, and therefore the balance of it has been carried in foreign bottoms.

Mr. LITTLEFIELD. So the balance of 82,000 tons is carried in foreign bottoms?

Mr. VREELAND. Whatever the balance would be; I haven't figured it out.

Mr. LITTLEFIELD. Does the committee understand that this coal has been transported or that contracts have been made and the money has been paid for the coal and transportation, or does it exist as a charge against the Government which has not been liquidated?

Mr. VREELAND. The coal has been contracted for and shipped. I am unable to inform the gentleman as to what proportion of it has been actually paid for, but a considerable portion of it has been paid for.

Mr. LITTLEFIELD. Out of what appropriation?

Mr. VREELAND. Out of the appropriation, I suppose, of $4,151,000, which was made for the last fiscal year.

Mr. LITTLEFIELD. Now, this coal, from the statement made by the gentleman, is substantially all coastwise merchandise. I would like to inquire whether the committee took into account in recommending this deficiency the statute passed in 1817, which confined the transportation of coastwise merchandise to the American merchant marine, reading as follows, being an act passed March 1, 1817:

SEC. 4. And be it further enacted that no goods, wares, or merchandise shall be imported under penalty of forfeiture thereof from one part of the United States to another part of the United States in a vessel belonging wholly or in part to a subject of any foreign power.

You see that it provides that if so transported the merchandise shall be forfeited. I would like to inquire whether the committee investigated that question or not.

Mr. VREELAND. The committee did not investigate the statute of 1817, if that is what the gentleman refers to.

Mr. LITTLEFIELD. That is substantially the law to-day, with no material change so far as coastwise merchandise is concerned.

Mr. VREELAND. The committee would assume, however, that in the face of a statute passed seventy-five years later, which directs explicitly as to the carrying of supplies for the Army and Navy to the Philippines, and explicitly directs upon what terms they should be carried, that that would supersede the act passed in 1817 so far as it applies to the item under consideration. I say this with great deference to the gentleman whose reputation is so great as a constitutional lawyer.

Mr. LITTLEFIELD. That is a very nice bouquet from the gentleman. I will say that I have examined the statute of 1904 and it does not have the slightest earthly relation to coastwise transportation or to any statute in relation thereto. It does not relate to it either directly or indirectly, by inference or otherwise. It is simply additional thereto. What I would like to inquire of the committee is, assuming now the legal interests

that we have in this controversy to be mutual, whether the committee examined the question as to whether or not this coastwise transportation by foreign vessels was or not in violation of the laws of the United States.

Mr. VREELAND. I am free to say to the gentleman, as I said before, that the committee has given no attention to the act of 1817, and we assumed that the act of 1904, to which I have referred, was ample authority for the action of the executive department of the Government in contracting for the carrying of supplies to the army in the Philippines of whatever nature. The legal advisers of the Executive must also have taken this view.

Mr. CRUMPACKER. Let me ask the gentleman a question. I understand that the coal that is transported from the Atlantic to the Pacific, if it is carried by water, is coastwise, and that it is probably carried in American bottoms, but the coal that is carried for consumption to the Philippines is carried under direction of the Executive and largely in foreign bottoms. That is true, is it not?

Mr. VREELAND. I think that is true.

Mr. LITTLEFIELD. The coal transported between the Atlantic and the Pacific coasts is of course coastwise. Of course I know that the statute to-day does not apply the coastwise laws to the Philippines.

Mr. CRUMPACKER. I understand the carrying of the coal for which this deficiency appropriation is being made in foreign bottoms applies only to the carrying of coal between this country and the Philippines, where it may legally be carried in foreign bottoms.

Mr. LITTLEFIELD. On the contrary, I understand and I know that a very large percentage of the coal transported from the Atlantic to the Pacific coast is being carried and has been carried in foreign bottoms. That is the absolute fact.

Mr. CRUMPACKER. That would be in violation of the coastwise laws.

Mr. LITTLEFIELD. That is the view I entertain of that situation.

Mr. PERKINS. As I understood the statement of the gentleman from the Committee on Appropriations, there were American bottoms to carry 12,000 tons, and that is all.

Mr. VREELAND. That is all.

Mr. PERKINS. So they had to be carried in foreign bottoms or not at all.

Mr. LITTLEFIELD. The fact is there were American bottoms offered for a much larger tonnage than that.

Mr. FITZGERALD. If the gentleman will permit me. American bottoms offered to carry 12,000 tons at the price fixed by the Department, but they were willing to have carried more if they would have been paid an outrageously exorbitant price.

Mr. LITTLEFIELD. That does not affect the legal situation.

Mr. FITZGERALD. I think not.

Mr. LITTLEFIELD. That is simply an economic and business proposition. The only question here is whether or not a large portion of this merchandise has been transported in violation of the statute enacted in 1817, which stands to-day substantially as it stood then. I think perhaps I ought to say, to be perfectly fair about this, that the Attorney-General of the United States has held that this statute did not apply to the United States. It is true the statute expressly provides the merchandise shall be forfeited, and the Attorney-General has held that, for reasons sufficient to him, this statute did not apply to the Government, and therefore the Government can transport this class of merchandise in foreign bottoms. I do not agree with the Attorney-General in that conclusion, but I call attention to this appropriation for that reason, and, with the consent of the committee, I would be very glad to extend in the RECORD some observations which I have made upon the legal proposition.

Mr. CRUMPACKER. Let me ask the gentleman: If the penalty of forfeiture were enforced against coal owned by the Federal Government carried by foreign bottoms coastwise, who would get it; how would the penalty be enforced?

Mr. LITTLEFIELD. By a decree of the court ordering its sale in public market. That is the way it would be enforced.

Mr. CRUMPACKER. Where would the fund go?

Mr. LITTLEFIELD. The fund received might go to the United States.

Mr. CRUMPACKER. It would be selling our coal and turning the money into our own Treasury.

Mr. LITTLEFIELD. Surely; that is one of the suggestions made by the Attorney-General.

Mr. CRUMPACKER. I think the Attorney-General is probably right.

Mr. LITTLEFIELD. I do not agree with the suggestion of the gentleman. Of course I will not stop to argue the legal proposition. I think the gentleman will find there are plenty of statutes that make things unlawful in connection with which the penalties could not be enforced any more effectively than this particular penalty and some with no penalties at all, but that is by no means conclusive of the legal proposition, although the gentleman has very properly volunteered an ad captandum opinion upon this proposition. It does not follow that because the proceeds of the coal when sold would go to the United States that the enforcement of this statute would not operate as an embarrassment to the Government, as it is the coal and not its proceeds that is important at this time, and they might be compelled to submit to its loss or pay a largely increased price.

Mr. CRUMPACKER. Just a guess.

Mr. LITTLEFIELD. Just a sort of sidewalk opinion; just a guess.

Mr. SHERLEY. If the gentleman from Maine will permit, I understood the gentleman to say that if the House should agree with him in accepting his legal judgment against that of the Attorney-General it will simply result in forcing the United States Government to pay a great deal more money for the transportation of this coal.

Mr. LITTLEFIELD. I have not any doubt it is true.

Mr. SHERLEY. I wanted to see what great benefit the country would obtain by following the gentleman's judgment.

Mr. LITTLEFIELD. Let me ask the gentleman from Kentucky whether that in any way affects the legal construction of the statute?

Mr. SHERLEY. Unquestionably not.

Mr. LITTLEFIELD. That is all I am discussing.

Mr. SHERLEY. With this difference of opinion between distinguished lawyers——

Mr. LITTLEFIELD. Yes.

Mr. SHERLEY. And with the ignorance the committee possesses, I suggest we might at least take that horn of the dilemma that saves the Government some money.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LITTLEFIELD. Yes.

Mr. FITZGERALD. Will the gentleman from Maine suggest how this Administration could carry out its policy without violating the law?

Mr. LITTLEFIELD. Now, that is a thing that is perhaps not up to the "gentleman from Maine," because I did not undertake to defend all of its policies, and I am not advised as to what the gentleman from New York understands those policies to be.

Mr. FITZGERALD. As one of the spokesmen for the Administration.

Mr. LITTLEFIELD. On this proposition I will make a few practical suggestions—right upon this matter now in controversy. The United States Government undertakes to maintain an army, and I submit if the gentleman who had the responsibility for creating and maintaining and administering the affairs of the Army should fail to provide the Army with a supply train, they would probably be scourged from their places of responsibility and power with indignation. We have expended hundreds of millions of money in the building of a navy, and are asked to-day to adopt a policy that will expend $50,000,000 or more in its increase. The expense during the last eight or nine years will aggregate in excess over that expended in the previous eight or nine years nearly one billion of money in creating a great fleet that has not to-day any supply train—that has not the power to support itself anywhere beyond the radius of its operations, which is about 4,000 miles. It can not furnish coal, it can not furnish munitions, it can not furnish supplies beyond that radius; and this Congress has appropriated, as I say, millions to create a fleet without a dollar to create the merchant marine upon which it is based. Here is an exigency that arises, and very happily suggested by my friend from Kentucky [Mr. SHERLEY], that when it became necessary in time of profound peace to move this fleet to the Pacific coast—and I do not take any opportunity to criticise that movement, for, so far as I know, it is entirely wise and legitimate—but in a time of profound peace it could not be moved out to that coast without doing what? Calling upon our little merchant marine? It could not be moved without calling upon a foreign merchant marine.

Now, take a time of war, the time for which a fleet is created, and it can not move beyond four or five thousand miles without depending for its supplies upon foreign ships controlled by foreign governments. This Government has no fleet that it has a right to compel the use of for that purpose, and this situation accentuates that condition. And I submit that when we continue to create this enormous fleet at this enormous expense, common ordinary sense should demonstrate that we begin to devote some time and some attention to its absolutely essential foundation—an effective American merchant marine upon which

it can rely—a supply train for the Navy. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Maine [Mr. LITTLEFIELD] be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The Republican party has been in power, absolute power, in this Government for the past ten years. How does the gentleman from Maine [Mr. LITTLEFIELD] explain its failure to remedy this fearful condition that he pictures?

Mr. LITTLEFIELD. "The gentleman from Maine" does not modify his suggestions by one iota. They are the facts which I have stated.

Mr. FITZGERALD. I did not ask the gentleman to modify his suggestions.

Mr. LITTLEFIELD. I will explain it one way. I will give the gentleman this suggestion: Every proposition that has been pending upon this floor during the last eight or nine years looking to reestablishment and rehabilitation of the absolutely essential foundation for millions of expenditure has met with the united opposition of the gentlemen on the other side. [Applause on the Republican side.] And with their opposition in committee and on the floor, with their opposition, aided by a minority of this side, we have not succeeded in getting enough Republicans to stand by the essential, fundamental legislation necessary to give the desired results. Those are the facts.

Mr. FITZGERALD. The gentleman is referring to the attempt of his party to pass a subsidy bill, and with a majority of fifty-six Members of the last House his party was unable to get sufficient votes to pass such a bill. How can he blame the failure for that upon the minority?

Mr. LITTLEFIELD. I have simply stated the facts as they exist.

Mr. FITZGERALD. The gentleman has attempted to shift the responsibility from the majority to the minority for the failure to legislate.

Mr. LITTLEFIELD. I have stated the exact facts as they exist, and if they bring home responsibility to the other side, let it rest where it belongs.

Mr. FITZGERALD. The gentleman can not shift the responsibility to our side. The responsibility for the failure rests with the Republican party.

Mr. LITTLEFIELD. Well, who halted in another branch, coordinate with this, the feeble bill to revise this merchant marine—a member of the Republican party? No. I myself heard a representative of the other party start on his noble mission of talking that bill deliberately to death. [Applause on the Republican side.] Now, take that responsibility.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. LITTLEFIELD. Certainly.

Mr. SHERLEY. Is it not also true that the distinguished gentleman from Maine considered that bill totally inadequate to rehabilifate the merchant marine, and did not he chiefly complain because it neglected to take care of the shipping interests of Maine?

Mr. LITTLEFIELD. No. The "gentleman from Maine" did consider it adequate. "The gentleman from Maine" considered it a step only in that direction. He voted for it in the committee; he voted for it on the floor. It was not an adequate step; it was simply a feeble effort in that direction, and that feeble effort was strangled by the other side in another branch of Congress.

Mr. GAINES of Tennessee. Will the gentleman yield to me a moment?

Mr. LITTLEFIELD. With great pleasure.

Mr. GAINES of Tennessee. Did not the Republican party of this House—and out of it, for all I know—wait until the very last day or two of Congress to pass a subsidy bill, and you passed it so late that only a few hours of the session remained, and any Senator could have talked long enough to talk it to death?

Mr. LITTLEFIELD. It is quite true——

Mr. GAINES of Tennessee (continuing). Why could you not have passed the bill weeks before the end of the session, so one Senator could not have talked it to death?

Mr. LITTLEFIELD. It was quite true that this bill went from this House to the other branch under circumstances and at a time when a distinguished Democratic Senator could throttle that legislation by debate, and he did throttle it.

Mr. MANN. I rise to a point of order.

Mr. GAINES of Tennessee. Did not a Republican Senator talk the river and harbor bill to death that everybody was in favor of except that Senator?

Mr. LITTLEFIELD. The river and harbor bill has no connection with this matter.

Mr. MANN. I make the point of order that gentlemen can not refer to proceedings in the Senate in this manner.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent to include with my remarks the suggestions I made in the letter to the Navy Department in relation to the legality of this expenditure.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter above referred to is as follows:

ROCKLAND, ME., *October 14, 1907.*

Hon. VICTOR H. METCALF,
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: Your very kind note of the 5th, inclosing a copy of the opinion of the Atorney-General and the memorandum relative to American vesels offered for the transportation of coal, at hand, and I am very greatly obliged to you therefor.

I have examined the opinion of the Attorney-General with care and the authorities upon which he relies, and I feel bound to say that I am not able to agree with him in the conclusions he has reached on the statute in question.

Without going over the matter fully, and briefly for the following reasons: First, I do not think he properly applies the common-law rule which he found in Bacon's Abridgment. The whole rule as found in the Abridgment provides in addition to the portion quoted by the Attorney-General, that the general rule is "Where an act of Parliament is made for the public good, for the advancement of religion and justice, or to prevent injury and wrong, the King is bound by such act, though not particularly named therein."

If the act confining the American coastwise trade to American vessels was not enacted "for the public good," I would like to inquire for what purpose it is supposed to have been enacted. If enacted "for the public good" I am at a loss for a reasonable contention against us, as by the express provisions of the common-law maxim upon which the Attorney-General relies in that case the Government "shall be bound by such act, though not particularly named therein." This maxim will be found quoted in the case upon which he relies, United States *v.* Knight, 14 Peters 315.

The portion of the maxim upon which the Attorney-General relies, in a sense, is an exception, and reads in the case referred to as follows:

"But where a statute is general, and thereby any prerogative, right, title, or interest is divested or taken from the King, in such case he shall not be bound, unless the statute is made by express words to extend to him." Ibid.

Upon what theory the right of the Government to engage in coastwise trade is a "prerogative right, title, or interest"—that is to say, a right, title, or interest enjoyed by a sovereign as distinct from a citizen, a privilege which inheres in the sovereign but does not exist in the citizen of the same degree—I think it would be somewhat difficult to explain. Blackstone says, "By the word 'prerogative' we are to understand the character and power which the sovereign hath over and above all other persons in right of his regal dignity, and which, though part of the common law of the country, is out of its ordinary course." It may be that the United States "hath" or has had "over and above all other persons" a right to engage in the coastwise trade; or that its rights in that regard are distinguishable from and superior to those of an individual citizen out of the "ordinary course" of the law, but if that be true it is safe to say that the Attorney-General is entitled to the credit of discovering and for the first time asserting this convenient feature of "regal dignity."

While it may be true that this rule in relation to "the public good" and "prerogative right, title, or interest" has undoubtedly been adopted by the United States, the cases relied upon by the Attorney-General, in my opinion, are not especially happy for the purpose of sustaining his present contention.

In the case of United States *v.* Knight, 14 Peters, 301, while it is true that the court stated the maxim which I have quoted in full, but which was only quoted in part by the Attorney-General, it is to be observed that in that case the court held that in a statute which did not refer to the Government in express terms, but which did impair its rights and privileges, inasmuch as it increased the rights and privileges of the debtor in question, did apply to the United States, although it was not mentioned in the statute. The court says, "We shall best carry into effect the legislative intent by construing the executions at the suit of the United States to be embraced within the act of 1828" (14 Peters, 314), although the United States were not expressly or indirectly even mentioned in the act of 1828, so that one case upon which the Attorney-General relies held that the United States was covered by the statute in question, although not mentioned therein.

In the case of United States *v.* Herron (20 Wall., 251) the court quoted the maxim above referred to, giving both the affirmative and negative portion thereof as I have given them above, and predicated their opinion upon two propositions. First, because the United States was not named in any provisions of the bankruptcy act (question being whether they were bound by the provisions of the bankruptcy act and the debt due the United States was discharged thereby), and second, "That many of the provisions describing the rights, duties and obligations of creditors are in their nature inapplicable to the United States, and that if held to include the United States, could not fail to become a constant and irremediable source of public inconvenience and embarrassment." "Viewed in the light of these suggestions," the court said, "and of the language employed in the act, the court is of the opinion that the words 'creditor or creditors,' as used in the several provisions of the bankruptcy act, do not include the United States." Note the significance of the second reason given in the summary by the court in the expression "of the language employed in the act." The court had occupied several pages in the opinion in detailing the provisions of the act for the purpose of demonstrating the inapplicability of its provisions to the United States. They were evidently not satisfied with the old common-law maxims and felt it necessary to reenforce their conclusions by the provisions of the act itself, although they refer to

the list of authorities which proceeded upon the common-law ground that the United States was not expressly mentioned in the act.

Moreover, these decisions relating to the bankruptcy law and insolvency law and the statute of limitations are nearly all of them in the last analysis banked upon old English cases adopting similar construction under these circumstances. These cases under these circumstances are by no means sufficient to demonstrate that the act in question was not "made for the public good," and that under such circumstances the Government is not "bound by such act though not particularly named therein." The suggestion of the Attorney-General that the provisions of the act in question can not apply to property owned by the Government, because a proceeding for forfeiture would "be nugatory and futile," seems to me to proceed upon a very fundamental misconception of the character of the statute he was construing. The Attorney-General seems to proceed upon the theory that all there is of that statute is the penalty. On the contrary, the statute consists of a prohibition and a penalty. The prohibition is "That no merchandise shall be transported by water * * * in any other vessel than a vessel of the United States." The penalty is "forfeiture thereof." The Attorney-General seems to be under the impression that because the Government has ingeniously created a condition by purchasing coal in one American port for transportation to another, and thus made the application of the penalty inconsistent or ineffective or, as he says, "nugatory," that the Government has thus succeeded by indirection in avoiding the prohibition.

I do not believe any court would hold that it was thus within the power of the Government to render a proper piece of legislation inoperative. It is too obvious for discussion that the transportation of the coal from one American port to another and then its purchase by the Government would be clearly within the provisions of the act so far as the transportation is concerned. This the Government understands, and now the proposition is that the Government can avoid or eliminate this statute and break down a law specifically enacted "for the public good" by simply becoming the owner of the property which becomes the subject of such transportation, and thus suspend the operation of the coastwise laws in the face of a direct and explicit prohibitory provision.

This may satisfy the Department and the Attorney-General, but I do not believe that any court would ever tolerate such an evasion of the statute. While the penalty may be ineffective, what warrant of law is there for holding that because that condition has been directly created by the Government, thus relieving itself of the penalty feature of the statute, that it is not violating the law in letter and spirit, although on account of such an unforseen and unexpected condition, and therefore unprovided for, it succeeds in avoiding the penalty?

Even if the Government has succeeded by its operation in rendering the penalty nugatory or ineffective, this does not demonstrate by any means that the acts are not still prohibited by law and within the scope of the statute. It will not be difficult to find numerous instances in the statutes of the United States where things are prohibited to be done and if done would, therefore, be in clear violation of law to which violation no penalty is attached. Such statutes consist simply of a prohibition without any penalty attached thereto, so that a prohibition without a penalty is by no means unusual.

Would the Attorney-General contend that if this was simply a prohibition without a penalty that for that reason the Government could properly violate the law? If, like the two preceding sections of the original act of 1817, the penalty was forfeiture of both vessel and cargo, would it be claimed that because the Government could evade the penalty of forfeiture of the cargo by indirection it would by that act give the vessel owner immunity also and make it lawful for a foreign vessel against the express prohibition of a statute to transport coastwise merchandise, simply because of the incongruity involved in enforcing a separate and distinct penalty? It should be borne in mind that the act of unlawfully transporting the cargo does not operate to transfer the property therein to the Government, although forfeiture is the penalty. The actual forfeiture of the cargo is a judicial act over which the Executive has no control. The disposition of the forfeited cargo after the forfeiture has been judicially determined is entirely for the court. Until this determination is made the title remains in the original owner. Although the cargo may happen to be the property of the Government, acquired in the exercise of its executive capacity, it by no means follows that the judicial branch does not have the power to make such an order, with reference to such a cargo, as would not only embarrass, but would effectively penalize the Government for the action of the officers of one of its departments in deliberately violating the law. The court is not confined in the exercise of its discretion to vesting the title to the property forfeited in the Government. It is only such a decree that would seem to be anomalous or "nugatory."

I should doubt if in practice such a decree is ever made. The usual course, no doubt, is to order its sale, the proceeds to be turned over to the Government in whole or in part (in part in case the law as to informers applies). Circumstances can be conceived under which the court's order might be very far from "nugatory" so far as the Government is concerned. I do not suppose that anyone will contend that the Navy Department is not clearly within the spirit and policy of this act. It was enacted in pursuance of a policy up to that time vigorously and consistently followed of aiding and maintaining our merchant marine.

It gave to this marine for its benefit the monopoly of our coastwise trade. A probable result was to increase the rates of freight.

This burden would, in the first instance, be borne by the individual shipper. A fortiori then this burden should be borne, not only by the aggregate of all the shippers, but of all the people, the Government itself, for the same purpose to accomplish the same end. You will, of course, see that I have not attempted an exhaustive discussion of this important question, either upon authority or reason, but have only called your attention to some of the most obvious considerations involved in a proper construction of the act.

In conclusion, please allow me to say that I regret very much that the Department has not felt bound, in so far as it may have been in doubt, to resolve it in favor of the development of our own marine, without the development of which on an adequate scale the present condition demonstrates that the enormous sums that have been expended in creating a Navy are likely to prove to have been improvidently expended, as we have provided for no sufficient cargo-carrying marine whose services we have a right to compel in a time of real exigency to keep the Navy supplied with coal, munitions of war, and other supplies wherever it may have occasion to go. A battle ship without coal is little better than a "painted ship on a painted ocean."

I am, yours, very respectfully,

C. E. LITTLEFIELD.

Mr. LITTLEFIELD. Then I withdraw my point of order.

Mr. JOHNSON of South Carolina. What is the matter before the House?

The CHAIRMAN. Page 22, lines 18 to 22. There is no motion pending.

Mr. JOHNSON of South Carolina. I move to strike out the last word.

The paragraph now under consideration suggests one or two important matters for the consideration of the House. I think it well that the House should know and the country should know that this deficiency of $1,000,000 is caused by sending the fleet to the Pacific coast. What reason there may have been sending it there I do not know and I shall not discuss, further than to say that it has caused this deficiency and will cause other deficiencies. But the particular thing that I wish to call to your attention is this: We are transporting coal from the Atlantic ports, around South America to Pacific ports and to the Philippine Islands, at an enormous expense to the Government. Two or three years ago somebody—and I do not know who that somebody was—had influence enough to bring before Congress for consideration a proposition to buy coal lands in the Philippine Islands. Congress entertained the proposition favorably, and the property was purchased. We were told when that proposition was before this House that there was an abundance of coal of a superior quality. We were told that if the Government owned these coal lands it would be an economy; it would save us large sums of money in transporting coal from the United States to the Philippine Islands. Congress authorized the purchase of the land, somebody got the money, and we got a gold brick. When the authorities of the Navy Department appeared before the committee asking for this deficiency appropriation, and the question was asked, "What about the coal lands in the Philippine Islands?" the committee was informed that none of the coal had ever been mined and that it was unfit for the uses of the Navy.

Mr. GAINES of Tennessee. Who said that?

Mr. JOHNSON of South Carolina. The officer of the Navy who appeared before the committee. I do not know who brought that bill before Congress, but I do think that the people who were able to secure the passage of the bill for purchase of the coal lands in the Philippine Islands ought to tell this House why these lands have not been used and how it came that the people were buncoed. That is all I desire to say.

Mr. TAWNEY. Inasmuch as the gentleman is looking over at this side of the House, I desire before he takes his seat to say that he can not fasten upon myself any responsibility for the purchase of that alleged coal island or island of coal, for I think both sides of the House divided on the proposition. I know that I was very much opposed to it, and defeated it once in the House.

Mr. JOHNSON of South Carolina. I can generally follow with great pleasure the gentleman from Minnesota [Mr. TAWNEY] upon a business proposition. He deserves the thanks of the House for the investigation that he tries to make and does make into all these matters. I am delighted to be able to follow him.

Mr. SHERLEY. Mr. Chairman, the remarks made by the gentleman from Maine [Mr. LITTLEFIELD] are most pertinent to the consideration of this paragraph on the deficiency bill.

It is true that it is a disgrace to America that she should spend the sums she does spend in the building up of a great navy, and should not have a merchant marine sufficient to supply simply colliers to aid that navy when it moves from the shores of the country that has created it. I am in entire accord with the gentleman as to the disgraceful condition of affairs, but I differ with him as to the cause and the remedy. He can not afford to excuse himself or his party for this condition. The very principle upon which his party is founded is more responsible for it than anything else. [Applause on the Democratic side.] You have built your tariff wall so that your merchant marine could not live. You have forced it to buy in a closed market, when what it sells, to wit, transportation, must be sold in an open market, and then you come here deploring the failure of this marine to grow, and you throw to us the statement that we have opposed your subsidy measure. We have opposed it, and I, for my part, should not want to mitigate in the slightest that opposition. I glory in it. [Applause on the Democratic side.]

I am glad that the ship subsidy bill was talked to death. I would have been more glad if this House had maintained its position of opposition to it, and had not been whipped by the leaders of your party into supporting a bill that they did not believe in, so that it would not have had to be talked to death.

Now, when you come with a bill that does not carry with it

this fundamental economic error that a business which is now unprofitable shall be made profitable, not by changing the conditions under which it lives, but by paying the losses, we will agree to help you pass such bill to create a real merchant marine; but when you ask us not to change the conditions that have throttled your marine, but ask us simply to put into the pockets of a limited number of shipowners enough money to make them run profitably a business that is economically being run on a wrong basis, you can not expect us to support it. [Applause on the Democratic side.]

Mr. LITTLEFIELD. May I make an inquiry of the gentleman from Kentucky?

Mr. SHERLEY. Certainly.

Mr. LITTLEFIELD. When the gentleman makes a suggestion that the merchant marine is compelled to buy abroad under the conditions to which he refers, am I to understand that he refers to the material that goes into the construction of the ships, that being the element that increases their cost?

Mr. SHERLEY. That is one of the elements.

Mr. LITTLEFIELD. May I be allowed to state to the gentleman, first, that this great question of the development of the merchant marine applies altogether to the foreign trade, because we now have the greatest coastwise marine of any country in the world.

Mr. SHERLEY. Yes; so great that when it makes a bid to carry coal for the Government it wants twice as much as the foreign ships.

Mr. LITTLEFIELD. That is quite true; but will the gentleman bear this in mind also, that there are foreign ships steaming on the water that now have a subsidy simply for traveling over space, without reference to the carriage of merchandise therein——

Mr. SHERLEY. Will the gentleman finish his question and not make a speech——

Mr. LITTLEFIELD. Coastwise trade is obliged to compete in this business with vessels that thus are subsidized.

Mr. SHERLEY. I hope the gentleman's question will be shorter than the preface. [Laughter.]

Mr. LITTLEFIELD. Certainly; but is the gentleman aware of the fact that for all vessels engaged in foreign trade they are able to purchase all of the material of which they are constructed abroad free of duty?

Mr. SHERLEY. I am aware of that, and aware of how that proposition and argument that the gentleman undertakes to convey was exploited. Now, the gentleman knows, because he comes from a maritime country, that no man is going to build a ship, even for the foreign trade, without knowing that conditions may arise when he will want to put it in the coastwise trade, and no man can take advantage of the rebate on material bought abroad except he keep his ship permanently in the foreign trade; he could not bring it into the coastwise trade. The gentleman from Maine knows from the experiment tried by a man living in his own country that the supposed benefit is no benefit because of the restriction it puts on the activity of the ship built of foreign material.

No man is going to put his money into a ship intended for the foreign trade when if circumstances arise he can not bring that ship into the coastwise trade. The gentleman knows that that is a fact and knows that shipbuilders have so testified.

Now, I am not going to make a speech on ship subsidy, but I want the gentleman to understand and the country to understand that when his party claims the wondrous benefits of the protective tariff it must stand for the injuries that come from that tariff, and one of the greatest has been the destruction of the merchant marine, and the ingenuity of men on that side has not been sufficient to propose a remedy that would re-create a merchant marine that did not strike directly at your protective tariff. [Applause on the Democratic side.]

Mr. LITTLEFIELD. I suppose, Mr. Chairman, the gentleman from Kentucky would have the same confidence in the assertion he has made when his attention is called to the fact that the American marine has shrunk faster under free-trade legislation than it has under legislation for a protective tariff.

Mr. SHERLEY. I doubt the accuracy of that statement, and if it be true, it will be found to be not because of the legislation, but for other reasons. The gentleman smiles, but during the time when we had relative free-trade conditions in this country the ship was passing from sail to steam, from wood to iron, and there were many reasons that might affect temporarily the condition of the merchant marine. The gentleman must confess, if he will be candid, that the present tariff adds a great burden to the merchant marine and does not favor in any way the American ships in competition with foreign ships.

The gentleman talks about subsidized tramp steamers of other countries and gives that as a reason why they are willing to carry cargoes cheaper than the coastwise vessels with American bottoms. The gentleman also knows that the great tramp ships of the world are not subsidized, and that some of the greatest companies in Germany do not owe a dollar of their prosperity to Government aid.

And the gentleman ought also to know that under the greatest protection ever given to a coastwise system, a protection that absolutely prohibits any foreign vessel going in the trade, the American coastwise vessels, having a monopoly, are maintaining a false price for what they have to sell, namely, the carrying of products, and they were not willing to bid with the Government fairly, because, having a monopoly, they could make more money out of the extortion of individuals. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. Mr. Chairman, I would just make this statement in reply to the last suggestion of the gentleman, which I do not think he really intends seriously to make, that the people engaged in coastwise trade increase the price for the purpose of extorting money from the Government.

Mr. SHERLEY. Oh, I did not say that, but I do say this, that they are getting such false prices under the protection they enjoy that they could not afford to divert their ships from this unusual and unduly remunerative market that our legislation has created into carrying for the Government, and I do say that they did ask a price that was exorbitant in the light of what other ships of other nations were willing to do the work for.

Mr. LITTLEFIELD. I will say this, taking into account the cost of construction of the American merchant marine, its excess over the cost abroad, and the cost of operation, involving the maintenance and support of the sailors on the scale that we provide and the rate of wages paid, that the coastwise men in this exigency made a proposition to the Department to carry as cheaply as they could carry and get a fair return on the capital invested and pay the wages they were compelled to pay to their crews under these circumstances.

Mr. CRUMPACKER. Let me ask the gentleman a question.

Mr. LITTLEFIELD. Certainly.

Mr. CRUMPACKER. I understand one of the handicaps that the American ocean-carrying trade labors under is the high price of wages prevailing in this country.

Mr. LITTLEFIELD. Yes.

Mr. CRUMPACKER. That as long as men can make remunerative wages on land, of course they will not take lower wages on sea.

Mr. LITTLEFIELD. Certainly.

Mr. CRUMPACKER. The gentleman said a moment ago that he thought perhaps under the free-trade policy the merchant marine faded away, vanished out of existence, as rapidly as under the protective system. I want to suggest this thought to the gentleman: My observation has been and my acquaintance with the industrial history of this country is that under free-trade periods wages are exceedingly low, and it might from that hypothesis possibly enable our merchant steamers to compete with foreigners in the point of wages—the reduction of wages under the free-trade system.

Mr. LITTLEFIELD. So far as that fact is concerned, of course that would contribute to that result.

Mr. CRUMPACKER. And I think that is the remedy——

Mr. LITTLEFIELD. That is the remedy my friend from Kentucky [Mr. SHERLEY] had in his mind.

Mr. CRUMPACKER. That is the remedy the gentleman from Kentucky [Mr. SHERLEY] had in mind, that a continued Democratic administration might possibly so affect the affairs of this Government that labor would be so cheap and abundant here that it would be glad to go to the sea or any other place for employment at most any kind of wages. [Applause on the Republican side.]

Mr. SHERLEY. If the gentleman will permit, I will suggest to him that we do not have to wait for that Democratic administration, because that condition of cheap labor and of men hunting for jobs exists right now under a Republican Administration. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to correct the statement that the gentleman from Maine [Mr. LITTLEFIELD] made a few moments ago, to wit, that our shipbuilding died down under low, or Democratic tariffs—"free-trade tariffs," I believe he stated. I want to give him a few figures to show how utterly incorrect that statement is, and then we will pass along. I read from Henry Loomis Nelson, who was the secretary to Speaker John G. Carlisle. Mr. Nelson wrote a book on this subject in 1884.

From that I quote as follows: "That during the fiscal year (1850) our foreign trade"—that is, Mr. Chairman, under the low-tariff act of 1846—"amounted to $687,372,176 and was $45,000,000 greater than ever before;" "we built," says he, "2,265 ships and barks between 1850 and 1860," under a low tariff, "and only 800 during the next decade," which, Mr. Chairman, was under a high tariff, "and only 608 between 1870 and 1880," which was under a high protective tariff. "Then," says he, "our tonnage engaged in all trades, coastwise as well as foreign, was over 5,353,868 tons; now, after the expiration of twenty years, it was 4,068,035 tons." So the gentleman from Maine [Mr. LITTLEFIELD] is entirely mistaken in his facts. But I will not stop with Mr. Nelson. I will quote next from David A. Wells.

Mr. LITTLEFIELD. Will the gentleman allow a suggestion right there?

Mr. GAINES of Tennessee. Yes.

Mr. LITTLEFIELD. If the gentleman would take pains in his investigation of his subject——

Mr. GAINES of Tennessee. Well, I have.

Mr. LITTLEFIELD. Oh, certainly; but I was going to suggest that if he would extend the investigation over a longer period of time, beginning in 1789, and bringing it up to date——

Mr. GAINES of Tennessee. Well, I have extended it long enough to prove my point. What more do I want? [Laughter on the Democratic side.]

Mr. LITTLEFIELD. Only the gentleman when he finds what he wants stops.

Mr. GAINES of Tennessee. I found what I wanted, and I also found what you did not want. Wait a minute; there is lots of it here.

Mr. LITTLEFIELD. Will the gentleman give it from 1789 to——

Mr. GAINES of Tennessee. I am satisfied the gentleman will be fair enough to admit I am correct and that he is not.

Mr. LITTLEFIELD. I was going to suggest this point to the gentleman: Will he not give, in order to have intelligent information on this question——

Mr. GAINES of Tennessee. That is exactly what I am going to do if the gentleman will give me a chance.

Mr. LITTLEFIELD. I regret very much for a moment to stop the acquisition of important information by the gentleman. I regret that very much in regard to any question.

Mr. GAINES of Tennessee. I did not hear the gentleman.

Mr. LITTLEFIELD. I said I regretted to retard the gentleman's progress in the acquisition of information on any subject.

Mr. GAINES of Tennessee. That is the most mutual feeling. Wait a minute, let me give the facts and then we will discuss them. I will then yield to the gentleman. I am taking this, now, from David A. Wells, a Republican. Mr. Wells says, in defending the low tariff act of 1846 to 1860, this: "Exports and imports: In 1840, $239,000,000; 1845, $231,000,000." That was under a high tariff, Mr. Chairman. "In 1850, $330,000,000; in 1855, $536,000,000; in 1860, $762,000,000." All three years under a low tariff. We increased that much in a few years under a low tariff.

Now, on the subject of shipbuilding Mr. Wells says: "Increase in shipbuilding: In 1840, 129,084 tons; in 1845, 146,018 tons; in 1850 (under a Democratic tariff), 272,219 tons; in 1855 (under a low Democratic tariff), 583,450 tons." And yet the distinguished gentleman states that under a Democratic, under a people's tariff, under an antitrust tariff, under an antimonopoly tariff, under a Democratic tariff, that Mr. Blaine said gave us "abundant revenue" and a "flourishing condition," he, the gentleman from Maine, says that our shipbuilding died away. Since that time the kind of monsters denounced in the Littlefield antitrust bill have risen, and the gentleman knows it; and the gentleman has seen the great shipbuilding institutions of this country, in his own section, die down under a protective tariff; and why? Are people going to build ships——

Mr. PAYNE rose.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. GAINES of Tennessee. Certainly.

Mr. PAYNE. Mr. Chairman, can the gentleman tell us what the exports and imports are now under the present tariff?

Mr. GAINES of Tennessee. Why, the gentleman who has reported this appropriation says the revenues are falling off.

Mr. PAYNE. I am asking about the exports and imports.

Mr. GAINES of Tennessee. I can not; I know here is the great Republican party——

Mr. PAYNE. I commend this to the gentleman, to extend his studies from 1860——

Mr. GAINES of Tennessee. Will the gentleman inform the country how your revenue has fallen off? Will the gentleman also tell us why prior to a gold standard and Republican Administration we did not have panics, paupers, and have Coxey's armies——

Mr. PAYNE. I will tell you all about it some day.

Mr. GAINES of Tennessee. I will tell you there has been one Coxey's army all over this country——

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLLIE M. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Shipbuilding has died away and soup buildings have sprung up in lieu thereof. [Applause on the Democratic side.] Not only upon the land, but upon the seas. Coxey's armies spring up because of the oppressive laws you have imposed upon the people. Your party has taken from the widows and orphans their insurance money to corrupt the ballot of this country, to continue the Republican party in power. [Applause on the Democratic side.] Under Republican Administrations not only shipbuilding has closed down, but the banks, loaded with the people's money, have been shut down, and shut down because of the wrongdoing in New York State, that has been under the control of a Republican governor so long that I have forgotten when that great misfortune befell that unfortunate people. [Applause on the Democratic side.]

Yes, Coxey armies, Mr. Chairman, have started; Jones's armies have started, Smith armies have started, and Brown's armies have started; and I tell you, my fellow-citizens, these great armies will continue to start until William J. Bryan rectifies conditions from the great White House at the other end of the avenue. [Applause on Democratic side.] Ah, gentlemen, I read a few days ago that away out in the great State of Washington 2,200 idle people were going to march into Seattle to get something to eat and something to wear. Then there are 65,000 people, I understand, in the great Republican State of New York who can not pay their rent, and are being turned out in the cold and snow. The city can not get enough money for a scavenger force to shovel the snow. They even let the poor beggar walk around in the snow up to his knees, asking for food and raiment, under a Republican Administration.

Oh, Mr. Chairman, if I desired to take up the time of the committee, I could read from the Speaker's own great speech in this House. I have it here, but I will not take up your time to read it. You know what he said when he was on the floor. He condemned ship subsidies as an act of insanity; and yet, Mr. Chairman, for some reason or other the Speaker slipped his bridle, broke his kicking strap, and let that monster subsidy bill into the House a few hours before the Fifty-ninth Congress died. You rushed it through here. You could drive a white elephant, as we say, through here, but the Democrats will be, as they were, on guard. Then you sent it over to the Senate, and, by the eternal, there it was caught by the throat and choked to death by that great Democrat from Tennessee, Edward Ward Carmack, whom we all loved and respected. [Applause on Democratic side.] Ah, Mr. Chairman, thank God there is always a lot of patriotic and honest Republicans on that side, that have come to us and helped the Democrats to save the American Treasury.

They say there is a deficit—almost—in the Treasury. Suppose this subsidy bill had passed, gentlemen. Suppose the Democrats had "laid down" and let that three or four million dollar bill become law? Do you not see how we saved the Treasury from its friends—so called? Here you are cutting down expenses and everything else. If you had forced this subsidy on the Treasury, where in the name of God would you be to-day, gentlemen? Where would the American people be, who want their war claims and their pension claims paid, and you up here helping some great, big, fat, willapus-wallapus, to wit, the ship subsidy combination, rob the Treasury? [Great laughter and applause.]

Mr. Chairman, in extending my remarks, I insert from the last Democratic campaign book—which I, in a great measure, prepared—the following:

TARIFF 1846—MR. BLAINE.

Moreover, the tariff of 1846 was yielding an abundant revenue, and the business of the country was in a flourishing condition at the time his Administration [President Pierce's] was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine.

TARIFF 1857—RESISTANCE CEASED TO LOW TARIFF.

The principles embodied in the tariff of 1856 seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people, but among the protective economists, and even among the manufacturers, to a large extent.

So general was this acquiescence that in 1856 a protective tariff was not suggested, or even hinted, by any one of the three parties which presented Presidential candidates.

"By this law (tariff, 1857) the duties were placed lower than they had been at any time since the war of 1812.

"The act was well received by the people, and was, indeed, concurred in by a considerable portion of the Republican party."

The convention (which nominated Mr. Lincoln, 1860) therefore avoided the use of the word "protection," and was contented with the moderate declaration that "sound public policy" requires such an adjustment of imports as will encourage the development of the industrial interest of the whole country.

We will now quote from the very able report of Special Commissioner of Revenue David A. Wells, Executive Document No. 16, House, Fortieth Congress, third session, dated January, 1869, first classifying our tariffs as follows: 1816 to 1824, moderate protective; 1824 to 1832, high protective; 1833 to 1842, lower compromise; 1842 to 1848, higher protective; 1846 to 1857, low revenue; 1857 to 1861, lower revenue.

Mr. Wells said:

"Production of pig iron in 1830, 165,000 tons; in 1840, 347,000 tons; increase in fourteen years, 110 per cent.

"Production in 1845, 486,000 tons; increase in five years, 40 per cent.

"Production in 1850, 564,000 tons; increase in ten years, 62 per cent.

"Production in 1855, 754,000 tons; increase in five years, 33 per cent.

"Production in 1860, 913,000 tons; increase in ten years, 61 per cent.

"It thus appears that the great annual increase in the production of pig iron took place prior to the year 1840, and for thirty years was remarkably uniform at the rate of 10 to 11 per cent per annum; and that since then, no matter what has been the character of the legislation, whether the tariff was low or high, whether the condition of the country was one of war or peace, the increase of the production has been at the average of about 8 per cent per annum, or more than double the ratio of the increase of population.

"Again, as another curious illustration of an apparent misconception of the effects of past legislation upon the development of the country, take the following paragraph from the recent report of a Congressional committee:

"'No business man of mature age need be reminded of the revulsion which followed in consequence of the free-trade system of 1846—the decline of production, of immigration, of wages, of public or private revenue—until the culmination of the system in the tariff of 1857, with the memorable crisis of that period; the general run of manufacturers and merchants; the suspended payment of the banks; the reduction of the Treasury to the verge of bankruptcy, and the unparalleled distress among the unemployed poor.'

"Now, with all due deference to the committee, the Commissioner would ask attention to the following statistics bearing on the question under consideration:

"Increase in the production of pig iron: In 1840, 347,000 tons; in 1845, 486,000; in 1850, 564,755; 1855, 754,178; 1860, 913,770.

"Increase in the production of Pennsylvania anthracite coal: 1842, 1,108,418 tons; 1846, 2,344,005; 1847, 2,882,309; 1849, 3,217,641; 1855, 6,486,097; 1860, 8,143,938.

"Increase in the domestic consumption of cotton north of the Potomac: 1840, 297,000 bales; 1845, 422,000; 1849–50, 476,000; 1851–52, 588,000; 1855, 633,000; 1858–59, 760,000; 1859–60, 792,000.

"Increase in immigration: 1840, 84,000; 1845, 174,000; 1850, 310,000; 1854, 427,000.

"Increase in public revenues: 1840, $19,000,000; 1845, $29,000,000; 1850, $52,000,000; 1855, $74,000,000.

"Increase of national wealth: From 1840 to 1850, 80 per cent; from 1850 to 1860, 126 per cent. In 1854 the 6 per cent bonds of the United States, issued in 1848, commanded a premium of 21 per cent.

"Commercial tonnage of the United States: 1840, 2,180,000; 1850, 3,535,000; 1860, 5,353,000.

"Exports and imports: In 1840, $239,000,000; 1845, $231,000,000; 1850, $330,000,000; 1855, $536,000,000; 1860, $762,000,000.

"Increase in shipbuilding: 1842, 129,084 tons; 1845, 146,018; 1850, 272,219; 1855, 583,450.

"Annual increase of railroad construction: 1842, 491 miles; 1845, 256; 1847, 669; 1849, 1,369; 1853, 2,452; 1856, 3,643 miles."

ANOTHER REPUBLICAN STATESMAN.

Mr. Garfield in the House, April 1, 1870 (App. Globe, pp. 271–2), in urging tariff reform, in part, said:

FIRST FURNACE TO REDUCE ORE ERECTED IN 1846.

"I believe that the first furnace in the United States which reduced ore with raw bituminous coal was established in Mahoning County, Ohio, in 1846. From that time, year by year, with some interruption, there has been an increase in the number of furnaces. In the year 1856, the Lake Superior ore was brought down to the Ohio coal region, and now there come down the Northern Lakes, as has been shown by the gentleman from Michigan, about 500,000 tons per annum of Lake Superior ore; and more than one-fourth of the whole amount is every year consumed in two counties of my Congressional district."

In the same speech, page 272, he states that—

"The tariff act of 1842 was adopted, by which the rate of duty was raised and fixed at an average of 33 per cent.

"In 1845, the Free Trade Party having again come into power, a heavy reduction of the tariff was made in 1846, and the rate pushed down to an average of 24½ per cent."

He further states:

"That the tariff act of 1847," enacted by all political parties, "reduced the rate of duty to 24½ per cent, a lower rate than it had reached in forty years. * * *

"In the year 1861 marked a new era in the history of the tariff. In the winter of 1860–61 the rates were again raised. From the 2d of March, 1861, to the present time (1870) there had been thirteen separate tariff acts and revolutions, all of which have more or less increased the rate of duty, and it now averages about 47½ per cent on dutiable articles and 41 per cent on all our imports, both dutiable and free."

REASON FOR ABANDONING THE VERY LOW TARIFF OF 1857 AND RAISING THE RATES.

"That these acts were made necessary by the war few will venture to deny. It is also undeniable that the heavy internal taxes imposed upon the manufacturing industries neutralized the effect of protective duties and made an increase of the tariff necessary as a measure of compensating protection.

"But, as I have already shown, the heaviest burdens of internal taxes have been removed from manufacturers and a demand that some corresponding reduction in the tariff rate shall be made is coming up from all quarters of the country. The signs are unmistakable that a strong reaction is setting in against the prevailing rates, and he is not a wise legislator who shuts his eyes to the fact of the situation."

GARFIELD FOR ULTIMATE FREE TRADE.

In concluding his speech he quoted from a former address in this House in 1866, in which he said:

"I am for a protection which leads to ultimate free trade. I am for that free trade which can only be achieved through a reasonable protection."

Mr. Henry Loomis Nelson was secretary to the Hon. John G. Carlisle while Speaker of the House. On July 4, 1884, Mr. Carlisle addressed him a letter, in part saying this:

"Learning that you have prepared and propose to publish a volume containing a condensed statement of the arguments in opposition to the protective system in favor of a revenue tariff, I desire to say," etc., commending Mr. Nelson for his undertaking. By far his is the most complete presentation of the operations of the low tariff of 1846 and 1857, which is herewith, in part, presented:

WHAT A LOW TARIFF DID FOR THE COUNTRY.

Between 1846 and 1860 the country had a low tariff. Under the law of 1846 the average duty was about 25 per cent, and under the act of 1857 it was about 20 per cent. There was never a period of greater prosperity in the history of the country.

In 1850 the cash value of the farms was $3,271,575,426, and in 1860 it was $6,645,045,057, an increase of 103 per cent. In 1870 the value of farms was $9,262,858,861 in currency, an increase of only 3 per cent over the gold valuations of 1860. In 1880 the value of farms was $10,197,096,766, an increase of a little more than 10 per cent over the valuations of 1870. From 1850 to 1860 the value of farming implements increased 63.50 per cent. In the next decade the increase was only 36 per cent in currency, while from 1870 to 1880 the increase was only 20.66 per cent.

SOME NOTABLE COMPARISONS.

From 1830 to 1840 the aggregate of real and personal property increased 40 per cent; from 1840 to 1850, 37 per cent. In 1850 this aggregate value was $7,135,780,228; in 1860 it was $16,159,616,068, an increase of 126 per cent. In 1870 the aggregate value was $30,068,518,507 in currency, being an apparent increase of a little more than 85 per cent. In 1860 the total State and local taxation was $94,186,746, but in 1870 it had reached the enormous sum of $280,591,521, an increase of 198 per cent, although the value of property had increased only 85 per cent. An examination of the report of the Superintendent of the Census for 1870 shows that the increase in the value of real and personal property from 1850 to 1860 was more than 184 per cent, instead of 126 per cent, and that instead of an increase of 85 per cent from 1860 to 1870 there was an actual decrease of more than 3 per cent. This arises from what the Superintendent says was an undervaluation of property in 1860 by carelessness of from 20 to 80 per cent, while the nominal valuation of property was increased in 1870 from 30 to 40 per cent through the effects of currency inflation and other causes. Making the necessary allowances for these sums, we have $20,199,520,085 as the proper valuation for 1860 and $19,544,537,030 as the true valuation for 1870. If our wealth had increased from 1860 to 1880 at the same rate that it did from 1850 to 1860, it would have reached, in 1880, $83,000,000,000, instead of $43,500,000,000.

LOW TARIFF INCREASES MANUFACTURING.

There was some wonderful increases in our manufacturing and mechanical industries. In 1850 the total value of the products of mechanical and manufacturing industries was $1,019,106,616; in 1860 it was $1,885,861,676, an increase of 87 per cent, although the population of the country had increased only 35.50 per cent. From 1860 to 1870 the actual increase was only 52 per cent.

PRODUCTION OF COAL INCREASED.

The increase in the production of coal, which, according to the protection leaders, indicates better than any other single branch of industry the progress of all manufacturing enterprises, was very wonderful between 1850 and 1860. The following table shows the increase:

	Per cent.
Gain in number of mines	22.30
Gain in value of yearly products	182.00
Gain in value of material used	1,017.00
Gain in amount paid as wages	137.00
Gain in number of hands employed	143.33
Gain in amount of capital invested	253.00

COAL OUTPUT IN PENNSYLVANIA INCREASED.

In Pennsylvania the capital invested in the production of coal was 331 per cent greater in 1860 than in 1850, and the value of the coal product increased 179.90 per cent. In Maryland the increase was nearly 137 per cent, in Ohio nearly 127 per cent, in Indiana nearly 652 per cent, in Illinois it was 1,708 per cent, in Iowa it was 2,204 per cent, in Kentucky it was 200 per cent, and in Alabama nearly 237 per cent.

HIGH TARIFF KILLED SHIPBUILDING.

During the fiscal year our foreign trade amounted to $687,372,176, which was $45,000,000 greater than ever before. We built 2,265 ships and barks between 1850 and 1860, and only 800 during the next decade, and only 608 between 1870 and 1880. Then our tonnage engaged in all trades, coasting as well as foreign, was 5,353,868 tons; now, after the expiration of twenty years, it is 4,068,035 tons.

REVENUE TARIFF PROMOTES INTELLECTUAL CONDITIONS.

The social and intellectual condition of the people kept pace with the material progress. Schools, churches, and libraries flourished. The products of the printing establishments of the United States increased during the same time 143 per cent. Wonderful as this is, it does not tell the story of the prosperity and growth of the preceding decade under a revenue tariff. Then the products of the printing houses increased 168 per cent, while the capital invested increased 235 per cent. In New England the increased product was more than 96 per cent, and

in the Middle States 139 per cent. Pennsylvania increased her product 250 per cent, New Jersey 322 per cent. In the 11 Western States and Territories the increase was 572 per cent. The State of New York increased 104.60 per cent, and actually turned out more than the whole country produced in 1850.

POST-OFFICES INCREASED.

In 1850 we had 18,417 post-offices and 178,672 miles of post routes, but in 1860 we had 28,498 post-offices and 245,594 miles of post routes, an increase of 55 per cent in the number of offices and 35 per cent in the miles of routes. In 1880, twenty years later, we had 42,989 post-offices and 343,888 miles of post-roads, being an increase since 1860 of only 50 per cent in one and 42.50 in the other.

MANUFACTURE OF PAPER INCREASED.

In the manufacture of paper the United States increased the value of its product 106.50 per cent from 1860 to 1870, while the capital invested increased 126.50 per cent, but from 1850 to 1860 the value of the product increased more than 108 per cent and the capital invested nearly 180 per cent. The increase in the number of hands employed was 73.50 per cent, and in the total amount of wages paid 89 per cent. Pennsylvania alone increased her product 128 per cent.

HOW RAILROAD BUILDING FLOURISHED.

Up to the year 1850 we had constructed only 9,021 miles of railroad in this country, but at the close of 1860 we had 30,635 miles, being an increase of 239.5 per cent in ten years. At the close of the year 1870 we had 52,914 miles, being an increase of a little more than 72 per cent over 1860, notwithstanding the Government had since 1860 granted millions of acres of public lands and issued its own bonds to the amount of millions of dollars to various railroad companies to aid in the construction of their lines. In 1880 we had 88,237 miles, an increase of 66.66 per cent during the decade.

LABOR AND WAGES INCREASED.

The value of the output of our woolen mills from 1850 to 1860 increased nearly 42.5 per cent, while from 1870 to 1880 it increased only 22.57 per cent. The number of hands employed increased 18.5 per cent, and the total wages increased 36.8 per cent. In New England the product of the woolen mills increased 62 per cent; the increase in Rhode Island being 176 per cent; Massachusetts, 53.7 per cent; New Jersey, 21.57 per cent; Vermont, 61.39 per cent; Maine, 83.46 per cent.

CARPET MANUFACTURING INCREASED.

The value of the carpet manufactures increased 45.40 per cent. The increase in the number of hands employed was 8 per cent and in wages paid nearly 24 per cent. The compensation of each hand was 15 per cent more in 1860 than in 1850. In the Middle States the value of the product increased 80.90 per cent; in Maine, 47.30; Massachusetts, 44.80; New York, 32.90; Pennsylvania, 138; Ohio, 208.

The product of the manufacturers of hosiery increased 608 per cent. The Eastern States increased 481 per cent; Middle States, 695.50; Western States, 445. Pennsylvania increased 276 per cent; Connecticut, 523; New Jersey, 379; Massachusetts, 373; Maryland, 255; Ohio, 278; Missouri, 726.

REVENUE TARIFF PROMOTES IRON PRODUCTION.

The production of iron ore increased 79.20 per cent, while the capital invested increased 126.30 per cent. The total number of hands employed in this industry was 45 per cent greater in 1860 than in 1850, and the total amount of wages paid was nearly 57 per cent greater.

PENNSYLVANIA SHARED WELL.

The production of pig iron increased 54 per cent in the United States; in Pennsylvania, 82 per cent; New Jersey, 105; Kentucky, 27; New York, 53. At the same time the price of pig iron was reduced from $23.43 in 1850 to $21.13 in 1860.

The increase in the value of bar, sheet, and railroad iron was more than 100 per cent. The number of hands employed increased 66 per cent, and the amount of wages paid, 80 per cent. Pennsylvania increased her production 106 per cent; Delaware, 230; Maryland, 104; Ohio, 173; Kentucky, 68; Virginia, 104.

Iron castings increased in the value of the product 74.80 per cent; in the Middle States, more than 100 per cent; in Pennsylvania, 100 per cent; in Maine, more than 520 per cent.

In the production of hardware there was an increase of 56.70 per cent, while the capital increased 90 per cent, and the number of hands employed, 53.50 per cent. The New England States increased 100 per cent, and made more hardware in 1860 than all the States made in 1850. Connecticut alone increased her production 103.80 per cent; New Jersey, 360; Ohio, 99; the Western States, 74 per cent.

STEEL INDUSTRY BORN UNDER THE REVENUE TARIFF.

The steel industry had its birth during the decade from 1850 to 1860. The product increased 99.5 per cent; capital invested, over 3,000; hands employed, 1,770; wages paid, 123.6.

In the manufacture of machinery, steam engines, etc., including locomotives, hay and cotton presses, and cotton and woolen machinery, the value of the product increased 66.6 per cent in the whole country, but in the Western States the increase was 217 per cent.

The manufacture of sewing machines was scarcely known in 1850, but in 1860 the value of the product was $4,247,820.

VOTES ON TARIFFS, 1789 TO 1883.

Table showing the votes, by States, given in the House of Representatives on the passage of each of the general tariff acts since that of 1789 to 1883.

States.	1790.		1791.		May 2, 1792.		Mar. 3, 1797.		May 26, 1804.		July 1, 1812.		Apr. 27, 1816.		May 22, 1824.		May 29, 1828.		July 14, 1832.		Feb. 26, 1833.		1842.		1846.	
	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.
New England States:																										
Maine															1	6		7	6	1	6	1	4	2	5	1
New Hampshire	2	1	3		2	1	4		3		3		1	3	1	5	4	2	5		4	1		4	3	1
Vermont					1	1	2		3		3	1	5	1	5		5			3		5	4			2
Massachusetts		6	8		6		10	1	12		2	13	7	4	1	11	2	11	4	8		13	10	1		9
Connecticut	3	2	5		4		6		3			6	2	2	5	1	4	2	2	3		6	6		1	4
Rhode Island			1		1		1	1	2			2	2		2		1	1		2		2	2			2
Middle States:																										
New York	4	1	4	2	4	2	7	1	8		5	9	20	2	26	8	27	6	27	2	11	19	23	8	15	14
New Jersey	2		4		3		4		5		5		5		6		5		3	3		6	6			6
Pennsylvania	7		3	3	5		5	7	15		16	2	17	3	24	1	23		14	12	4	21	20		2	23
Delaware	1		1		1			1				1			1		1			1		1	1			
Maryland	3	2	1	3	3	3	5	2	6		5	3	2	5	3	6	1	5	8		9		4	2	1	1
West Virginia																										
Western and Northwestern States:																										
Ohio									1		1		4		14		13		13		7	6	8	6	11	8
Indiana															2		3		3		2	1	3	3	5	2
Illinois															1		1		1		1	2	5			
Michigan																							1		3	
Wisconsin																										
Minnesota																										
Iowa																										
Missouri															1				1	1		1		2	5	
Kansas																										
Nebraska																										
Colorado																										
Southern and Southwestern States:																										
Virginia	7		4	4	3	5	9	5	17		14	7	7	13	1	21	3	15	11	8	20	1	3	17	13	1
North Carolina	5			4	1	4	5	2	9		6	3		11		13		13	8	4	13			10	7	3
South Carolina	2	1	1	2	3	2	3	1	5		6	1	4	3		9		8	3	6	9			5	7	
Georgia	3			3		2	2		2		3		3	3		7		7	1	6	6		1	7	5	2
Alabama																3		3	2	1	3			4	7	
Mississippi																1		1	1		1			3	4	1
Florida																									1	
Louisiana														1		3		3	1	2	3		2	1	3	1
Texas																									2	
Arkansas																								1		
Kentucky							2		5		4		6	1	11		12		9	3	12		4	8	4	6
Tennessee							1		2		3		3	2	2	7		9	9		8	1		13	5	6
Pacific States:																										
California																										
Oregon																										
Nevada																										
Total	39	13	35	21	37	20	66	21	98		76	48	88	54	107	102	105	94	132	65	119	85	103	99	114	98

Table showing the votes, by States, given in the House of Representatives on the passage of each of the general tariff acts, etc.—Continued.

States.	1857.		Mar. 2, 1861.		Aug. 5, 1861.		Dec. 24, 1861.		July 14, 1862.		June 30, 1864.		Mar. 3, 1865.		July 28, 1866.		July 14, 1870.		June 6, 1872.		Feb. 8, 1875.		Mar. 3, 1875.		Mar. 3, 1883.	
	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.	Yea.	Nay.
New England States:																										
Maine	6	----	3	----	5	----	6	----	6	----	3	----	3	----	3	----	4	----	4	----	2	----	3	----	4	1
New Hampshire	2	1	2	----	----	1	1	----	2	----	2	1	2	1	3	----	2	----	3	----	2	1	2	1	3	----
Vermont	----	3	3	----	3	----	3	----	2	----	3	----	3	----	3	----	3	----	----	2	2	----	1	1	3	----
Massachusetts	9	----	9	----	8	1	9	----	7	----	8	----	7	----	10	----	8	----	7	1	7	----	8	1	9	----
Connecticut	----	4	4	----	1	2	1	----	1	1	1	----	2	1	2	----	3	----	3	1	3	----	2	2	3	----
Rhode Island	1	1	2	----	1	1	----	1	1	----	1	----	2	----	2	----	----	----	----	2	1	----	1	----	2	----
Middle States:																										
New York	15	10	18	6	25	2	20	1	13	4	14	2	10	12	16	5	16	10	18	5	15	8	13	6	21	8
New Jersey	2	1	4	----	3	1	1	----	----	3	1	1	----	4	1	3	2	2	2	2	5	1	5	2	7	----
Pennsylvania	3	15	22	----	14	6	9	1	13	5	15	----	19	1	19	2	19	4	3	20	18	5	21	5	20	5
Delaware	----	1	----	1	----	1	----	----	----	----	1	----	1	----	----	----	1	----	1	----	1	----	----	----	----	1
Maryland	4	1	----	2	----	3	3	1	----	3	1	----	2	----	1	4	----	3	3	1	2	3	1	3	----	6
West Virginia	----	----	----	----	----	----	----	----	----	----	----	----	2	----	3	----	2	----	3	----	----	2	1	2	1	2
Western and Northwestern States:																										
Ohio	5	15	13	----	10	10	8	6	7	5	4	9	3	9	15	3	13	2	5	11	13	8	10	10	7	11
Indiana	3	8	5	3	2	5	5	5	5	2	2	4	2	4	----	7	5	3	11	----	10	3	4	5	8	5
Illinois	3	4	3	3	2	3	3	4	3	3	3	3	4	5	----	12	11	2	13	----	7	7	2	12	13	5
Michigan	1	3	3	----	4	----	2	----	2	----	4	----	3	1	4	----	5	----	2	4	7	----	8	1	8	1
Wisconsin	1	----	1	1	1	----	----	1	1	----	2	2	3	2	2	----	5	1	4	2	5	1	6	1	6	2
Minnesota	----	----	2	----	----	2	1	1	2	----	1	----	1	----	1	1	2	----	1	1	1	2	1	2	3	----
Iowa	1	----	----	----	1	----	----	----	1	----	6	----	5	----	2	3	5	----	6	----	5	2	5	3	7	1
Missouri	----	3	----	5	1	2	1	1	1	1	5	----	6	1	2	3	8	----	9	----	----	13	2	11	4	8
Kansas	----	----	1	----	----	----	----	----	----	----	1	----	1	----	1	----	1	----	1	----	2	1	2	1	3	----
Nebraska	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	----	1	----	1	----	1	----	1	----
Colorado	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	----
Southern and Southwestern States:																										
Virginia	13	----	----	8	1	1	3	----	----	1	----	----	----	----	----	----	5	1	6	----	3	4	1	7	3	4
North Carolina	6	----	1	6	----	----	----	----	----	----	----	----	----	----	----	----	1	----	5	----	1	5	----	4	1	6
South Carolina	4	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	----	2	1	4	1	4	----	2	3
Georgia	4	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	6	----	2	5	1	5	1	7
Alabama	7	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	4	5	----	1	3	3	3	1	4
Mississippi	4	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	4	----	2	3	3	1	3	1	1	4
Florida	1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	----	1	----	----	----	----	1	1	1
Louisiana	4	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	2	----	2	----	2	----	5	----	----	5
Texas	2	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	3	1	4	----	----	6	----	6	----	5
Arkansas	1	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	3	----	----	----	3	1	1	1	----	3
Kentucky	7	2	4	1	----	7	----	6	----	5	----	4	----	2	1	6	5	1	6	3	----	10	----	10	1	8
Tennessee	7	----	2	6	----	----	1	----	----	2	----	----	----	----	----	----	8	----	7	1	4	6	4	5	4	7
Pacific States:																										
California	2	----	----	1	----	----	----	----	2	----	3	----	3	----	1	----	2	1	1	1	4	----	2	2	2	3
Oregon	----	----	----	----	----	----	----	1	----	1	----	----	1	----	2	----	1	----	1	----	----	----	----	----	1	----
Nevada	----	----	----	----	----	----	----	----	----	----	----	----	----	----	1	----	1	----	1	----	----	----	----	----	----	1
Total	118	72	102	43	82	48	76	29	69	36	81	26	85	43	95	49	152	35	149	61	136	99	123	114	152	116

NOTE.—On the passage by the House of Representatives of the act of May 1, 1872, placing coffee and tea on the free list, there were but 9 negative votes, viz: Maryland, 2; Texas, 1; Arkansas, 1; Nevada, 1; Kentucky, 2; Missouri, 1; Pennsylvania, 1.

Average duty from 1821 to 1861.

Date of tariff.	Time of operation.	Dutiable imports.	Gross revenue.	Average duty.
	Years.			*Per cent.*
Previous to 1821	4	$264,962,457	$90,436,612	34½
May 22, 1824	4	301,538,885	115,597,942	38⅓
May 19, 1828	4	297,332,015	122,015,500	41⅓
July 14, 1832	9	625,836,002	198,263,107	31⅔
Sept. 11, 1841	1	69,534,601	16,622,746	23¾
Aug. 30, 1842	4	295,178,151	97,109,442	33
Aug. 30, 1846	10	2,173,428,818	523,957,872	24⅓
May 3, 1857 (to 1861)	3	741,213,216	144,542,956	20¾
Total	39	4,709,024,145	1,308,546,177	29

[Ex. Doc. No. 2, Senate, Thirty-ninth Congress, second session. Submitted by David A. Wells, Spec. Com'r. Revenue.]

Average rate of duty collected per capita for the periods named was:

Tariff of—

1846 to 1857, both inclusive	$1.88½
1858 to 1860, both inclusive	1.56
1846 to 1860, both inclusive	1.81⅔
1861 to 1864, both inclusive	1.84⅔
1890 to 1893, both inclusive	3.16⅔
1894 to 1897, both inclusive	2.18¼
1898 to 1905, both inclusive	2.96¼

By taking the average annual duty collected per capita (as published in a table contained in the speech of the Hon. James T. McCleary (Republican), RECORD, August 22, 1906) and dividing the sum thereof by the number of years, we get the results just stated.

The duty collected per capita, Dingley tariff, 1905, was $3.11. (Representative McCleary's speech.)

MORE REPUBLICANS COMMEND TARIFF, 1846.

Senator ALLISON, urging tariff reform in 1870, commended the Walker tariff. He said:

"It is claimed that the high rates of our present tariff are necessary because the revenue to be obtained therefrom is essential to the Government, and that if we reduce the rates at all the effect will be the depression of all the industrial interests of the country.

"The tariff of 1846, although confessedly and professedly a tariff for revenue, was, so far as regards all the great interests of the country, as perfect a tariff as any that we have ever had. If any interest was depressed under the tariff of 1846, it was the iron interest.

"INCREASE OF WEALTH.

"I do not believe that this interest, as compared with other interests, had sufficient advantage under that tariff; yet when we compare the growth of the country from 1840 to 1850 with the growth of the country from 1850 to 1860, the latter decade being entirely under the tariff of 1846 or the amended and greatly reduced tariff of 1857, we find that the increase in our wealth between 1850 and 1860 was equivalent to 126 per cent, while it was only 64 per cent between 1840 and 1850, four years of which decade were under the tariff of 1842, known as a high protective tariff, but the average rate of which was about 70 per cent below the existing rate, or 27 per cent under the tariff of 1842, as against 44 per cent upon all importations under the present tariff. Our industries were generally prosperous in 1860, with the exception, possibly, of the iron industry.

"This was the statement of Mr. Morrill, of Vermont, on this floor during the discussion of the tariff in 1864.

"With regard to the condition of the steel industry in 1860, the steel manufacturers in 1866, memorializing Congress for increase of duties on steel, stated that 'it was reserved to Pittsburg to bring about the first substantial and enduring success in the year 1860; and, encouraged by our example, numerous establishments have sprung into existence, as already indicated in this paper.'

"This shows that under the revenue tariff of 1857, which imposed only an ad valorem duty of 12 per cent on steel, a substantial success was achieved in the steel manufacture in 1860. I have read the language of the memorial."

NEW ENGLANDERS CHANGE FROM HIGH TO LOW TARIFF.

The New England Members of both Houses, as a rule, had voted for the high tariff of 1842, opposed the revenue tariff of 1846, but realizing its beneficial effects, and desiring to lessen the accumulation of the people's money in the Treasury, all three of the political parties voted for the much lower tariff, the act of 1857, entitled "An act reducing the duty on imports, and for other purposes," about which Senator Wilson of Massachusetts said:

SENATOR WILSON.

"In closing, Mr. Chairman, the remarks I have felt it my duty to submit to the Senate and the country that the Commonwealth I represent on this floor—I say in part for my colleague, Mr. Sumner, after an enforced absence of more than nine months, is here to-night to give his vote, if he can raise his voice, for the interest of his State—has a deep interest in the modification of the tariff of 1846 by this Congress. Her merchants, manufacturers, mechanics, and business men, in all departments of a varied industry, want action now before the Thirty-fourth Congress passes away. They are for the reduction of the revenue to the actual wants of an economical administration of the Government; for the depletion of the Treasury, now full with millions of hoarded gold; for a free list, embracing articles of prime necessity we do not produce; for mere nominal duties on articles which make up a large portion of our domestic industry, and for such an adjustment of

the duties on the productions of other nations that come in direct competition with the product of American capital, labor, and skill, and shall impose the least burdens on that capital, labor, and skill."

PANIC OF 1857 WAS FINANCIAL AND BRIEF.

About the operations of the tariff of 1857, Mr. Edward Atkinson, of Massachusetts, before the Industrial Commission, 1901, said:

"I then come down to the tariff of 1857, the lowest ever known in this country, with the largest free list. The period from 1857 to the beginning of the civil war saw the most steady and constant development of the textile manufactures of this country that I have ever known. I do not think there has been any such historical coincidence as you suggest."

Q. "As a matter of history, was not the year 1857 the year of the great panic, from which we never recovered until the outbreak of the war?"

Mr. ATKINSON. "It was the year of the great bank panic, in which two of the commission houses to which my goods were consigned suspended payment. That lasted but a few months and was purely a financial panic. It did not interfere with the progress of arts and industries, and in 1858 great prosperity had returned.

"We were building the Lewiston mills and the Indian Orchard mills, and I was familiar with the whole business. From that time until the beginning of the war we saw the most steady progressive condition of prosperity in the textile art that I have ever known."

The tariff of 1857 having been purposely fixed to reduce the revenue, when the civil war came on of necessity the rates had to be raised to meet the expenses of that great struggle, and were raised by the first act, approved by President Lincoln August 5, 1861, entitled:

CIVIL WAR TARIFFS TO BE "TEMPORARY."

"An act to provide increased revenues from imports, pay interest on public debts, and for other purposes."

The act of July 14, 1862, was entitled:

"An act increasing, temporarily, the duties on imports, and for other purposes."

The act of April 29, 1864, was entitled:

"Joint resolution to increase, temporarily, the duties on imports."

And Senator Morrill, in explaining the act of June 30, 1864, the main war tariff, said:

"This is intended as a war measure, a temporary measure, and we must give it our support as such."

The people generally had become so wedded to the happy effects of the low tariffs preceding the civil war that Members of Congress had to be assured that these war rates, in effect protective, were to be only "temporary," and hence Senator Morrill spoke as he did.

Senator Henry Wilson, in the Senate, in 1861, said:

TARIFF OF 1857 COMMENDED.

"It is very easy for a gentleman of the Northwest to rise on this floor and talk about protection to Pennsylvania and New England and to say that his people have no protection; but, sir, standing here to-day, I express it as my deliberate judgment that there are not half a dozen States—and I doubt whether there be among them all one—so little interested in changing the tariff as the State of Massachusetts. I say further, as the representative of that State, I know that in voting for this bill I am voting against the wishes of a large portion of the people of my State, who believe the present tariff better for us than your proposed tariff; and I vote, too, against my own deliberate judgment, for I had rather stand on the tariff of 1857 than take this bill."

Several Senators. "Then, why vote for it?"

Mr. Wilson. "I vote for it to increase the revenues of the Government. * * * I want no man to vote for this bill in order to protect the interests of Massachusetts; for the tariff of 1857, precisely and exactly as it stands upon your statute books to-day, so far as the productive industry of the Commonwealth of Massachusetts is concerned, in all its various departments, amounting to $350,000,000 annually, is the best tariff ever put upon the statute books of this country. That is my judgment; and by passing this bill we shall gain nothing as a State. I shall vote for the bill, but I vote for it to raise revenue; I vote for it as a revenue measure."

These "temporary" tariffs were approved by President Lincoln, who was not a "stand-patter." As early as February 15, 1861, he said:

"Every varying circumstance will require frequent modifications as to the amount (of tariff) needed and the sources of supply. So far, there is little difference of opinion among the people."

He approved many different tariff acts.

It was during the operation of these high war tariffs that "protection" took deep root. Special interests grew up and fattened, immense fortunes were amassed, arming individuals with the power to perpetuate highly protective tariffs, against which Jackson, in his farewell address, warned the people in these patriotic words:

PRESIDENT JACKSON'S FAREWELL ADVICE.

"The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters. * * * Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal Government can not collect a surplus for such purposes without violating the principles of the Constitution and assuming power which has not been granted. It is, moreover, a system of injustice, and if persisted in will lead to corruption and must end in ruin."

There were few, if any, millionaires and no multimillionaires previous to the civil war, the people generally were prosperous from 1846 to 1860, the low tariff era, but in 1864 President Lincoln had noticed a change had been wrought "as a result of the war," and on November 21, 1864, it is said, he wrote his friend William S. Elkins, of Illinois, the following letter:

PRESIDENT LINCOLN.

"Yes, we may all congratulate ourselves that this cruel war is nearing its close. It has cost a vast amount of treasure and blood. The best blood of the flower of American youth has been freely offered upon our country's altar that the nation might live. It has been, indeed, a trying hour for the Republic, but I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country.

"As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all the wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of war. God grant that my suspicions may be groundless."

George H. Shibley's book, "The Money Question," page 232, with this foot note:

The above was published in a collection of Lincoln's sayings, years and years ago, by Mr. Jesse Harper. Mr. Harper is still living, and is a respected citizen of Danville, Ill.

WHEN TRUSTS AND COMBINATIONS STARTED.

Senator Sherman, March 24, 1890, said:

"We know that within twenty years, for the first time in the history of our country, combinations have been made, involving from eighty to one hundred million dollars, combinations so strong that it is impossible for any other combination to compete with them, combinations so powerful and exclusive as to reach every branch of trade and business in the United States. This has been going on during that time." (21, Cong. Rec., 2568.)

Senator Edmunds, March 27, 1890, in the same debate, said:

"These great monopolies * * * have come up mainly in the last twenty or thirty years."

REPUBLICAN TARIFF CHANGES.

Until the Republicans and their side partners, the protected monopolists, succeeded in securing the enactment of a tariff law that gives them practically control of the American market, by prohibiting competition from abroad on all articles of domestic manufacture, they did not regard tariff schedules as sacred as they do to-day. As showing the Republican record in this particular, the following list of acts from an official document issued by a joint Congressional committee in 1898 convicts the Republican party of conspiracy with the protected monopolists to continually tinker the tariff in their interests. The acts are as follows:

Act of March 2, 1861.
Act of August 5, 1861.
Act to increase the duties on tea, coffee, and sugar, December 24, 1861.
Act of July 14, 1862.
Act of March 3, 1863.
Joint resolution of April 29, 1864, temporarily increasing duties.
Act of June 30, 1864, to increase duties.
Act of March 3, 1865, amending certain acts imposing duties on imports.
Act of May 16, 1866, imposing duties on live animals.
Act of June 1, 1866, to protect lumbermen.
Act of July 28, 1866.
Act of March 2, 1867.
Act of March 22, 1867.
Joint resolution of March 2, 1867.
Act of March 25, 1867.
Act of March 26, 1867.
Act of March 29, 1867.
Act of February 3, 1868.
Act of February 19, 1869.
Act of February 24, 1869.
Act of July 14, 1870.
Act of December 22, 1870.
Act of January 30, 1871.
Act of March 5, 1872.
Act of April 5, 1872.
Act of May 1, 1872.
Act of June 6, 1872.
Act of March 10, 1872.
Act of March 3, 1873.
Act of May 9, 1874.
Act of June 3, 1874.
Act of June 18, 1874.
Act of June 22, 1874.
Another act of the same date.
Act of February 8, 1875.
Act of March 3, 1875.

On March 4, 1875, the Republican party lost control of legislation, and did not regain it until March 4, 1881. Then it resumed business for two years, as follows:

Joint resolution of March 11, 1882.
Act of May 4, 1882.
Act of December 23, 1882.
Act of March 3, 1883.
Another act of the same date.

On March 4, 1883, the Republican party lost control of legislation until March 4, 1889, when it resumed business again, with the following result:

Act of February 18, 1890.
Act of June 10, 1890.
Act of October 1, 1890 (the McKinley law).
Act of December 15, 1890.
Act of March 3, 1893.

Again the Republican party lost control of legislation, but resumed on March 4, 1897, with these results:

Act of July 24, 1897 (the Dingley law).
Another act of the same date.

Thus it appears that in forty-five years the Republicans have changed or revised the tariff law forty-eight times. Deducting from forty-five years the sixteen years that the Republicans have not controlled legislation, shows that in twenty-nine years they tinkered with the tariff forty-eight times, or an average of nearly once every seven months.

But at last the Republicans and their allied friends and providers of fat campaign barrels, the protected monopolists, having secured a measure that has so fostered and fattened the corporations that they are quite willing to stand pat, especially as they have succeeded in defeating the reciprocity treaties, to provide for which the tariff schedules were purposely increased 20 per cent beyond the rates that the protected monopolists named as sufficient to protect them from competition.

Hence the people are now burdened with this extra rate plus a revenue and a protective rate—three all told.

The Clerk read as follows:

For fittings and tools for pattern shop and extension of annex, $50,000.

Mr. FITZGERALD. Mr. Chairman, in line 2, page 23, I move to strike out "fifty" and insert "twenty."

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, line 2, strike out "fifty" and insert "twenty," so as to read "$20,000."

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the committee to the fact that this is an appropriation which contains an amount for a building never authorized by Congress, never in the contemplation of Congress, but being built by the Navy Department in defiance of the law. In 1905 the naval appropriation contained an appropriation of $39,400 for the erection of a pattern shop for the Department of Engineering at the Portsmouth Navy-Yard. In 1907, Admiral Endicott, then Chief of the Bureau of Yards and Docks, appeared before the Committee on Naval Affairs and asked an additional appropriation of $61,200. He stated to the Naval Committee at the time that nothing had been done under the previous authorization because it would be absolutely impossible to get the kind of a building required. The Committee on Naval Affairs authorized the appropriation of the additional $61,200 to complete the pattern shop authorized in 1905. To this Congress is submitted an item for an urgent deficiency appropriation, $20,000 of which is for tools and $30,000 of which is to complete, as it is termed by the Department, an annex to this pattern shop.

I shall read what Admiral Hollyday said to the committee, so that this committee can understand the utter disregard that this Department pays to legislation of Congress.

In response to a question by the chairman of the Committee on Appropriations, he said:

We had an appropriation for the building of a pattern shop and we asked for bids. We got two bids. One was for the pattern shop and the other was for a larger building, just such as we wanted. That was $50,000 in excess of the appropriation. We awarded the contract on the basis that if we got the money from Congress we could complete the building under the contract, and that otherwise, if we did not get it, we would have to take a smaller building, and then ask for a separate appropriation later.

So that the history of this pattern shop shows, after investigation by a committee of the House, $39,400 was awarded to the Department, and the Department refused to proceed, and got $61,200 additional. Admiral Endicott pointed out at that time that they had carefully made their plans so as to get the building for $100,000, but having got two bids, one within the appropriation and the other $50,000 above, they disregarded the law and awarded the contract for the larger building.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. Did not the last Congress pass an act making it an offense to act as this Department did?

Mr. FITZGERALD. It did. The antideficiency act, as I recall it, specifically provided that if any Department official shall incur an obligation not authorized by law he shall be guilty of a misdemeanor and excluded from office.

Mr. SHERLEY. Does the gentleman know of any effort being made by the Department of Justice to enforce that law and punish such employees of the Government?

Mr. FITZGERALD. I do not. I wish to say that from the hearings before the Committee on Appropriations nobody would ever for an instant suspect that such a condition as this existed. No such excuse was given to the Committee on Appropriations for this condition. It was stated that a few days after the bids were opened another building in this yard burned down, and it was deemed inadvisable for that reason to readvertise, but that it was thought best to go on and put up this larger building. The letter which was submitted to the committee with the deficiency appropriation shows that that building was designed and planned to include an annex; so that instead of erecting a pattern shop for the Bureau of Steam Engineering, as Congress authorized, the Department proceeded to erect a pattern shop that would be sufficient for the entire needs of the yard if at any time in the future Congress deemed it advisable to consolidate the pattern shops of all the different bureaus up there.

Mr. Chairman, from the investigations that have been made upon this appropriation bill, it appears that recommendations submitted by officials asking for appropriations for deficiencies are absolutely unreliable. It is utterly impossible to take the statement of many of the men—I will not say all, but a great many of the different officials in the different Departments—and feel that they are telling the whole truth when they are asking Congress for appropriations.

The gentleman from Kentucky [Mr. SHERLEY] called attention to the fact that Congress passed not one, but two laws, designed to prevent deficiencies in appropriations in the Departments. They were passed largely as the result of the action of the Navy Department, which one year came asking $16,000,000 more than was authorized for the year for which the deficits were asked.

Mr. MANN. Does the gentleman say that they let the contract in this case for a larger amount than the appropriation was?

Mr. FITZGERALD. Yes. Let me read again to the gentleman what Admiral Hollyday says:

We got two bids; one was for the pattern shop—

That was authorized in the naval appropriation act of 1905, which read:

Toward a pattern shop for steam engineering, $39,400.

We got two bids; one was for the pattern shop and the other was for a larger building, just such as we wanted. That was $50,000 in excess of the appropriation. We awarded the contract on the basis that if we got the money from Congress we could complete the building under this contract, and otherwise if we did not get it we would have to have a smaller building and then ask for a separate appropriation later.

Mr. MANN. Did they enter into a contract, does the gentleman know?

Mr. FITZGERALD. There is no doubt, because as the hearings show, they have proceeded so far with the building that unless this money be appropriated at this time the contractor will be compelled to wait.

Mr. MANN. I understand the law prohibits the making of contracts.

Mr. FITZGERALD. The law absolutely prohibits it, and this is a most flagrant violation of the law. There is no pretense that they are building the pattern shop authorized, but they say that they are building, in addition to that, a pattern shop annex.

Mr. MANN. Of course the gentleman ought to be very sure of his facts as to whether they entered into a contract. The asking of a bid might be one thing and not a violation of law, but the making of a contract in violation of law would be a very serious offense, I should think.

Mr. LITTLEFIELD. Why is not that subject to the point of order, if the gentleman's statement is correct?

The CHAIRMAN. The point of order would come too late now.

Mr. LITTLEFIELD. Why did not the gentleman make the point of order?

Mr. TAWNEY. I will say to the gentleman from New York that, in view of statements that he has made to me in regard to certain facts brought out before the Committee on Naval Affairs in the last Congress regarding this matter, I am going to ask unanimous consent that this item be passed without prejudice until I can investigate the facts. The principal argument made to us, so far as the necessity for this was concerned, was the destruction of the pattern shop recently by fire. If the facts are as stated by the gentleman from New York, I think there ought to be some modification of this. I ask unanimous consent to pass it without prejudice, until I can investigate it.

Mr. FITZGERALD. Before it is passed I simply desire to say that the gentleman from Minnesota is accurate in his statements that these facts were not presented to the committee; not only that, but they were hidden deeply in hearings before another committee last year and in 1905. It was simply because of some knowledge about the way this navy-yard has been indefensibly built up, uselessly, so far as the needs of this counry are concerned, that I have been able to ascertain the facts.

Mr. SULLOWAY. Mr. Chairman, I merely wish to say that this appropriation was recommended, as I understand, by the Department that looks after these matters. The purpose is to continue the employment of a considerable number of skilled men who are there. Whenever the name of Portsmouth is mentioned in a naval appropriation bill, or any other bill, my good, distinguished, excellent friend from New York [Mr. FITZGERALD] goes into something that might be considered a state of hydrophobia, or something else, and always attacks it. As the chairman of the committee has asked that this item be passed over, I submit that when he investigates it it will be found that everything is as regular here as a well-regulated clock ever ran, and that this is an appropriation which ought to be made. I do not propose to take any more time until the chairman is ready to report.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that the pending paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

To supply a deficiency in the appropriation for Medical Department, including all objects mentioned under this title of appropriation in the naval appropriation act for the fiscal year 1908, $25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I should like to make an inquiry of the chairman of the Committee on Appropriations, in charge of the bill, whether this item includes anything in reference to the outfit of the so-called hospital ship in charge of a surgeon.

Mr. TAWNEY. I will say, Mr. Chairman, that the paragraph referred to by the gentleman from Illinois includes nothing whatever for the hospital ship *Relief*. The Department submitted an estimate of $22,500 for the employment of a civilian crew and navigators on the hospital ship *Relief*. Some question arose as to whether there was any law authorizing the employment of a civilian crew upon a naval vessel under the command of an officer of the Medical Corps, or of the staff, and the estimate was withdrawn, and the sum was provided, as I understand, for this purpose by taking one or two colliers out of commission, thereby saving enough to put this ship in commission and employing a civilian crew.

The Clerk read as follows:

For repairs and improvements to marine barracks and officers' quarters, Camp Elliott, Isthmian Canal Zone, Panama, $10,000.

Mr. LITTLEFIELD. I move to strike out the last word, for the purpose of asking how this happens to be a deficiency.

Mr. TAWNEY. This is not a deficiency, but an emergency appropriation. The Panama Canal estimates for the next fiscal year carried an estimate of $10,000 for this purpose. When the members of the committee were on the Isthmus examining the estimates for the next fiscal year, they ran across this item, and the Panama Canal Commission were informed that we would not carry an item in the Panama Canal appropriation for any part of the maintenance of the Marine Corps or barracks for the men that were there, and the estimate was dropped in that connection.

The buildings are in bad shape. I will say to the gentleman from Maine that we saw them. There are none of them screened. This appropriation is for the purpose of putting the buildings in shape that the men can live there and be protected from mosquitoes.

Mr. LITTLEFIELD. Then the real fact is they have not adequate protection?

Mr. TAWNEY. They have not adequate protection.

Mr. LITTLEFIELD. And this ought to be immediately available for that purpose?

Mr. TAWNEY. This ought to be immediately available for that purpose.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

To pay the United States Express Company for expressage furnished the office of the Secretary of the Interior March 22, 1904, for transportation of one trunk containing official papers, sent from the General Land Office, Washington, D. C., to E. B. Linnen, special land inspector, Phoenix, Ariz., $10.69.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will make an explanation of the item. The voucher for this item was lost in the process of adjustment through the officers of the Department and not found until some time after the close of the fiscal year 1904, and after the appropriation for that year became exhausted. The obligation is due from the United States, the voucher is correct and should be paid. It is an audited account. The voucher was lost in transmission.

Mr. MANN. If it be found to be a proper deficiency, let them determine it up there. I have no objection to the amount.

Mr. TAWNEY. It is an audited account.

Mr. MANN. But in the audited accounts you do not appropriate to a man by name; you only supply the deficiency.

Mr. TAWNEY. Yes, we do; we say to whom the money shall be paid.

Mr. MANN. The gentleman, of course, is much more familiar with these matters than I am, but in the audited accounts all you do is to supply the amount of the deficiency and let the Department settle to whom the money shall be paid. Here you make a provision that is entirely different in settlement from the provisions in the ordinary appropriations for deficiencies. The process of collecting in this case is worth more than the amount of the item, and it is worth more to the Government. You have to go through a different process and it goes on to a different set of books than if you appropriated a sum of money to be paid in the regular course.

Mr. TAWNEY. I will say that these deficiencies always carry appropriations for the payment of audited accounts, and the bill itself refers to the document, sent here by the Treasury Department, which document contains the name of every person who is entitled to the payment of the audited account. This is a matter that was not sent to the committee by the Secretary of the Treasury; it was an audited account in the Interior Department, the voucher had been drawn for it, and would have been paid out of the appropriation during the life of that appropriation had the voucher been found in time for payment.

Mr. MANN. Well, I would like the opinion of the gentleman from Minnesota in reference to the matter. I have no disposition to resist the payment of a small claim like that, although I do not think the Government ought to be put to the bother of its being paid in this way. If the gentleman will turn to page 46 of the bill, he will find claims allowed by the Auditor of the Treasury Department. There is no appropriation by name of anyone, and while it refers to the document, still the proof is exactly the same as though it had not referred to the document. The very first item on page 46 is "for pay of assistant custodians and janitors, $30." If you appropriate to pay John Smith a certain amount of money, the process of getting it out of the Treasury is entirely different.

Mr. TAWNEY. It is purely a matter of convenience of not printing the names. I have here a document containing the names of the individuals who are entitled to appropriations referred to by the gentleman from Illinois on page 46. It is a document of twenty-four pages. If we were to carry the names of each individual who is entitled to the amount appropriated for the payment of his audited account, the bill would be enormous in size and entirely unnecessary. In this instance, the particular person mentioned in the audited account, to whom the voucher has been issued, is mentioned in the act.

Mr. MANN. With the gentleman's statement that this is an audited account, as far as I am concerned, I will withdraw the point of order.

The Clerk read as follows:

For the Capitol: For work at Capitol, and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol, flagstaffs, halyards, and tackle, wages of mechanics and laborers; purchase, maintenance, and driving of office vehicle, $5,000.

Mr. LITTLEFIELD. Mr. Chairman, reserving the point of order on that, I would like to inquire of the chairman what the original appropriation for that was.

Mr. TAWNEY. Thirty thousand dollars. That was incident to the change from this building over to the other building, and the maintenance and everything of that kind.

Mr. LITTLEFIELD. That involved an expenditure that was not contemplated when the estimates were made.

Mr. TAWNEY. Yes.

Mr. LITTLEFIELD. I will not make the point of order.

The Clerk read as follows:

To reimburse George S. Cunningham and H. M. Sullivan for loss of time and doctors' fees on account of injuries received while employed in the construction of the Office Building for the House of Representatives, $250 each; in all, $500.

Mr. MANN. Mr. Chairman, I reserve the point of order on that.

Mr. PERKINS. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota if that is an audited claim.

Mr. TAWNEY. No, there is no question but that it is subject to a point of order.

The CHAIRMAN. Then the Chair will sustain the point of order.

Mr. TAWNEY. I will ask the gentleman to reserve it until I make an explanation.

Mr. PERKINS. I reserve the point of order.

Mr. TAWNEY. There have been two cases prior to this where injuries were received by employees under the superintendent of the Capitol in the construction of the House Office Building. They were not allowed any damages, but we appropriated to reimburse them for the amount expended on account of the medical services and medicines. These employees are practically under the House organization. Men in the employ of contractors are reimbursed for expenditures of this character, and there is no good reason why these men should not be.

Mr. PERKINS. There is no difference in principle. Mr. Chairman, I should not have raised a point of order to this item, which is perhaps in some respects a meritorious item, if it were not for the fact that the position is taken in the House, is taken by the Committee on Claims, that they will not consider any claim against the Government for any injuries sustained by an employee for which he could have an action against the private employer. I have myself introduced a bill for a man who in the navy-yard lost his eye, certainly a very serious injury, under circumstances for which I think he could have recovered against a private employer. The committee takes the position that no such claim can be or will be considered, and as that position is taken before one committee, certainly it should be insisted upon by all committees, and there should not

be a different sauce for the goose from what there is for the gander.

Mr. TAWNEY. The House has heretofore adopted provisions for the relief of two of the employees under the Superintendent of the Capitol, employed in the construction of the House Office Building. That is the precedent for this.

Mr. PERKINS. If I had been here I should certainly have objected.

Mr. TAWNEY. And the amounts proposed do not contemplate reimbursement for loss of time or damages sustained by reason of injuries, but are merely to reimburse the men for medical attendance, and, as I am informed by the Superintendent of the Capitol Building, the injuries were received without any fault or negligence whatever on the part of the injured person. This is simply to pay for medical attendance and medicines in consequence of those injuries.

Mr. PERKINS. I dare say that may be so, but precisely analogous cases are refused any consideration before other committees.

Mr. TAWNEY. Not exactly analogous cases. These men were virtually employed under the supervision of the House of Representatives itself.

Mr. LITTLEFIELD. That does not change the legal status.

Mr. PERKINS. That does not change the legal status, and I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For clerk hire, rent, and other incidental expenses of the district land offices, $70,000: *Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $3 per day, of clerks detailed to examine the books and management of district land offices, and to assist in opening new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided further*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The examination of this item by the committee developed a rather astonishing condition of affairs in the public land offices of the country. It developed the fact that in many of the local land offices there are contest cases of from 500 to 2,200 that had not been set for hearing, and that this condition of affairs has existed for a number of years, and that it was due to the fact that the Department had not asked sufficient funds or that it had not used the funds at its command for the purpose of furnishing clerks to the registers and receivers in sufficient numbers to enable them to set these cases for hearing and have them heard speedily.

It is well known that the most potent and effective agency in guarding the public lands from misappropriation is the influence of the potential contestant, that all the special agents and examiners that may be employed do not and can not exert and have never exerted anything like the continuous and compelling influence in preventing noncompliance with and evasion of the law that is constantly exerted by those living in the vicinity of public lands under entry who may desire to make entry of those lands in case the claimants or settlers upon them are not complying with the law. This influence is being exerted all the time without cost to the Government, and all that Government is required to do in order that this potent influence may be continuously exerted is, when called upon, to set a time and place for a hearing and to hear the case, and yet it develops that at a time when officials of the Interior were coming to Congress each year demanding larger and larger appropriations for high-salaried special inspectors, inquisitors, and sleuths, to go roaming up and down through the public-land States for the purpose of discovering alleged fraud or evasion of the law, the Department was, by its own admission, failing utterly to take advantage of the aid of contestants, of the people in the localities, in the enforcement of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may continue for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman. [After a pause.] The Chair hears none.

Mr. MONDELL. Furthermore, the rights and interests of the contestants in these cases were being utterly ignored by reason of the failure of the Department to provide, at a small expense, a few additional clerks to assist the registers and receivers in these hearings. I am pleased to note that the present Secretary of the Interior has departed from the practice of his predecessor in this matter and now proposes to furnish the registers and receivers with sufficient assistance that contest cases may be speedily tried, to the end that the interests of the Government and of the people may be protected and that the rights and interests of the contestant and contestee may be speedily determined.

From the hearing had before the committee it seems, and I think every Member here from a public-land State can bear testimony to that fact, that contest cases have been pending in local land offices for as long a period as two years to two years and a half, during which time the contestant, the intending entryman, has been unable to have his case tried and the matter at issue adjudicated, and during which long period the contestant and the contestee in these cases have been unable to know what their respective rights were, and they have thereby been subjected to serious and in many cases very great loss and inconvenience. Mr. Chairman, I am very glad to know of the change in policy which this appropriation contemplates. I am glad to know that we are to have contest cases speedily tried, and that the Government is to see to it that in the future the public lands are protected in this the most economical and satisfactory manner in which that can be done, and that from now on it is proposed to give the contestant an early opportunity to prove his allegations, or for the entryman to disprove them.

Mr. LIVINGSTON. If the gentleman will look to page 133 of the hearings he will see an itemized statement of all these contests, showing in each particular case how long they have been standing.

Mr. MONDELL. Mr. Chairman, I have read the statement to which the gentleman refers, and it indicates that some of these cases have been pending for several years and that the failure to give speedy hearings has discouraged the bringing of contests. I have personal knowledge of cases that have been pending more than two years, and I have pleaded with the officials of the Interior Department in the past to furnish our registers and receivers additional clerical help, to the end that these cases may be tried, and I am glad to know that the present officials of the General Land Office are alive to the importance of furnishing registers and receivers efficient assistance in bringing this work up to date. The registers and receivers must look after the current business of their offices, which has been large for some time past, and as they have not been provided with sufficient help to take up the contest cases they are necessarily neglected in order that the current work may be cared for.

This neglect of the interests of the Government, of the contestant, and of the honest entryman alike, due to the failure of the Department to furnish efficient assistance, at a comparatively trifling cost, to the local officers of the Department has been going on at a time when Congress has been clamorously importuned to still further increase the already generous appropriation for special officers to spy upon and harass the settler. The operations and methods of some of these sleuths would do credit to the most illustrious agents of the Russian bureaucracy. Vested with wide authority over rights and property, they have exercised it in many cases with reckless disregard for the rights of the citizen and apparently actuated vastly more with a desire to lengthen their employment and achieve notoriety than to do justice or enforce the law.

The Clerk read as follows:

For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings, $21,137.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not clearly understand why the bill uses the language that it does in this paragraph, to wit, for hearings "to determine whether alleged fraudulent entries are of that character or have been made in compliance with law." It seems to me, Mr. Chairman, that it is questionable whether——

Mr. TAWNEY. Let me state to the gentleman from Wyoming that is the language under which the appropriation for the current year is carried, and we of course follow that language in making this additional appropriation.

Mr. MONDELL. Mr. Chairman, I have no quarrel with the language, providing the Department so interprets it that all of the hearings provided for or intended to be provided for may be held under it, but I desire to call the attention of the House to the fact that the language is misleading. We have heard a very great deal in the past few years about public-land frauds. There have always been public-land frauds and there always will be, as there is more or less fraud in connection with the transaction of any large business, but the extent of those frauds has been very much exaggerated and magnified in the past few years.

In view of that fact, I could not resist the temptation to call attention to the fact that large numbers of the hearings pro-

vided for in this paragraph are not, as a matter of fact, hearings for the purpose of determining the fraudulent character of entries or fraud connected with entries. If the Department so construes the language that it can provide for these hearings under it, well and good. But the fact is that many of these hearings are had to determine a multitude of questions involving no fraud, thought of fraud, or intent to defraud. The special agents of the General Land Office traveling through the country find from a hurried examination or hear of through neighborhood gossip, sometimes honest, more often idle or malicious, or from communications, oftentimes anonymous, tracts of land with regard to which it may seem or be claimed the entryman is not complying with the law, and the agent calls upon him to show cause why his entry should not be canceled, and a hearing is called.

Very recently my attention was called to a case where a special agent had reported a certain entry for cancellation, and the entryman had been compelled to ask for a hearing in support of his claim. The latter was given notice of the fact that the special agent claimed to have found upon his entry only a small frame shack and no other improvements, and he was called to defend his claim. He attended the hearing at a very considerable expense. There was no question of fraud, but of compliance with the provisions of the law. The entryman when he received his notice knew at once that the special agent had never visited his land, for instead of having a small frame shack on his homestead he had a large sod and log house, a large log barn and some forty or fifty acres under cultivation. But he must ask for a hearing nevertheless.

The CHAIRMAN. The gentleman's time has expired.

Mr. MONDELL. I ask unanimous consent for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. He was successful in defending his entry. There are very many somewhat similar cases, and the majority of those in which hearings are held relate not to questions of fraud, but to a strict compliance with some provision of law or of the regulations and not involving a question of fraud on the part of the entry. Then, Mr. Chairman, there is that large number of cases in which special agents, men not versed in the knowledge of geology, not acquainted with the formations, come to the conclusion that homestead or other entries may overlie mineral-bearing land, and where the entryman is called upon to defend his right against the charge that his land is, in fact, coal land or mineral land.

Not long ago there were large blanket withdrawals of land made on the ground that they were coal lands. The only information the Department had in many instances on which to found its belief that these lands were coal lands was that at least at one point in the township a coal declaratory statement had been made, and where a coal declaratory statement had been made any time within the last thirty-four years during which we have had a coal-land law, though the tract might consist of only 80 acres, the entire 24,000 acres in that township was withdrawn as coal land, and thereupon the entrymen in that entire township were sooner or later liable to be brought before the registers and receivers to show cause why their entries should not be canceled because located upon coal lands.

Mr. GRONNA. Will the gentleman yield?

Mr. MONDELL. With pleasure.

Mr. GRONNA. While the gentleman is on the question of fraud, I simply want to give some information as to what I discovered. A statement was made by the Secretary of the Interior, I believe, in his report for either 1904 or 1905, that 80 per cent of a certain number of proofs were fraudulent, and when upon examination I asked what the character of fraud was, the only fraud that had been committed was that the claimant had mortgaged the land after it was proved up, or it had been sold within a certain time after it had been proved up, and this was characterized by the Department as "fraud."

Mr. MONDELL. Mr. Chairman, I do not wish to be, and I do not think I am, overcritical of the Department in regard to anything it may do in attempting to protect the public domain from illegal or improper appropriation, but the gentleman from North Dakota has given a good illustration of much of the so-called "fraud."

Mr. STERLING. Will the gentleman yield to a question?

Mr. MONDELL. I will be pleased to.

Mr. STERLING. In speaking of the mineral land, when can this question as to whether or not land is mineral land be raised—at any time before the patent is issued or after the settler has made his improvement? Is it possible, then, to oust him in case it turns out to be mineral land?

Mr. MONDELL. The Government may raise the question as to the mineral or nonmineral character of the land any time prior to the completion of proof; or, to put it another way, any time prior to the date when the entryman shall have done all of the things required of him under the law to perfect his title.

Mr. STERLING. Suppose he has paid part of the money; does he lose that if it proves to be mineral land?

Mr. MONDELL. It is not a question of what he may have paid, but whether or not he shall have done all of those things required by law to perfect his title. When these are done, the courts hold, I believe, that the question as to the character of the land can no longer be raised, unless it be shown that the entryman knew or had reason to believe the land contained mineral, in other words, on the ground of fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The question of the character of the land or any other material matter connected with the entry can be raised before or after patent on the ground of fraud. The entry may be attacked in the courts for a period of six years after the issuance of patents.

Mr. STERLING. The question of fraud would depend wholly, I suppose, on whether the entryman knew it was mineral land at the time.

Mr. MONDELL. If the entryman knew or had reason to believe that the land was mineral at the time he entered it as agricultural land he could be dispossessed even after receiving a patent.

Now, Mr. Chairman, I said a moment ago that I did not wish to be understood as intending to criticise the Department for any efforts that they have made to protect the public domain from illegal appropriation. I do believe that the Department has exceeded its authority under the law in its widespread withdrawal of alleged coal lands, and I know that it has worked very great hardship on many honest entrymen. I know, and if I had time I should like to go into that question, that that withdrawal has created a coal monopoly in the hands of those having producing mines and doubled the price of coal, but I am not discussing that matter now. What I started to call the attention of the House to was the fact that these hearings are not necessarily hearings involving the question of fraud. When the Government brings the entryman to the bar of the register and receiver to prove the charcater of his land, it does not necessarily involve the question of fraud on his part, but often to determine certain questions as to compliance with the law and as to the character of the land, questions on which there may honestly be the widest divergence of opinion. Now I will be glad to yield to the gentleman.

Mr. STERLING. I want to ask this question: You say that an entry may be attached within six years. Suppose the entryman has sold the land to what would be called an innocent purchaser, the innocent purchaser never having had an opportunity to investigate or inquire into the character of the land at the time the entry was made. Can that be made against the innocent purchaser?

Mr. MONDELL. I am inclined to think it could; the Government has that length of time within which to attach on the ground of fraud, and therefore the patent, if found to have been obtained through fraud, conveyed no right that the entryman could transfer to a purchaser from him.

Now, Mr. Chairman, I hope that these appropriations will be allowed, because they are necessary for carrying on the work of the General Land Office. But I desire to emphasize the fact that these hearings are largely hearings brought by the Government to determine questions involving no fraud whatever; and it seems to me, therefore, that it would be well for the Department in the future to so change the wording of this appropriation that there may be no question of the propriety of using the appropriation for these general hearings involving all classes of questions relating to the public lands.

The Clerk read as follows:

GEOLOGICAL SURVEY.

For continuation of the investigation of the mineral resources of Alaska, $80,000, to continue available during the fiscal year 1909.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of the committee to the fact that this appropriation for the Geological Survey is not a deficiency. It is necessary to be carried in this bill on account of the fact that if it is carried in the sundry civil bill with the other appropriations for the Geological Survey it would become valuable when the season for work in

Alaska was half over, and for that reason this item is always carried in the first appropriation bill of the session.

The Clerk read as follows:

For an additional amount for support of Indian day and industrial schools and for other educational purposes, $50,000.

Mr. TAWNEY. Mr. Chairman, I offer the amendment which I sent to the Clerk's desk.

The Clerk read as follows:

On page 27, after line 18, insert:

"For the erection, complete, of a suitable school building to replace the one destroyed by fire at Haskell Institute, Lawrence, Kans., $15,000."

Mr. MANN. I reserve a point of order on that.

Mr. TAWNEY. Mr. Chairman, I will say that this is for the purpose of enabling the Department to replace one of the Indian school buildings that has recently been destroyed by fire. The matter was not included in the estimates that were sent to the committee, but we have received a letter from the Commissioner asking that it be inserted in the bill.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is directed to place on the books of the Treasury, to the credit of the Lower Brulé Sioux Indians in South Dakota, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be immediately available, said sum to be expended under the direction of the Secretary of the Interior in the purchase of cattle, mares, and stallions, or for such other purposes as he may deem to be for the best interests of the Indians: *Provided*, That the same shall be reimbursed to the United States from the first proceeds received from the sale of the lands described in the act of April 21, 1906 (34 Stat. L., 125), belonging to said Lower Brulé Indians.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph. It seems to me that it is a matter that ought to go to the Indian Committee, which has its annual appropriation bill pending in the House.

Mr. TAWNEY. I will say, Mr. Chairman, that the only reason this item is carried in this deficiency appropriation bill is this: These Indians have been taken up into South Dakota. Some time ago they were rather troublesome, if not on the warpath. Now they are up in South Dakota, where they have been employed in the construction of a new railroad. The Commissioner of Indian Affairs informs us that during the winter it will be impossible for these Indians to keep employed and to maintain themselves, and this is for the purpose of enabling the Commissioner of Indian Affairs or the Department of the Interior to provide suitable supplies for them to tide them over the winter until they can get to work again in the spring. Of course it would be absolutely impossible to do that if they awaited the passage of the Indian appropriation bill, which probably will not become a law until late in the session, after the winter is over.

Mr. MANN. The item purports to provide for the purchase of cattle and horses. I do not see that there is any pressing necessity, in order to tide Indians over the winter, that they should buy stock for breeding purposes, as this evidently contemplates.

Now, the Indian appropriation bill is on the Calendar. If the Committee on Indian Affairs believe that this ought to be put in and made immediately available, I have no doubt the House would be with them on that proposition. I have never yet been able to fathom very much information about the Indians.

Mr. TAWNEY. I will say to the gentleman that the item that I referred to was the item preceding the one which the Clerk has just read.

The explanation of the item against which the point of order has been reserved is found in House Document 35, containing the following letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, November 30, 1907.

SIR: I have the honor to transmit herewith, for the favorable consideration of the Congress, the attached item making an appropriation of $50,000 for the Lower Brulé Sioux in South Dakota, to be reimbursed to the United States from the proceeds received from the sale of their lands, provided for by the act of April 21, 1906 (34 Stat. L., 125).

The act provides that the lands shall be sold at the appraised price, one-fifth to be paid in cash at the time of entry and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from the date of entry. The lands were opened for settlement by proclamation of the President, issued August 12, 1907.

It is the intention of the Department to expend a large part of the proceeds received from the sale of these lands in the purchase of stock cattle, mares, and stallions for the Indians and to have them well established in stock raising before their trust period expires. In order that this may be done, however, it is essential to begin the work at once instead of waiting till enough money shall have come in to meet expenses. Such delay must occur unless the Congress will advance the money to these Indians during the coming session, to be reimbursed gradually as money is paid in by purchasers of their lands. It may be two years before the full amount advanced can be returned, owing to the deferred-payment feature of the act first cited, but to wait that long without the means of starting their enterprise would be a serious thing for them when we consider that their herds might during that time be doubled by the natural increase. The whole desire of the Department is to get the Indians started in a business to which they are well adapted by nature and training and in which their success seems only a question of timely financial assistance and a little encouragement.

The value of the lands to be sold has been fixed by actual appraisal at about $100,000. In asking the Congress, therefore, to advance one-half the anticipated returns, I feel assured that the Government will not be assuming a liability that the resources of the Indians can not meet, but that their indebtedness will in all probability be liquidated in two or three years.

I earnestly recommend this legislation to the favorable consideration of the Congress.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. MANN. Was this communication referred to the Committee on Appropriations?

Mr. TAWNEY. It was.

Mr. MANN. Evidently it was referred to the Committee on Appropriations by inadvertence, because it plainly belongs to the Committee on Indian Affairs. I am willing to take the judgment of the Committee on Indian Affairs, because I have faith that they know even more than the Committee on Appropriations about the Indians. I know they know a great deal more about them than I shall ever learn.

Mr. TAWNEY. Yes; and knowing that fact, Mr. Chairman, the chairman of the Committee on Appropriations took the precaution of consulting the chairman of the Committee on Indian Affairs in regard to this item, and he said that it was necessary to be carried in the urgent deficiency bill.

Mr. MANN. Then he can insert it in the Indian appropriation bill on the floor of the House, if he can explain it to the satisfaction of the House.

Mr. TAWNEY. And it will not be available until the 1st of next July.

Mr. HACKNEY. Mr. Chairman, I will say that this matter was brought to the attention of the Committee on Indian Affairs, but we understood that the Committee on Appropriations had taken care of the item in this urgent deficiency bill, and for that reason we left it out of the Indian appropriation bill.

Mr. MANN. It is easy enough to insert it in the Indian bill, and we have the right to the judgment of the committee on matters of this sort, because if there is anything we are ignorant about it is Indian affairs.

Mr. TAWNEY. Of course if it is subject to a point of order on this bill it would be subject to a point of order on the Indian bill.

The CHAIRMAN. Has the Secretary of the Interior power under the law to do that which the paragraph directs him to do?

Mr. MANN. If the Secretary of the Interior had the discretion, it would not affect this. Here is a positive requirement that the Secretary shall do a certain thing which the law does not require him to do.

The CHAIRMAN. On the face of it the paragraph limits the discretion of the executive officer. Can the gentleman from Minnesota call the attention of the Chair to any law?

Mr. TAWNEY. The proceeds from the sale of these lands will be applied to the purpose specified, and it is merely anticipating these proceeds. It is for the purpose of enabling the Department to aid the Indians in that work immediately, instead of waiting until the lands can be sold.

I call the attention of the gentleman from Illinois to the fact that it would be just as much subject to a point of order on the Indian bill as upon this bill, and if this authority is to be granted at all it ought to be done now, to enable the Department of the Interior to commence making the purchases for these people, to give them employment, which is essential in order to make good Indians of them, which the Department of the Interior desires to accomplish. Here is a proposition to dispose of certain Indian lands appraised at $100,000, the proceeds from the sale of the lands to be used as it is proposed to use the $50,000 here appropriated, in purchase of horses, etc., to enable the Indians to commence farming. Now, it is only a question of order whether we will anticipate the receipts from the sale of these lands by advancing one-half of the money or allow the Indians to remain idle until the land can be sold and the proceeds applied as the law directs that such proceeds should be applied.

Mr. FITZGERALD. Mr. Chairman, I do not wish to discuss the question of order. I wish to make a statement of what has been the practice in similar cases. It has been customary for Congress to appropriate from the public moneys certain sums to purchase stock and materials to enable the Indian tribes that

have no means to engage in farming or other useful occupations.

My recollection of the act referred to in this paragraph is that it provided for the sale of certain surplus lands of the tribe under the homestead laws, for the minimum price fixed for lands, and after the lands were sold the proceeds were to be converted into the Treasury and passed to the credit of the tribe for their benefit as Congress appropriated it. In this instance, instead of making a gratuity to the Indians, it is intended that the proceeds of the sale of the lands shall be anticipated and paid out. There may be some question as to whether the lands will bring the amount estimated, but it is nevertheless true that if the lands do not bring the amount estimated Congress has never failed to appropriate as a gratuity the money required to enable the Indians to engage in useful occupations.

These particular Indians are in that condition, and the Department believes that if they are supplied with the stock provided for here they can be the more speedily put in a condition where they will be self-dependent. My experience in the Committee on Indian Affairs convinced me that the more quickly Indians can be put to work the more quickly will we be rid of the Indian problem, and that whenever money is to be appropriated for any particular tribe to engage in farming or other pursuits, it is to the advantage of the Government to appropriate the money, because until the Indians are made independent we have to support them out of the general funds in the Treasury.

Mr. TAWNEY. I want to state just one word, Mr. Chairman, in regard to the reference of this document to the Committee on Appropriations. It has always been the rule when estimates or matters of this kind are sent by the head of a Department to the Speaker for legislative action, if the proposed action is necessary or if it appears from the document itself that such action should be taken before the beginning of the next fiscal year, to refer the matter to the Committee on Appropriations, and it is there considered in connection with emergency or deficiency appropriations. In view of the statement contained in the document that it was necessary and for the benefit of the Indians that this work should be done at once, there is no question about the committee having the right to consider this matter; nor is there any question that the reference of this document to the Committee on Appropriations is entirely proper, and its consideration by the Committee on Appropriations was within the rule of the committee and within the rule of the House; and I want to say, further, that after consultation with the chairman of the Committee on Indian Affairs it was his wish and recommendation that it be carried in this bill in order that the policy of the Department, which is to put these Indians to work as soon as possible, might be carried out.

Mr. TIRRELL. Mr Chairman, I notice very peculiar phraseology in this section. It says here that this money is to be expended in the purchase of cattle, mares, and stallions or for such other purposes as he, the Secretary of the Interior, may deem to be for the best interests of the Indians. The query in my mind is whether under such broad phraseology as that the Secretary of the Interior might not build a race track or construct an amusement hall or spend the money in any way he saw fit to do for the amusement or the entertainment or the instruction or anything else of the Indians. I would like to ask the chairman of the committee what is the meaning of that.

Mr. BONYNGE. He might expend it in war dances.

Mr. TIRRELL. Or in war dances, as has been suggested very appropriately.

Mr. TAWNEY. It is supposed, Mr. Chairman, that the Secretary of the Interior would apply that money, in his judgment, under that language, to anything that would inure to the benefit or profit of the Indians. That is the language that is used in all of the legislation of this character that Congress has enacted. If the gentleman from Massachusetts [Mr. TIRRELL] knows of an instance where that discretion has been abused by the Secretary of the Interior and the money not applied in such a way as to be of profit and advantage and benefit to the Indians and can cite that instance, why, we can change the language so as to avoid anything of that kind in the future.

Mr. MANN. Mr. Chairman, I rather think the distinguished chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], is in error in supposing that language is customarily used.

Mr. TAWNEY. In matters of this kind.

Mr. MANN. It may be occasionally used, but certainly is not customarily used. Mr. Chairman, I hate to stand in the way of the Indian starting a breeding establishment, but if this appropriation were made available to-day these cattle and horses would not be purchased before the 1st of next July—too late for this year's breeding—and a matter of this sort ought to come after consideration by the committee. I know that the gentleman from Minnesota [Mr. TAWNEY] has a very wide acquaintance with Indian affairs, and if it was something within his knowledge I would take his personal judgment against the personal judgment of any other Member of the House, unless it be the gentleman from New York, the chairman of the Committee on Indian Affairs [Mr. SHERMAN]. But it seems to me that it ought to be the policy of the House to require the Departments to go before the committees with which they deal and not bring into the House, through a deficiency bill from the Committee on Appropriations, something with which it is not the duty of the Committee on Appropriations to be familiar and with which it is the duty of the Committee on Indian Affairs to be familiar. The Committee on Indian Affairs has an appropriation bill pending in the House. This money will not be used this year; would not be used this spring whether it is appropriated now or not.

Mr. TAWNEY. On what basis does the gentleman from Illinois make that statement?

Mr. MANN. On the basis of being a practical farmer, which the gentleman is not. [Laughter.]

Mr. TAWNEY. I will put my experience on the farm against the experience of the gentleman from Illinois, and say that it is entirely competent for the Department to buy stock in the spring of the year. We do not wait until the 1st of July to commence buying stock.

Mr. MANN. That is just what I am saying. The Department moves in all cases so slowly that if this appropriation were available to-day it would not commence to buy the stock before the 1st of July, which is too late in the season.

Mr. TAWNEY. Mr. Chairman, I will say that there is not anything so difficult about this proposition that any Member of this House, except the gentleman from Illinois [Mr. MANN], could not understand upon a very cursory examination. It is purely a question of policy.

Mr. MANN. Does the gentleman think that is fair, after I just said I would take his word against that of anybody else in the House? [Laughter]. Mr. Chairman, I shall not retract my statement.

Mr. TAWNEY. Nor shall I. [Laughter.]

Mr. MANN. And the Members of the House know that the gentleman from Minnesota, no matter how much he is in error, never acknowledges it, though I do occasionally.

Mr. TAWNEY. Mr. Chairman, the law authorizes the disposition of these lands for the benefit of the Indians, the proceeds to be applied to the purchase of animals, farm implements, etc., that will enable them to engage in the business of agriculture.

Now, the only question involved is this: Is Congress willing to advance them one-half of the amount of the appraised value of the land in order that they may begin work at once rather than wait six months or a year or two years, which they otherwise would have to do? There is no difficulty about it. I had supposed that with the indorsement and approval and the request of the chairman of the Committee on Indian Affairs that this should be carried in this bill in order to go into effect immediately it would be sufficient to satisfy even my distingushed friend from Illinois. Therefore I hope he will withdraw his point of order.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order:

Mr. MANN. Certainly.

The CHAIRMAN. It seems to the Chair the paragraph is new legislation, and therefore the Chair sustains the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection it will be so ordered. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

BUREAU OF THE CENSUS.

That the Director of the Census is hereby authorized and directed to expend so much of the appropriation for printing for the Department of Commerce and Labor allotted by law to the Census Office for the fiscal year ending June 30, 1908, as may be necessary to continue and complete the publication of the names of the heads of families returned at the First Census of the United States, as authorized by the sundry civil appropriation act approved June 30, 1906.

Mr. LANGLEY. Mr. Chairman, I desire to call the attention of the chairman of the committee to what appears to have been an oversight in referring to the Census Office in the subtitle, in line 18, as "Bureau of the Census." In line 22 the

same office is called the "Census Office," and that is the name designated in the law.

Mr. MANN. That splits it even, then, between the Department and Bureau.

Mr. TAWNEY. I will state, Mr. Chairman, the reason for that is this: It has one name by Executive order and another by law, and in order to overcome that and get the Census Office in the law we have used both names.

Mr. LANGLEY. The gentleman is not quite accurate in that statement.

Mr. TAWNEY. Absolutely.

Mr. LANGLEY. There was a departmental order which directed that the name be changed from "Census Office" to "Bureau of the Census," but since that order was issued Congress, in every appropriation bill carrying census items and in special census legislation, has ignored the Department designation and has used the legal name "Census Office," both in caption and text. The use of two names for the same office creates needless confusion. I may add that in all the libraries of the world American census publications are catalogued as publications of the "Census Office." They can not be called by any other name because the census law specifically directs that they shall be so designated. Inasmuch as "Census Office" is thus the legal name, I think the caption should conform to the text, and I therefore offer this amendment:

Page 28, line 18, strike out the words "Bureau of the Census" and insert "Census Office."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 18, strike out the words "Bureau of the Census" and insert in lieu thereof the words "Census Office."

Mr. MANN. The gentleman from Kentucky raises an interesting question. When we created the Department of Commerce and Labor there was transferred to it the Census Office. That was the designation by law of the Office. There was transferred to it the Department of Labor. That was the designation by law of that branch of the service. There were transferred to it various other branches of the public service from different Departments, the Commissioner of Fish and Fisheries, etc. These went into the Census Office, having been created by law under different titles and having different designations.

The Secretary of Commerce and Labor, in order that there might be some homogenity in the new Department, provided that each of these offices should be designated as a bureau, not affecting the legal title under the law, but as a matter of convenience in the administration of the office in keeping accounts, and each of them was designated as a bureau. It is an aid to the Department, it is an aid to the Treasury Department, it is a convenience to Congress in ascertaining what takes place in the bureaus, and this discretion which the Secretary had in so designating these different branches of the service for the convenience of the Department it seems to me ought not to be overruled by Congress.

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. LANGLEY. Is it not a fact that in preceding appropriation bills, where the Census Office has been referred to, that have been passed since the order to which you refer was issued, that the name of the office, even the subtitle to the census section, has always been "Census Office?"

Mr. MANN. Well, I think not, but the gentleman may be better informed on that subject than I am.

Mr. LANGLEY. I think I am.

Mr. MANN. I know that in most of those bureaus they put in the title of "Bureau of" so-and-so, although that is not the legal designation under which the office was created, and I raised the question, as the gentleman is raising it now, when this was done. I went to the Secretary of Commerce and Labor, as I had reported that bill in the House when the Department was created, and I objected to this arbitrary, it seemed to me, designation to the various branches of the service. And it was explained to me, and it seemed to me in a way that carried conviction, that it was for the convenience of everybody concerned that the different branches of this service so far as possible should be known by the same kind of designation, at least, in the Department.

Mr. LANGLEY. In the Department; but that does not control Congress, of course.

Mr. MANN. Congress can change the designation as it pleases.

Mr. LANGLEY. And it has done so in the case of the "Census Office."

Mr. CRUMPACKER. It seems to me that if the amendment of the gentleman from Kentucky [Mr. LANGLEY] should be agreed to it will not make a bit of difference with the custom and the practice of the Department to classify and name the various bureaus as it pleases and keep its accounts that way. The subtitle of a bill is not legislation anyway. It is a sort of guide for it—a sort of an index. It does not affect the legislation and I do not think it can affect the character of the bill in any way, or can not affect the right of the Department to go on and keep its accounts just as it is doing now. The only thing desired to be accomplished, I suppose, by the gentleman from Kentucky [Mr. LANGLEY] is uniformity of legislation, and that the Secretary of the Department of Commerce and Labor desires to have uniformity in the administration of his great Department. I do not think the amendment is material in every respect, and it can not interfere with the right of the Secretary to do as he chooses, for he has had the right in the past, and I think he got the opinion of the Attorney-General of the United States to the effect that he had the right to designate the administrative bills in his Department in such a way as he saw fit, and he has designated them as bureaus and keeps his accounts in that way.

Mr. LANGLEY. The Attorney-General's opinion has been superseded by subsequent legislation. I want to say also, in reply to the gentleman, that the accounts of the Census Office are kept in that office, and by the accounting officers of the Treasury, under the designation of "Census Office." If the gentleman from Indiana [Mr. CRUMPACKER] and the chairman of the committee desire it to be understood, and desire the House to understand, that the legal name of the office is "Census Office," and that this proposed subtitle does not affect that question, I do not desire to insist upon the amendment. But as it appears in the bill it is confusing, because the office is called by one name in the subtitle and by another name in the body of the section.

Mr. MANN. Mr. Chairman, to me it makes no difference at all. I stated what I did because there was friction when this was first done. Every one of these different branches of the service objected to the reorganization, under which they were all classed as bureaus, and with some justice probably. But I would say it was doubtful whether the Census Office could make it a distinct office and still be known as the "Census Office."

Mr. PAYNE. I hope the gentleman from Kentucky [Mr. LANGLEY] will not withdraw the amendment, because I think the important question ought to be settled now, if it has been debated sufficiently for the committee to understand it.

Mr. LANGLEY. I thought it had, and that was why I did not reply more fully to——

Mr. MANN. If the gentleman from New York [Mr. PAYNE] knew how much friction had been raised over this question in the Census Bureau he would not object to its being debated in here for a week.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF IMMIGRATION AND NATURALIZATION.

Salaries, Division of Naturalization: For the following for the balance of the fiscal year 1908: One clerk of class 4; one clerk of class 3; one clerk of class 2; one clerk of class 1; in all, $2,500, or so much thereof as may be necessary.

Immigration station, Ellis Island, New York: For addition to old Ellis Island hospital building, complete, $250,000;

For additional buildings in contagious-disease hospital group, $150,000;

For new water main between Ellis Island and Jersey City, $18,000;

In all, $418,000, which sum shall be paid from the permanent appropriation "Expenses of regulating immigration."

Mr. ROTHERMEL. Mr. Chairman, I move to strike out the last word. I see between lines 9 and 18 that various sums of money are appropriated, amounting in all to $418,000, and I would like to ask the gentleman who has charge of this bill to explain how these various amounts were arrived at.

Mr. TAWNEY. Does the gentleman mean the Ellis Island appropriations?

Mr. ROTHERMEL. Yes.

Mr. TAWNEY. The amount is made up of three items. One is to provide for a contagious-disease hospital and the other is to provide for an addition to an existing hospital, and the item of $18,000 is for the purpose of providing a new and an additional water main.

They get their water there from Jersey City. There is but one main, and recently that broke. At great expense the Government had to supply the people with water by boats. It was very expensive. At the present time the officials in charge of the immigrant station in New York are distributing the contagious-disease cases in the various hospitals in the city of New York, and last year paid out over $90,000 on account of not being able to treat them in our own hospitals, and

the conditions are such at that port that it makes it absolutely necessary that they shall have relief at the earliest possible moment. If the gentleman will take the testimony and read the statement of the Commissioner-General at New York, I am satisfied he would not hesitate a moment to say that this is absolutely urgent and absolutely necessary.

Mr. ROTHERMEL. The statement is entirely satisfactory.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14766 and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 213) to establish an assay office at Salt Lake City, State of Utah, was changed from the Committee on Ways and Means to the Committee on Coinage, Weights, and Measures.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIX, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below.

S. 134. An act granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902—to the Committee on Irrigation of Arid Lands.

S. 4376. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 4046. An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin—to the Committee on Indian Affairs.

S. 3835. An act increasing the limit of cost for a public building at Salisbury, N. C.—to the Committee on Public Buildings and Grounds.

S. 3438. An act to authorize the construction and maintenance of a dam or dams across the Kansas River within Shawnee County, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

S. 3345. An act to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla.—to the Committee on Interstate and Foreign Commerce.

S. 2802. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.

S. 1424. An act to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

S. 2420. An act granting an increase of pension to Margaret K. Hern—to the Committee on Invalid Pensions.

S. 1758. An act granting a pension to Adolphus N. Pacetty—to the Committee on Pensions.

S. 1757. An act granting an increase of pension to Jane C. Stingley—to the Committee on Pensions.

S. 1746. An act granting a pension to Elmer Honnyman—to the Committee on Pensions.

S. 1634. An act granting an increase of pension to Caroline E. Sweet—to the Committee on Pensions.

S. 1423. An act granting an increase of pension to Nancy Motes—to the Committee on Pensions.

S. 1408. An act granting an increase of pension to Elizabeth Sweat—to the Committee on Pensions.

S. 1403. An act granting an increase of pension to Martha Stewart—to the Committee on Pensions.

S. 1256. An act for the relief of Pope & Talbot, of San Francisco, Cal.—to the Committee on Claims.

S. 1171. An act granting a pension to Mary A. Sands—to the Committee on Invalid Pensions.

S. 920. An act granting an increase of pension to Martha A. Kenny—to the Committee on Invalid Pensions.

S. 653. An act to authorize commissions to issue in the cases of officers of the Army retired with increased rank—to the Committee on Military Affairs.

S. 638. An act granting a pension to Emily Ayres—to the Committee on Invalid Pensions.

S. 524. An act granting an increase of pension to John Lowder—to the Committee on Pensions.

S. 523. An act granting an increase of pension to John S. Hyatt—to the Committee on Pensions.

S. 518. An act to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation in California—to the Committee on Indian Affairs.

S. 428. An act granting an honorable discharge to Amos Dahuff—to the Committee on Military Affairs.

S. 392. An act to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers—to the Committee on the Public Lands.

S. 135. An act for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington—to the Committee on Appropriations.

S. 57. An act granting a pension to Alvah Moulton—to the Committee on Invalid Pensions.

S. Res. 33. Joint resolution adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an army officer to retirement on his own application—to the Committee on Military Affairs.

PRIVILEGE OF IMMEDIATE TRANSPORTATION OF MERCHANDISE TO ALBURG, VT.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 12420.

The bill was read, as follows:

A bill (H. R. 12420) to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Alburg, in the customs collection district of Vermont.

The SPEAKER. This bill is on the Union Calendar. The gentleman asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill and that the bill be considered in the House. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. FOSTER of Vermont, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC LANDS, COLORADO.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 14434) to validate certain entries of public lands in the State of Colorado.

Be it enacted, etc., That no entries or filings for lands in township 5½ south, of ranges 42, 43, 44, 45, and 46 west, in the State of Colorado, shall be canceled or held invalid because they were not allowed, made, or perfected in the proper land district.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BONYNGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV,

A letter from the president of the Great Falls and Old Dominion Railroad Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9240) to provide a temporary home for ex-Union soldiers and sailors in

the District of Columbia, reported the same with amendments, accompanied by a report (No. 508), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 14408) to encourage private salmon hatcheries in Alaska, reported the same without amendment, accompanied by a report (No. 530), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12969) granting an increase of pension to Edward Hadfield, reported the same with amendment, accompanied by a report (No. 445), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14601) granting an increase of pension to James W. Madison, reported the same with amendment, accompanied by a report (No. 446), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12955) granting an increase of pension to Joseph S. Pratt, reported the same with amendment, accompanied by a report (No. 447), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9705) granting an increase of pension to George C. Gutelius, reported the same with amendment, accompanied by a report (No. 448), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11182) granting an increase of pension to John Bear, reported the same with amendments, accompanied by a report (No. 449), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10204) granting an increase of pension to Catharine E. Koontz, reported the same with amendment, accompanied by a report (No. 450), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10035) granting an increase of pension to William L. Skinner, reported the same with amendment, accompanied by a report (No. 451), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9790) granting an increase of pension to Peter Weatherby, reported the same with amendment, accompanied by a report (No. 452), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9707) granting an increase of pension to George W. Isett, reported the same with amendment, accompanied by a report (No. 453), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7871) granting an increase of pension to George Pratt, reported the same with amendments, accompanied by a report (No. 454), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9321) granting a pension to John F. Rupert, reported the same with amendments, accompanied by a report (No. 455), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8547) granting an increase of pension to J. T. Thrasher, reported the same with amendment, accompanied by a report (No. 456), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7172) granting a pension to George W. Norris, reported the same with amendments, accompanied by a report (No. 457), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9292) granting an increase of pension to James McDowell, reported the same with amendment, accompanied by a report (No. 458), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8980) granting an increase of pension to Mathias Dye, reported the same with amendments, accompanied by a report (No. 459), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8243) granting an increase of pension to Horace E. Adams, reported the same with amendment, accompanied by a report (No. 460), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8020) granting an increase of pension to James E. Hoisington, reported the same with amendment, accompanied by a report (No. 461), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7443) granting an increase of pension to Eli S. Dunkler, reported the same with amendments, accompanied by a report (No. 462), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7309) granting an increase of pension to Luthis B. Delman, reported the same with amendments, accompanied by a report (No. 463), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7076) granting an increase of pension to George W. Fletcher, reported the same with amendment, accompanied by a report (No. 464), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7014) granting an increase of pension to Samuel W. Tobey, reported the same with amendment, accompanied by a report (No. 465), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6881), granting a pension to Jane M. Buchanan, reported the same with amendments, accompanied by a report (No. 466), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6645) granting an increase of pension to Henry C. Myers, reported the same with amendments, accompanied by a report (No. 467), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6557) granting a pension to Hiram A. McDonald, reported the same with amendments, accompanied by a report (No. 468), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6493) granting an increase of pension to Charles M. Curtis, reported the same with amendments, accompanied by a report (No. 469), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6321) granting an increase of pension to Rufus Lucore, reported the same with amendment, accompanied by a report (No. 470), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6036) granting a pension to Gustavus A. Dwelly, reported the same with amendments, accompanied by a report (No. 471), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5611) granting an increase of pension to William A. Barnes, reported the same with amendment, accompanied by a report (No. 472), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4697) granting an increase of pension to Joseph W. King, reported the same

with amendment, accompanied by a report (No. 473), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4533) granting an increase of pension to Charles C. Gage, reported the same without amendment, accompanied by a report (No. 474), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3653) granting an increase of pension to Walter C. Knight, reported the same with amendment, accompanied by a report (No. 475), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3617) granting an increase of pension to William E. Cox, reported the same with amendment, accompanied by a report (No. 476), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3452) granting an increase of pension to Peter Leonard, reported the same with amendment, accompanied by a report (No. 477), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3353) granting a pension to David W. Conrath, reported the same with amendments, accompanied by a report (No. 478), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2710) granting an increase of pension to William Lambert, reported the same with amendment, accompanied by a report (No. 479), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3224) granting an increase of pension to William C. Greenlee, reported the same without amendment, accompanied with a report (No. 480), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3137) granting an increase of pension to Willet Shottenkirk, reported the same with amendment, accompanied by a report (No. 481), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3651) granting an increase of pension to Mary H. Christian, reported the same with amendments, accompanied by a report (No. 482), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2972) granting an increase of pension to Henry Julius, reported the same with amendment, accompanied by a report (No. 483), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2936) granting an increase of pension to Milton M. Orton, reported the same without amendment, accompanied by a report (No. 484), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2827) granting an increase of pension to Frederick J. Meyer, reported the same without amendment, accompanied by a report (No. 485), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1504) granting an increase of pension to Andrew C. Gibson, reported the same with amendment, accompanied by a report (No. 486), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1485) granting an increase of pension to Hiram L. Russell, reported the same with amendments, accompanied by a report (No. 487), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1080) granting a pension to David Stidd, reported the same with amendments, accompanied by a report (No. 488), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1033) granting an increase of pension to Stephen H. Sanborn, reported the same with amendment, accompanied by a report (No. 489), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2423) granting an increase of pension to Cyrus Chapin, reported the same with amendment, accompanied by a report (No. 490), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2217) granting an increase of pension to James Adams, reported the same with amendment, accompanied by a report (No. 491), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1468) granting a pension to Sarah K. Adams, reported the same with amendments, accompanied by a report (No. 492), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4962) granting a pension to Mrs. U. B. Pearsoll, reported the same with amendments, accompanied by a report (No. 493), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5571) granting a pension to Lodema Cooley, reported the same with amendment, accompanied by a report (No. 494), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5705) granting an increase of pension to Nellie P. Coyle, reported the same without amendment, accompanied by a report (No. 495), which which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6806) granting an increase of pension to Baldwin Cann, reported the same with amendments, accompanied by a report (No. 496), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7373) granting an increase of pension to Andrew H. Hazlett, reported the same with amendment, accompanied by a report (No. 497), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10761) granting an increase of pension to George Berry, reported the same with amendment, accompanied by a report (No. 498), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14283) granting an increase of pension to Smith H. Simpson, reported the same with amendments, accompanied by a report (No. 499), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13817) granting an increase of pension to Philip Lutz, reported the same with amendment, accompanied by a report (No. 500), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 598) granting an increase of pension to William Poor, reported the same with amendment, accompanied by a report (No. 501), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11861) granting a pension to Anastatia C. Seiss, reported the same with amendments, accompanied by a report (No. 502), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11114) granting an increase of pension to Michael McManus, reported the same with amendments, accompanied by a report (No. 503), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4754) granting a pension to Jane E. Chapel, reported the same with amendment, accompanied by a report (No. 504), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4672) granting an increase of pension to Henry D. Lewis, reported the same

without amendment, accompanied by a report (No. 505), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4250) granting an increase of pension to Austin Green, reported the same with amendment, accompanied by a report (No. 506), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2685) granting an increase of pension to Martha F. Allen, reported the same with amendments, accompanied by a report (No. 509), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4969) granting a pension to Jane Bain, reported the same with amendments, accompanied by a report (No. 510), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8453) granting an increase of pension to Stephen R. Clark, reported the same with amendments, accompanied by a report (No. 511), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8834) granting an increase of pension to Eliza Leedy, reported the same with amendment, accompanied by a report (No. 512), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8845) granting an increase of pension to Eliza J. Walker, reported the same with amendment, accompanied by a report (No. 513), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9951) granting a pension to Andrew J. Pence, reported the same with amendments, accompanied by a report (No. 514), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions to which was referred the bill of the House (H. R. 10612) granting an increase of pension to Alfred H. Johnston, reported the same with amendments, accompanied by a report (No. 515), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11188) granting a pension to Mary Ann Thompson, reported the same with amendments, accompanied by a report (No. 516), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12045) granting a pension to Ellen L. Fitzgerald, reported the same with amendments, accompanied by a report (No. 517), which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12264) granting an increase of pension to Sarah Smith, reported the same with amendments, accompanied by a report (No. 518), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12451) granting an increase of pension to Harriet Hickey, reported the same with amendments, accompanied by a report (No. 519), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12529) granting an increase of pension to Lucretia A. Evans, reported the same with amendments, accompanied by a report (No. 520), which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12596) granting a pension to Hulda Flinn, reported the same with amendments, accompanied by a report (No. 521), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13138) granting an increase of pension to Epsy M. Mellett, reported the same with amendments, accompanied by a report (No. 522), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13550) granting a pension to Ebby M. J. Hay, reported the same with amendments, accompanied by a report (No. 523), which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13623) granting a pension to William A. Pollard, reported the same with amendment, accompanied by a report (No. 524), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13874) granting an increase of pension to Martha E. McKnight, reported the same with amendments, accompanied by a report (No. 525), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14342) granting an increase of pension to Mary A. Crawford, reported the same with amendments, accompanied by a report (No. 526), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14472) granting a pension to Tillman L. Lafferty, reported the same with amendments, accompanied by a report (No. 527), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14619) granting an increase of pension to Louisa Porter, reported the same with amendments, accompanied by a report (No. 528), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14827) granting an increase of pension to Harriet Ann Long, reported the same with amendment, accompanied by a report (No. 529), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred, as follows:

A bill (H. R. 5489) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States—Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 15008) granting a pension to Annie L. Bocking—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15302) to correct the military record of Samuel Walker—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 15322) granting an increase of pension to Martha Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. McGUIRE: A bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. LANDIS: A bill (H. R. 15642) to provide for the erection of a public building at Kokomo, Ind.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15643) to provide for the purchase of a site and the erection of a public building thereon at Frankfort, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. TALBOTT: A bill (H. R. 15644) to amend existing laws and equalize payment for mail service on railroad lines—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVENPORT: A bill (H. R. 15645) to appropriate $500,000 to deepen the channel and remove the obstructions in the Arkansas River in the State of Oklahoma—to the Committee on Rivers and Harbors.

By Mr. HAGGOTT: A bill (H. R. 15646) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado—to the Committee on Indian Affairs.

By Mr. SABATH: A bill (H. R. 15647) to provide for a trial by jury of persons charged with contempt of court—to the Committee on the Judiciary.

By Mr. BOYD: A bill (H. R. 15648) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 15649) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes—to the Committee on Indian Affairs.

By Mr. ACHESON: A bill (H. R. 15650) to prohibit the sale of intoxicating beverages in the Canal Zone—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of New Jersey: A bill (H. R. 15651) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes—to the Committee on Labor.

By Mr. ACHESON: A bill (H. R. 15652) to amend an act entitled "An act to establish a code of law for the District of Columbia," relative to betting, gambling, bookmaking, and pool selling—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 15654) to compel sleeping-car companies and railroad companies engaged in interstate commerce to provide means for the care and protection of the valuables belonging to their passengers—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Pennsylvania: A bill (H. R. 15655) to provide for increasing the limit of cost of a site and making an appropriation for the erection of a United States post-office at Connellsville, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: A bill (H. R. 15656) for the erection of a public building at Gallatin, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 15657) concerning licensed officers of steam and sail vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: A bill (H. R. 15658) to abolish the use of irons in the United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 15659) to establish a fresh-water mussel hatchery on the banks of the Mississippi River in the State of Wisconsin—to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: A bill (H. R. 15660) to provide for the repayment of certain commissions and purchase moneys paid under the public-land laws—to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 15661) to provide a uniform standard of roadbed for all railroads engaged in interstate commerce, to provide for the abolition of grade crossings, the double tracking of all roads attaining a certain volume of traffic, a uniform system of automatic blocks and signals, and the construction of all passenger cars of steel—to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: A bill (H. R. 15662) to provide for the purchase of ground for and the erection of a public building for an immigration station in the city of Boston, Mass.—to the Committee on Immigration and Naturalization.

By Mr. MOUSER: A bill (H. R. 15663) to establish a fish hatching and fish station in the city of Sandusky, Erie County, Ohio—to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: A bill (H. R. 15664) to provide a site and for the construction of a Federal building thereon at Petoskey, Mich.—to the Committee on Public Building and Grounds.

Also, a bill (H. R. 15665) increasing the appropriation for public building at Alpena, Mich., to $100,000—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 15666) to provide for the drainage of certain lands of the United States held in trust for the Chippewa Indians in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. BEALE of Pennsylvania: A bill (H. R. 15667) to provide for the erection of a public building at Kittanning, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 15668) for the erection of a cold-storage building for the Department of Agriculture—to the Committee on Public Buildings and Grounds.

By Mr. MALBY: A bill (H. R. 15669) to provide for the construction of dams, canals, power stations, and locks for the improvement of navigation and development of water power on the St. Lawrence River at and near Long Sault Island, St. Lawrence County, N. Y.—to the Committee on Foreign Affairs.

By Mr. HALL: A bill (H. R. 15830) for the relief of settlers upon the public lands—to the Committee on the Public Lands.

By Mr. FULTON: A bill (H. R. 15831) for the removal of restrictions from part of the lands of the Five Civilized Tribes—to the Committee on Indian Affairs.

By Mr. HOWARD: A bill (H. R. 15832) for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. HUGHES of New Jersey: Concurrent resolution (H. C. Res. 23) providing for a survey of the Hackensack River in New Jersey—to the Committee on Rivers and Harbors.

By Mr. BOOHER: Joint resolution (H. J. Res. 118) to provide for the printing of 235,000 copies of "John Paul Jones commemoration"—to the Committee on Printing.

By Mr. SHERMAN: Joint resolution (H. J. Res. 119) to authorize the expenditure of trust funds belonging to the Ute Indians—to the Committee on Indian Affairs.

By Mr. EDWARDS of Georgia: Resolution (H. Res. 205) to relieve the panic—to the Committee on Ways and Means.

By Mr. SABATH: Memorial of the legislature of Illinois, requesting aid in the prompt enactment of a law in effect creating a volunteer retired list upon which may be placed with retired pay upon application surviving volunteer officers of the Army, Navy, and marines of the United States who served during the civil war—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 15670) granting an increase of pension to John B. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15671) granting an increase of pension to William T. McCaslin—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 15672) granting an increase of pension to Elcania McClure—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 15673) granting an increase of pension to John B. Craig—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 15674) granting an increase of pension to B. F. Noll—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 15675) granting an increase of pension to Elizabeth Fister—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 15676) granting an increase of pension to George T. Barney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15677) to remove the charge of desertion from the military record of George W. Dunlap and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BRODHEAD: A bill (H. R. 15678) granting an increase of pension to Milton Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15679) granting an increase of pension to Andrew Bucher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15680) to correct the military record of Jefferson Fox—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 15681) for the relief of the Compania de los Ferrocarriles de Puerto Rico—to the Committee on Claims.

By Mr. BRUMM: A bill (H. R. 15682) granting an increase of pension to Daniel S. Boyer—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 15683) granting a pension to Emma Otteni—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15684) granting a pension to Annie E. King—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 15685) granting a pension to Elizabeth P. Boggis—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 15686) granting an increase

of pension to William H. Turner—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 15687) granting a pension to Henrietta V. Miller—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 15688) granting a pension to Martha A. Elliott—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15689) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Mount Horeb Methodist Episcopal Church South, of Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15690) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Andrew Chapel, of Stafford County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15691) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Fletcher Chapel, of King George County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15692) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, Morrisville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15693) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Berea Baptist Church, Stafford County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15694) to carry into effect the findings of the Court of Claims in the matter of the claim of the wardens of St. Paul's Episcopal Church, Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15695) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of St. Stephen's Protestant Episcopal Church, Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15696) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of Aquia Protestant Episcopal Church, Stafford County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15697) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Union Church, Falmouth, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15698) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of New Salem Baptist Church, Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15699) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Alfred Street Baptist Church, Alexandria, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15700) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Ebenezer Methodist Episcopal Church, Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15701) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the First Baptist Church of Alexandria, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15702) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Washington Street Methodist Episcopal Church South, of Alexandria, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15703) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Warrenton Academy, Warrenton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15704) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Mount Zion Old School Baptist Church, near Aldie, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15705) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Grove Presbyterian Church, Morrisville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15706) to carry into effect the findings of the Court of Claims in the matter of the claim of Carters Run Baptist Church, Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15707) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Va.—to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 15708) authorizing the Secretary of the Interior to enroll Virginia Ann Savage and others as Chickasaw Indians—to the Committee on Indian Affairs.

Also, a bill (H. R. 15709) granting a pension to Albert Eggleston—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 15710) granting an increase of pension to Jesse Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15711) granting an increase of pension to Mary L. B. Winn—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 15712) correcting the military record of I. Wallace Smith—to the Committee on Military Affairs.

By Mr. COCKRAN: A bill (H. R. 15713) granting an increase of pension to Edward Donnelly—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 15714) granting an increase of pension to Henry S. Lehr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting an increase of pension to George W. Hutchinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15716) granting an increase of pension to John E. Mock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15717) granting an increase of pension to Michael Witzenbacher, alias Michael Witzenberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15718) granting a pension to Sarah E. Robenalt—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 15719) granting a pension to William H. H. Conley—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 15720) granting a pension to Eliza J. Seay—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15721) granting to W. J. Ladd back pay as a pension—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 15722) granting an increase of pension to J. W. Betts—to the Committee on Invalid Pensions.

By Mr. DE ARMOND; A bill (H. R. 15723) granting an increase of pension to James A. McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to Culvin V. Porter—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company—to the Committee on the Public Lands.

By Mr. FOSTER of Illinois: A bill (H. R. 15726) granting a pension to Florence E. Westerfield—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 15726) granting an increase of pension to Mrs. Florence E. Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15727) granting an increase of pension to Henry S. Hinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15728) granting an increase of pension to John Shoaff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15729) granting an increase of pension to Isaac Kibler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15730) granting an increase of pension to Joseph H. Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15731) granting an increase of pension to James A. Paine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15732) granting an increase of pension to John A. McNerney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15733) granting an increase of pension to F. L. Fergerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15734) for the relief of Samuel S. Dodge—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 15735) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be a lieutenant-general, United States Army—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 15736) granting an increase of pension to Rachel Two—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 15737) for the relief of the heirs at law of James E. Wilson, deceased—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 15738) granting an increase of pension to Stephen H. Chew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15739) granting an increase of pension to Henry M. Walrath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15740) granting a pension to Sarah Frances Barriger—to the Committee on Pensions.

By Mr. GARNER: A bill (H. R. 15741) for the relief of Henry Shane—to the Committee on the Judiciary.

Also, a bill (H. R. 15742) for the relief of Frederick Metzger—to the Committee on the Judiciary.

Also, a bill (H. R. 15743) for the relief of John Kennedy—to the Committee on the Judiciary.

Also, a bill (H. R. 15744) for the relief of the estate of Henry Ramsey—to the Committee on the Judiciary.

By Mr. HALE: A bill (H. R. 15745) granting a pension to George A. Walker—to the Committee on Pensions.

Also, a bill (H. R. 15746) granting a pension to E. L. Watkins—to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 15747) granting an increase of pension to Robert Count—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15748) granting an increase of pension to Henry Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15749) granting an increase of pension to William Rowley—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15750) granting an increase of pension to William H. Lyman—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 15751) granting an increase of pension to George H. Buchner—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 15752) granting a pension to Martha Rankin—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 15753) granting a pension to Henry T. Dawson—to the Committee on Pensions.

Also, a bill (H. R. 15754) granting bounty and pay to Joseph P. Rollins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn.—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15756) granting a pension to Mary P. Shacklett—to the Committee on Pensions.

Also, a bill (H. R. 15757) granting a pension to John D. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15758) for the relief of Charles Darnell—to the Committee on War Claims.

Also, a bill (H. R. 15759) for the relief of Thomas Lewis, Gloverport, Ky.—to the Committee on Claims.

Also, a bill (H. R. 15760) to reimburse Ben H. Neff, postmaster, Howevalley, Ky., for losses sustained by burglary—to the Committee on Claims.

By Mr. LAMAR of Missouri: A bill (H. R. 15761) granting an increase of pension to Thomas D. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15762) granting an increase of pension to T. K. Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15763) granting an increase of pension to William H. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15764) granting an increase of pension to Hezekiah Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15765) granting a pension to William F. Monday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15766) granting a pension to Samuel Cartwright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15767) granting a pension to Margaret E. Oursborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15768) to correct the military record of Erhard Woener—to the Committee on Military Affairs.

Also, a bill (H. R. 15769) for the relief of Joseph L. A. Daugherty—to the Committee on War Claims.

Also, a bill (H. R. 15770) for the relief of the legal heirs of W. A. Clark—to the Committee on War Claims.

Also, a bill (H. R. 15771) for the relief of Moses Fleming—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 15772) granting an increase of pension to Daniel W. Drollinger—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 15773) granting an increase of pension to John Gurney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15774) granting an increase of pension to Robert T. Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15775) granting an increase of pension to John W. Shuman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15776) granting an increase of pension to J. M. Shackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15777) granting a pension to Olive J. Stacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15778) to correct the military record of Edgar Crockett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15779) to remove the charge of desertion from the naval record of Samuel E. Wadsworth, alias William Smith, second—to the Committee on Naval Affairs.

Also, a bill (H. R. 15780) granting an increase of pension to Newell Jones—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15781) granting an increase of pension to Robert H. Goodman—to the Committee on Pensions.

By Mr. McHENRY: A bill (H. R. 15782) granting a pension to Mary Alice John—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 15783) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Allen J. Polk, deceased—to the Committee on War Claims.

By Mr. MOORE of Texas: A bill (H. R. 15784) granting an increase of pension to Anna Catherine Kuffner—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 15785) granting an increase of pension to Helen Kennedy—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 15786) granting an increase of pension to Angeline Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15787) granting an increase of pension to Elza Cameron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15788) granting an increase of pension to Jacob A. Henkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15789) granting an increase of pension to Jay Thomasson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15790) granting an increase of pension to James Dupler—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 15791) for the relief of William H. Shannon—to the Committee on Military Affairs.

By Mr. PARKER of South Dakota: A bill (H. R. 15792) granting an increase of pension to Charles B. Clark—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 15793) for the relief of Emma E. Baker, administratrix de bonis non of William R. Mason, deceased—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 15794) granting an increase of pension to Henry B. Fenton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15795) granting an increase of pension to Francis M. Bristow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15796) granting a pension to Betsy Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15797) granting a pension to W. B. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15798) granting a pension to Thomas Johnson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 15799) to provide for the payment of the claim of the Methodist Episcopal Church South, at Trinity, in Morgan County, Ala., against the United States—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 15800) granting a pension to Sara M. Johnson—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 15801) granting an increase of pension to Catherine R. Rice—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15802) granting an increase of pension to Jason L. Alford—to the Committee on Pensions.

Also, a bill (H. R. 15803) granting a pension to George M. Richart—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 15804) granting an increase of pension to James M. Benjamin—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 15805) granting a pension to Nancy C. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15806) granting a pension to James C. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15807) granting a pension to Thomas M. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15808) granting an increase of pension to Mitchell Connell—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 15809) granting an increase of pension to Rebecca Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15810) granting an increase of pension to Wyatt Robinson—to the Committee on Pensions.

Also, a bill (H. R. 15811) granting an increase of pension to George Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15812) granting an increase of pension to Achsa M. Peck—to the Committee on Pensions.

Also, a bill (H. R. 15813) granting an increase of pension to Andrew S. Hicks—to the Committee on Pensions.

Also, a bill (H. R. 15814) granting an increase of pension to Levi W. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15815) granting a pension to Johnathan H. McPeters—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 15816) for the relief of the estate of Stephen Herren—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 15817) granting a pension to Anna L. Gifford—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 15818) granting a pension to Nancy L. Kirby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15819) for the relief of W. W. Roden, of Dekalb County, Ala.—to the Committee on War Claims.

By Mr. HULL of Iowa: A bill (H. R. 15820) granting an increase of pension to Ira Waldo—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 15821) granting an increase of pension to Thomas Larkin—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 15822) granting an increase of pension to Francis M. Hughes—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 15823) granting an increase of pension to Cornelius O'Leary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting an increase of pension to Christine M. Hamre—to the Committee on Naval Affairs.

Also, a bill (H. R. 15825) granting a pension to Abraham T. Angell—to the Committee on Naval Affairs.

Also, a bill (H. R. 15826) granting a pension to Anastatia Harrold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15827) granting a pension to Margaret Quirk—to the Committee on Naval Affairs.

Also, a bill (H. R. 15828) granting an increase of pension to Mary A. Sinclair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) to award a medal of honor to Charles Rapp—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany bills for relief of Taylor M. McFarland and John W. Buchanan—to the Committee on Invalid Pensions.

By Mr. ADAIR: Paper to accompany bill for relief of Alexander Hyde—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lovina M. Bromagen—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petitions of Albert Haight and 239 other citizens; Henry G. Tuthill and 77 other citizens; George H. Selkirk and 86 other citizens; William P. Davis and 219 other citizens; and A. J. Smith and 116 other citizens, all of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of William G. Stanilard and others, of Buffalo, against appointment of clerical force by noncompetitive instead of competitive examination—to the Committee on the Census.

By Mr. AMES: Petition of Boston Wholesale Grocers' Association, for amendment of the pure-food law so as to designate the quantity of some harmless preservative that may be used in various goods to keep them sound and healthful—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Memorial of conference of Seventh-Day Adventists, for complete separation of church and state and against further Sunday legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of W. C. Pilton, for Pennsylvania State College, for national forest reserve—to the Committee on Agriculture.

Also, petition of Philadelphia Maritime Exchange, for promoting efficiency of Life-Saving Service (S. 25 and H. R. 6169), for retiring superintendents, keepers, and crews of life-saving stations—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Quay, of Meadville, Pa., for abolition of pension agencies, pension boards, etc.—to the Committee on Invalid Pensions.

Also, petition of Chamber of Commerce of Meadville, Pa., for establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BRICK: Petition of South Bend Retail Grocers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Petition of Farmers' Union of Pleasant Hill, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Seventh Congressional District of the State of Alabama, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of Junior Order of United American Mechanics, of Canton, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Greater Milwaukee Association, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Milwaukee Chamber of Commerce, against Federal uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rear-Admiral H. F. Picking Naval Garrison, No. 4, of Erie, Pa., for increase of pay for officers and men in Army and Navy—to the Committee on Military Affairs.

Also, petition of Commercial Club of St. Paul, Minn., for establishment of a subtreasury at St. Paul—to the Committee on Banking and Currency.

By Mr. CALDER: Petition of Muncie Wheel and Jobbing Company, for support of the bill providing for census of stumpage of timber—to the Committee on Agriculture.

Also, petition of National German-American Alliance of Missouri, for repeal of the canteen law—to the Committee on Military Affairs.

By Mr. COOK of Pennsylvania: Petition of Philadelphia Board of Trade, for a harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of Philadelphia Maritime Exchange, favoring H. R. 6169 and S. 25, for retirement of district superintendents, keepers, and crews of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Board of Trade, opposing legislation for Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of officers of Missouri and Southern Illinois Division of German-American Alliance, for repeal of the canteen law—to the Committee on Military Affairs.

By Mr. COUDREY: Petitions of V. M. Porter, Everett W. Pattison, and Edward C. Elliot, against H. R. 7597, relative to method of appointment of employees and clerks of the census corps for taking the Thirteenth Census—to the Committee on the Census.

Also, petition of John T. Milliken & Co., against proposed amendment to the pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAVENS: Paper to accompany bill for relief of Mrs. Rebeckah Williams—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Resolution of Grand Traverse Grange, No. 379, Grand Traverse County, Mich., in favor of parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, protest of Jotham Allen and 63 other farmers of Gratiot County, Mich., against the reduction of tariff schedules as to imports from Philippine Islands—to the Committee on Ways and Means.

Also, memorial of Farmers' Institute of Gratiot County, Mich., against the reduction of tariff on imports from the Philippine Islands—to the Committee on Ways and Means.

Also, memorial of Farmers' Institute of Gratiot County, Mich., against the reduction of tariff on imports from the Philippine Islands—to the Committee on Ways and Means.

Also, concurrent resolution of the legislature of the State of Michigan, protesting against further reduction of the tariff on sugar and against the further agitation of this question—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of Massachusetts School of Technology School of Arts, for forest preservation in Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of National Association of Cotton Manufacturers, for forest preservation at headwaters of streams rising in Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of Commercial Club of Hastings, Minn., for appropriation to deepen upper Mississippi River channel and for river improvements in general—to the Committee on Rivers and Harbors.

Also, petition of Commercial Club of Glencoe, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Southern States Association of Commissioners of Agriculture and other agricultural workers, indorsing

Davis bill, relating to secondary technical education—to the Committee on Agriculture.

Also, petition of Missouri and Southern Illinois Division of National German-American Alliance, for repeal of so-called "anti-canteen law"—to the Committee on Military Affairs.

By Mr. DAWSON: Petition of John M. O'Brien, jr., and 92 other citizens of Muscatine, Iowa, for an increase of our circulating medium and the Government guaranty of national-bank deposits—to the Committee on Banking and Currency.

Also, petition of Mrs. Franzieska Bender and 42 other soldiers' widows of Davenport, Iowa, for the Dawson bill, increasing widows' pensions—to the Committee on Invalid Pensions.

Also, petition of Commercial Club of Des Moines, Iowa, against H. R. 7597, relative to clerks to handle the Thirteenth Census—to the Committee on the Census.

By Mr. DENBY: Peition of A. B. Ledyard and 315 others, Don M. Dickinson and 260 others, T. W. Palmer and 205 others, and William McMullen and 780 others, all of the State of Michigan, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of Lumberman's Exchange, Philadelphia, and Muncie Wheel and Jobbing Company, for bill providing for census of stumpage—to the Committee on Agriculture.

Also, petition of National German-American Alliance of Missouri, for repeal of canteen law—to the Committee on Military Affairs.

Also, petitions of V. R. Lansinger, of New York; the Polytechnic Institute, Brooklyn, N. Y., and the Brooklyn Engineers' Club, for H. R. 10457, national forest reservations in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of Catherine D. McClintock—to the Committee on Pensions.

By Mr. ENGLEBRIGHT: Petition of Shipowners' Association of Pacific Coast, for the shipping bill known as the "Ocean mail bill" (in Senate, by Senator GALLINGER)—to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of Southern Illinois Division of the National German-American Alliance, asking repeal of act of February 2, 1901, prohibiting sale of beer and light wines in post exchanges of the Army—to the Committee on Military Affairs.

By Mr. FULLER: Petition of 38 business men and firms of Marseilles, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Rachel Two—to the Committee on Invalid Pensions.

Also, petition of American Hardware Manufacturers' Association, against revision of tariff laws except through a nonpartisan commission—to the Committee on Ways and Means.

Also, petition of J. Cupps & Sons (Limited), for currency legislation—to the Committee on Banking and Currency.

By Mr. GARNER: Papers to accompany bills for relief of Henry Shane and John Kennedy—to the Committee on the Judiciary.

Also, papers to accompany bills for relief of Henry Ramsey and Frederick Metzger—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Henry Schlesinger, of College Point, N. Y., for return to Stevens Institute of Technology $45,750 collateral inheritance tax from original Stevens endowment—to the Committee on Claims.

Also, petition of Philadelphia Maritime Exchange, for H. R. 6169, for promotion of efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance of Missouri, for repeal of the canteen law—to the Committee on Military Affairs.

By Mr. HAYES: Paper to accompany bill concerning licensed officers of steam and sail vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Shipowners' Association of the Pacific Coast, for such legislation as shall build up the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. HIGGINS: Petitions of Company D, of Bristol; Company M, of Winstead; and Company F, of Hartford, Connecticut National Guard, favoring H. R. 14783 (improvement of National Guard)—to the Committee on Military Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of William Crisp—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Winslow—to the Committee on Invalid Pensions.

Also, petition of third-class postmasters of First Congressional District of Nebraska (in convention at Lincoln January 23, 1908), for enactment into law of the Postmaster-General's recommendation for $2,000,000 for clerk hire at post-offices of third class—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of Los Angeles Chamber of Mines, favoring H. R. 11702, for a Bureau of Mines—to the Committee on Mines and Mining.

Also, petition of National German-American Alliance of Missouri, for repeal of canteen law—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of Wholesale Grocers' Association of Boston, for amendment to Sherman antitrust law providing for reasonable agreements between dealers and manufacturers not injurious to public interests—to the Committee on the Judiciary.

Also, petition of Massachusetts Board of Trade, favoring forest reserves in Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of board of directors of American Society of Civil Engineers, for creation and preservation of national and State forests—to the Committee on Agriculture.

Also, petition of Wholesale Grocers' Association of Boston, for continued use of benzoate of soda by pure-food officials—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMAR: Paper to accompany bill for relief of Sallie Nell, widow of Hugh W. Nell—to the Committee on Military Affairs.

By Mr. LLOYD: Petition of 80 citizens of Kirksville, Mo., asking pension for Litha J. Sholley—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Maritime Exchange, favoring S. 25 and H. R. 6169, for a retired list of district superintendents, keepers, and crews of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD: Petition of Herman Wagner and 15 other citizens of Maryland, and James E. Walker and 6 other citizens of Washington, D. C.—to the Committee on Military Affairs.

By Mr. OLCOTT: Petition of National German-American Alliance, for repeal of canteen law—to the Committee on Military Affairs.

By Mr. OVERSTREET: Petition of Iron Molders' Union of North America, No. 56, of Indianapolis, for building battle ships at navy-yards instead of by private builders—to the Committee on Naval Affairs.

Also, petition of National German-American Alliance of Missouri and Southern Illinois, for repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Gibson Automobile Company, Indianapolis, for legislation to afford a national system of registration and indentification of automobiles—to the Committee on the Judiciary.

Also, petition of Long-Knight Lumber Company, urging passage of S. 3163, creating a tariff commission—to the Committee on Ways and Means.

By Mr. PAYNE: Paper to accompany bill for relief of George W. Smith—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of Methodist Episcopal Church at Trinity, Morgan County, Ala.—to the Committee on War Claims.

By Mr. RIORDAN: Petition of executive officers of the Missouri and Southern Illinois Division of the National German-American Alliance, for repeal of act of February 2, 1901, prohibiting sale of beer and light wines in post exchanges of the Army—to the Committee on Military Affairs.

By Mr. RHINOCK: Petition of Engineers and Architects' Club, of Louisville, Ky., and Commercial Club, for forest reservation in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. ROBERTS: Petition of American Forestry Association and Massachusetts Institute of Technology, for forest preservation—to the Committee on Agriculture.

By Mr. SABATH: Petition of Missouri and Southern Illinois Division of National German-American Alliance, for repeal of the law prohibiting sale of beer and light wines in post exchanges of the Army, etc.—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: Petition of Woman's Christian Temperance Union of Apollo, Pa., for prohibition of liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHEPPARD: Paper to accompany bill for relief of Sarah J. Mapes—to the Committee on Pensions.

By Mr. SLEMP: Paper to accompany bill for $100,000 for public building at city of Big Stone Gap, Va., and papers for consideration of Committee on Public Buildings and Grounds relative to Wytheville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: Petition of National German-American Alliance, for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SPARKMAN: Petition of Pasco County (Fla.) Camp of United Confederate veterans, against passage of any bill by Congress granting pensions to Confederate veterans—to the Committee on Invalid Pensions.

Also, petition of Council No. 376, United Commercial Travelers of America, of Tampa, Fla., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Papers to accompany H. R. 15434, authorizing the Secretary of War to bestow a medal of honor upon Lawrence O'Brien—to the Committee on Military Affairs.

Also, petition of National German-American Alliance of Missouri, for repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Elm Lodge, No. 420, International Association of Mechanics, of New Haven, Conn., favoring building of war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of Company D, First Infantry, Connecticut National Guard, of Bristol, Conn., favoring the militia bill—to the Committee on Militia.

By Mr. WATSON: Petition of Woman's Home Missionary Society of First Methodist Episcopal Church of Greensburg, Ind., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of H. I. Westervelt, George Gibbs, and F. N. Morton, for return of $45,750 to Stevens Institute of Technology, Hoboken, N. J. (H. R. 11562)—to the Committee on Claims.

SENATE.

THURSDAY, *January 30, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAPP, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 300) providing for second homestead entries.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 12420. An act to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont; and

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of C. T. Lane, of Fort Wayne, Ind., remonstrating against the passage of the so-called "Crumpacker bill," relating to the method of selecting and employing additional clerks to handle the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a petition of Local Union No. 101, International Typographical Union, of Washington, D. C., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. BRIGGS presented sundry petitions of the Pacific Coast Lumber Manufacturers' Association and of the Pacific Northwest, of Portland, Oreg., praying for the adoption of an amendment to the present interstate-commerce law requiring a hearing before the Interstate Commerce Commission before a change in any interstate freight rate may become effective, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Petworth, Brightwood Park, Brightwood, and Takoma Park citizens' associations of the District of Columbia, praying for enactment of legislation granting authority to the Commissioners of the District of Columbia to regulate and control the management of the street railway companies in the District of Columbia with respect to schedules, cleanliness, etc., which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the States of New Jersey, New York, Maryland, Pennsylvania, Virginia, and Wisconsin, praying for the enactment of legislation to refund the collateral-inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented a petition of the East, Northeast, North Capitol and Eckington citizens' association of the District of Columbia, praying for the enactment of legislation to extend the tracks of the Capital Traction Company from Seventh street NW., along Florida avenue to Eighth street NE., and thence along Eighth street to connect with the Pennsylvania avenue tracks, which was referred to the Committee on the District of Columbia.

He also presented a petition of Post No. 20, Department of New Jersey, Grand Army of the Republic, of Lambertville, N. J., praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Trenton, Englewood, and Atlantic City, all in the State of New Jersey, and of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which were referred to the Committee on Patents.

He also presented a memorial of the Listers Agricultural Chemical Works, of New York City, N. Y., remonstrating against the adoption of any further amendments to the present pure food and drug law, which was referred to the Committee on Manufactures.

He also presented a petition of the Navigation Conference of New York City, N. Y., praying that an appropriation be made for the improvement of the national harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

He also presented petitions of the Master Painters' associations of Paterson and Bergen County and the New Jersey State Association of Master Painters and Decorators, all in the State of New Jersey, praying for the enactment of legislation providing for the labeling of paint materials along the lines of the present pure food and drug law, which were referred to the Committee on Manufactures.

Mr. DICK presented petitions of Local Union No. 42, Printing Pressmen's Association, of Akron; of Local Union No. 22, Stereotypers and Electrotypers' Association, of Cleveland; and of Local Union No. 7, Pressfeeders' Association, of Springfield, all in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Association of Credit Men of Columbus, Ohio, praying for the enactment of legislation providing for a reclassification of second and third class mail matter and the rates of postage thereon, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Institute of Electrical Engineers of Boston, Mass., praying for the enactment of legislation to protect the headwaters of important streams of the country from deforestation, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Local Branch No. 98, Glass Bottle Blowers' Association, of Warwick, Ohio, remonstrating against the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Merchants' Association

of Youngstown, Ohio, and a memorial of the Commercial Travelers' Congress of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' Institute of Albany, of the Farmers' Institute of Sharon, and of the Farmers' Institute of Chesterhill, all in the State of Ohio, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Williams County Agricultural Society, of Bryan, Ohio, and a petition of the Central Trades Union of Toledo, Ohio, praying for the establishment of postal savings banks, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER presented petitions of sundry ex-volunteer officers of the civil war, members of Grand Army Post No. 179, of Memphis; Post No. 16, of Carthage; Post No. 8, of Kansas City, and Post No. 29, of Chillicothe, all in the State of Missouri, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. KEAN presented the memorial of A. S. Taylor, of Closter, N. J., remonstrating against the enactment of legislation to abolish the various pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Branch No. 54, Glass Bottle Blowers' Association, of Medford, N. J., praying for the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Jersey City and Cresskill, in the State of New Jersey, and of New York City, N. Y., praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented the petition of Charles H. Ellis and 26 other citizens of Camden, N. J., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented petitions of Company D, of Bristol, of Company F, of Hartford, and of Company M, of Winsted, all of the Connecticut National Guard, and of Col. John Hickey, of South Manchester, all in the State of Connecticut, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of the American National Live Stock Association and Cattle Raisers' Association of Texas, praying for the enactment of legislation requiring railroad companies engaged in interstate commerce to furnish cars and other transportation facilities without unnecessary delay, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Hinton, Okla., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented the petition of George W. Taggart and 7 other volunteer officers of the civil war, and of Henry C. McWhorter and 4 other volunteer officers of the civil war, of the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the volunteer officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the Commercial Club of Cedar Rapids, Iowa, praying that an annual appropriation be made for industrial education in the agricultural high schools and in the city high schools, and also for the branch agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Clinton County Medical Society, of Clinton, Iowa, praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. James W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 180, International Typographical Union, of Sioux City, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of Local Union No. 458, of the International Typographical Union, of Carlinville, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Public Policy League of Illinois, praying for the issuance of a series of noninterest-bearing circulating notes to aid in the construction of national public works, which was referred to the Committee on Finance.

He also presented petitions of William H. Glasgow and 46 other citizens, of John Sugrout and 52 other citizens, of A. G. Hammond and 28 other citizens, and of H. B. Kilgour and 57 other citizens, all of the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BOURNE presented a petition of sundry volunteer officers of the civil war, of Oregon, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BURKETT presented the memorial of C. R. Mawe, of Lincoln, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry third-class postmasters of the First Congressional District of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of the Chamber of Commerce of Charleston, W. Va., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STEPHENSON presented petitions of sundry volunteer officers of the civil war, of Wisconsin, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (H. R. 558) to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 2495) restoring a certain tract of public land in the State of Minnesota to the public domain, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 4098) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, reported it with amendments and submitted a report thereon.

Mr. STEPHENSON, from the Committee on Claims, to whom was referred the bill (S. 3843) for the relief of the legal representatives of Stewart & Co., and A. P. H. Stewart, reported it without amendment and submitted a report thereon.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 1893) granting an honorable discharge to Peter Fleming, reported it without amendment and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 4380) for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, reported it without amendment and submitted a report thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (S. 2447) to correct the military record of Patrick F. McDermott; and

A bill (S. 2482) to remove the charge of desertion from the military record of Frederick A. Noeller.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 3157) to authorize the War Department to transfer certain lands belonging to the Fort Riley Military Reservation to the State of Kansas, reported it with an amendment and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 512) for the relief of the estate of Benja-

min Downs, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1699) for the relief of Thomas C. Chappell, reported it with amendments and submitted a report thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4030) to fix the pay of the Army, to report it with amendments, and I submit a report thereon. I give notice that I shall endeavor to bring up the bill for consideration at a very early date.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3932) authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians," reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4440) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Depredations, which was agreed to.

LAND AT ENID, OKLA.

Mr. McLAURIN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 3541) vesting in the city of Enid, Okla., for park, school, and other public purposes, title to block 1 of McGuire's approved plat of the southwest quarter of the northwest quarter of section 8, township 22 north, of range 6 west of the Indian meridian, to report it favorably without amendment, and I submit a report thereon.

Mr. GORE. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Mississippi.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. KEAN. From what committee does the bill come?

The VICE-PRESIDENT. From the Committee on Public Lands.

Mr. KEAN. Is it Government land that is being transferred to the State?

Mr. McLAURIN. No; it is not being transferred to the State. It is land within the corporate limits of Enid, in Oklahoma, that is being given to the city for park, school, and other purposes.

Mr. KEAN. Who is the owner of the land?

Mr. McLAURIN. The Government.

Mr. KEAN. Does not the Senator from Mississippi think that we provided very liberally for Oklahoma in the bill to admit Oklahoma as a State?

Mr. McLAURIN. This is not for Oklahoma. This is for Enid.

Mr. KEAN. It is a city in Oklahoma, and school purposes there must be State purposes.

Mr. McLAURIN. The bill has been very carefully considered by the Committee on Public Lands, and the Senator from Oklahoma [Mr. GORE] has just asked for its consideration. It is the unanimous opinion of the Committee on Public Lands that the bill should be passed, and I hope the Senator from New Jersey will not object to it.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE-CUTTER SERVICE ON PACIFIC COAST.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3647) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. SCOTT. I ask the Senator if the bill is from the Committee on Commerce?

Mr. PILES. It is a favorable report from the Committee on Commerce.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, for duty on the Pacific coast, at a total cost not to exceed $250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMMIGRATION STATION AT BOSTON, MASS.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (S. 4121) authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, in Massachusetts.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of Commerce and Labor to procure a site and erect suitable buildings for an immigrant station at the port of Boston, in the State of Massachusetts, and appropriates for this purpose $250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. Reports of committees, standing or select, are in order.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. KEAN on the 28th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack.

SURVEY OF WHITE LAKE HARBOR, MICHIGAN.

Mr. SMITH. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 41) providing for an examination and survey of White Lake Harbor, Michigan, to report in lieu thereof a concurrent resolution, and I ask for its immediate consideration.

Mr. KEAN. If such resolutions are to be considered by unanimous consent, I shall ask that the one preceding be considered also by unanimous consent.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution just reported by the Senator from Michigan?

The concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of White Lake Harbor, Michigan, with a view to providing and maintaining a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

Mr. SMITH. I move that Senate joint resolution No. 41 be indefinitely postponed.

The motion was agreed to.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. KEAN. I ask unanimous consent that the resolution reported prior to the one just considered be put upon its passage. It merely provides for a survey.

The VICE-PRESIDENT. The concurrent resolution will be stated.

The SECRETARY. Senate concurrent resolution 22, by Mr. KEAN, relative to a survey of Hackensack River, New Jersey.

The concurrent resolution was considered by unanimous consent and agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. From the Committee on Finance I report back favorably, with sundry amendments, the bill (S. 3023) to amend the national banking laws.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALDRICH. It is my present purpose to call up the bill for consideration on Monday, February 10. I suggest this date in order that Senators who may desire to participate in the discussion may have time for preparation.

I desire to say, further, that the commitee have under con-

sideration some modification of the provisions in regard to railroad bonds, and they may suggest some amendments at a later day.

This is the report of a majority of the committee. Some members of the minority, I think, may have a substitute to offer at some time in the future.

I ask that 5,000 additional copies of the bill may be printed for the use of the Senate document room.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. ALDRICH. Mr. President, I desire to submit in this connection the correspondence between myself and the Interstate Commerce Commission upon the subject of the railroad securities. I ask that the correspondence may be printed in the RECORD and printed as a document.

There being no objection, the matter was ordered to be printed as a document and to be printed in the RECORD, as follows:

[Senate Document No. 212, 60th Congress, 1st Session.]

COMMITTEE ON FINANCE,
UNITED STATES SENATE,
January 21, 1908.

GENTLEMEN: In connection with the proposition that the Government should accept railroad bonds as a part of the securities required from national banks for additional circulating notes, I would be glad if you would advise me.

First, what has been done under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railroad accounts?

Second, what principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts, to be covered by subsequent orders of the Commission, that will tend to give security and stability to railway securities?

Third, what has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?

Fourth, would it be possible, in your opinion, after the various provisions of the twentieth section shall have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of these circulating notes?

Very truly, yours,

NELSON W. ALDRICH.

The INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

INTERSTATE COMMERCE COMMISSION,
Washington, January 29, 1908.

Hon. NELSON W. ALDRICH,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

SIR: Your communication of 21st instant, inquiring as to the action taken by the Commission under the twentieth section of the amended act to regulate commerce, relative to a prescribed system of railroad accounts, etc., was referred to Mr. Henry C. Adams, in charge of statistics and accounts, and a copy of his statement in response is submitted herewith.

This statement appears to cover fully the several matters embraced in your inquiry, and is transmitted as the reply of the Commission.

Very respectfully,

MARTIN A. KNAPP, *Chairman.*

INTERSTATE COMMERCE COMMISSION,
DIVISION OF STATISTICS AND ACCOUNTS,
Washington, January 28, 1908.

Hon. MARTIN A. KNAPP,
Chairman Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: In response to your request in connection with the letter of the 21st instant from Senator ALDRICH, chairman of the Finance Committee of the Senate, I submit the following:

It is assumed that answers to the questions contained in the letter of Senator ALDRICH should be limited to the purpose for which they are asked, namely, to learn what added security, if any, will be given to railway stocks and railway bonds as the result of an efficient administration of the twentieth section of the act to regulate commerce, as amended. Any other interpretation would oblige the Commission to cover in its reply a large amount of irrelevant matter.

The questions submitted will be considered in the order of their presentation, the first of these being—

"What has been done, under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railway accounts?"

Before answering this question a word may not be inappropriate relative to the purpose of the twentieth section, to which the question makes reference. This section makes provision for:

I. Annual, monthly, and special reports.

II. A prescribed system of accounts, uniform for all transportation agencies subject to the jurisdiction of the Commission.

III. The employment of "special agents and examiners, who shall have authority * * * to inspect and examine any and all accounts, records, and memoranda kept" by carriers subject to jurisdiction.

The text of the twentieth section makes plain the purposes of Congress, and the Commission, in making provision for its administration, has undertaken, among other things, to establish such supervisory control over railway accounts as to enable anyone interested to distinguish between a carrier whose operating and financial conditions are sound and a carrier whose operating and financial conditions are not sound.

Annual reports have been rendered by the carriers and compiled by the Commission since 1888, but prior to the amended act of June 29, 1906, the Commission was not in a position to assure a uniform interpretation of the items reported, whether by different carriers or by the same carrier from year to year. It is evident, if annual reports are to serve a practical purpose, that they should be made with a common understanding of the terms used, and rest upon a uniform system of accounts. This is only possible where the rules of accounting have the authority of law, from which it may be concluded that a system of prescribed accounts having been established the annual reports will assume a significance which heretofore they have not borne, especially from the point of view of judicious discrimination relative to railway securities.

Regular monthly reports of revenues and expenses have been filed by the carriers since July 1, 1907. These reports are made under oath, which oath states that they are compiled "according to the accounting rules promulgated by the Interstate Commerce Commission relative to operating accounts." These monthly reports are regarded by the Commission as "public documents" under the law, and as such are filed in duplicate, one set being open for the inspection of the public in a room specially arranged for this purpose. Furthermore, the division in charge of the compilation of monthly reports is instructed to place in the hands of the representatives of the press, or of any others interested, at the close of each day a compilation of all reports received by or before 3 o'clock of the afternoon of that day. It is evident that information of this sort, universally rendered by the carriers and regularly published by the Commission month by month, must, from the nature of the case, tend to establish and perpetuate a stable value for railway securities.

The special reports cover special investigations. The most important of the investigations of this class which have been undertaken since the enactment of the law is an investigation into the intercorporate relations of carriers as reflected in the intercorporate ownership of railway securities. The chief aim of the investigation was to enable this office to eliminate from its compilations such railway securities as were reported as outstanding, in so far as they were the property of other carriers and made the basis of other issues. This investigation is now practically completed and shows that the amount of stocks and bonds heretofore reported as outstanding in the hands of the public will be reduced nearly $10,000 per mile. Prior to the amendment of the twentieth section of the interstate-commerce act, it was not possible for this office to obtain from the carriers the data necessary to an accurate statement of railway capital. This, however, is no longer the case, and reference is here made to the special investigations into intercorporate relations for the reason that it illustrates that the Commission is now in the possession of the authority and of the machinery to obtain whatever information is necessary to warrant a discriminating opinion relative to the value of railway securities.

Two other special investigations have been set on foot, both of which aim to protect the property accounts. These are an investigation into the manner in which carriers have treated depreciation during the six months ending December 31, 1907, and an investigation into the record of cars and locomotives retired during the past five years. All of these matters relating to annual, monthly, and special reports are pertinent to the question in hand, for they tend to the establishment of stable conditions for railway securities.

The work of formulating a system of accounts was begun in August, 1906, and in June, 1907, the operating accounts for steam carriers were issued. These operating accounts cover six classifications, and it should be understood that the rules of accounting which, under the law, become binding upon the carriers when promulgated under order of the Commission are expressed in the text explanatory of the primary accounts for which the classifications provide. The six classifications referred to are as follows:

1. Classification of operating expenses.
2. Classification of operating revenues.
3. Classification of expenditures for road and equipment.
4. Classification of locomotive-miles, car-miles, and train-miles.
5. Classification of additions and betterments, and
6. Classification of outside operations.

Of the above classifications, those from 1 to 4 were issued under order of the Commission dated June 3, 1907; the others were issued under circulars of instruction, and in the main have been followed by the carriers. After revision they will be submitted to the Commission for promulgation under order to take effect July 1, 1908.

A complete system of railway accounting must be made to cover the property and the capital accounts; that is to say, there must be an authoritative classification of the items entering into an income account, the purpose of which is to arrive at a correct statement of the surplus (or deficit) resulting from the year's operations, and an authoritative classification of the items entering into a balance-sheet statement, the purpose of which is to arrive at a correct statement of the accumulated surplus or accumulated deficit resulting from the manner in which the property has been managed from the beginning. The formulation of an income account and of a balance sheet is well under way, and will be submitted to the Commission for promulgation under order in time to take effect July 1, 1908.

The second question submitted is as follows:

"What principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts to be covered by subsequent orders of the Commission that will tend to give security and stability to railway securities?"

What follows treats the accounting system as a unit. No difference will be made between principles that have been promulgated under order and those which are to be promulgated. The entire scheme of accounting, so far as the main primary accounts are concerned, will become effective July 1, 1908.

Of the general principles embodied in this scheme of accounting, there are four of especial pertinence to the matter under consideration because of the relation they sustain to the conditions under which stocks and bonds are likely to show stability of value. These principles are:

1. That discount on securities is not an item properly included in the cost of property.

2. That depreciation is an element of operating cost, and should be included in operating expenses.

3. That betterments and additions are not elements of operating cost, and should be charged to income or to capital.

4. That the total of assets and the total of liabilities should be shown upon the balance sheet, and that "profit and loss" should be so analyzed as to state separately the different items covered.

The first of the principles above named pertains, so far as the present influence of the Commission is concerned, to the future rather than to the present, and even for the future its full significance as suggesting practical rules of administration pertains primarily to a commission having authority to supervise railway capitalization. It is important, however, as bearing upon the question in hand, to know that the construction accounts promulgated by the Interstate Commerce Commission, and adopted by most of the States, propose to open the balance-sheet account with a cash statement of what it costs to create the property at one hundred cents on the dollar. The point to be noted is, that the system of railway accounting promulgated by the Commission has been

drawn in view of the possibility that Congress may at some future time deem it wise to require an inventory valuation of railway property, and to authorize some form of supervisory control over capitalization, and the analysis which underlies the construction accounts as promulgated is an analysis which easily lends itself to this purpose, and for that reason readily suggests the character and the method of an investigation the object of which is to disclose what stocks and bonds do in fact possess a certain and a stable value.

The second and the third of the above principles may be considered together, for the "depreciation" accounts and the "additions and betterments" accounts are each complementary to the other. The purpose of a depreciation account is to guard against the overstatement of net revenue by failure to include all the costs of operation in operating expenses; while the purpose of the additions and betterments accounts is to guard against the understatement of net revenue by including in operating expenses as a cost of operation what in fact is an improvement to the property. Heretofore no uniform rule has controlled these charges. The executive officer, perhaps to make a showing, perhaps to influence the market (the purpose is not important) has believed it to be a prerogative of management to order the accountant to vary these charges from time to time, according to some special purpose or fancied exigency. Under such conditions it is not strange that railway stocks, and also to some extent railway bonds, have come to be regarded as speculative issues rather than investment securities. The tendency of the accounts promulgated by the Commission must be to steady the market for railway securities and to strengthen the credit of all sound enterprises. The twentieth section of the act to regulate commerce as amended is an important step in the development of supervisory administration. Under the new law, the accounts of the carriers are no longer a private matter. On the contrary, they are as completely subject to public control as are the accounts of the United States Treasury, and when the machinery for the realization of that control is perfected and put into successful operation there will arise a general confidence in railway securities which will give them a sure and stable value, provided the enterprise which they represent is a sound commercial enterprise.

The fourth principle above mentioned pertains to the balance sheet. As the test of the operating accounts is a correct statement of net revenue from operation, so the test of a balance sheet is a correct statement of the accumulated surplus.

It seems hardly appropriate to include in this cursory statement a consideration of all the many questions of detail that arise in connection with the balance sheet. In working out the general and supporting accounts for this most important statement, an accurate analysis of the items covered, of a strict interpretation of the words "assets" and "liabilities," a clear definition of "accruals," and entries so comprehensive that all important operating and financial transactions may be duly reflected, have from the outset been regarded as essential for a successful balance sheet. Moreover, the fact that public examiners must test this account has not been lost to view. A balance sheet, if correctly drawn, taken in connection with the operating accounts and the property accounts of a carrier, should furnish adequate information for testing the stability and certainty of underlying securities.

The third question is as follows:

"What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?"

The board of special examiners is the means proposed by Congress to make effective a prescribed system of railway accounts. In direct response to the question, it should be said that no board of examiners has as yet been formally organized. Ten special examiners have been appointed, but for the most part they have been engaged in investigations bearing upon the character of the accounts to be prescribed. With the exception of special examinations into claims and into the manner in which the depreciation accounts have been applied, no formal examinations, such as were contemplated by Congress, have been undertaken.

It will require the permanent employment of 260 men to enable the Commission to exercise administrative supervision over the accounts of steam railways. The Civil Service Commission has provided, through special examination, a roster from which perhaps half of this number of men may be secured, and a new examination will be undertaken when necessary. A programme for the organization of a board of examiners, including a plan for branch offices at certain selected railway centers and a set of instructions prescribing the manner in which these examinations shall be carried on, are sufficiently advanced to warrant the statement that this formal examination may be effectively begun on July 1, 1908, so far as this office is concerned. No further steps can be taken in this direction, however, until it is known what appropriation is to be placed at the disposal of the Commission for this purpose.

The fourth question is as follows:

"Would it be possible, in your opinion, after the various provisions of the twentieth section have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of circulating notes?"

This is a question which should, of course, be answered by the Commission. As you have requested an expression of personal opinion upon this point, however, I may state that, so far as I can see, there is no reason why the Secretary of the Treasury, availing himself of the information collected by the Interstate Commerce Commission, obtained through its power of investigation conferred by law and through the exercise of its supervisory control over railway accounts by means of a board of examiners, for which the law provides, can not "select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of circulating notes."

Respectfully submitted.

HENRY C. ADAMS,
In Charge of Statistics and Accounts.

Mr. BAILEY. Mr. President, if the Finance Committee has submitted or intends to submit a formal report, then I ask leave, on behalf of the minority of that committee, that we shall have the privilege hereafter of filing our views. The minority, or at least a part of it, will offer at the proper time a substitute for the bill reported by the committee. Though I could have learned by inquiry before we left the committee room, I am now not advised whether the committee intends to submit a formal report in writing.

Mr. ALDRICH. It has not been customary here to do so. I expect to explain the measure when it is taken up as best I may in behalf of the committee. That will take the place, I suppose, of a formal report.

Mr. BAILEY. Then, Mr. President, it will not be necessary for the minority to reserve the privilege of filing their views, and they can state their views whenever they offer the substitute.

Mr. ALDRICH. It has been suggested to me that the correspondence which I have submitted this morning would be, perhaps, of wide interest, and I ask that 5,000 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

JOHN PAUL JONES.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER on the 21st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 25,000 additional copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, compiled and published under the direction of the Joint Committee on Printing; 8,000 copies for the use of the Senate and 17,000 copies for the use of the House of Representatives.

SURVEY OF CAPE FEAR RIVER, NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. OVERMAN on the 27th instant, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet and of sufficient width, and to submit a plan and estimate of cost of such improvement; such plan and estimate shall embrace the said increased depth and width over and above the existing project and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 4703) to provide for the leasing of allotted Indian lands for mining purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4704) granting an increase of pension to John W. Hodges; and

A bill (S. 4705) granting an increase of pension to John A. Gibson.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4706) for the relief of the heirs of Harmon Snyder; and

A bill (S. 4707) referring to the Court of Claims the claim of the legal heirs of John Harper, deceased, to certain lands in the State of Virginia.

Mr. McCUMBER introduced a bill (S. 4708) granting an increase of pension to Carlton Bradley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4709) to authorize the accounting officers of the Treasury Department to readjust the accounts of transportation companies for the transportation of troops, and for other purposes, which was read twice by its title and referred to the Committee on Claims.

Mr. DOLLIVER. On the 22d instant I introduced a bill (S. 4361) to provide for compulsory education of the native children of Alaska, and for other purposes. On consultation with those familiar with the subject I find certain amendments to that bill desirable, and I ask leave to reintroduce the bill.

The bill (S. 4710) to provide for compulsory education of the native children of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 4711) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mails, which was read twice by its title and referred to the Committee on Claims.

Mr. BOURNE introduced a bill (S. 4712) to provide for the care of persons adjudged insane in the Territory of Alaska,

which was read twice by its title and referred to the Committee on Territories.

He also introduced a bill (S. 4713) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, which was read twice by its title and, with an accompanying paper, referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 4714) granting an increase of pension to Reuben A. Ketchum, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced a bill (S. 4715) granting an increase of pension to John A. Wood, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4716) granting a pension to Harriet Harris, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4717) for the relief of T. B. Bratton; and

A bill (S. 4718) for the relief of the Union Church of Woodsonville, Ky. (with an accompanying paper).

Mr. DAVIS introduced a bill (S. 4719) to declare that part of the Mississippi River from Cairo, in the State of Illinois, south to its mouth a separate river-improvement district, and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. DEPEW introduced a bill (S. 4720) for the relief of the sureties on the official bond of the late Cornelius Van Cott, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 4721) granting an increase of pension to John A. Garrissine, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BANKHEAD introduced a bill (S. 4722) granting a pension to Janie Atnip, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4723) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4724) to increase the compensation of surfmen and keepers of life-saving stations and houses of refuge, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 4725) to establish a fish-hatching and fish station in the city of Green Bay, Brown County, State of Wisconsin, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced a bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford Military Tract at Prairie du Chien, State of Wisconsin, which was read twice by its title and referred to the Committee on Private Land Claims.

Mr. GORE (by request) introduced a bill (S. 4727) to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WARNER introduced a bill (S. 4728) to remove the charge of desertion from the military record of John Ziegler, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4729) for the relief of William McDaniel (with accompanying papers);

A bill (S. 4730) for the relief of the trustees of the Presbyterian Church of Glasgow, Mo. (with an accompanying paper); and

A bill (S. 4731) for the relief of John R. Adams.

Mr. TILLMAN introduced a bill (S. 4732) requiring interstate transportation corporations owning capital stock in other transportation corporations to obtain the consent of such ownership of the legislatures of the States in which are located the transportation lines of the corporations whose stock is so owned, and also the like consent of Congress, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CLAPP introduced a bill (S. 4733) for the relief of Charles M. Breuer, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4734) to provide for the transfer of a certain fund from "Depredations upon public lands" to the credit of the White Earth bands of Chippewa Indians in Minnesota;

A bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians; and

A bill (S. 4736) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes.

Mr. KEAN introduced a bill (S. 4737) granting an increase of pension to Joseph W. Pierson, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 4738) granting a pension to Addie W. Farquhar, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4739) to correct the military record of Timothy Daly, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WARREN introduced a joint resolution (S. R. 47) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, which was read twice by its title and referred to the Select Committee on Woman Suffrage.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment authorizing the Secretary of the Interior to expend an amount not exceeding $30,000 to purchase for the use of Chief Rocky Boy's band of Chippewa Indians, now residing in Montana, suitable tracts of land, water, and water rights, in that State, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate $2,599.99 to pay James D. Elliott for services performed as United States attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $142,000 for surveying the unsurveyed portion of oil lands in Washington, Kane, Iron, and Garfield counties, Utah, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. CULBERSON. For the purpose of having it referred, I call up Senate resolution No. 81 and ask its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The Senator from Texas asks that the following resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The SECRETARY. Table Calendar 4, Senate resolution 81, by Mr. CULBERSON, relative to the bill of complaint filed in the circuit court of the United States for the northern district of West Virginia in the case of the Hitchman Coal and Coke Company, plaintiff, *v.* John Mitchell et al., defendants.

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" and

H. R. 12420. An act to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado was read twice by its title and referred to the Committee on Public Lands.

COURTS IN TEXAS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

Mr. CULBERSON. I move that the Senate nonconcur in the House amendments and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

SECOND HOMESTEAD ENTRIES.

Mr. GAMBLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 300) providing for second homestead entries having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the same with an amendment, as follows:

Strike out the word "or," in line 5 of the House bill, and insert the words "or abandoned" after the word "forfeited," in the same line.

H. C. HANSBROUGH,
ROBERT J. GAMBLE,
FRANCIS G. NEWLANDS,
Conferees on the part of the Senate.

FRANK W. MONDELL,
A. J. GRONNA,
JNO. W. GAINES,
Conferees on the part of the House.

The report was agreed to.

BENTON WATER COMPANY.

The VICE-PRESIDENT. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order. The first bill on the Calendar will be stated.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors, or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as first in order.

The VICE-PRESIDENT. The Senator from Idaho [Mr. HEYBURN] left notice with the Secretary that he desired to be present when the bill the title of which has just been stated was considered.

Mr. NELSON. In view of that fact, I ask that the bill may be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from Minnesota.

LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was announced as next in order.

Mr. CLARK of Wyoming. Yesterday, at the suggestion of the Senator from South Dakota [Mr. GAMBLE], this bill was passed over in my absence and at my request. I desire at the proper time to discuss the bill and the amendment reported to it by the Committee on Indian Affairs. I desire to oppose the passage of the bill in its present form.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 20, after the word "grazing," to strike out "or ten years for mining," so as to make the bill read:

Be it enacted, etc., That section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,' approved February 28, 1891," be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or other disability any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same or lands occupied by Indians on reservations created by Executive order or by legislative enactment, and which lands are not needed for farming or agricultural purposes and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior."

Mr. CLARK of Wyoming. Mr. President, to the bill as it was referred to the committee I have no objection. The purpose of the bill as it was introduced was to make the leasing system and practice uniform upon reservations that were created by act of Congress and reservations which were created by Executive order. So far as the bill accomplishes that purpose, I have no objection whatever to it, but the bill as reported after accomplishing that purpose changes the system of leasing upon all Indian reservations. It will be noticed on page 2 of the bill——

Mr. LODGE. The Senator from Wyoming, as I understand, is addressing himself to Order of Business 94, which is Senate bill 1773.

Mr. CLARK of Wyoming. Yes.

Mr. President, to the bill as referred to the committee, as I have said, there is no objection so far as I am concerned, but as reported from the committee the amendment in line 20, on page 2, strikes out the words "or ten years for mining," which absolutely prohibits the leasing for mining purposes on any Indian reservation of Indian lands that have not been allotted. I suppose that the committee struck out those words at this time in view of the fact that complaint has been made that the leasing privileges upon certain of the Indian reservations have been grossly abused and that parties who had received leases for long terms upon Indian reservations had strenuously fought before the committees of Congress and elsewhere any proposition to open those reservations. Of course, with any such action as that I have absolutely no sympathy.

Another phase of the question which is presented, Mr. President, is that upon many of these Indian reservations a large portion of the land is not suitable for agricultural purposes, but is suitable for mining purposes. It is essential, not only for the Indians themselves, but for the inhabitants of the States and for the nation that all our bona fide mining interests be exploited.

In my own State the Shoshone Indian Reservation, a portion of which has recently been opened to entry, lies almost exactly in the center of the State. We have reason to believe it contains large deposits, not only of the precious metals, but of oil, which is classed as a mineral. It is essential to the development of the country, it is essential to the welfare and the revenue of the Indians that this oil shall be prospected. This bill, as it is proposed to be amended, absolutely prohibits that, not only cutting off a necessary production of the State, but cutting off the Indians from any possible revenue from that portion of the reservation that has not been allotted; and the particular lands that are valuable for mineral purposes are absolutely worthless for agricultural purposes; so that they are still held in community.

I hope the committee which has reported this bill will recede from the amendment which they propose, in striking out the words indicated. My impression is, Mr. President, that since the law was passed originally the time limit of leases has been reduced to five years. If I am mistaken, I am subject to correction; but I believe now the land can be leased for five years under such rules and regulations as the Secretary of the Interior may prescribe. It may be that the committee, upon second thought, will not object to striking out those words.

Mr. CURTIS. The Interior Department, I think, has held that they have no right to make mineral leases upon Executive-order reservations.

Mr. CLARK of Wyoming. Well, that may perhaps be true, but the Senator from Kansas will, I think, see the effect of striking out the words to which I have referred.

Mr. SUTHERLAND. Mr. President, I am in favor of opening all the existing Indian reservations allotting the lands to the Indians in severalty, and providing that the remaining lands shall be opened to settlement at the earliest possible day. I think the Indian reservation system is vicious and has resulted in very great abuses. Therefore I am opposed to any legislation which will tend to hold the Indian reservations in their present condition. I think that not only the bill which is now before the Senate for consideration, but the legislation which is proposed to be amended by it, had that tendency, and therefore I am opposed to it.

The bill proposes to amend section 3 of the act of Congress passed February 28, 1891, which act amended the act of Congress passed February 8, 1887. Section 3 of the act of 1891, among other things, provided:

That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The Indian Bureau has interpreted that law to apply practically to all Indian reservations, with the exception of those created by Executive order. I think the interpretation of the Indian Bureau in that respect is wrong, and perhaps the interpretation, rather than the law itself, is what has led to these abuses.

The Senate will observe that the language here is carefully selected. It is where lands have been "bought and paid for," not lands which are "owned" by the Indians, but lands which have been "bought and paid" for, implying clearly that there shall have been such a transaction; that the Government acting upon one side shall have sold the lands; that the Indians acting upon the other side shall have bought the lands; and that there shall have been an actual payment for them. There are such lands. There are lands of that character in the former Indian Territory. I call to mind a case where the Cherokees had purchased for a sum of money, namely, $500,000, a tract of land held by the Indians in common in the Indian Territory.

Now, we go back a moment to the language of this law, and it will be seen that the interpretation of the Indian Bureau is altogether too broad. The circumstances leading up to its enactment are instructive. It came about in this way: In 1884 and 1885 there was a great deal of agitation in the country with reference to an attempt on the part of the Indians in the Indian Territory to make leases of their lands. The Attorney-General, at that time Mr. Garland, was appealed to on the subject, and Mr. Garland very properly held that the Indians, under the provisions of the Revised Statutes of the United States, had no power to make any leases of any lands whatsoever, no matter by what title they might be held. Later, along in 1888 and 1889, leases were actually made by those Indians. The attention of President Harrison was called to the condition of affairs. He referred the question to the then Attorney-General, Mr. Miller. Mr. Miller rendered an opinion concurring with the opinion formerly rendered by Mr. Garland, holding that these leases were absolutely void. An order was issued directing the holders of these leases to remove their cattle from the land within a period of sixty days and declaring the leases to be absolutely void. At the very time that the legislation was pending in Congress, or perhaps within a few months afterwards, the original bill, as it was reported by the Committee on Indian Affairs and passed by the Senate, provided that "Indian lands" might be leased—not Indian lands "bought and paid for," but "Indian lands." The bill went to the House of Representatives in that form, and in that form the bill was passed by the House. The bill went to conference, and when it came out of conference the words "Indian lands" had been stricken out and the language "lands bought and paid for" had been inserted. I have no doubt that the committee of conference, and the Congress, in adopting the report of the conference committee, recognized that it was an injustice, in cases where the Indians had actually bought and paid for their lands and held them in fee simple, that there should not be some method by which they could be leased and the Indians be enabled to get a revenue from them. But it was never intended by this legislation that all Indian reservations should be subjected to the provisions of this law. I doubt, if at that time it had been so understood, that the bill would have passed either House of Congress.

In my own State it has worked very grave abuses. The Indian Bureau has held that the language "bought and paid for" applied to reservations which had simply been carved out of the great body of the public lands by legislative enactment, and which the Indians had not in any manner bought and paid for. The result has been that leases of this character have been issued to speculators, who have gone out on these Indian reservations and exploited them. This has led to scandal and abuse in connection with the subject. The people to whom the leases were granted have been interested in keeping the reservations from being opened, and they have sent lobbies down here to Congress in order to prevent them from being opened. The Uinta Reservation in my State, by efforts of that character, was kept from being opened for a period of ten years.

I am not in favor of passing any law that will result in a repetition of that kind of abuse. I think we ought to facilitate the opening of these reservations and that we ought not to pass any legislation that will in any manner interfere with their being opened at the earliest possible date. For that reason I am opposed to the pending bill.

Mr. GAMBLE. Mr. President, the purpose of this legislation is clearly indicated by the provisions of the bill itself. The present law allows the leasing of Indian allotments for grazing and for mining purposes when the allotments can not be used for the benefit of the Indians by occupation or cultivation. As explained by the Senator from Utah [Mr. SUTHERLAND], a distinction was drawn and an opinion was rendered by the Assistant Attorney-General for the Interior Department in regard to the provision in the law of 1891 relative to the meaning of the limitation "bought and paid for." The holding by the Department was that that applied to reservations made by treaty or reservations which had been permanently occupied by Indian tribes. It was thought by the Department that there should be no distinction held between reservations occupied by Indians under treaty and reservations created by Executive order or by law.

The purpose of the bill as introduced was to place all Indian reservations upon the same basis; so that, in addition to the leasing of allotments either for grazing or for mining purposes, the surplus lands of the Indian reservations not needed by the Indians might be leased by an Indian council speaking for the tribe and through such regulations as might be prescribed by the Secretary of the Interior, not only for grazing, but for mining purposes. That was the purpose of the proposed legislation as originally introduced. The proposed legislation has been favored by the Interior Department.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. GAMBLE. Just a word, and I will conclude.

The bill was reported; but it was the judgment of the committee, especially as expressed by the Senator from Utah [Mr. SUTHERLAND] as to certain objections made in regard, I think, to the Unita Reservation, where mining leases had been made which had resulted in the defeat of the opening of the reservation, that it might be wise, and in their judgment it was wise, that no authority should be given for the leasing of the surplus lands for mining purposes, but that the right should extend to the leasing of the reservations by treaty, by Executive order, or by law, for grazing purposes. That amendment was made by the committee itself. I think that is all I have to say.

Mr. SUTHERLAND. I want to ask the Senator——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. GAMBLE. Certainly.

Mr. SUTHERLAND. I want to ask the Senator a question. He says, as I understood, that it has been held by the Indian Department that the language "lands bought and paid for" has been applied to reservations which have not been "bought and paid for," but which have simply been carved out of the body of the public domain. That is correct, as I understand, is it not?

Mr. GAMBLE. I think that is so where the Indians occupy the reservation by treaty.

Mr. SUTHERLAND. Yes; by treaty.

Mr. GAMBLE. Or where they have occupied it permanently and it is supposed the Indian tribe has a fee to the land.

Mr. SUTHERLAND. Yes. Now, what I want to submit to the Senator is this: The original Indian title is that of occupancy——

Mr. GAMBLE. Yes, sir.

Mr. SUTHERLAND. That is recognized upon all hands. When we, by treaty or otherwise, carve out of a large body of land, which is held by the Indians by this title of occupancy only, a smaller body by treaty or in any other way, by what process of reasoning does the Senator think that we have in any manner added to the title which the Indians have?

Mr. GAMBLE. I do not think we have.

Mr. SUTHERLAND. We have conferred no additional title upon them?

Mr. GAMBLE. Not at all.

Mr. SUTHERLAND. Then, if that be true, why are not all the Indian lands lands that have been "bought and paid for" as much as those which have been carved out of the main body of the Indian lands by treaty or otherwise? Yet the Department applies the provisions of the law to those bodies of land that have been carved out of the larger bodies without any additional title having been conferred upon the Indians, and excludes the general lands that have not been thus carved out.

Mr. GAMBLE. In reply, I think that in many cases reservations have been created by Executive order from public lands

to which the Indians who were placed thereon claim no title, either by occupancy or otherwise; and frequently by law Indians have been assigned public lands which they have not occupied at all. That was the distinction drawn by the Assistant Attorney-General, a copy of whose report covering that particular question I have incorporated in the report of the committee which I have submitted on this bill.

Mr. TELLER. Mr. President, I do not care to go into any details of the experience the people of this country have had in the matter of leasing lands on Indian reservations, particularly in the extreme West. It is a chapter that nobody is very proud of and an experience that, it seems to me, ought to make us all very careful how we authorize generally the leasing of such lands.

In this bill, Mr. President, there appears to be an attempt to treat by Executive order lands as if they were the property of the Indians. They are not the property of the Indians and should receive entirely different treatment from that accorded to the lands that really do belong to the Indians.

This is entirely too important a bill to be considered under the five-minute rule. It involves very many questions, and it seems to me that it is a matter about which we ought to go pretty slow on and be pretty careful. Therefore I am going to object to the further consideration of the bill and ask that it go over under Rule IX, so that we may have an opportunity to have it taken up and properly considered.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill, and it will go to the Calendar under Rule IX, at the request of the Senator from Colorado.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 31, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 30, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF DISTRICT BILLS.

The SPEAKER. The Chair announces the following changes of reference, which the Clerk will read.

The Clerk read as follows:

The bills (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, and (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, were erroneously referred to the House Calendar.

These bills provide for an appropriation of moneys out of the Treasury of the United States, and should have been referred to the Union Calendar. Therefore the reference of said bills will be changed.

BRIDGE ACROSS POWELLS RIVER, TENNESSEE.

Mr. HALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River.

The bill was read, as follows:

Be it enacted, etc., That Campbell County, Tenn., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Powells River at or near its mouth, near Agee post-office, in Campbell County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. What is this bill?

The SPEAKER. A bridge bill.

Mr. WILLIAMS. Is it unanimously reported by the committee?

Mr. HALE. Unanimously reported.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HALE, a motion to reconsider the last vote was laid on the table.

REPRINT OF A PENSION BILL.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 15653) to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, and that 5,000 copies of it be printed.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for a reprint of a bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, this is a request for a reprint?

Mr. SULLOWAY. That is all.

There was no objection.

BRIDGE ACROSS COLORADO RIVER ARIZONA.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from further consideration of the bill S. 2662, now on the House Calendar, and I ask for its immediate consideration. It has been reported by the House committee.

The bill was read, as follows:

Be it enacted, etc., That the Arizona and California Railway Company, a corporation organized under the laws of the Territory of Arizona, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at or near Parker, in the Territory of Arizona, as may be approved by the Secretary of War, for the passage of railroad trains by means of a single or double track, and also, at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, my recollection is that the House committee reported the Senate bill.

Mr. SMITH of Arizona. The Senate bill has been reported by the House committee and is now on the Calendar.

Mr. MANN. I thought the request was to discharge the committee.

Mr. ADAMSON. The committee reported the Senate bill.

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS GRAND CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.

The bill was read, as follows:

Be it enacted, etc., That the Chicago, Indianapolis and Louisville Railway Company, a corporation of the State of Indiana, is hereby authorized to construct, maintain, and operate a bridge across the Grand Calumet River at a point in the city of Hammond, Lake County, Ind., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this unanimously reported?

Mr. CRUMPACKER. This is unanimously reported by the committee, but I want to propose a slight amendment, if consent be given, to add the words "or near" after the word "in," so that it will read "in or near the city of Hammond, Ind."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Does the gentleman offer an amendment?

Mr. CRUMPACKER. I move that the words "or near" be inserted after the word "in" in the bill.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 6, after the word "in," insert the words "or near," so that it will read "at a point in or near the city of Hammond."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897;

S. 517. An act authorizing the purchase of lands for California Indians;
S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps;
S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;
S. 629. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party;
S. 642. An act to establish an assay office at Salt Lake City, State of Utah;
S. 1162. An act to correct the naval record of Alfred Burgess;
S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;
S. 1404. An act granting an increase of pension to John Lourcey;
S. 1405. An act granting an increase of pension to William C. O'Neal;
S. 1406. An act granting an increase of pension to Hester Kite;
S. 2227. An act for the relief of Mary C. Mayers;
S. 3084. An act providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops;
S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907; and
S. 4432. An act to reorganize the corps of dental surgeons attached to the Medical Department of the Army.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:
S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps—to the Committee on Claims.
S. 517. An act authorizing the purchase of lands for California Indians—to the Committee on Indian Affairs.
S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897—to the Committee on Ways and Means.
S. 642. An act to establish an assay office at Salt Lake City, State of Utah—to the Committee on Coinage, Weights, and Measures.
S. 629. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party—to the Committee on Military Affairs.
S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States—to the Committee on Claims.
S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett—to the Committee on Naval Affairs.
S. 1162. An act to correct the naval record of Alfred Burgess—to the Committee on Naval Affairs.
S. 1404. An act granting an increase of pension to John Lourcey—to the Committee on Pensions.
S. 1405. An act granting an increase of pension to William C. O'Neal—to the Committee on Pensions.
S. 1406. An act granting an increase of pension to Hester Kite—to the Committee on Pensions.
S. 2227. An act for the relief of Mary C. Mayers—to the Committee on Claims.
S. 3084. An act providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops—to the Committee on Indian Affairs.
S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place northwest," approved January 9, 1907—to the Committee on the District of Columbia.
S. 4432. An act to reorganize the corps of dental surgeons attached to the Medical Department of the Army—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:
H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas;
H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district; and
H. R. 9210. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala.

COMMITTEE ON ELECTIONS NO. 3.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3, I submit the following resolution and ask for its immediate consideration.
The Clerk read as follows:

Resolved, That the Committee on Elections No. 3 shall have authority to order such printing and binding as they may deem to be necessary connected with the business of said committee during this Congress.

The resolution was considered and agreed to.

CHANGE OF REFERENCE.

By unanimous consent the reference of the bill (H. R. 446) appropriating $25,000 to build a road and bridge from Lookout Mountain, Tennessee, to Rossville, Ga., connecting parts of the Chickamauga and Chattanooga National Military Park, was changed from the Committee on Military Affairs to the Committee on Appropriations.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766—the urgent deficiency appropriation bill.
The motion was agreed to.
Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.
The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766—the urgent deficiency bill—and the Clerk will resume the reading of the bill under the five minute rule.
The Clerk read as follows:

UNITED STATES COURTS.

All expenses that may be incurred in the approaching trial of the case of the United States against Hyde, Dimond, Benson, and Schneider in the District of Columbia shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.
Mr. TAWNEY. I want to give notice, Mr. Chairman, that I shall propose an amendment to that paragraph. The estimate, as submitted to the Committee on Appropriations by the Department of Justice, was for the appropriation of something like $60,000 for expenses in the trial of these cases here in the District of Columbia, together with the recommendation that one half of that expense be borne by the District of Columbia and the remaining half by the Government of the United States.
These are conspiracy cases brought here in the District of Columbia for the reason, as the committee was informed by the Attorney-General, that the venue could not be laid anywhere else than in the District of Columbia. It seems the consummating act was committed here, and for that reason it is necessary that the venue in these cases should be laid here.
The witnesses, however, numbering anywhere from 100 to 150, will have to be brought from the State of California and other Western States. The expense of the trials will be very great in consequence of that fact. Your committee, in view of the character of the cases and in view of the enormous expense incident thereto, did not feel justified in placing any part of this burden on the District of Columbia, and, at the same time, the committee did not feel justified recommending a specific appropriation to defray the expenses of the trial of a specific case or several specific cases. The fact that the expense in these cases ought to be borne by the Government of the United States satisfied the committee that the proper thing to do would be to specifically authorize the payment of this expense out of the general appropriation for the Department of Justice, and that is the reason these particular cases have been specifically named.
Mr. MANN. Will the gentleman yield to me?
Mr. TAWNEY. I want to add one word further. In drafting this provision I think we perhaps used language that might be construed to cover the expense of the defendant as

well as the expense of the Government, and I have an amendment to cure that, which I will offer at the proper time.

Mr. MANN. There is no doubt that the present language would cover both.

Mr. TAWNEY. If the gentleman will withdraw his point of order I will offer it now to perfect the text.

Mr. MANN. The gentleman can have it read for information.

Mr. TAWNEY. I ask, Mr. Chairman, that the amendment which I propose be read for the information of the committee.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

On page 33, in line 10, after the word "incur," insert "and otherwise chargeable to the United States and District of Columbia."

Mr. MANN. Now, if the gentleman from Minnesota will permit, as I understand it, the ordinary expenses of the courts of the District of Columbia are paid out of appropriations, so that one-half is charged to the General Government and one-half to the District revenues.

Mr. TAWNEY. That is the law to-day and has been the law for only two years. That provision was carried in one of the appropriation bills passed at the first session of the last Congress. Prior to that time the Government of the United States paid all the expense of the courts here in the District of Columbia.

Mr. MANN. Although the courts are mainly engaged in purely District business?

Mr. TAWNEY. True.

Mr. MANN. So that while the spirit of the compact, if you call it a compact, between the General Government and the District of Columbia was that each should pay half the expense, and while the expense was caused mainly by the District business, the Government paid the entire bill. We made a change in that respect. Does the gentleman think it advisable to go back to the old way, where the Government pays the expense and the District derives the benefit?

Mr. TAWNEY. Answering the gentleman's question I would say no, and I do not think that in recommending to the House the provision which we have recommended here in respect to these cases we are going back to the old plan of the Government paying the entire expenses of the court. This will not affect the law in the least, so far as the law provides that the court expenses here shall be borne equally by the Government and the District of Columbia. It affects it only in so far as this provision relates to these cases.

Mr. MANN. Can the gentleman inform us what is the total appropriation for this character of expenses for the year?

Mr. TAWNEY. For the courts of the District of Columbia? I would have to refer to the appropriation act. I have no data here.

Mr. MANN. It is quite a large sum of money.

Mr. TAWNEY. In the neighborhood of $100,000.

Mr. MANN. And most of that is expended upon cases which are purely local. Is not that the fact?

Mr. TAWNEY. I think so.

Mr. MANN. If we pay half of their local expenses, and then there comes one case where it is a Government case, does the gentleman not think it would be fair to let them pay half of the expense of the one case, when of the hundreds of cases we are paying half of their expense?

Mr. PAYNE. And are not the cases all local except this one that has been segregated in this bill?

Mr. MANN. This is local in that respect.

Mr. PAYNE. I say the cases are all local except what have been segregated in this bill. It seems to me that the vice of this thing is that every time there is a case they claim is a Government case and not a local case we will be asked to make this appropriation.

Mr. MANN. It means that precisely. If we make the exception once, we will be asked to do it every time.

Mr. PAYNE. And by and by the precedent will be established and we will be asked to pay for the policemen around the White House.

Mr. TAWNEY. I want to say one word in reply to the gentleman from Illinois [Mr. MANN]. It is true that practically all of the cases, not all of the business of the courts, but a great deal of the business of the courts in the District of Columbia, is confined to local business. There are patent cases in which the District of Columbia has no interest whatever, and there is a great deal of departmental work that is transacted by the local courts—the Federal courts—here in the District of Columbia; but I want to call the attention of Members to this fact, that in a territory that occupies practically the same relation to the Government that the District of Columbia does, the Government pays the expenses of maintaining the Federal courts there; pays all the expense of maintaining the Federal courts in the Territories, and in view of the fact that this is an exceptional case—perhaps no case like it will occur again in many years—where the cause of action arose almost entirely outside of the District of Columbia, and where, because of the mere technical fact that the act of conspiracy, in the judgment of the Attorney-General, was consummated here, and thus makes it appropriate and makes this the only proper venue in which the case may be brought—we felt that it was not exactly fair to the District of Columbia to impose upon the people of this District the burden of paying the expense of about $50,000, their share of the $50,000, that will be incurred in bringing witnesses here from the most remote parts of continental United States. For that reason, Mr. Chairman, the committee recommends that this expense be borne by the Government, and I would say, too, that when the Attorney-General was before the committee he himself conceded that it would not be fair or just to the District that one-half of this expense should be borne by the people of the District, because of the peculiarities of this cause.

Mr. PRINCE. Is there not some danger in this becoming a precedent by which the Department of Justice can bring its causes of action in the District and thereby cause considerable expense to the defendants, who may not be financially able to bring their witnesses from California in order to have a full and fair defense of their cases?

Mr. TAWNEY. Is the gentleman a lawyer?

Mr. PRINCE. Well, I worked at it a little. I understood the gentleman to say that a part of the case was outside of the District and that a technical point was here. Now, if a technical point is here and the real part of the case is outside, it seems to me that the venue is outside of the District.

Mr. TAWNEY. The technical point as to venue, in the judgment of the chief law officer of the United States Government, makes it absolutely necessary to bring the action here, and, in his judgment, the action can be brought nowhere except in the District of Columbia. If that was not the fact, the case would not have been brought here at all.

There is no question about that, because I will confess that at first I was impressed with the probability of these cases having been brought here for fear that, if they were tried in the community in which these defendants resided, the Department of Justice feared that they would not be as likely to succeed in securing conviction as they would if they were brought far away from their homes; but upon investigation and upon inquiry of the Attorney-General before the committee, he gave to the committee as his positive judgment and opinion that these cases could not be brought anywhere else except in the District of Columbia. They involve one of the greatest conspiracies that has yet been detected in connection with the disposition of the public domain. I do not know how many hundreds of thousands of acres were involved in this alleged conspiracy. Whether there is a conspiracy or not I do not know and do not pretend to say. I am simply saying that the case is exclusively a United States case, and would not be brought in the District except for the mere fact that it is, in the opinion of the Attorney-General, necessary to bring the case here because the final act which consummated the conspiracy was committed here.

Mr. VREELAND. May I ask the gentleman a question?

Mr. TAWNEY. Yes, sir.

Mr. VREELAND. Did not the hearing two years ago, when the law was changed apportioning one-half of the cost upon the District and one-half upon the Government, show that fully one-half of the court expenses of the District grew out of the fact that this is the capital of the United States?

Mr. TAWNEY. That is true.

Mr. MANN. All the expenses grow out of that fact. There would be no place here but for its being the capital; there is nothing else in the District.

Mr. VREELAND. The gentleman understands what I meant.

Mr. TAWNEY. The gentleman from New York means strictly and exclusively Federal business.

Mr. NEEDHAM. Mr. Chairman, I hope the gentleman from Illinois will not insist upon his point of order, as this is one of the most important cases in the opinion of the Department of Justice in the land-fraud cases. These defendants—at least Benson and Hyde—have been engaged for years in a systematic conspiracy to gobble up the public domain, and thus far have generally been able to get clear. These particular cases in comparison with some others that have been tried are manifestly of greater importance, and the Department of Justice claims, as I understand, that by reason of the fact that the final acts of conspiracy were consummated here, jurisdiction lies in the District of Columbia; therefore it would be a great mis-

fortune if for any reason these defendants should escape trial, and it seems to me it is in the interest of public justice that Congress should give this appropriation, so there will be no question as to the trial of these defendants. I hope, therefore, the gentleman will not insist upon his point of order.

Mr. LIVINGSTON. Mr. Chairman, I must confess my opinion, which concurred with the chairman of the committee before hearing the Attorney-General that they were afraid to try these cases on the Pacific slope for the reason given by him, has not changed yet. They laid the foundation for moving these cases here when they went to the grand jury in this District when they ought to have gone to the grand juries of the counties where the parties lived. Now then, the District of Columbia is not interested in this matter one particle and the law dividing expenses between the General Government and the District of Columbia was enacted merely to cover litigation that arose in the District and in which the interests of the District were involved. There is nothing of that kind in these cases. These four cases have been brought from the Pacific slope to the District of Columbia and I defy any attorney in this House to look into it from its groundworks up and not say that these cases could have been and ought to have been brought on the Pacific slope.

Mr. DRISCOLL. Will the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. DRISCOLL. Is it the opinion of the gentleman, then, that these indictments were found here and the cases brought here because the prosecuting officers of the Government thought they would be more apt to get a conviction here than on the Pacific slope?

Mr. LIVINGSTON. That is my candid opinion publicly expressed.

The CHAIRMAN. The Chair understands the point of order has been reserved and not yet made.

Mr. MANN. I make the point of order, Mr. Chairman.

Mr. TAWNEY. I will say, Mr. Chairman, that in the event there is no appropriation made it simply prevents the trial of these cases in the District of Columbia.

Mr. MANN. Mr. Chairman, in reply to the gentleman, which is, of course, by unanimous consent, the gentleman has the power and his committee has, because in that respect the committee would yield itself to his opinion and the House also, to make a deficiency appropriation if necessary for the purpose of paying these expenses.

It will not do for the gentleman to seek to avoid responsibility for the proper trial of this case by saying that this provision has gone out of the bill, because the law now provides a method for trying these cases, and if they lack the money the very distinguished committee presided over by this able chairman knows how to bring in an item for the deficiency.

Mr. OLMSTED. If I may suggest, the clause which has gone out does not appropriate in any event.

Mr. MANN. That is true.

Mr. TAWNEY. It makes a general appropriation available for this purpose.

Mr. MANN. That gives a new fund, and there is in the next item an appropriation of $40,000 which might remain in subject to be used for this purpose, and all that it would be necessary to do would be to say that half of it should be appropriated by the District of Columbia.

The CHAIRMAN. The section under consideration provides:

All expenses that may be incurred in the approaching trial of the case of The United States against Hyde, Dimond, Benson, and Schneider, in the District of Columbia, shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

As the Chair understands, under existing law, all expenses in this trial will be chargeable one half to the District of Columbia and one half to the United States Government. This paragraph, therefore, is a change of existing law and is not in order upon a general appropriation bill. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

For the fiscal year 1907, $20,000.

Mr. WEBB. Mr. Chairman, I desire to ask the chairman of the committee a question. I notice here $20,000 for special assistant district attorneys, and I understand the Department has a woman assistant district attorney, Mrs. Quackenboss; and I want to know if it is in the power of the chairman to tell me how much she is paid and why she has been employed. I think her chief business is investigating peonage cases North and South, and if the chairman has the data I would like very much to have it. Has he an itemized statement of how much each one of these assistants have been paid?

Mr. TAWNEY. Is she employed as an assistant attorney?

Mr. WEBB. I understand so, and is still in the employ of the Department.

Mr. TAWNEY. Not on this bill, but at the hearings on the legislative bill will be shown in detail the expenditure of all moneys on account of the employment of assistant district attorneys that have been employed and paid out of lump-sum appropriations heretofore. I have no recollection of there being any lady's name reported to the committee as assistant district attorney, and I therefore have no information and can not answer the gentleman's question.

Mr. WEBB. I am quite sure there is such a woman in the employ of the Department, and I would like to know why she is employed and how much she has been paid, and whether or not the pay is included in this $20,000.

Mr. TAWNEY. If the gentleman will address a letter to the Attorney-General and make his inquiry, I have no doubt he will get an accurate answer.

Mr. WEBB. There is a bill pending before the Judiciary Committee now asking for that, and we have not been able to get it through yet.

Mr. TAWNEY. We have no information. I did not know that there was a female district attorney on the roll.

Mr. DRISCOLL. I would like to know whether the fees of this special counsel are fixed by any rule or whether they are fixed in this case by special agreement between the Attorney-General and the counsel, or how they are arranged.

Mr. TAWNEY. The fees of the Assistant Attorney-General, paid out of lump-sum appropriations heretofore made, are fixed by the Attorney-General.

Mr. DRISCOLL. I mean the special counsel.

Mr. TAWNEY. I mean special counsel and Assistant Attorney-General. They have heretofore been employed and paid out of lump-sum appropriations.

Now, at the suggestion of the Committee on Appropriations a year ago, the Attorney-General has submitted detailed estimates as to the number of assistant attorneys that will be required in his Department, the salary recommended in each case, and the salaries now paid in each particular case. There is one man who is recommended at an advanced salary, I think, of $250.

Mr. DRISCOLL. In special cases?

Mr. TAWNEY. In special cases, whose compensation is paid out of the $500,000 lump-sum appropriation made some years ago for the prosecution of antitrust cases.

Mr. DRISCOLL. And they are fixed by the Attorney-General?

Mr. TAWNEY. They are fixed by the Attorney-General, and it is proposed in that appropriation, when the sundry civil bill subcommittee commences their consideration of that, to have a detailed statement of all expenditures made out of that appropriation, so that the House will have full information regarding the number that have been employed, and the amount paid to each.

Mr. FOSTER of Indiana. I would like to ask the gentleman what is intended to be covered in this paragraph providing for payments of assistants to the Attorney-General and the United States district attorneys employed by the Attorney-General to aid in special cases.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HAMLIN. I simply desire to ask the gentleman a question.

Mr. TAWNEY. Wait until I answer the gentleman from Indiana. That is for assistants to the United States district attorneys that are employed upon the authority of the Attorney-General for the fiscal year 1907, $30,000, and that involves their service now.

Mr. FOSTER of Indiana. Section 5 refers not to assistants, but to United States district attorneys.

Mr. TAWNEY. This is for assistants both to the Attorney-General and to the United States district attorneys.

Mr. HAMLIN. I have not been able to hear what the chairman of the committee has been stating, and he may have replied, but I would like to know how it happens that there is this deficit in the payment of salaries of the United States district attorneys and their regular assistants.

Mr. TAWNEY. These are not regular assistants.

Mr. HAMLIN. The language of the statute is "the regular assistants for the fiscal year." Now, I would like to know how it happens there is a deficiency in the appropriation for the payment of these salaries.

Mr. TAWNEY. Well, I will say, Mr. Chairman, that it is impossible for the Department of Justice to estimate a year in advance the number of cases and the character of cases

or their importance that will come up for consideration and action in any judicial district under the control of the United States district attorneys; and for that reason it was impossible, and Congress failed to appropriate a sufficient amount to meet these special cases under the several district attorneys in the Federal courts.

Mr. HAMLIN. Then this $60,000 is to be appropriated for special district attorneys?

Mr. TAWNEY. For special district attorneys in special cases, although the antitrust cases have been tried in Chicago and New York.

Mr. HAMLIN. But the language of this bill is "for regular assistant attorneys" and not specials.

Mr. TAWNEY. Well, they have to have their assistants in special cases.

Mr. HAMLIN. But this is for the regular assistants, as I understand—that is, the regularly appointed assistant district attorneys. I understand the special attorneys are covered by another and different section.

Mr. MADDEN. I will state for the information of the gentleman that I am familiar with the office at Chicago, and I know that under that office we tried all the antitrust cases that have been tried in the last year, and all the great cases that are pending in the country are pending in the courts of that district. The men who were necessarily employed a year ago were obliged to be regularly employed by the Government, and yet they have had no appropriation made for their compensation the last year. The Chicago office has gotten to be the most important office in the United States, and part of the deficiency created in the office of the Attorney-General of the United States has reference to the accumulated work which necessitated the employment of regular assistant district attorneys in the Chicago office, and this appropriation is sought to be made in part for the payment of the debts created by the accumulation of business that had to be transacted for that office.

Mr. TAWNEY. The paragraph that the gentleman has been interrogating me on has not been reached. I thought the gentleman was interrogating me on lines 3 to 6, page 36. I find that the paragraph the gentleman refers to is contained in lines 11 to 13. That paragraph has not been reached, but when it is I will be glad to answer any question concerning it.

The CHAIRMAN. The pending paragraph is lines 7 and 8.

Mr. CLARK of Missouri. I would like to ask the gentleman from Minnesota one or two questions, solely for information. What has ever become of that celebrated statute we passed here, that made it a criminal offense for heads of Departments to exceed appropriations?

Mr. TAWNEY. I will state for the information of the gentleman, that if he will read the statute he refers to, which is known as the "antideficiency law," he will observe that where there is an obligation created by statute authorizing and directing the Department to do a certain thing, and appropriations are made for the carrying out of that authorization, and the appropriation is insufficient for that purpose, the Department is authorized under the statute to go on and perform what the law makes it its duty to perform, and if in doing that they create a deficiency, such a case is excepted from the operation of the antideficiency law.

Mr. CLARK of Missouri. Now, are there any items of that kind here?

Mr. TAWNEY. No; these are statutory obligations.

Mr. CLARK of Missouri. Now that we have up this question of district attorneys, I want to ask a question for information on that. How does it happen that the Administration goes on all the time appointing a lot of district attorneys who are incompetent to discharge the duties for which they are appointed?

Mr. TAWNEY. That question should be addressed to the Administration. I do not pretend to know, in the first place, that the district attorneys are incompetent, but if they are, I am not responsible for that.

Mr. CLARK of Missouri. If they are competent, how does it happen that they have to have so many of these assistants?

Mr. TAWNEY. Because of the accumulation of business.

Mr. CLARK of Missouri. If they were a little more industrious, maybe the business would not accumulate so much.

Mr. TAWNEY. If the gentleman had listened to the testimony presented by the United States district attorney for the district of New York and the testimony that was presented to the committee in behalf of the United States district attorney at Chicago, I am satisfied that he would not say that these men were either incompetent or that they were in any way neglecting their duties. They have been working all the time on some of the most important litigation ever carried on in our courts.

Mr. CLARK of Missouri. One more question. Have you any information as to how much the emoluments of the district attorney in New York amount to?

Mr. TAWNEY. The receipts of that office last year were $49,000. That, however, does not go to the district attorney.

Mr. MADDEN. The district attorney receives $10,000 a year.

Mr. TAWNEY. He receives a salary of $10,000 a year.

Mr. CLARK of Missouri. Does he not also get percentages——

Mr. TAWNEY. No; he gets no fees.

Mr. CLARK of Missouri. Wait a minute. Does he not also get fees or percentages on prosecutions in customs cases which go into his own pocket and run his emoluments up to $50,000, $60,000, $70,000, or $80,000 a year?

Mr. TAWNEY. He did up to the last Congress, but the last Congress enacted a law repealing the provision of law under which these fees were applied to the district attorney. Last year the district attorney of New York collected in fines and turned into the United States Treasury $49,000, and since the repeal of the old law by the last Congress his compensation has been $10,000 a year.

Mr. CLARK of Missouri. One more question. Has not this habit of extra prosecutors, or assistants, or whatever you are pleased to call them, grown very much within your time here and mine?

Mr. TAWNEY. It has, indeed.

Mr. CLARK of Missouri. It grows every year.

Mr. TAWNEY. I do not think it has grown any in the last year.

Mr. CLARK of Missouri. If the district attorney in New York needs regular assistance and the district attorney in Chicago needs assistance, why not create those offices and put them on a salaried basis and let the thing move along in a regular way?

Mr. TAWNEY. That is exactly what we are doing now.

Mr. CLARK of Missouri. I am glad to hear it.

Mr. MANN. That is the proposition in the bill.

Mr. FITZGERALD. There are some cases in which the Government has found it necessary to retain as counsel men practicing law who can not be obtained to work for the Government at a fixed salary. Their incomes from the practice of the law are too great. The men against whom they are competing in the litigation in which the Government is interested are the picked men of the bar of the country, and in some cases the Government has found it necessary to retain men of the highest standing to conduct some of the cases and to pay them compensation largely in excess of the statutory fees of assistants.

Mr. TAWNEY. I will say to the gentleman from Missouri that I do not know that I made myself clear a moment ago. The policy of employing assistant attorneys here in the city of Washington and paying them out of a lump sum has obtained up to now and will obtain up to the end of this fiscal year. At the suggestion of the Committee on Appropriations in the last Congress the Attorney-General submitted for the next fiscal year specific estimates as to the number of special assistant attorneys and the salary to be paid to each, so that the legislative bill for the next fiscal year will carry appropriations specifically providing for the number, and also for the exact salary each shall receive. Now the policy of the Attorney-General, as he informs us, with respect to the employment of assistant attorneys outside of the city of Washington is being formulated by the Attorney-General and adopted along the same lines, as far as it is practicable in connection with the transaction of the public business.

Mr. CLARK of Missouri. One more question. Have you any information—and if you have not, it may be the gentleman from Chicago has—as to whether the district attorney in Chicago is entitled to any percentage on that $29,000,000 fine against the Standard Oil Company, if it should ever, in the providence of God, be collected? [Laughter.]

Mr. TAWNEY. He is not entitled to a cent.

Mr. MADDEN. He has a stipulated salary, and his emoluments amount to that and nothing more.

Mr. HAMLIN. Mr. Chairman, I think the gentleman and myself were in error in regard to the paragraph about which I inquired when they said that we had not reached it. We have passed it. Does the gentleman object to returning to it that I may ask a question about it? What is meant by "for salaries for United States district attorneys and expenses of United States district attorneys?"

Mr. TAWNEY. The gentleman refers to a paragraph at the bottom of page 33, line 22.

Mr. HAMLIN. From line 20 to line 22.

Mr. TAWNEY. That is the general provision simply stating the officers and the expenses for which the appropriations are made in the succeeding paragraph:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants for the fiscal years, as follows.

Mr. HAMLIN. How does it happen that there should be a deficit in the district attorneys' and regular assistants' salaries; can not they be computed in advance?

Mr. TAWNEY. No; they can not.

Mr. HAMLIN. Why not?

Mr. TAWNEY. It covers salaries and traveling expenses and other expenses incident to the prosecution of the business away from home, and also clerical force in the office, and it is impossible to estimate for these specifically.

Mr. HAMLIN. If that be true, why does it not say for traveling expenses and other incidental expenses?

Mr. TAWNEY. The deficiency appropriations are always carried in identically the same language in which the original appropriation was made.

Mr. MANN. I think I can answer the gentleman also in a little different way. A few years ago we made an appropriation of $500,000 to prosecute the so-called "antitrust" cases. Last year we supplemented that with $200,000. That money is paid to special counsel, and there are now employed a number of special counsel under those appropriations. Every gentleman in the House will realize the fact that special counsel cost higher than regular lawyers, and the reason for putting in this item in the deficiency bill is because in the various district offices—and Chicago is one of them—they want to take some of the men off the roll as special counsel and put them on, so long as they are employed, as regular assistants, which will cost the Government less than is now being paid.

Mr. HAMLIN. I would like to say to the gentleman that the special counsel is provided for on page 36.

Mr. MANN. Oh, I understand.

Mr. HAMLIN. I would like to ask him this question. He says a few years ago there was appropriated $500,000 for the prosecution of these so-called trusts, and he is correct in that statement. I believe the Attorney-General's report to the Fifty-eighth Congress showed that he had only expended $25,000 of the $500,000 appropriated.

Mr. GAINES of Tennessee. That was under Mr. Knox's administration, and he didn't do much.

Mr. HAMLIN. What has been done with the other $475,000?

Mr. MANN. If the gentleman will pardon me, I am not on the Appropriation Committee. I do not keep track of that, but I know we have diverted a number of items of these appropriations, and we supplemented the original appropriation at the last session of Congress, or, as I remember it, during the last Congress. What has become of the money is a matter of easy ascertainment. The gentleman can ascertain it as well as I can; it is an open book in the Department. But I may say to the gentleman that at least since the present district attorney has been at Chicago no one has complained, so far as I know, except those who have been prosecuted, of any activity or lack of activity on his part, and that office has had a number of notable prosecutions and trials, and in a way which the gentleman I think is satisfied with, because so far they have all been decided in favor of the Government. It is not possible to do this work without the assistants, and, in my judgment, it is far better to have regular assistants, so long as the office is engaged in the work, than it is to employ special counsel, one man for this case and another man for that case, where, in all probability when you finish up the bills, they will amount to a great deal more than hiring one of the same men as a regular assistant.

Mr. HAMLIN. Mr. Chairman, I understood that the gentleman undertook to enlighten me upon that subject, and he stated that in addition to the $500,000 that was appropriated in the Fifty-seventh Congress for the prosecution of the trusts, there was also appropriated about $200,000 and perhaps $250,000 additional, which makes $750,000. I would like some gentleman on that side of the House to explain how this three-quarters of a million of dollars has been expended in the prosecution of trusts in this country. I believe that I can recall only one conviction, and that was of the Standard Oil Company in the city of Chicago this year.

Mr. MANN. I can recall a number of convictions of various railroad companies. There have been paid in fines in the city of Chicago a large sum of money, several hundred thousand dollars, as I now remember, in the last year.

Mr. HAMLIN. Can the gentleman give me the names of the railroad companies?

Mr. MANN. The Santa Fe Railroad Company, the Burlington Railroad Company, the Alton Railroad Company, and various other companies which now have the cases appealed. The furniture trust was fined. Various other fines have been enforced and collected, I might say to the gentleman, besides those now on appeal.

Mr. HAMLIN. I will ask if the Chicago and Alton Railroad Company was not granted immunity by the Department of Justice this summer?

Mr. MANN. Oh, well, the gentleman is talking about one case, but that is not the only case in which the railroad companies have been involved.

Mr. TAWNEY. I will say to the gentleman from Illinois [Mr. MANN] that over $600,000 was imposed in fines in the city of New York alone.

Mr. HAMLIN. Can the gentleman give me the amount of the fines collected by virtue of this prosecution?

Mr. TAWNEY. I can not.

Mr. MANN. I may say to the gentleman that he will find that in the annual report of the Attorney-General, by districts.

Mr. TAWNEY. I repeat that over $600,000 was imposed in the city of New York alone, in the Federal courts.

Mr. HAMLIN. Has there been a case where any of the officers of these corporations or trusts have been imprisoned under this statute?

Mr. TAWNEY. I understand that in one of the cities of the gentleman's own state, Kansas City, two men were convicted and sentenced, as well as fined, for violating the antitrust law. Whether the cases have been appealed or not or they are serving their time, I do not know.

Mr. GAINES of Tennessee. They have been appealed and reversed, and the parties let off.

Mr. MANN. Oh, they were fined only the other day and they are now serving their sentences.

Mr. FITZGERALD. Oh, no; the cases were appealed. They came back and they pleaded guilty——

Mr. HAMLIN. I would like to state, Mr. Chairman——

Mr. BUTLER. Mr. Chairman, what is before the House?

The CHAIRMAN. Nothing is before the House.

Mr. HAMLIN. I move to strike out the last word. In reply to the gentleman's statement about the conviction in my own State, at Kansas City, I desire to say I remember very well that case, and the prosecution against the chief officers of those companies was all dismissed, or they were all acquitted, and only the subordinates in these companies were convicted—some clerks who were not responsible for the affairs of the company and were made the scapegraces and convicted, and they never have been imprisoned actually for the offenses of which they were convicted.

Mr. MADDEN. Does the gentleman wish to be understood as saying that the men who were convicted were not responsible?

Mr. HAMLIN. I am not saying that. I am only saying they were only subordinates and were not actually responsible for the conduct of the business, and perhaps ought not to have been convicted.

Mr. GAINES of Tennessee. Mr. Chairman, I can not but believe that the money that we have appropriated is being well used in finding evidence against "trusts." I happen, as you all know, to be keeping pretty close track of my old friend the enemy, the tobacco trust, and there has been expended between $80,000 and $100,000 alone in running down evidence against that octopus. That is one case. They have employed special counsel, a man whom I happen to know—he ran against me for Congress once.

Mr. MADDEN. He is all right, is he?

Mr. GAINES of Tennessee. Yes.

Mr. OLMSTED. What happened to him?

Mr. GAINES of Tennessee. I defeated him. [Laughter.] But he is a gentleman, a fine lawyer, and absolutely unpurchasable. Mr. J. C. McReynolds is his name—born in Kentucky, educated in Nashville.

Mr. MANN. You did not want him to run against you again.

Mr. GAINES of Tennessee. It is immaterial to me. I am very glad, however, to have given him a good client. He is getting, I am informed, $16,000 a year, and he is not allowed, I am informed, to do anything else; in fact, he could not do anything else but look after this tobacco trust, and he is doing it and apparently well. He has been in New York for the last twelve months and has been taking testimony, and he is now in Louisville, and is going to St. Louis in a few days, and then is going to Nashville, and then to other places to finish taking testimony which we have been trying to collect, I will say here, ever since I started it in 1904, or even earlier than that—in

1902. Mr. Chairman, this is being done in the Standard Oil case that Mr. Kellogg, a distinguished lawyer of Minnesota, is looking after. There may be similar cases. But what I am complaining about is acquitting the human beings that hound the American people and convicting the corporation that is without eyes to see, without ears to hear, without hearts to feel, without souls to damn.

Mr. TAWNEY. Who does that?

Mr. GAINES of Tennessee. The courts.

Mr. TAWNEY. No; the jury, is it not?

Mr. GAINES of Tennessee. And the jury, too.

Mr. TAWNEY. Does the gentleman know of any case where the court acquitted a man charged with a criminal offense?

Mr. GAINES of Tennessee. I will tell you in a minute.

Mr. TAWNEY. Do you know of a case where the court has discharged a man accused of a crime?

Mr. GAINES of Tennessee. If the gentleman will wait a minute, I will enlighten him, I think, a little on that point. Two gentlemen were convicted in Kansas City and fined and sentenced to several months' imprisonment by a very distinguished Federal judge, Smith McPherson, who you all remember as having been a Member of Congress. The case was appealed and the higher court reversed it on a "technical" point. The counsel a few days ago went into the court and plead guilty and they were both fined, but not imprisoned. The court said, so the papers stated, that rebating had been stopped, and therefore it was not necessary to put these men in jail. I am not here to criticise the court. I am just stating the press report of the action of that distinguished judge in this case, but I can not approve this action of the court. Now, here is the licorice branch of the tobacco trust, where human beings came into court and to Special Counsel Henry W. Taft, and said: "We will plead guilty if you will not put us in jail," and he declined, and very properly, and a jury acquitted them, but on the identical evidence and at the same time convicted the corporation, a machine they used to perpetrate the wrong on the people who used licorice in this country.

Mr. TAWNEY. The gentleman's criticism is addressed to the jury and not to the courts in our administration?

Mr. GAINES of Tennessee. I am speaking of the licorice case. As to Judge McPherson, I want to say I have as high a regard for the gentleman as a lawmaker and as a citizen as the gentleman has himself, even though they are both of the same political party. I think it was a mistake of Judge McPherson to do that even on the grounds on which he put it—rebating has stopped! These men were convicted and on a mere technicality the case was reversed and the "technicality" was so flimsy the lawyers came up and agreed to plead and did plead guilty, and they were fined, and the court, in substance, said: "I will not imprison you; rebating has stopped; I will fine you," and did so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to speak for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Chairman, does not the gentleman really want to say he has so much confidence in Judge McPherson that he would rather take Judge McPherson's opinion after he had heard the evidence than to have the gentleman form an opinion himself without hearing the evidence?

Mr. GAINES of Tennessee. On the evidence heard before Judge McPherson and a jury the jury convicted and he sentenced them, and they appealed.

Mr. MANN. But the gentleman himself did not hear the evidence.

Mr. GAINES of Tennessee. The judge sentenced them and fined them. The superior court reversed it upon a mere technicality, and the paper stated that counsel came in and said that they pleaded guilty, and asked the court simply to fine, and the court did so, though he had both fined and sentenced them in the first trial, when the jury found them guilty.

Mr. MANN. Is the gentleman thoroughly familiar with that case?

Mr. GAINES of Tennessee. I am telling the gentleman of the press reports of last week in the Washington Star, and, I think, in the Washington Times, and in several other papers. I am not criticising Judge McPherson, but condemn the unwisdom of letting a man off who had already been adjudged by the jury and judge as guilty and was fined and ordered to prison, and who, on a second trial, came up and admitted their guilt, and the same court simply fined them—relieved them of any jail sentence.

Mr. MANN. I want to say to the gentleman, so far from these gentlemen being let off on a mere technicality——

Mr. GAINES of Tennessee. That is what the papers stated.

Mr. MANN. They were finally convicted——

Mr. GAINES of Tennessee. They plead guilty, and were fined only on second trial.

Mr. MANN. Well, convicted in the first place on a mere technicality, and then pleaded guilty, because guilty, upon a mere technicality.

Mr. GAINES of Tennessee. The gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. GAINES of Tennessee. The case was reversed upon a technicality. The judgment of Judge McPherson was reversed on a mere technicality, but they confessed their guilt in the second trial.

Mr. MANN. The whole thing was just as technical as things can be under the law. The conviction was a technical conviction in regard to granting rebates—just as technical as a thing can be. That is what the rebate business is. Now, the judge thought, and I think there was, absolutely, so far as these people were concerned, no moral obliquity. I think Judge McPherson did right.

Mr. GAINES of Tennessee. Did he do right in the first instance, when he sentenced them to jail?

Mr. MANN. He did right to follow the opinion of the jury.

Mr. GAINES of Tennessee. I would not do Judge Smith McPherson any injustice any quicker than my friend would, and he would not do it at all. I am simply criticising the unwisdom of that kind of a judgment. Here is the jury that had convicted them, and the court refused to set the verdict aside, and not only that, but said that they should go to jail. This is reversed by the superior court on a mere technicality. Finally they came in and pleaded guilty—admitted their guilt—and the judge simply fined, but omitted to imprison. That is the substance of the press report.

Mr. MACON. In response to what the gentleman from Illinois [Mr. MANN] said in reply to the gentleman from Tennessee [Mr. GAINES] as to whether Judge McPherson did right in the first instance, he said that the jury fined them and imprisoned them six months in jail, and I want to say that the jury in a Federal court never fixes imprisonment. The court does that.

Mr. GAINES of Tennessee. The court fixes that, but when the jury found the parties guilty the court fined and sentenced them; but when they plead guilty in the second trial this same court simply fined them. In the license case the persons, the real doers of the wrong, were acquitted by the jury when they proposed to plead guilty, but convicted the corporation, which was fined, this fine to be paid, of course, out of the stockholders' would-be dividends. We must convict and imprison the officers and agents of corporations and the corporations, too.

Mr. DRISCOLL. Did not the stockholders get the benefit of the rebates?

Mr. GAINES of Tennessee. I do not presume that all the stockholders are knowingly guilty of rebating. But my friend from New York [Mr. DRISCOLL], as a matter of fact knows this, that many people have taken their money out of their pockets and are using it in an unlawful way to make money, and to such an extent, I am sorry to say, monopoly in this country has become more or less popular. The best talent and big salaries help to do this. We find reactionaries in the Republican party, and we find them in the Democratic party to a certain extent, and they are now trying to get a man for President who will go back on the record that Roosevelt and the Democrats have made against the trusts and monopolies in this country. I am not for any reactionary in this fight. I am for the supremacy of the law, its enforcement against the lawless, old and young; the lawless, rich and poor [applause], and I am not in favor of a man going around in the name of a corporation and robbing the American people, and then, when we bridle him and bring him up before the court, have him say that "the corporation did it. I was only an agent." He was an agent with his eyes open, and he ought to be sent to jail. [Applause.]

I will here insert as a part of my remarks the following article from the Evening Star, Washington, D. C., Saturday, January 25, 1908:

THOMAS REBATE CASE—SENTENCE IMPOSED TO-DAY IN THE FAMOUS SUIT—END OF LONG LEGAL FIGHT—BOTH OF THE DEFENDANTS ADMITTED THEIR GUILT—THEY HOPED FOR LENIENCY—JUDGE M'PHERSON, IN PASSING SENTENCE, SCORED THE PRISONERS AND THE PRACTICE HEAVILY.

KANSAS CITY, *January 25, 1908.*

George L. Thomas, a freight broker of New York City, and L. B. Taggart, his clerk, pleaded guilty in the United States district court here to-day to a charge of conspiring to pay rebates to shippers. Judge Smith McPherson then fined Thomas $7,000 and Taggart $4,000.

Both defendants were in court, and after sentence was passed checks covering the fines were tendered and accepted by the judge.

Thus ends the case against these men. Jail sentences imposed at a previous trial were omitted to-day. Those sentences were the first ever imposed for rebating. At the time Thomas and Taggart were first found guilty an appeal was taken and the verdict was reversed on the ground that the lower court had failed to instruct the jury on the presumption of the innocence of the defendants, a technical point.

DEALT WITH MANY SHIPPERS.

George L. Thomas maintained a brokerage office in New York, and represented practically all the important shippers on the Missouri and Mississippi rivers under a contract to route their freight from the East and to collect overcharges in freight bills. Thomas, with his clerk, L. B. Taggart, was indicted in December, 1905, charged with conspiring with Barton Brothers, wholesale shoe merchants of Kansas City, to pay rebates on the latter firm's shipments.

In the trial of the case it was brought out that Thomas had also agreed to secure rebates for other merchants. They were found guilty in 1906. Thomas, as the principal, was fined $6,000 and sentenced to serve four months in jail, and Taggart was fined $4,000 and sentenced to serve three months in jail.

An appeal was taken, with the result stated.

ASKED FOR COURT'S LENIENCY.

O. M. Spencer appeared for the defendants to-day and asked the leniency of the court for his clients, saying that although the first cases were reversed by the court of appeals there is little in that court's opinion to encourage the hope of a successful defense on a retrial.

The defendant had, he said, concluded to plead guilty and trust to the fairness of the court, in the light of all the circumstances surrounding the case, to impose only such punishment as is commensurate with the offense committed.

Judge McPherson, in passing sentence upon Thomas and Taggart, said:

JUDGE SCORES DEFENDANT.

"In the full belief that the vicious practices of these defendants and the payments of rebates have been stopped, and in the belief that the practice of rebating generally over the country has been brought to an end by the vigorous action of the Government, through the office of the United States attorney of this district, as well as other districts, there is no occasion for the order of imprisonment."

Judge McPherson took occasion to say that he believed the firms that accepted the rebates were as guilty as the defendants and the railroads, and that he had never been able to find why they had not been indicted by the grand jury. He would have liked, he said, to have had the members of these firms before him to-day, with power to pass sentence upon them. "The railroads," declared Judge McPherson, "are hounded to death with rebate seekers. They are not entirely to blame for all the rebating that has been done."

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the Appropriations Committee a question. I understand that the matter was referred to a while ago, but I was not in the House at the time. I would like to ask the gentleman how much of this money that is sought for the payment of special assistants goes into the prosecution of what are called "peonage cases" in Florida and other States in that section?

Mr. TAWNEY. I am unable to answer the gentleman's question. There was no information given us on that subject. We had no information that any assistant was employed for that service. This only related to assistants employed in certain service where the appropriation was not sufficient during the fiscal year to meet the expenses of their salaries.

Mr. CLARK of Florida. Then it does not relate to any counsel employed in that way?

Mr. TAWNEY. Not so far as I know. Employment in those particular cases was not mentioned, and my understanding is that it relates to rebate cases and antitrust cases.

Mr. CLARK of Florida. Entirely?

Mr. TAWNEY. Yes.

Mr. CLARK of Florida. Then, Mr. Chairman, I do not care to take up the time of the House if it is for that purpose.

The Clerk read as follows:

For purchase of stock, $1,500.

Mr. BUTLER. Mr. Chairman, I would like the chairman of the committee to inform us what kind of stock is meant here.

Mr. TAWNEY. I will say for the information of my friend from Pennsylvania, that the Government owns a farm of 150 acres in connection with the Reform School; these boys in the Reform School are engaged in working on that farm, and it is for the purpose of meeting these requirements that stock—cattle, horses, etc.—are used on the farm.

Mr. BUTLER. Will the gentleman have any objection to the insertion of the word "live" before the word "stock?" That word "stock" may be offensive to the readers of the RECORD.

Mr. TAWNEY. I do not know of any objection. Personally I am not acquainted with the various distinctions between stock, as I was not affected by the recent stock panic. If the gentleman wishes to qualify the word "stock" I have no objections.

Mr. BUTLER. I know of both kinds.

Mr. TAWNEY. I know of neither.

Mr. BUTLER. I move, so that we may not be accused of wickedness on the ground of having to do with stocks other than those alive, to amend the paragraph so it will read "for the purchase of 'live' stock, $1,500."

The Clerk read as follows:

Page 39, line 19, add before the word "stock" the word "live," so that it will read "live stock."

The CHAIRMAN. Does the gentleman from Pennsylvania desire to address the committee further on his amendment?

Mr. BUTLER. I have no doubt, Mr. Chairman, it is truthfully stated that it is the purpose of the House to indulge in much speaking to the end that time may be thereby consumed. Therefore I decline to speak on my amendment, although to decline to speak may result in its defeat. [Laughter.]

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For purchase, exchange, and keeping of horses and wagons, and repair of wagons and harness, to be used only for official purposes, $1,250.

Mr. VREELAND. Mr. Chairman, I offer the following amendment on page 38, line 4.

The Clerk read as follows:

Page 38, after line 4, insert:
"For repair of roofs of Post-Office Department building, $2,890."

Mr. VREELAND. I would say, Mr. Chairman, that this is for repair of the roofs of the main Post-Office Department in this city. This statement was sent to the chairman of the committee too late to be printed in the appropriation bill. It seems a necessary item, as the roof is leaking and destroying property within. For this purpose it is necessary to have it incorporated in the bill.

The amendment was agreed to.

The Clerk read as follows:

For rent, light, and fuel at Presidential post-offices, $50,000.

Mr. PERKINS. I move to strike out the last word, and I desire to ask the gentleman in charge of this bill how it is that there has been so large an urgent deficiency as $750,000 for the compensation of clerks in the post-office.

Mr. VREELAND. I will say to the gentleman from New York that Congress at the last session, in the post-office appropriation bill, fixed the compensation of a large number of employees of the Government, among these being clerks in first and second class post-offices, postmasters and assistants, and other officials covered by the various items of this schedule. The great growth of the business of the Post-Office Department in the last year, the large number of increases of officials of this kind, whose salaries have been fixed by law heretofore, has made this emergency deficiency necessary. That is, we are simply carrying out directions of Congress in making this appropriation.

Mr. PERKINS. That explanation extends to these large items?

Mr. VREELAND. All these large items are under the same explanation.

Mr. PERKINS. Were these increases after the estimates were made last year?

Mr. VREELAND. They were made by the post-office appropriation bill at the last Congress.

Mr. PERKINS. Could not an additional estimate for them have come in afterwards?

Mr. VREELAND. The estimates made were insufficient. They could not foresee the number of post-offices that would go from a lower to a higher class, thereby increasing the number of clerks made necessary by the act of Congress.

Mr. MANN. If the gentleman will pardon me, is not this the situation? We provided last year for what was called an automatic increase in the pay of the post-office clerks that depended upon whether the postmasters considered them efficient. If they were efficient they were increased in pay. Of course it was not practical for the Post-Office Department to determine in advance how many of these clerks would be found to be efficient.

As a matter of fact it is the universal testimony in the Post-Office Department that since that law went into effect, making this automatic increase for efficiency, the actual efficiency of the clerks in the Post-Office has very greatly increased, and the amount of work from the same number of clerks has vastly increased. The result was that when the 1st of July came these clerks, under the law, were entitled to an increase in salary, say from $600 to $800, or from $800 to $900, and this appropriation is to cover the increase which the law provided for.

The Clerk read as follows:

Appropriations made for the construction of the Isthmian Canal in the sundry civil appropriation act, approved March 4, 1907, and in this act shall continue available until expended.

Mr. MADDEN. Mr. Chairman, the item for the Isthmian Canal in this bill is $12,178,000. When that is made available

for use on the canal, there will have been appropriated and expended since the beginning of the work up to the present time, $141,787,468.58, of the $185,000,000 made available by the law creating the Canal Commission and authorizing the construction of the canal, as well as the purchase of the rights of the French and the $10,000,000 paid to the Republic of Panama.

The $10,000,000 paid to the Republic of Panama for the purchase of a strip 47 miles long and 10 miles wide, beginning at the Atlantic Ocean and extending to the Pacific Ocean, commonly known as the Canal Zone, was, in my judgment, an expenditure for which the Government of the United States received value. Over this Zone the United States has absolute jurisdiction in perpetuity.

In addition to the $10,000,000 paid to the Republic of Panama, the United States has agreed to pay $250,000 per annum, commencing in 1913. The investment is considered a good one, not so much on account of the value of the land for agricultural purposes as for the independent position in which its ownership places the United States. Were it not for this ownership the United States could not afford to build the canal at all, in my judgment. With such ownership it can afford not only to build it, but it will be thereby placed in such a strong position that it can very advantageously fortify and protect the canal, the opening of which will enable our Navy to perform double its present work.

Months are now required to pass from the Atlantic to the Pacific Ocean, and thousands of miles must be sailed through dangerous seas. The completion of the canal will bring the two oceans together, and Atlantic and Gulf ports will be within a week of the Pacific Ocean.

This condition will not only strengthen the naval force of the United States, but will increase America's commercial facilities and will enable this country to compete successfully for South American and oriental trade. It will place the ocean-going ships between San Francisco and the Atlantic ports in competition with the trans-continental railroads, making it possible to move the nation's products from East to West and from West to East at much lower rates than now prevail. It will bring the United States into closer business relations with the South American Republics, and strengthen the bonds of friendship which now exist between them.

In case of war with an Eastern power, supplies needed for the Navy can be moved from the Atlantic side to meet every requirement with economy and rapidity. Therefore, it seems to me that the purchase of the Canal Zone at the price paid was a bargain.

The $40,000,000 paid to the French for what rights they had on the Isthmus has been said to be an extravagant expenditure. I believe otherwise, after having been on the Isthmus and having looked over the ground and made an examination of what the United States received for the money paid. The railway and its equipment alone, with its exclusive right to control traffic between the two oceans, if there were no canal across the Isthmus and no canal was contemplated, would, I believe, be a bargain at the price paid.

I am convinced that the United States received value for every dollar it paid. In addition to the railroad, the French delivered to the United States all of the equipment used by them in the construction of the canal. While some of this equipment, it is true, was old and not of modern type, yet much of it is being successfully utilized and it is all of the first class.

The surveys made by the French are of great importance to the United States; indeed, without them, it would be years before we could hope to begin the work of constructing the canal. These surveys are found to be accurate, and are followed almost entirely in the work which is now being done. The difficulties under which the surveys were originally made were enormous, and the amount of money expended to secure the information which they contain was very large, and it is because of the accuracy of this information that the United States is now at work and moving dirt with a rapidity not dreamed of in the beginning by the canal's most enthusiastic advocates.

This is not all the United States received for the forty millions. During the number of years the French were at work on the Isthmus they expended $256,000,000 and excavated about 70,000,000 yards of material. The surveys show that 36,000,000 yards of this can be utilized by the United States in its work of building the canal. If this be true, it will be seen that the amount of excavation done by the French has saved the United States an expense equivalent to the $40,000,000 paid to them, for although it has been said that the work of excavation under the present force is costing but slightly in excess of 50 cents per cubic yard, the truth is that about $1.10 is what it costs. So it will be seen that the 36,000,000 yards excavated by the French and now being utilized by the Americans, at $1.10 per yard, amounts to substantially $40,000,000, or, exactly, $39,600,000.

But this is not all that the United States received for the forty millions paid the French. The French had constructed 2,265 houses and a large number of hosptal buildings, the cost of which is estimated at about $6,000,000. These were all included in the purchase. One thousand six hundred and fifty of these houses have been repaired and are now in use.

A vast amount of sanitary work was done by the French, and while it did not reach that stage of perfection to which the present management has attained the work done was of a very high order, and nothing that science had at that time discovered was left undone to provide for the health and comfort of the men employed on the Isthmus.

Since the Americans have taken possession of the Isthmus and have engaged in the work of building the canal $8,000,000 have been expended in the construction of houses for the accommodation of the men and women employed in the work, and a vast sum has been spent in improving the sanitary conditions of the Isthmus.

The streets of the cities of Panama and Colon have been sewered and paved by the United States forces, and contributions are made to the Panaman Government to keep them clean. Water supplies have been provided, and for the first time in history the people of these cities are provided with wholesome water, and at a nominal cost.

The amount of money expended by the United States for sanitation in Colon and Panama aggregates about $1,500,000. Under a contract recently entered into between the Panaman Government and the American authorities the United States is to operate for fifty years the waterworks which it constructed, and collect the water rents, out of which it is to retain the money expended for the paving and sewering of these cities and what it is estimated it will cost to maintain them during the fifty-year period, amounting, with interest, to $6,768,500.

The sanitary conditions of the Isthmus are perfect, or as nearly perfect as human ingenuity can make them. It would be as impossible for a case of yellow fever to occur on the Isthmus within the Zone as it would be for one to break out in New York. Not a fly or mosquito is allowed to live on the Zone, and, as it is acknowledged that yellow fever is the result of the bite of the mosquito already inoculated with the disease, it will be seen that if there are none of these mosquitoes no case of yellow fever can occur, unless the Zone authorities are lax in their quarantine regulations.

The climate on the Isthmus is not at all disagreeable. It is warm, but pleasant, and a man can do a good day's work every day without being more fatigued than he would be in most places in the United States during the summer season.

The work of the canal construction is divided into six divisions:

First. Colon dredging division, starting at the Atlantic coast, which includes all of the dredging and excavation between the deep water in the Caribbean Sea and the Gatun locks, a distance of 7 miles.

Second. The Gatun lock division, which is in charge of the Gatun lock construction, and the Porto Bello quarries, from which it is purposed to quarry the stone required in the construction of the locks.

Third. The Chagres River division, extending from the deep water in the Gatun Lake to the Chagres River near Bas Obispo. In this division about 13,000,000 yards of excavation will be required between the deep water of the lake and the outer lines of the channel for a distance of about 13 miles from Bohio to Bas Obispo, on account of the series of hills found there. This section of the canal crosses the Chagres River twenty-three times. At the breast of the dam the water in the lake will be about 85 feet deep. The area of the lake at the normal stage of water will be 164 square miles. The bottom of the canal will be 40 feet above mean sea level, and the water at the top of the lake will be at least 85 feet above mean sea level, and at the low stages of the Chagres at dry seasons it may be drawn down as low as 82 feet.

Fourth. The Culebra division, extending from Bas Obispo to Pedro Miguel locks, 9¼ miles.

Fifth. La Boca division, including the locks at Miraflores and Pedro Miguel.

Sixth. La Boca dredging division, including the dams and dredging on the Pacific side.

The width of the canal between San Pablo and Juan Grande, a distance of 3½ miles, is 800 feet at the bottom. Between Juan Grande and Bas Obispo, 3½ miles, it is to be 500 feet. From Bas Obispo to Las Cascadas, 2 miles, from top to bottom, 300 feet. Between Las Cascadas and Culebra, 4½ miles, 200 feet. Between Pedro Miguel and Culebra, 2 miles, 300 feet at the bottom.

The original cost of the locks, each being 1,000 feet long and 100 feet wide, was estimated at $50,000,000. Their increase to 110 feet in width, which has been recommended by the Canal Commission, the Secretary of War, and the President, will increase the cost to $60,000,000, or thereabouts.

On the 1st of November it was estimated that there were still 47,000,000 cubic yards of material to be removed from the

Culebra Cut. Since the beginning of the work of excavation, the Americans have taken out 11,000,000 cubic yards. If this rate of progress can be maintained it will approximate 8,000,000 yards per annum, and require but little more than five years to complete the work in the Culebra Cut. But it is believed that much better progress can be made; in fact, much better progress is being made now, and there is no reason to believe that the work in the cut can not be finished in 4½ years from the 1st of January, 1908.

The Americans found the bottom of the canal at Bas Obispo 112 feet above the sea level and have, up to the present time, reduced that to 74 feet above the sea level, making 38 feet of excavation in the cut by the Americans since the work of construction began.

The Continental Divide is in the location of the Culebra Cut, and the bottom of the cut at this point, at present, is 167 feet above sea level, and as the bottom of the canal is to be 40 feet above the sea level, it will be seen that 127 feet of excavation is still necessary to complete the canal at this point.

The highest point in the Culebra hills, through which the canal is being cut, is 660 feet above the sea level, and the bottom of the cut at this point is at present 160 feet above the sea level.

Further on in the cut it was found that the French had excavated to a point 196 feet above the sea level, and the Americans have reduced this to 131 feet, showing that 65 feet of excavation has been made. Some places in the cut the work is within 20 feet of the bottom.

The present location of the railroad is in what will be the bottom of the lake for several miles, and it must on that account be relocated on higher ground. The work of filling the new bed for the railway is now in progress and well under way. In many cases there is a fill of 90 feet to be made. The estimated cost of removing the railway is $3,700,000. This is one of the elements of cost that was not considered by the Board of Consulting Engineers when they estimated the cost of the canal, nor was the amount of money expended and necessary to be expended for sanitation taken into account.

The locks on the Pacific side are to be constructed at Miraflores and Pedro Miguel. The Pedro Miguel locks will be 1,400 feet long, 350 feet wide and 75 feet deep, with approaches 1,400 feet at the north end and 1,500 feet at the south end, making a total of 4,300 feet, and will lower the vessels into La Boca Lake, which will be about 55 feet above mean sea level.

There are employed in the service of the Canal Commission at present in the canal work 284 locomotives, 2,250 cars, 181 steam and air drills, 63 steam shovels, 12 pile drivers, and the average amount of material being excavated monthly is 2,000,000 yards.

The number of men employed on the canal at present is 36,000. Six thousand are Americans, and they oecupy the important places in the management, including the positions requiring a mechanical knowledge.

Every person who has any knowledge of the situation now agrees that the canal can not be built for anything like what the board of engineers estimated its cost would be, and the general feeling is that the cost will be $250,000,000, and that if an attempt were made to build a sea-level canal (that such a thing could be successfully built many people doubt), the cost would reach at least $500,000,000, while the time required to build it would be more than double.

One of the most important things engaging the attention of those in charge of the work is the construction of the Gatun dam. More than 22,000,000 yards of material are required for this work. This dam is to be of earth construction, fortified by stone embankments at the toes of the dam. The dam at the bottom is to be three-fourths of a mile wide, and its total length is to be 1½ miles.

Each end of the dam is locked into a mountain range, which has been conveniently located by nature and forms two sides of the lake.

It is purposed to have a clay core 200 feet in width in the center of the dam. It is believed that a dam so constructed will be impossible of destruction. That it will be water-tight there can be no question. That it will be strong enough to withstand the weight of water behind it there is no doubt.

It is probably not generally understood that there are to be twelve locks—six locks at Gatun, four at Pedro Miguel, and two at Miraflores. Only one-half this number of locks would be required but for the fact that it has been decided to build them in pairs, so that ships can go in either direction simultaneously and at the same time to provide against accident.

It was originally intended to build the Pacific lock at La Boca, but for strategetical reasons it has been decided to change the location to Miraflores.

I have said that I thought it possible to do the excavating at Culebra Cut in four and one-half years. I think it can be done in less time than that, but the time required to complete the canal will depend upon how long it takes to build the dams and locks, for it must be understood that the progress made in the construction of the locks and dams will depend entirely upon the number of men who can be employed upon them, and since the space occupied by the locks and dams is the only space in which the men can be employed in connection with their construction, and since this space is limited by the size of the locks and the dams, it will be seen that only a limited number of men can be employed. Therefore, there is nothing to be gained by pushing the work on the canal prism faster than the work on the locks.

It is estimated that it will take about five years to complete the locks and dams. The work of excavation for the locks is now in progress, and the construction of the dams is under way. It is expected that all excavations for the locks will be completed by January 1, 1909, and that at that date the work of real construction can begin.

The work can be done more economically if it is carried forward with a view to completing the locks and the prism at the same time. The desire of the American public to have the work of excavation rushed has resulted in the formation of a more expensive organization than is necessary.

The chief engineer agrees with me that the force can be reduced and economies inaugurated without detriment to the work, and I think the time has come when sentiment should not be allowed to force the employment of more men than can be worked advantageously and with due regard to economy.

What I mean by economy is the production of the best results for the money spent. If the cost per unit can be reduced without delaying the work, that should be done. That it can be there is no doubt. But how? It is reasonable to suppose that if nothing is to be gained by completing the canal prism before the locks, only a sufficient force should be employed to produce that result. Such a force can be organized and operated more economically than the present one. Why? Because the greater force, with all of its high-paid managers, can not produce results in keeping with the outlay, while the smaller force, including the machinery, can be worked more advantageously, and consequently more economically.

The steam shovels, for example, are worked only 56 per cent of their efficiency, whereas they should work at least 80 per cent. It is obvious, therefore, that if 80 per cent of the efficiency of the steam shovels were obtained fewer shovels would be needed, and with fewer shovels the present train service could supply cars enough to increase the efficiency and thus reduce the cost without reducing the output. The shovels are under steam now during all of the working day, but they only work 56 per cent of the time because of the poor train service. It would be far better to cut down the large number of shovels and keep a smaller number employed. By doing this, as I have said, the expense could be largely reduced and no reduction made whatever in the quantity of material moved.

The working forces of the Isthmus are organized on scientific principles, but I am convinced that there are too many managers for the number of men employed in the ranks. That a large number of the managers could be dispensed with without affecting the efficiency of the force is the opinion of practical men who have given consideration to the subject.

Perhaps it is too much to expect the exercise of equal economy under Government management as would be practiced by private individuals in the conduct of such an enterprise. It may be that those in charge of the work are doing everything that could be reasonably expected of them. They are all gentlemen of high class. They thoroughly understand their business. They are very much interested in the work. They are anxious for the success of the enterprise, and I am convinced that if an economy which does not take away from the efficiency of the force can be pointed out to them they will gladly adopt it.

Colonel Goethals and his fellow-commissioners are vigilant and will, I am sure, do everything within their power to open the canal to the world's commerce at the earliest date possible. [Applause.]

The Clerk read as follows:

To pay Robert Coates for services rendered in caring for press members' lobby and the Speaker's clerk's room during the first session of the Fifty-ninth Congress, $140.

Mr. MUDD. Mr. Chairman, I make the point of order to that paragraph. It is not authorized by law, and there are one or two others of the same class, and they all ought to come together.

Mr. TAWNEY. Mr. Chairman, I would say that this man named in this bill was employed by the secretary to the

Speaker, to take care of the press room during the last session of the last Congress on the east side of the House, and also the Speaker's room, as janitor. He has performed that service. There is another man that took care of the same room during the last session of the last Congress who is not provided for, for the reason that his services were not brought to the attention of the committee. I understood from the gentleman from Maryland [Mr. MUDD] that he wanted the man who took care of these two rooms during the last session provided for also. If the gentleman from Maryland desires to provide for the man who took care of the rooms during the second session of the Fifty-ninth Congress, I have no objection at all to his offering an amendment for that purpose. There is no authority in law for the employment. It is necessary. The secretary to the Speaker informed me that because of the necessity and because there was no provision made or could be made by the doorkeeper, he simply directed that this man take care of the rooms referred to in this bill for last Congress.

Mr. MANN. I suppose the Committee on Accounts has no jurisdiction now over it.

Mr. TAWNEY. No. For this Congress the Doorkeeper is providing for this service.

Mr. MUDD. The Committee on Accounts would not be able to take cognizance of this?

Mr. TAWNEY. No; it can not.

Mr. MUDD. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. MUDD. I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as follows:

"To pay Robert H. Key for services rendered in caring for press members' lobby and the Speaker's clerk's room during second session of the Fifty-ninth Congress, $60."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word. My attention has been called to an editorial that appeared recently in the New Haven Register, which reflects upon and is a gross insult to what is termed the "poor whites" of the South. The paper claims to get this information from Professor Giddings of the Columbia University. In the interest of truth and in behalf of a people who are not so much blessed with this world's goods, but who are rich in character, integrity, and race pride, I desire to insert in the RECORD and to include in my remarks an answer in the shape of an editorial which appears this morning in the Baltimore Sun, and which gives the facts as they are in the matter.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to insert the matter referred to in the RECORD. Is there objection?

There was no objection.

The editorial is as follows:

[Baltimore Sun, January 30.]

RACE PURITY AMONG THE "POOR WHITES" OF THE SOUTH.

Our esteemed Connecticut contemporary, the New Haven Register, published a few days ago, under the caption "The disappearing negro," an editorial article which contains more misinformation, line for line, than we had conceived to be possible in a brief discussion of southern race problems, even in the most benighted quarters. The Register quotes an eminent "sociologist" of Columbia University to the effect that the negro is fast disappearing in the South because of the intermarriage of blacks and whites. If distinguished "sociologists" attached to institutions of learning are really as ignorant of conditions in the South as the Register's citation from Professor Giddings indicates, something may be said in extentuation of our New Haven contemporary's appalling lack of knowledge. But we find it difficult to believe that a Columbia University sociologist has "seriously declared" that intermarriage between blacks and whites exists in the South to such a degree that the "negro is fast disappearing." Any "sociologist," amateur or professional, who should make such a preposterous statement would advertise himself as a dangerous ignoramus, who ought never to go at large without a guardian. Nevertheless, upon the absurd conclusions attributed to Professor Giddings, our New Haven contemporary dilates in this fashion:

"The purest of the Africans, North and South, have a certain pride in their own race which keeps them from seeking intermarriage with the white. With many of them the mulatto is despised. This does not take into consideration the lower grade of blacks, especially in the South. Doubtless they will intermarry with the whites at every opportunity. But it is impossible to suppose that they find any alliances with any whites of the South outside of the class known as 'poor whites.' From what is known of this class, as it exists in the black belt, it could hardly be made any worse, and might be made better by intermixture with African blood."

We believe it is no exaggeration to assert that nowhere in the United States is the feeling of race pride and the instinct of race integrity more intense and more aggressive than among the so-called "poor whites" of the South. These people are the descendants of settlers of the purest English, Irish, and Scotch blood. The suggestion that they might be "made better by an intermixture with African blood" is not only foolish, but vicious. At any rate, our New England contemporary may rest assured that if there ever should be in this country miscegenation on a large scale it will probably be in Northern States, where intermarriages between whites and blacks are lawful and tolerated by public opinion—not in the South, where State laws prohibit such marriages. Moreover, we will venture the assertion that there are now more mixed marriages in Boston than there would ever be among the southern whites and blacks if prohibitory laws were repealed. Public opinion in the South is grievously misunderstood by our New Haven contemporary if it imagines that only prohibitory laws prevent miscegenation.

Our New Haven contemporary, having undertaken to enlighten its readers on race problems in the South, ought now to consult the best authorities on the subject. It will find, upon investigation, that the "poor whites" in the mountain regions of North Carolina, Tennessee, West Virginia, Kentucky, and Alabama are a hospitable, sturdy people, despite their poverty, and that they need only the proper educational advantages to rise above an environment in which they are now unable to turn their innate virility to good account. It is the profound conviction of persons who have lived among them that if they should be given the opportunity which they richly deserve for instruction and development, they will take their place among the most useful elements of our population. It is undeniable that the Southern States need the generous and practical encouragement of northern philanthropists in solving this problem. Senator TILLMAN of South Carolina spoke very freely on this subject to Mr. John D. Rockefeller a few days ago. It is to be hoped that Mr. Rockefeller was deeply impressed, as he might well be, with the situation as presented by the South Carolina Senator. Meantime we trust our New Haven contemporary will get rid of the delusion that the "poor whites" of the South can be uplifted by an admixture of "African blood." They are of as pure a strain of Caucasian blood as the people of any other part of this country. Race purity is an instinct with them as well as a virtue and ideal. The fact that they have maintained their race integrity, although in immediate contact for a long period with the black race, is conclusive proof of their virility and their instinctive abhorrence of intermixture with an inferior race.

The Clerk read as follows:

For the following police force for the Office Building of the House of Representatives for the balance of the fiscal year 1908, to be appointed by the Sergeant-at-Arms, namely: One captain at the rate of $1,600 per annum; three lieutenants at the rate of $1,200 each per annum; and thirty privates at the rate of $1,050 each per annum; in all $15,292, or so much thereof as may be necessary.

Mr. HOLLIDAY and Mr. MANN rose.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I desire to say in explanation of this item simply this: In the proper conduct and management of the new House Office Building it is deemed necessary by the Commission, under whose supervision the building was erected and also by the officers of the House and Superintendent of the Capitol, that this building should be provided with a certain number of policemen just the same as we have policemen employed around the Capitol building. Now, it was originally proposed to appoint quite a number more policemen than this paragraph authorizes and at my request the original proposition was materially revised by the Superintendent of the Capitol and by the Sergeant-at-Arms of the House, who has control jointly with the Sergeant-at-Arms of the Senate of the Capitol police. They visited the building at my request and studied the situation carefully and reported by letter to me as chairman of the Committee on Appropriations that in their judgment the number of policemen provided for here was absolutely necessary to the management and for the maintenance of order and discipline in that building, and it is upon their recommendation that the item is carried in this bill. I would state that there are four floors in the building that must necessarily be policed part of the time each day. It was originally proposed to have three shifts, but that proposition has been modified so it will not require three full shifts every twenty-four hours as was originally contemplated. It simply involves the question, so far as the point of order is concerned, of the constitutional right of the House to control its own domestic affairs. There is no law specifically authorizing this employment any more than there is a law authorizing the employment of any of the Capitol police. It comes under our own immediate jurisdiction and supervision.

Mr. MANN. Well, Mr. Chairman, I think no one wishes to prevent the employment of a sufficient number of men or a sufficient force to take the very best care of the new building. It may be possible that it will require a police force of thirty-four—that is, one to every ten Members of Congress—in the new building. A police force of thirty-four covers quite a good-size city.

Mr. GAINES of Tennessee. Do you mean to say thirty-four are to be provided for this Office Building?

Mr. MANN. I say there are thirty-four provided for in this bill. At the present time the Superintendent of the Capitol building, who, under the direction of the House Commission is in charge of the building, is carrying on the work experimentally—the cleaning work and all that work experimentally—so that he may be able to inform the House as to what force will be required in the future. There are six entrances to the building. It may be possible that it will require one policeman at each entrance with a shift two or three times a day. I must confess that it does not seem to me, without pretending to determine the matter for the officials who have charge of

the building, that it requires a police force of thirty-four to keep track of one office building. I have been in an office building all my professional life, sometimes with more tenants in it than this building, without any policeman at all.

Mr. OLMSTED rose.

Mr. TAWNEY. Does not the gentleman from Illinois make a distinction between a private office building and a public building such as this?

Mr. MANN. I yield to the gentleman from Pennsylvania.

Mr. OLMSTED. These employees, as I understand, are merely policemen to keep the peace. Now, if we put in other employees in proportionate numbers, will it not require thirty-four policemen to keep the peace between those employees?

Mr. MANN. I fear if we put in other employees in proportionate numbers they will be jammed so tight in the corridors they could not fight. In reply to the gentleman from Minnesota I will say I make a distinction between a public building and a private building. There are no thirty-four policemen in any building in the city of Washington, unless it is in the Capitol building, where they are so thick they sometimes stumble over each other. You will not find that number of policemen in the Treasury building; and the watchmen they have there are not paid such salaries. I understand perfectly well——

Mr. TAWNEY. The gentleman is also aware that the Treasury is not open to the public after 2 o'clock.

Mr. MANN. Oh, well, that is very true. If it were open to the public, it would not require watchmen to keep the public out. That is about all they do. Now, I will not say they will not require fifty policemen over there. But up to the present time, without any police, there has been no trouble in the Office Building, so far as I have heard, and it seems to me that before the House renders itself open to a criticism, which is sure to come if it makes the House Office Building simply a vehicle for obtaining patronage, that it ought to be very careful and give careful consideration. If we are to have policemen at every door, and several shifts a day perhaps, it will require one or two janitors for every room and charwomen for every square foot of the building. I am sure that that is not the intent of the House. While I have the greatest respect for the judgment of the Sergeant-at-Arms and the Superintendent of the Capitol, who, I understand, recommended this number of policemen to the committee, I think they have done that without sufficient knowledge as to the workings in the Office Building, because they could not know in advance. As to the point of order, Mr. Chairman, I think the paragraph is subject to a point of order, as would be any item to provide directly for an extra employee in the House, unless it had come from the proper committee.

Mr. GAINES of Tennessee. Will the gentleman pardon me?

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. I would like to know how many policemen there are over there now?

Mr. MANN. We have no police there at all at present. The Office Building is being managed under the Superintendent of the Capitol by the aid of half a dozen or so men, who do the the work, reenforced by a charwoman force borrowed from the Congressional Library.

Mr. GAINES of Tennessee. There is nothing, then, to protect a man's belongings in his office except the lock in the office door?

Mr. MANN. There are these men that are on duty there.

Mr. GAINES of Tennessee. How many?

Mr. MANN. I do not know how many.

Mr. GAINES of Tennessee. How many does the gentleman think we should have for the new Office Building?

Mr. MANN. Of watchmen over there?

Mr. GAINES of Tennessee. Watchmen or policemen?

Mr. MANN. I do not know how many we ought to have, I will say to the gentleman.

Mr. GAINES of Tennessee. How long before we are going to have them?

Mr. MANN. That, of course, depends on the House. I think myself that provision ought to be made for some watchmen or policemen over there at an early day, and I would be disposed, so far as I am concerned, after they have had an opportunity to consider the subject of watching the building, to take the judgment of the men who would have charge of the matter, who in this case are the Sergeant-at-Arms and the Superintendent of the Capitol.

Mr. GAINES of Tennessee. What do they say about it?

Mr. MANN. They have made the recommendation upon which this paragraph is based.

Mr. GAINES of Tennessee. The gentleman thinks too many are proposed?

Mr. MANN. I think they have made the recommendation without sufficient knowledge of the subject.

Mr. GAINES of Tennessee. Does not the gentleman think we had better reduce the number, and let us have somebody over there?

Mr. MANN. I do not see why the Committee on Accounts can not report to the House at any time a resolution—present the matter to the House, so that the House after investigation can determine the number.

Mr. TAWNEY. Mr. Chairman, just one word. I do not suppose that the gentleman from Illinois [Mr. MANN] has taken into consideration the extent to which Congress provides for practically the same service in Department buildings, nor does he consider the character of the building, and the object and the purpose for which the Office Building is used. In the Treasury Department, a building in area about the same as the House Office Building, they have sixty-seven watchmen. These watchmen have the same power in regard to making arrests that police officers exercise, but they are designated as watchmen, and these men might be designated as watchmen, if it is the desire of the House to do so; but I think, in order to have the service uniform, the men employed in House Office Building ought to be under the control of the man who controls the police force of the Capitol, and for that reason they have been designated as policemen rather than as watchmen. Notwithstanding the difference in the character of the service, and besides that, it is unnecessary for me to discuss some phases of this proposition involving the necessity for service in this kind of a building. To a greater or less extent may be involved, not only the reputation or good name of individual Members, but of the entire House of Representatives. I think it is a matter of very serious moment to this House that we should at the earliest time possible provide for this service.

Mr. GAINES of Tennessee. I agree with the gentleman that it ought to be provided for, and provided for promptly, in order to preserve the property that is over there in those offices. I know I can not afford to lose some of the official papers that I have over there, laying aside possibly some personal things I might have in my office. I lock it promptly, but I can not lock it all the time. We all know it has got to be policed, and will be; but surely it will not take thirty-five policemen to do it. Great heavens!

Mr. TAWNEY. Let me call the attention of the gentleman from Tennessee to the fact that the gentleman from Illinois, with considerable irony, stated that this would amount to one policeman to every ten men.

Mr. GAINES of Tennessee. How many does the officer who makes this suggestion recommend?

Mr. TAWNEY. The Superintendent of the Capitol and the Sergeant-at-Arms of the House, who has control of the Capitol police jointly with the Senate Sergeant-at-Arms, have recommended thirty-four—thirty policemen and four officers. Now, there are four floors in that building——

Mr. GAINES of Tennessee. Three shifts.

Mr. TAWNEY (continuing). And it is not possible——

Mr. GAINES of Tennessee. Three shifts—that is, one each eight hours. That is about ten men or more on each shift.

Mr. TAWNEY. Thirty policemen and four officers.

Mr. GAINES of Tennessee. I feel myself that the gentleman could take less than ten, if he was one of the ten, and police that building.

Mr. TAWNEY. But I will say to the gentleman from Tennessee that I would not serve in that capacity if there were fifty.

Mr. FITZGERALD. Surely the gentleman from Tennessee does not expect to get a gentleman like the gentleman from Minnesota to serve as a policeman in that building?

Mr. GAINES of Tennessee. I think it could be done if we had a few men over there who would do their duty just as faithfully as the gentleman from New York does his, and the gentleman from Minnesota does his.

Mr. TAWNEY. But this is a very large building. There are four corridors on each floor. Now, one man for each floor certainly would not furnish adeqnate protection.

Mr. GAINES of Tennessee. Give him a hickory stick and a dark lantern and make him walk. [Laughter.] Cut down the number to about ten for the present and see how that would do. That is the way I would manage a thing like this; do it the same way as they police all other big office buildings. This thing of talking about having thirty-two men to protect these premises is ridiculous. What in the name of God are our people going to think of Members of Congress. Better have a criminal court over there and be done with it. [Laughter.] Now, this is a matter that we can treat a little bit laughingly, possibly from my way of stating the facts, but you can not help believing that thirty-two are too many. I know we will

have to have it policed, and I want it well policed, and so do we all; but it seems to me like we ought to reduce the number. I believe it could be cut down to ten or fifteen, or cut it down to a dozen and have the policeman walk and not sit. [Laughter.] There is too much sitting in this part of the world, anyway. [Laughter.]

Mr. TAWNEY. You would have him talk.

Mr. GAINES of Tennessee. Well, I am sure I would if he could talk like the gentleman, until he talked himself into just as high a position as the gentleman from Minnesota. [Laughter.]

Mr. TAWNEY. I regret that I can not return the compliment of the gentleman from Tennessee. [Laughter.]

Mr. GAINES of Tennessee. Something must be done to police that building, to keep the Republican party straight, and I think it ought to be done at once. [Laughter.]

Mr. POWERS. I do not think any man can take his own employees and take care of a building of this size with one-fourth the number asked for. But I want to ask in all seriousness if it will be necessary to have thirty-four men to supply the various fortunate gentlemen who are allowed places for appointees who are permitted to have places to do work here, and if this thirty-four, in addition to the number that they have at present, will go around? If it will, I have no objection to it. [Laughter.]

Mr. TAWNEY. I will state to the gentleman from Maine that I am one of the unfortunate men who have not had a room assigned to me in that Office Building, and I am not familiar with the necessities over there, as I might otherwise be. I am relying on the judgment of the superintendent of the building, and the judgment of the Commission that supervised the construction of the building and has now charge of the management of it. It is upon their recommendation, together with the recommendation of the Sergeant-at-Arms, that the Committee on Appropriations have proposed this number of watchmen for this building; and the number that we are proposing is but one-half, and less than one-half, the number provided by law for the Treasury Department in the city of Washington.

I do not think that the number is excessive, and I think if any less number is provided now an additional number will be authorized before the close of this session of Congress, and the necessity for them will be recognized by the gentlemen who occupy rooms in this building.

Mr. POWERS. Then I understand the gentleman not only relies upon the judgment of these men who are to have charge, but upon his own judgment in determining that this number is necessary.

Mr. TAWNEY. From the statements made by the Superintendent of the Capitol and by the Commission, consisting of the Speaker and the gentleman from Iowa [Mr. HEPBURN], I base my judgment on their statements.

Mr. POWERS. And therefore, especially, because so large a number are used in other departments. We must have them.

Mr. TAWNEY. No; not entirely so.

Mr. POWERS. Is it not a fact that in order to furnish places, very largely, we have around this Capitol and in many other places, as caretakers and police, and one thing or another, twice the number of men that any person would employ who was attending to these duties as his own private affairs?

Mr. TAWNEY. That is undoubtedly true of all branches of the public service. It is true not alone of the legislative branch, but it is just as true of the executive branch. And that state of affairs is not confined to the Federal service alone, but applies to State service the same as it does to the Federal service.

Mr. POWERS. In these times, when we are trying to retrench, and when the revenues, as I understand, are falling below the required amount, would it not be well in this particular instance, unless there is some very pressing necessity to furnish places for the men who are behind this, to attempt at least to get along with a smaller number?

Mr. TAWNEY. At first it was proposed to get along until the end of the fiscal year, but with the occupancy of the building conditions arose demanding the earliest possible assignment of officers of this character to the building.

Mr. GAINES of Tennessee. Mr. Chairman, just one observation which comes to my mind. In one of the large hotels at my city of Nashville there are three or four stories, and a rotunda, which is very large; there is one policeman, who takes entire charge of that large hotel. He keeps good order, puts anybody out who gets drunk, settles all fights, and preserves the integrity and reputation of that splendid old hotel that was the Federal headquarters during the civil war. But he keeps moving, he does not stop. He has his lantern and his baton. I believe that is what you call it. Now, a while ago it was stated that thirty-three men were wanted over here, on four floors. I see that now the number is stated at thirty-four. What sort of men are you going to get? Where are you going to get them? Are they real men?

Mr. TAWNEY. They are not from Tennessee.

Mr. MANN. That is the trouble, isn't it?

Mr. GAINES of Tennessee. I can take half a dozen men from Tennessee, and make even this House behave. [Laughter.]

Mr. YOUNG. Can they make the gentleman from Tennessee behave?

Mr. GAINES of Tennessee. Mr. Chairman, I think we ought to treat this matter promptly and seriously, and I think we ought to treat it thoroughly, but it looks to me like an absurdity to put thirty-four policemen over there to look after these offices. I have told you what one man does in Nashville, and he is not more than about 5 feet 10 inches high, just the ordinary Tennesseean, but a man of grit, of courage, of common sense, and very much of a gentleman, as much so as anybody in this House, and he does his work well.

Mr. WILLIAMS. Mr. Chairman, I move to amend by striking out, in line 4, on page 44, the word "thirty" and inserting the word "ten."

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that a point of order is pending, and that his amendment would not be in order until the point of order is disposed of.

Mr. WILLIAMS. I understand that will be so.

Mr. MANN. Mr. Chairman, if the House will indulge me a moment, I understood the distinguished gentleman in charge of the bill to say that there were over thirty policemen down in the Treasury building.

Mr. TAWNEY. Sixty-seven watchmen, clothed with the power of policemen, clothed with the power of making arrests.

Mr. GAINES of Tennessee. Yes; but think how many hundreds of millions of money there are up there.

Mr. MANN. What is the pay of these men?

Mr. TAWNEY. Seven hundred and twenty dollars a year.

Mr. MANN. Sixty dollars a month, and what is the pay here?

Mr. TAWNEY. The same as the Capitol police.

Mr. MANN. Ten hundred and fifty dollars. Up there it is $60 a month or $720 a year, and here it is $1,050 a year. Gentlemen will all be required to answer for the administration of the House Office Building. There has been no criticism by the public, and I think will not be any criticism, for providing offices for the Members of the House; but there will be just criticism if the House acts extravagantly in the management of the new building. There is absolutely no occasion, in my opinion, for thirty policemen over there. There ought to be some watchmen there. There must be some messengers sooner or later, and there must be some janitors. There must be various employees occupied in different directions in the new building for the comfort and benefit of the House, but the employment of thirty policemen seems to me would be simply for the benefit of the policemen who are employed.

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. FITZGERALD. Does the gentleman know how many policemen there are at the White House?

Mr. MANN. I do not know how many there are at the White House.

Mr. FITZGERALD. My impression is that there are twenty-one or twenty-two, and I wished to know if the gentleman had any knowledge whether that was taken into account in trying to ascertain how many would be required to take care of the building where the Members of the House are quartered?

Mr. MANN. As the gentleman intimates, I can see quite a distinction between guarding the White House grounds and Executive Mansion, where the Chief Magistrate resides and has his office, which requires guarding at all times of the day and night, and watching an office building which is to be used like other office buildings. We have office buildings in my town that accommodate four times the population that is to be accommodated in this building over here, and not a policeman and not more than half a dozen watchmen in it. I would not undertake to defend before my constituents a vote to employ thirty-four policemen to look out for a plain office building. Do they do anything else? No. Act as messengers? No. Now, Mr. Chairman, having called the matter to the attention of the House, taking an interest in the proposition because I have presented various reports in the distribution of rooms in the Office Building, and have tried in every possible way to provide for the comfort and protection of the Members of the House, I have no desire to put my own individual judgment against the judgment of men like the Sergeant-at-Arms and

the superintendent of the Capitol police, whom I most highly respect; and while I do not agree with them at all, I do not desire to interpose a point of order, but leave it to the consideration of the House.

Mr. GAINES of Tennessee. Does the gentleman from Illinois think we should pay the policemen in the Office Building more than we pay those in the United States Treasury?

Mr. MANN. If the gentleman from Tennessee wants to know what I think about it, I will tell him, although with some hesitation. I think a dozen or fifteen watchmen, at $60 a month, during the sessions of Congress, with three or four watchmen during the vacation season, is all that can be justified under any possible conditions for the control and protection of the new Office Building. Now, Mr. Chairman, I withdraw the point of order.

Mr. JONES of Washington. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair is ready to rule. The House has, of course, a right to employ such police force as it deems necessary for the Office Building, but it can not do so, as the Chair understands, in the first instance on a general appropriation bill, but authority must come through a resolution from the Committee on Accounts. The Chair understands that there is no law which authorizes the appropriation in this bill, and therefore sustains the point of order.

The Clerk read as follows:

LIBRARY OF CONGRESS.

Distribution of card indexes: To enable the Librarian of Congress to secure the additional service necessary in connection with the distribution of card indexes and other publications of the Library, $1,500, or so much thereof as may be necessary.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 44, after line 13, insert:

"Printing and binding: For printing and binding the annual report of the Commissioner of Education for 1907, $20,000."

Mr. FITZGERALD. Mr. Chairman, what is the necessity for that?

Mr. TAWNEY. I will say to the gentleman from New York that since the action of the committee on this proposition, I have examined the matter and find that the note which accompanied the estimate in the first instance does not state the fact as it exists. The report of the Commissioner of Education for 1907 is now ready and may be printed at any time, but there is absolutely no money with which to print it. That results from the fact that there was an accumulation of reports when the present Commissioner came into office, and two reports were printed—had to be printed—in one year. Now, there is absolutely no appropriation for printing the 1907 report.

Mr. FITZGERALD. The last appropriation is exhausted?

Mr. TAWNEY. Absolutely exhausted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. TAWNEY. Mr. Chairman, I ask now to return to page 23, lines 1 and 2, the provision respecting the tool and pattern shop in the navy-yard.

The CHAIRMAN. There is an amendment pending to that offered by the gentleman from New York [Mr. FITZGERALD], to strike out $50,000 and insert $20,000.

Mr. TAWNEY. Mr. Chairman, I will ask the gentleman from New York to withdraw his amendment, and I will offer one in its place.

Mr. FITZGERALD. Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. The gentleman from New York withdraws his amendment and the gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 23, line 2, strike out the word "fifty" and insert the word "twenty-nine."

Mr. FITZGERALD. Mr. Chairman, I understood the gentleman was going to strike out also the words "and extension of annex."

Mr. TAWNEY. Yes. I will also ask that that be added to the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 23, lines 1 and 2, strike out the words "and extension of annex" and the word "fifty" and insert in lieu thereof the word "twenty-nine," so as to read:

For fittings and tools for pattern shop, $29,000.

Mr. TAWNEY. Mr. Chairman, I want to state to the committee that this item was passed yesterday because of statements made on the floor by the gentleman from New York [Mr. FITZGERALD] in regard to this transaction that raised some question in my mind as to whether or not the facts had been properly presented to our committee. I find upon investigation that the committee was proceeding to some extent upon a misunderstanding of exactly what the facts were. The original appropriation made or carried in the naval appropriation bill for the fiscal year 1905 was $39,000. That was for beginning or toward the construction of the building. In 1907, for the fiscal year, Congress appropriated $61,000 in addition to the $39,000 for the completion of the building. Then it was found that the Department wanted to build a larger building than could be erected under the total appropriation of $100,000, so that a contract was let for the building within the appropriation, but it included also the construction of an addition or a building of larger size on condition that the Department thereafter could secure an appropriation for that purpose. The appropriation which is carried for this amendment is admitted will be money sufficient to equip the building that was originally authorized and appropriated for with tools and patterns and all machinery necessary in the manufacture of patterns, and also automatic fire protection and a dust collector. Twenty-nine thousand dollars is estimated for that purpose, so that this will not delay or interfere with the work in the navy-yard in the least.

Mr. SULLOWAY. If I understand the gentleman, this will not dispense with the services of those skilled mechanics that the Government needs.

Mr. TAWNEY. No; it will not dispense with the services of a single man. This will enable the Department to have the building which was originally provided for and authorized by Congress in commission by the 1st of July, so that the men may be taken out of the very undesirable shops in which they are at present working.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. FITZGERALD. Mr. Chairman, I wish to supplement briefly what the gentleman from Minnesota [Mr. TAWNEY] has said. I charged yesterday that, in my opinion, the antideficiency law had been violated by the Department. Technically perhaps that statement was incorrect, but there is no doubt that the Department deliberately provided for the construction of a building not authorized by Congress, and attempted by a piece of very skillful work to evade violating the law.

The so-called "antideficiency act" passed in 1906 provided—

That no person should involve the Government in any contract or other obligation for the future payment of money in excess of the appropriation, unless such contract or obligation was authorized by law.

The gentleman from Minnesota states, first, $39,200 was appropriated for a pattern shop for the department of steam engineering for the Portsmouth yard. That was in 1905. The Department took no action. In 1907 it asked for $61,400 additional in order to obtain a building of the character it desired. It advertised for bids. It obtained a bid to construct the building for $116,000, and it made a contract under which so much of the building as could be constructed for ninety-seven thousand and some hundred dollars should be built, and inserted a provision that if Congress would appropriate the additional money the building was to be completed in accordance with the plans; if Congress did not appropriate the additional money to complete the building, it was to remain in an uncompleted state with a temporary end to the uncompleted building. I wish to read a letter which is part of the contract entered into by the Navy Department with the contractors. The contract price for the portion of the building for which contract has been made is $97,930. The limit of cost was $100,600. On the date of May 28, 1907, the Acting Chief of the Bureau of Yards and Docks wrote this letter to the contractors:

Referring to your letter of the 24th instant, the Bureau hereby accepts your offer of April 26, 1907, to construct a pattern shop for steam engineering (building No. 95) at the navy-yard, Portsmouth, N. H., according to item No. 8 of the specification for the work, for the sum of $97,930, upon the condition and with the understanding that in case Congress at its next session appropriates sufficient funds to complete the building according to item No. 1 of the specification at the price bid by you for the item, you will construct the building according to item No. 1 of the specification for the sum of $116,980.

In case you construct the temporary end of this building under item No. 8 and are afterwards required to complete the building under item No. 1 the cost of constructing and removing the temporary end will be determined in accordance with paragraph 17 of the specification, and additional compensation allowed you therefor, and a reasonable extension of time granted for completion of the work. Upon this understanding a form of contract to cover the work will be prepared by the Bureau and forwarded to you for execution.

Very respectfully,

WM. M. SMITH,
Acting Chief of Bureau.

In other words, Mr. Chairman, although Congress limited the cost of this building to $100,600, the Department deliberately planned and practically accepted a bid to construct a

building for $116,000 and arranged that, in case Congress disapproved its act to make this unauthorized contract, the building would be left unfinished, with a corrugated iron end to it instead of a brick end, as contemplated by the plans.

Mr. SULLOWAY. Mr. Chairman, I would like to ask the gentleman from New York if the contract was not within the amount authorized, absolutely?

Mr. FITZGERALD. Yes, the contract for a part of the building; that was within the authorization.

Mr. SULLOWAY. The contract was for the amount that was authorized, with the provision that if they had something more appropriated by Congress they would receive it, and that is all there is to it.

Mr. FITZGERALD. The gentleman can quibble as he pleases——

Mr. SULLOWAY. It was limited absolutely and specifically.

Mr. FITZGERALD. I will answer the gentleman fully, so there will be no misunderstanding. The plans provided for a pattern shop and for an annex to the pattern shop 100 feet in length. The contract provides for a building 40 feet in length, and if Congress does not give the additional money, instead of a brick end to the building, as the plans provide, a temporary corrugated iron end will be constructed, whereas if Congress does give the additional money this contract provides the building shall be completed the additional 60 feet, with a brick end, as required in the plans.

Mr. SULLOWAY. Who does that harm, may I ask the gentleman? Does it harm anybody but the contractor? If Congress thought it was a judicious appropriation and a wise and an economical thing to do, what right have you or myself or any other man to complain?

Mr. FITZGERALD. The gentleman seems to forget that the responsibility for authorization and actions rests, not upon every petty bureau official who desires not what Congress authorizes, but what he believes desirable; but the responsibility rests upon us. For the past dozen years these men in the Departments have absolutely disregarded the action of Congress in determining what should be done and have incurred obligations and expended money not in accordance with the authority of Congress, but in accordance with what they believed to be best for the service. There may be some difference of opinion between gentlemen in Departments and Members of Congress as to whether it is advisable to expend $90,000, $120,000, or $150,000 to construct a particular building, but it is time, let me say to the gentleman from New Hampshire [Mr. SULLOWAY], that the men in the Departments awaken to the fact that when Congress decides that $90,000 is sufficient, they can only by violating a law which makes it a criminal offense incur an obligation to expend $120,000 for the building designed for the purpose.

Mr. SULLOWAY. Will the gentleman pardon me a second?

Mr. FITZGERALD. Yes.

Mr. SULLOWAY. I wish to say that the gentleman can not put his finger upon anything, so far as I know, wherever there has been a contract made with reference to the Portsmouth Navy-Yard, that has not been authorized. Whatever may have happened in New York and in Brooklyn I am not speaking for here now.

Mr. FITZGERALD. Well, the gentleman seems to be afflicted with the idea that because this happens to be in Portsmouth there is some peculiar reason for exciting my opposition.

Mr. SULLOWAY. Not at all. Portsmouth is not in my district, any more than Charleston or Norfolk. It happens to be in the State of Maine. I am a friend of the Navy.

Mr. FITZGERALD. If the gentleman from New Hampshire [Mr. SULLOWAY] will point out to me at any time a condition similar to this regarding the navy-yard at Brooklyn, I will offer an amendment on the floor to repeal the provision providing for the entire building, and I will ask the gentleman not to interpose a point of order against it. I say, regardless of where this is done, it is a flagrant violation of the law. It is a defiance of the will of Congress. It is on a par with the action of the Department of Agriculture a few years since, which, given authority to erect a building in this city at a certain cost, built two wings and left the center vacant, and then asked several million dollars additional with which to complete the building, and had the effrontery, just as these gentleman have in this case, to try to convince intelligent men that they had constructed a building, a complete building—two wings and no center—out of the money appropriated.

In this case these men simply have provided for building two-fifths of the building—a part of a building—and if Congress refuses the money they will wait until the gentleman from New Hampshire and myself have gone and forgotten this, and then they will come back and ask for additional money. If I had my way, I would put an effective stop to this, because I would turn out the man responsible for this contract, regardless of the position he occupies or of his previous service to the Government. The contract shows that in effect a building is contracted for in excess of the amount authorized. So anxious was some one to conceal the facts and to justify the action taken that four different reasons, and inconsistent reasons, are given to Congress to justify the appropriation. Mr. Chairman, I simply wish to put in the RECORD these facts, not because it affects the Portsmouth yard, but because I believe that we should insist that these men should obey the law. We should, if possible, find some means of punishing those who disobey it. This appropriation as it will be given if the amendment be adopted, and to which I have no objection, will properly equip the building that Congress authorized and will not affect in any way the efficiency of the yard in which the gentleman is interested. I hope it will teach insolent bureau officials that they must conform to the will of Congress and not set themselves up in defiance of it.

Mr. HAYES. Mr. Chairman, I ask the indulgence of the committee for just a moment to permit me to return to the discussion which took place a little while ago in regard to the Benson-Dimond cases. It was intimated by the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Georgia [Mr. LIVINGSTON] that these cases were transferred to the District of Columbia because the Department of Justice thought they would be more likely to procure a conviction in those cases here than in California.

Mr. TAWNEY. If the gentleman from California will permit me. I said that so far as I was concerned, that while I had that impression at the beginning of the investigation, I was entirely convinced after a full hearing that such was not the fact.

Mr. HAYES. The gentleman is right that he did so state. I did not hear the language when it was uttered in the House or I should have spoken of it then. But I want to state for the information of the committee and for the benefit of the gentleman from Georgia that these defendants have been indicted in the State of California for land frauds, and one of them has been tried and convicted—Benson—and sentenced to one year's imprisonment and to pay a heavy fine. The others are still under indictment and will be tried, and I have no doubt that if the Department of Justice has the evidence to convict them the people of California will see that they get what is coming to them.

Mr. LIVINGSTON. May I ask the gentleman why these cases were transferred to the District of Columbia?

Mr. HAYES. The gentleman can get his information from the parties in the Attorney-General's office who are responsible for bringing them here.

Mr. LIVINGSTON. I endeavored to do so and could not.

Mr. HAYES. I simply desire to state, in justice to the people of California, that there is nothing in the suggestion that the Government could not secure a conviction in those cases, because the Department of Justice has already convicted one of the defendants in the California courts.

Mr. LIVINGSTON. I reiterate what I said. They ought to go back and be tried there and not here at the expense of the people of the District of Columbia.

Mr. HAYES. They should be if possible; the gentleman is right. There was an insinuation that the defendants could not be convicted in California where the crimes were probably committed, and that is why they were brought to the District of Columbia. I am stating these facts in justice to the people of California and to show that there is nothing in that insinuation. I inform you that one has been convicted in California, and I have no doubt if the others are guilty, as reputed, and as to that I know nothing, they also will be convicted there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The reading of the bill has been concluded.

Mr. TAWNEY. Mr. Chairman, I move that the committee rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14766) and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the vote will be taken on the amendments in gross.

A separate vote was not demanded.

The question was taken, and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS. If the gentleman from New York will withhold his motion, I would like to ask him a question.

Mr. PAYNE. I have no objection to answering a question.

Mr. WILLIAMS. Why can not we go on with the penal code?

Mr. PAYNE. I do not see the gentleman from Pennsylvania here, the gentleman from New Hampshire is not ready to go on, and so I made the motion.

Mr. WILLIAMS. Neither one of the necessary spokes of the wheel being present. [Laughter.]

Mr. PAYNE. It looks like it.

The motion was agreed to.

Accordingly (at 3 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the vice-president of the Capital Traction Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, reported the same without amendment, accompanied by a report (No. 531), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 14931) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels, reported the same without amendment, accompanied by a report (No. 533), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Labor, to which was referred the joint resolution of the House (H. J. Res. 103) in reference to the employment of enlisted men in competition with local civilians, reported the same without amendment, accompanied by a report (No. 532), which said bill and report were referred to the House Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 187), requesting the Secretary of State for information relating to the murder at Topia, Mexico, of William R. Boggs, jr., reported the same adversely, accompanied by a report (No. 534), which said resolution and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4757) granting an increase of pension to Esther H. Kautz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2247) granting an increase of pension to Julia B. Reynolds—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7413) granting an increase of pension to Alanson B. Wheelock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Arizona: A bill (H. R. 15833) conferring jurisdiction on the district court of Santa Cruz County, Ariz., to hear and determine certain causes of damages against the United States—to the Committee on the Judiciary.

By Mr. TAYLOR of Alabama: A bill (H. R. 15834) authorizing the erection of a post-office building at Demopolis, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: A bill (H. R. 15835) authorizing the purchase of the portrait of Commander William B. Cushing—to the Committee on the Library.

By Mr. FULLER: A bill (H. R. 15836) to provide for an emergency currency—to the Committee on Banking and Currency.

By Mr. CURRIER: A bill (H. R. 15837) to provide for the creation of a national highways commission, and for the construction, improvement, and maintenance of public highways—to the Committee on Agriculture.

Also, a bill (H. R. 15838) to revise and amend the statutes relating to patents—to the Committee on Patents.

Also, a bill (H. R. 15839) to amend section 4886 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also, a bill (H. R. 15840) to amend the laws of the United States relating to registration of trade-marks—to the Committee on Patents.

Also, a bill (H. R. 15841) to amend section 4896 of the Revised Statutes—to the Committee on Patents.

Also, a bill (H. R. 15842) to amend section 4885 of the Revised Statutes—to the Committee on Patents.

Also, a bill (H. R. 15843) to amend the laws of the United States relating to the registration of trade-marks—to the Committee on Patents.

By Mr. RHINOCK: A bill (H. R. 15844) to provide for the erection of a public building at Williamstown, Ky.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15845) to provide for the erection of a public building at Falmouth, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 15846) to provide increased force and salaries in the United States Patent Office—to the Committee on Expenditures in the Interior Department.

By Mr. HALE: A bill (H. R. 15847) to increase the salaries of all superintendents of national cemeteries—to the Committee on Expenditures in the War Department.

By Mr. KNOWLAND: A bill (H. R. 15848) for a resurvey of Oakland Harbor, Alameda County, Cal.—to the Committee on Rivers and Harbors.

By Mr. LOVERING: A bill (H. R. 15849) to create a currency commission to frame a suitable measure for diminishing the intensity of financial crises—to the Committee on Banking and Currency.

By Mr. ANDREWS: A bill (H. R. 15850) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona—to the Committee on the Public Lands.

By Mr. LANGLEY (by request): A bill (H. R. 15851) to provide for a change in the existing plans for street extensions in a portion of the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROBINSON: A bill (H. R. 15852) to confer title in fee, and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes—to the Committee on the Public Lands.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 15853) appropriating $50,000 for Guilford battle ground—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 15854) to promote the safety of travelers on railroads by compelling common carriers engaged in interstate commerce to strengthen the construction of day

or passenger coaches, mail cars, chair, smoking, and combination cars, and tourists' sleepers, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 15855) to amend an act to regulate commerce, approved February 4, 1887, and amendatory acts thereof, approved June 29, 1906, preventing increase of freight rates without notice—to the Committee on Interstate and Foreign Commerce.

By Mr. CHANEY (by request): A bill (H. R. 15856) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and war with Mexico, approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 15857) to grant a pension to dependent widows, and children who are insane, idiotic, or otherwise helpless—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15858) directing the payment of certain warrants issued by the Chickasaw Nation of Indians out of the tribal funds belonging to said Indians now in the United States Treasury—to the Committee on Indian Affairs.

By Mr. CUSHMAN: A bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes—to the Committee on the Public Lands.

By Mr. CRAWFORD (by request): A bill (H. R. 15860) to simplify the currency system and put it on a safe basis—to the Committee on Banking and Currency.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 15861) to authorize the expenditure of $250,000 to the National Negro Fair, to be held at Mobile, Ala, in the fall of 1908—to the Select Committee on Industrial Arts and Expositions.

By Mr. BENNET of New York: A bill (H. R. 15862) to provide for the extension of the immigration dock in the city of New York and the construction of a suitable ferry landing on southerly face of said dock—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 15863) for the relief of the officers and crews of the United States gunboats *Kineo* and *Chocusa*—to the Committee on War Claims.

By Mr. BEALL of Texas: Joint resolution (H. J. Res. 120) authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2, in section 1, of Trinity River—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Joint resolution (H. J. Res. 121) providing for a compilation of public documents out of the waste or surplus documents now in the custody of the Public Printer—to the Committee on Printing.

By Mr. LANING: Resolution (H. Res. 206) to pay additional compensation to assistant in the stationery room—to the Committee on Accounts.

By Mr. BARTLETT of Georgia: Resolution (H. Res. 208) directing the Committee on the Judiciary to report on the question of acquiring forest reserves within the States—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 15864) granting a pension to Sarah A. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15865) to remove the charge of desertion against Aaron F. Adams and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 15866) granting an increase of pension to Cornelius J. Demorest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15867) granting a pension to John W. McSparron—to the Committee on Pensions.

Also, a bill (H. R. 15868) for the relief of Robert Bilsborough—to the Committee on Indian Affairs.

Mr. BARTLETT of Georgia: A bill (H. R. 15869) for the relief of the heirs of and legal representatives of John P. Lamar, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15870) for the relief of Sarah E. Rankin, sole heir at law and next to kin of Emily R. Hathorn, deceased—to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 15871) granting an increase of pension to Elizabeth M. Steward—to the Committee on Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Susan Atteberry—to the Committee on Pensions.

Also (by request), a bill (H. R. 15873) for the relief of the estate of Nathan Renwick, deceased—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 15874) granting an increase of pension to Richard M. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15875) granting an increase of pension to John L. Thompson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 15876) granting an increase of pension to Harrison Browning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting an increase of pension to Henry Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15878) granting an increase of pension to William Connell—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 15879) granting a pension to Sarah E. Wheeler—to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 15880) for the relief of the personal representatives of Thomas F. Wilson, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 15881) granting a pension to W. R. Dockery—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15882) granting an increase of pension to Joseph E. Jackson—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15883) for the relief of Col. Charles A. Booth—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 15884) for the relief of the estate of Edward E. Douglas—to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 15885) for the relief of heirs of Jesse Hollis, deceased—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 15886) granting an increase of pension to Julian Barger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting a pension to Malissa C. Hall—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15888) granting a pension to Jefferson Knaus—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 15889) granting an increase of pension to Albert A. Cesar—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 15890) granting a pension to Margaret H. Flint—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15891) granting an increase of pension to James Pritchitt—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 15892) for the relief of John B. Page, first lieutenant Company K, Fifth Regiment Kentucky Volunteer Cavalry—to the Committee on War Claims.

By Mr. OLLIE M. JAMES: A bill (H. R. 15893) granting an increase of pension to Richard H. Jones—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15894) granting an increase of pension to George K. Finney—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15895) for the relief of David B. Dowell—to the Committee on War Claims.

Also, a bill (H. R. 15896) for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

By Mr. LANING: A bill (H. R. 15897) granting an increase of pension to John Rexford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15898) granting an increase of pension to Oscar Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15899) granting relief to Thomas E. Osborn—to the Committee on War Claims.

Also, a bill (H. R. 15900) to place William Welsh on the retired list with the rank of captain—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 15901) to correct the military record of John F. Rudd—to the Committee on Military Affairs.

Also, a bill (H. R. 15902) to correct the military record of James Grooms—to the Committee on Military Affairs.

Also, a bill (H. R. 15903) granting a pension to Emily Sparks—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15904) granting an increase of pension to Margaret E. McGuire—to the Committee on Pensions.

By Mr. LILLEY: A bill (H. R. 15905) granting a pension to Lydia E. Sherman—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15906) granting an increase of pension to Alfred R. Bradeen—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 15907) to refund inheritance tax illegally collected—to the Committee on Claims.

By Mr. MANN: A bill (H. R. 15908) granting a pension to Henry Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15909) granting an increase of pension to Charles H. Allen—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 15910) for the relief of Fred M. Rainey—to the Committee on Military Affairs.

Also, a bill (H. R. 15911) granting a pension to Charles Windolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15912) authorizing the appointment of George W. Budd, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15913) granting an increase of pension to Marietta L. Whitney—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 15914) granting a pension to Daniel Snively—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 15915) granting an increase of pension to Beverly D. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15916) granting an increase of pension to Perry Cumpton—to the Committee on Pensions.

Also, a bill (H. R. 15917) to remove the charge of desertion against Malon W. Clayton—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 15918) granting a pension to William McCormack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15919) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 15920) granting a pension to David Hubert—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15921) for the relief of the heirs of Sampson David Bridgman, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 15922) granting an increase of pension to Oliver S. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15923) granting an increase of pension to Alfred Tichurst—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15924) for the relief of Luna Roberts—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 15925) for the relief of Edward Tearney—to the Committee on Claims.

By Mr. SULZER: A bill (H. R. 15926) granting an increase of pension to Ferdinand Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15927) granting an increase of pension to William McGovern—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 15928) for the relief of the legal representatives of John Boyle, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of R. E. Chase, of Edinboro, Pa., favoring forest reserve—to the Committee on Agriculture.

By Mr. BEALL of Texas: Papers to accompany bills for relief of Susan Atteberry and Elizabeth M. Stevens—to the Committee on Pensions.

Also, paper to accompany bill for relief of estate of Nathan Renwick (heir of John G. Miller)—to the Committee on War Claims.

Also, petition of legal voters of Fifth Congressional District of Texas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Paper to accompany act for relief of officers and crew of United States gunboats *Kineo* and *Chacura*—to the Committee on War Claims.

By Mr. BIRDSALL: Petition of Local Union No. 22, International Typographical Union, of Dubuque, for removal of duty on wood pulp, white paper, and material used in manufacture thereof—to the Committee on Ways and Means.

Also, petition of Ladies' Literary Club of Independence, Iowa, favoring legislation for forest reserves in Appalachian and White mountains—to the Committee on Agriculture.

Also, petitions of Justus F. Coy and 5 other citizens and Milo P. Smith and 81 other citizens, all of Iowa, volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BROWNLOW: Paper to accompany bill for relief of John Hogan—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of citizens of Pennsylvania, against S. 2926, submitting all intoxicants shipped into prohibition States to the laws of said States—to the Committee on the Judiciary.

By Mr. CHANEY: Paper to accompany bill for relief of William Connell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harrison Browning—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Memorial of certain citizens and organizations of St. Louis, Mo., against the abolition of the army canteen—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Petition of Philadelphia Maritime Exchange, in favor of H. R. 6169, for promotion of efficiency in the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOPER of Texas: Paper to accompany bill for relief of Sarah E. Wheeler—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Local Union No. 324, International Typographical Union, of Racine, Wis., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of Allied Building Trades and Tax Payers' Association of Brooklyn, N. Y., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Slack Cooperage Manufacturing Association and National Board of Trade of Philadelphia, for appropriation to take the census of standing timber in United States—to the Committee on Agriculture.

Also, petition of Wallace P. Groom, asking for prompt currency legislation—to the Committee on Banking and Currency.

By Mr. EDWARDS of Kentucky: Evidence to accompany H. R. 1085, granting an honorable discharge to Alfred Childers—to the Committee on Military Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of Mattie T. Fick—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of Charles N. Queen, of Fresno, Cal., asking for change in rules and regulations governing the administration of Chinese-exclusion laws, so far as those laws relate to the excepted classes of Chinese immigrants—to the Committee on Immigration and Naturalization.

By Mr. FRENCH: Petition of Phil Sheridan Post, No. 4, Grand Army of the Republic, Boise, Idaho, for legislation placing on a retired list survivors of the civil war who served with honor in the armies of the United States—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Mrs. Mary A. Mosher and 45 other members of the Woman's Relief Corps of Sandwich, Ill., for increase of soldiers' widows' pensions to $12 per month—to the Committee on Invalid Pensions.

Also, petition of Parlin & Orendorff, of Canton, Ill., for currency legislation—to the Committee on Banking and Currency.

By Mr. GORDON: Paper to accompany bill for relief of heirs of Jesse Hollis—to the Committee on War Claims.

By Mr. GRAHAM: Paper to accompany bill for relief of James Charles Cramer—to the Committee on Military Affairs.

Also, petitions of Alton S. Miller; Edwin Burhorn, of New York City, and C. W. Hunt, of Rahway, N. J., for refunding to Stevens Institute of Technology, Hoboken, N. J., the collateral inheritance tax paid on the endowment of said institute—to the Committee on Claims.

By Mr. HAMLIN: Papers to accompany bills for relief of Hariet L. Gist and George H. Mothersbaugh—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Paper to accompany bill for relief of Randolph Snell—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Paper to accompany bill for relief of Company E, First Infantry Connecticut National Guards, of New Britain, Conn., for H. R. 14783—to the Committee on Military Affairs.

By Mr. HOUSTON: Papers to accompany bills for relief of Eliza Burrus and William L. Burrus—to the Committee on War Claims.

By Mr. HUBBARD: Petition of Local Union No. 180, of the Sioux City (Iowa) Typographical Union, favoring removal of duty on white paper, wood pulp, and material thereof used in manufacture—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: Papers to accompany bills for

relief of M. B. White, heir of John B. White; R. Q. James, heir of E. H. James; A. B. Groves, heir of James Groves; David H. Davis; Hugh Wyllie, heir of George A. Wyllie; William Gourley, heir of Samuel Gourley; H. M. Cartmell, heir of Nathan Cartmell; and heirs at law of Henry M. Neely—to the Committee on War Claims.

By Mr. JONES of Washington: Petition of J. H. Schenck and 67 other citizens of Washington, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WILLIAM W. KITCHIN: Petition of N. S. Smith and 33 other citizens of Stoneville, N. C., for the passage of some bill to prevent shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. LEVER: Petition of Advance Lodge, No. 44, International Association of Machinists, for construction of next battle ship in one of the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of National German-American Alliance of Missouri, for repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of Polytechnic Institute of Brooklyn, N. Y.; Van Rensselaer Lansinger, of New York; and Brooklyn Engineers' Club, for H. R. 10457, for forest reservations in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. MANN: Papers to accompany bills for relief of Charles H. Allen and Henry Kline—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of James Henderson—to the Committee on War Claims.

By Mr. REEDER: Petition of H. C. Hammond, of Olathe, Kans., against discrimination against deaf mutes for examination under civil-service rules for Government positions—to the Committee on Reform in the Civil Service.

By Mr. REID: Paper to accompany bill for relief of John Diehl—to the Committee on War Claims.

By Mr. REYNOLDS: Paper to accompany bill for relief of John B. Tobias—to the Committee on Invalid Pensions.

Also, petition of Civil Service Reform Association of Pennsylvania, against H. R. 7597 (known as "Crumpacker bill")—to the Committee on Reform in the Civil Service.

By Mr. RIORDAN: Memorial of protest against the Polish expropriation bill and the public meetings bill now pending in the legislatures of Prussia and Germany, adopted at a mass meeting of the Poles held on January 23, 1908, in New York—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Petition of H. W. Harris, in favor of guaranteeing bank deposits—to the Committee on Banking and Currency.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Mrs. Mary Jane Tillman—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of National German-American Alliance of Missouri, for repeal of canteen law—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Commercial Travelers' Congress, of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Alma Board of Trade, opposing reduction of tariff on imports from the Philippine Islands—to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 31, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

RAILWAY MAIL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 20th instant, certain information relative to the arrival and departure of mail trains and the record of the fines imposed and collected by reason of delays in these trains; also, the record of the fines imposed and collected and the mail trains delayed in violation of the provisions of the law, especially those pertaining to mail trains carrying mail in and through Georgia, which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes; and

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River.

The message also announced that the House had passed the bill (S. 2662) to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 9210. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala.;

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas; and

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide with sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Academy of Sciences, of Washington, D. C., and a petition of the Board of Trade of Boston, Mass., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PLATT presented a petition of the Army and Navy Union of the United States of America, of Dunkirk, N. Y., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which were referred to the Committee on Patents.

He also presented a petition of sundry volunteer officers of the civil war, of New York City, N. Y., and of Philadelphia and Schuylkill Haven, Pa., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. KEAN presented petitions of H. F. Gurney, of New York City, N. Y.; of Edwin Burhorn, of New York City, N. Y.; of Frederick L. Pryor, of Newark, N. J., and of S. P. Bush, of Columbus, Ohio, praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. FRYE presented the petition of John G. W. Havens, superintendent of the fifth district United States Life-Saving Service, of Point Pleasant, N. J., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

Mr. CURTIS presented a petition of sundry citizens of Fort Leavenworth, Kans., praying for the adjustment of wages arising under the eight-hour law, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of the Board of Trade of Boston, Mass., praying for the enactment of legislation to established a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Union No. 319, of Taunton; of Local Union No. 224, of Brockton, of the International Typographical Union, and of Local Union No. 67, International Printing Pressmen and Assistants' Union, of Boston, all in the State of Massachusetts, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of sundry citizens of Percy and Steelville, in the State of Illinois, praying for the

passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 124, International Typographical Union, of Bloomington, Ill., and a petition of Local Union No. 177, International Typographical Union, of Springfield, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of the Citizens' Association of Chicago, Ill., remonstrating against the passage of the so-called "Crumpacker bill," relative to the employment of additional clerks to handle the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a petition of Bartleson Post, No. 6, Department of Illinois, Grand Army of the Republic, of Joliet, Ill., praying for the enactment of legislation to increase the pensions of widows of soldiers to $12 per month, which was referred to the Committee on Pensions.

Mr. HEMENWAY presented the petition of David Bryan and sundry other volunteer officers of the civil war, of Lafayette, Ind., and the petition of Joseph Watts and 52 other volunteer officers of the civil war, in Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented a petition of Company C, National Guard, of Rockville, Conn., and a petition of Company E, National Guard, of New Britain, Conn., praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

Mr. CLAPP presented a memorial of sundry citizens of St. James, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STEPHENSON presented the memorial of S. Sampson, of Rio, Wis., remonstrating against the enactment of legislation to reduce the duty on tobacco imported from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a memorial of Local Council No. 54, United Commercial Travelers of America, of Milwaukee, Wis., and a memorial of the Business Men's Association of Westby, Wis., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRAZIER presented sundry papers to accompany the bill (S. 4468) for the relief of the estate of William H. Fuqua, which were referred to the Committee on Claims.

Mr. LA FOLLETTE presented a memorial of District Association No. 66, Knights of Labor, of Washington, D. C., remonstrating against the passage of the so-called "Dolliver-Burleson bill," relative to the control and regulation of the public schools of the District of Columbia, which was referred to the Committee on the District of Columbia.

SPECIAL MESSAGE OF THE PRESIDENT OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

The recent decision of the Supreme Court in regard to the employers' liability act, the experience of the Interstate Commerce Commission and of the Department of Justice in enforcing the interstate commerce and antitrust laws, and the gravely significant attitude toward the law and its administration recently adopted by certain heads of great corporations, render it desirable that there should be additional legislation as regards certain of the relations between labor and capital, and between the great corporations and the public.

The Supreme Court has decided the employers' liability law to be unconstitutional because its terms apply to employees engaged wholly in intrastate commerce as well as to employees engaged in interstate commerce. By a substantial majority the Court holds that the Congress has power to deal with the question in so far as interstate commerce is concerned.

As regards the employers' liability law, I advocate its immediate reenactment, limiting its scope so that it shall apply only to the class of cases as to which the Court says it can constitutionally apply, but strengthening its provisions within this scope. Interstate employment being thus covered by an adequate national law, the field of intrastate employment will be left to the action of the several States. With this clear definition of responsibility the States will undoubtedly give to the performance of their duty within their field the consideration the importance of the subject demands.

I also very urgently advise that a comprehensive act be passed providing for compensation by the Government to all employees injured in the Government service. Under the present law an injured workman in the employment of the Government has no remedy, and the entire burden of the accident falls on the helpless man, his wife, and his young children. This is an outrage. It is a matter of humiliation to the Nation that there should not be on our statute books provision to meet and partially to atone for cruel misfortune when it comes upon a man through no fault of his own while faithfully serving the public. In no other prominent industrial country in the world could such gross injustice occur; for almost all civilized nations have enacted legislation embodying the complete recognition of the principle which places the entire trade risk for industrial accidents (excluding, of course, accidents due to willful misconduct by the employee) on the industry as represented by the employer, which in this case is the Government. In all these countries the principle applies to the Government just as much as to the private employer. Under no circumstances should the injured employee or his surviving dependents be required to bring suit against the Government, nor should there be the requirement that in order to insure recovery negligence in some form on the part of the Government should be shown. Our proposition is not to confer a right of action upon the Government employee, but to secure him suitable provision against injuries received in the course of his employment. The burden of the trade risk should be placed upon the Government. Exactly as the workingman is entitled to his wages, so he should be entitled to indemnity for the injuries sustained in the natural course of his labor. The rates of compensation and the regulations for its payment should be specified in the law, and the machinery for determining the amount to be paid should in each case be provided in such manner that the employee is properly represented without expense to him. In other words, the compensation should be paid automatically, while the application of the law in the first instance should be vested in the Department of Commerce and Labor. The law should apply to all laborers, mechanics, and other civilian employees of the Government of the United States, including those in the service of the Panama Canal Commission and of the insular governments.

The same broad principle which should apply to the Government should ultimately be made applicable to all private employers. Where the nation has the power it should enact laws to this effect. Where the States alone have the power they should enact the laws. It is to be observed that an employers' liability law does not really mean mulcting employers in damages. It merely throws upon the employer the burden of accident insurance against injuries which are sure to occur. It requires him either to bear or to distribute through insurance the loss which can readily be borne when distributed, but which, if undistributed, bears with frightful hardship upon the unfortunate victim of accident. In theory, if wages were always freely and fairly adjusted, they would always include an allowance as against the risk of injury, just as certainly as the rate of interest for money includes an allowance for insurance against the risk of loss. In theory, if employees were all experienced business men, they would employ that part of their wages which is received because of the risk of injury to secure accident insurance. But as a matter of fact, it is not practical to expect that this will be done by the great body of employees. An employers' liability law makes it certain that it will be done, in effect, by the employer, and it will ultimately impose no real additional burden upon him.

There is a special bill to which I call your attention. Secretary Taft has urgently recommended the immediate passage of a law providing for compensation to employees of the Government injured in the work of the Isthmian Canal, and that $100,000 be appropriated for this purpose each year. I earnestly hope this will be done; and that a special bill be passed covering the case of Yardmaster Banton, who was injured nearly two years ago, while doing his duty. He is now helpless to support his wife and his three little boys.

I again call your attention to the need of some action in connection with the abuse of injunctions in labor cases. As regards the rights and wrongs of labor and capital, from blacklisting to boycotting, the whole subject is covered in admirable fashion by the report of the Anthracite Coal Strike Commission, which report should serve as a chart for the guidance of both legislative and executive officers. As regards injunctions, I can do little but repeat what I have said in my last message to the Congress. Even though it were possible, I should consider it most unwise to abolish the use of the process of injunction. It is necessary in order that the courts may maintain their own dignity and in order that they may in effective manner check disorder and violence. The judge

who uses it cautiously and conservatively, but who, when the need arises, uses it fearlessly, confers the greatest service upon our people, and his preeminent usefulness as a public servant should be heartily recognized. But there is no question in my mind that it has sometimes been used heedlessly and unjustly, and that some of the injunctions issued inflict grave and occasionally irreparable wrong upon those enjoined.

It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and the necessity of organized effort on the part of wage-earners and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends. The fact that the punishment for the violation of an injunction must, to make the order effective, necessarily be summary and without the intervention of a jury makes its issuance in doubtful cases a dangerous practice, and in itself furnishes a reason why the process should be surrounded with safeguards to protect individuals against being enjoined from exercising their proper rights. Reasonable notice should be given the adverse party.

This matter is daily becoming of graver importance and I can not too urgently recommend that the Congress give careful consideration to the subject. If some way of remedying the abuses is not found the feeling of indignation against them among large numbers of our citizens will tend to grow so extreme as to produce a revolt against the whole use of the process of injunction. The ultra-conservatives who object to cutting out the abuses will do well to remember that if the popular feeling does become strong many of those upon whom they rely to defend them will be the first to turn against them. Men of property can not afford to trust to anything save the spirit of justice and fair play; for those very public men who, while it is to their interest, defend all the abuses committed by capital and pose as the champions of conservatism, will, the moment they think their interest changes, take the lead in just such a matter as this and pander to what they esteem popular feeling by endeavoring, for instance, effectively to destroy the power of the courts in matters of injunction; and will even seek to render nugatory the power to punish for contempt, upon which power the very existence of the orderly administration of justice depends.

It is my purpose as soon as may be to submit some further recommendations in reference to our laws regulating labor conditions within the sphere of Federal authority. A very recent decision of the Supreme Court of the United States rendered since this message was written, in the case of Adair *v.* United States, seemingly of far-reaching import and of very serious probable consequences, has modified the previously entertained views on the powers of the Congress in the premises to such a degree as to make necessary careful consideration of the opinions therein filed before it is possible definitely to decide in what way to call the matter to your attention.

Not only should there be action on certain laws affecting wage-earners; there should also be such action on laws better to secure control over the great business concerns engaged in interstate commerce, and especially over the great common carriers. The Interstate Commerce Commission should be empowered to pass upon any rate or practice on its own initiative. Moreover, it should be provided that whenever the Commission has reason to believe that a proposed advance in a rate ought not to be made without investigation, it should have authority to issue an order prohibiting the advance pending examination by the Commission.

I would not be understood as expressing an opinion that any or even a majority of these advances are improper. Many of the rates in this country have been abnormally low. The operating expenses of our railroads, notably the wages paid railroad employees, have greatly increased. These and other causes may in any given case justify an advance in rates, and if so the advance should be permitted and approved. But there may be, and doubtless are, cases where this is not true; and our law should be so framed that the Government, as the representative of the whole people, can protect the individual against unlawful exaction for the use of these public highways. The Interstate Commerce Commission should be provided with the means to make a physical valuation of any road as to which it deems this valuation necessary. In some form the Federal Government should exercise supervision over the financial operations of our interstate railroads. In no other way can justice be done between the private owners of those properties and the public which pay their charges. When once an inflated capitalization has gone upon the market and has become fixed in value, its existence must be recognized. As a practical matter it is then often absolutely necessary to take account of the thousands of innocent stockholders who have purchased their stock in good faith. The usual result of such inflation is therefore to impose upon the public an unnecessary but everlasting tax, while the innocent purchasers of the stock are also harmed and only a few speculators are benefited. Such wrongs when once accomplished can with difficulty be undone; but they can be prevented with safety and with justice. When combinations of interstate railways must obtain Government sanction; when it is no longer possible for an interstate railway to issue stock or bonds, save in the manner approved by the Federal Government; when that Government makes sure that the proceeds of every stock and bond issue go into the improvement of the property and not the enrichment of some individual or syndicate; when, whenever it becomes material for guidance in the regulative action of the Government, the physical value of one of these properties is determined and made known—there will be eliminated from railroad securities that element of uncertainty which lends to them their speculative quality and which has contributed much to the financial stress of the recent past.

I think that the Federal Government must also assume a certain measure of control over the physical operation of railways in the handling of interstate traffic. The Commission now has authority to establish through routes and joint rates. In order to make this provision effective and in order to promote in times of necessity the proper movement of traffic, I think it must also have authority to determine the conditions upon which cars shall be interchanged between different interstate railways. It is also probable that the Commission should have authority, in particular instances, to determine the schedule upon which perishable commodities shall be moved.

In this connection I desire to repeat my recommendation that railways be permitted to form traffic associations for the purpose of conferring about and agreeing upon rates, regulations, and practices affecting interstate business in which the members of the association are mutually interested. This does not mean that they should be given the right to pool their earnings or their traffic. The law requires that rates shall be so adjusted as not to discriminate between individuals, localities, or different species of traffic. Ordinarily, rates by all competing lines must be the same. As applied to practical conditions, the railway operations of this country can not be conducted according to law without what is equivalent to conference and agreement. The articles under which such associations operate should be approved by the Commission; all their operations should be open to public inspection; and the rates, regulations, and practices upon which they agree should be subject to disapproval by the Commission.

I urge this last provision with the same earnestness that I do the others. This country provides its railway facilities by private capital. Those facilities will not be adequate unless the capital employed is assured of just treatment and an adequate return. In fixing the charges of our railroads, I believe that, considering the interests of the public alone, it is better to allow too liberal rather than too scanty earnings, for, otherwise, there is grave danger that our railway development may not keep pace with the demand for transportation. But the fundamental idea that these railways are public highways must be recognized, and they must be open to the whole public upon equal terms and upon reasonable terms.

In reference to the Sherman antitrust law, I repeat the recommendations made in my message at the opening of the present Congress, as well as in my message to the previous Congress. The attempt in this law to provide in sweeping terms against all combinations of whatever character, if technically in restraint of trade as such restraint has been defined by the courts, must necessarily be either futile or mischievous, and sometimes both. The present law makes some combinations illegal, although they may be useful to the country. On the other hand, as to some huge combinations which are both noxious and illegal, even if the action undertaken against them under the law by the Government is successful, the result may be to work but a minimum benefit to the public. Even though the combination be broken up and a small measure of reform thereby produced, the real good aimed at can not be obtained, for such real good can come only by a thorough and continuing supervision over the acts of the combination in all its parts, so as to prevent stock watering, improper forms of competition, and, in short, wrongdoing generally. The law should correct that portion of the Sherman Act which prohibits all combinations of the character above described, whether they be reasonable or unreasonable; but this should be done only as part

of a general scheme to provide for this effective and thoroughgoing supervision by the National Government of all the operations of the big interstate business concerns. Judge Hough, of New York, in his recent decision in the Harriman case, states that the Congress possesses the power to limit the interstate operations of corporations not complying with Federal safeguards against the recurrence of obnoxious practices, and to license those which afford the public adequate security against methods calculated to diminish solvency, and therefore efficiency and economy in interstate transportation. The judge adds that in these matters "the power of Congress is ample, though as yet not fruitful in results." It is very earnestly to be desired that either along the lines the judge indicates, or in some other way equally efficacious, the Congress may exercise the power which he holds it possesses.

Superficially it may seem that the laws, the passage of which I herein again advocate—for I have repeatedly advocated them before—are not connected. But in reality they are connected. Each and every one of these laws, if enacted, would represent part of the campaign against privilege, part of the campaign to make the class of great property holders realize that property has its duties no less than its rights. When the courts guarantee to the employer, as they should, the rights of the employer, and to property the rights of property, they should no less emphatically make it evident that they will exact from property and from the employer the duties which should necessarily accompany these rights; and hitherto our laws have failed in precisely this point of enforcing the performance of duty by the man of property toward the man who works for him, by the man of great wealth, especially if he uses that wealth in corporate form, toward the investor, the wage-worker, and the general public. The permanent failure of the man of property to fulfill his obligations would ultimately assure the wresting from him of the privileges which he is entitled to enjoy only if he recognizes the obligations accompanying them. Those who assume or share the responsibility for this failure are rendering but a poor service to the cause which they believe they champion.

I do not know whether it is possible, but if possible, it is certainly desirable, that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and "cornering" the market. Legitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of stocks or other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards or in lotteries or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater. But it is a far more difficult subject with which to deal. The great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business in doing away with the "bucket shop" type of operation. We should study both the successes and the failures of foreign legislators who, notably in Germany, have worked along this line, so as not to do anything harmful. Moreover, there is a special difficulty in dealing with this matter by the Federal Government in a Federal Republic like ours. But if it is possible to devise a way to deal with it the effort should be made, even if only in a cautious and tentative way. It would seem that the Federal Government could at least act by forbidding the use of the mails, telegraph and telephone wires for mere gambling in stocks and futures, just as it does in lottery transactions.

I inclose herewith a statement issued by the Chief of the Bureau of Corporations (Appendix 1) in answer to certain statements (which I also inclose) made by and on behalf of the agents of the Standard Oil Corporation (Appendix 2) and a letter of the Attorney-General (Appendix 3) containing an answer to certain statements, also inclosed, made by the president of the Santa Fe Railway Company (Appendix 4). The Standard Oil Corporation and the railway company have both been found guilty by the courts of criminal misconduct; both have been sentenced to pay heavy fines; and each has issued and published broadcast these statements, asserting their innocence and denouncing as improper the action of the courts and juries in convicting them of guilt. These statements are very elaborate, are very ingenious, and are untruthful in important particulars. The following letter and inclosure from Mr. Heney sufficiently illustrate the methods of the high officials of the Santa Fe and show the utter falsity of their plea of ignorance, the similar plea of the Standard Oil being equally without foundation:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY,
DISTRICT OF OREGON,
Portland, January 11, 1908.

The PRESIDENT, *Washington, D. C.*

DEAR MR. PRESIDENT: I understand that Mr. Ripley, of the Atchison, Topeka and Santa Fe Railway system, has commented with some severity upon your attitude toward the payment of rebates by certain transcontinental railroads and that he has declared that he personally never knew anything about any rebates being granted by his road. * * * I inclose you herewith copy of a letter from Edward Chambers, general freight traffic manager of the Atchison, Topeka and Santa Fe Railway system, to Mr. G. A. Davidson, auditor of the same company, dated February 27, 1907. * * *

This letter does not deal with interstate shipments, but the constitution of the State of California makes the payment of rebates by railroads a felony, and Mr. Ripley has apparently not been above the commission of crime to secure business. You are at liberty to use this inclosure in any way that you think it can be of service to yourself or the public. * * *

Sincerely, yours,

FRANCIS J. HENEY.

[Inclosure.]

SAN FRANCISCO, *February 27, 1907.*

DEAR SIR: I hand you herewith a file of papers covering the movement of fuel oil shipped by the Associated Oil Company over our line from January 1, 1906, up to and including November 15, 1906.

We agree with the Associated Oil Company's negotiations with Mr. Ripley, Mr. Wells, and myself, that no consideration of their making us a special price on oil for company use, which is covered by a contract, and the further consideration that we would take a certain quantity, they would in turn ship from Bakersfield over our line to San Francisco Bay points a certain minimum number of barrels of fuel oil at rate of 25 cents per barrel from Bakersfield, exclusive of the switching charge.

These statements cover the movement, except that they have included Stockton, which is not correct, as it is not a bay point and could not be reached as conveniently by water. We have paid them on account of this movement $7,239, which should be deducted from the total of movement shown in the attached papers.

I wish you would arrange to make up a statement, check the same, and refund to the Associated Oil Company down to the basis of 25 cents per barrel from Bakersfield where they are the shippers, regardless of who is consignee, as all their fuel oil is sold delivered. The reason for making this deal in addition to what I have stated, is that the Associated Oil Company have their own boats and carry oil from fields controlled by themselves along the coast near San Luis Obispo to San Francisco at a much lower cost than the special rate we have made them and in competition with the Union Oil Company and the Standard Oil Company, it was necessary for them to sell at the San Francisco Bay points on the basis of the cost of water transportation from the coast fields. They figured they could only afford to pay us the 25 cents per barrel if by doing this they sold our company a certain amount of fuel, otherwise the business covered by the attached papers would have come in by boat from the coast fields.

I am writing this up completely so that there may be in the papers a history of the reasons why this arrangement was made. I wish you would go ahead and make the adjustment as soon as possible, as the Associated Oil Company are very anxious to have the matter closed up. The arrangement was canceled on November 15th at a conference between Mr. Ripley, Mr. Wells, Mr. Porter, and myself.

Yours, truly, EDWARD CHAMBERS.

SHIPMENTS-ASSOCIATED OIL COMPANY,
Mr. G. A. DAVIDSON,
Auditor, Los Angeles.

The attacks by these great corporations on the Administration's actions have been given a wide circulation throughout the country, in the newspapers and otherwise, by those writers and speakers who, consciously or unconsciously, act as the representatives of predatory wealth—of the wealth accumulated on a giant scale by all forms of iniquity, ranging from the oppression of wageworkers to unfair and unwholesome methods of crushing out competition, and to defrauding the public by stock jobbing and the manipulation of securities. Certain wealthy men of this stamp, whose conduct should be abhorrent to every man

of ordinarily decent conscience, and who commit the hideous wrong of teaching our young men that phenomenal business success must ordinarily be based on dishonesty, have during the last few months made it apparent that they have banded together to work for a reaction. Their endeavor is to overthrow and discredit all who honestly administer the law, to prevent any additional legislation which would check and restrain them, and to secure if possible a freedom from all restraint which will permit every unscrupulous wrongdoer to do what he wishes unchecked provided he has enough money. The only way to counteract the movement in which these men are engaged is to make clear to the public just what they have done in the past and just what they are seeking to accomplish in the present.

The Administration and those who support its views are not only not engaged in an assault on property, but are strenuous upholders of the rights of property. The wise attitude to take is admirably stated by Governor Fort, of New Jersey, in his recent inaugural address; the principles which he upholds as regards the State being of course identical with those which should obtain as regards the Nation.

"Just and fair regulation can only be objected to by those misconceiving the rights of the State. The State grants all corporate powers to its railways and other public-utility corporations, and may not only modify, but repeal all charters and charter privileges it confers. It may, therefore, impose conditions upon their operation at its pleasure. Of course in the doing of these things, it should act wisely and with conservatism, protecting all vested rights of property and the interests of the innocent holders of the securities of existing quasi-public corporations. Regulation, therefore, upon a wise basis, of the operation of these public utilities companies, including the fixing of rates and public charges, upon complaint and subject to court review, should be intrusted to a proper board, as well as the right to regulate the output of stock and the bonded issues of such corporations. If this were done, it would inure to the benefit of the people and the companies, for it would fix the value of such securities, and act as a guaranty against their depreciation. Under such a law, the holders of existing securities would find them protected, and new securities offered would have the confidence of the people, because of the guaranty of the State that they were only issued for extensions or betterments and upon some basis of the cost of such extensions or betterments. It is difficult to suggest any legislation that would give greater confidence to the public and investors than a wise public utilities bill; and the mere suggestion of its enactment should cause this class of security holders to feel that their holdings were strengthened, and that the State was about to aid the managers of its public utility corporations to conserve their corporate property for the public benefit and for the protection of invested capital. * * *

"The time has come for the strict supervision of these great corporations and the limitation of their stock and bond issues under some proper public official. It will make for conservatism, and strengthen the companies doing a legitimate business, and eliminate, let us hope, those which are merely speculative in character and organized simply to catch the unsuspecting or credulous investor. Corporations have come in our business world to remain for all time. Corporate methods are the most satisfactory for business purposes in many cases. Every business or enterprise honestly incorporated should be protected, and the public made to feel confidence in its corporate organization. Capital invested in corporations must be as free from wrongful attack as that invested by individuals, and the State should do everything to foster and protect invested corporate capital and encourage the public in giving to it support and confidence. Nothing will do so much to achieve this desirable result as proper supervision and reasonable control over stock and bond issues, so that overcapitalization will be prevented and the people may know when they buy a share of stock or a bond * * * that the name of the State upon it stands as a guaranty that there is value behind it and reasonable safety in its purchase. The act must make it clear that the intent of the supervision by the Commissioner is not for the purpose of striking at corporate organizations or invested corporate capital, but rather to recognize and protect existing conditions and insure greater safeguards for the future. * * *

"Capital does not go into a State where reprisals are taken or vested interests are injured; it comes only where wise, conservative, safe treatment is assured, and it should be our policy to encourage and secure corporate rights and the best interests of stock and bond holders committed to our legal care."

Under no circumstances would we countenance attacks upon law-abiding property, or do aught but condemn those who hold up rich men as being evil men because of their riches. On the contrary, our whole effort is to insist upon conduct, and neither wealth nor property nor any other class distinction, as being the proper standard by which to judge the actions of men. For the honest man of great wealth we have a hearty regard, just as we have a hearty regard for the honest politician and the honest newspaper. But part of the movement to uphold honesty must be a movement to frown on dishonesty. We attack only the corrupt men of wealth, who find in the purchased politician the most efficient instrument of corruption and in the purchased newspaper the most efficient defender of corruption. Our main quarrel is not with these agents and representatives of the interests. They derive their chief power from the great sinister offenders who stand behind them. They are but puppets who move as the strings are pulled. It is not the puppets, but the strong cunning men and the mighty forces working for evil behind and through the puppets, with whom we have to deal. We seek to control law-defying wealth; in the first place to prevent its doing dire evil to the Republic, and in the next place to avoid the vindictive and dreadful radicalism which, if left uncontrolled, it is certain in the end to arouse. Sweeping attacks upon all property, upon all men of means, without regard to whether they do well or ill, would sound the deathknell of the Republic; and such attacks become inevitable if decent citizens permit those rich men whose lives are corrupt and evil to domineer in swollen pride, unchecked and unhindered, over the destinies of this country. We act in no vindictive spirit, and we are no respecters of persons. If a labor union does wrong, we oppose it as firmly as we oppose a corporation which does wrong; and we stand equally stoutly for the rights of the man of wealth and for the rights of the wage-worker. We seek to protect the property of every man who acts honestly, of every corporation that represents wealth honestly accumulated and honestly used. We seek to stop wrongdoing, and we desire to punish the wrongdoers only so far as is necessary to achieve this end.

There are ample material rewards for those who serve with fidelity the mammon of unrighteousness; but they are dearly paid for by the people who permit their representatives, whether in public life, in the press, or in the colleges where their young men are taught, to preach and to practice that there is one law for the rich and another for the poor. The amount of money the representatives of certain great moneyed interests are willing to spend can be gauged by their recent publication broadcast throughout the papers of this country, from the Atlantic to the Pacific, of huge advertisements attacking with envenomed bitterness the Administration's policy of warring against successful dishonesty, and by their circulation of pamphlets and books prepared with the same object; while they likewise push the circulation of the writings and speeches of men who, whether because they are misled, or because, seeing the light, they yet are willing to sin against the light, serve these their masters of great wealth to the cost of the plain people. The books and pamphlets, the controlled newspapers, the speeches by public or private men to which I refer, are usually and especially in the interest of the Standard Oil Trust and of certain notorious railroad combinations, but they also defend other individuals and corporations of great wealth that have been guilty of wrongdoing. It is only rarely that the men responsible for the wrongdoing themselves speak or write. Normally they hire others to do their bidding, or find others who will do it without hire. From the railroad-rate law to the pure-food law, every measure for honesty in business that has been passed during the last six years has been opposed by these men on its passage and in its administration with every resource that bitter and unscrupulous craft could suggest and the command of almost unlimited money secure. But for the last year the attack has been made with most bitterness upon the actual administration of the law, especially through the Department of Justice, but also through the Interstate Commerce Commission and the Bureau of Corporations. The extraordinary violence of the assaults upon our policy contained in these speeches, editorials, articles, advertisements, and pamphlets, and the enormous sums of money spent in these various ways, give a fairly accurate measure of the anger and terror which our public actions have caused the corrupt men of vast wealth to feel in the very marrow of their being. The attack is sometimes made openly against us for enforcing the law, and sometimes with a certain cunning, for not trying to enforce it in some other way than that which experience shows to be practical. One of the favorite methods of the latter class of assailant is to attack the Administration for not procuring the imprisonment instead of the fine of offenders under these antitrust laws. The man making this assault is usually either a prominent lawyer or an editor who takes his policy from the financiers and his arguments from their attorneys. If the former, he has defended and advised many wealthy malefactors, and he knows well that

thanks to the advice of lawyers like himself, a certain kind of modern corporation has been turned into an admirable instrument by which to render it well-nigh impossible to get at the head of the corporation, at the man who is really most guilty. When we are able to put the real wrongdoer in prison, this is what we strive to do; this is what we have actually done with some very wealthy criminals, who, moreover, represented that most baneful of all alliances, the alliance between the corruption of organized politics and the corruption of high finance. This is what we have done in the Gaynor and Greene case, in the case of the misapplication of funds in connection with certain great banks in Chicago, in the land-fraud cases, where, as in other cases likewise, neither the highest political position nor the possession of great wealth has availed to save the offenders from prison. The Federal Government does scourge sin; it does bid sinners fear; for it has put behind the bars with impartial severity the powerful financier, the powerful politician, the rich land thief, the rich contractor—all, no matter how high their station, against whom criminal misdeeds can be proved. All their wealth and power can not protect them. But it often happens that the effort to imprison a given defendant is certain to be futile, while it is possible to fine him or to fine the corporation of which he is head; so that, in other words, the only way of punishing wrong is by fining the corporation, unless we are content to proceed personally against the minor agents. The corporation lawyers to whom I refer and their employers are the men mainly responsible for this state of things, and their responsibility is shared with all who ingeniously oppose the passing of just and effective laws, or who fail to execute them when they have been put on the statute books.

Much is said, in these attacks upon the policy of the present Administration, about the rights of "innocent stockholders." That stockholder is not innocent who voluntarily purchases stock in a corporation whose methods and management he knows to be corrupt; and stockholders are bound to try to secure honest management, or else are estopped from complaining about the proceedings the Government finds necessary in order to compel the corporation to obey the law. There has been in the past grave wrong done innocent stockholders by overcapitalization, stock watering, stock jobbing, stock manipulation. This we have sought to prevent, first, by exposing the thing done and punishing the offender when any existing law had been violated; second, by recommending the passage of laws which would make unlawful similar practices for the future. The public men, lawyers, and editors who loudly proclaim their sympathy for the "innocent stockholders" when a great law-defying corporation is punished, are the first to protest with frantic vehemence against all efforts by law to put a stop to the practices which are the real and ultimate sources of the damage alike to the stockholders and the public. The apologists of successful dishonesty always declaim against any effort to punish or prevent it, on the ground that any such effort will "unsettle business." It is they who by their acts have unsettled business; and the very men raising this cry spend hundreds of thousands of dollars in securing, by speech, editorial, book, or pamphlet, the defense by misstatements of what they have done; and yet when public servants correct their misstatements by telling the truth they declaim against them for breaking silence, lest "values be depreciated." They have hurt honest business men, honest workingmen, honest farmers, and now they clamor against the truth being told.

The keynote of all these attacks upon the effort to secure honesty in business and in politics is well expressed in brazen protests against any effort for the moral regeneration of the business world, on the ground that it is unnatural, unwarranted, and injurious, and that business panic is the necessary penalty for such effort to secure business honesty. The morality of such a plea is precisely as great as if made on behalf of the men caught in a gambling establishment when that gambling establishment is raided by the police. If such words mean anything they mean that those whose sentiments they represent stand against the effort to bring about a moral regeneration of business which will prevent a repetition of the insurance, banking, and street railroad scandals in New York; a repetition of the Chicago and Alton deal; a repetition of the combination between certain professional politicians, certain professional labor leaders, and certain big financiers, from the disgrace of which San Francisco has just been rescued; a repetition of the successful effort by the Standard Oil people to crush out every competitor, to overawe the common carriers, and to establish a monopoly which treats the public with a contempt which the public deserves so long as it permits men of such principles and such sentiments to avow and act on them with impunity. The outcry against stopping dishonest practices among wrongdoers who happen to be wealthy is precisely similar to the outcry raised against every effort for cleanliness and decency in city government, because, forsooth, it will "hurt business." The same outcry is made against the Department of Justice for prosecuting the heads of colossal corporations that has been made against the men who in San Francisco have prosecuted with impartial severity the wrongdoers among business men, public officials, and labor leaders alike. The principle is the same in the two cases. Just as the blackmailer and bribe giver stand on the same evil eminence of infamy, so the man who makes an enormous fortune by corrupting legislatures and municipalities and fleecing his stockholders and the public, stands on the same moral level with the creature who fattens on the blood money of the gambling house and the saloon. Moreover, in the last analysis, both kinds of corruption are far more intimately connected than would at first sight appear; the wrongdoing is at bottom the same. Corrupt business and corrupt politics act and react with ever increasing debasement, one on the other; the corrupt head of a corporation and the corrupt labor leader are both in the same degree the enemies of honest corporations and honest labor unions; the rebate taker, the franchise trafficker, the manipulator of securities, the purveyor and protector of vice, the blackmailing ward boss, the ballot-box stuffer, the demagogue, the mob leader, the hired bully, and man killer—all alike work at the same web of corruption, and all alike should be abhorred by honest men.

The "business" which is hurt by the movement for honesty is the kind of business which, in the long run, it pays the country to have hurt. It is the kind of business which has tended to make the very name "high finance" a term of scandal to which all honest American men of business should join in putting an end. The special pleaders for business dishonesty, in denouncing the present Administration for enforcing the law against the huge and corrupt corporations which have defied the law, also denounce it for endeavoring to secure sadly needed labor legislation, such as a far-reaching law making employers liable for injuries to their employees. It is meet and fit that the apologists for corrupt wealth should oppose every effort to relieve weak and helpless people from crushing misfortune brought upon them by injury in the business from which they gain a bare livelihood. The burden should be distributed. It is hypocritical baseness to speak of a girl who works in a factory where the dangerous machinery is unprotected as having the "right" freely to contract to expose herself to dangers to life and limb. She has no alternative but to suffer want or else to expose herself to such dangers, and when she loses a hand or is otherwise maimed or disfigured for life, it is a moral wrong that the whole burden of the risk necessarily incident to the business should be placed with crushing weight upon her weak shoulders, and all who profit by her work escape scot-free. This is what opponents of a just employers' liability law advocate; and it is consistent that they should usually also advocate immunity for those most dangerous members of the criminal class—the criminals of great wealth.

Our opponents have recently been bitterly criticising the two judges referred to in the accompanying communications from the Standard Oil Company and the Santa Fe Railroad for having imposed heavy fines on these two corporations; and yet these same critics of these two judges exhaust themselves in denouncing the most respectful and cautious discussion of the official action of a judge which results in immunity to wealthy and powerful wrongdoers or which renders nugatory a temperate effort to better the conditions of life and work among those of our fellow-countrymen whose need is greatest. Most certainly it behooves us all to treat with the utmost respect the high office of judge; and our judges, as a whole, are brave and upright men. Respect for the law must go hand in hand with respect for the judges; and, as a whole, it is true now as in the past that the judges stand in character and service above all other men among their fellow-servants of the public. There is all the greater need that the few who fail in this great office, who fall below this high standard of integrity, of wisdom, of sympathetic understanding and of courage, should have their eyes opened to the needs of their countrymen. A judge who on the bench either truckles to the mob and shrinks from sternly repressing violence and disorder, or bows down before a corporation; who fails to stand up valiantly for the rights of property on the one hand, or on the other by misuse of the process of injunction or by his attitude toward all measures for the betterment of the conditions of labor, makes the wageworker feel with bitterness that the courts are hostile to him; or who fails to realize that all public servants in their several stations must strive to stop the abuses of the criminal rich—such a man performs an even worse service to the body politic than the legislator or executive who goes wrong. The judge who does his full duty well stands higher, and renders a better service to the people, than any other public

servant; he is entitled to greater respect; and if he is a true servant of the people, if he is upright, wise, and fearless, he will unhesitatingly disregard even the wishes of the people if they conflict with the eternal principles of right as against wrong. He must serve the people; but he must serve his own conscience first. All honor to such a judge; and all honor can not be rendered him if it is rendered equally to his brethren who fall immeasurably below the high ideals for which he stands. Untruthful criticism is wicked at all times, and whoever may be the object; but it is a peculiarly flagrant iniquity when a judge is the object. No man should lightly criticise a judge; no man should, even in his own mind, condemn a judge unless he is sure of the facts. If a judge is assailed for standing against popular folly, and above all for standing against mob violence, all honorable men should rally instantly to his support. Nevertheless if he clearly fails to do his duty by the public in dealing with lawbreaking corporations, lawbreaking men of wealth, he must expect to feel the weight of public opinion; and this is but right, for except in extreme cases this is the only way in which he can be reached at all. No servant of the people has a right to expect to be free from just and honest criticism.

The opponents of the measures we champion single out now one and now another measure for especial attack, and speak as if the movement in which we are engaged was purely economic. It has a large economic side, but it is fundamentally an ethical movement. It is not a movement to be completed in one year, or two or three years; it is a movement which must be persevered in until the spirit which lies behind it sinks deep into the heart and the conscience of the whole people. It is always important to choose the right means to achieve our purpose, but it is even more important to keep this purpose clearly before us; and this purpose is to secure national honesty in business and in politics. We do not subscribe to the cynical belief that dishonesty and unfair dealing are essential to business success, and are to be condoned when the success is moderate and applauded when the success is great. The methods by which the Standard Oil people and those engaged in the other combinations of which I have spoken above have achieved great fortunes can only be justified by the advocacy of a system of morality which would also justify every form of criminality on the part of a labor union, and every form of violence, corruption, and fraud, from murder to bribery and ballot-box stuffing in politics. We are trying to secure equality of opportunity for all; and the struggle for honesty is the same whether it is made on behalf of one set of men or of another. In the interest of the small settlers and landowners, and against the embittered opposition of wealthy owners of huge wandering flocks of sheep, or of corporations desiring to rob the people of coal and timber, we strive to put an end to the theft of public land in the West. When we do this, and protest against the action of all men, whether in public life or in private life, who either take part in or refuse to try to stop such theft, we are really engaged in the same policy as when we endeavor to put a stop to rebates or to prevent the upgrowth of uncontrolled monopolies. Our effort is simply to enforce the principles of common honesty and common sense. It would indeed be ill for the country should there be any halt in our work.

The laws must in the future be administered as they are now being administered, so that the Department of Justice may continue to be, what it now is, in very fact the Department of Justice, where so far as our ability permits justice is meted out with an even hand to great and small, rich and poor, weak and strong. Moreover, there should be no delay in supplementing the laws now on the statute books by the enactment of further legislation as outlined in the message I sent to the Congress on its assembling. Under the existing laws much, very much, has been actually accomplished during the past six years, and it has been shown by actual experience that they can be enforced against the wealthiest corporation and the richest and most powerful manager or manipulator of that corporation, as rigorously and fearlessly as against the humblest offender. Above all, they have been enforced against the very wrongdoers and agents of wrongdoers who have for so many years gone scot-free and flouted the laws with impunity, against great law-defying corporations of immense wealth, which, until within the last half dozen years, have treated themselves and have expected others to treat them as being beyond and above all possible check from law.

It is especially necessary to secure to the representatives of the National Government full power to deal with the great corporations engaged in interstate commerce, and above all, with the great interstate common carriers. Our people should clearly recognize that while there are difficulties in any course of conduct to be followed in dealing with these great corporations, these difficulties must be faced, and one of three courses followed:

The first course is to abandon all effort to oversee and control their actions in the interest of the general public and to permit a return to the utter lack of control which would obtain if they were left to the common law. I do not for one moment believe that our people would tolerate this position. The extraordinary growth of modern industrialism has rendered the common law, which grew up under and was adapted to deal with totally different conditions, in many respects inadequate to deal with the new conditions. These new conditions make it necessary to shackle cunning as in the past we have shackled force. The vast individual and corporate fortunes, the vast combinations of capital, which have marked the development of our industrial system, create new conditions, and necessitate a change from the old attitude of the State and the Nation toward the rules regulating the acquisition and untrammeled business use of property, in order both that property may be adequately protected, and that at the same time those who hold it may be prevented from wrongdoing.

The second and third courses are to have the regulation undertaken either by the Nation or by the States. Of course in any event both the National Government and the several State governments must do each its part, and each can do a certain amount that the other can not do, while the only really satisfactory results must be obtained by the representatives of the National and State governments working heartily together within their respective spheres. But in my judgment thoroughgoing and satisfactory control can in the end only be obtained by the action of the National Government, for almost all the corporations of enormous wealth—this is, the corporations which it is especially desirable to control—are engaged in interstate commerce, and derive their power and their importance not from that portion of their business which is intrastate, but from the interstate business. It is not easy always to decide just where the line of demarcation between the two kinds of business falls. This line must ultimately be drawn by the Federal courts. Much of the effort to secure adequate control of the great corporations by State action has been wise and effective, but much of it has been neither; for when the effort is made to accomplish by the action of the State what can only be accomplished by the action of the Nation, the result can only be disappointment, and in the end the law will probably be declared unconstitutional. So likewise in the national arena, we who believe in the measures herein advocated are hampered and not aided by the extremists who advocate action so violent that it would either be useless or else would cause more mischief than it would remedy.

In a recent letter from a learned judge of the supreme court of one of the Gulf States, the writer speaks as follows:

"In all matters pertaining to interstate commerce the authority of the National Government already exists and does not have to be acquired, and the exercise of this existing authority can be in no sense a usurpation of, or infringement upon, the rights of the States. On the contrary, had the Federal Government given this question more attention in the past and applied a vigorous check to corporate abuses, conditions would now be better, because the States would have had fewer real or imaginary grievances and have had less cause not only to attempt the exercise of the authority reserved to the National Government, but to act without proper moderation in matters peculiarly within their own provinces. The National Government has been remiss in the past, but even at this late day it can solve this problem, and the sooner the National authority is exercised the less apt are the States to take action which will represent encroachment upon the National domain. There is a field of operations for both powers, and plenty alike for National and State governments to do in order to protect both the people and the public utilities. The line of demarcation between Federal and State authority can and should be speedily settled by the Federal courts. The fact that the National Government has omitted to exercise the authority conferred upon it by the interstate commerce clause of the Constitution has made the States restive under what they deem corporate abuses, and in some cases has probably stimulated them to go too far in the attempt to correct these abuses, with the result that all measures which they passed, good or bad, have been held up by the Federal courts. The necessary equitable and uniform regulation can not be obtained by the separate action of the States but only by the affirmative action of the National Government."

This is an appeal by a high State judge, alarmed, as good citizens should be alarmed, by conflicts over the matter of jurisdiction, and by the radical action advocated by honest people smarting from a sense of injury received from corporations;

which injury the Federal courts forbid the States to try to remedy, while the Federal Government nevertheless refrains from itself taking adequate measures to provide a remedy. It can not too strongly be insisted that the defenders and apologists of the great corporations, who have sought in the past and still seek to prevent adequate action by the Federal Government to control these great corporations, are not only proving false to the people, but are laying up a day of wrath for the great corporations themselves. The Nation will not tolerate an utter lack of control over very wealthy men of enormous power in the industrial, and therefore in the social, lives of all our people, some of whom have shown themselves cynically and brutally indifferent to the interests of the people; and if the Congress does not act, with good-tempered and sensible but resolute thoroughness, in cutting out the evils and in providing an effective supervision, the result is certain to be action on the part of the separate States, sometimes wise, sometimes ill-judged and extreme, sometimes unjust and damaging to the railroads or other corporations, more often ineffective from every standpoint, because the Federal courts declare it unconstitutional.

We have just passed through two months of acute financial stress. At any such time it is a sad fact that entirely innocent people suffer from no fault of their own; and everyone must feel the keenest sympathy for the large body of honest business men, of honest investors, of honest wageworkers, who suffer because involved in a crash for which they are in no way responsible. At such a time there is a natural tendency on the part of many men to feel gloomy and frightened at the outlook; but there is no justification for this feeling. There is no nation so absolutely sure of ultimate success as ours. Of course we shall succeed. Ours is a nation of masterful energy with a continent for its domain, and it feels within its veins the thrill which comes to those who know that they possess the future. We are not cast down by the fear of failure. We are upheld by the confident hope of ultimate triumph. The wrongs that exist are to be corrected; but they in no way justify doubt as to the final outcome, doubt as to the great material prosperity of the future, or of the lofty spiritual life which is to be built upon that prosperity as a foundation. No misdeeds done in the present must be permitted to shroud from our eyes the glorious future of the Nation; but because of this very fact it behooves us never to swerve from our resolute purpose to cut out wrongdoing and uphold what is right.

I do not for a moment believe that the actions of this Administration have brought on business distress; so far as this is due to local and not world-wide causes, and to the actions of any particular individuals, it is due to the speculative folly and flagrant dishonesty of a few men of great wealth, who seek to shield themselves from the effects of their own wrongdoing by ascribing its results to the actions of those who have sought to put a stop to the wrongdoing. But if it were true that to cut out rottenness from the body politic meant a momentary check to an unhealthy seeming prosperity, I should not for one moment hesitate to put the knife to the corruption. On behalf of all our people, on behalf no less of the honest man of means than of the honest man who earns each day's livelihood by that day's sweat of his brow, it is necessary to insist upon honesty in business and politics alike, in all walks of life, in big things and in little things; upon just and fair dealing as between man and man. Those who demand this are striving for the right in the spirit of Abraham Lincoln when he said:

"Fondly do we hope, fervently do we pray, that this mighty scourge may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsmen's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in."

In the work we of this generation are in, there is, thanks be to the Almighty, no danger of bloodshed and no use for the sword; but there is grave need of those stern qualities shown alike by the men of the North and the men of the South in the dark days when each valiantly battled for the light as it was given each to see the light. Their spirit should be our spirit, as we strive to bring nearer the day when greed and trickery and cunning shall be trampled under foot by those who fight for the righteousness that exalteth a nation.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 31, 1908.*

APPENDIX 1.

Statement of the Commissioner of Corporations in answer to the Allegations of the Standard Oil Company concerning its Conviction at Chicago for Accepting Concessions on Shipments over the Chicago and Alton Railroad.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, October 9, 1907.

SIR: I desire to call your attention to a certain printed pamphlet, herewith inclosed, which has been sent to this Department, entitled "From the Directors of the Standard Oil Company to its Employees and Stockholders."

This pamphlet, particularly the statement of Mr. James A. Moffett therein, as you will observe, attempts to throw doubt on the merits of the recent conviction of the Standard Oil Company of Indiana at Chicago for accepting illegal railway concessions.

Inasmuch as the illegal rate involved in this case, as well as numerous other railway discriminations in favor of the Standard, were originally discovered by the Bureau of Corporations and exposed by its report to the President in May, 1906, and inasmuch, also, as the Bureau of Corporations took a large part in the preparation and trial of this case, indicating the sources of evidence and mainly securing the same, I desire from you a full statement upon the allegations of the said pamphlet.

Very respectfully,

OSCAR S. STRAUS, *Secretary.*

The COMMISSIONER OF CORPORATIONS.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, October 11, 1907.

SIR: Replying to your letter of the 9th instant, inclosing a copy of the pamphlet issued by the Standard Oil Company, I submit herewith a statement upon the allegations contained in said pamphlet.

Very respectfully,

HERBERT KNOX SMITH,
Commissioner.

The SECRETARY OF COMMERCE AND LABOR.

STATEMENT IN ANSWER TO THE ALLEGATIONS OF THE STANDARD OIL COMPANY REGARDING ITS CONVICTION AT CHICAGO.

On August 3, 1907, at Chicago, the Standard Oil Company of Indiana was fined $29,240,000 for the violation of the Elkins antirebate law. This was the so-called "Alton case." Various statements have since appeared, one in particular signed by the president of that company, James A. Moffett, others in the public press, and also a series of confidential circular "trade letters," all endeavoring to throw doubt on the legality and equity of that conviction.

The report of the Commissioner of Corporations on the Transportation of Petroleum, published in May, 1906, on which this and all other pending rebate indictments of the Standard (except one) were based, appeared, one in particular signed by the president of that company, of the Standard in violating the antirebate laws. But these recent statements have made it necessary to show once more that the transactions which form the basis of this conviction at Chicago were such as struck at the very life and spirit of the Elkins antirebate law and of the policy of Congress in forbidding unfairness as between shippers.

The question in this case was one of a published 18-cent rate to East St. Louis, as against a secret 6-cent rate. The oil shipments involved in this so-called "Alton" conviction started from Whiting, Ind., the great refinery of the Standard near Chicago, and were delivered at St. Louis, Mo., or at East St. Louis, Ill., just across the river from St. Louis, by the Chicago and Alton Railroad. They covered a period from September 1, 1903, to March 1, 1905.

The law requires that all interstate railway rates be filed with the Interstate Commerce Commission. During this entire time there was on file with the Interstate Commerce Commission a joint "tariff" or rate sheet to which the Alton road was a party, showing that the rate on fifth-class freight from Whiting and Chicago to East St. Louis was 18 cents per hundred pounds. Fifth-class freight includes petroleum oil. This joint tariff was a large printed document distributed to many shippers of all sorts of freight.

During the time so stated, 1,462 cars of oil were carried from Whiting, Ind., to East St. Louis over the Alton road for the Standard Oil Company at the rate of 6 cents per hundred pounds, just one-third of the said published rate. This same secret 6-cent rate had been used by the Standard Oil Company, and by no one else, for many years prior to this period. It was not filed with the Interstate Commerce Commission, and was absolutely secret and unknown to independent oil refiners, or to shippers generally.

The said statement of James A. Moffett uses the following remarkable language:

"It must be borne in mind that there is no question of rebate or discrimination in this case."

Whether is was a "rebate" or not is a mere question of words. Apparently the position of Mr. Moffett is that if he had actually paid the Alton Railroad 18 cents per hundred pounds and received back 12 cents, so as to make a net rate of 6 cents, this would have been a "rebate;" but, that because the lawful rate was 18 cents and his company only paid 6, and the balance (12 cents) never physically passed back and forth between his company and the Alton Railroad, although the result was exactly the same, it was not a "rebate." This statement is simply an evasion.

The other proposition of Mr. Moffett is that there was "no discrimination in this case." Apparently his position is that because no one else is known to have paid the published 18-cent rate from Whiting to East St. Louis while his company was paying 6 cents therefore there was no discrimination. On the contrary, this very situation proves that not only was there discrimination, but that this discrimination had worked out its logical result, so that no one else could ship at 18 cents in competition with the Standard's 6-cent rate. Precisely this, and other secret discriminations in shipments from Whiting, produced that complete state of monopoly in the vicinity of Chicago which the Standard now calmly designates as "absence of discrimination."

This 6-cent Alton rate was a "rebate" in essence, if not in form, and both in essence and in form it was a discrimination of the most severe and successful type.

The Standard Oil Company of Indiana has tried to excuse its use of the 6-cent rate on two grounds. It admits that the 6-cent rate over the Alton Railroad was never filed with the Interstate Commerce Commission, as the law required. But the Standard tries to remedy this fatal defect by referring to a certain "application sheet," which

was on file with the Commission. This sheet merely stated that the rates from Chicago should apply also from Whiting, enumerated the tariffs referred to by it, and named specifically the tariff containing the 18-cent oil rate; but it made no mention of the unfiled "special billing order" containing the 6-cent rate, nor did it give any information as to any 6-cent rate on oil. Of course, this sort of thing was absolutely no notice to anyone of the unpublished 6-cent rate, nor was it intended to be.

But the chief ground upon which the Standard defends itself is the so-called "Chicago and Eastern Illinois rate." The claim is that while the shipments of oil were going on at 6 cents over the Alton Railroad there existed at the same time over the Chicago and Eastern Illinois Railroad a rate of 6¼ cents from Whiting to East St. Louis. The Standard claims that this 6¼-cent rate was a legal rate, and that therefore, inasmuch as the Standard could have shipped all its oil at this alleged legal rate over the Chicago and Eastern Illinois, it was justified in accepting a like rate over the Alton, and thus that even if these shipments over the Alton were technically illegal there was no moral wrong about them.

So far from this "Chicago and Eastern Illinois rate" being a justification for the Alton shipments, it was an additional wrong in itself. The Chicago and Eastern Illinois rate was quite as secret as the Alton rate and was merely one more instance of the ingenious and deliberate attempts of the Standard to evade, or violate with impunity, the whole spirit of the antidiscrimination law.

The facts as to this "justifying" rate are as follows: In October, 1895, the Chicago and Eastern Illinois Railroad filed with the Interstate Commerce Commission a single mimeograph sheet stating that the rate on oil from Dolton, Ill., to East St. Louis was 6¼ cents per hundred pounds. There is no evidence that this sheet was ever distributed to any shipper except the Standard Oil Company.

This rate read "from Dolton," not from Whiting or Chicago. A note, however, indicated that it might also be used from Whiting. But no independent shipper who wanted to ship oil from Chicago or Whiting to East St. Louis or St. Louis would ever think of looking for a rate from Dolton. Dolton is a village of about 1,500 population just outside of Chicago. Its only claim to note is that it has been for many years the point of origin for this and similar secret rates. Concealment is the only motive for such a circuitous arrangement. Such was the obscure origin and character of this "justifying" rate.

Furthermore, about four years later, in May, 1899, the Chicago and Eastern Illinois Railroad still further concealed the existence of this already obscure Dolton rate by issuing and filing the same conspicuous 18-cent tariff, already mentioned, to which the Alton was also a party. This 18-cent tariff was the only oil rate on the Chicago and Eastern Illinois which could ever come to the notice of the ordinary shipper. Thus during this period the only justification for the Standard's claim that there was a legal 6¼-cent rate over the Chicago and Eastern Illinois, lies in this inconspicuous mimeograph sheet of 1895 which read from Dolton, which was concealed further by a conspicuous 18-cent rate, and which was never distributed or made public. And, as a matter of fact, no other shipper knew of any 6 or 6¼ cent rate. Although such knowledge would have been very important in mitigation of the fine, the Standard made no attempt to prove such knowledge in the trial of the Chicago case.

Mr. Moffett, however, in his said statement was unfortunate enough to make the claim that "thousands of tons of freight have been shipped from these points during the last fifteen years under the same circumstances as the Standard shipments."

The grand jury, on instructions from Judge Landis, thereupon summoned Mr. Moffett before it, and reported to Judge Landis on October 4, in part, as follows:

"He [Mr. Moffett] was also unable to give to the grand jury information as to the shipment of a single pound of freight except by the Standard Oil Company from the points in question at a rate less than the lawfully published and filed rate."

This remarkable admission by Mr. Moffett shows the general value of his defense. He further admitted that his "statement" was largely prepared by his attorney, Mr. Moritz Rosenthal.

These facts of themselves refute completely the attempted justification of the Alton rate by means of the Chicago and Eastern Illinois 6¼-cent rate, and show that one was as secret as the other.

But still more significant was the conduct of the railroads and the Standard in the manner of handling the 6-cent rate over both railroads. The Standard claims that there was nothing secret about the rate. But every waybill for oil shipped over the Alton under this rate was "falsely billed"—that is, the waybills showed on their face a rate of 18 cents, with the freight charge in each case computed on the waybill at that rate, although the actual freight charge collected from the Standard was at the rate of 6 cents. In the contemporaneous shipments of the Standard over the Chicago and Eastern Illinois road every waybill for such shipments was disguised by another scheme, to wit, by being "blind billed"—that is, no rate at all was entered on the waybill until the said waybill reached the general offices of the railroad. The first scheme of "false billing" required the falsification of accounts to make them balance. The second scheme of "blind billing" entirely concealed the rate. Both schemes had the intended result of keeping the local freight agent and others outside the general office in ignorance of what the actual rate was, and thereby lessening the chance for outsiders to learn of this discrimination in favor of the Standard. Such falsifying and blind billing is the clearest proof that there was something illegal. Is any other explanation possible? In the vast multitude of waybills examined by the agents of the Bureau of Corporations in the offices of the railroads centering at Chicago no such use of "false billing" or "blind billing" was found in regard to any oil shipments except in connection with the 6-cent rate from Chicago to East St. Louis and with two other illegal rates on oil made by this same Chicago and Eastern Illinois Railroad.

Furthermore, the usual method of collecting freight charges is through the local freight agents. All the collections for oil shipped from Whiting to East St. Louis, both over the Alton and the Chicago and Eastern Illinois, were made directly through the general offices. This also was, of course, to prevent any general knowledge of the rate.

Why were these unique and elaborate measures of concealment taken if the rates were lawful?

The grand jury, in the report above mentioned, refer to this point also, as follows:

"The representatives of the Chicago and Alton Railway Company stated to the grand jury that the case of the Standard Oil Company was the only one where the tariff naming the rate collected had not been regularly sent to the local freight agent, and that so far as they knew, this was the only case in which shipments had been made at a rate less than that named in the lawful tariff."

The officers of both these railroads admitted that this 6-cent rate was secret. One phrased it as "semiprivate."

The Standard has made also the ingenuous claim that its carefully organized freight-traffic department, certainly one of the best in the country, supposed this rate was legal, and that it had no knowledge that the Alton kept the rate secret. The Standard knew that the method of collecting the freight charges, both by the Alton and the Chicago and Eastern Illinois, was altogether exceptional; that it was employed only in connection with this East St. Louis rate and with two other similar rates over the Chicago and Eastern Illinois. On the very face of several of the semimonthly bills rendered by the Alton to the Standard at the illegal 6-cent rate there appeared written evidence that the oil was being waybilled at 18 cents, so that the Standard had notice thereby of the "false billing," even if it had not been perfectly cognizant of it otherwise. Moreover, the only possible motive for that secrecy which the railroads admit that they maintained regarding this rate was to conceal it from competitors of the Standard, and it is inconceivable that the Standard should not have known of the practices which inured solely to its advantage.

Bearing also on such professed ignorance, a series of interesting memoranda were found by the agents of the Bureau of Corporations in the files of this very Chicago and Eastern Illinois Railroad, which memoranda have been quoted in full on pages 270 to 273 of the report of the Commissioner of Corporations on the Transportation of Petroleum, in May, 1906. These prove that the Standard knew every detail of the issuance of another contemporaneous illegal rate from Whiting via Grand Junction over this road; that the traffic manager of the Standard initiated it, dictated it to the railroads, and arranged for its secrecy by frequent consultations with the highest officers of the road.

Taking a still broader view of the situation at the time these Whiting-St. Louis rates were discovered, it is absolutely impossible to impute to the freight-traffic department of the Standard either ignorance or innocence as to any essential facts in relation to the railway rates on oil. There was set forth in the said report on Transportation of Petroleum rates especially favoring the Standard, either absolutely secret and illegal, or if technically legal still preferential and unfair, covering a large part of the United States. There were the secret and illegal rates to a large part of the South via Grand Junction, Tenn.; similar secret illegal rates from Whiting to Evansville, Ind., on which large shipments to the South were made; a secret rate combination from St. Louis into Louisiana—upon all of which rates indictments are now pending against the Standard; secret rates from the Standard's refinery at Olean, N. Y., into Vermont, upon which the New York Central and Hudson River Railroad has already been convicted and the Standard indicted, and various secret rates elsewhere.

These rates were all exposed by this Bureau in May, 1906. Within three months after that date every such rate criticised by the Bureau as illegal had been canceled by the railroads making the said rates. This voluntary action of the railroads themselves more than justified the conclusions of the Bureau that there had been in existence for a long time a system of railway discriminations in favor of the Standard Oil Company in almost every section of the country.

Considerations like these become highly material when the Standard Oil Company appeals, as it has, from a question of strict legality to a question of equity and good faith, and claims that in this specific case, though it may have been technically guilty, nevertheless it was morally innocent. As Judge Landis remarked, in imposing the fine, this was by no means "its virgin offense."

This Alton rate, therefore, was substantially a rebate; was the most effective kind of discrimination, because it killed out all competition; was secret and concealed by secret methods; is sought to be justified only by another like secret rate which also was covered by secret methods; was only one of a great system of discriminatory rates practically covering the country (which the railroads dared not maintain in the light of publicity), and in its ingenuity, secrecy, and complete effectiveness constitutes as extreme a violation of both the letter and spirit of the antirebate laws as could well be imagined.

Mr. Moffett also refers, by way of justification, to certain other rates on peas, beans, and popcorn, 8 cents; linseed oil, 8 cents, and others, as showing the reasonableness of the 6-cent oil rate. The "reasonableness" of this rate is not in question. The question is whether this rate constituted a discrimination as against other shippers of oil. Oil refiners in Chicago and elsewhere were not vitally concerned in the rates on popcorn.

The Standard undersold competitors in the great Southwest by means of this 6-cent rate to the St. Louis gateway, and, having undersold them and driven them out of that territory, it then raised prices to a monopoly figure, so that its marketing concern there was making over 690 per cent on its capital stock in 1904, and for a long series of years had been making profits extortionately high. These profits were thus based on this secret discrimination which had been in existence over fifteen years. The enjoyment of this discriminatory rate was well worth many millions of dollars to the Standard, and most emphatically justified the imposition of a great fine when that rate was finally discovered and conviction was secured thereon.

APPENDIX 2.

From the Directors of the Standard Oil Company to its Employees and Stockholders.

[August, 1907.]

A WORD IN ADVANCE.

The Directors of the Standard Oil Company, in printing this pamphlet, desire to emphasize for the half million of people directly interested in its welfare the assurance of the company's absolute innocence of wrongdoing in any of the prosecutions lately instituted against it in the Federal courts. Particularly is this so in the recent Chicago and Alton Railroad case, made notorious by the sensational fine of $29,240,000 imposed on the Standard Oil Company of Indiana.

It should be known as widely as possible that this is no case of rebate or discrimination, but simply of the legality of a freight rate. It should be known that the verdict was obtained by the Government upon the most hair-splitting technicality, aided by the rigorous exclusion of evidence that would have removed all presumption of guilt.

If the judgment in question be allowed to stand the company will be forced to pay $20,000 (that is, fifty times the value of the oil) for every carload carried over the Alton road during two years at an open 6-cent rate—a rate used over three competing railroads for from ten to fourteen years! The trial judge refused to allow proof that the 6-cent rate had been filed by the Chicago and Eastern Illinois, and was, therefore, a "legal rate." He refused to allow proof that linseed oil, for instance, was carried at 8 cents, and other bulk commodities as low as 5 cents. He insisted that 18 cents was the only legal rate for

oil when no one had ever paid it, and when it was authoritatively sworn that it did not apply to oil.

The case has been taken on appeal to the higher courts to which we must look for that calm judgment which will rescue the rights of the citizen from the field of public clamor and from the domain of vindictive politics.

So persistent and adroit has been the warfare waged with all the overpowering authority of the Federal Administration against the Standard Oil Company, that it has been manifestly difficult to get a fair hearing before the public or in a large portion of the press, the latter, to its great harm, swayed alike by socialistic outcry from below and political pressure from above.

As proof of the latter it may be noted that in the President's message of May 4, 1906, attack was made on the Standard Oil Company for the purpose of forcing the passage of the bill remitting the duty on denatured alcohol—a measure in which the company was not interested. On May 17, 1906, the issue of Commissioner Garfield's report on petroleum transportation, a tissue of old misrepresentations, was timed to influence the Hepburn rate bill then before Congress. On May 20, 1907, while Judge Landis had still under consideration the judgment in the Chicago and Alton case, Commissioner Smith's illogical and partisan report on Pipe Lines was made public. The Commissioner's second report on Petroleum Prices and Profits—a wholly false deduction from incomplete facts—was sent in advance to the press for publication on August 5 in the knowledge that Judge Landis would pronounce judgment on August 3. Here surely is evidence of a combination influencing all sources of public opinion, disturbing the orderly dispensation of justice, sanctioning in advance and supporting when made, the most sensational opinions and judgments hostile to the company.

What motive underlies the campaign of defamation need not here be discussed, but for all, friends and foes, it is reiterated that the Standard Oil Company is carrying on a widespread business of great moment to the prosperity of the American people in absolute obedience to the soundest principles of business and to the spirit and letter of the law. Attacks upon it of the kind described are aimed at the nation's industrial and mercantile life.

It is encouraging, amid the fury of the hour, which assails so many corporations, all organized industry and all wealth, to know that scores of editors through the country, on examination of the facts, have forcibly and clearly expressed their opinion that the greatest wrong has been done to the Standard Oil Company. Following their example, it is sincerely hoped that editors who have passed hasty judgment on the Company will also examine the facts and reach just conclusions. That our friends may know more fully how the truly independent are upholding right and honesty, a few editorial comments are appended, following Mr. Moffett's public statement on the Alton case. Each one of the articles and extracts will repay reading.

STATEMENT OF JAMES A. MOFFETT, PRESIDENT, STANDARD OIL COMPANY, OF INDIANA.

The court having pronounced its judgment in the case of the United States *v.* Standard Oil Company, of Indiana, there can now be no impropriety in stating our position to the American people.

The facts in this case are simple and easily understood. The Standard Oil Company, of Indiana, was convicted of receiving what the Government claimed was a concession from the Chicago and Alton in the shipment of oil from its refinery at Whiting, Ind., to East St. Louis, Ill. It must be borne in mind that there is no question of rebate or discrimination in this case. The contention of the Government was that the lawful rate was 18 cents per 100 pounds between these two points. The defendant claims: First, that the lawful rate was 6 cents; and, secondly, if 6 cents was not the lawful rate it was the rate issued to the Standard by the Alton as the lawful rate, and the Standard was justified in believing from its own investigation and from the information received from the railroad company that 6 cents was the lawful rate.

The 18-cent rate was a "class" and not a "commodity" rate, and the chairman of the Chicago and St. Louis Traffic Association, the association issuing the 18-cent class rate, under oath testified that it was never applied and was never intended to apply to oil.

The period of time covered by the indictment in this case was from September 1st, 1903, to March 1st, 1905. The rate on oil between Chicago and East St. Louis over the Alton for fourteen years, from 1891 to 1905, was always 6 cents per 100 pounds. This was an open published rate known to everyone concerned in the shipment of oil and generally known in all railroad circles in Chicago. Both Chicago and East St. Louis being in Illinois, the railroad company was under no legal obligation to file this rate with the Interstate Commerce Commission at Washington, but Whiting, being in Indiana, shipments from Whiting to East St. Louis were technically, at least, interstate, and hence the Alton filed with the Interstate Commerce Commission what is known as an "application sheet" applying to Whiting the Chicago rate, and deemed the filing of the application sheet all that was necessary under the law.

For over thirty years, by custom, all of the little industrial towns grouped about Chicago, and which are in reality an essential part of Chicago and go to make up its industrial strength, have been given the same freight rates as Chicago. The reason for this is, of course, apparent, and it is because of this uniformity of freight rates that Chicago as the center of this group is to-day a city of over two million inhabitants. If Whiting, Pullman, Hegewisch and South Chicago did not get the same freight rates as Chicago, manufacturing establishments in these towns would be compelled to close their doors. Because of this condition and situation railroads created what is known as the Chicago Switching District, which includes Whiting and all of these other little manufacturing towns in and around Chicago. These towns are further unified by a belt line railroad which encircles Chicago and connects this entire industrial system with the trunk lines radiating from Chicago.

Thousands of tons of freight have been shipped from these points during the past fifteen years under the same circumstances as the Standard shipments, and if the Standard is guilty in this case, so is practically every other shipper in this great manufacturing territory. Is there a purpose in selecting the Standard as the victim?

The Chicago and Eastern Illinois Railroad also runs between Whiting and East St. Louis. The Standard Oil Company shipped about one-third of all the oil that went from Whiting to East St. Louis over the Eastern Illinois, the other two-thirds going over the Alton and the Burlington. On the trial of the case the defendant offered to show by witnesses who were on the stand that not only during the period of time covered by the indictment, but continuously from 1895, the Eastern Illinois had a lawful published and filed rate between Whiting and East St. Louis on oil of 6 cents per hundred pounds and that the Standard Oil Company shipped at such rate over the Eastern Illinois more than two thousand cars of oil each year during said period. To this offer the Government through its attorneys strenuously objected and the court sustained the objection. The defendant contended, and still does contend, that this proof would have conclusively shown that the Standard Oil Company had no possible motive in shipping over the Alton, and thereby violating the law, when it might just as readily and conveniently have shipped all of its oil over the Eastern Illinois and not have violated any law.

The defendant also offered to prove that packing-house products, during the same period of time, were carried between these same points under a "commodity" rate for 10 cents; malt, 7 cents; brick, 5 cents; corn meal, 7 cents; resin, 6½ cents; starch, 8 cents; pease, beans and popcorn, 8 cents; linseed oil in tank cars, 8 cents; glycerine, 6 cents. The court again sustained the objections of Government counsel and thus again prohibited us from showing the jury how absurd was the Government's claim that the rate, for example, on linseed oil was 8 cents, while on petroleum oil it was 18 cents.

Under such circumstances, and in view of the fact that petroleum had been openly carried over the three roads from Whiting to East St. Louis for from ten to fourteen years for 6 cents, what a draft it is on human credulity for the prosecution to assert that 18 cents was the only possible lawful rate!

The uncontradicted evidence also showed that the Standard Oil Company was advised by the rate clerk of the Chicago and Alton that this 6 cent rate *was* filed with the Interstate Commerce Commission.

Knowing that the rate on the Eastern Illinois was but 6 cents; having no reason for shipping over the Alton in preference to the Eastern Illinois, and able to ship all of its oil over the latter road, we insist that the facts, many of which the court did not permit us to show, not alone demonstrate innocence but inherently forbid the idea of guilt.

We further insist that whatever may be one's technical view of the law relating to the above question, every equitable consideration is with the defendant, and if the only desire was to give this defendant a "square deal" this prosecution would never have been instituted.

The American public not only believes in fair play in the abstract, but, with all the facts before it, it has the capacity to determine whether a defendant, rich or poor, has received a "square deal."

For all these reasons the Standard Oil Company asserts that it is not even technically guilty and that it ought never to have been prosecuted because of the claimed failure of a railroad company—which has neither been indicted nor prosecuted—to file its tariff, and that the prosecution of this defendant under the circumstances of this case is a prostitution of the spirit and the high purpose of the Interstate Commerce Act.

THE HOUR OF SENSATION IN "LAW."

[From the Brooklyn (N. Y.) Daily Eagle, August 3, 1907.]

The fines which Judge Kenesaw Mountain Landis to-day imposed on the officials of the Standard Oil Company, in Chicago, amount to over $29,000,000. It should be borne in mind that this sentence will be reviewed by the courts above Landis, up to and through the Supreme Court of the United States. There should be a reservation of confidence that this sentence will stand, until it shall have been passed upon by all the higher tribunals, and especially by the tribunal of last resort.

This suggestion is not made for any other purpose than the legitimate and almost invariably vindicated one of deprecating sensationalism, especially sensationalism in law, since that happens to be, as a rule, the very form of sensationalism upon which calming courts, especially the highest court, take almost an admitted pleasure in sitting down.

Very eminent jurists in the States of New England and in the Middle States have unofficially, but candidly, said that the peremptory summons of the Standard officials into the court, in Chicago, to answer as to their resources or as to their responsibility for offenses charged, was absolutely novel, questionably constitutional and will almost certainly be made on appeal of no effect.

To-day, however, is not the hour of reasoning. It is the hour of sensation, of excitement and of "applause." To-morrow, or soon after, will come the hour of reflection, of review and of "the sober second thought" of instituted and of impartial law. None need be "sorry" for the Standard Oil Company. Its lawyers assure that company it need not even be "sorry" for itself. But those who would discriminate the probable from the improbable, the likely from the unlikely, the usual from the unusual, should at least discount this sensational sentence, until it shall have been reviewed by tribunals of greater responsibility, of greater learning and of greater estate in public opinion.

The Standard may deserve all it has received. But it has been arraigned under the law, and by law it must stand or fall. One of the incidents, or rather one of the rights, to which it is entitled under the law is appeal from lower courts to higher, and from the higher courts to the highest. This process of appeal to law upon points of law and upon principles of law will proceed in due course, and will require quite probably at least two years for completion. We advise our readers calmly to await the orderly completion of the course provided and prescribed, in the full confidence that eventually reason will take the place of excitement, learning of impulse, equity of agitation, usage of novelty, and that at the last the country will be satisfied with the result reached, a result which neither "yellowism in journalism" nor "yellowism" on the part of the inferior judiciary will be in any wise able to alter or deflect.

UNSUSTAINED BY LAW OR JUSTICE.

[From the New York Times, August 5, 1907.]

The imposing of a fine of $29,240,000 upon the Standard Oil Company of Indiana by Judge Landis is a matter of profound psychologic interest. Undoubtedly it is of judicial and legal interest as well. But we think the first inquiry will be, What could have been going on in the mind of the court when it was making up to inflict this astounding penalty? It can not be assumed that Judge Landis wished to make the law ridiculous by applying it in all its unconscionable rigor. The judicial mind is not supposed to operate in that way. The theory that the ill-repute of the Standard Oil corporation as an octopus, its defiant attitude toward restraining laws, or its behavior as defendant in the court, stirred the judge to a pitch of vindictive passion that prompted the imposing of this huge fine is equally untenable.

We do not for a moment suppose that Judge Landis expects this fine to be collected and the money paid in to the United States Government; nor even that he expects his action in imposing it to be sustained by the courts above. The Elkins antirebate act is a just and proper statute, though it may be objected that the maximum penalty of $20,000 fine for each offense is excessive and unnecesary. The aim of statutes of this nature is to punish offenses committed in the past, and by deterrent penalties to prevent the commission of like

offenses in the future. It is only in capital cases that the law seeks the annihilation of the offender. Under the statutes regulating corporations destruction is not aimed at, and, until Judge Landis spoke yesterday, has not been attempted. Mere forfeiture of a charter would be incomparably less serious, as that would leave tangible assets unimpaired, and reorganization under suitable assurances of good behavior would be possible. No corporation, however, can pay fines like this and continue to do business. The minimum fine of $1,000 for each offense, amounting to nearly a million and a half dollars, would certainly have been punitive. Most persons, we presume most judges, would have thought it adequate. But no theory of law or justice sustains such a thumping penalty as Judge Landis has pronounced.

We took occasion some time ago to observe that under the judge's ruling in this case the transportation of commodities in interstate commerce would be attended with the gravest risk to the shipper. The judge ruled that the Standard Oil defendant was bound to have knowledge that the rate furnished to it by the Chicago and Alton road was, in fact, the lawful published rate, and that this rate had been filed with the Interstate Commerce Commission. It appeared in evidence that the Standard Oil Company was advised by the rate clerk of the Chicago and Alton that this 6-cent rate was filed with the Interstate Commerce Commission. The judge ruled, however, that the 18-cent rate was the lawful rate, and that the defendant was bound to know it. How a shipper can do business in safety after this unless in each transaction he personally informs himself by application to the Interstate Commerce Commission in Washington that the rate furnished him is the lawful published and filed rate, it is impossible to see. A rate may be changed at any time on due notice to the Commission. How is the shipper to know that last week's rate still prevails unless in each transaction he makes inquiry at Washington? Since the penalty of ignorance, even of innocent ignorance, may be a fine of $20,000, he would feel compelled either to consult the Commission before shipping his goods, or else go out of business. In fact, such a construction of the law makes business impossible.

It would be interesting to know on what ground Judge Landis excluded testimony offered by the defendant to show that during the time covered by the indictment the Eastern Illinois Road "had a lawful published and filed rate between Whiting and East St. Louis on oil of 6 cents per 100 pounds, and that the Standard Oil Company shipped at such rate over the Eastern Illinois more than 2,000 carloads of oil each year during said period." This evidence has an important bearing upon the question of motive. The oil company could lawfully have shipped its oil at 6 cents over one road; why should it accept an unlawful rate from another road and thus run its neck into the noose that Judge Landis has tightened with so firm a hand?

The grave interest and importance of the principle involved, as well as the unexampled magnitude of the fine, insure the carrying of the case to the Supreme Court. The decision of that tribunal may be illuminating upon many points of law and policy that now much occupy the public mind and the minds of corporation managers.

A VINDICTIVE FINE.

[From the Pittsburg Gazette-Times, August 4, 1907.]

While in the case of the Standard Oil Company at Chicago it would have been ridiculous to ask or expect Judge Landis to temper justice with mercy, it is equally ridiculous that he should have gone about his duty vindictively. The fine of $29,240,000 is beyond all reason. A fine is intended to serve a three-fold purpose. It should be exemplary, and thus serve as a warning to the defendant and to all others engaged in similar offending. It should be of sufficient amount to operate as a punishment, as in that way only can the defendant be impressed with the seriousness of his offence. It should fit the crime. "There is not any means by which a given quantity of punishment can be rendered more exemplary than by choosing it of such a sort as shall bear an analogy to the offense." But a fine should not be confiscatory; it should not be made unduly heavy simply because the defendant has the money to pay it, and, above all, it should not be vindictively imposed, as by that course it is robbed of its moral effect upon the community at large and thus defeats the real ends of justice.

It may be granted that Judge Landis' action deals a staggering blow to corporation offenders and that, win or lose in the court of last resort, the Standard hereafter will be more scrupulous in its conduct and have a keener appreciation of the law and the courts. But that is not the only desideratum at this time. The public wanted an example made of the Standard, not a martyr.

Here is where the piling up of more than $29,000,000 in fines is likely to defeat one of the chief purposes of the law. Judge Landis would not have dealt so with an individual, no matter what his financial ability. He would not have dealt so with any other corporation. That he would have made the fine substantial, adjusting it with proper relation to the offense, is doubtless true; but that he would have multiplied it by the extreme limit of the counts in the indictment, upon each count imposing the maximum penalty, is unbelievable. Hence, instead of preserving the doctrine of the square deal, which he explicitly professes to be following, unless we are very much mistaken he has given it the worst blow on record.

THE MANUFACTURE OF PREJUDICE.

[From the Providence Journal, August 6, 1907.]

Some of the comment on the penalty imposed in the Standard Oil cases betrays a suggestion of reaction of public sentiment, in view of the punitive character of the sentence, to the full extent of the law. It is pointed out that like success in the prosecution of indictments still to come, followed by an equal measure of the law's vengeance, would result in putting the great monopoly out of business; while it is urged that Standard Oil is not wholly without claim on public respect as a great business institution that the American people on many accounts have reason to be proud of. Is it, then, too elastic a stretch of fancy to surmise that because the Government anticipated the working of some such mingled emotions in the public heart and conscience, the publication of the report of the Commissioner of Corporations on the petroleum industry, demonstrating the relations of Standard Oil to the consumer and how little reason the latter has for indulging in a belated sentimentalism in a matter of stiff business facts, was timed to a nicety with the sentence of the Federal court?

ALL THE ELEMENTS OF CRIME LACKING.

[From the New York Financial Chronicle, August 10, 1907.]

The whole sum and substance, therefore, of the Standard's offending was that it did not satisfy itself that the six-cent rate which it had paid for a long series of years to the different railroads on shipments of oil from its refinery at Whiting, Ind., to East St. Louis, Ill., had in the case of the Alton road been filed by the carrier with the Interstate Commerce Commission in such a manner as to make it a legal and lawful rate. Failing compliance with this requirement, the higher "class" rate (covering a whole variety of articles and commodities) of 18 cents should have been paid by the shipper.

Candidly speaking, the Standard Company has been convicted of a crime, and yet all the elements of a crime seem to be lacking. What the Elkins law, the interstate commerce law, and all the other laws on the Federal statute books are directed against is secret rebates and concessions. The thing abhorrent to the statute is that one shipper should pay a high rate and another shipper should knowingly pay a lower rate, thus getting an advantage over his rival and competitor. In this case there was no evidence to show that any shipments had ever been made at the eighteen-cent rate, and the six-cent rate appears to have been available to all shippers alike. The only question at issue is whether, technically, the six-cent rate was a legal rate, since the Alton Company had not properly placed it on file at Washington. We are not anxious to pose as defenders of the Standard Oil Company, but from this review of the facts it must be evident that there is at least grave doubt whether the law was actually violated, and still graver doubt that the violation was intentional, thereby constituting a crime was intended. Yet Judge Landis treats the case as if it was one of the strongest ever presented in a court of law and penalizes the concern in the prodigious sum of $29,240,000.

STATE OWNERSHIP OF EVERYTHING.

[From the New York Herald, August 12, 1907.]

If Mr. Bonaparte, the Attorney-General, has not been misquoted he favors a policy big with menace for American industry and commerce. After making the announcement that his department would prosecute all lawbreakers—a somewhat unnecessary announcement, for it is his business and duty to prosecute them—he added that if the fine imposed on the Standard Oil Company were upheld the Government might "appoint a receiver to operate the convicted trust."

The logical application of such amazing views would place the State in control of all production and exchange—in other words, of the commerce and industry of the entire country. A charge brought against any company or corporation might result in the imposition of a crushing fine, and, finally, in the appointment of an official receiver "to operate the convicted" company or corporation. The Government, in fact, would be in a position to treat any erring industrial or commercial organization as a bankrupt or would be able to force bankruptcy upon it and take over its direction. Thus in a short space of time the American Government may find itself operating railways, directing the iron and steel "trusts," and making shoes, peddling petroleum and dealing in underclothing and hosiery.

The creation of a socialistic state may not be the conscious aim of the "muck rakers," but their efforts tend in that direction. Reflective people, however, must wonder whether the moment has not come to call a halt. Circumstances are combining to expose the danger in the systematic baiting of "capital," the railing against the "trusts," the vehement and ignorant denunciation of "monopolies" and the incessant efforts of politicians to obtain support by truckling to the passions of the envious and the idle.

Such a policy can only result in the dislocation of trade and the restriction of industry. If the objects of those who are carrying on the campaign were actually to ruin the small investor and frighten away foreign capital they could not succeed more admirably than they are doing. The slump in Wall street has been felt painfully in thousands of homes, and foreign investors, in the present circumstances, are not likely to come forward.

MERE FUTILE SENSATION.

[From the Denver (Colo.) Post, August 5, 1907.]

Much as we would like to see the lawless acts of so-called "predatory wealth" meet with effectual punishment, we are obliged to say, after reading the opinion of Judge Kenesaw Landis, fining the Standard Oil Company the gasping sum of $29,000,000, that it was a piece of judicial sensationalism that won't stand the test of the higher courts. * * * The opinion of Judge Landis was labored and as full of holes as an imported cheese. * * * In principle, it amounted to the same thing as finding, in a case of assault and battery by some notorious ruffian, that fifty-three blows had been struck, and holding that each blow constituted assault and battery, and multiplying the lawful punishment by the fifty-three blows. * * * Judge Landis, in his opinion, indicated plainly that, inasmuch as the Standard Oil Company was a trust, and it was "predatory" in its character, it should be given the limit, on general principles, when an opening was available through which to soak it. * * * It may be popular, and Judge Landis has attained transient fame as the jurist who levied the most gigantic fine in history, but it is not law. * * * It may be justice, but it is not law, and the incident is a mere futile sensation.

THE FACTS IN THE CASE.

[From the Hartford (Conn.) Daily Times, August 5, 1907.]

The pubication at this time of another chapter of the serial "report" which the Administration at Washington is issuing in relation to the business of the Standard Oil Company is not, it may be safely assumed, accidental in its coincidence with the action of Judge Landis at Chicago in assessing the company nearly thirty million of dollars in fines for its alleged infraction of the Elkins law against railroad rebates. The campaign against this very rich and prosperous corporation is being carefully managed, and the precision with which the blows are delivered is well calculated to make any politician shed tears who thinks that attacks on the trusts can be made a leading feature of the democratic Presidential campaign next year—Mr. W. J. Bryan, for instance.

The Washington report, an abstract of which is given elsewhere, like the long address delivered at Chicago by Judge Landis, on Saturday, bristles with evidence that the Standard Oil Company has "made money." It is ostensibly the work of Mr. Herbert Knox Smith, a young gentleman well known in Hartford. Actually, we suppose, it is the production of James R. Garfield, the Secretary of the Interior, who preceded Mr. Smith at the head of the Bureau of Corporations, and who made the onslaught on this corporation the principal feature of his work in that office. We notice that Mr. Garfield was heard from in California yesterday, where he made a strong indorsement of Judge Landis's action a feature of a public address.

This Chicago fine is worthy of a little attention. The facts in the case are these. For many years past the rate on freight carried in bulk from Chicago and its suburban railroad section to East St. Louis has been about 6 cents per hundred pounds. On packing-house products the rate has been 10 cents; brick, 5 cents; corn meal, 7 cents; malt, 7 cents, etc. The 6-cent rate for petroleum prevailed on the

Chicago and Eastern Illinois, Burlington, and Chicago and Alton lines. The Standard Oil Company has done most of its business over the Chicago and Eastern Illinois line, having sent over 2,000 carloads of oil each year from Whiting (its oil shipping point in the Chicago district) to St. Louis. If it had sent all of its oil by that route it would not now be owing Government this little item of $29,240,000. But some of the oil traffic was given to the Chicago and Alton road, and here two things are to be noted. The present owners and managers of the Chicago and Alton Company have been made the object of severe arraignment by the Interstate Commerce Commission, because of certain financial operations, and the town of Whiting is just over the Illinois line in Indiana, which makes the sending of freight from that point to East St. Louis interstate business. So the careful gentlemen at Washington who are engineering the suit against the Standard Oil Company brought action against it for sending oil to East St. Louis over the Chicago and Alton during the two years after the Elkins law went into effect, but carefully refrained from suing the company for sending its oil over the other roads between the same points at the same time. It appears that the Chicago and Eastern Illinois had a published 6-cent rate between the Chicago territory and East St. Louis, while the Chicago and Alton had failed to file a specific tariff sheet, although, as it is alleged, the Alton officers did file with the Interstate Commerce Commission what is known as an "application sheet" applying to Whiting the Chicago rate, and deemed the filing of the application sheet all that was necessary under the law.

In the trial of the suit Judge Landis forbade the presentation of any testimony showing that the 6-cent rate was the open and prevailing rate between the Chicago district and East St. Louis during the whole period from 1891 until 1905, and excluded every bit of evidence tending to show that any other rate than the 18-cent rate was a lawful rate during this time. He succeeded in constructing a technical case against the company which will go to the Supreme Court, where it is certain to be reviewed on its merits. If the Standard Oil Company has violated any law, it should be dealt with by the courts like any other transgressor, but we are unable to see that in this case there has been any violation of law.

The announcement this morning that Judge Landis is named as a candidate for the Republican nomination for governor of Illinois, and that there is a prospect that on the strength of his fining the Standard Oil Company this huge sum he can probably defeat Governor Deneen, comes as the natural and expected sequel of his proceeding in this case. The judge is a member of a family of politicians, most of whom are in public office. He has been in office most of the time since he became of age. He was private secretary to the late Mr. Gresham when that gentleman was Secretary of State in Mr. Cleveland's cabinet and left the Department at Mr. Cleveland's demand.

PLAYING TO THE GALLERIES.

[From the Daily Mining Gazette, Houghton, Mich., August 6, 1907.]

Judge Kenesaw Mountain Landis has been playing to the galleries from the time the cases against the Standard Oil Company were first brought to his court. When he assessed the corporation a fine aggregating almost thirty millions of dollars he did a most foolish thing ever in the interests of the dear people, because the very amount of the fine is enough to give the Supreme Court an opportunity to send the case back because the punishment can easily be construed as unusual and cruel by a court with any such inclination. Then again the Standard has another loophole. Courts in interpreting laws usually seek to figure out the intention of the legislative body which makes the laws. It may well be doubted if the Congress which passed the law against rebates ever intended to have a thirty million dollar fine imposed for the first conviction under the law. The law fixes $20,000 as the maximum fine, but by bunching the cases Judge Landis has arranged an aggregate fine which is staggering even in these days of immense wealth. And then again there is a reasonable doubt as to the technical guilt of the big oil corporation even under the action upon which Judge Landis has found it guilty. The company got a 6-cent rate on its oil and the same rate was open for other companies as far as the Standard is concerned. The tariff was posted everywhere, except with the Interstate Commerce Commission. But the Standard people assert, and with some vehemence and justice, it seems to us, that they should not be held for the negligence of the railroad company. In other words, if the shipper, in this case the Standard, is to be held responsible for the proper tariff publications of the railroad corporation with which it does business, the ordinary shipper will have little else to do in this world of business but look after the duties of the railroads.

IMPOSSIBLE TO SHIPPERS.

[From the Rochester (N. Y.) Herald, August 5, 1907.]

The colossal fine imposed, the extreme limit provided by the law, would only be in accordance with judicial precedent if the defendant company were now being convicted after previous repeated trial and conviction. The practice of criminal courts, the world over, is to make the first sentence less than the full rigor of the law. This rule is useful to the ends of practical justice, leaving, as it does, something additional to be imposed upon criminals who persist in their offenses after having once been brought to punishment. In the present case there seems to be no excuse for having departed from this precedent, except that the penalty was presumed to be popular with the public.

In his rulings during the examination of the defendant company, Judge Landis laid down certain novel rules for the application of the law to all persons doing business with common carriers. One which impresses us as being likely to lead to a reversal of the whole proceeding, is that which prevented the Standard Oil Company from showing that it paid a reduced freight rate in good faith, supposing that it was the full legal rate. Under such a ruling, if it be sound law, it becomes the duty of every shipper, not merely to learn the published rate of the carrier, but to know that the rate thus published is the legal rate. How such knowledge can possibly be had by shippers, with absolute certainty, we fail to see. It would appear possible that a shipper, innocent of all intent to break the law, might ship his goods at a rate illegally contrived by a railroad company. Under Judge Landis's remarkable ruling, such a shipper would become liable to the maximum penalty for an act which he supposed was in full obedience to the law.

We fear that the conviction of the Standard by such processes may prove, upon examination by the Supreme Court of the United States, to be no conviction at all.

AN IMPOSITION ON ITS FACE.

[From the Chattanooga (Tenn.) News, August 5, 1907.]

The fine imposed on the Standard Oil Company by the Chicago court is excessive, and an imposition on its face.

This thing of fining any corporation $29,000,000 and the intimating that it will be fined $85,000,000 more in other cases is going beyond the bounds of reason and common sense.

Sometimes a man is indicted by a grand jury for violating a criminal law a thousand times. If he is convicted on the first indictment he is given what the court considers reasonable punishment for what he has been doing and there the case ends. He is not, in a word, sentenced to the penitentiary for a thousand years, or for a hundred, as for that unless the crime is murder. The Standard Oil Company seems to have violated the same law several thousand times. The ends of justice would be met by imposing a reasonable fine and then serving notice on the company that if the offense was repeated the maximum penalty would be imposed in each case.

The whole truth, and nothing but the truth, is that this country is going wild in its crusade against corporations. Combinations of capital should be regulated by law so that they will not oppress the people, but confiscation of money or property is not recognized by our Constitution or our ideas of government. The order of the Chicago court is clearly an act of confiscation. The ends of justice do not demand that thirty million dollars of the money of the Standard Oil Company be paid into court for the violation of an antirebate law. Public policy does not call for such a fine. We are of the opinion that the good sense and spirit of fairness of the American people will revolt against the decision of the Chicago court.

CLAPTRAP AND FARCE.

[From the Bellman (Minneapolis, Minn.), August 10, 1907.]

Of course this journal should, as in duty bound, add its note of satisfaction to the hysterical roar of applause with which the practically unanimous press of the country has hailed the act of Judge Landis in fining the Standard Oil Company the enormous sum of $29,240,000—and he might have added, in order to give due significance to the verdict, 30 cents; for the last-named trifle would seem to come nearer to the probable net return of his fine after the case has been calmly passed upon by a higher court.

The offense of which the company was so glibly and easily convicted, and so monstrously fined, was neither restraint of trade, discrimination, attempt to create a monopoly, nor conspiracy to rob the consumer. Damage was done to nobody whatever; neither public nor private interests were harmed in the slightest by the transactions specified in the indictment.

The offense of the company was in not insisting upon paying a ridiculous and obsolete rate of freight, three times the charge made by other railroads. The omission of the Chicago and Alton Railway to amend its published rate to agree with the rate given and the neglect of the shipper to see that this omission was rectified constituted the sum and substance of the technicality upon which the Standard Oil Company was convicted.

For this high crime and misdemeanor, which harmed no one and was at the most but a technical violation of law, the company was found guilty on more than fourteen hundred counts. Judge Landis fined it the maximum penalty on each count, and the grand total of this amazing judgment was $29,240,000.

If this be justice, if it be ordinary common sense, the Bellman is unable to see it. Such proceedings savor of claptrap and farce and must suggest to the impartial observer the slap-stick stage trial, arranged more for the purpose of satisfying the melodramatic tastes of the audience than to serve the impartial ends of justice.

THE GREATEST OUTRAGE.

[From the Atchison (Kans.) Daily Globe, August 5, 1907.]

Most people believe the fine of twenty-nine million dollars imposed against the Standard Oil Company, last Saturday, by Judge Landis, of the United States court at Chicago, was for rebating. Most people also believe that the order of Judge Landis was an act of long-delayed justice. But the president of the Standard Oil Company makes a statement indicating clearly that the question of rebating did not enter into the case at all, and that the great fine was imposed to advance the political and chautauqua interests of Judge Landis. Anyway, it will interest every fair-minded man to read the statement of the case made by the president of the Standard Oil Company.

If the above statement is true, and we can not conceive of the president of a great corporation going before the public with falsehoods that may be easily controverted, it means: 1. That in this case, the Government's prosecution against the Standard Oil Company was not in good faith. 2. That the question of rebating did not enter into the case. 3. That the Standard Oil Company was persecuted and not prosecuted for violation of law. 4. That the decision of Judge Landis was an outrage, in reply to unreasonable clamor against the trusts and railroads. 5. That the decision is so unjust that it will not stand the test of the higher courts, and that, finally, when the people understand it, the decision will bring the people back to their senses.

According to the statement of Mr. Moffett, there has been, for a period of twelve years, a rate of 6 cents a hundred pounds on oil between Whiting, Ind., and East St. Louis, Ill. This rate was perfectly legal, so far as the Eastern Illinois was concerned, but the Alton failed to comply with a provision of the law, and file its amended tariff with the Interstate Commerce Commission. Some sleuth discovered this technical violation of law, and a suit was started against the Standard Oil Company. The trial judge was unfair and unreasonable, and, when the oil company was found guilty of a technical violation of law, by a jury, the judge imposed the maximum fine on every shipment of oil proved.

But the reader should understand that the 6-cent rate was perfectly legal on the Eastern Illinois, and that that road received one-third of the oil company's business. The reader should also understand that during the same period of twelve years there has been an open commodity rate between Whiting, Ind., and East St. Louis, of 8 cents per hundred pounds on linseed oil, and 5 cents a hundred pounds on brick. The reader should understand, also, that no opposition oil company has been paying the 18-cent rate which prevailed twelve years ago; that, in this case, according to Mr. Moffett's statement, there has been no rebating, and no suspicion of rebating.

The great fine of Judge Landis was imposed because of a technical violation of law. As Mr. Moffett says, the 6-cent rate was legal on the Eastern Illinois and his company could have given that railroad company all his business, instead of one-third of it, had he known that the Alton had failed to file its modified tariff with the Interstate Commerce Commission. How absurd it is to fine the Standard Company $29,000,000 for failure to pay an 18-cent rate when linseed oil was being shipped at 8 cents, and brick at 5 cents!

It is a curious instance of how strong public clamor is at present. Not one newspaper in twenty will print the defense of the oil company. People will continue to believe that at last the Standard Oil

Company has been brought to its knees, and rejoice, in spite of the fact, if Mr. Moffett's statement is true, that it is the greatest outrage ever perpetrated in the courts of this country.

THE TIME OF FRENZIED POLITICS.

[From Leslie's Weekly, August 15, 1907.]

If, as Judge Landis appears to hold, any shipper who accepts a rate from the agent of a railroad, without taking the precaution to go or send to Washington and ascertain if that is the rate legally filed with the Interstate Commerce Commission, can be indicted, found guilty, and sentenced to pay a penalty of $20,000 for every shipment, even if innocently made—then something is wrong with the law or with our courts of justice. Of course, after having fixed the maximum penalty in the case of the Standard Oil, Judge Landis can not be expected to stultify himself by fixing a lower penalty for any other offender who is haled into his court, for he has established the precedent and must abide by it. If he seeks refuge behind the allegation that the Standard Oil Company should be heavily penalized because, since its organization in 1872, covering a period of thirty-five years, its profits have been more than $700,000,000, or at an average of about $20,000,000 per annum, what sort of a penalty would he inflict on a corporation like the United States Steel Corporation, which, at its present rate of earnings, will make a profit of $700,000,000 in less than four years, or at the rate of nearly $200,000,000 a year?

Not long ago it was the proudest boast of the American people that our industries were surpassing in magnitude those of all other nations. The prosperity of the United States has been great because of the prosperity of our industrial interests. The Steel Corporation with its army of 100,000 employes, the Standard Oil with 60,000 men on its industrial pay roll, exclusive of official and clerical staff, and all the lines of manufactures which are thriving as they are in no other country, and which are fighting valiently for new markets at home and abroad, are the principal factors in securing the wealth of the American nation. The day will come when the sober judgment of those who think for themselves, and who think in the light of experiences both pleasant and bitter, who can recall other periods of prosperity as well as periods of adversity and the "soup house," will look back upon this time of frenzied politics with amazement and indignation.

VENOM AND BIAS.

[From the Rochester (N. Y.) Post-Express, August 5, 1907.]

Of course, the Standard will appeal from the conviction, and from such reports of the court proceedings as have come over the wire there seem to be good grounds for an appeal. Certainly it has been many years since a judge of a Federal court has shown the venom and bias that Judge Landis manifested during the trial and in the delivery of judgment and the imposition of punishment. He is very young to serve in a case so important as this—not yet 41—he was not admitted to the bar till 1891 and he has been on the bench only a little more than two years. He seems as lacking in ability, in fairness, and in poise and dignity as he is in experience, and it will be very surprising if the higher courts do not find good grounds upon which to order a new trial.

"A PRETTY HEAVY CURRENT RISK."

[From the Milwaukee Sentinel, August 7, 1907.]

The sum and substance of the Chicago suit under the Elkins Act was that the Standard had obtained from the Alton road a private rate of 6 cents per 100 pounds, whereas the legal and filed rate was 18 cents. On the face of it, and assuming that other shippers were paying the 18-cent rate, that would be a gross discrimination in favor of the Standard, for which the road was recouping itself at the expense of other shippers.

One specific question would at once occur to most readers of Judge Landis's decision: Were other shippers of petroleum paying the 18-cent rate, while the Standard paid the 6-cent rate? No such contention appears; and it is sheer assumption to say that had there been other and competing shippers they would have been "held up" for the 18-cent rate.

The chairman of the traffic association testified that the 18-cent rate was a "class" and not a "commodity" rate, and was never intended to apply to oil.

To have applied it to oil would have been, it appears, a heavy discrimination against oil, since, for example, it is shown that packing-house products were carried for 10 cents, corn meal for 7 cents, linseed oil for 8 cents, brick for 5 cents, and so on.

Then why, in the name of reason, single out the petroleum "commodity" for an 18-cent rate? Or, if the 18-cent rate was, as the prosecution seemed to contend, the only possible lawful rate, how about the multitude of shippers who got the classified "commodity" rates? Is there not some force in the contention of President Moffett?

Thousands of tons of freight have been shipped from these points during the last fifteen years under the same circumstances as the Standard shipments, and if the Standard is guilty in this case, so is practically every other shipper in this great manufacturing territory. Is there a purpose in selecting the Standard as the victim?

The Standard contends that if its 6-cent rate from the Alton was not the lawful and filed rate, it was informed that it was so by the Alton rate clerk. To that Judge Landis ruled that the shipper was bound to know otherwise by diligent inquiry.

That principle would of course apply to all shippers. They would be bound under that ruling to discover that the rate charged them for any shipment is the filed rate, at their own risk of liability to a fine of $20,000 for each case of accepting a carrier's wrong statement. That seems to put a pretty heavy current risk on shippers.

Judge Landis was not clear in his reasons for excluding testimony by the defendant as to the lawful 6-cent rate over the Eastern Illinois, by which the Standard shipped one-third of its product from Whiting to St. Louis. If it knew the Alton 6-cent rate was unlawful, why did it not ship all of its oil over the Eastern Illinois? The evidence excluded on this point seems worth something as against the general charge of deliberate and conscious violation of the law.

PLAIN GERMAN SOCIALISM.

[From the Railway World, Philadelphia, August 9, 1907.]

Probably there is not one of our readers who can not recall within his own experience twenty instances of men who have amassed comfortable fortunes, in each case far exceeding the ratio of increase of the Standard Oil Company, and yet by the reasoning of the Administration each one of these men has acquired his money by unfair methods. He has charged the highest price for his goods or services, he has given as little and gained as much in business transactions as the law would allow him, he has been thrifty and prudent in his investments, has bought low and sold high, if he is a merchant or manufacturer he has taken advantage of the necessities of manufacturers and competitors to acquire merchandise at cut prices, has undersold his competitors wherever possible in order to enlarge his markets, has paid the lowest wages consistent with the highest efficiency of his employees, in short, he has played the game of business according to the rules, he has taken the risks of failure and has kept the gains of success. The Standard Oil Company has done no more. If it is to be penalized and condemned for its successes, then every man who has seen his initial savings under his careful and prudent management grow into a considerable fortune must also be condemned.

There is no escape from this position. If large profits are immoral in one case they are wrong in every other, and since large profits for a few men and losses for the great majority are the inevitable consequences of modern business, the profits of modern business are, by the Commissioner of Corporations and by Theodore Roosevelt, President of the United States, emphatically and sweepingly condemned, and we arrive by an easy yet inevitable process of reasoning, at the conclusion which we have long been reluctant to admit, that the outcome of the Administration's campaign against the great corporations, wise and necessary as its early stages were, is the socialism of Karl Marx and Ferdinand La Salle, who rested their doctrines on the proposition that all wealth was the product of labor, and that no man can become rich except at the expense of his fellows.

If we were not perfectly certain that the American people were speedily recognizing this sinister development of the "square-deal" philosophy, we would be gravely alarmed for the industrial future of the United States, for certain it is that progress in commerce and industry is impossible under a system of government which without guaranteeing against the risks of failure, attempts to limit the rewards of success. We are confident, however, that in time, it may be not until President Roosevelt has been succeeded by some wiser statesman, the people will awake to the fact that the attack upon the profits of corporations is an attack upon the profits of the individual, and that the merchant, the farmer, and the small manufacturer are even more threatened by socialistic legislation and administration than the great capitalists and the captains of industry, whose gains are already assured.

A PERIL TO ALL INVESTORS.

[From the New York Times, August 6, 1907.]

It has been well-nigh universally assumed by the press and in general discussion of Judge Landis's "sentence" that the fine of $29,240,000 was imposed upon the Standard Oil trust, the veritable octopus itself, the Standard Oil Company of New Jersey. In many quarters, therefore, the unprecedented magnitude of the fine has been regarded merely with amusement, as, of course, a corporation that disburses $40,000,000 a year dividends and in twenty-four years has distributed among its stockholders more than half a billion dollars is able to pay this fine.

The fact is that the corporation upon which the fine was imposed is the Standard Oil Company of Indiana, which has $1,000,000 of capital stock. Some warrant for the prevailing misapprehension may be found in the language used by Judge Landis in imposing the fine:

"The nominal defendant is the Standard Oil Company of Indiana, a million-dollar corporation. The Standard Oil Company of New Jersey, whose capital is $100,000,000, is the real defendant. This is so for the reason that if a body of men form a large corporation under the laws of one State for the purpose of carrying on business throughout the United States, and for the accomplishment of that purpose absorb the stock of other corporations, such corporations so absorbed have thenceforward but a nominal existence."

Now that Judge Landis has spoken, we suppose this is the law. Hitherto the law has been very careful to distinguish between the corporation and the holders of its capital stock. A corporation may be convicted of the most infamous crimes without making its stockholders great sinners before the Lord. The principle is laid down in Purdy's "Beach on Private Corporations" in these words:

"A corporation is an entity regardless of the persons who own all of its stock. The fact may be that one individual has become the owner of all the stock—but that does not make him and the corporation one and the same person. There is no identity between them. The owner of all the stock of a corporation does not own all its property."

These principles have been repeatedly affirmed in decisions of the courts, which are cited by the text writer whose words we quote. Judge Landis sets up a new principle. He looks beyond the "nominal" defendant corporation to its shareholders. This raises some question of interest and importance. If in the exercise of judicial discretion a fine should be imposed far exceeding the market value of all the assets of a corporation, would the stockholders be individually liable to the Government in the ratio of their holdings? Take the present case, even, if the United States marshal fails to find sufficient assets of the Standard Oil Company of Indiana to pay the fine of $29,240,000, can the Government maintain an action against the Standard Oil Company of New Jersey, which is the owner of the stock of the Indiana concern, for the collection of the fine?

The practice of going behind the corporation and of taking up questions of the responsibility and solvency of its shareholders broadens the discretionary field of the court. Two railroad corporations may be convicted of granting rebates in violation of laws. Upon inquiry the court ascertains that the shares of one corporation are widely distributed in the hands of "widows and orphans." In that case, we suppose, the minimum fine might be imposed. But if it should transpire that the entire capital stock of the other corporation was held, let us say, by Mr. Rockefeller or Mr. Rogers, the court might cite them to appear and testify as to their private incomes as a means of determining whether the maximum penalty might be pronounced with a reasonable expectation that assets would be found to satisfy the judgment.

If the courts, following the precedent established by Judge Landis, shall adopt the policy of imposing the maximum fine of $20,000 for each violation of the rebate law, it may be imagined that the holders of corporation shares will be in a good deal of doubt about the value of their securities. Most of the great trusts, and, we presume, the majority of the great railroad systems, have been guilty of receiving or giving rebates. Upon what industrial corporation or what railroad will the vengeance of the Government next fall? It is impossible to see, and it is quite beyond conjecture how many fines mounting into the millions will be imposed.

What will be the effect upon the peace of mind of the bondholders and of the investors whose demands constitute the bond market? That market has of late been in a somewhat languid and depressed state. It will hardly be stimulated to renewed activity by Judge Landis's act. A railroad corporation now apparently prosperous and living in the fear of the law may at any time for offenses within the last three years be sub-

jected to fines that would not only deprive the stockholders of their dividends for years to come, but would make it impossible for the corporation to pay the interest on its bonds. There has been some hope that foreign capital might be drawn upon by sales of bonds abroad for the immense additions to railroad facilities that the transportation interests of the country demand. The fine of $29,240,000 imposed upon the Standard Oil Company of Indiana, and the steps taken to call the Chicago and Alton to account for granting the rebate will doubtless put an end to foreign inquiry for American bonds. This is one of the consequences of applying the extreme rigor of the law that might easily have been foreseen. But the present temper of the public toward the corporations takes account of no consequences save those incident to works of revenge and destruction.

A BLOW AT ENTERPRISE.

[From the American Grocer (New York), August 7, 1907.]

The political character of the prosecution is shown by following up the action of Judge Landis with a letter from Commissioner Herbert Knox Smith, claiming that the Standard Oil Company is a monopoly; that it has exacted too great a margin between the cost of crude and refined oil; that it has not given the people their full share of the profit derived from by-products; that its claims to efficiency "is a complete misrepresentation of facts." Everybody knows that not only has the Standard Oil Company given the world the best and most uniform quality of illuminating fluid it has ever known, but it has built up no small share of the commerce of the nation. Any corporation that carries its transactions to the sixth decimal can not be accused of a lack of efficiency.

Is the charge of extortion fair, coming as it does from Uncle Sam, charged with unjust tariff exactions and levying tribute beyond all reason from every one of 84,000,000 people? We would that Standard Oil type of efficiency was practiced by the United States Government, for it would teach the people that there is no need for waste, extravagance and unnecessary expenses. How the Standard Oil would clean out the Departments and put them on the basis of a first-class mercantile organization! The Post-Office Department would be self-sustaining; there would be no free seeds from the Agricultural bureau; no junketing excursions from all Departments. Efficiency and economy would be enforced and a lesson taught such as all nations need.

The Standard Oil put a stop to the refining of dangerous oils, at one time so bad that laws were passed by all the States to regulate the grade. It has conferred benefits on the race immeasurable in comparison with its exactions. It even contributed to the election of the Administration that is prosecuting and persecuting a corporation that ought to be a source of national pride, and claims that it has not violated the laws as charged and seems in a fair way to prove it. The course of the Government is scarcely in line with "fair play and a square deal." It is a blow at enterprise, skill, the perfection of commercial methods.

SOMETHING LIKE IT IN MAINE.

[From the Lewiston (Me.) Daily Sun, August 5, 1907.]

The sensation of Saturday was Judge Landis's imposition of the $29,000,000 fine on the Standard Oil Company The statement made by the company, of evidence that Judge Landis refused to admit, may have weight with those sufficiently learned in the law; and likely, too, with men of large business experience. It makes the case look like a persecution. We have had something like it in the enforcement (?) of some of our Maine laws.

Notice that the offenses for which these fines are inflicted were committed between September, 1903, and March, 1905. The Elkins law was enacted in February, 1903. The first offenses against that law here alleged were committed in September, 1903. The trial for those offenses came in the summer of 1907, nearly four years after the offenses were committed. Why? Why did it take the Government nearly four years to get round to a prosecution for these violators of the Elkins law? The President at that time was Theodore Roosevelt. Theodore Roosevelt was the President that does things. He had already been in office two years when those offenses were committed. Why did it take him nearly four years more to do something to the Standard Oil?

Notice, too, that those offences continued unchecked by President Roosevelt through the Presidential year 1904. How do you suppose that happened? Nineteen hundred and four, you remember, was the year that President Roosevelt was doing business with E. H. Harriman, business relating to the carrying of New York State by the Republicans. Nineteen hundred and four was the year the insurance companies made their big contributions to the Republican campaign fund. All through that year, 1904, President Roosevelt was so negligent of his duty as the Chief Executive of the nation that that horrid monster, the Standard Oil, was able to violate the Elkins law so grossly and continuously that it deserved to be punished with multimillion-dollar fines.

Judge Landis's fine of the Standard Oil is an indictment of the Roosevelt Administration.

Can you recall without a grin the President's (since election) eagerness to do something to swollen fortunes and naughty corporations?

THE CONSENSUS OF BUSINESS OPINION.

[From the Daily Banker and Stockholder (New York), August 7, 1907.]

It seems to be the consensus of intelligent business opinion that the amount of this fine is excessive and that the highest court will not concur in it to the large amount imposed, for the ends of justice scarcely require such extremes—the object of the law being remedial rather than punitive. It is unfortunate at this time when business welfare and general prosperity are so desirable that such damaging blows to market values are deemed necessary. Obedience to statute law might be produced without this wholesale penalty by which many will suffer without any wrongdoing on their part. The Standard Oil Company stock selling at $500 a share at the present rate of dividend realizes about 8 per cent. on the market value of the shares which, compared to various other industrials, is not deemed excessive. It must also be borne in mind that this corporation has done a great deal to develop and maintain the commercial importance of oil in all the world's markets and prove the progressive power of an American enterprise to successfully compete with strong foreign competition. No less powerful combination could have done this. America by this corporation has furnished the cheapest light to the world and our industry and commercial prowess have been promoted and advanced. As cooperation is the basis of an industrial life and is its organic principle, so combination is to-day primal in all successful, economical enterprise. combination is to-day primal in all successful, economical enterprise. Those persons who hold sound stocks are foolish to be shaken out under any such court ruling as this, which in reason and justice seems of very improbable confirmation and which does not affect their property except in very incidental degree.

THE SAVOR OF OPERA COMIQUE.

[From the Boston Daily Tribune, August 5, 1907.]

This is the era of the spectacular, and the $29,240,000 fine imposed by Judge Landis of Chicago upon the Standard Oil Company of Indiana fits the era to perfection. It was the spectacular that prevailed also when John D. Rockefeller was spectacularly haled to Chicago to give evidence which meant nothing and which, as the officials connected with the case well knew, could have been obtained far more readily from others interested in the management of the Standard Oil Company.

Whatever may be said of this fine which declares that the defendant company shall pay the maximum sum on each of the 1,462 counts of the indictment under which it was found guilty, the incontrovertible and sensationally spectacular fact remains that the verdict is "the biggest ever." This, of course, is an achievement of notoriety destined to entitle all who participated to at least a momentary place in the temple of fame.

Whether the glory will be more than passing is as dubious perhaps as is the likelihood that the Standard Oil Company of Indiana will ever have to pay the twenty-nine millions which it has been mulcted. The right to appeal still exists, and there is a possibility that a higher court may find elements in the case aside from those that are purely spectacular. Record breaking in the matter of fines is not necessarily contagious among the judiciary.

If the defendant company is guilty—a point on which all (sensationalists excepted) are not agreed—there is little doubt that will be made quite apparent to the court of appeals or the Supreme Court, as the case may be. But even if found guilty there is the barest possibility that a higher court may feel like lopping off at least the odd hundreds of thousands from the fine. Somewhere in the amendments to the Constitution of the United States, we believe, occurs a paragraph to the effect that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Whether or not a corporation can expect to come beneath the protecting ægis of this amendment is, perhaps, debatable.

With all deference due to the law and its illustrious exemplars, we respectfully submit the opinion that had the honorable justice at Chicago seen fit in his wisdom to impose the minimum fine of $1,426,000 instead of the maximum of $29,240,000, the interests of justice would have been quite as well served and common sense would not have suffered, however severe might have been the shock to the speculative era.

As it is, the proceedings in the case of the People *v.* The Standard Oil Company of Indiana have altogether too much of the savor of opera comique to be quite impressive.

AN OPEN BID FOR PLAUDITS.

[From the Chicago Record-Herald, August 6, 1907.]

The imposing upon the Standard Oil Company of Indiana of the heaviest fine known in the history of criminal jurisprudence is the outcome of the conviction of that company for accepting rebates from a railroad in violation of the interstate-commerce law. The gross penalty of $29,240,000 is made up of maximum penalties of $20,000 each on every one of the 1,462 counts of the indictment duly sustained on the trial.

Of the temper of the court in the imposing of this enormous fine and the rather intemperate heat of its words, little need to be said to-day. There will be criticism of this wherever the text of Judge Landis's decision is read. That something besides a high sense of the justice and dignity of the laws, and a keen appreciation of outrage upon public rights, urged the court to its decidedly flamboyant declaration on the lawbreaking represented by the defendant company, is only too plain, and makes one ask why the court is making so open a bid for the plaudits of the masses in thus scathing so popular an object of public abuse.

Now that the case of the Chicago and Alton Railroad, the giver of these illegal rebates, is ordered brought before the grand jury, it remains to be seen whether or not the court will continue its high standard of causticity in its case. The Chicago and Alton Railroad has some Indiana stockholders, it is believed, who will not enthuse over any overdoing of the judicial berating and who possess a certain influence as men of standing in their communities and will, to that extent, demand fairness in remarks from the bench.

What interests the public, despite all predictions for or against the "Standard" bugaboo, is what defense is put up on behalf of the company or given out by its officials. James A. Moffet, president of the Indiana company, asserts that the company is not even technically guilty of rebating, and that the court would not permit the introduction of facts to prove this point. He says:

"The contention of the Government was that the lawful rate was 18 cents per 100 pounds between these two points. The defendant claims first that the lawful rate was 6 cents; and secondly, if 6 cents was not the lawful rate it was the rate issued to the Standard by the Alton as the lawful rate, and the Standard was justified in believing from its own investigation and from the information received from the railroad company that 6 cents was the lawful rate.

"The 18-cent rate was a 'class' and not a 'commodity' rate, and the chairman of the Chicago and St. Louis Traffic Association, the association issuing the 18-cent rate, under oath testified that it was never applied and never intended to apply to oil.

"In view of the fact that petroleum had been openly carried over the three roads from Whiting to East St. Louis for from ten to fourteen years for 6 cents, what a draft it is on human credulity for the prosecution to assert that 18 cents was the only possible legal rate. The Standard Oil Company asserts that it is not even technically guilty and that it ought never to have been prosecuted because of the claimed failure of a railroad company—which has neither been indicted nor prosecuted—to file its tariff, and that the prosecution of this defendant under the circumstances of this case is a prostitution of the spirit and the high purposes of the interstate-commerce act."

All of which leads one to note that if Judge Landis can go out of his way to indulge in caustic declamation, Mr. Moffet shows himself an artist in his rendering of the "square deal" with variations.

WHAT IT WOULD MEAN.

[From the Wall Street Daily News, August 6, 1907.]

Consensus of opinion is that Judge Landis will be overruled by the Supreme Court on the broad ground that the Constitution prohibits cruel or unusual punishments. If this decision were to stand as the law of the land, no railroad or corporation doing business with railroads would be safe from virtual confiscation. Many of the provisions of the Sherman antitrust law are so crudely framed and so drastic in charac-

ter that it is impossible to do business without violating them. Public opinion will never support the lodgment of tyrannous power in the Department of Justice and the courts. Suppose that in some wave of popular passion a party under such leadership as that of Bryan or Hearst should come into power—what would happen if the Landis decision is enforced? Panic and commercial ruin would follow as night and day.

The proper course of action is new legislation which shall have equal regard for the rights of the people and the rights of the corporations. The corporate form of business has existed long enough to disclose both its good and bad sides. Just simply to attack corporations is easy enough and in certain parts of the country is a cheap way of winning political preferment, but it is dangerous to the public weal to run amuck without discrimination. It must be possible to put laws on our statute books that shall be constitutional and equitable, that shall leave free play to business development. Admittedly, the Sherman antitrust law does not do this. It was a makeshift piece of legislation anyhow, which does not stand the test of time.

We have firm reliance in the Supreme Court. That august tribunal is beyond the sway of passion and prejudice. Never yet has appeal to it for justice failed. And it is the final arbiter.

DESTRUCTION NOT REFORMATION.

[From the Cleveland Plain Dealer, August 6, 1907.]

The latest Government report dealing with the Standard Oil Company raises a question of greater public importance than is involved in the Chicago case. Despite much recent overhasty generalizing the American judicial machinery has yet to be found defective in dealing equal justice to magnate and labor leader, rich man and poor. If the Standard has broken, or is breaking the law, it will be punished in due time. Meanwhile superior courts have yet to pass upon the decision of Judge Landis. The appeal taken will involve questions of fact, law and constitutionality that can not be regarded as settled until the Supreme Court has spoken.

But the charges preferred by Herbert Knox Smith, Commissioner of Corporations, come before the bar of public opinion for review. The issue he raises involves the whole structure of to-day's commercial world. When he attacks the Standard Oil Company he strikes as well at the steel business from the profits of which Andrew Carnegie built his libraries, and the general principle of trade combination that reaches down to associations of coal dealers and grocery men. The Standard, as the most complete type of this sort of present-day business organization, has defended it on the ground that it eliminated waste in production and distribution and brought lower prices to the consumer. If this process of combination bore hard on individual producers, here and there, if it was as ruthless in reaching the goal as it has been charged with being, it was still a question, according to its defenders, whether a greater good did not result for the larger number.

Herbert Knox Smith, on the basis of an investigation by Government agents, fiercely attacks this argument. The price to the consumer would be lower at present, he claims, if the Standard Oil Company had never been organized. He claims that the real reduction came during the days when the independent and small producer still flourished. This is an invitation for the public to demand the dissolution of all these great trade combinations, including the Standard, into their integral parts, and for such laws and the enforcement of them as shall prevent such combinations in the future. The suggestion to make over the modern American business world involves a huge problem and it is a grave question whether the best interests of society would be subserved thereby. Now that it has been put forward in this official way, presumably to be followed by an administrative demand for legislation, the business men of the country, the organizers of these huge combinations, have a right to be heard. And it is time for them to put forward their side of it. In the last analysis public opinion is fair. At least it always wants to be. The greatest frankness with the public can best serve the corporations thus challenged. When both sides are in it will be time to reach a verdict.

The purpose of punishment is the correction, the reformation, of the offender, not his destruction. The end sought is the protection of society and not revenge. The blow aimed directly from Washington at the Standard Oil Company right after the court had heeded the plea of the Government prosecutors to inflict the enormous fine of $29,240,000, raises the question as to the purpose of the Administration in this dogged pursuit of the Standard.

Keeping in mind that punishment is inflicted for the protection of society the question arises, incidentally, whether society will not have to bear the burden of this heavy fine, provided the higher courts agree with the findings of Judge Landis. Will the company or the people suffer the penalty? The public is still paying anew each year the cost of the great anthracite coal strike in increased prices collected on the argument that the strike made them necessary. And to be fair must not the Government, if the Standard is forced to pay, collect from the already heavily bonded Chicago and Alton road, and then pursue the ramifications of the rebate system through such centers of trade as Cleveland, Pittsburg, St. Louis and Minneapolis and demand millions in fines from railroads and business corporations? Does anyone fancy that these great concerns, if forced to issue bonds in order to pay millions into the treasury, will not collect the amount from the people? It is hardly likely that the directors and stockholders will dip into their private purses for such amounts.

Or suppose that the collection of enormous fines involves the bankruptcy of some of these concerns. While the Standard Oil Company is not likely to quit business even if it is compelled to pay $29,240,000, the fact remains that the legal defendant in the Chicago action, the Standard Oil Company of Indiana, is a concern with a total capitalization of many millions less than the fine imposed upon it. This principle, applied to a concern without a parent corporation behind it, would mean its capital punishment on the day it was forced to overstrain its credit in the effort to pay a fine. Is this method of prosecution likely to produce reformation and to protect the people? The end sought is the punishment of wrongdoing, not the persecution or destruction of great business enterprises.

MANY THINGS WORSE.

[From the Richmond (Cal.) Daily Leader, July 26, 1907.]

The people of this country are prone to attack the Standard Oil Company with or without provocation, and in doing so they do not consider what the so-called monopoly has been doing for the United States. An excerpt from an article in the current issue of *Leslie's Weekly* says that "the aim of the Standard has constantly been to cheapen the cost of oil to the consumer and increase the uses of petroleum in every way possible." And this is true. The men and women of to-day who have reached the age of fifty years can remember when coal oil was from forty to fifty cents per gallon, and it was hard to procure at that price. Now it can be purchased for a much less sum, and the fuel products are a great deal cheaper. As a matter of fact, according to the article in question, the public has become so accustomed to attacks on our great industries, or those of them that have been singled out for abuse that it fails to give fair consideration to both sides of the question. It is accustomed to regard the Standard Oil Company as the property of a few men, when in fact the concern belongs to more than 6,000 shareholders. Every day you hear men in Richmond denouncing the Standard Oil Company, yet it is the Standard that made the town and is maintaining it. If the works, the refinery, should close down to-morrow and remain closed for any considerable length of time, nine-tenths of the people would be compelled to move away and seek employment elsewhere. There are worse things in the world than the Standard Oil Company.

AN "UNREASONABLE, UNFAIR" REPORT.

[From the New York Times, August 5, 1907.]

The second part of the report of Mr. Herbert Knox Smith, Commissioner of Corporations, upon the petroleum industry is made public this morning. It deals with prices in the petroleum business and the profits of the Standard Oil Company, which refines substantially nine-tenths of the illuminating oil produced in the United States. The report is interesting. It shows many things. One is that the Standard Oil concern is making a great deal of money, which everybody knew before. Another is that Commissioner of Corporations Smith is unable convincingly to interpret the facts he sets forth, which is the same thing as saying that his conclusions are not demonstrated.

In general, this is the interpretation he puts upon the facts and statistics of his report:

"They demonstrate the falsity of the historic claim of the Standard Oil Company that by reason of its extraordinary efficiency it has brought prices to a point lower than would have been reached had business remained under normal competitive conditions in the hands of a number of comparatively smaller concerns."

Again, at the end of the report we find this further statement:

"The claim of the Standard that its control of the business is due to its ability to maintain low prices because of superior efficiency is a complete misrepresentation of facts."

We do not think that experienced business men, accustomed to the examination of trade statistics and familiar with economic facts and principles, would concur in the conclusions of this report. It is generally admitted that from 1866 to 1874 the business of refining and selling petroleum was carried on under competitive conditions. It may be further admitted that during the last ten years the monopoly of the Standard Oil Company has been pretty nearly established. It has produced 88 per cent. of the country's total output of illuminating oil. But something has reduced the price per gallon of export oil in barrels, that being the trade price usually selected for statistical comparison, from 30.8 cents in 1866, 20.75 cents in 1867, 21.16 cents in 1868, 24.59 cents in 1869, to 7.22 cents in 1905, and to an average of a little over 7 cents per gallon during the last ten years. Mr. Smith concludes that the "claim" that this reduction has been effected, through its extraordinary efficiency, by the Standard Oil Company is false. The plain inference from his language is that in his opinion under normal competitive conditions prices would now be lower. He has been much influenced, in reaching this conclusion, by his study of the "margins," that is, the difference between the cost of crude oil and the selling price of refined oil which his tables exhibit.

It seems to us that the picture presented by statistical tables and diagrammatic representations of the history of prices in the petroleum industry is that of a business carried on substantially under the conditions that govern most business intelligently managed in a modern way. They seem to us, further, to show that the chief, the dominating, influence in lowering the price of illuminating oil to consumers during the past forty years has been that very "efficiency" of the Standard Oil Company from which Mr. Smith withholds all credit. It is true that in the diagram showing the course of prices the selling price of refined uniformly rises with the price of crude, and sometimes rises disproportionately, thus increasing the apparent margin of profit. But it is true, also, and the fact is one which no business man or economist would overlook, that the price of refined uniformly falls with the price of crude. Why should the Standard Oil Company ever reduce the selling price of its refined product, thus diminishing its profits, if it be true that it has a controlling monopoly of the oil business? If the Standard is as wicked, as grasping, and as remorseless as it is painted, we do not see why the diagram line of refined selling price should not run straight across the page quite disregarding the ups and downs of the crude price line. If a monopoly be the real thing, if it controls, and if it have no conscience, it must be a fool to throw away money by lowering the selling price of its products merely because of a drop in the price of its raw material.

Mr. Smith argues that the "margin" shows an extortionate profit. In his judgment from seven-tenths of a cent to one cent a gallon "margin" between the cost of crude and the price of refined would constitute "a good profit on the business," while during the last ten years the "margin" actually maintained by the Standard has ranged from 5.3 cents to 6.6 cents. Yet he says that "independent competitors though small and weak, do survive, and do business at prices which are deliberately reduced by the Standard within the small competitive areas reached by these independents, and which are much lower than the average prices received by the Standard throughout the country." If the "margin" difference between a fair profit and the Standard's actual profit is as great as Mr. Smith believes, the petroleum business in all these years has simply been the most inviting field for capital investment in the whole world. If his belief is well founded, the independent competitors would not have been small and weak, but mighty and rich. They would have grappled with the Standard, they would have broken up its monopoly.

The evident truth is, and it completes the picture, that the Standard Oil Company has been "efficient." Some of the best business brains in the world have labored in its service. The economies due not only to vast operations but to high intelligence and great keenness have enabled it to cut down producing cost. In this way chiefly it has kept the field substantially to itself. Its policy has been to maintain prices always high enough to return enormous profits, yet low enough to give the independent competitors many anxious days and nights. Undoubtedly the "margin" between the price it pays for crude and the price it receives for refined has been and is much greater than the similar "margin" out of which the independent competitors get their profits. "Efficiency" makes the difference. These competitors would, of course, be glad to reap greater profits through higher prices. Do they voluntarily remain "small and weak?" And here stands forth somewhat conspicuously a truth in conflict with Mr. Smith's conclusion. It can not be doubted, we think, that if Mr. Rockefeller and the men about him had never been born, and if no other men of equal capacity had organized and built up the great Standard Oil business, and had

"normal competition" always existed in the industry through the strife one with another of many companies with a few millions of capital, the price paid by consumers in this country for illuminating oil would now be much higher than the actual quoted prices. That is what the price tables and diagrams not only of the reports of the Bureau of Corporations, but of Miss Tarbell's book, appear to show and demonstrate when interpreted in an unbiased way by the light of human reason and business experience.

It may be admitted, as Mr. Smith asserts in his report, that the Standard has made "persistent use of the worst industrial methods;" that it has destroyed the business competitors; that it has secured "excessive profits for the small group of men" who have dominated the business; that it has resorted to many unfair methods, among which the secret railroad rebate is conspicuous. But even when these things remain undisputed, and we know of no disinterested person who disputes them, it appears in view of other undisputed facts in the history of the petroleum industry, that the conclusions of the report made to the President by the Commissioner of Corporations are in many substantial respects unreasonable, unfair, and not sustained by the evidence.

WAIT FOR THE HIGHER COURT.

[From the New Haven (Conn.) Journal and Courier, August 6, 1907.]

* * * Back of everything that has been written or spoken there has worked to the disadvantage of this colossal corporation the growing and not altogether reasonable prejudice against the immense fortunes which have been accumulated in this country by what are known as the captains of industry. For a while they were regarded as the representatives of that indomitable commercial will and skill which was forcing this nation to the front rank among the producing nations of the earth. It is not such a very long time ago that they were referred to in the speech of national pride. Now, owing to the bitterness which has been engendered as a consequence of wholesale denunciation of wealth, men and corporations have been made to suffer, not so much because of the possession of a fortune, as because of the size of the fortune they possess. It has been a curious growth in prejudice and while we hate as much as another the unfair and dishonest accumulation of wealth, and in particular the conscienceless use of it to control houses of legislation, it is evident that the time has come, as a direct result of this spectacular court decision, when sober and thinking men must measure corporate action with clear understanding of all of the influences which have worked to make it powerful. * * *

We are not engaged in the self-imposed task of either defending or condemning the Standard Oil Company in this connection. We know too little of the facts involved to speak confidently upon either side of the question, and we decline explicitly to take a hand in the game of wholesale denunciation of rich men because they are rich, and because those who are not rich enjoy it. It is known that great fortunes have been made in a manner no longer tolerated by the law. It is known that possessors of wealth have been condemned for no better reason than that they were known to be wealthy. It is known that unreasonably prejudice has played havoc with the public judgment of human motives for political purposes. If the pendulum of human emotions has swung too far in one direction it is the duty of intelligent men to see that it does not swing too far in the opposite direction, and this they can best do by patiently awaiting the voice of a higher court before accepting Judge Landis as the Moses to lead us out of our troubles. Costly mistakes have been made, but it is yet to be proved that they were the mistakes of the criminal instinct.

A FOREIGN PLEA FOR FAIR PLAY.

[From the Petroleum Review of London, June 22, 1907.]

The garbled report of the Commissioner of Corporations seems to suggest some criminal offense by reason of the Standard's refusal to transport oil to competitive refineries. This argument is illogical and absurd, and the inference to be drawn from it is that the Commissioner is ignorant of the most simple principle of business—never use your finances and brains for the benefit of a competitor. Again the Standard appears to have committed that unpardonable offense of hitting upon the transport of oil in bulk—"a much cheaper and safer system, which reduces the cost of marketing greatly." Here, we presume, is an attempt to bring out the reason why the Standard has "deliberately destroyed competition," a conclusion arrived at without even childlike reasoning. As a matter of fact, we know that competition in the American oil industry has always been keen, and to-day it is keener than ever before, the only complaint of the Standard's competitors being that, owing to its remarkable organization and facilities—both the results of careful thought-out plans, which, having been matured at the risk of vast sums of money, it is able to strike so narrow a margin between buying, refining and selling that the great difficulty is to make sufficient profits.

As to the statement that the Standard is controlled by less than a dozen men we would put this down as a lie direct, for it is well known to everyone that the stockholders number over six thousand, while each of the associated concerns likewise have their general body of shareholders.

APPENDIX 3.

THE SANTA FE REBATE CASE.

DEPARTMENT OF JUSTICE,
December 31, 1907.

SIR: In compliance with your instructions, I submit the following report as to the recent prosecution and conviction of the Atchison, Topeka and Santa Fe Railway Company for a violation of the statutes forbidding and making penal discrimination by common carriers engaged in interstate commerce, and as to the circular letter recently and widely published, headed "The Santa Fe Rebate Case," and signed by E. P. Ripley, president of the above-mentioned corporation. On September 1, 1906, Oscar Lawler, esq., United States attorney for the southern district of California, addressed to the Department the following letter:

"Yesterday a young man named V. A. Sappenfield was held to answer to the superior court of this county for the crime of embezzlement, preferred against him by the Santa Fe Railroad Company, the amount involved being the sum of $200. Sappenfield, it seems, has been for four or five years past revising clerk in the freight department of the corporation named, and in conversation with one of the police detectives stated the manner in which the railroad had managed the giving of rebates to shippers receiving and sending goods over its lines during the period of his employment. The detective reported the matter to me, stating that the matter had been brought up in general conversation with the prisoner while on his way from San Francisco, where he had been residing for a few months past, and where he was arrested. I immediately called upon the prisoner at the county jail, and he went into the matter in considerable detail and in a manner which convinces me that his statements are correct.

"He gives the name of a number of local business houses who are large shippers who have received rebates on interstate traffic, and said that he could in a very brief time point out places at which evidence could be found, if given access to the records of the railway corporation. It has been rumored that the officials of the railway company are already somewhat apprehensive and disposed to drop the charge of embezzlement preferred against Sappenfield. This may or may not be correct.

"The venire will be issued for the grand jury on next Tuesday, returnable during the following week. I deemed this matter of sufficient importance and the information sufficiently trustworthy to justify taking steps toward accomplishing a thorough investigation, and submit the matter to you with the request that an officer of the Department of Justice or the Department of Commerce and Labor be detailed to cooperate with me in securing evidence for presentation to the grand jury."

On September 25, 1906, my predecessor replied by wire in the words following:

"I suggest that you proceed with the investigation before the grand jury in the Santa Fe rebate cases. It is impracticable to furnish you with assistance from the Department of Commerce and Labor."

In accordance with these instructions, the United States attorney, when the grand jury had been impaneled, caused subpœnas to be issued to various employees of some local business houses and to certain officials of the railroad company, requiring their attendance as witnesses before the grand jury and the production of certain records. Thereupon the said witnesses all appeared by the counsel of the railroad company, and filed motions to quash the several subpœnas upon a variety of grounds, none of which disclosed any reason why the production of the papers in question could be in anywise injurious either to the railway company or to the witnesses summoned, if they were conscious of innocence. These motions, some 14 in number, having been fully argued, were denied by the court. After some further controversy and under threat of a proceeding for contempt, a portion of the evidence called for was finally produced by the railroad company, but when another subpœna was issued requiring the production of certain tissue copy books, and a motion to quash this subpœna had been made, argued, and overruled by the court, the railroad company sought to obtain a writ of error to the Supreme Court from the denial of the last-mentioned motion, and, in the meantime, to secure a stay until the decision of the question, which, of course, would have meant a long delay in the proceedings. Judge Wellborn having refused to grant this stay, the railroad company thereupon filed a bill in equity against its own auditor and a clerk in his office, who had custody of the papers desired, and the United States attorney and marshal, asking that they be all perpetually enjoined from the production or requiring the production of the papers called for in the subpœna, and asked for a temporary restraining order to the same effect. What passed in connection with this restraining order is thus stated by the United States attorney in his report:

"In chambers District Judge Wellborn indicated that he would refuse to grant any such order. On the following morning counsel for the railway company, *without notice to my office*, appeared in the chambers of Circuit Judge Ross, and in some way created upon the part of the latter the impression that the signing of the order had been practically agreed upon by Judge Wellborn, and, owing to the illness of the latter and his inability to be at his chambers, Judge Ross signed the preliminary restraining order, believing that he was acting in accordance with the views of Judge Wellborn previously expressed. Judge Ross immediately notified me of his action, and, upon my advising him of the facts, forthwith ordered counsel for the railway company to appear at his chambers and dissolved the restraining order, but unfortunately after the return time of the subpœnas. It was, therefore, necessary to issue another subpœna, which was made returnable a few days later, and a second bill in equity was filed, similar in form and seeking the same relief, which was peremptorily denied by Judge Ross in chambers, who was obliged, in the course of the argument, to severely rebuke counsel for the railway company for his abusive language and discourteous demeanor, and took occasion to comment upon the circumstances under which the former restraining order had been obtained."

The subpœna lastly above mentioned called for the production of tissue copy books relating to transactions for the years 1904 and 1905, and until August 1, 1906, and in the bill for an injunction the railroad company used the following language:

* * * "Said copy books contain copies of about 60,000 vouchers and other papers which were issued and made, and said copies thereof made in the years 1904, 1905, and 1906, during which time your orators' gross earnings on business done west of Albuquerque, N. Mex., amounted to more than $50,000,000;" * * *

This bill, of course, was sworn to. After Judge Ross had refused to pass the restraining order on the bill, the company's auditor appeared with five of the tissue copy books called for, the earliest of which contained transactions dated about July 1, 1906, and stated that all the books relating to transactions of earlier dates had been burned a long time previously. These facts appear to be relevant in connection with the statement in Mr. Ripley's letter that "this investigation continued for nearly three months, during which time the railway company was called upon to furnish, and did furnish, a large number of books and papers, and was submitted to what appeared to be a general inquisition with respect to all its business for the preceding three years."

While the investigation was in progress before the grand jury and almost immediately after my assumption of the office of Attorney-General I was called upon by Mr. Gardiner Lathrop, on behalf of the railroad company, and requested, in substance, to direct the United States attorney to abandon the proceeding or, at all events, to suspend it until the Interstate Commerce Commission could make an inquiry respecting the transactions of the company which were then under consideration by the grand jury. Mr. Lathrop told me, in substance, that the proceeding was frivolous and vexatious, originated in ill will toward the company and a desire for notoriety on the part of the United States attorney, and involved a hardship to the company in that its employees were called away from their legitimate duties and deprived of the use of its records, while it was, and always had been, ready to give any information which could be reasonably asked for,

and wished to have its books and papers examined by an expert from the Interstate Commerce Commission or this Department, who could judge of the significance of any entries intelligently and impartially. Ascertaining that the Interstate Commerce Commission had taken no action looking toward such an inquiry as he desired, I refused to interfere. Mr. Lathrop subsequently submitted the matter to yourself and, if I am correctly informed, made an application to the Interstate Commerce Commission to order the inquiry pending which he had asked that this Department require the proceedings in Los Angeles to be stayed, but the Commission declined to take any action in the premises.

The grand jury, as the result of the investigation thus conducted, found two indictments, one containing 10 and the other 66 counts, each of said counts charging the company with a separate instance of discrimination. The defendant, having pleaded not guilty, the case was, in due time, tried before a petit jury, Judge Wellborn presiding, and the following facts were developed by the proof:

On June 15, 1905, a tariff was published by which the rate on lime from Nelson, Ariz., to Barstow and points south, in California, was fixed at $3.50 per ton in minimum carload lots of 40,000 pounds; otherwise expressed, $70 per car. Notwithstanding this tariff rate, the evidence showed that in every instance, without exception, where said minimum rate was applicable, it was disregarded, and in lieu thereof the amount of freight due was determined by charging for the actual weight at the rate of $3.50 per ton, whether the car contained 20,000 pounds or 80,000 pounds. During the period involved the company had no scales at Nelson, and the quantity of lime loaded in the cars was only estimated by the shipper. Under such circumstances the station agent was required by his printed instructions to state in the waybill the minimum weight of 40,000 pounds, and the minimum rate of $70, which he did in all but 7 out of about 350 waybills, notwithstanding it was ascertained by railroad scales en route that the great majority of the cars contained from 60,000 to 80,000 pounds of lime.

The alleged "rebates" were given in two ways: First, and principally, by a change or "correction" on the face of the favored waybills, at the Los Angeles freight office, by reducing the weight and freight from the established minimum to the actual weight; secondly, in some of the cases where the full amount of freight, according to the tariff, had been paid by third parties, the freight bills were forwarded by the latter to The Grand Canyon Lime and Cement Company, which, in turn, put in claims "for overcharge of freight" against the railroad company for the difference between the amount of freight paid, according to the tariff, and the amount based upon actual weight.

Up to December 12, 1905, the changed way and freight bills, or claims for "overcharges," as the case might be, came to the attention of the auditor, but on the last-mentioned date Mr. Gregson, chief clerk in the office of Mr. W. G. Barnwell, general freight agent at Los Angeles, wrote the auditor a letter in the words following:

LOS ANGELES, CAL., *December 12, 1905.*

------ Minimum on lime.

Mr. W. G. TAYLOR, *Auditor Building.*

DEAR SIR: For your information have instructed Mr. Pate to protect actual weight on lime shipments from Nelson to Los Angeles and other southern California points. We will not change the established minimum of 40,000 pounds, but will protect actual weight, minimum 30,000 pounds. This for the reason that the regular established minimum from Tehachapi and other lime-producing points is 30,000, and we leave the minimum of 40,000 pounds in order to have shippers load the cars up as near capacity as possible.

Yours, truly, W. G. BARNWELL, *G. F. A.*

After the receipt of this letter by the auditor in practically no instance was any explanation called for, and the "corrections" were made and apparent rebates allowed as a matter of course. There were also received in evidence other communications between employees of the company relating to the matter in controversy, such as the following:

Telegram from Barnwell to the agent at Escondido, dated July 12, 1905.

Protect actual weight, 15 tons lime from Nelson.

Letter October 9, 1905, from Taylor, auditor, to Barnwell.

Nelson to Los Angeles waybill No. 28, dated September 16, covers shipment of lime consigned to J. S. Schirm, on which rate of ——— has been applied. Weight used, 38,700 pounds; minimum is 40,000 pounds. Please advise if we shall protect this basis, having no authority or file to cover your "telephone G. F. O. M-9-22." ("M" being the initial of Myers, an employee in the freight office, said letter being marked "O. K., W. G. Barnwell," meaning that the telephone authority was correct.)

There were a large number of letters similar to the one last quoted.

Memorandum in local freight agent's files.

Protect actual weight on Schirm's cars from Nelson.

W. G. BARNWELL.

Letter dated January 27, 1906, Barnwell, freight agent, to Davidson, auditor.

With this I am handing you claim of the Grand Canyon Lime and Cement Company, overcharge weight shipment of lime, covered by Nelson-Redondo waybill No. 22, October 26. Protect, please, weight of 32,500 pounds, at the rate of $3.50, making refund to Mr. Schirm.

There were numerous letters to the same effect as the last, accompanying as many different claims of the Grand Canyon Lime and Cement Company for rebate of "overcharges of freight," each of which was accompanied by a large amount of correspondence between different employees of the company, in none of which is there any complaint for loss of lime en route or any claim for damages on account thereof. There was no intimation in any of the company's books or records of anything in the nature of a "compromise of loss claims" in connection with the matters in question, nor was there anything of that sort in the Grand Canyon Company's books. At the trial, however, this Gregson, chief clerk as above stated of Mr. Barnwell, the company's general freight agent, although admitting having written the letter first above quoted, swore that the statement therein contained as to the instructions given to the local freight agent was untrue, and that the repayments were in compromise of claims for losses from damage in transit.

Mr. Gregson also testified at the trial that, because of the reliability and accuracy of the shipper's means of weighing, the railway was obliged to accept its billing when weights were questioned. The evidence showed, as above stated, that the shipper did not weigh the lime at all, but only estimated the quantity shipped, and that in all but 7 out of more than 300 instances the shipments were billed at the minimum fixed by the tariff without regard to the actual weight, which in many instances ran from 60,000 to 80,000 pounds.

It further appeared from the defendant's witnesses that accounts of claims for loss and damage of goods in transit and for claims of overcharges of freight and the investigation and payment of such claims were kept entirely distinct and separate, and that the rebates in question were based upon claims for overcharges of freight and were so accounted for, and there was in the books of the favored cement company an account headed "Santa Fe rebates."

The meaning of the expression "protect actual weight" is well known, and it certainly does not mean a compromise of a claim for loss or damage, according to the Department's information.

An employee of the Grand Canyon Lime and Cement Company, who had practical charge of all of its dealings with the railway company, was called as a witness by the Government; he was not cross-examined in any way concerning any alleged disputes over the loss of lime between Nelson and points of destination in southern California, nor was he asked to explain the claims which were prepared by him and paid by the railway company for "overcharges of freight" and which Mr. Ripley's letter states were paid "in compromise" of such losses of lime. One John S. Schrim, the only other person with whom it is suggested that disputes as to loss of lime took place, was in the court room throughout the trial. The company did not see fit to call him to the witness stand and give him the opportunity either to corroborate Gregson or to decline to testify as to self-incriminating matters. An agent of the Grand Canyon Lime and Cement Company at San Diego, through whose hands had passed some of the shipments on account of which rebates were allowed, was in attendance as a witness, and he also was not called by the defendant to sustain the testimony of Gregson, which testimony is assumed in Mr. Ripley's open letter to have been not only true, but undisputed.

Mr. Ripley says in his letter:

"Judge Wellborn refused to submit to the jury any evidence tending to show that the remission of small parts of the freight was made in carrying out a compromise whereby Schirm, for his company, agreed to stand the loss of lime and the railway company agreed to waive the freight; although if Schirm had paid the freight and sued for loss of lime he might perhaps upon the same evidence have recovered for both lime and freight. In other words, the evidence excluded tended to show that what was done amounted to a short method of settling claims for loss."

In point of fact, the evidence to which Mr. Ripley refers was received subject to exception and, after the conclusion of the testimony, was excluded from the consideration of the jury, the motion of the Government to that effect being sustained, after argument, by the court. In imposing sentence, Judge Wellborn said, with regard to this evidence:

"To the claim by defendant's counsel that the testimony which was stricken out by the court showed that these concessions were bona fide settlements of claims against the defendant for loss of goods in transit, made under the belief that the law permitted such settlements, and that this evidence, although stricken from the record, should be taken into account in determining the degree of punishment, I have given careful attention. That such evidence may be properly considered by me at this time will be conceded, but I am unable to accept counsel's view as to the effect of that evidence. It falls far short of convincing me that the concessions were bona fide settlements of claims; on the contrary, there are many circumstances which point to the conclusion that such was not the nature of the concessions, but that many of them, particularly the later ones, were the results of a preconceived plan by the defendant to deviate from its published tariff in the interest of a preferred shipper."

Although expressed with great consideration for the defendant and its witnesses, this statement by the court can be interpreted only as meaning that the evidence excluded from the consideration of the jury appeared to the judge not only legally inadmissible, but probably in great part untrue. The jury convicted the defendant corporation on every count of the indictments. Mr. Ripley asks, commenting upon this verdict and referring to the witness, Gregson: "What incentive had this clerk to violate his strict orders from his superiors to conform to the law?" It is certainly possible, and, on the whole, seems probable, that the jury may not have believed that the clerk in question had any such strict orders to conform to the law, and therefore did not violate the orders which his superiors had never given him. If such was in fact their belief it was, of course, needless for them to speculate as to what incentive he might or might not have had for a disobedience of which they did not believe him guilty.

In the opinion of Judge Wellborn, already cited, the court says:

"The defendant, after a fair trial, before an impartial jury, with able representation by attorneys of high standing and eminent attainments, has been convicted of the offenses charged in the indictment, and it now only remains for the court to pronounce against it the sentence of the law.

"I am satisfied that the evidence shows, as was succinctly and forcibly stated by Mr. Lawler, the district attorney, that the concessions were intentionally and systematically made, and it is hard to believe that the defendant did not know that they were unlawful departures from its established tariff. At all events, ignorance of the law, under the circumstances of this case, would imply a degree of negligence well-nigh equivalent to guilty knowledge.

"These latter considerations will not permit me to classify the present case as one which calls for the lowest penalty the law allows. "* * * I must * * * pronounce a sentence which, while not unduly severe, will yet effectively serve as a perpetual warning to all persons against like offenses in the future."

The court then sentenced the defendant corporation to pay a fine of $5,000 (one-fourth of the maximum penalty) for each of the 66 offenses of which it had been convicted.

From the foregoing statement of the facts in this case it appears that the defendant corporation was accused by one of its former employees, whose enmity it had incurred by causing his prosecution for a criminal offense, of committing a long series of violations of the interstate commerce law; that its course, while these charges were under investigation, was disingenuous, obstructive, and suggestive of conscious guilt; that it was indicted by the grand jury for 76 such violations upon evidence obtained from its own records, although, according to its statement and the testimony of its officers, a large part of the records which might have shown many further violations of law had been burned, the circumstances under which the destruction of these records was asserted being, to say the least, very suspicious; that when it was brought to trial it professed to explain the rebates charged against it as compromises of claims by the shippers for losses, an explanation inconsistent with the

entries in its own books, and which it failed to sustain by corroborating proof readily obtainable from friendly witnesses; that some of the evidence it offered was, indeed, held legally inadmissable by the court, but this proof was, in fact, produced, and in passing sentence the court, in substance, pronounced such evidence unworthy of credit; that it was convicted by the jury on every count of the indictment, and its violations of the law were declared by the court to have been "intentionally and systematically made;" finally, that its penalty was fixed by the court at only one-fourth of the maximum, after a careful consideration of all the attendant circumstances and with a view to preventing such intentional and systematic disregard of the law in the future.

After the publication of Mr. Ripley's letter, the United States attorney asked the permission of this Department to publish a reply to it in the shape of a letter to Mr. Ripley himself. In making this request Mr. Lawler said, referring to Mr. Ripley:

"In consideration of the fact that he reflects in his signed statement (if correctly quoted) not only upon the court but upon the Interstate Commerce Commission and the Department of Justice, and more particularly upon my office and conduct, I respectfully submit to you the inclosed communication, which I propose as an open letter to be published in the Railway Age as a rejoinder to Ripley's statement and to be handed to the daily press also for publication.

"Ordinarily I am decidedly averse to newspaper controversy of any sort, realizing that 'to-day's papers make to-morrow's fires.' Under the circumstances, however, I am constrained to feel that where a defendant has not only been guilty of a willful violation of the law, but has countenanced perjury by its employees, in its efforts to escape punishment, it should not be permitted to go unchallenged in the statement of untruth, especially where the effort to reflect upon the administration is so apparent."

On December 7, 1907, the Department replied:

"I am compelled to say that the Department can not sanction the publication of your letter. It appreciates the grave impropriety of public comment on a judge's official acts, especially on the part of an unsuccessful suitor or its officers. But one impropriety of this character can not be corrected by another, and your letter contains reflections upon the railroad company and its officers, which, whether well-founded or not (and the Department is not to be understood as intimating that they are ill founded), seem to the Department inappropriate in a public prosecutor."

It has been the consistent policy of the Department to discourage and, so far as possible, prevent newspaper controversies between its subordinates and those whose enmity they might incur through the faithful discharge of their public duties, and its course in this instance has been in accordance with this policy. But I feel it my duty in closing this report to say that the charges made by the officers and counsel of this corporation against the United States attorney in connection with the matters in the present report appear to have been unfounded and unjustifiable, and the comments and suggestions contained in Mr. Ripley's letter regarding the judge who tried and sentenced his corporation constitute unwarrantable reflections upon a judicial officer respecting the discharge of his duties as such which are wholly indefensible, both in form and substance, and deserve the condemnation of all citizens solicitous to protect the dignity and independence of our courts.

I remain, yours, respectfully, CHARLES J. BONAPARTE,
Attorney-General.

The PRESIDENT,
The White House.

APPENDIX 4.

[From the Railway Age, November 29, 1907.]

COMMUNICATION—THE SANTA FE REBATE CASE.

To the Editors:

In reply to your inquiry as to the recent heavy fine imposed upon the Atchison, Topeka and Santa Fe by a United States court at Los Angeles, I beg to make the following statement:

From April, 1905, and for some time before that, the Grand Canyon Lime and Cement Company was making and shipping lime at Nelson, then only a siding on the Santa Fe line in Arizona.

Up to about April, 1905, the minimum carload of lime from Nelson was 30,000 pounds. To conserve equipment, especially in view of the fact that cars had to be furnished at Nelson from long distances, the minimum was raised to 40,000 pounds; but it remained at 30,000 from all points competing with Nelson in the southern California markets.

Soon after this change Mr. Schirm, manager of the lime and cement company at Nelson, found that one of his carloads of lime weighed on arrival at Los Angeles less than 40,000 pounds. He was selling by railroad weight and his customer refused to pay for more than that weight. He complained to the chief clerk in the freight department at Los Angeles that he could not afford to lose his lime and the freight, too; that he was charged freight on 40,000 pounds, the minimum, at $3.50 per ton; that he was selling according to railroad weight at about $9 per ton delivered at Los Angeles; that he was positive that more than 40,000 pounds was loaded into every car. He explained the method of loading, which was by means of a small ore car filled at the kilns and run on a track to the Atchison car. This ore car had been repeatedly tested and found to hold 800 pounds and more of lime, and tally was kept so that Mr. Schirm was certain that it unloaded more than fifty times into every Atchison car sent out. He stated that the lime cost him at Nelson about $3.50 per ton, but that he would waive the loss of the lime if the railway company would waive the freight above the actual weight as shown at destination. The clerk to whom this complaint was made concluded that the lime and cement company was suffering a loss. He suspected that the weights as shown by the track scales were not accurate. He may also have felt that the increase of the minimum carload at Nelson to 40,000 pounds put Mr. Schirm's company at some disadvantage, competing points having not only a lower minimum but a lower rate. Therefore, without consulting his superiors, he agreed with Mr. Schirm that if the latter would waive any claim for loss of lime the freight would be reckoned at the actual weight as shown by the track scales at destination. Similar complaints were made from time to time as cars showed short weight, and the same arrangement was made. The result was that out of a total movement of about 400 cars, carrying nearly 10,000 tons, 78 cars showed at destination a weight short of 40,000 pounds per car, the total shortage of the 78 cars aggregating a little over 100 tons and on these 100 tons Mr. Schirm's company was not required to pay freight. On these 78 carloads the freight reckoned according to the tariff would have been $70 per car, or $5,460, while in fact the shipper paid about $400 less than that amount, the difference allowed ranging from 35 cents to $13 per car.

In the summer of 1906 Virgil A. Sappenfield, revising clerk in the local freight offices of the Santa Fe at Los Angeles, was found to have embezzled money. For this he was arrested. He pleaded guilty as to a small sum and was sentenced to imprisonment in the county jail for ninety days. After his arrest and while his case was pending he made threats that he would get even with the railway company, and accordingly placed himself in communication with the United States attorney, by whom he was taken before the United States grand jury at Los Angeles in October, 1906, and a long investigation into the business of the Santa Fe began. This investigation continued for nearly three months, during which time the railway company was called upon to furnish, and did furnish, a large number of books and papers, and was subjected to what appeared to be a general inquisition with respect to all its business for the preceding three years. From all this came two indictments against the railway company, and only two—one of sixty-six and the other of ten counts. Every count in the first indictment was based upon a concession with respect to one of these 78 carloads of lime. The ten counts in the other indictment were based on refunds in cases where Schirm's company had paid the full $70 on cars that showed short weight.

Of these indictments the one containing sixty-six counts came on for trial in October, 1907, before Judge Wellborn, of the United States court at Los Angeles. Not wishing to stand upon any technicalities, nor to cause a useless expenditure of time on the part of the court, the railway company, in accordance with a notice previously given to the United States attorney, admitted in open court for the purposes of the trial many of the formal facts charged in the indictment, such as the organization of the railway company, the movement of the lime, and the amounts paid. This admission, although of undisputed facts, saved the Government considerable expense and shortened the trial by several days.

Judge Wellborn refused to submit to the jury any evidence tending to show that the remission of small parts of the freight was made in carrying out a compromise whereby Schirm, for his company, agreed to stand the loss of lime and the railway company agreed to waive the freight; although if Schirm had paid the freight and sued for loss of lime he might perhaps upon the same evidence have recovered for both lime and freight. In other words, the evidence excluded tended to show that what was done amounted to a short method of settling claims for loss.

This ruling of the court virtually amounted to a direction to the jurors to find the railway company guilty as charged in the indictment, and they brought in a verdict accordingly. This was filed on October 11, 1907, and on November 7 Judge Wellborn sentenced the company to pay a fine of $5,000 on each of the sixty-six counts, or a total of $330,000. Execution was stayed for thirty days, pending preparations for an appeal.

Realizing that in this country the security of persons and property depends mainly upon our courts, and realizing also that as a rule our judiciary is wonderfully free from suspicion of improper motives, it has been my rule not to make public any resentment or indignation I may have felt at judicial decisions, and in this case I believe the court to have erred from a misunderstanding of the conditions and not from a desire to be sensational. I refrain from comment, therefore, except to put before fair-minded business men these questions:

What incentive had this clerk to violate his strict orders from his superiors to conform to the law?

If there was no incentive, is it not more than a fair presumption that he did not intend to violate the law?

If without incentive and without intent, he did under a strict technical construction, violate the law to the extent of paying $400, should his employing company, the officers of which knew nothing of the transaction, be mulcted for $330,000?

Does the punishment fit the crime?

E. P. RIPLEY,
President Atchison, Topeka and Santa Fe Railway Company.

CHICAGO, ILL., *November 23, 1907.*

[Editorial reprinted from the Railway Age, November 29, 1907.]

We have secured from E. P. Ripley, president of the Atchison, Topeka and Santa Fe, a statement, which appears on another page, regarding the recent conviction and sentence of this railway company at Los Angeles, Cal., for alleged rebating. Mr. Ripley's communication is clear and candid and shows that every element that usually enters into a crime was lacking in the alleged offense. It seems beyond serious question that the railway clerk who made the deductions from the freight bills of the Grand Canyon Lime and Cement Company believed that he was acting properly. The officials of the road did not authorize and knew nothing about the transaction; and even if they had they could have had no motive in giving a secret rebate, since the Santa Fe is the only road over which the Grand Canyon Lime and Cement Company can ship. The railway did not gain anything by the action of its employee, since the shipper could have secured through the claim department or by a lawsuit after the charges were paid all or more than the portions of the charges that were remitted before they were paid. Finally, nobody was harmed. It may be said that the Santa Fe should have avoided the appearance of evil; but it is not usually considered just to punish for acts that appear evil after it has been shown that they were not so. It may be said that the road, by the unauthorized act of its employee, was at least guilty of a technical violation of the law; but is it not amazing that there should be imposed even upon a corporation fines of $330,000 for merely technical and nominal offenses? The fact that there could be found a United States district attorney to prosecute, a jury to convict, and a Federal judge to impose so enormous a penalty in this case illustrates the extent to which the minds of all classes have been poisoned against the railways by the agitation for drastic public regulation.

The VICE-PRESIDENT. The message will be printed and referred to the Committee on Interstate Commerce.

Mr. DAVIS. Mr. President, I move that 10,000 extra copies of the message of the President be printed. It is the best Democratic doctrine I have ever heard emanating from a Republican source.

The motion was agreed to.

ANNUAL REPORT OF CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Com-

mittee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Twenty-fourth Annual Report of the Civil Service Commission, for the year ended June 30, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 31, 1908.*

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 28th instant proposing to appropriate $2,475.80 to reimburse Columbia Hospital for Women and Lying-in Asylum for indigent patients sent to the hospital by the Board of Charities, intended to be proposed to the urgent deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 39) to correct the military record of Otis C. Mooney, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report thereon, accompanied by a bill (S. 4740) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills:

S. 22. William P. Damon;
S. 51. Nathan H. Landers;
S. 69. Joel Brown;
S. 92. Lewis T. Penwell;
S. 237. Noah Greer;
S. 393. Joseph Marsh;
S. 396. Henry, alias Halden, Hanson;
S. 401. Andrew F. Kenyon;
S. 413. Catherine Kolb;
S. 525. Samuel D. Chase;
S. 527. William J. Showaker;
S. 540. Mary E. Edmondson;
S. 542. Susan A. Vantine;
S. 572. William C. Shook;
S. 614. Edward C. Ellet;
S. 615. William J. Downin;
S. 633. William Morrison;
S. 644. Catherine J. V. Racey Young;
S. 724. Victoria Ficker;
S. 784. William W. Payton;
S. 789. Mary J. Martin;
S. 848. John Sargent;
S. 849. Josephine E. Peabody;
S. 850. Charles W. Foss;
S. 858. Hattie T. Atwood;
S. 862. Elizabeth W. Shaw;
S. 1095. Robert P. Faris;
S. 1139. J. Rock Williamson;
S. 1223. Frederick A. Heebner;
S. 1369. Charles Clark;
S. 1373. Mary C. Mulholland;
S. 1477. John H. Vickery;
S. 1554. Eliza J. Roberts;
S. 1635. Josephine E. Wooster;
S. 1646. James Ennis;
S. 1650. James B. Wolgemuth;
S. 1656. William S. Clark;
S. 1671. William A. Gile;
S. 1691. John A. Hodsdon;
S. 1939. Lucretia Wilson;
S. 1945. Legare Potter;
S. 1955. Stephen J. Hook;
S. 2048. Alonzo D. Holland;
S. 2076. John Sirrine;
S. 2236. Jesse F. Logsdon;
S. 2254. Lewis C. Cleavinger;
S. 2275. Paul Stowell;
S. 2298. William Weston;
S. 2396. John Chase;
S. 2398. John Allman;
S. 2646. Nelson Moore;
S. 2698. Joseph M. Feather;
S. 2863. Ambrose P. Phillips;
S. 2880. Alfred W. Wright;
S. 2931. Isabella Ann Irvin;
S. 3075. John S. Landon;
S. 3199. Lavinia B. Persons;
S. 3339. Charles S. Leonard, alias Abner L. Wilcox;
S. 3340. Ida L. Read;
S. 3442. John A. Van Pelt;
S. 3519. Hugh H. McCurry;
S. 3521. Celia A. Smith;
S. 4096. George M. D. Wells; and
S. 4097. William H. Stiles.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 3426) to establish a fish hatchery and biological station in the State of Oklahoma, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3351) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico, within the limits of the State of Florida, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3433) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region;

A bill (S. 4455) to establish a fish-hatching and fish-culture station in the State of Tennessee; and

A bill (S. 439) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 14040) to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew, at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties, reported it without amendment.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 4032) to establish the direction and control of public education in the District of Columbia, reported it with amendments and submitted a report thereon.

HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. KEAN, from the Committee on Interstate Commerce, reported the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings and bills printed, and bound whenever necessary, for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

THOMAS N. POULLAIN.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the claims of the estate of Thomas N. Poullain (S. 2626) and the legal representatives of Charles W. Adams (S. 567), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act, and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4741) granting an increase of pension to John Marsh;

A bill (S. 4742) granting an increase of pension to George D. Phillipy;

A bill (S. 4743) granting an increase of pension to Thomas A. Walters; and

A bill (S. 4744) granting an increase of pension to Alfred R. Johnson.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4745) granting an increase of pension to Elizabeth Grass;

A bill (S. 4746) granting an increase of pension to Butler Oleson; and

A bill (S. 4747) granting an increase of pension to Charles H. Stockbridge.

Mr. NELSON introduced a bill (S. 4748) to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said

district," approved March 3, 1899, which was read twice by its title and referred to the Committee on Territories.

He also introduced a bill (S. 4749) for the relief of Dewitt Eastman, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SIMMONS introduced a bill (S. 4750) granting an increase of pension to William L. West, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 4751) to equalize and fix the pay of the Navy and the Marine Corps, and for other purposes, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4752) to correct the military record of William H. Garrett, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4753) granting a pension to Carl Keyerleber;

A bill (S. 4754) granting an increase of pension to Caleb F. Bandle;

A bill (S. 4755) granting an increase of pension to James H. Dickson;

A bill (S. 4756) granting an increase of pension to Clia A. Baldwin; and

A bill (S. 4757) amending "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907.

Mr. ANKENY introduced a bill (S. 4758) granting a pension to Rose Maxey, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced a bill (S. 4759) granting a pension to George W. Kelsey, alias George W. Smith, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4760) granting an increase of pension to George Newland, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 4761) for the purchase of a site for a Federal building for the United States postoffice at Weatherford, Tex., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4762) for the relief of Harry F. O'Bierne, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4763) for the relief of W. H. Reagan (with an accompanying paper);

A bill (S. 4764) for the relief of Union University (with an accompanying paper);

A bill (S. 4765) for the relief of the trustees of Mount Olivet Methodist Episcopal Church South, at Nolensville, Tenn.;

A bill (S. 4766) for the relief of the estate of B. F. Larkin, deceased;

A bill (S. 4767) for the relief of the estate of J. T. Stringer, deceased;

A bill (S. 4768) for the relief of the heirs of I. L. Davis, deceased;

A bill (S. 4769) for the relief of Mary C. Turner, Frank C. C. Turner, Mattie C. Turner, Clifton Turner, and Katie Turner (with an accompanying paper); and

A bill (S. 4770) for the relief of the legal representatives of Pleasant M. Craigmiles, deceased (with accompanying papers).

Mr. FRYE introduced a bill (S. 4771) granting an increase of pension to Charles A. Bordeau, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4772) granting an increase of pension to Lewis E. Kauffer, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4773) granting an increase of pension to Lillie M. Bell;

A bill (S. 4774) granting an increase of pension to Fletcher Vilott (with accompanying papers); and

A bill (S. 4775) granting an increase of pension to Rittie Dundridge.

He also introduced a bill (S. 4776) for the relief of Christ Schrey, which was read twice by its title and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 4777) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Mount Olivet Methodist Protestant Church, Alexandria County, Va., which was read twice by its title and referred to the Committee on Claims.

Mr. TELLER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4778) for the relief of George Ivers, of Boone, Pueblo County, Colo., administrator of William Ivers; and

A bill (S. 4779) for the relief of the heirs of Kit Carson, deceased.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4780) granting an increase of pension to Ormond D. Kimball (with accompanying papers); and

A bill (S. 4781) granting an increase of pension to Albert Blood (with accompanying papers).

Mr. PILES introduced a bill (S. 4782) to remove the charge of desertion against Thomas L. Rodgers, which was read twice by its title and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. HEMENWAY introduced a bill (S. 4783) to provide for the establishment of a Bureau of Mining Technology, which was read twice by its title and referred to the Committee on Mines and Mining.

Mr. DANIEL introduced a bill (S. 4784) for the relief of the executors of Curtis Burr Graham, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 4785) for the relief of the estate of John Hosford, deceased, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 4786) to parole United States prisoners, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4787) to provide for the location of a Branch Home for aged and disabled soldiers of the United States at Fitzgerald, Ben Hill County, Ga., which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 4788) to provide for increasing the limit of cost of the public building authorized to be erected at Americus, Sumter County, Ga.; and

A bill (S. 4789) to provide for the erection of a public building in the city of Elberton, Ga.

Mr. LA FOLLETTE introduced a bill (S. 4790) to declare the 12th day of February, 1909, a legal holiday in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4791) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4792) to determine the citizenship of common carriers engaged in interstate transportation for the purposes of actions at law and suits in equity, which was read twice by its title and referred to the Committee on the Judiciary.

EMPLOYERS' LIABILITY BILL.

Mr. BRYAN submitted three amendments intended to be proposed by him to the bill (S. 3080) relating to the liability of common carriers engaged in commerce to which the regulative power of Congress extends under the Constitution of the United States, which were referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—JOHN E. PHELPS.

On motion of Mr. PILES, it was

Ordered, That the papers accompanying the bill (S. 3535) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list, be withdrawn from the files of the Senate, there having been no adverse report thereon.

FINANCIAL STATISTICS.

On motion of Mr. LODGE, it was

Ordered, That there be printed for the use of the Senate document room 5,000 copies of Senate Document 208, first session, Sixtieth Congress, being the response of the Secretary of the Treasury to Senate resolution No. 33, of December 12, 1907.

MEXICAN KICKAPOO INDIANS.

On motion of Mr. TELLER, it was

Ordered, That the hearings had before the subcommittee of the Committee on Indian Affairs, charged with the investigation of the affairs of the Mexican Kickapoo Indians, together with the appendices and accompanying illustrations, be printed as a Senate document, and that 100 copies be printed for the use of the committee.

FIVE CIVILIZED TRIBES.

On motion of Mr. CLAPP, it was

Ordered, That the bill (S. 4644) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, be reprinted.

TELEGRAPH AND TELEPHONE FRANKS.

On motion of Mr. LA FOLLETTE, it was

Ordered, That the bill (S. 4395) to prohibit the giving to or receipt by public officers under the Constitution or laws of the United States of any free frank or privilege for the transmission of messages by telegraph or telephone, to prevent discriminations in interstate telegraph and telephone rates, and fixing requirements governing the receipt and preservation of such messages be reprinted, and that 500 additional copies be printed for the use of the Senate.

SURVEY OF BEAUFORT HARBOR, NORTH CAROLINA.

Mr. SIMMONS submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8-foot depth from the channel at the bulkhead in the Newport River to the town of Beaufort and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor.

SURVEY OF ST. AUGUSTINE HARBOR, FLORIDA.

Mr. BRYAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey of the harbor at St. Augustine, St. Johns County, Fla., and the entrance thereto through the North and Matanzas rivers and the Matanzas Inlet, with a view to determining the formation of a channel of a minimum depth of 16 feet and a width of 300 feet, from the city of St. Augustine, across its outer bar, to the Atlantic Ocean, and the cost of construction of necessary jetties, breakwaters, and dredging in order to accomplish said purpose.

SURVEY OF BAYOU LE BATRE, ALABAMA.

Mr. JOHNSTON submitted the following concurrent resolution, which with the accompanying paper, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view to deepening the same, and to submit estimates therefor.

SURVEY OF CHICKASABOGUE CREEK, ALABAMA.

Mr. JOHNSTON submitted the following concurrent resolution, which, with the accompanying papers, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor.

INQUIRY AS TO CERTAIN WESTERN LAND GRANTS.

Mr. TILLMAN. Mr. President, I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Whereas at divers times various railroads and other corporations have received large grants of public lands of the United States, under and by virtue of acts of the Congress, containing conditions to the effect that such lands should be sold to actual settlers only, or in quantities not exceeding for any one purchaser a limit fixed by the act relating thereto, or at a price per acre not greater than an amount mentioned in the act authorizing such grant, to the end that such lands might promptly become the homes of citizens of the United States; and

Whereas it is currently reported and widely believed that the Department of Justice has information to the effect that certain of the corporations aforesaid, or their alleged successors in title, having obtained colorable title to large tracts of land within a State or States of the Pacific slope by virtue of the grants above mentioned, and still holding considerable portions thereof, have violated or evaded the equitable and salutary conditions so as aforesaid imposed by the Congress upon such grants for the public good; yet the Senate is not advised that any action has been taken by the Department of Justice to enforce the said conditions or restore the said lands to the public domain: Now therefore be it

Resolved, etc., That the President be requested, if not incompatible with the public interest, to inform the Senate what information, if any, has been received, and what action, if any, has been taken by the Department of Justice with respect to the matters and things in the preamble to this resolution set forth.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I think it had better go over.

The VICE-PRESIDENT. Objection is made.

Mr. TILLMAN. If the Senator from New Jersey will give me a moment——

Mr. KEAN. Certainly.

Mr. TILLMAN. I think he will see that while the resolution is quite long it is more a recital of beliefs than an assertion of facts.

I had occasion to visit the western country last summer, and I became acquainted with conditions there which appeared to me to be very anomalous. I was told by those who knew, and there is no disputing it, that large areas of land are held by railroads and other corporations, which came into their possession through grants for military roads, and that those corporations refuse absolutely to comply with the conditions upon which they had received the land, and would not sell. I am merely asking for information from the President in regard to the same, with a view to learning what the Department of Justice is doing or is going to do.

I do not see why the Senator from New Jersey should object. Of course he has that right, and I must submit if he insists.

Mr. KEAN. I thought the resolution was rather a long one, and I should like to have it go over.

Mr TILLMAN. I should like to have it read again. Perhaps the Senator would not find any reason to object if he heard it again.

Mr. KEAN. I should like to examine it, also.

Mr. TILLMAN. If it goes over, it will go over until Monday.

Mr. KEAN. That is a very short time.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. TILLMAN. With pleasure.

Mr. FULTON. I wish to ask the Senator from New Jersey to withhold his objection for a moment, as I desire to say a word.

Mr. KEAN. Certainly, Mr. President.

Mr. FULTON. Mr. President, I think I know the tract of land involved in the railroad grant to which the Senator from South Carolina refers. I take it it is what is commonly known as and called the "Oregon and California railroad grant," now the Southern Pacific, extending through——

Mr. TILLMAN. There are also lands owned by the Northern Pacific.

Mr. FULTON. In the same category?

Mr. TILLMAN. Yes.

Mr. FULTON. There may be lands owned by the Northern Pacific on the same conditions; of that I am not advised; but there is a railway grant in the State of Oregon which occupies very much the situation outlined by the resolution of the Senator from South Carolina. The grant was made by Congress some years ago; I think some time in the seventies. The grant was coupled with a condition that the lands should be sold to actual settlers only at a price not exceeding $2.50 per acre. A great deal of that land is still held by the railroad company, and the railroad company refuses to sell it at $2.50 an acre. That is a notorious fact. I myself have had some correspondence with the company in an effort to induce it to put the lands on the market in compliance with the statute making the grant. But there is no disposition to do that, and the Department of Justice, I am advised, has the matter under consideration. Indeed I know it has it under consideration, and I think it has reached a conclusion to institute some character of suit, the object being to forfeit the grant; at least to forfeit to the Government that portion of the grant which is still held by the company or which is still undisposed of. Whether it is the purpose of the Department of Justice to go beyond that and to institute suit to forfeit lands that were sold, as a good many acres were sold, I am advised, for prices exceeding $2.50 an acre and in quantities greater than 160 acres to one person, I do not know.

But I suggest to the Senator from South Carolina to let this matter rest for a time, because it is my information that the Department of Justice will probably request some character of resolution to be offered and adopted which will authorize the prosecution of a suit and outline the character of relief that the Government will be authorized to demand. I do not know certainly that the resolution will be asked for, but I understand there is a question in the mind of the Attorney-General as to whether or not, in a suit brought to forfeit a grant because of noncompliance with the conditions, a decree of forfeiture could be entered without some declaration of Congress in that behalf. It may be he has concluded that it is not necessary to get the Congressional declaration. But I think it would be well to let this matter lie over for a short time, and then if no action shall be taken by the Department or if it shall finally conclude to go ahead without Congressional action, it may be well enough to get the information the Senator asks for. But it would seem to me doubtful even if the Department of Justice concludes to proceed without the Congressional instructions or au-

thority. In other words, I take it that if the Department proposes to prosecute a suit of this character, it would not care in advance to give a public statement touching what its evidence was or on what line it proposes to proceed.

Mr. TILLMAN. Mr. President, I hope the Senate will bear with me, and that the Senator from New Jersey will withhold his objection long enough to have the resolution again read.

Mr. KEAN. Certainly; let it be read again, Mr. President.

Mr. TILLMAN. I request that the resolution be again read, so that the Senate can see how little there is in it other than a desire to get information, and that the two Senators who have suggested delay can determine for themselves whether it is worth while.

The VICE-PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution.

Mr. FULTON. Mr. President——

Mr. TILLMAN. The Senator will see that I merely call on the President to give us the facts. There is no desire to have the Department of Justice display its hand and give the corporations the evidence upon which the Department may proceed. It is a very simple resolution, and I do not see why there should be objection to it.

Mr. FULTON. I should like to say to the Senator that I do not myself see that there is any objection to the resolution. I do not wish to be understood as suggesting any delay beyond this extent: It might be well to let the matter go over, and then I suggest that some consultation be had——

Mr. TILLMAN. I have here a joint resolution relating to the same subject, which I expect to ask the Congress to pass. I am just about to introduce it and ask to have it referred to the Committee on the Judiciary.

Mr. FULTON. Then I suggest to the Senator that he let this resolution go over and consult with the Department of Justice. I think it would be wise to ascertain whether there is any objection to making a public statement.

Mr. TILLMAN. Having been to the Department of Justice and talked with the Attorney-General, I think I know about the attitude which that officer expects to assume.

Mr. FULTON. So far as I am concerned, I make no objection to the present consideration of the resolution. I simply make that suggestion. I do not know that injury can result from the adoption of the resolution. Personally I am very much in favor of some action being taken by the Government, either to compel compliance with the grant or to forfeit the lands to the Government. I think that one or the other course should be pursued. But it is a matter probably at the present time for the Department of Justice to determine which course can be the better pursued and which would promise success the more clearly.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. TILLMAN. With pleasure.

Mr. HEYBURN. I would suggest that the resolution might to advantage be made to cover another branch of the same question, and if it were up for consideration I should be inclined to move an amendment to it providing that the inquiry shall extend to the practice of charging the settlers who unexpectedly find themselves upon the land included within the grant, after the survey has been made, with the price of their improvements. It is the practice for the grantees of this land, when they find a settler with valuable improvements upon their land, which were put there under misapprehension in some cases, to charge him not only for the land, but for the value of the improvements, and I think any inquiry directed to this matter at all should include all information in regard to that matter.

Mr. TILLMAN. I have no objection in the world to the Senator from Idaho amending the resolution, if the Senator from New Jersey will allow us to consider it.

Mr. KEAN. I think the resolution had better go over, Mr. President.

Mr. TILLMAN. All right, sir.

The VICE-PRESIDENT. The resolution will go over, under objection.

Mr. TILLMAN. I introduce a joint resolution, and ask that it be read for the information of the Senate, as well as to let the country know what I am trying to accomplish.

The joint resolution (S. R. 48) instructing the Attorney-General to institute certain suits, etc., was read the first time by its title and the second time at length, as follows:

Whereas at divers times various railroads and other corporations have received large grants of public lands of the United States, under and by virtue of the acts of the Congress, containing conditions to the effect that such lands should be sold to actual settlers only or in quantities not exceeding for any one purchaser a limit fixed by the act relating thereto, or at a price per acre not greater than an amount mentioned in the act authorizing such grant, to the end that such lands might promptly become the homes of citizens of the United States; and

Whereas it is currently reported and widely believed that the Department of Justice has information to the effect that certain of the corporations aforesaid, or their alleged successors in title, having obtained colorable title to large tracts of land within a State or States of the Pacific slope by virtue of the grants above mentioned, and still holding considerable portions thereof, have violated or evaded the equitable and salutary conditions so, as aforesaid, imposed by the Congress upon such grants for the public good, yet the Congress is not advised that any action has been taken by the Department of Justice to enforce the said conditions or restore the said lands to the public domain: Now therefore be it

Resolved, etc., That the Attorney-General be, and he is hereby, directed, authorized, and empowered to take such proceedings or institute such suit or suits on behalf of the United States as may be necessary, appropriate, or expedient to insure a compliance with the abovementioned conditions or to restore the said lands to the public domain, or to report to the Congress why such action as aforesaid has not been or should not be taken.

Mr. TILLMAN. I ask that the joint resolution be referred to the Committee on the Judiciary.

The VICE-PRESIDENT. It will be so referred.

ADJOURNMENT TO MONDAY.

Mr. LODGE. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.; and

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River.

REVENUE-CUTTER SERVICE AT PORT OF NEW YORK.

Mr. DEPEW. I ask unanimous consent that the bill (S. 4380) for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York be taken up.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes, at a total cost not to exceed $80,000, the construction, under the direction of the Secretary of the Treasury, of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, to replace the revenue-cutter *Manhattan* now performing the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPOSITION AT QUITO, ECUADOR.

Mr. FRYE. I should like to have present consideration of the bill (S. 4633) making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador.

Mr. BURKETT. Let us go on with the Calendar in its order.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURKETT. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded. The first bill on the Calendar will be stated.

SNAKE RIVER DAM, WASHINGTON.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as first in order on the Calendar.

Mr. HEYBURN. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Idaho.

GOVERNMENT DEPOSITARIES.

The next business on the Calendar was the resolution submitted by Mr. STONE on the 23d instant authorizing and directing the Committee on Finance to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury.

Mr. KEAN. I think the resolution ought to be indefinitely postponed. I do not see any object in having it kept on the Calendar to be announced daily. I rose to move the indefinite postponement of the resolution, but I do not see the Senator from

Missouri [Mr. STONE] present, and so I will not make the motion. I ask that it may go over.

The VICE-PRESIDENT. The resolution will go over without prejudice.

Mr. WARNER. I wish to understand what disposition has been made of the resolution.

The VICE-PRESIDENT. The Senator from New Jersey [Mr. KEAN] rose to move that the resolution be indefinitely postponed, but observing that the senior Senator from Missouri is not in the Chamber, he then asked that it go over without prejudice.

Mr. WARNER. Very well. I was going to call attention to the fact that my colleague is not here.

EXTENSION OF BOUNTY-LAND LAWS.

The bill (S. 1407) to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war was announced as next in order.

Mr. KEAN. Let the bill go over.

Mr. LODGE. It had better go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

A. A. NOON.

The bill (S. 533) for the relief of A. A. Noon was considered as in Committee of the Whole. It proposes to appropriate for the relief of A. A. Noon, of Provo, in the State of Utah, $1,407.55, the same being the amount of judgments and costs against him in suits by the Government of the United States for the extraction of gilsonite from lands within the Uncompahgre Indian Reservation, under locations made in good faith and believed to be without the limits of the reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING TECHNOLOGY BRANCH.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as next in order.

Mr. LODGE. I ask that the joint resolution may go over.

The VICE-PRESIDENT. The joint resolution will go over, at the request of the Senator from Massachusetts.

LOCATION OF MINERAL CLAIMS.

The bill (S. 129) to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office was considered as in Committee of the Whole.

The bill was reported from the Committee on Mines and Mining with an amendment, in line 7, page 1, after the word "office," to insert "as deputy mineral surveyors and such locations shall not be deemed to be," so as to make the bill read:

Be it enacted, etc., That the title to mining claims heretofore located by persons holding commissions as United States deputy mineral surveyors shall not be held invalid by reason of the fact that such locations were made by deputy mineral surveyors during their incumbency in office as deputy mineral surveyors and such locations shall not be deemed to be in violation of section 452 of the Revised Statutes of the United States.

Mr. KEAN. Will the Senator from Idaho explain the bill briefly?

Mr. HEYBURN. I first desire to offer an amendment to the amendment of the committee. In line 7, after the word "office," I move to strike out the words "as deputy mineral surveyors," and before the word "office" to insert the word "such," so as to read "during their incumbency in such office."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. At the suggestion of the Senator from New Jersey I would say that this is in the nature of a relief bill. The language of the statute prohibiting employees of the United States Land Office from acquiring title to public lands has been invoked against this class of locations. There is a difference between the different administrations of the Land Office and between the different courts, and between the courts and the Land Office, as to whether or not a deputy mineral surveyor is an employee of the General Land Office. He is not paid at all by the Government under any circumstances. He is a designated officer, with whom it is lawful to make a contract. The individual requiring the work to be done may select any one of these officers without any control or dictation from the Land Office or any of its departments.

There being a question about it, it should be set at rest. Locations have been made by deputy mineral surveyors under the impression that they had the same right to avail themselves of the right to make the location of a mining claim as any other citizen of the United States, and not thinking for a moment that they were within the class prohibited by the language of the act which I have referred to.

A great many titles rest upon such locations. They have passed, as a matter of course, from one to another over a great period of years, and claims that were located by men who held the commission—not located by them in their official capacity, but really by them as ordinary citizens would locate mining claims—have been transferred by them to strangers or to others during the time that they were mere prospects, when they had no value. Large sums of money have been expended upon them in many instances and they have been developed into good mines.

It is the object of the bill merely to relieve against the cloud that may rest upon that class of locations.

Mr. CURTIS. I ask that the bill may go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Kansas. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2982.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at page 150 and read the next section, as follows:

SEC. 288. Whoever, being the master or officer of a vessel *of the United States*, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be *fined* not more than $1,000 or *imprisoned* not more than five years, or both. Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes.

Mr. HEYBURN. I move to amend the section by transposing, in the tenth line, the words "without justifiable cause," so that they will succeed the word "or" in that line.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 10, on page 150, strike out the words "without justifiable cause" where they occur and insert them after the word "or," near the end of the line, so as to read "beats, wounds, or without justifiable cause imprisons," etc.

Mr. HEYBURN. I think I should state the purpose, it being an amendment that is made without having been submitted to the committee.

It appears that in 1898 Congress abolished flogging on all classes of vessels. They had abolished it on certain classes of vessels many years before. But one year after the passage of the section as it is reported by the committee flogging was abolished on all classes of vessels, and the language without being transposed would seem to disregard the amendment. It is for that purpose that the transposition was made.

The amendment was agreed to

The reading of the bill was resumed, as follows:

SEC. 289. Whoever, being of the crew of a vessel *of the United States*, on the high seas, or *on any* other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be *fined* not more than $1,000, or *imprisoned* not more than five years, or both.

SEC. 290. Whoever, being of the crew of a vessel *of the United States*, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be *fined* not more than $2,000 and *imprisoned* not more than ten years.

SEC. 291. [Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life.]

SEC. 292. [Whoever, being master or commander of a vessel of the United States, *while* abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him, as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be *fined* not more than $500, or *imprisoned* not more than six months, *or both.*]

SEC. 293. Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter

underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or whoever, within the United States, builds, or fits out, or aids in building and fitting out, any vessel with intent that the same be cast away or destroyed, with the intent hereinbefore mentioned, shall be *fined* not more than $10,000 and *imprisoned* not more than ten years.

Mr. SUTHERLAND. An amendment should be made in section 293, in line 3, page 153. I move that the word "and," following the word "building," in line 3, be stricken out and the word "or" substituted; so as to read:

whoever, within the United States, builds, or fits out, or aids in building or fitting out.

The amendment was agreed to.

The Secretary continued the reading of the bill, as follows:

SEC. 294. Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be *fined* not more than $5,000 and *imprisoned* not more than ten years; and whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger, or distress, or shipwreck, shall be *imprisoned* not *less* than ten years *and may be imprisoned for* life.

SEC. 295. [Whoever, upon the high seas or on any *other waters* within the admiralty and maritime jurisdiction of the United States, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be *fined* not more than $5,000 and *imprisoned* not more than ten years.]

SEC. 296. [Whoever, upon the high seas, or *on* any other *waters within the admiralty and maratime jurisdiction of the United States, and out of the jurisdiction of any particular State*, breaks or enters any vessel, with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be *fined* not more than $1,000 and *imprisoned* not more than five years.]

SEC. 297. Whoever, upon the high seas or *on any other waters within the admiralty and maritime jurisdiction of the United States*, willfully and corruptly casts away or otherwise destroys any vessel, of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be *imprisoned* for life or for any term of years.

SEC. 298. [Whoever, not being an owner, upon the high seas, *or on any other waters within the admiralty and maritime jurisdiction of the United States*, willfully and corruptly casts away or otherwise destroys any vessel *of the United States* to which he belongs, or, willfully, with intent to destroy the same, sets fire to any *such* vessel, or otherwise attempts the destruction thereof, shall be *imprisoned* not more than ten years.]

SEC. 299. [Whoever, being engaged in any piratical cruise, or enterprise, or being of the crew of any piratical vessel, lands from such vessel, and on shore commits robbery, is a pirate, and shall be imprisoned for life.]

SEC. 300. Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming, any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States, or their property, or whoever takes the command or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel with a view to share in the profits thereof, shall be fined not more than $10,000 and imprisoned not more than ten years. The trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

SEC. 301. [Whoever, being a citizen *of the United States*, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall be imprisoned for life.]

SEC. 302. [Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall be imprisoned for life.]

SEC. 303. Whoever, being a captain or other officer or mariner of a vessel upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of $50, or who yields up such vessel voluntarily to any pirate, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

SEC. 304. Whoever attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in anywise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or whoever, being a seaman, confines the master of any vessel, shall be fined not more than $1,000 dollars and imprisoned not more than three years.

SEC. 305. [Whoever, being subject to the authority of the United States, shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be *fined* not more than $50, or *imprisoned* not more than three months, or both. In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited. If it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge.]

SEC. 306. All offenses against the provisions of *the section last preceding*, committed on any of said islands or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

SEC. 307. The words "vessel of the United States," wherever they occur in this chapter, shall be construed to mean a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

CHAPTER THIRTEEN.

CERTAIN OFFENSES IN THE TERRITORIES.

Sec.	Sec.
308. Places within which sections of this chapter shall apply.	314. Incest.
309. Circulation of obscene literature; promoting abortion; how punished.	315. Fornication.
310. Polygamy.	316. Certificates of marriage; penalty for failure to record.
311. Unlawful cohabitation.	317. Prize fights, bull fights, etc.
312. Joinder of counts.	318. Definition of "Pugilistic encounter."
313. Adultery.	319. Train robberies in Territories, etc.

SEC. 308. *Except as otherwise expressly provided, the offenses defined in this chapter shall be punished as hereinafter provided, when committed within any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States.*

Mr. HEYBURN. Mr. President, the record shows that this section is new. Its purpose is to avoid repeating in each section of the chapter the places within which the several sections of the chapter shall apply. It is a general jurisdictional section to avoid oft repeating.

The Secretary resumed the reading of the bill, as follows:

SEC. 309. [Whoever shall sell, lend, give away, or in any manner exhibit, or offer to sell, lend, give away, or in any manner exhibit, or shall otherwise publish or offer to publish in any manner, or shall have in his possession for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertise the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles above mentioned can be purchased or obtained, or shall manufacture, draw, or print, or in anywise make any of such articles, shall be fined not more than $2,000 or imprisoned not more than five years, *or both.*]

SEC. 310. [Every person who has a husband or wife living, who marries another, whether married or single, and any man who simultaneously, or on the same day, marries more than one woman, is guilty of polygamy, and shall be *fined* not more than $500 and *imprisoned* not more than five years. But this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract.]

Mr. HEYBURN. Mr. President, it is proper that I should call attention to the fact that this section omits the enumeration of the places to which its provisions shall apply. The existing law provides that—

Every person who has a husband or wife living who, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter marries, etc.

There is no longer a necessity to enumerate the places of jurisdiction in view of the general jurisdictional provision at the beginning of this chapter. It applies only where the United States has jurisdiction.

The Secretary resumed the reading of the bill, as follows:

SEC. 311. [If any male person cohabits with more than one woman, he shall be *fined* not more than $300, or *imprisoned* not more than six months, or both.]

SEC. 312. Counts for any or all of the offenses named in *the two* sections *last preceding* may be joined in the same information or indictment.

SEC. 313. Whoever shall commit adultery shall be *imprisoned* not more than three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 314. Whoever, being related to another person within and not including the fourth degree of consanguinity computed according to the rules of civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, in any Territory, knowing her or him to be within said degree of relationship, shall be deemed guilty of incest, and shall be *imprisoned* not more than fifteen years.

Mr. HEYBURN. Mr. President, in reference to section 314, which has just been read, there seems to have been some oversight. The words "in any Territory," which have inadvertently

crept in on line 15 on page 161, which is the fifth line of the section, should be stricken out under the general rule which the committee has adopted, and I move that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 314, on page 161, line 15, after the word "person," it is proposed to strike out the words "in any Territory."

The amendment was agreed to.

The reading of the bill was resumed, as follows:

SEC. 315. If any unmarried man or woman commits fornication in any Territory, each shall be *fined* not more than $100 or *imprisoned* not more than six months.

Mr. HEYBURN. I move the same amendment in the second line of section 315, which has just been read. The same mistake seems to have run through this print. It is intended that the law shall apply wherever the jurisdiction applies.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 315, on page 161, line 19, after the word "fortification," it is proposed to strike out the words "in any Territory."

The amendment was agreed to.

The reading of the bill was resumed, as follows:

SEC. 316. [Every ceremony of marriage, or in the nature of a marriage ceremony of any kind, in any Territory, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full name of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this *section* to be stated therein in any proceeding, civil or criminal, in which the matter shall be drawn in question. But nothing in this section shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence *otherwise* legally admissible for that purpose. Whoever shall willfully violate any provision of this section shall be *fined* not more than $1,000, or *imprisoned* not more than two years, or both. *The provisions of this section shall apply only within the Territories of the United States.*]

Mr. HEYBURN. Mr. President, the same error to which I called attention in sections 314 and 315 seems to have crept into section 316, which has just been read. I therefore move, in the second line of section 316, to strike out the words "in any Territory."

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 316, on page 161, line 23, after the word "kind," it is proposed to strike out the words "in any Territory."

The amendment was agreed to.

Mr. BACON. Mr. President, before that section is passed, I simply, for information, wish to call the attention of the Senator from Idaho to the fact that in the existing law the words in each instance "in any of the Territories of the United States" appear, which would seem to indicate that this statute was originally enacted with reference to the Territories. Am I correct in that?

Mr. HEYBURN. Mr. President, if the Senator from Georgia will turn to the last provision in section 316 it will be observed that this language occurs:

The provisions of this section shall apply only within the Territories of the United States.

So it makes the repetition of the language unnecessary.

Mr. BACON. I had not read that far and did not notice that it was limited.

Mr. HEYBURN. In a former section it is stated that the provisions shall apply wherever the jurisdiction of the United States runs.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Idaho to the fact that the text from which he has moved his amendments is not the same as the text which the Secretary has at the desk, so that it is a little difficult to state correctly the Senator's amendments.

Mr. HEYBURN. The text in both copies should be the same. They are printed from the same type. I should like to investigate that. The paging is not the same, I am aware. We are reading from a copy prepared especially to be used in the consideration of the bill, and, for convenience, it has the existing law printed on the right-hand side. The language in the sections is the same, but the pages are not the same and the numbers of the lines are not the same. I think, however, the difference is very slight. The correction in section 316 is on the second line of the section, and the statement I made applies just the same, although it is not on the same page. I think, Mr. President, it will be convenient if you had a copy of the other print of the bill.

The VICE-PRESIDENT. The amendment last submitted by the Senator from Idaho has been agreed to.

Mr. BACON. Referring for a moment to the section which has been under consideration, I notice in other sections the limitation is that the provisions shall apply only within the Territories of the United States and the District of Columbia; while in this particular section the words "and the District of Columbia" are omitted. Is that because there is a special law in the District on the subject?

Mr. SUTHERLAND. My understanding is that those words were omitted in that section because the District of Columbia has its own law.

Mr. BACON. That is the question I asked.

Mr. SUTHERLAND. Yes.

Mr. BACON. If they are omitted because of the fact that there is a special law in this District on the subject, very well.

Mr. SUTHERLAND. That is the understanding of the committee.

Mr. HEYBURN. Furthermore, I would call the attention of the Senator from Georgia to section 308, which is a comprehensive section, and provides that—

Except as otherwise expressly provided, the offenses defined in this chapter shall be punished as hereinafter provided, when committed within any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States.

That was a new section adopted for the purpose of avoiding the unnecessary repetition of the jurisdictional feature.

Mr. BACON. But I call attention to the fact that the words there specify "within the Territories of the United States," and there is an omission to specify the District of Columbia. I suppose that was caused by some such fact as that stated by the Senator from Utah [Mr. SUTHERLAND], that there is a special law in the District of Columbia upon the subject, which makes it unnecessary that this section should be made applicable to the District of Columbia.

Mr. HEYBURN. I would call the attention of the Senator to the fact that we have already amended the section by striking out the words "in any Territory," so as to make it come under the general language. There is a law applicable especially to the District, and yet, in the absence of such a law, this law would also apply.

The reading of the bill was resumed, as follows:

SEC. 317. [Whoever shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged, shall be imprisoned not more than five years. *The provisions of this section shall apply only within the Territories of the United States and the District of Columbia.*]

SEC. 318. By the terms "pugilistic encounter," as used in *the section last preceding*, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged.

SEC. 319. [Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both. Whoever shall counsel, aid, abet, *or* assist in the perpetration of any of the offenses set forth in *this* section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this *section* it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.]

Mr. BURKETT. Mr. President, I should like to ask the Senator from Idaho whether there has not been some question raised with reference to this section, or a suggestion made as to the advisability of having it amended? Some one, I think, has called my attention to this section who seemed to think it more far-reaching than it appears on its face to be. I have not the memorandum before me and do not recall all the facts now, but I do carry the number of that section in my head. I therefore ask the Senator if any question has been raised as to the propriety of enacting it as it is written or as to the advisability of an amendment of some kind to it?

Mr. HEYBURN. Mr. President, I think it is due the Senate that I should say that the provisions of this section, which are now existing law, are objected to by certain labor organizations, and they have presented their views on the subject to the mem-

bers of the committee. The objection is directed against the provision contained in the fourth, fifth, sixth, and seventh lines of the section. The objections, as stated to me, were directed particularly against the provision which I will read:

SEC. 319. [Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Mr. McLAURIN. What is the penalty—shall be fined and imprisoned to what extent?

Mr. HEYBURN. The penalty provided is that the one guilty shall be fined not more than $5,000 or imprisoned not more than twenty years, or both. It will be observed that the section is comprehensive of rather a wide range of offenses. The objection urged is not against the graver offense of entering upon a railroad train for the purpose of committing murder or robbery, but it is against the prohibition against entering upon railroad trains for the purpose of committing violence upon any passenger on the train or car, or upon or against any engineer, conductor, fireman, brakeman, officer, etc.

Mr. McLAURIN. What is the number of the section?

Mr. HEYBURN. Section 319. It is claimed that under that section the members of labor organizations are prohibited or punished for going upon trains and taking off men who are working against the rules of their order or in violation of their wishes or of their rights, real or imaginary. The section is existing law, but objection is made to its being perpetuated in this revision.

I inquired of the parties who presented the matter to me if they desired to perpetrate these acts. They gave no satisfactory answer to that question. Then I submitted the further inquiry as to whether or not they thought any person ought to have the right to go upon a train for the purpose of committing those acts, but I received no satisfactory reply to that interrogatory, and the interview terminated. In my judgment and in the judgment of the committee that reported it, the exising law is a wise one and its administration may be safely left to the courts.

Mr. BACON. Mr. President, I recall that the Senator from Missouri [Mr. STONE], when this bill was last before the Senate, asked me, in case the section under discussion should be reached during his absence, to request that it be passed over, not as we have passed over others for final consideration, but be passed over until he can be present. I do not know what the view of the Senator from Missouri may be in regard thereto; but evidently he has some interest in it, and I find that I at the time made a memorandum on my copy of the bill that it was a section that the Senator from Missouri desired to be heard upon.

Mr. HEYBURN. Le it be passed over for the day.

Mr. McLAURIN. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, I have directed a page to make inquiry, and I am informed that the Senator from Missouri is not in the city.

Mr. HEYBURN. I have no objection to the section going over for the day.

Mr. BACON. As I understand, it does not go over under the general arrangement, but simply goes over to be recurred to when the Senator from Missouri is present.

Mr. HEYBURN. Yes; to be recurred to.

The VICE-PRESIDENT. Section 319 will be passed over for the present.

Mr. McLAURIN. Mr. President, before the section is passed over for the present, I wish to inquire of the Senator from Idaho if he does not think the penalty is too severe for some of the offenses that are referred to in this section? My idea is that a man who would go on a car for the purpose of committing an assault and battery upon another would come within the denunciation of this statute. That being so, it seems to me that an imprisonment of twenty years or a fine of $5,000, or both, would be pretty severe. It is true the court would have it in its discretion to make it very much less than that, but I do not think a court ought to be given the discretion that would allow it to impose a penalty of $5,000 and twenty years' imprisonment upon a man who is guilty of assault and battery. In my hurried reading of the section just now, it seemed to me that if a man were to go upon a railroad car for the purpose of committing the offense of assault and battery he would be liable to the severe penalty of $5,000 and twenty years' imprisonment. I think there ought to be some separation of that.

Mr. HEYBURN. Mr. President, the existing law was enacted very recently—in 1902, during the term of the Senator from Mississippi—and I have no doubt it received full consideration by the Judiciary Committee of this body and by both Houses of Congress. The section is existing law, and I suppose it was considered that this kind of an offense partook something of the nature of burglary at nighttime. The going upon a railroad train for a purpose of that kind involves a great many things. It involves the interference with the traffic and the stoppage of the train; it is going where a man is not under the ordinary protection of the law officers, and in a circumscribed room like the body of a car, to commit an offense of this kind places the object of the assault at a very great disadvantage.

It might be possible to separate the sections and prescribe a lesser punishment for a less serious offense, but I have no doubt that that question was seriously considered by the committee of this body which very recently passed upon it, and your joint committee did not feel at all justified in interfering with existing law under those circumstances. It was only in cases where legislation was made up of fragmentary sections of statutes passed long apart that we felt justified in dealing more liberally and freely with them, but where laws had been enacted within the comparatively recent period of a few years——

Mr. McLAURIN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. Does the Senator not understand that the language, "whoever goes upon a railroad train with the intent to commit any unlawful violence upon or against any passenger on said car or train," would include a man who should go upon a train with the intent to commit assault and battery, although he might not commit that assault, and that it would make him liable to a fine of $5,000 and twenty years' imprisonment if the court were to see proper to impose such a penalty upon him?

Mr. HEYBURN. It undoubtedly would.

Mr. McLAURIN. Does not the Senator think that would be a very severe penalty for such an offense?

Mr. HEYBURN. Mr. President, I do not believe that any court would inflict a penalty so severe, but even an offense of that kind or an intent of that kind might lead to most disastrous results. The Senator from Mississippi will bear in mind that a railroad car is a very circumscribed place and within narrow limits, and to go there and assault a person who is deprived of the protection which the law gives him if he is out in the body of the community not only may result seriously to the party assaulted or intended to be assaulted, but it may engender a riot in the car, and it may result in very serious accident, such as the stoppage of the train or the wrecking of it. However, I do not feel inclined to discuss the wisdom of existing legislation. The committee simply relied upon existing law.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER FOURTEEN.

GENERAL AND SPECIAL PROVISIONS.

Sec.		Sec.	
320.	Punishment of death by hanging.	329.	Who are principals.
321.	No conviction to work corruption of blood or forfeiture of estate.	330.	Punishment of accessories.
322.	Whipping and the pillory abolished.	331.	Accessories to robbery or piracy.
323.	Jurisdiction of State courts.	332.	Felonies and misdemeanors.
324.	Pardoning power.	333.	Murder and manslaughter; place where crime deemed to have been committed.
325.	Indians committing certain crimes; how punished.	334.	Construction of certain words.
326.	Crimes committed on Indian reservations in South Dakota.	335.	Omission of words "hard labor" not to deprive court of power to impose.
327.	Qualified verdicts in certain cases.	336.	Arrangement and classification of sections.
328.	Body of executed offender may be delivered to surgeon for dissection.	337.	Jurisdiction of circuit and district courts.

SEC. 320. The manner of inflicting the punishment of death shall be by hanging.

SEC. 321. No conviction or judgment shall work corruption of blood or any forfeiture of estate.

SEC. 322. The punishment of whipping and of standing in the pillory shall not be inflicted.

SEC. 323. Nothing in this Title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

SEC. 324. Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon

or remit, in whole or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted.

SEC. 325. All Indians committing against the person or property of another Indian or other person any of the following crimes, namely—murder, manslaughter, rape, assault with intent to kill, *assault with a dangerous weapon*, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above *named* crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be imprisoned at the discretion of the court.

SEC. 326. [The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the crime of rape within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This *section* is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and *six*, Laws of South Dakota, 1901.]

Mr. HEYBURN. I think it proper to call attention to the fact that this is not legislation of general application. It has been included within this revision because it seemed to be in the nature of a contract, one might almost say, pursuant to the provisions of the act of cession of jurisdiction. It relates only to South Dakota.

Mr. CURTIS. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. CURTIS. Was that in the enabling act?

Mr. HEYBURN. It was not in the enabling act.

Mr. CURTIS. Was it in a treaty with the Indians?

Mr. HEYBURN. No; it was a law enacted in pursuance of an act passed by the legislature of South Dakota making certain concessions and disclaiming certain rights. Pursuant to that Congress enacted this law. Your committee were instructed to revise and codify all laws of a general character, and whether or not this is a law of a general character is a question that may be considered. It is not a serious matter, because the law is not changed; that is, the section reported is existing law, and it could not be changed. I take it that Congress at any time would not undertake to change the provisions of this statute because it is pursuant to a constitutional contract.

Mr. BACON. The Senator will recall the criticism which on a former occasion, when there was before us a statute in some respects similar to this, in the fact that it designated the penalty as it might be prescribed in the laws of a State, he made upon legislation of that character.

Mr. HEYBURN. That was the Bull Run Water Company, of Portland, Oreg. There is this difference——

Mr. BACON. No; I was not referring to that.

Mr. HEYBURN. Oh!

Mr. BACON. I was referring to the class of legislation which refers to offenses designated in State laws.

Mr. HEYBURN. I understand.

Mr. BACON. The Senator himself called the attention of the Senate to what he considered to be the dangerous features in legislation of this kind. Now this, to a more limited extent, has some of the features which then met with the condemnation of the Senator.

I should like to inquire of him in this connection whether he understands from the language of this law that the reference to the laws of South Dakota is intended to fix the laws existing at the time of the passage of this act or whether this statute itself will be varied with any variation of the laws of South Dakota.

Mr. HEYBURN. I have sent for the laws of South Dakota. This is in the nature of a contract made between the General Government and the State of South Dakota, by which each cedes to the other certain rights, running with certain land, or the jurisdiction over certain territory. It is permanent in its character, because it is not within the power of Congress to change it.

Mr. BACON. Does the Senator understand that under this statute whenever the State of South Dakota changes the criminal law with reference to any of these offenses the change is also carried into this statute?

Mr. HEYBURN. I doubt their power to change it.

Mr. BACON. Does the Senator doubt the power of South Dakota——

Mr. HEYBURN. Yes; to change it.

Mr. BACON. To change her criminal laws?

Mr. HEYBURN. Yes; in this respect.

Mr. BACON. Well, I will read the section again. I may misunderstand the Senator.

Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota.

The question I propound—I do not know that I made myself clear—is whether or not in case the State of South Dakota changes its own laws as to any of these crimes that change will be carried into this statute? I presume the Senator does not mean to say that South Dakota can not change her criminal laws as to offenses outside of reservations. Am I correct in that?

Mr. HEYBURN. Under the construction that is given to this class of legislation by the courts of last resort, the laws in force in South Dakota at the time of the passage of this law would not be changed by subsequent legislation by South Dakota. This is one of those cases where Congress adopted the laws of South Dakota existing at the time of the passage of that act. It is not within the power of Congress to recognize the future act of the legislature of a State, because that would be in the nature of a delegation of the power to legislate. On the part of Congress this was an acceptance of the laws of South Dakota existing at the time of the passage of that act. It would not be within the power of Congress, I repeat, under the Constitution to recognize any change that the legislature of South Dakota might make after we had accepted it. I have the laws of South Dakota here now.

Mr. BACON. Does the Senator mean that it would not be within the power of Congress to recognize any change so far as it would affect the reservation? But does the Senator mean, as to the offenses of assault with intent to kill, assault with a dangerous weapon, or larceny committed in South Dakota outside of a reservation, that South Dakota would have no right to change the law?

Mr. HEYBURN. I do not, as to any territory outside of that involved in what you might call, not a "treaty," because we do not have treaties between a State and the General Government, but outside this "compact," which is based upon an act of the legislature of South Dakota. It will be found in the session laws of South Dakota for 1901, page 132, and I will read it into the RECORD, so that it will be a part of the consideration of this section:

CHAPTER 106—HOUSE BILL 106—CEDING JURISDICTION TO THE UNITED STATES OVER OFFENSES COMMITTED UPON INDIAN RESERVATIONS.

An act ceding to the United States of America jurisdiction over criminal offenses committed upon Indian reservations within the State of South Dakota.

Be it enacted by the legislature of the State of South Dakota:

SECTION 1. Jurisdiction given to the United States. There is hereby relinquished and given to the United States of America and the officers and courts thereof exclusive jurisdiction and authority to arrest, prosecute, convict, and punish all persons whomsoever shall, upon any Indian reservation within the State of South Dakota, commit any act in violation of the penal laws of the United States.

SEC. 2. Costs not chargeable to South Dakota. No costs or charges incurred in the courts of the United States in the prosecution of offenses committed upon any Indian reservation shall be chargeable to the State of South Dakota.

SEC. 3. To take effect when. This act shall be in full force and effect whenever the jurisdiction hereby relinquished shall be assumed by the United States.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 14, 1901.

Now, pursuant to that legislation, Congress passed the law of February 2, 1903, 32 Statutes at Large, page 793, chapter 351, which is existing law, upon which section 326, reported by your committee, is based.

Section 326 has simply welded together three sections of the act of February 2, 1903. The committee has not changed the law. It merely brings the three sections together as one. It is rather an unusual condition of legislation, and it is one that perhaps the courts may be called upon to solve.

I think we are not called upon to do more than to determine whether or not it is of such general character as makes it appropriate to be included within the work of your Committee on Revision. If it is not of such general character, then the only thing we need to do is to strike it out, and it will stand among the miscellaneous laws when the final report of the Committee on Revision is made. That, it seems to me, is the only question to be determined. I do not think we are called

upon at this time, or that it would be profitable, to go into the question of the wisdom or effect of the legislation, because it is existing law exactly as we have reported it.

Mr. BACON. But we want to know what the law means when we come to revise it.

Mr. HEYBURN. If it is not properly here, it is not material to go into that question.

Mr. BACON. We certainly ought to know what are the penalties we prescribe in a penal statute. I do not know whether I made myself understood to the Senator from Idaho, and, with his permission, I will repeat the question.

The provision of the bill which has been read and to which I have made reference, is that which codifies the third section of the act of 1903, and as it is there in more concise form, I will read it. Practically the bill reported by the committee is the same. Section 3 of the existing law is this:

SEC. 3. That any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits specified in section 1 of this act, shall be subject to the same penalties and punishment as are all other persons convicted of either of said crimes under the laws of the State of South Dakota.

Now, remembering the criticism which the Senator made upon similar general statutes which we have passed over and which had been repeated substantially in the bill reported by the committee, as to the unwisdom of providing penalties which should be specified not distinctly in the act itself, but designated only by reference to State laws—having that in mind and recollecting the forcible suggestions of the Senator in regard thereto—I ask whether or not it was the understanding of the committee that this section as repeated in the proposed bill would fix the penalty for either one of these particular offenses specified according to the statutes of South Dakota as they existed at the time of the enactment of the law in 1903, or whether these offenses committed on a reservation would have attached as a penalty upon conviction under the laws of the State of South Dakota as they might be at the time of the trial? That is the question.

Mr. HEYBURN. Under the decisions of the courts as the law now stands the penalties would have to be as fixed on the 2d day of February, 1903. There could be no delegation of a future power on the part of the legislature of South Dakota under any other law.

Mr. BACON. The Senator thinks that, in case the State of South Dakota should change its penal laws, it would not change the penalty which is now determined?

Mr. HEYBURN. No.

Mr. BACON. In other words, we simply refer to the laws existing in 1903 for the purpose of ascertaining what the penalties are?

Mr. HEYBURN. I am quite certain that is the case. It is not within the power of South Dakota so to change its criminal law or the penalties prescribed by the criminal law as to affect the provisions of this act. I am quite satisfied that under existing law, as interpreted by the courts of last resort, the penalties that might be imposed by the United States courts under the provisions of this act would be as they were on February 2, 1903. To hold otherwise would be to permit South Dakota to legislate so as to affect the judgment of United States courts.

Mr. BACON. I understand that, of course. The Senator does not then regard this section as open to the same objections that he himself suggested as to the sections which were passed over?

Mr. HEYBURN. Yes, I do regard this as being open to exactly the same objections, and it was probably for that reason more than another that I called the attention of the Senate to the section when it was read. I, however, had expected that it would be the judgment of the Senate that this section should go out on revision and rest as a part of the miscellaneous law. The committee held otherwise.

Mr. BACON. I would suggest to the Senator that this is less objectionable than a miscellaneous law, for the reason that the only thing that is referred to the statutes of South Dakota for determination is the question of the penalty.

Mr. HEYBURN. That is all.

Mr. BACON. Whereas the miscellaneous law refers to the statute law the question of the offenses as well as the penalty.

Mr. HEYBURN. Yes.

Mr. BACON. I think it is less objectionable than the one the Senator previously criticised.

Mr. HEYBURN. The section the Senator refers to is section 286, which is much broader in its terms and which more violently violates what I have suggested as being the proper rule. But I am not at all in sympathy with this class of legislation, whether it be in a general or a special law.

Mr. SUTHERLAND. Mr. President, while the section now under discussion is existing law, passed as recently as February 2, 1903 (and for that reason the committee felt constrained to incorporate it in this revision), personally I see no reason for its existence at all.

It will be observed that by the provisions of the law of South Dakota jurisdiction is ceded to the United States over these Indian reservations, the act to take effect as soon as such jurisdiction shall be assumed by the United States. Therefore, under that act all that it was necessary for the United States to do was to accept jurisdiction over these Indian reservations, and the moment jurisdiction was assumed over the Indian reservation, or, in other words, the moment the terms of the act of cession of South Dakota were accepted by the United States, the penal laws of the United States at once became effective and were extended over the Indian reservations.

So it seems to me the passage of this act in its existing terms is altogether an unnecessary thing, and perhaps may result in complications that none of us can just now foresee. If the committee had felt that it was within the scope of its duties, it would have stricken out the whole matter and provided a different law, simply accepting the terms of the cession. Then we would have gotten rid of the question which the Senator from Georgia raises with reference to adopting the laws of South Dakota, and these other questions.

It will be observed that section 326 limits the provision as to the crimes enumerated, namely, murder, manslaughter, assault, and so on, while there may be numerous other crimes as worthy of punishment under other general provisions of the laws of the United States. I see no reason why the act should have been adopted at all.

Mr. HEYBURN. Before passing this section I feel inclined to say that in my judgment South Dakota could release nothing to the United States in the way of its jurisdiction beyond the single provision contained in the Constitution of the United States. There is no power in the State to transfer its jurisdiction to the United States except as given in the Constitution, and that is for the limited purposes enumerated—for docks, arsenals, and so forth, and the grounds incident and necessary thereto. I do not know of any power resting in a State to cede to the United States its jurisdiction for the punishment of crime within ordinary territory, and it is because the consideration of this section opens up such a wide range of consideration of legal propositions that I hesitated to do more than merely call attention to the fact of the anomalous position in which this section stands before the Senate for consideration.

Mr. President, if the State could not cede it under the Constitution of the United States, the United States could not accept it; and in my judgment the act of the legislature of South Dakota and the act of Congress are both unenforceable and without any basis of authority under the Constitution of the United States.

Mr. BACON. Do I understand the Senator from Idaho to question the right of a State to cede jurisdiction over any part of its territory except under the provision of the Constitution of the United States?

Mr. HEYBURN. I question its authority to cede jurisdiction over any part of its territory except as indicated in the provision of the Constitution of the United States.

Mr. CURTIS. The jurisdiction yielded in this case is only over Indian reservations, is it not?

Mr. HEYBURN. It was only over Indian reservations. If the United States can have jurisdiction over an Indian reservation it is not by reason of the cession of that right by the State. It is by reason of the subject-matter of the jurisdiction as it attaches to the individual or to the property right.

Mr. CURTIS. Will the Senator yield for another question?

Mr. HEYBURN. Certainly.

Mr. CURTIS. Was not this jurisdiction yielded for the purpose of avoiding a conflict of jurisdiction? I do not question the Senator's statement. I am simply trying to find out the facts.

Mr. HEYBURN. I will answer the Senator's inquiry in a moment.

Mr. CURTIS. Was it not in order that there should be no conflict of jurisdiction and no question upon that point?

Mr. HEYBURN. The Senator correctly states the purpose that the legislature had in view and the purpose that Congress had in view, but without going elaborately into a consideration of the question I have suggested that neither the State nor the United States had the power to do what they have done. I did not intend to precipitate a debate upon the right of a State under the Constitution to cede the power that it has by virtue of its being a State, because that is a large question. But it must be clear that the legislature had no right to confer jurisdiction upon United States courts. United States courts have their jurisdiction by reason of the Constitution of the United

States and laws passed pursuant to the Constitution of the United States and in harmony with it, and it is not competent for the State to give anything to the Government of the United States, as it is permitted to do so by the express provision of the Constitution, which is not contained in Article I, section 8.

Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress—

Of course that is the District of Columbia—

become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Now, that is the whole scope of the power of the State to sell or cede or give jurisdiction over a single foot of its territory. If the United States has jurisdiction over Indians or Indian affairs because of the character of the subject-matter, that is another question.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I want to ask the Senator from Idaho whether he is familiar with the case, the title of which I have forgotten for the moment, known as the "Fort Leavenworth case," coming from Kansas?

Mr. HEYBURN. Yes; I know it. It is the Fort Leavenworth Railroad Company *v.* Howe (114 U. S., p. 525).

Mr. SUTHERLAND. If the Senator will permit me, that was a case, as I recall it, where the Supreme Court of the United States held that the section of the Constitution which the Senator has read should receive a broad construction, and in that case they applied this provision of the Constitution to a case where the United States had not acquired the land with the consent of the State, but where the land had been reserved for a military reservation, and afterwards the State legislature passed an act similar to the act which we now have under consideration, passed by the legislature of South Dakota, ceding jurisdiction to the United States.

Mr. HEYBURN. That was for military purposes.

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. The court held in the Leavenworth case that it came within the language:

For the erection of forts.

Fort Leavenworth is a great military fort at times, as well as a military post, and it was so, if my recollection is not at fault, before the State of Kansas was formed, when Kansas was yet a Territory.

Mr. SUTHERLAND. Yes; that is true.

Mr. HEYBURN. The Government reserved the land when Kansas was a Territory, at a time when it was subject to any act of Congress, and where there were no State sovereignty or States rights behind it. It was simply carried forward. There was a neglect on the part of somebody to make the formal transfer. When Kansas was admitted to statehood no provision was made for this military tract, what is now Fort Leavenworth, and it was necessary to patch it up afterwards by legislation. The question came into the United States Supreme Court, and under those circumstances, it having been a military post before the State existed and it having been carried forward as an actual military post afterwards, the court would not draw a fine line, but suggested that the State of Kansas through the legislative process should cede this land to the Government, which it did; and the court held that that having been done, the jurisdiction of the United States was as complete over it under this provision of the Constitution as though it had been regularly ceded after statehood. I think that is the full force and scope of the Leavenworth case.

I think we had best let this law alone, and let the courts deal with it, if they should ever have occasion to do so. I do not believe it is necessary for us to do more than to investigate it so far as to determine the fact that we do not desire to investigate it any further or at all; and unless there is some objection, I will ask that the section be passed, and, probably, when it comes up for final consideration, ask that it be dropped out.

Mr. BACON. Mr. President, I am perfectly content with the suggestion of the Senator from Idaho. Do I understand him to desire that the entire section of the bill, 326, be passed, or simply that section 3 of the act of 1903 be allowed to remain as it is without revision?

Mr. HEYBURN. I would suggest that the entire section be passed. If you strike out the final clause, then you leave nothing but administrative law, which has no place in a criminal code. The legislature of South Dakota provided that "this act shall be in full force and effect whenever the jurisdiction hereby relinquished shall be assumed by the United States." "Assumed" is rather an indefinite term. It might be by legislation or it might be by general consent. But that is immaterial. The act of Congress accepting this cession of jurisdiction would not be within the criminal code at all, and should not appear in it. It would be administrative law and would be in the body of administrative laws that will be reported under an entirely different head.

Mr. BACON. I understand the suggestion of the Senator to be that section 326 of existing law, which is a restatement of the act of February 2, 1903, shall be allowed to remain as it is without revision?

Mr. HEYBURN. Shall be passed.

Mr. BACON. Shall be passed.

I do not want to say anything further on it, except in reply to one suggestion of the Senator from Idaho, I think it proper to say that the section of the Constitution which he has read as to the right to exercise exclusive legislation on the part of Congress, while it might be construed as a limitation on the power of the United States Government as to the territory in which it should exercise jurisdiction, could not possibly, I think, be construed to be a restriction upon the power of the State to alienate its territory for that purpose.

Mr. HEYBURN. But, Mr. President, there must be a party capable of granting as well as receiving, and of receiving as well as granting. While the State might under an interpretation of the language of the act creating the State have such power under this provision, which is a limitation upon the power of the United States, it is very clear that the United States has no power to receive a grant of that kind.

Mr. BACON. The Senator speaks of an act creating the State. The Senator will recollect that some States were never created by act, but themselves created the Federal Government. Consequently it could not apply to any such State. No one of the original thirteen States was created by act of Congress, and they do not derive any of their powers from an act of Congress.

Mr. HEYBURN. No; but South Dakota was created by an act of Congress——

Mr. BACON. I understand that.

Mr. HEYBURN. And it was created pursuant to that provision of the Constitution which contemplated the creation of States.

Mr. BACON. Of course if there is anything in the enabling act which restricts that power, and under the condition of which the State was admitted, that would be binding. That is a different thing.

The VICE-PRESIDENT. The section will be passed over.

The Secretary resumed the reading of the bill, as follows:

SEC. 327. In all cases where the accused is found guilty of the crime of murder *in the first degree*, or rape, the jury may qualify their verdict by adding thereto, "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life.

SEC. 328. The court before which any person is convicted of murder *in the first degree, or rape*, may, in its discretion, add to the judgment of death that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person appointed by him, shall receive and take away the body at the time of execution.

SEC. 329. [*Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.*]

Mr HEYBURN. I think it only fair to say that section 329 is new legislation in effect. I call the attention of Senators to it:

Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

That law exists.

Mr. BACON. I ask the Senator from Idaho in what regard that definition differs from the definition at common law?

Mr. HEYBURN. It does not differ in effect, but it differs in method of statement. Many States have adopted this provision in order that the party who is an accessory may be punished without waiting for the punishment of the principal. It seems to me to be a legal necessity, because very often the principal escapes. This provision seemed to the committee to be eminently wise. It has been adopted in most of the States.

Mr. BACON. If the Senator will pardon me, is it not true that in those States where this legislation has been had, the language of the statute goes a little further and specifically provides (I know it is so in some jurisdictions) what the Senator from Idaho states as the effect of the present proposed statute; in other words, it specifically provides in such cases that such accessory may be brought to punishment before the conviction of the principal?

Mr. HEYBURN. We have already provided for that.

Mr. BACON. In another section?

Mr. HEYBURN. Yes.

Mr. BACON. I withdraw the suggestion, then.

The reading of the bill was resumed, as follows:

SEC. 330. [*Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years.*]

SEC. 331. Whoever, *without lawful authority*, receives or takes into custody any vessel, goods, or other property feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and whoever, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy, and shall be imprisoned not more than *ten* years.

Mr. HEYBURN. I think it proper to call attention to the fact that we have omitted the fine that is provided for in existing law and have increased the term of imprisonment in this section. The section should have been printed in brackets. That omission is due to an oversight in the mark for the printer. The committee have made a different arrangement of the punishment.

The reading of the bill was continued, as follows:

SEC. 332. *All offenses which may be punished by death, or imprisonment for a term exceeding one year, shall be deemed felonies. All other offenses shall be deemed misdemeanors.*

Mr. HEYBURN. I will call attention to section 332, that it may appear orderly in the RECORD. I have been asked a number of times during the consideration of this bill whether or not there was a provision defining felonies and misdemeanors. I would call attention to the section just read as answering that question.

The reading of the bill was continued, as follows:

SEC. 333. [*In all cases of murder or manslaughter, the crime shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered, or other means employed which caused the death, without regard to the place where the death occurs.*]

Mr. BACON. I should like to ask the learned Senator in this connection what he would say as to the effect of that provision of law in a case where a mortal wound was inflicted or poison administered in another jurisdiction and where the party died within the jurisdiction of the United States. There is a principle of law——

Mr. HEYBURN. It is a very embarrassing question.

Mr. BACON. There is a principle of law which this section is intended to make definite that will make the offense indictable in the jurisdiction where the party died. This provision is all-sufficient if the original offense is committed inside of the United States, and the ultimate consequence occurs also in the United States. In that case there is no difficulty, because he can then be indicted in the jurisdiction of the State, for instance, or Territory where the wound was inflicted or the poison administered. But whether it would reach the case of a wound inflicted in Canada or poison administered in Canada and death consequent thereon in the United States is another question. I do not know what the law of Canada may be on that subject, but if the law of Canada were different on the subject the party might escape punishment entirely.

Mr. HEYBURN. It was under this provision of law that the difficulty occurred as to the jurisdiction in the Guiteau case, to which I referred recently. It is necessary to determine whether the place of the wound or the place of the death shall govern. There is a vast amount of adjudication upon this question, but it has been resolved down finally in this country to the principle expressed in the section as reported by the committee. It was the decision of the court in the Guiteau case that the jurisdiction attached at the place where the wound was inflicted. If the Senator will refer to the decision in that case, he will find a very comprehensive consideration of this question and of the authorities bearing upon it.

The United States courts commenced to deal with the question very early in the last century, as in a country divided up as is this by State lines and by various geographical lines the question must often arise. The committee adopted the conclusion reached by the United States court in that case, thinking that it best expressed the ultimate wisdom upon the subject.

Mr. BACON. I would think a much better provision would be one which would give jurisdiction to the court either where the original blow was struck or the poison administered or where the party died, on the same principle, if the Senator will pardon me a moment, that jurisdiction is given to the courts in a case of larceny, either in the jurisdiction in which the larceny was originally committed or in any jurisdiction into which the party may carry the stolen goods.

Mr. HEYBURN. If the Senator will permit me, there——

Mr. BACON. I hope the Senator will pardon me a moment. I have not much to say. I know in some jurisdictions—I do not think I can be mistaken in the fact—it is provided that the party can be indicted for murder in the jurisdiction in which the victim died. I do not see any inconsistency in conferring jurisdiction on the courts of either particular place.

I do not make this suggestion in any captious spirit or in any criticism of the committee, but it does occur to me that where we have countries lying on the north and the south of us, as in the case of Mexico and Canada, and where there is such frequent intercommunication and such easy opportunity for the escape of a criminal from one jurisdiction into the other, unless we know that there are similar laws in those countries, it would be very advisable that this provision should be expanded, so that the courts either at the place of the original offense where the wound was inflicted or where the poison was administered or the courts where the party dies should have jurisdiction to indict for the offense of murder or whatever the offense might be.

If it be true that Canada, for instance, has a law which would not permit of the indictment of a person in Canada who had inflicted a mortal wound in that jurisdiction upon one who died in the United States, it would be a most unfortunate condition of affairs if that man could not be indicted either in the United States or in Canada.

Mr. HEYBURN. The difficulty has arisen in a number of cases upon extradition. It will be apparent that under our extradition laws it is entirely convenient to bring a party who has committed the crime of murder in this country back for trial. If the deadly blow were struck in Canada, it is a violation of the law of Canada, and not of the law of the United States. The death of the party is an incident to the striking of the blow; it is not the crime. The crime does not consist in the party dying; it consists in the striking of the blow that results in death. So that seems to fix the place where the crime was committed.

The case of the offense following the goods is not applicable to a case of murder, because frequently difficulty has occurred from the inability of the courts to command the presence of the body of the party killed. There are some old statutes which provide for the presence of the body or that make it necessary that the body of the party killed shall be within the jurisdiction where the party is tried. But that is not the law in this country now. So the law has been construed in the light of the convenience of extradition treaties for the purpose of bringing parties back to be tried where the law was really violated.

I can readily see that we would have a very strong feeling and a very strong disposition to punish a party who killed an American citizen by striking the deathblow on the Canadian side of the line and our citizen should rush over within his home jurisdiction. We would naturally want to get the criminal. But we must rely to some extent in a case of that kind upon that spirit of comity, if I may so designate it, which prompts one friendly and civilized nation to enforce the law on behalf of the citizens of another. If a citizen of the United States should receive a mortal blow in Canada at the hands of a citizen of that country, the party striking the blow would be indictable and triable in Canada.

I think that no miscarriage of justice or failure of justice would result from the enforcement of the law the committee has reported.

Mr. BACON. If the Canadian law is just as we propose to make it here. If that is the common law, it is not necessary to put this provision into the statute; and if it is not the common law we have no guaranty that such is the law in Canada unless we know what is the statute there.

Mr. HEYBURN. I should like to make an answer in that connection, if the Senator will permit an interruption.

The common law is not equally applicable everywhere. In the Guiteau case it was necessary for the court, I almost feel justified in saying, to strain a point to make the common law applicable. They had to engraft it upon the District of Columbia through its inheritance of the laws of Maryland, of which this territory had been a part. It has always seemed to me that that was rather a radical interpretation of the law, but it was necessary that the court should reach out and appropriate any principle of law that could be made at all applicable.

Had it not been that the common law had been adopted in Maryland prior to the cession of the portion constituting the District of Columbia, there would have been no jurisdiction within which Guiteau could have been tried. That was the unfortunate condition existing at that time. The United States Supreme Court so held.

Mr. SUTHERLAND. Mr. President, the decisions of the courts upon this particular matter, as I remember them, are in most hopeless confusion. Some of the States have undertaken

to pass laws such as those suggested by the Senator from Georgia [Mr. BACON], namely, that a prosecution for murder might take place where the death occurred, irrespective of the place where the mortal wound was inflicted.

That was done in the State of Michigan, for example. The supreme court of Michigan, by a divided court, held that the legislation was valid. I do not recall now the volume in which the case will be found, but in that case there is a very strong dissenting opinion by Chief Justice Campbell, holding the contrary view.

A similar statute was passed, I think, in Massachusetts and it was held valid there. A statute of the same character was enacted in the State of New Jersey, and the supreme court of New Jersey held that the statute was invalid. Numerous other courts have held the same. My opinion is that the great weight of authority is that a statute of that kind, undertaking to provide that a murderer may be prosecuted where the person dies, irrespective of where the mortal wound was inflicted, is invalid. I think the weight of authority is that way.

Mr. BACON. Will the Senator pardon an interruption?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I am quite confident that that is the statute in my State and has been the law for a long time. I have sent for the book to see if I can find it. I want to say to Senators that I do not profess to be a criminal lawyer, and what practice I have had has been somewhat on the other side of the court. At the same time, it is a very interesting and a very important subject, and I think it ought to have due attention from the Senate in the enactment of a body of penal law.

Mr. SUTHERLAND. I do not know, of course, what the provision of the laws of the Senator's State may be, but I know that some of the States have undertaken to make that provision, and in some States the provision has been held to be valid, but I think in the majority of the States the contrary has been held.

Mr. BACON. I think the cause for the enactment of a law of that kind in my State was in the old days when dueling was in fashion, and the young men used to go across the river for the purpose of indulging in a pastime of that kind, when sometimes, unfortunately, there was a mortal wound inflicted and death occurred upon the return to the State. But, of course, that condition of affairs has entirely passed. I do not think there has been any dueling in the State of Georgia in forty years, certainly not in thirty years. Still I believe that was the condition of affairs which gave rise to the enactment of that law.

Mr. SUTHERLAND. While this subject was under consideration before the committee, I had occasion to look into it to a somewhat limited extent, and I found the authorities to be as I have stated.

The matter is discussed by Mr. Bishop in his work on Criminal Law, and Mr. Bishop gives it as his very positive opinion that statutes of a character such as the Senator says exist in the State of Georgia are absolutely invalid, because, he says, the offense of murder is not committed where the victim dies; that is a mere consequence, but it is not a crime; the crime is committed where the mortal wound is inflicted, provided the victim dies within a year and a day thereafter.

Mr. BACON. What would the Senator say in a case where, as is entirely practicable and sometimes occurs, a man standing on one side of a line dividing two jurisdictions fires a shot which kills a man on the other side of the line? That has occurred, and it is liable to occur.

Mr. SUTHERLAND. Yes, that has occurred, and I think there is no difficulty in that sort of a case. It falls within an entirely different principle. There the mortal wound is inflicted where the shot takes effect, and not where the force was set in operation. I think it was held in a recent poisoning case in California, as I recall it, that where the poisoned candy had been sent from one part of the United States into another State the crime was committed where the poisoned candy was received and eaten.

Mr. BACON. That is entirely in conflict with the general principle upon which the statute would fix the place where the wound was inflicted as the place of jurisdiction.

Mr. SUTHERLAND. No, I think not, Mr. President. I think it is in entire harmony with the general principle. The courts hold that where a man standing upon one side of a State line shoots across the State line into another State and inflicts a mortal wound the murder is committed where the mortal wound is inflicted. If a man happened to be within the same State where the person inflicting the wound was, of course the crime of murder would be committed in that State. If the person who receives the mortal wound is in another State, the offense of murder is committed in that State, because that is where the mortal wound is inflicted.

Mr. BACON. I have that section of the Georgia statute before me. I find that I am not entirely accurate, but I am partially so. The general principle which is recognized in this proposed statute is recognized also in the Georgia statute so far as it relates to a wound inflicted in one county where death occurs in another county. In that case the county in which the wound is inflicted is given jurisdiction over the offense.

Mr. HEYBURN. Yes.

Mr. BACON. But the succeeding section varies to some extent that principle, and is the one which I had in mind when I stated that there was a provision of that kind in the Georgia law. The section to which I refer reads:

If such wound—

The statute is speaking now of a homicide by a wound inflicted or by the administering of poison—

If such wound be given or poison administered upon soil the jurisdiction over which has been ceded to the United States, within the geographical limits of this State, or within the territory of an adjoining State, and death shall ensue therefrom in any county in this State, the indictment shall be found and the cause tried in the county where the death occurs.

I knew there was a provision of that kind in the Georgia law.

Mr. SUTHERLAND. Yes; but that character of legislation has been held, I remember very clearly, in the State of New Jersey to be invalid.

Mr. BACON. I want to say to the Senator, if he will pardon an interruption, that that clause has been under challenge in the State of Georgia, and has been determined by the supreme court of the State to be valid in the thirty-fourth volume of Georgia reports.

Mr. SUTHERLAND. Was determined to be valid?

Mr. BACON. Yes; was determined to be valid.

Mr. SUTHERLAND. Then the supreme court of Georgia is in harmony with the decisions in the States of Michigan and Massachusetts, but not in harmony with what I believe to be the weight of authority on this question. I was going to call attention to one phase of this matter which seems to require that some such provision as this should be adopted. Under existing law it seems to be held by the Supreme Court and by the Federal courts generally that, in the absence of some statute upon the subject, before a person could be convicted of murder both the blow and the death must happen within the sovereignty of the prosecuting power. For example, in the case of United States *v.* Hewecker, 79 Federal Reporter, page 61, the court, speaking on this subject, says:

In some statutes that have been referred to, ancient and modern, the term "murder" is, perhaps, used in a general sense by way of recital or reference only, meaning, possibly, any malicious homicide. But the term "murder" in its strict and legal sense, and as importing a legal offense, has a more limited meaning. Apart from some—

And this is the part I call especial attention to—

Apart from some special statute, it is said to be necessary, in order to constitute the offense of "murder," that the blow and the death happen under the same sovereignty, and that the death occur within a year and a day after the felonious act.

That seems to be followed by the Supreme Court of the United States in the case of Ball *v.* The United States (140 U. S. Reports, p. 133), where the court, speaking of the indictment, says:

This fails to aver either the time or place of the death. By the common law, both time and place were required to be alleged. It was necessary that it should appear that the death transpired within a year and a day after the stroke, and the place of death, equally with that of the stroke, had to be stated, to show jurisdiction in the court. The controlling element which distinguished the guilt of the assailant from a common assault was the death within a year and a day, and also within the same jurisdiction.

So that being so, and it being conceded by the court that the principle may be controlled by special statute, it seemed to the committee to be necessary to provide that special statute; otherwise, under the decision of the Supreme Court of the United States, we might be confronted with a case where the mortal blow was inflicted under one sovereignty and the death happened under another, and the United States would be powerless to enforce the law against murder.

Mr. BACON. But the question I had in mind was not directed so much to the wisdom of this provision, which gives jurisdiction to the court in the territory or place where the wound was inflicted, as it was to the question whether it would not be wise to enlarge it, so as to give jurisdiction at either the place where the wound was inflicted or the place where the party died. In view of the fact that we have one rule in one jurisdiction and another rule in another, in that way recognizing the validity of either or both, it occurred to me that possibly it might be in the interest of justice and the enforcement of law if it was given to either jurisdiction; but the committee has doubtless given the subject careful consideration, and I will not press the point if it does not meet with their approval.

Mr. SUTHERLAND. I suggest to the Senator from Georgia that the rule adopted by the committee is undoubtedly valid and that it would undoubtedly be sustained by the court; but, if we adopted the contrary rule, it would be an experiment, to say the least, and my impression is that we had better adopt the rule which we know will be enforced by the court and held to be valid by the court, rather than to adopt a rule about which there may be considerable doubt.

Mr. HEYBURN. I call attention to the fact that Congress has always recognized the rule as we have adopted it in this section. I call the attention of the Senator from Georgia to the expression in the existing law, which was approved March 3, 1857. Section 3 of the existing law provides:

Or who upon any such waters—

That is describing the jurisdiction—

maliciously strikes, stabs, wounds, poisons, or shoots at any other person, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

You will see that Congress prescribed that the party should suffer death by reason of having struck the blow within the jurisdiction, but they did not provide——

Mr. BACON. I quite agree with the suggestion that it is important to retain the jurisdiction where the blow was struck. I do not differ as to that, but I am only in doubt as to whether it would not be wise to extend the jurisdiction, so that in a case where the party may have been struck in one jurisdiction and died in another jurisdiction he would be indictable. That is the only point whatever in the suggestion I have made. It is to meet a case where the blow might have been struck in another jurisdiction, and where it is possible that under the law of that jurisdiction the party could not be indicted unless he died within that jurisdiction.

Mr. HEYBURN. Mr. President, I think this embarrassment comes from the decision of the United States Supreme Court as it now stands—that the jurisdiction can rest in but one place or one sovereignty; and we shall have to select between the jurisdiction and where the blow was struck and where the death occurred. The Supreme Court has already held in a very well-considered case that the jurisdiction under the law as it is here—for this law of 1857 was in force when they rendered the opinion—should be where the blow was struck.

The reading of the bill was resumed, as follows:

SEC. 334. *Words used in this title in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" and the word "whoever" include a corporation as well as a natural person; writing includes printing and typewriting, and signature or subscription includes a mark when the person making the same intended it as such. The words "this title," wherever they occur herein, shall be construed to mean this act.*

Mr. BACON. Mr. President, if I understand the arrangement which was made by the Senators in charge of the bill when the bill was taken up, it was agreed that the sections which were altogether new should not be acted upon, but should be passed over for final consideration hereafter. Is not this section one of that class?

Mr. HEYBURN. This is merely a designation of definitions. I think it is hardly of sufficient technical importance to be now passed over.

Mr. BACON. With that understanding, I have no objection.

Mr. HEYBURN. The Senator will see it is merely giving the definitions applying to the preceding sections.

Mr. BACON. Then I have no objection to it.

Mr. HEYBURN. I will suggest, as there seems to be a desire for an executive session, that we finish the reading of the bill proper, deferring the reading of the repealing section until another session.

The reading of the bill was resumed, as follows:

SEC. 335. *The omission of the words "hard labor" from the provisions prescribing the punishment in the various sections of this act shall not be construed as depriving the court of the power to impose hard labor as a part of the punishment in any case where such power exists.*

SEC. 336. *The arrangement and classification of the several sections of this title have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the chapters under which any particular section is placed.*

SEC. 337. *The crimes and offenses defined in this title shall be cognizable in the circuit and district courts of the United States, as prescribed in sections 563 and 629 of the Revised Statutes.*

Mr. HEYBURN. Mr. President, there are four sections—less than a page—which belong to the body of the bill, and I will ask that they be read, passing over the repealing section, which is section 338. Then I will ask to lay the bill aside, but I should like before doing so to leave it in an orderly way.

Mr. BACON. Mr. President, I do not know that there is any particular significance in the last three sections which have been read, but they might be material. They relate, however, to the question of the construction of statutes. I do not know that there is any objection to those three sections—I am not speaking now about section 334; that seems to be entirely innocuous and to merely relate to style, if I am correct; but I think sections 335, 336, and 337, without having in mind any particular criticism upon either one of them, had better lie over with the other sections which have been passed over, because they are of a most radical and material nature.

Mr. HEYBURN. There will be no difficulty in recurring to them.

Now, I should like to pass over the repealing section, which covers several pages, and let the last four sections be read, so that the body of the bill will have been entirely read, if there be no objection to that course.

The VICE-PRESIDENT. The part of the bill referred to by the Senator from Idaho will be passed over, and the Secretary will resume reading with section 339.

Mr. BACON. I do not understand the suggestion of the Senator from Idaho.

Mr. HEYBURN. It is that we pass over section 338, and then finish the reading of the bill.

Mr. BACON. The Senator proposes to pass that section over for future consideration?

Mr. HEYBURN. Yes; that we let that section lie over.

Mr. BACON. Very well. I have no objection to that course.

The Secretary resumed the reading of the bill, as follows:

SEC. 339. The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made.

Mr. BACON. I will ask the Senator from Idaho if section 339 is the existing law?

Mr. HEYBURN. No. It is in explanation of the methods of the committee in arranging and organizing existing law. Such provisions are always necessary in the preparation of codes.

Mr. BACON. Very well. I have read section 339 and I am content with that. Now, let section 340 be read, and I will follow it. By reason of the difference in the paging I was unable to refer to the particular sections which were being read.

The reading of the bill was resumed, as follows:

SEC. 340. All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, or changed, modified, or repealed by this title, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

SEC. 341. All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made.

SEC. 342. This act shall take effect and be in force from and after the 1st day of July, 1908.

Mr. HEYBURN. Mr. President, I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

REVENUE CUTTER ON THE COAST OF OREGON.

Mr. FULTON. Mr. President, I have here a short bill, local in character, reported from the Committee on Commerce, and I ask unanimous consent for its present consideration. It is Senate bill No. 4098.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4098) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, which had been reported from the Committee on Commerce with an amendment, in line 5, after the words "on the," to strike out "Pacific coast with headquarters at Astoria, Oreg.," and insert "coast of Oregon," so as to make the bill read:

Be it enacted, etc., That the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, for duty on the coast of Oregon, is hereby authorized, at a total cost not to exceed $250,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the construc-

tion of a steam vessel for the Revenue-Cutter Service for duty on the coast of Oregon."

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 12 minutes p. m.), the Senate adjourned until Monday, February 3, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, January 31, 1908.

ENGINEER IN THE REVENUE-CUTTER SERVICE.

Cadet Engineer Harvey Fletcher Johnson, of Virginia, to be second assistant engineer in the Revenue-Cutter Service of the United States, with the rank of third lieutenant.

APPOINTMENT IN THE ARMY.

General officers.

Col. Charles E. L. B. Davis, Corps of Engineers, to be brigadier-general from January 29, 1908, vice Crawford, retired from active service.

Col. Ramsay D. Potts, Fifth Field Artillery, to be brigadier-general from January 31, 1908, vice John M. K. Davis, to be retired from active service.

PROMOTIONS IN THE NAVY.

Commander Albert B. Willits to be a captain in the Navy from the 28th day of January, 1908, vice Capt. Harrison G. O. Colby, retired.

Capt. Conway H. Arnold to be a rear-admiral in the Navy from the 30th day of January, 1908, vice Rear-Admiral Leavitt C. Logan, retired.

POSTMASTERS.

CALIFORNIA.

Alonzo Bradford to be postmaster at Haywards, Alameda County, Cal., in place of Alonzo Bradford. Incumbent's commission expired February 16, 1907.

Leonard S. Calkins to be postmaster at Nevada City, Nevada County, Cal., in place of Leonard S. Calkins. Incumbent's commission expires February 5, 1908.

James L. Matthews to be postmaster at Covina, Los Angeles County, Cal., in place of James L. Matthews. Incumbent's commission expired January 14, 1908.

Howard A. Preston to be postmaster at Jamestown, Tuolumne County, Cal. Office became Presidential January 1, 1908.

COLORADO.

Frank E. Baker to be postmaster at Fort Morgan, Morgan County, Colo., in place of Frank E. Baker. Incumbent's commission expired January 4, 1908.

GEORGIA.

Charles Beugnot to be postmaster at Mount Vernon, Montgomery County, Ga. Office became Presidential January 1, 1907.

James F. Boughton to be postmaster at Madison, Morgan County, Ga., in place of James F. Boughton. Incumbent's commission expired February 12, 1907.

John C. Massey to be postmaster at Hartwell, Hart County, Ga., in place of John C. Massey. Incumbent's commission expired January 31, 1907.

Cebrom D. Williams to be postmaster at Greenville, Meriwether County, Ga. Office became Presidential January 1, 1907.

ILLINOIS.

Thomas E. Ballinger to be postmaster at Chenoa, McLean County, Ill., in place of Thomas E. Ballinger. Incumbent's commission expired January 4, 1908.

Hugh Bennett to be postmaster at Coal City, Grundy County, Ill., in place of Hugh Bennett. Incumbent's commission expired January 11, 1908.

Charles E. Healey to be postmaster at Loda, Iroquois County, Ill. Office became Presidential January 1, 1908.

John A. Johnson to be postmaster at Palestine, Crawford County, Ill. Office became Presidential January 1, 1908.

Henry C. Paradis to be postmaster at Momence, Kankakee County, Ill., in place of Henry C. Paradis. Incumbent's commission expired March 11, 1907.

T. B. Williams to be postmaster at Sidell, Vermilion County, Ill. Office became Presidential October 1, 1907.

IOWA.

Cornelius C. Platter to be postmaster at Red Oak, Montgomery County, Iowa, in place of Cornelius C. Platter. Incumbent's commission expired December 17, 1907.

H. E. Wyatt to be postmaster at Rockford, Floyd County, Iowa, in place of Ralph M. Potter, resigned.

KANSAS.

George E. Grimes to be postmaster at Severy, Greenwood County, Kans. Office became Presidential October 1, 1907.

Frank A. Jewell to be postmaster at Arcadia, Crawford County, Kans. Office became Presidential January 1, 1908.

Charles H. Kurtz to be postmaster at Mulberry, Crawford County, Kans. Office became Presidential January 1, 1908.

James H. Large to be postmaster at Belle Plaine, Sumner County, Kans. Office became Presidential January 1, 1908.

Charles J. Nordstrom to be postmaster at Marquette, McPherson County, Kans. Office became Presidential January 1, 1908.

KENTUCKY.

George P. Thomas to be postmaster at Cadiz, Trigg County, Ky. Office became Presidential October 1, 1906.

Miles M. J. Williams to be postmaster at Eminence, Henry County, Ky., in place of Miles M. J. Williams. Incumbent's commission expired January 26, 1907.

MAINE.

Jonathan F. Jefferds to be postmaster at Livermore Falls, Androscoggin County, Me., in place of Jonathan F. Jefferds. Incumbent's commission expired January 22, 1908.

MARYLAND.

Walton C. Orrell to be postmaster at Centerville, Queen Anne County, Md., in place of Walton C. Orrell. Incumbent's commission expires February 10, 1908.

MASSACHUSETTS.

William L. Nickerson to be postmaster at Chatham, Barnstable County, Mass., in place of William L. Nickerson. Incumbent's commission expires February 23, 1908.

MICHIGAN.

Leander D. Chapple to be postmaster at Wayland, Allegan County, Mich. Office became Presidential January 1, 1908.

Lewis E. Churchill to be postmaster at Gobleville, Van Buren County, Mich. Office became Presidential October 1, 1907.

Volney W. Olds to be postmaster at Hartford, Van Buren County, Mich., in place of Volney W. Olds. Incumbent's commission expires February 9, 1908.

Edwin P. Radford to be postmaster at Hermansville, Menominee County, Mich., in place of Edwin P. Radford. Incumbent's commission expired January 11, 1908.

Albert Schell to be postmaster at North Branch, Lapeer County, Mich., in place of Walter W. Harrington. Incumbent's commission expires February 20, 1908.

MINNESOTA.

Clarence J. Buckley to be postmaster at Delano, Wright County, Minn., in place of Clarence J. Buckley. Incumbent's commission expired January 18, 1908.

Charles Canfield to be postmaster at Winnebago, Faribault County, Minn., in place of Frederic M. Grinnell, removed.

Fred N. Corey to be postmaster at Elk River, Sherburne County, Minn., in place of Fred N. Corey. Incumbent's commission expires February 20, 1908.

Ole C. Enge to be postmaster at Elmore, Faribault County, Minn., in place of Ole C. Enge. Incumbent's commission expires February 20, 1908.

E. E. Lane to be postmaster at Sherburn, Martin County, Minn., in place of Eugene M. Harkins, resigned.

MISSOURI.

Benjamin F. Carter to be postmaster at Browning, Linn County, Mo., in place of Benjamin F. Carter. Incumbent's commission expired January 11, 1908.

Charles L. Mowder to be postmaster at Braymer, Caldwell County, Mo., in place of Charles L. Mowder. Incumbent's commission expired January 11, 1908.

Adrian Steel to be postmaster at Ironton, Iron County, Mo., in place of John N. Bishop. Incumbent's commission expired January 27, 1908.

Charles L. Zenge to be postmaster at Canton, Lewis County, Mo., in place of Lauriston H. Condit. Incumbent's commission expires February 29, 1908.

NEW JERSEY.

William H. Beatty to be postmaster at Alpha, Warren County, N. J., in place of Richard A. Applegate, removed.

J. W. Danser to be postmaster at Freehold, Monmouth County, N. J., in place of J. W. Danser. Incumbent's commission expires February 5, 1908.

Frank A. Esty to be postmaster at Clinton, Hunterdon County, N. J., in place of Frank A. Esty. Incumbent's commission expired November 19, 1907.

William C. Howell to be postmaster at Blairstown, Warren County, N. J., in place of William C. Howell. Incumbent's commission expired January 25, 1908.

Andrew Mercer to be postmaster at Lodi, Bergen County, N. J., in place of Andrew Mercer. Incumbent's commission expires February 22, 1908.

Lawrence W. Sickler to be postmaster at Glassboro, Gloucester County, N. J., in place of Lawrence W. Sickler. Incumbent's commission expired January 14, 1908.

NEW MEXICO.

Arthur A. Matheny to be postmaster at Melrose, Roosevelt County, N. Mex. Office became Presidential January 1, 1908.

NEW YORK.

David Akers to be postmaster at Hillburn, Rockland County, N. Y., in place of Edward C. Ripley. Incumbent's commission expired January 18, 1908.

Robert G. Anderson to be postmaster at Freeport, Nassau County, N. Y., in place of Robert G. Anderson. Incumbent's commission expired January 25, 1908.

Thomas H. Dickinson to be postmaster at Champlain, Clinton County, N. Y., in place of Thomas H. Dickinson. Incumbent's commission expired January 18, 1908.

Marc D. Johnson to be postmaster at Randolph, Cattaraugus County, N. Y., in place of Orvel H. Willard. Incumbent's commission expires February 3, 1908.

Thomas A. McWhinney to be postmaster at Lawrence, Nassau County, N. Y., in place of Thomas A. McWhinney. Incumbent's commission expired January 25, 1908.

William A. Reinhart to be postmaster at Inwood, Nassau County, N. Y. Office became Presidential October 1, 1907.

Frank B. Spaulding to be postmaster at Witherbee, Essex County, N. Y. Office became Presidential January 1, 1908.

De Witt C. Titus to be postmaster at Hempstead, Nassau County, N. Y., in place of De Witt C. Titus. Incumbent's commission expired January 18, 1908.

Oliver H. Tuthill to be postmaster at Rockville Center, Nassau County, N. Y., in place of Oliver H. Tuthill. Incumbent's commission expires April 27, 1908.

NORTH CAROLINA.

Frank B. Benbow to be postmaster at Franklin, Macon County, N. C. Office became Presidential January 1, 1907. Postmaster resigned.

Walter C. Brinson to be postmaster at Belhaven, Beaufort County, N. C. Office became Presidential January 1, 1907.

Samuel M. Jones to be postmaster at Sanford, Moore County, N. C., in place of Samuel M. Jones. Incumbent's commission expires February 1, 1908.

NORTH DAKOTA.

Edmund K. Cavileer to be postmaster at Pembina, Pembina County, N. Dak., in place of Edmund K. Cavileer. Incumbent's commission expires February 18, 1908.

M. C. Knudsen to be postmaster at Esmond, Benson County, N. Dak. Office became Presidential October 1, 1906. Postmaster removed.

James Power to be postmaster at Portland, Traill County, N. Dak. Office became Presidential January 1, 1908.

OHIO.

John C. Douglass to be postmaster at College Corner, Butler County, Ohio, in place of John C. Douglass. Incumbent's commission expires February 1, 1908.

OREGON.

John Boswell to be postmaster at Vale, Malheur County, Oreg. Office became Presidential January 1, 1908.

John Dorn to be postmaster at Echo, Umatilla County, Oreg. Office became Presidential January 1, 1908.

D. M. C. Gault to be postmaster at Cottage Grove, Lane County, Oreg., in place of Charles J. Howard, resigned.

Michor E. Page to be postmaster at Clatskanie, Columbia County, Oreg. Office became Presidential January 1, 1908.

PENNSYLVANIA.

Clark B. Bailey to be postmaster at Elkland, Tioga County, Pa., in place of Clark B. Bailey. Incumbent's commission expired February 19, 1907.

Eva J. Beeman to be postmaster at Lawrenceville, Tioga County, Pa. Office became Presidential January 1, 1908.

John W. Beers to be postmaster at Marysville, Perry County, Pa., in place of John W. Beers. Incumbent's commission expired January 19, 1908.

Otto E. Enders to be postmaster at Elizabethville, Dauphin County, Pa., in place of Penroe C. Romberger. Incumbent's commission expired January 26, 1908.

Joseph A. Fenner to be postmaster at Weissport, Carbon County, Pa. Office became Presidential January 1, 1908.

Forrest L. Ferrell to be postmaster at Boswell, Somerset County, Pa. Office became Presidential January 1, 1908.

Alonzo M. Frederick to be postmaster at New Kensington, Westmoreland County, Pa., in place of Alonzo M. Frederick. Incumbent's commission expired January 22, 1908.

William W. Greene to be postmaster at Uniontown, Fayette County, Pa., in place of Julius Malcolm, removed.

Joel M. Hoch to be postmaster at Fleetwood, Berks County, Pa. Office became Presidential January 1, 1908.

Burrell C. Ingraham to be postmaster at Herminie, Westmoreland County, Pa. Office became Presidential January 1, 1908. Postmaster resigned.

Alfred H. Leh to be postmaster at Egypt, Lehigh County, Pa. Office became Presidential January 1, 1908.

Elam M. Stauffer to be postmaster at East Greenville, Montgomery County, Pa. Office became Presidential January 1, 1908.

SOUTH CAROLINA.

Martin Cauthen to be postmaster at Kershaw, Lancaster County, S. C. Office became Presidential January 1, 1907.

John L. Dew to be postmaster at Latta, Marion County, S. C. Office became Presidential October 1, 1907.

John W. Dunovant to be postmaster at Chester, Chester County, S. C., in place of John W. Dunovant. Incumbent's commission expired January 14, 1907.

George H. McKee to be postmaster at Darlington, Darlington County, S. C., in place of George H. McKee. Incumbent's commission expired March 13, 1907.

Susan E. Morton to be postmaster at Due West, Abbeville County, S. C. Office became Presidential January 1, 1907.

Landrum Padgett to be postmaster at Pelzer, Anderson County, S. C., in place of Landrum Padgett. Incumbent's commission expired March 18, 1907.

Edgar E. Poag to be postmaster at Rockhill, York County, S. C., in place of Edgar E. Poag. Incumbent's commission expires February 1, 1908.

William H. Reedish to be postmaster at Branchville, Orangeburg County, S. C. Office became Presidential January 1, 1907.

Charles J. Shannon to be postmaster at Camden, Kershaw County, S. C., in place of Charles J. Shannon. Incumbent's commission expired December 17, 1906.

SOUTH DAKOTA.

Sarsfield P. Malone to be postmaster at Huron, Beadle County, S. Dak., in place of John Longstaff. Incumbent's commission expired January 29, 1908.

TEXAS.

John B. Baker to be postmaster at Haskell, Haskell County, Tex., in place of John B. Baker. Incumbent's commission expired January 27, 1908.

Gerhard Dube to be postmaster at Thorndale, Milam County, Tex. Office became Presidential October 1, 1907.

R. G. Flato to be postmaster at Kingsville, Nueces County, Tex., in place of Marcus Phillips, resigned.

UTAH.

Orrice F. McShane to be postmaster at Beaver, Beaver County, Utah. Office became Presidential January 1, 1908.

Joseph Odell to be postmaster at Logan, Cache County, Utah, in place of Joseph Odell. Incumbent's commission expired January 29, 1908.

VIRGINIA.

John H. Boswell to be postmaster at Burkeville, Nottoway County, Va. Office became Presidential October 1, 1907.

John S. Cecil to be postmaster at Dublin, Pulaski County, Va. Office became Presidential April 1, 1907.

Samuel R. Gault to be postmaster at Scottsville, Albemarle County, Va. Office became Presidential October 1, 1907.

Henry B. C. Gentry to be postmaster at Elkton, Rockingham County, Va. Office became Presidential October 1, 1907.

Joseph E. Graham to be postmaster at Jonesville, Lee County, Va. Office became Presidential July 1, 1907.

John H. Ingram to be postmaster at Charlotte Court House, Charlotte County, Va. Office became Presidential October 1, 1907.

John A. McCloud, jr., to be postmaster at South Norfolk, Norfolk County, Va. Office became Presidential October 1, 1907.

Otis Mouser to be postmaster at Stonega, Wise County, Va. Office became Presidential January 1, 1908.

Robert S. Pritchett to be postmaster at Shenandoah, Page County, Va., in place of William T. Miller, removed.

John H. Steele to be postmaster at Coeburn, Wise County, Va. Office became Presidential April 1, 1907.

William T. Tillar to be postmaster at Emporia, Greenesville County, Va., in place of William T. Tillar. Incumbent's commission expired November 24, 1907.

WASHINGTON.

William P. Ward to be postmaster at Rosalia, Whitman County, Wash., in place of William P. Ward. Incumbent's commission expired January 20, 1908.

WEST VIRGINIA.

Napoleon B. Arbogast to be postmaster at Durbin, Pocahontas County, W. Va. Office became Presidential January 1, 1908.

E. E. Deitz to be postmaster at Richwood, Nicholas County, W. Va., in place of Edgar C. Bennett. Incumbent's commission expired December 1, 1907.

William R. Miller to be postmaster at Wellsburg, Brooke County, W. Va., in place of John B. McNally. Incumbent's commission expired January 4, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 31, 1908.

REGISTER OF THE LAND OFFICE.

J. Ernest Breda, of Louisiana, whose term expired March 18, 1907, to be register of the land office at Natchitoches, La.

RECEIVER OF PUBLIC MONEYS.

Daniel J. Foley, of California, to be receiver of public moneys at Eureka, Cal.

POSTMASTERS.

ILLINOIS.

Josiah R. Bent to be postmaster at Oglesby, La Salle County, Ill.

Erich H. Buente to be postmaster at Venice, Madison County, Ill.

Henry J. Cheeseman to be postmaster at Princeville, Peoria County, Ill.

Jesse F. Poplin to be postmaster at Somonauk, Dekalb County, Ill.

Charles F. Renich to be postmaster at Woodstock, McHenry County, Ill.

Charles E. Tanner to be postmaster at Minier, Tazewell County, Ill.

George P. Wilson to be postmaster at Orion, Henry County, Ill.

IOWA.

Simon D. Breuning to be postmaster at Ackley, Hardin County, Iowa.

Manuel H. Davis to be postmaster at Mitchellville, Polk County, Iowa.

Walter E. Newsome to be postmaster at Sabula, Jackson County, Iowa.

T. J. Ochiltree to be postmaster at Morning Sun, Louisa County, Iowa.

Charlie B. Warner to be postmaster at Central City, Linn County, Iowa.

Oscar E. Wood to be postmaster at Union, Hardin County, Iowa.

MAINE.

Horace Mitchell to be postmaster at Kittery Point, York County, Me.

Edward G. Varney to be postmaster at Hartland, Somerset County, Me.

MARYLAND.

Mary J. Perkins to be postmaster at Hancock, Washington County, Md.

OHIO.

Seward L. Bowman to be postmaster at Lorain, in the county of Lorain and State of Ohio.

John F. Orr to be postmaster at Xenia, Greene County, Ohio.

TENNESSEE.

Bird P. Allison to be postmaster at Monterey, Putnam County, Tenn.

William M. Bray to be postmaster at Henderson, Chester County, Tenn.

James S. Beasley to be postmaster at Centerville, Hickman County, Tenn.

Robert A. Espey to be postmaster at Bellbuckle, Bedford County, Tenn.

Sarah E. Gregory to be postmaster at Mount Pleasant, Maury County, Tenn.

Clarence V. Gwin to be postmaster at Hartsville, Trousdale County, Tenn.

Rufus T. Hickman to be postmaster at Lynville, Giles County, Tenn.

J. A. Holderman to be postmaster at Covington, in the county of Tipton and State of Tennessee.

Richard N. Hudson to be postmaster at Sweetwater, Monroe County, Tenn.

John C. Kelly to be postmaster at Jasper, in the county of Marion and State of Tennessee.

John T. Moore to be postmaster at Jellico, in the county of Campbell and State of Tennessee.

John L. Murray to be postmaster at Lexington, Henderson County, Tenn.

Leonidas T. Reagor to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee.

Norvell L. Scobey to be postmaster at Newbern, Dyer County, Tenn.

Finis R. Sharp to be postmaster at Manchester, Coffee County, Tenn.

Christopher C. Stribling to be postmaster at Clifton, Wayne County, Tenn.

Luther A. Styles to be postmaster at McCays, Polk County, Tenn.

Charles D. Wilkinson to be postmaster at Pulaski, Giles County, Tenn.

VIRGINIA.

Alexander W. Harrison to be postmaster at Lawrenceville, in the county of Brunswick and State of Virginia.

LITERARY AND ARTISTIC COPYRIGHTS.

The injunction of secrecy was removed January 31, 1908, from a convention on literary and artistic copyrights signed at the City of Mexico on January 27, 1902, by the delegates of the American Republics to the second international conference of American States and by the United States delegates ad referendum.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 31, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

TURPENTINE STILLS.

By unanimous consent the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 7629) to amend the second paragraph of section 3244, Revised Statutes of the United States, to exempt manufacturers of turpentine stills of tax, and the same was referred to the Committee on Ways and Means.

UNITED STATES PATENT OFFICE.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent for a change of reference of the bill (H. R. 15846) to provide increased force and salaries in the United States Patent Office, from the Committee on Expenditures in the Interior Department to the Committee on Patents.

I do not desire to raise any question as to the correctness of the present reference, or that any action that may be taken here shall be regarded as a precedent, but simply wish to say that the Committee on Patents has had a bill of similar character on which it has given hearings, and voted a favorable report to the House.

The SPEAKER. Is there objection?

There was no objection.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3541. An act vesting in the city of Enid, Okla., for park, school, and other public purposes, title to block 1 of McGuire's approved plat of the southwest quarter of the northwest quarter of section 8, township 22 north of range 6 west of the Indian meridian;

S. 4121. An act authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, in Massachusetts; and

S. 3647. An act for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 300) providing for second homestead entries.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 25,000 additional copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, compiled and published under the direction of the Joint Committee on Printing; 8,000 copies for the use of the Senate and 17,000 copies for the use of the House of Representatives.

Senate concurrent resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack.

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of White Lake Harbor, Mich., with a view to providing and maintaining a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 14011) and that the same may be immediately considered in the House.

The SPEAKER. The gentleman from Florida asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and that the same be considered in the House at the present time. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 14011) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Knights Key, in the customs collection district of Key West, Fla.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SPARKMAN a motion to reconsider the last vote was laid on the table.

TWENTY-FOURTH ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION.

The Speaker laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Reform in the Civil Service and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Twenty-fourth Annual Report of the Civil Service Commission, for the year ended June 30, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 31, 1908.*

The Speaker also laid before the House a message from the President of the United States.

[For message see Senate proceedings of this date.]

Mr. PAYNE. Mr. Speaker, I move that the message and the accompanying documents be referred to the Committee of the Whole House on the state of the Union and printed.

Mr. OLLIE M. JAMES rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. OLLIE M. JAMES. I want to ask the gentleman from New York how many additional thousand copies of the message he desires to be published for circulation? [Applause on the Democratic side.]

Mr. PAYNE. If the gentleman from Kentucky will refer to the motion he will get his information.

The motion was agreed to.

REPRINT OF REPORTS.

Mr. SULLOWAY. Mr. Speaker, I desire to ask unanimous consent for the reprinting of Report No. 531, 5,000 copies. Leave was given yesterday for a reprint of the bill, but the report was not mentioned in the request.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for a reprint of Report No. 531. Is there objection?

There was no objection.

PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House, with Mr. CAPRON in the chair.

LEVI B. GAYLORD.

The first pension business was the bill (H. R. 11101) granting an increase of pension to Levy B. Gaylord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levy B. Gaylord, late of Company C, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Levy" and insert in lieu thereof the word "Levi."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Levi B. Gaylord."

ELY E. BAKER.

The next pension business was the bill (H. R. 6762) granting an increase of pension to Ely E. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ely E. Baker, late of Company I, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ZELOTUS J. STEWART.

The next pension business was the bill (H. R. 6498) granting an increase of pension to Zelotus J. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zelotus J. Stewart, late of Company F, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. WILLIAMS.

The next pension business was the bill (H. R. 4759) granting an increase of pension to George H. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Williams, late of Company E, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AMOS B. BATCHELDER.

The next pension business was the bill (H. R. 2649) granting an increase of pension to Amos B. Batchelder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos B. Batchelder, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD F. WILLIAMS.

The next pension business was the bill (H. R. 1591) granting an increase of pension to Richard F. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard F. Williams, late of United States ship Rattler No. 1, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "ship" and insert in lieu thereof the word "ships."

In line 7, before the word "Rattler," insert the words "Grampus, Great Western, and."

In same line strike out the words "Numbered One" and insert in lieu thereof the words "United States Navy."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL DOYLE.

The next pension business was the bill (H. R. 6805) granting an increase of pension to Michael Doyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Doyle, late of Marine Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Marine," insert the words "United States."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL N. DICKERMAN.

The next pension business was the bill (H. R. 7225) granting an increase of pension to Samuel Niles Dickerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Niles Dickerman, late of Eleventh Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Niles" and insert in lieu thereof the letter "N."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Samuel N. Dickerman."

WINSLOW H. FURROWS.

The next pension business was the bill (H. R. 4418) granting an increase of pension to Winslow H. Furrows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winslow H. Furrows, late of Company H, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JEREMIAH HALEY.

The next pension business was the bill (H. R. 3836) granting an increase of pension to Jeremiah Haley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Haley, late of Company E, Seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ARNOLD MATTINGLY.

The next pension business was the bill (H. R. 2930) granting an increase of pension to Arnold Mattingly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arnold Mattingly, late of Company D, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL FETTERS.

The next pension business was the bill (H. R. 9252) granting an increase of pension to Samuel Fetters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Fetters, late of Company E, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JESSE T. POWER.

The next pension business was the bill (H. R. 3635) granting an increase of pension to Jesse T. Power.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse T. Power, late sergeant Company E, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. CHANEY. Mr. Chairman, in this case the committee have received additional information since the report was made, and the committee are disposed to make the allowance $40 a month. I offer an amendment to that effect.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MARSHALL.

The next pension business was the bill (H. R. 6646) granting an increase of pension to John Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Marshall, late of Company C, Independent Light Artillery of Pennsylvania, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 6 and 7 strike out the words "Company C, Independent Light Artillery of Pennsylvania," and insert in lieu thereof the words "Independent Battery C, Pennsylvania Volunteer Light Artillery."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. H. CRAVER.

The next pension business was the bill (H. R. 1608) granting an increase of pension to William H. H. Craver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Craver, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE H. G. DRALLE.

The next pension business was the bill (H. R. 10857) granting an increase of pension to Caroline H. G. Dralle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline H. G. Dralle, widow of John H. W. Dralle, late of Company I, Twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "late," insert the words "alias John Dralle."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAIAH SMITH.

The next pension business was the bill (H. R. 6305) granting an increase of pension to Isaiah Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Smith, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELKANAH A. RICHARDS.

The next pension business was the bill (H. R. 3109) granting an increase of pension to Elkanah A. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elkanah A. Richards, late of Company F, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS O. VANDERSLUIS.

The next pension business was the bill (H. R. 4212) granting an increase of pension to Francis O. Vandersluis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis O. Vandersluis, late of Company L, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE SCHAEFFER.

The next pension business was the bill (H. R. 8767) granting an increase of pension to Theodore Schaeffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore Schaeffer, late captain Company F, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES BELVILLE.

The next pension business was the bill (H. R. 3342) granting an increase of pension to Charles Belville.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Belville, late of Company M, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES B. PAIGE.

The next pension business was the bill (H. R. 2344) granting an increase of pension to James B. Paige.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Paige, late of Company G, Ninth New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WESLEY M. NIBLOCK.

The next pension business was the bill (H. R. 12111) granting an increase of pension to Wesley M. Niblack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley M. Niblack, late of Company F, Ninth Regiment New York Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Niblack" and insert in lieu thereof the word "Niblock."

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Wesley M. Niblock."

CHARLES P. JEANNIN.

The next pension business was the bill (H. R. 6353) granting an increase of pension to Charles P. Jeannin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Jeannin, late a member of Company H, First Minnesota Infantry, and of Company G, Fifth Minnesota Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member of Company H, First."

In line 7 strike out the words "Minnesota Infantry, and."

In same line, after the word "Fifth," insert the word "Regiment."

In same line, after the word "Minnesota," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD W. JONES.

The next pension business was the bill (H. R. 4753) granting an increase of pension to Richard W. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard

W. Jones, late of Company D, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SWEN DAHLBERG.

The next pension business was the bill (H. R. 3323) granting a pension to Swen Dahlberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Swen Dahlberg, late of Company D, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 8, strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Swen Dahlberg."

GEORGE W. HORDER.

The next pension business was the bill (H. R. 11214) granting an increase of pension to George W. Horder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Horder, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the letter "H," insert the words "and principal musician."

In line 8, strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED LINDSAY.

The next pension business was the bill (H. R. 8773) granting an increase of pension to Alfred Lindsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Lindsay, late of Captain Foxwell's company, Second Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of — dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "District," strike out the word "of."

In the same line strike out the word "Volunteer" and insert in lieu thereof the word "Militia."

In line 8, before the word "dollars," insert the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MINICK.

The next pension business was the bill (H. R. 4519) granting an increase of pension to William Minick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Minick, late of Company A, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company E, Second Regiment Pennsylvania Provisional Volunteer Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS L. BINGHAM.

The next pension business was the bill (H. R. 2218) granting an increase of pension to Lewis L. Bingham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis L. Bingham, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NICODEMUS D. HENRY.

The next pension business was the bill (H. R. 4233) granting an increase of pension to Nicodemus D. Henry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicodemus D. Henry, late of Company E, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE B. FOLLETT.

The next pension business was the bill (H. R. 11047) granting an increase of pension to George B. Follett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Follett, late of Company G, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. BEAN.

The next pension business was the bill (H. R. 6350) granting an increase of pension to Benjamin F. Bean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bean, late a member of Company K, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. CLARK.

The next pension business was the bill (H. R. 4492) granting an increase of pension to William H. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Clark, late of Company H, Ninety-second Regiment Illinois Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "K."

In line 7 strike out the word "Mounted."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES W. LEWIS.

The next pension business was the bill (H. R. 4534) granting an increase of pension to Charles W. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Lewis, late of Company A, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBERT W. PARKER.

The next pension business was the bill (H. R. 6365) granting an increase of pension to Albert W. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Parker, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALFRED BOOZE.

The next pension business was the bill (H. R. 11288) granting an increase of pension to Alfred Booze.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Booze, late of Company A, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. MAYES.

The next pension business was the bill (H. R. 9658) granting an increase of pension to John A. Mayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Mayes, late a member of the band, First Brigade, First Division, Seventeenth Army Corps; band, Third Brigade, Second Division, Fifteenth Army Corps, and band of the Thirty-third United States Infantry, war of the rebellion, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."
In same line strike out the word "the."
In line 7 strike out the word "band."
Strike out all of lines 8 and 9.
In line 10 strike out the words "the rebellion."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAM G. SPELLMAN.

The next pension business was the bill (H. R. 7073) granting an increase of pension to Abram G. Spellman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram G. Spellman, late of Company E, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. ANDREWS.

The next pension business was the bill (H. R. 2988) granting an increase of pension to William H. Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Andrews, late of Company A, Purnell's Legion, Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Purnell's" and insert in lieu thereof the word "Purnell."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL J. DUFFY.

The next pension business was the bill (H. R. 12837) granting an increase of pension to Daniel J. Duffy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Duffy, late of Company D, Ninth Regiment Missouri State Militia, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Militia," insert the words "Volunteer Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES M. HOBBS.

The next pension business was the bill (H. R. 7374) granting an increase of pension to Charles M. Hobbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Hobbs, late of Company M, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS W. QUINE.

The next pension business was the bill (H. R. 8677) granting an increase of pension to Thomas W. Quine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Quine, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. CARTER.

The next pension business was the bill (H. R. 3615) granting an increase of pension to William F. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Carter, late of Company K, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELISHA H. COLBURN, ALIAS WILLIAM H. LOWRY.

The next pension business was the bill (H. R. 4670) granting an increase of pension to Elisha H. Colburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha H. Colburn, late of Company A, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "late," insert the words "alias William H. Lowry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Elisha H. Colburn, alias William H. Lowry."

THOMAS D. SCOTT.

The next pension business was the bill (H. R. 6659) granting an increase of pension to Thomas D. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Scott, late of Company D, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES HENDERSON.

The next pension business was the bill (H. R. 2893) granting an increase of pension to James Henderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Henderson, late of Company G, Fourth Regiment Volunteer Heavy Artillery, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "New York."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID D. REESE.

The next pension business was the bill (H. R. 2424) granting an increase of pension to David D. Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David D. Reese, late of Company L, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN L. CLEARY, ALIAS JOHN L. CLARK.

The next pension business was the bill (H. R. 2724) granting an increase of pension to John L. Cleary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Cleary, alias John L. Clark, late of Company F, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The title was amended so as to read: "A bill granting an increase of pension to John L. Cleary, alias John L. Clark."

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL H. CHAMBERS.

The next pension business was the bill (H. R. 6043) granting an increase of pension to Samuel H. Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Chambers, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALVIN A. EASON.

The next pension business was the bill (H. R. 6761) granting an increase of pension to Calvin A. Eason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin A. Eason, late of Company I, One hundred and eighty-fourth Regiment New York Volunteers, and also of Company H, Twenty-fourth Regiment New York Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Volunteers, and also of" and insert in lieu thereof the words "Volunteer Infantry.'

Strike out all of line 8.

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL A. GETTYS.

The next pension business was the bill (H. R. 13041) granting an increase of pension to Samuel A. Gettys.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Gettys, late of Company C, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BERRY MAY.

The next pension business was the bill (H. R. 8638) granting an increase of pension to Berry May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Berry May, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Mounted."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM GUTHRIE.

The next pension business was the bill (H. R. 12107) granting an increase of pension to William Guthrie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Guthrie, late of Company C, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD A. TOMLIN.

The next pension business was the bill (H. R. 3514) granting an increase of pension to Edwin A. Tomlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin A. Tomlin, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Edwin," and insert in lieu thereof the word "Edward."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Edward A. Tomlin."

GEORGE LYTLE.

The next pension business was the bill (H. R. 8730) granting an increase of pension to George Lytle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Lytle, late of Company A, One hundred and thirty-fifth Regiment Ohio National Guards Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Guards" and insert in lieu thereof the word "Guard."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES DALY.

The next pension business was the bill (H. R. 3515) granting an increase of pension to James Daly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Daly, late of Company D, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EARL HENRY COOPER.

The next pension business was the bill (H. R. 9370) granting an increase of pension to Earl Henry Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Earl Henry Cooper, late of Company H, Fifth Regiment, and Company M, Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "State Militia."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARVEY D. M'CORMICK.

The next pension business was the bill (H. R. 7030) granting an increase of pension to Harvey D. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey D. McCormick, late of Company H, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "A."
In line 8 strike out the word "thirty," and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES W. PAVEY.

The next pension business was the bill (H. R. 2931) granting an increase of pension to Charles W. Pavey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Pavey, late of Company E, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."
In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARMAND DUFLOO.

The next pension business was the bill (H. R. 7207) granting an increase of pension to Armand Dufloo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Armand Dufloo, late assistant surgeon, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $70 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Twenty-fifth" and insert in lieu thereof the word "Seventieth."
In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."
In line 8 strike out the word "seventy" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. FILLMORE.

The next pension business was the bill (H. R. 1503) granting an increase of pension to Andrew J. Fillmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Fillmore, late of Company C, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE COLLINS.

The next pension business was the bill (H. R. 2709) granting an increase of pension to George Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George Collins, late private of Company C, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "private."
In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM S. KIDDER.

The next pension business was the bill (H. R. 8109) granting an increase of pension to William S. Kidder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Kidder, late of Company I, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN N. MOELLER.

The next pension business was the bill (H. R. 12604) granting a pension to John N. Moeller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Moeller, late of Washington Rifles, Eighth Battalion District of Columbia Volunteer Infantry, civil war, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Washington Rifles" and insert in lieu thereof the words "Company A."
In line 7 strike out the word "civil."
In line 8 strike out the word "war."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEE P. GARRETT.

The next pension business was the bill (H. R. 1716) granting an increase of pension to Lee P. Garrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lee P. Garrett, late of Captain Jones's company, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS FAUCIEI.

The next pension business was the bill (H. R. 12801) granting an increase of pension to Thomas Fauciei.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Fauciei, late of Company D, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NOAH E. THORNBURGH.

The next pension business was the bill (H. R. 854) granting an increase of pension to Noah E. Thornburgh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah E. Thornburgh, late of Company B, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Tennessee," insert the word "East."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. BERING.

The next pension business was the bill (H. R. 6690) granting an increase of pension to J. A. Bering.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. A. Bering, late of Company C, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "John."

In same line strike out the words "of Company C" and insert in lieu thereof the word "major."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to John A. Bering."

WILLIAM H. TEELING.

The next pension business was the bill (H. R. 4542) granting an increase of pension to William H. Teeling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Teeling, late of Company K, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and U. S. S. Vermont and North Carolina, United States Navy."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. HICKS.

The next pension business was the bill (H. R. 9807) granting an increase of pension to William R. Hicks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Hicks, late of Company C, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Tennessee," insert the word "East."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH W. PEIRCE.

The next pension business was the bill (H. R. 6628) granting an increase of pension to Joseph W. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Pierce, late of Company K, Forty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Pierce" and insert in lieu thereof the word "Peirce."

In same line, after the word "late," strike out the word "of"; and insert in lieu thereof the words "second lieutenant."

In line 7, before the word "Infantry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Joseph W. Peirce."

THOMAS CASEY.

The next pension business was the bill (H. R. 3231) granting an increase of pension to Thomas Casey, late landsman on board the U. S. S. Mattabasset, U. S. Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Casey, late of U. S. S. Mattabasset, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the word "Mattabasset" and insert in lieu thereof the word "Mattahasset."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Casey."

LEANDER M. CLARK.

The next pension business was the bill (H. R. 2349) granting an increase of pension to Leander M. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leander M. Clark, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PATRICK H. FERN.

The next pension business was the bill (H. R. 4414) granting an increase of pension to Patrick H. Fern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick H. Fern, late of Company G, Forty-ninth Regiment Massachusetts Volunteer Infantry, and Company I, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company G, Forty-ninth Regiment."

In line 7 strike out the words "Massachusetts Volunteer Infantry, and."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADAM EMGE.

The next pension business was the bill (H. R. 7369) granting an increase of pension to Adam F. Emge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam F. Emge, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "F."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Adam Emge."

SYLVIA M. ANTHONY.

The next pension business was the bill (H. R. 4677) granting an increase of pension to Sylvia M. Anthony.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvia M. Anthony, United States hospital nurse, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "United States hospital nurse" and insert in lieu thereof the words "formerly Doolittle, late nurse, Medical Department, United States Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYDIA E. PATTERSON.

The next pension business was the bill (H. R. 12736) granting an increase of pension to Lidia A. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lidia A. Patterson, widow of John Patterson, late of Company E, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Lidia A" and insert in lieu thereof the words "Lydia E."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Lydia E. Patterson."

ELMIRA F. SMITH.

The next pension business was the bill (H. R. 11917) granting an increase of pension to Elmira F. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmira F. Smith, widow of George W. Smith, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mollie Smith, helpless and dependent daughter of said George W. Smith, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elmira F. Smith the name of said Mollie Smith shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of the death of said Elmira F. Smith.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the letter "I" and insert in lieu thereof the letter "D."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATE B. WHEELER.

The next pension business was the bill (H. R. 4762) granting a pension ot Kate B. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate B. Wheeler, widow of Cephas B. Wheeler, late of Company F, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Cephas," strike out the letter "B" and insert in lieu thereof the letter "E."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA A. WILCOXON.

The next pension business was the bill (H. R. 12160) granting a pension to Julia A. Wilcoxon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Wilcoxon, widow of Samuel Wilcoxon, late of Company M, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $17 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. CLENDENIN.

The next pension business was the bill (H. R. 4667) granting an increase of pension to Mary A. Clendenin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Clendenin, widow of Frank Clendenin, late of the One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of the," and insert in lieu thereof the word "major."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH J. JONES.

The next pension business was the bill (H. R. 4073) granting an increase of pension to Sarah J. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Jones, widow of Uriah Jones, late of Company F, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William Jones, helpless and dependent child of said Uriah Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Jones the name of said William Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. Jones.

The bill was ordered to be laid aside with a favorable recommendation.

ISABEL SEAMAN.

The next pension business was the bill (H. R. 7214) granting a pension to Isabel Seaman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabel Seaman, widow of Noah Seaman, late of Independent Battery B, New York Volunteer Light Artillery, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Independent."
In line 7 strike out the words "Battery B, New York Volunteer Light Artillery," and insert in lieu thereof the words "Company B, Enfans Perdu's Independent Battalion New York Volunteer Infantry."
In line 8 strike out the word "fifteen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BRIDGET D. FARRELL.

The next pension business was the bill (H. R. 4370) granting an increase of pension to Bridget D. Farrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget D. Farrell, widow of John Farrell, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BARNEY STONE.

The next pension business was the bill (H. R. 13171) granting an increase of pension to Barney Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney Stone, late of Company E, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAM H. BROWN.

The next pension business was the bill (H. R. 13177) granting a pension to Abraham H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham H. Brown, late of the Twenty-eighth Regiment United States Colored Troops, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Abraham" and insert in lieu thereof the word "Abram."

In same line strike out the words "of the" and insert in lieu thereof the word "unassigned."

In line 7 strike out the word "Troops" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting a pension to Abram H. Brown."

MARY J. PREUITT.

The next pension business was the bill (H. R. 7306) granting an increase of pension to Mary J. Preuitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Preuitt, widow of Valentine Preuitt, late of Company M, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA JOHNSON.

The next pension business was the bill (H. R. 11121) granting an increase of pension to Maria Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Johnson, widow of William J. Johnson, late of Company G, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $18 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company G" and insert in lieu thereof the words "Companies L and G."

In line 8 strike out the word "eighteen" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROSAMOND ENSLEY.

The next pension business was the bill (H. R. 8107) granting an increase of pension to Rosamond Ensley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosamond Ensley, widow of Allen Ensley, late of Company F, Second Regiment California Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH MILLER.

The next pension business was the bill (H. R. 3230) granting an increase of pension to Sarah Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Miller, widow of Jacob Miller, late of Company A, Ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA BURNS.

The next pension business was the bill (H. R. 5295) granting an increase of pension to Julia Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Burns, widow of James Burns, late of Company A, Sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRED B. BOWMAN.

The next pension business was the bill (H. R. 6033) granting an increase of pension to Fred B. Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fred B. Bowman, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES HELPER.

The next pension business was the bill (H. R. 6313) granting an increase of pension to Charles Helper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Helper, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Second Battalion (unassigned) Veteran Reserve Corps."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON T. DOOLEY.

The next pension business was the bill (H. R. 7034) granting an increase of pension to Aaron T. Dooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron T. Dooley, late of Company C, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN REDEKER.

The next pension business was the bill (H. R. 7878) granting an increase of pension to John Redeker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Redeker, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSE M. JARAMILLO.

The next pension business was the bill (H. R. 4653) granting an increase of pension to Jose M. Jarmillo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jose M. Jarmillo, late of Company E, First Regiment New Mexico Volunteer Cavalry, and Company D, Battalion New Mexico Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Jarmillo" and insert in lieu thereof the word "Jaramillo."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Jose M. Jaramillo."

WILLIAM G. M'CONNELL.

The next pension business was the bill (H. R. 13120) granting an increase of pension to William G. McConnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. McConnell, late first lieutenant Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY CASH.

The next pension business was the bill (H. R. 12521) granting an increase of pension to Henry Cash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Cash, late of Company A, Thirteenth Regiment United States Colored Heavy Artillery, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8, after the word "pension," insert the words "at the rate."

In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROLAN M. CLARK.

The next pension business was the bill (H. R. 12782) granting an increase of pension to Roland M. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roland M. Clark, late of Company D, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Roland" and insert in lieu thereof the word "Rolan."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Rolan M. Clark."

ANDREW BALBACH.

The next pension business was the bill (H. R. 5617) granting an increase of pension to Andrew Balbach.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Balbach, late of Company H, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS B. ABER.

The next pension business was the bill (H. R. 4089) granting a pension to Thomas B. Aber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Aber, late of Company F, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of — dollars per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company F, Second Regiment Pennsylvania Provisional Volunteer Cavalry."

In line 8, before the word "dollars," insert the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Thomas B. Aber."

PATRICK M'GRAIN.

The next pension business was the bill (H. R. 6084) granting an increase of pension to Patrick McGrain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick McGrain, late of Company F, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JACOB MERCER.

The next pension business was the bill (H. R. 7519) granting an increase of pension to Jacob Mercer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Mercer, late of Company C, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK FITZGERALD.

The next pension business was the bill (H. R. 2662) granting an increase of pension to Patrick Fitzgerald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Fitzgerald, late of Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN O. WARWICK.

The next pension business was the bill (H. R. 6932) granting an increase of pension to John O. Warwick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Warwick, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MORRIS HAYES.

The next pension business was the bill (H. R. 8101) granting an increase of pension to Morris Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris Hayes, late of Company K, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATILDA C. CARRUTH.

The next pension business was the bill (H. R. 3265) granting an increase of pension to Matilda. C. Carruth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda C. Carruth, widow of William W. Carruth, late captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "captain, Sixth Independent Battery, Massachusetts Volunteer Light Artillery, and."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNA E. LUCAS.

The next pension business was the bill (H. R. 3070) granting a pension to Anna E. Lucas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Lucas, widow of Simeon S. Lucas, deceased, late of Company F, First Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "deceased."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN B. BRININGER.

The next pension business was the bill (H. R. 4489) granting an increase of pension to Benjamin B. Brininger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin B. Brininger, late of Company G, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES BATES.

The next pension business was the bill (H. R. 2658) granting a pension to James Bates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Bates, late of Gilbreath's company of Scouts and Guides, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Gilbreath's," insert the word "Captain."

In same line, after the word "company," strike out the word "of" and insert in lieu thereof the word "Alabama."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL CARTER.

The next pension business was the bill (H. R. 1607) granting an increase of pension to Daniel Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Carter, late of Company E, Forty-seventh Regiment United States Infantry, and Troop M, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "E, Forty-seventh Regiment United States Infantry, and Troop."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. RICKETTS.

The next pension business was the bill (H. R. 5621) granting an increase of pension to Mary A. Ricketts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Ricketts, widow of Abner C. Ricketts, late of Company H, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY R. DARST.

The next pension business was the bill (H. R. 4696) granting an increase of pension to Henry R. Darst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Darst, late of Company A, Thirty-fourth and Eighty-sixth Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the letter "A," insert the words "Eighty-sixth Regiment, and Company G."

In the same line strike out the word "and."

In line 7 strike out the words "Eighty-sixth Regiments," and insert in lieu thereof the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA GREEN.

The next pension business was the bill (H. R. 4127) granting an increase of pension to Maria Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Green, widow of John W. Green, late of Company I, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AURELIA E. WILLARD.

The next pension business was the bill (H. R. 12561) granting an increase of pension to Aurelia E. Willard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia E. Willard, widow of George S. Willard, late of Company G, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the

rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alice L. Willard, helpless and dependent child of said George S. Willard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Aurelia E. Willard the name of said Alice L. Willard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

In line 16, after the word "laws," insert the words "at the rate of $12 per month from and after the date of death of said Aurelia E. Willard."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY WILLIAMS.

The next pension business was the bill (H. R. 12509) granting an increase of pension to Mary Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Williams, widow of Amos C. Williams, late of Company L, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Williams, helpless and dependent child of said Amos C. Williams, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Williams the name of said Charles Williams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Williams.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the letter "L" and insert in lieu thereof the letter "C."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILIE BORCHERT.

The next pension business was the bill (H. R. 12320) granting an increase of pension to Emilie Borchert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emilie Borchert, widow of Henry Borchert, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emilie C. I. Borchert, the helpless and dependent child of the said Henry Borchert, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Emilie Borchert, widow of the said Henry Borchert, the name of said dependent and helpless child, Emilie C. I. Borchert, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emilie Borchert, widow.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty," insert the word "twenty-four."
In line 10, before the word "helpless," strike out the word "the."
In line 14 strike out the words "widow of the said Henry Borchert" and in the same line strike out the word "dependent."
In line 15 strike out the words "and helpless child."
In line 3 on page 2 strike out the word "widow."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON KINDER.

The next pension business was the bill (H. R. 11011) granting an increase of pension to Milton Kinder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Kinder, late of Company K, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT A. M'AULAY.

The next pension business was the bill (H. R. 3663) granting an increase of pension to Robert A. McAulay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. McAulay, late of Captain Sparkman's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Florida," insert "Mounted."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. TANNEHILL.

The next pension business was the bill (H. R. 10946) granting an increase of pension to Mary A. Tannehill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Tannehill, widow of Pleasant T. Tannehill, late of Captain Sidney Moore's company, First Regiment Alabama Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Sidney."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUIS R. THOMAS.

The next pension business was the bill (H. R. 3667) granting an increase of pension to Louis R. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis R. Thomas, late of Captain John McNeil's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Captain" to "Captains." Insert thereafter "Durance and McNeill's" and strike out "company" and insert "companies."
In line 7, after "Florida," insert "Mounted."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. TYER.

The next pension business was the bill (H. R. 3661) granting an increase of pension to Mary A. Tyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Tyer, widow of John Tyer, late of Captain Durance's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Florida" insert "Mounted."
In line 8 strike out "sixteen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH LURIA SCANNELL.

The next pension business was the bill (H. R. 11956) granting an increase of pension to Sarah Lusia Scannell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Lusia Scannell, widow of Edward Scannell, alias Scanlan, deceased, late of Company A, First Louisiana Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Lusia" where it appears in the title and body of the bill to "Luria."
In line 7 strike out "deceased."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Sarah Luria Scannell."

JANE SPEARS.

The next pension business was the bill (H. R. 2922) granting an increase of pension to Jane Spears.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Spears, widow of Benjamin Spears, late of Company C, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "Volunteer Infantry" and insert "Volunteers."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ZYLPHA RAYMOND.

The next pension business was the bill (H. R. 3217) granting an increase of pension to Zylpha Raymond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zylpha Raymond, widow of A. P. Raymond, late of Company D, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "of" strike out "A." and insert "Alonzo."
In line 7, after "Iowa," insert "Regiment of."
In line 8 strike out "thirty," and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMELIA D. ROBERTSON.

The next pension business was the bill (H. R. 2925) granting an increase of pension to Amelia D. Robertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia D. Robertson, widow of B. H. Robertson, late of Company D, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "B." and insert "Benoni."
In line 7 strike out "D" and insert "G."
In the same line change "Volunteer" to "Volunteers."
In line 8 strike out "Infantry."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM PRITCHARD.

The next pension business was the bill (H. R. 11694) granting an increase of pension to William Pritchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Pritchard, late of Company —, Florida Mounted Volunteers Regiment, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company —," and insert "Captain W. H. Cone's company, First Regiment."
In line 7 strike out "Regiment."
In line 8 strike out "twelve" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY JANE PACK.

The next pension business was the bill (H. R. 9586) granting an increase of pension to Mary Jane Pack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Pack, widow of Thomas Pack, late of Company F, Third Regiment Tennessee Volunteer Infantry, Mexican war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers," and in the same line strike out "Infantry."
In line 8 strike out "Mexican" and insert after "war" "with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY PARISH.

The next pension business was the bill (H. R. 3657) granting an increase of pension to Henry Parrish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Parrish, late of Captain Cason's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's name where it appears in the title and body of the bill from "Parrish" to "Parish."
In line 6, after "Captain," insert "William."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Henry Parish."

ELIZABETH H. OLCOTT.

The next pension business was the bill (H. R. 2429) granting an increase of pension to Elizabeth H. Olcott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth H. Olcott, widow of Philander W. Olcott, late a soldier in the Army of the United States during the war with England, 1812, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a" and after "late" insert "of Captain Brace's company, New York Militia."
In line 7 strike out "soldier in the Army of the United States during the" and in the same line strike out "with" and insert "of."
In line 8 strike out "England."
In line 9 change "five" to "four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA E. MENGES.

The next pension business was the bill (H. R. 6868) granting an increase of pension to Maria E. Menges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria E. Menges, widow of Frederick Menges, late of Company K, First United States Artillery, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Frederick" insert "W."
In line 7, after "First" insert "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE F. HAYS.

The next pension business was the bill (H. R. 10366) granting an increase of pension to George F. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Hays, late of Capt. A. D. Johnson's company, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Johnson's" and insert "Johnston's."
In line 7, after "Florida," insert "Mounted."
In the same line, before "Indian," insert "Seminole" and strike out "Florida."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY B. HACKER.

The next pension business was the bill (H. R. 9582) granting an increase of pension to Nancy B. Hacker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy B. Hacker, widow of Henry C. Hacker, late of Company No. 2, First

Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before "Company," insert "Captain John S. Hacker's."
In the same line strike out "Number two" and "First" and insert "Second."
In the same line change "Volunteer" to "Volunteers."
In line 8 strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. HALL.

The next pension business was the bill (H. R. 7070) granting a pension to John C. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Hall, late chaplain Seventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "States," insert "Volunteer," and after "Infantry," insert "war with Spain."
In the same line strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY HARMON.

The next pension business was the bill (H. R. 3814) granting an increase of pension to Nancy Harmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Harmon, widow of John F. Harmon, late of Captain Loyall's company, Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. GEDDES.

The next pension business was the bill (H. R. 11690) granting an increase of pension to Charles W. Geddes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Geddes, late acting assistant engineer, States Navy, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "acting" and insert, after engineer, "U. S. S. General Taylor."
In line 7, before "States," insert "United."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEON D. CONOVER.

The next pension business was the bill (H. R. 9791) granting a pension to Leon D. Conover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leon D. Conover, late of Company A, Sixth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY COX.

The next pension business was the bill (H. R. 4130) granting a pension to Mary Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Cox, widow of James J. Cox, late of Company D, Fourth United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "States," insert "Volunteer," and after "Infantry" insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. BENSON.

The next pension business was the bill (H. R. 12325) granting an increase of pension to Mary E. Benson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Benson, widow of William W. Benson, late a sergeant in Captain Long's company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a" and insert "of."
In line 7 strike out "sergeant in."
In line 8, before "Indian," insert "Florida." In the same line strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NARSIS BURNS.

The next pension business was the bill (H. R. 10613) granting an increase of pension to Narsis Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Narsis Burns, widow of John W. Burns, late of Company I, Second Regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. BALCH.

The next pension business was the bill (H. R. 7474) granting an increase of pension to Charles H. Balch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Balch, late of Company I, Third Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title to "Granting a pension to Charles H. Balch."
In line 6, after "late," insert "corporal."
In line 8 strike out "thirty-six" and insert "thirty" and strike out "in lieu of."
In line 9 strike out "that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting a pension to Charles H. Balch."

SARAH A. BRADLEY.

The next pension business was the bill (H. R. 2923) granting an increase of pension to S. A. Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. A. Bradley, widow of Levi Bradley, late of Company L, Palmetto Regiment, South Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of claimant where it appears in the title and body of the bill to "Sarah A. Bradley."
In line 6, before "company," insert "Captain Moffett's."
In line 7 strike out "L, Palmetto Regiment," and "Infantry," and change "Volunteer" to "Volunteers."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: 'A bill granting an increase of pension to Sarah A. Bradley."

MARTHA ALEXANDER.

The next pension business was the bill (H. R. 12100) granting a pension to Martha Alexander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Alexander, widow of H. M. Alexander, late of Mormon Battalion, Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "H." and insert "Horace."
In the same line strike out "of" and insert "corporal."

In line 7 strike out "Mormon Battalion" and insert "Company B," and in the same line, after "Iowa," insert "Battalion, Mormon."
In the same line change "Volunteer" to "Volunteers" and strike out "Infantry."
In line 8 strike out "twenty" and insert "twelve" and add after "month" "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Martha Alexander."

DELIA E. AHERN.

The next pension business was the bill (H. R. 12636) granting a pension to Delia E. Ahern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia E. Ahern, widow of Timothy J. Ahern, late of Company G, Ninth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional for each of the two minor children of said soldier.

The amendments recommended by the committee were read, as follows:

In line 9 strike out "for" and insert "on account of."
In line 10 strike out "two" and "soldier" and insert "Timothy J. Ahern, until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. KENYON.

The next pension business was the bill (H. R. 8763) granting an increase of pension to William M. Kenyon.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Kenyon, late of Company Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In same line, after the word "Company," insert the letter "G."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. BARR.

The next pension business was the bill (H. R. 10283) granting an increase of pension to John S. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Barr, late of Company A, Twenty-fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Twenty-fourth Regiment" and insert in lieu thereof the words "Second Regiment, subsequently Fourth Regiment."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALICE GEORGE.

The next pension business was the bill (H. R. 10267) granting a pension to Alice George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice George, widow of James George, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT S. CLARK.

The next pension business was the bill (H. R. 10152) granting an increase of pension to Robert S. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Clark, late of Company C, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS H. ADDISON.

The next pension business was the bill (H. R. 10128) granting an increase of pension to Thomas H. Addison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Addison, late of Company A, Twenty-third Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Volunteer Colored" and insert in lieu thereof the words "Colored Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET B. NICHOLS.

The next pension business was the bill (H. R. 9838) granting an increase of pension to Harriet B. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet B. Nichols, widow of Henry C. Nichols, late of Company E, Seventy-third Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."
In line 7, after the word "Colored," insert the word "Volunteer."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. HOLLANDER.

The next pension business was the bill (H. R. 8946) granting an increase of pension to John Adam Hollander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Adam Hollander, late of Company I, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Adam" and insert in lieu thereof the letter "A."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to John A. Hollander."

HENRY A. WALKER.

The next pension business was the bill (H. R. 8761) granting an increase of pension to Henry A. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Walker, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Fifth" and insert in lieu thereof the word "Sixth."
In line 7 strike out the word "Maine" and insert in lieu thereof the word "Massachusetts."
In line 8 strike out the word "forty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN R. BEVILHEIMER.

The next pension business was the bill (H. R. 8607) granting an increase of pension to John R. Bevilheimer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Bevilheimer, late of Companies K and D, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Companies" and insert in lieu thereof the word "Company."

In same line strike out the words "and D."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. KING.

The next pension business was the bill (H. R. 9557) granting an increase of pension to James W. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. King, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. EASTMAN.

The next pension business was the bill (H. R. 4518) granting an increase of pension to James W. Eastman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Eastman, late of Company D, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES B. LOVE.

The next pension business was the bill (H. R. 8095) granting an increase of pension to Charles B. Love.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Love, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. MATHIS.

The next pension business was the bill (H. R. 8477) granting an increase of pension to William H. Mathis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Mathis, late of Company M, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL KRESGE.

The next pension business was the bill (H. R. 7887) granting a pension to Michael Kresge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Kresge, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Company C, Third Regiment United States Veteran Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Michael Kresge."

MARY E. COOK.

The next pension business was the bill (H. R. 7481) granting an increase of pension to Mary E. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Cook, widow of Benjamin Cook, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Eighteenth Regiment United States Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "United States."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE ASCHEMOOR.

The next pension business was the bill (H. R. 6896) granting an increase of pension to George Aschemoor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Aschemoor, late of Company B, Thirty-seventh Regiment, Ohio Volunteer Infantry, and Company G, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and Company G, Fourteenth Regiment Ohio Volunteer Infantry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAY WHEELER.

The next pension business was the bill (H. R. 6870) granting an increase of pension to Day Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Day Wheeler, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Companies D and B, Eighth Regiment Missouri Volunteer Infantry, and second lieutenant."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA J. M'PHERSON.

The next pension business was the bill (H. R. 4507) granting an increase of pension to Eliza J. McPherson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. McPherson, widow of Allan McPherson, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. LEABO.

The next pension business was the bill (H. R. 4947) granting an increase of pension to William Leabo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Leabo, late of Company H, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "William," insert the letter "W."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to William W. Leabo."

SIMEON S. GOODRICH.

The next pension business was the bill (H. R. 13814) granting an increase of pension to Simeon S. Goodrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon S. Goodrich, late of Company F, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company F" and insert in lieu thereof the words "second principal musician."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ERI B. SABIN.

The next pension business was the bill (H. R. 14758) granting an increase of pension to Eri B. Sabine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eri B. Sabine, late of Company B, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and One hundred and forty-sixth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sabine" and insert in lieu thereof the word "Sabin."
In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Eri B. Sabin."

THOMAS J. SPENCER.

The next pension business was the bill (H. R. 2777) granting an increase of pension to Thomas J. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Spencer, late of Battery A, First Regiment Michigan Volunteer Light Artillery, Company E, First Regiment Tennessee Volunteer Cavalry, and Company K, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving, and in recognition, in part, of his long and continuous service of four years and eight months at the front and his refusal when a prisoner of war to accept a parole as a noncombatant and go home to await an exchange, and his incarceration in Libby and other Confederate prisons as a consequence until exchanged, and also for his conspicuous gallantry on several battlefields during the war, as testified to in the brevets awarded him and the frequent honorable mention he received from his several commanding officers.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."
In line 7, after the word "Artillery," insert the words "second lieutenant."
In line 8, before the word "Tennessee," insert the word "Middle."
In line 10 strike out the word "forty" and insert in lieu thereof the word "twenty-four."
In line 11 strike out the words "and in recognition in part of his long" and all of lines 10, 11, 12, 13, 14, and 15, and lines 1, 2, 3, 4, and 5 on page 2.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. MULL.

The next pension business was the bill (H. R. 2927) granting an increase of pension to William J. Mull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Mull, late of Company B, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOTT V. EAMES.

The next pension business was the bill (H. R. 2933) granting an increase of pension to Montier V. Eames.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Montier V. Eames, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Montier" and insert in lieu thereof the word "Mott."
In line 7, before the word "and," insert the words "and One hundred and forty-ninth Company, Second Battalion, Veteran Reserve Corps."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Mott V. Eames."

MARY E. BECKING.

The next pension business was the bill (H. R. 2962) granting a pension to Mary E. Becking.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Becking, widow of Julius C. Becking, late of Company D, Eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARCUS A. STEPHENSON.

The next pension business was the bill (H. R. 3223) granting an increase of pension to Marcus A. Stephenson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus A. Stephenson, late of Company B, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. CLARK.

The next pension business was the bill (H. R. 3495) granting an increase of pension to Benjamin F. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Clark, late of Company D, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JENNINGS BRANHAM.

The next pension business was the bill (H. R. 3630) granting an increase of pension to Jennings Branham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennings Branham, late of Company H, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In same line strike out the word "Thirty-ninth" and insert in lieu thereof the word "Eighth."
In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN V. LARRIMER.

The next pension business was the bill (H. R. 3685) granting an increase of pension to John V. Larrimer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John V. Larrimer, late of Company F, Second Regiment Kentucky Volunteer infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. MARTIN.

The next pension business was the bill (H. R. 4104) granting an increase of pension to Henry C. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Martin, late of Company D, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOPHIA CONLON.

The next pension business was the bill (H. R. 4129) granting a pension to Sophia Conlon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophia Conlon, widow of Thomas Conlon, late of Company F, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the two minor children of said soldier until they shall attain the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

THERESA M. RANDALL.

The next pension business was the bill (H. R. 4506) granting an increase of pension to Theresa M. Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theresa M. Randall, widow of A. R. Randall, late chaplain, Fifty-fourth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Asa."
In line 7, after the word "States," insert the words "Colored Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM S. AUKERMAN.

The next pension business was the bill (H. R. 4515) granting an increase of pension to William S. Ankerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Ankerman, late of Company K, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Ankerman" and insert in lieu thereof the word "Aukerman."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to William S. Aukerman."

SHELTON CANFIELD.

The next pension business was the bill (H. R. 10419) granting an increase of pension to Shelton Canfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Shelton Canfield, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARK KELLY.

The next pension business was the bill (H. R. 4935) granting an increase of pension to Clark Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clark Kelley, late second lieutenant Company E, Seventh Regiment Virginia Volunteer Infantry (Union), and Company E, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kelley" and insert in lieu thereof the word "Kelly."
In the same line strike out the words "second lieutenant" and insert in lieu thereof the word "of."
In line 7, before the word "Virginia," insert the word "West."
In same line strike out the word "(Union)."
In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Clark Kelly."

CHARLES S. BAKER.

The next pension business was the bill (H. R. 4946) granting an increase of pension to Charles S. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Baker, late of Companies B and E, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY A. LAMOUNTAIN.

The next pension business was the bill (H. R. 4948) granting an increase of pension to Henry A. Lamontain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Lamontain, late of Company B, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of —— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lamontain" and insert in lieu thereof the word "Lamountain."
In line 8, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Henry A. Lamountain."

JAMES BROWN.

The next pension business was the bill (H. R. 6013) granting an increase of pension to James Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Brown, late of Company E, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Fifty-first Company, Second Battalion, Veteran Reserve Corps."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TRUMAN H. BALDWIN.

The next pension business was the bill (H. R. 6044) granting an increase of pension to Truman H. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Truman H. Baldwin, late of Company D, Eighty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Eighty-fifth" and insert in lieu thereof the word "Thirty-fifth."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN LORANGER.

The next pension business was the bill (H. R. 6083) granting an increase of pension to Stephen Loranger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Loranger, late of Companies A and E, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Companies" and insert in lieu thereof the word "Company."
In same line strike out the words "A and."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN L. HAYNES.

The next pension business was the bill (H. R. 6300) granting a pension to Benjamin L. Haynes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin L. Haynes, late of Company K, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Benjamin L. Haynes."

GEORGE H. SMITH.

The next pension business was the bill (H. R. 13781) granting an increase of pension to George H. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Smith, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MICHAEL SENNET.

The next pension business was the bill (H. R. 6318) granting an increase of pension to Michael Sennet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Sennet, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS P. CLARK.

The next pension business was the bill (H. R. 6410) granting an increase of pension to Thomas P. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Clark, late of Company G, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES C. VORHES.

The next pension business was the bill (H. R. 10346) granting an increase of pension to James C. Vorhes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Vorhes, late of Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE F. RAY.

The next pension business was the bill (H. R. 2862) granting an increase of pension to Theodore Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore Ray, late of Company F, Seventh Regiment New York Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 before the word "Ray" insert the letter "F."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Theodore F. Ray."

WILLIAM W. TANNERY.

The next pension business was the bill (H. R. 4234) granting an increase of pension to William W. Tannery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Tannery, late of Company B, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT A. HODGES.

The next pension business was the bill (H. R. 10418) granting an increase of pension to Robert A. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. Hodges, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PATRICK J. O'BRIEN.

The next pension business was the bill (H. R. 10964) granting a pension to Patrick J. O'Brien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick J. O'Brien, late of Company K, Sixty-ninth Regiment New York National Guard Volunteers, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "National Guard Volunteers" and insert in lieu thereof the words "State Militia Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE F. COWING.

The next pension business was the bill (H. R. 11223) granting an increase of pension to George F. Cowing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Cowing, late of Company K, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BURTON WALTERS.

The next pension business was the bill (H. R. 9552) granting a pension to Burton Walters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burton Walters, son of Boardy Walters, late of Company K, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "son," insert the words "helpless and dependent."

In same line strike out the word "Boardy" and insert in lieu thereof the word "Borda."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN GLANDEN.

The next pension business was the bill (H. R. 11938) granting an increase of pension to Stephen Glanden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Glanden, late of Company I, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Company E, First Regiment New Orleans (La.) Volunteer Infantry."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twelve."

In same line and in line 9 strike out the words "in lieu of that he is now receiving" and insert in lieu thereof the words "the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting a pension to Stephen Glanden."

WILLIAM H. SMYSER.

The next pension business was the bill (H. R. 11572) granting an increase of pension to William H. Smyser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Smyser, late of Company H, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT B. THOMAS.

The next pension business was the bill (H. R. 12208) granting an increase of pension to Robert B. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert B. Thomas, late of the United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. Vermont and Fort Morgan."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. GEORGE.

The next pension business was the bill (H. R. 12236) granting an increase of pension to James W. George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. George, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. SCHOFIELD.

The next pension business was the bill (H. R. 12982) granting an increase of pension to William C. Schofield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Schofield, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH GRITZNER.

The next pension business was the bill (H. R. 13029) granting an increase of pension to Elizabeth Gritzner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Gritzner, widow of Charles Gritzner, late of Company E, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving; the same to be paid to her under the rules of the Pension Bureau as to mode and time of payments, without any deductions or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9 strike out the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting a pension to Elizabeth Gritzner."

FRANK H. WELLS.

The next pension business was the bill (H. R. 13220) granting an increase of pension to Frank H. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank H. Wells, late of Company I, Twenty-eight Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB GLASS.

The next pension business was the bill (H. R. 13234) granting an increase of pension to Jacob Glass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Glass, late of Company A, Fifty-fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Maryland" and insert in lieu thereof the word "Pennsylvania."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORYDON S. HICKMAN.

The next pension business was the bill (H. R. 13396) granting an increase of pension to Corydon S. Hickman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Corydon S. Hickman, late of United States ships Clara Dolson, Ouachita, and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY STULEN.

The next pension business was the bill (H. R. 13771) granting a pension to Henry Stulen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Stulen, late of Company G, Eleventh Pennsylvania Regiment, and regimental band, Forty-fifth Pennsylvania Regiment Volunteer Infantry, and pay him a pension at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eleventh," insert the word "Regiment."

In line 7 strike out the word "Regiment" and insert in lieu thereof the words "Volunteer Infantry."

In same line strike out the word "Regimental."

In same line, before the word "Pennsylvania," insert the word "Regiment."

In line 8 strike out the word "Regiment."

In line 9 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Henry Stulen."

LEVI M. BRIDDELL.

The next pension business was the bill (H. R. 13815) granting an increase of pension to Levi M. Briddell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi M. Briddell, late of Company I, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SENECA R. RANDALL.

The next pension business was the bill (H. R. 13877) granting an increase of pension to Seneca R. Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seneca R. Randall, late of Company I, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID MITCHELL.

The next pension business was the bill (H. R. 14149) granting an increase of pension to David Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Mitchell, late sergeant, Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER PENORD.

The next pension business was the bill (H. R. 14344) granting an increase of pension to Peter Penord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Penord, late of Company G, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

INCREASE OF PENSION FOR CERTAIN SOLDIERS AND SAILORS OF CIVIL WAR.

The next pension business was the bill (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William H. Drake, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel R. Palmer, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton S. Hammond, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin N. Kline, late of Battery C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Logan McD. Scott, late of Companies H and G, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Wixon, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert E. Goodwin, late of Company H, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albion Crane, late of Company H, Sixty-third Regiment, and Company B, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederic Getchell, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The name of Irving Campbell, late of Company A, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Moneypeney, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The name of George W. Phillips, late of U. S. ships Sabine, Niagara, and Savannah, United States Navy, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The name of William G. Jordan, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The name of William Deter, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The name of Palmer Atkins, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward S. Hyde, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Job D. Lewis, late of Company F, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orrel Brown, late of Company C, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James J. Hartin, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rawson Bailey, late of Company H, Fifty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ferdinand Ohmes, late of Company G, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa D. Clark, late of Company K, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Donohue, late of Company I, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Reed, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Millett, late of Company F, Maine Volunteer Coast Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clarence L. Walker, late of Battery L, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. Parks, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton H. Barnes, late of Company K, First Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in liue of that he is now receiving.

The name of Thomas S. Cottrell, late of Company A, Maine Volunteer Coast Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson S. Wellman, late of U. S. S. Juliet, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Guptill, late of Company F, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Henry Webb, late of Company H, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Clipper, late of Company I, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phillip Ford, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert T. Covill, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hendrickson, late of Company I, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos Coulter, late of Company F, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The name of Charles H. Randall, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Delos White Leach, late of Company A, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph T. Woodward, late first lieutenant and adjutant, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enos H. Stevens, late of Company F, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of A. Judson Annis, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Shroyer, late first lieutenant Company G and captain Company H, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Fort, late of Company A, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert W. Jones, late of Fifth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Fisher, late of Company D, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward H. Williams, late of Company I, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Dulin, late of Company C, Tenth Regiment, and Company G, One hundred and fifty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert E. Stewart, late of Company B, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Gray, late of Company K, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annanias Drew, late of Company G, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathew W. Martin, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edson H. Webster, late of the United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James P. Hubbell, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi S. Beemer, late of Company A, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cornelius M. Conley, late second lieutenant Company B, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. McClurkin, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Evans, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph S. Buck, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward N. Marsh, late of Company E, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Page, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Foley, late of Company K, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew J. Mullinix, late of Company B, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah R. Fox, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Hamlin, late major and assistant adjutant-general and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James B. Linderman, late of Company K, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucretia G. Webster, widow of William E. Webster, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Marth J. Browne, widow of Albert W. Browne, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Isabella Roessle, widow of Henry G. Roessle, late lieutenant-colonel Fifteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie B. Berry, widow of Richard Berry, late acting master's mate, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Mary E. Walker, widow of Samuel H. Walker, late of Company F, Sixth Battalion District of Columbia Volunteer Infantry, and captain Company D, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Martha A. Sheldon, widow of Charles H. Sheldon, late captain Company I, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret G. Gorman, widow of John M. J. Gorman, late of Company I, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Harriet Garwood, widow of Richard Garwood, late of Company A, Second Regiment Ohio Volunteer Infantry, war with Mexico, and Company I, Sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Almire E. Briggs, widow of George L. Briggs, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and One hundred and fifty-ninth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Ada Eaton, widow of John Eaton, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Rose Hollihan, widow of Peter Hollihan, late of Company F, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Ellen E. Traver, widow of Lorenzo Traver, late acting assistant surgeon, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Jane Newton, widow of Francis E. Newton, late captain Company H, Twenty-ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nancy Baxter, widow of William W. Baxter, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Laura M. Farnham, widow of John Farnham, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elmira Lombard, widow of Norman W. Lombard, late of Company C, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Julie M. Hinsdill, widow of Chester B. Hinsdill, late lieutenant-colonel and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma L. Slack, widow of John W. Slack, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Elvira E. Baxter, widow of Henry Baxter, late lieutenant-colonel Seventh Regiment Michigan Volunteer Infantry and brigadier-general United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Grace A. Lines, widow of Edward C. D. Lines, late captain Company C, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Emily C. Wallace, widow of William Wallace, alias Wallis, late of Company D, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

On page 7 strike out all of lines 18, 19, 20, and 21.

On page 8 strike out all of lines 1, 2, 3, and 4.

On page 12, line 23, strike out the word "Marth" and insert the word "Martha."

On page 14, in line 9, strike out the word "Almire" and insert in lieu thereof the word "Almira."

Mr. FULLER. On page 6, line 7, the committee recommend an amendment to strike out "twenty-four" and insert "thirty" before the word "dollars."

The CHAIRMAN. The Clerk will report the the amendment.

The Clerk read as follows:

Page 6, line 7, strike out "twenty-four" and insert "thirty" before the word "dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD HADFIELD.

The next pension business was the bill (H. R. 12969) granting an increase of pension to Edward Hadfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Hadfield, late of Company D, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. MADISON.

The next pension business was the bill (H. R. 14601) granting an increase of pension to James W. Madison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Madison, late of Company I, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH S. PRATT.

The next pension business was the bill (H. R. 12955) granting an increase of pension to Joseph S. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph S. Pratt, late of Company G, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE C. GUTELIUS.

The next pension business was the bill (H. R. 9705) granting an increase of pension to George C. Gutelius.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Gutelius, late of Company E, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BEAR.

The next pension business was the bill (H. R. 11182) granting an increase of pension to John Bear.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bear, late of Company D, Fifty-first Regiment Missouri Infantry Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE E. KOONTZ.

The next pension business was the bill (H. R. 10204) granting an increase of pension to Catharine E. Koontz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine E. Koontz, widow of Thomas E. Koontz, late of Company H, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM L. SKINNER.

The next pension business was the bill (H. R. 10035) granting an increase of pension to William L. Skinner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Skinner, late of Company B, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Regiment," insert the words "and Company E, One hundred and ninety-first Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER WEATHERBY.

The next pension business was the bill (H. R. 9790) granting an increase of pension to Peter Weatherby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Weatherby, late captain, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the word "major."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. ISETT.

The next pension business was the bill (H. R. 9707) granting an increase of pension to George W. Isett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Isett, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE PRATT.

The next pension business was the bill (H. R. 7871) granting an increase of pension to George Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Pratt, late of Company K, Fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN F. RUPERT.

The next pension business was the bill (H. R. 9321) granting a pension to John F. Rupert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Rupert, late of Company A, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of — per month.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "dollars," insert the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to John F. Rupert."

JAMES T. THRASHER.

The next pension business was the bill (H. R. 8547) granting an increase of pension to J. T. Thrasher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. T. Thrasher, late of Company G, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to James T. Thrasher.

GEORGE W. NORRIS.

The next pension business was the bill (H. R. 7172) granting a pension to George W. Norris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Norris, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to George W. Norris."

JAMES M'DOWELL.

The next pension business was the bill (H. R. 9292) granting an increase of pension to James McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McDowell, late of Company D, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATTHIAS DYE.

The next pension business was the bill (H. R. 8980) granting an increase of pension to Mathias Dye.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias Dye, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mathias" and insert in lieu thereof the word "Matthias."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Matthias Dye."

HORACE E. ADAMS.

The next pension business was the bill (H. R. 8243) granting an increase of pension to Horace E. Adams.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Adams, late of Company H, Forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. HOISINGTON.

The next pension business was the bill (H. R. 8020) granting an increase of pension to James E. Hoisington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Hoisington, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELI S. DUNKLEE.

The next pension business was the bill (H. R. 7443) granting an increase of pension to Eli S. Dunkler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli S. Dunkler, late of Company G, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Dunkler" and insert in lieu thereof the word "Dunklee."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Eli S. Dunklee."

LUTHIS B. DELMAN, ALIAS LAWSON R. LANE.

The next pension business was the bill (H. R. 7309) granting an increase of pension to Luthis B. Delman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luthis B. Delman, late of Company K, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "late of" and insert in lieu thereof the words "alias Lawson R. Lane, late second lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Luthis B. Delman, alias Lawson R. Lane."

GEORGE W. FLETCHER.

The next pension business was the bill (H. R. 7076) granting an increase of pension to George W. Fletcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Fletcher, late of Company E, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL W. TOBEY.

The next pension business was the bill (H. R. 7014) granting an increase of pension to Samuel W. Tobey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Tobey, late of Company B, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE M. BUCHANAN.

The next pension business was the bill (H. R. 6881) granting a pension to Jane M. Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane M. Buchanan, invalid daughter of R. D. Buchanan, deceased, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "invalid" and insert in lieu thereof the words "helpless and dependent."

In same line strike out the letter "R." and insert in lieu thereof the word "Royal."

In line 7 strike out the word "deceased."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. MYERS.

The next pension business was the bill (H. R. 6645) granting an increase of pension to Henry C. Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Myers, late of Company H, Sixty-first Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM A. M'DONALD.

The next pension business was the bill (H. R. 6557) granting a pension to Hiram A. McDonald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Hiram A. McDonald, late lieutenant Company H, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "lieutenant Company H" and insert in lieu thereof the words "of Company H, and second lieutenant Company D."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Hiram A. McDonald."

CHARLES M. CURTESS.

The next pension business was the bill (H. R. 6493) granting an increase of pension to Charles M. Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Curtis, late of Company H, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Curtis" and insert in lieu thereof the word "Curtess."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Charles M. Curtess."

RUFUS LUCORE.

The next pension business was the bill (H. R. 6321) granting an increase of pension to Rufus Lucore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus Lucore, late unassigned, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GUSTAVUS A. DWELLY.

The next pension business was the bill (H. R. 6036) granting a pension to Gustavus A. Dwelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustavus A. Dwelly, late of Company F, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Gustavus A. Dwelly."

WILLIAM A. BARNES.

The next pension business was the bill (H. R. 5611) granting an increase of pension to William A. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of William A. Barnes, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH W. KING.

The next pension business was the bill (H. R. 4697) granting an increase of pension to Joseph W. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. King, late of Company I, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES C. GAGE.

The next pension business was the bill (H. R. 4533) granting an increase of pension to Charles C. Gage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Gage, late of Company I, Thirty-third Regiment New York Volunteer Infantry, and of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WALTER C. KNIGHT.

The next pension business was the bill (H. R. 3653) granting an increase of pension to Walter C. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter C. Knight, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. COX.

The next pension business was the bill (H. R. 3617) granting an increase of pension to William E. Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Cox, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER LEONARD.

The next pension business was the bill (H. R. 3452) granting an increase of pension to Peter Leonard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Leonard, late of Company G, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID W. CONRATH.

The next pension business was the bill (H. R. 3353) granting a pension to David W. Conrath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Conrath, late of Company D, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to David W. Conrath."

WILLIAM LAMBERT.

The next pension business was the bill (H. R. 2710) granting an increase of pension to William Lambert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lambert, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. GREENLEE.

The next pension business was the bill (H. R. 3224) granting an increase of pension to William C. Greenlee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Greenlee, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLET SHOTTENKIRK.

The next pension business was the bill (H. R. 3137) granting an increase of pension to Willet Shottenkirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willet

Shottenkirk, late of Company C, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY H. CHRISTIAN.

The next pension business was the bill (H. R. 3651) granting an increase of pension to Mary H. Christian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Christian, widow of W. H. Christian, late of Company ——, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."

In the same line, after the word "late," strike out the word "of."

In line 7 strike out the word "Company" and insert in lieu thereof the word "colonel."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY JULIUS.

The next pension business was the bill (H. R. 2972) granting an increase of pension to Henry Julius.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Julius, late of Company C, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON M. ORTON.

The next pension business was the bill (H. R. 2936) granting an increase of pension to Milton M. Orton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton M. Orton, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK J. MEYER.

The next pension business was the bill (H. R. 2827) granting an increase of pension to Frederick J. Meyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick J. Meyer, late of Company M, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW C. GIBSON.

The next pension business was the bill (H. R. 1504) granting an increase of pension to Andrew C. Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Gibson, late of Company L, Fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM L. RUSSELL.

The next pension business was the bill (H. R. 1485) granting an increase of pension to Hiram L. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram L. Russell, late of Company I, First Regiment Vermont Heavy Artillery Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In same line strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID STIDD.

The next pension business was the bill (H. R. 1080) granting a pension to David Stidd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Stidd, late of Company D, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to David Stidd."

STEPHEN H. SANBORN.

The next pension business was the bill (H. R. 1033) granting an increase of pension to Stephen H. Sanborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen H. Sanborn, late of Company D, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRUS CHAPIN.

The next pension business was the bill (H. R. 2423) granting an increase of pension to Cyrus Chapin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Chapin, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES ADAMS.

The next pension business was the bill (H. R. 2217) granting an increase of pension to James Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Adams, late of Company B, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH K. ADAMS.

The next pension business was the bill (H. R. 1468) granting a pension to Sarah K. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Sarah K. Adams, widow of Benjamin Adams, late of Company C, Thirty-first Regiment Ohio Infantry Volunteers, and pay her a pension at the rate of $12 a month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 7, after the word "dollars," strike out the letter "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPHINE M. PEARSALL.

The next pension business was the bill (H. R. 4962) granting a pension to Mrs. U. B. Pearsoll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. U. B. Pearsoll, widow of Gen. U. B. Pearsoll, late brigadier-general and lieutenant-colonel Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. U. B. Pearsoll" and insert in lieu thereof the words "Josephine M. Pearsall."

In same line strike out the words "General U." and insert in lieu thereof the word "Uri."

In same line, after the letter "B.," strike out the word "Pearsoll" and insert in lieu thereof the word "Pearsall."

In line 7 strike out the words "brigadier-general and lieutenant-colonel" and insert in lieu thereof the word "colonel."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Josephine M. Pearsall."

LODEMA COOLEY.

The next pension business was the bill (H. R. 5571) granting a pension to Lodema Cooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lodema Cooley, widow of Levi Cooley, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELLIE P. COYLE.

The next pension business was the bill (H. R. 5705) granting an increase of pension to Nellie P. Coyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie P. Coyle, widow of George R. Coyle, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BALDWIN CANN.

The next pension business was the bill (H. R. 6806) granting an increase of pension to Baldwin Cann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Baldwin Cann, late of Company A, Fourth New York Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line, after the word "Fourth," insert the word "Regiment."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW H. HAZLETT.

The next pension business was the bill (H. R. 7373) granting an increase of pension to Andrew H. Hazlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew H. Hazlett, late first lieutenant Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE BERRY.

The next pension business was the bill (H. R. 10761) granting an increase of pension to George Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Berry, late of Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SMITH H. SIMPSON.

The next pension business was the bill (H. R. 14283) granting an increase of pension to Smith H. Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith H. Simpson, late of Company I, First Regiment New Mexico Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of," after the word "late," and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILIP LUTZ.

The next pension business was the bill (H. R. 13817) granting an increase of pension to Philip Lutz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Lutz, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM POOR.

The next pension business was the bill (H. R. 598) granting an increase of pension to William Poor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Poor, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANESTATIA C. SEISS.

The next pension business was the bill (H. R. 11861) granting a pension to Anastatia C. Seiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anastatia C. Seiss, widow of John A. Seiss, late private of Company B, Seventy-fourth Regiment Ohio Volunteer Infantry, and captain Company G, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $16 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Anastatia" and insert in lieu thereof the word "Anestatia."

In same line strike out the word "private."

In line 10, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Anestatia C. Seiss."

MICHAEL M'MANUS.

The next pension business was the bill (H. R. 11114) granting an increase of pension to Michael McManus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael McManus, late of Company C, Eleventh Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert the words "and Company L, Fourth Regiment."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE E. CHAPEL.

The next pension business was the bill (H. R. 4754) granting a pension to Jane E. Chapel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Chapel, widow of John L. Chapel, late assistant surgeon, Twenty-Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY D. LEWIS.

The next pension business was the bill (H. R. 4672) granting an increase of pension to Henry D. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Lewis, late of Company H, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUSTIN GREEN.

The next pension business was the bill (H. R. 4250) granting an increase of pension to Austin Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin Green, late of Company H, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA F. ALLEN.

The next pension business was the bill (H. R. 2685) granting an increase of pension to Martha F. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha F. Allen, widow of the late John Allen, who served as a private in the wars against the Indians in Captain Russell's company of Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that which she is now receiving under certificate No. 208, Indian wars.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "the late" and "who."

In line 7 insert "late of" and strike out the entire line.

In line 8, before "Russell's," insert "Captain." In the same line, after "Militia," insert "Florida Indian war."

In line 9 strike out "twenty" and insert "twelve."

In line 10 strike out "which" and all after "receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JANE BAIN.

The next pension business was the bill (H. R. 4969) granting a pension to Jane Bain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Bain, widow of Charles M. Bain, late of Company , Third Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Bain," strike out "widow" and insert "dependent mother;" in the same line, after "Company," insert "I."

In line 8 strike out "fifteen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN R. CLARK.

The next pension business was the bill (H. R. 8453) granting an increase of pension to Stephen R. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen R. Clark, late of the California Volunteers, in the Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "of the" and insert "assistant commissary, Second Battalion."

In the same line, after "Volunteers," strike out "in the."

In line 7 strike out "Indian wars" and insert "California Indian disturbances."

In the same line strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA LEEDY.

The next pension business was the bill (H. R. 8834) granting an increase of pension to Eliza Leedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Leedy, widow of Daniel H. Leedy, late of Company C, Third Regiment Ohio Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA J. WALKER.

The next pension business was the bill (H. R. 8845) granting an increase of pension to Eliza J. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Walker, widow of William C. Walker, late of Captain Smith's company, Colonel Young's regiment, Texas Cavalry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. PENCE.

The next pension business was the bill (H. R. 9951) granting a pension to Andrew J. Pence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Andrew J. Pence, of Bellingham, Whatcom County, State of Washington, upon the pension roll, and, subject to the provisions and limitations of the pension laws, pay him a pension at the rate of $8 per month, and that such pension shall commence from the 27th day of June, 1902, the date of the passage of the act granting pensions to the survivors and widows of deceased soldiers who served in the Oregon and Washington Territories Indian war of 1855 and 1856.

The amendments recommended by the committee were read, as follows:

In line 4, after "place," insert "upon the pension roll, subject to the provisions and limitations of the pension laws."

Strike out lines 5 and 6, and in line 7 strike out "tions of the pension laws," and insert before the word "pay" "late of Captain William H. Packwood's company, Ninth Regiment Oregon Militia Volunteers, Oregon and Washington Territorial Indian wars, and."

Strike out all after "month," in line 8.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED H. JOHNSTON.

The next pension business was the bill (H. R. 10612) granting an increase of pension to Alfred H. Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Johnston, late of Captain Derrick's company, Georgia Volunteers, Indian wars of 1836 to 1838, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Volunteers," insert "Cherokee." In the same line, after "Indian," insert "disturbance."

In lines 7 and 8 strike out "wars of 1836 to 1838."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY ANN THOMPSON.

The next pension business was the bill (H. R. 11188) granting a pension to Mary Ann Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Thompson, widow of William R. Thompson, late of Company I, Third Regiment Dragoons, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Company" and insert "Troop."

In the same line, after "Regiment," insert "United States."

In line 9, after "month," insert "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting an increase of pension to Mary Ann Thompson."

ELLEN L. FITZGERALD.

The next pension business was the bill (H. R. 12045) granting a pension to Ellen L. Fitzgerald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen L. Fitzgerald, widow of Walter M. Fitzgerald, late captain Company A, Fourth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after "Infantry," insert "war with Spain;" in same line strike out "twenty-four" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH SMITH.

The next pension business was the bill (H. R. 12264) granting an increase of pension to Sarah Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Smith, widow of Solomon Smith, late of Company F, Third Regiment Ohio Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteers."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET HICKEY.

The next pension business was the bill (H. R. 12451) granting an increase of pension to Harriet Hickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Hickey, widow of William Hickey, late of Captain Van Metre's company, Virginia Militia, war of 1812, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "company" and insert "Regiment."

In line 9 strike out "fifty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCRETIA A. EVANS.

The next pension business was the bill (H. R. 12529) granting an increase of pension to Lucretia A. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucretia A. Evans, widow of Jesse B. Evans, late of Company H, Second Regiment Texas Volunteer Infantry, and pay her a pension at the rate or $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Texas," insert "Mounted." In the same line change "Volunteer" to "Volunteers." In the same line strike out "Infantry."

In line 8 strike out "twenty-four" and insert "twelve."

In line 7, after "Volunteers," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HULDA FLINN.

The next pension business was the bill (H. R. 12596) granting a pension to Hulda Flinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hulda Flinn, widow of Isham Flinn, late of Capt. George D. Grant's company A, Mounted Rangers Narrvoo Legia, Indian wars, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "George D;" also in the same line strike out "A, Mounted Rangers, Narrvoo," and insert after "company" "First Utah Cavalry."

In line 8 strike out "Legia" and "wars" and insert before "Indian," "Utah," and after "Indian" insert "disturbances."

In line 9 strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EPSY M. MELLETT.

The next pension business was the bill (H. R. 13138) granting an increase of pension to Epsy M. Mellett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Epsy M. Mellett, widow of Cyrus A. Mellett, late lieutenant of Company A, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "A" to "S." In the same line, after "late," insert "first."
In line 7 strike out "of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IBBY M. J. HAY.

The next pension business was the bill (H. R. 13550) granting a pension to Ebby M. J. Hay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebby M. J. Hay, widow of Jeremiah Hay, late of Warner's regiment, Tennessee Militia, Sabine Indian disturbances, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change claimant's name, where it appears in the title and body of the bill, from "Ebby" to "Ibby."
In line 6, after "late of," insert "Captain."
In line 7 strike out "regiment" and insert "company."
In the same line, after "Tennessee," insert "Mounted," and in the same line, after "Militia," insert "Volunteers."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The title was amended so as to read: "A bill granting a pension to Ibby M. J. Hay."

WILLIAM A. POLLARD.

The next pension business was the bill (H. R. 13623) granting a pension to William A. Pollard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Pollard, late of Company K, First Regiment Colorado Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after "Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA E. M'KNIGHT.

The next pension business was the bill (H. R. 13874) granting an increase of pension to Martha E. McKnight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. McKnight, widow of William R. McKnight, late of Company I, Mounted Arkansas Volunteer Infantry, Mexican war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "William," insert "I. R."
In line 7 strike out "Volunteer."
In line 8 strike out "Mexican" and insert, after "war," "with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. CRAWFORD.

The next pension business was the bill (H. R. 14342) granting an increase of pension to Mary A. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Crawford, widow of William Crawford, late of Company —, Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Company," insert "D." In the same line strike out "Palmetto Regiment South Carolina Volunteer" and insert "First Battalion, Louisiana Mounted Volunteers, war with Mexico."
In line 8 strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TILLMAN L. LAFFERTY.

The next pension business was the bill (H. R. 14472) granting a pension to Tillman L. Lafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Tillman L. Lafferty, late of Company D, Twenty-sixth Regiment United States Army, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Army" and insert "Infantry."
In line 8 strike out "fifty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA PORTER.

The next pension business was the bill (H. R. 14619) granting an increase of pension to Louisa Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Porter, widow of David Henry Porter, a private in Company D, Battery Mississippi Regiment in the Mexican War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a private" and insert "late of."
In line 7 strike out "in;" in the same line strike out "Battery" and insert "Battalion." In the same line strike out "Regiment" and insert "Volunteers." In the same line strike out "in the Mexi-."
In line 8 strike out "can" and insert after "war" "with Mexico." In the same line strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET ANN LONG.

The next pension business was the bill (H. R. 14827) granting an increase of pension to Harriet Ann Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Ann Long, widow of Thomas C. Long, late of Company M, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, change "Volunteer" to "Volunteers" and in the same line strike out "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. FULLER. I move that the committee do now rise and report the bills to the House, with the recommendation that the amendments be agreed to and that the bills as amended be passed.

The motion was agreed to.

The committee accordingly rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, Mr. CAPRON, Chairman of the Committee of the Whole on the Private Calendar, reported that the committee had had under consideration sundry pension bills, some with amendments and some without, and had directed him to report the same to the House with the recommendation that the amendments be agreed to, and that the bills as amended be passed.

The following House bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time, were read a third time, and passed:

HOUSE BILLS AMENDED.

H. R. 11101. A bill granting an increase of pension to Levy B. Gaylord (title amended);

H. R. 6762. A bill granting an increase of pension to Ely E. Baker;

H. R. 6498. A bill granting an increase of pension to Zelotus J. Stewart;

H. R. 2649. A bill granting an increase of pension to Amos B. Batchelder;

H. R. 1591. A bill granting an increase of pension to Richard F. Williams;

H. R. 6805. A bill granting an increase of pension to Michael Doyle;

H. R. 7225. A bill granting an increase of pension to Samuel Niles Dickerman (title amended);
H. R. 4418. A bill granting an increase of pension to Winslow H. Furrows;
H. R. 9252. A bill granting an increase of pension to Samuel Fetters;
H. R. 3635. A bill granting an increase of pension to Jesse T. Power;
H. R. 6646. A bill granting an increase of pension to John Marshall;
H. R. 1608. A bill granting an increase of pension to William H. H. Craver;
H. R. 10857. A bill granting an increase of pension to Caroline H. G. Dralle;
H. R. 6305. A bill granting an increase of pension to Isaiah Smith;
H. R. 3109. A bill granting an increase of pension to Elkanah A. Richards;
H. R. 4212. A bill granting an increase of pension to Francis O. Vandersluis;
H. R. 3342. A bill granting an increase of pension to Charles Belville;
H. R. 12111. A bill granting an increase of pension to Wesley M. Niblack (title amended);
H. R. 6353. A bill granting an increase of pension to Charles P. Jeannin;
H. R. 4753. A bill granting an increase of pension to Richard W. Jones;
H. R. 3323. A bill granting a pension to Swen Dahlberg (title amended);
H. R. 11214. A bill granting an increase of pension to George W. Horder;
H. R. 8773. A bill granting an increase of pension to Alfred Lindsay;
H. R. 4519. A bill granting an increase of pension to William Minick;
H. R. 2218. A bill granting an increase of pension to Lewis L. Bingham;
H. R. 11047. A bill granting an increase of pension to George B. Follett;
H. R. 6350. A bill granting an increase of pension to Benjamin F. Bean;
H. R. 4492. A bill granting an increase of pension to William H. Clark;
H. R. 9658. A bill granting an increase of pension to John A. Mayes;
H. R. 2988. A bill granting an increase of pension to William H. Andrews;
H. R. 12837. A bill granting an increase of pension to Daniel J. Duffy;
H. R. 7374. A bill granting an increase of pension to Charles M. Hobbs;
H. R. 8677. A bill granting an increase of pension to Thomas W. Quine;
H. R. 3615. A bill granting an increase of pension to William F. Carter;
H. R. 4670. A bill granting an increase of pension to Elisha H. Colburn (title amended);
H. R. 6659. A bill granting an increase of pension to Thomas D. Scott;
H. R. 2893. A bill granting an increase of pension to James Henderson;
H. R. 2424. A bill granting an increase of pension to David D. Reese;
H. R. 2724. A bill granting an increase of pension to John L. Cleary (title amended);
H. R. 6043. A bill granting an increase of pension to Samuel H. Chambers;
H. R. 6761. A bill granting an increase of pension to Calvin A. Eason;
H. R. 8638. A bill granting an increase of pension to Berry May;
H. R. 12107. A bill granting an increase of pension to William Guthrie;
H. R. 3514. A bill granting an increase of pension to Edwin A. Tomlin (title amended);
H. R. 8730. A bill granting an increase of pension to George Lytle;
H. R. 3515. A bill granting an increase of pension to James Daly;
H. R. 9370. A bill granting an increase of pension to Earl Henry Cooper;
H. R. 7030. A bill granting an increase of pension to Harvey D. McCormick;
H. R. 2931. A bill granting an increase of pension to Charles W. Pavey;
H. R. 7207. A bill granting an increase of pension to Armand Dufloo;
H. R. 1503. A bill granting an increase of pension to Andrew J. Fillmore;
H. R. 2709. A bill granting an increase of pension to George Collins;
H. R. 8109. A bill granting an increase of pension to William S. Kidder;
H. R. 12604. A bill granting a pension to John N. Moeller;
H. R. 12801. A bill granting an increase of pension to Thomas Fauciei;
H. R. 854. A bill granting an increase of pension to Noah E. Thornburgh;
H. R. 6690. A bill granting an increase of pension to J. A. Bering (title amended);
H. R. 4542. A bill granting an increase of pension to William H. Teeling;
H. R. 9807. A bill granting an increase of pension to William R. Hicks;
H. R. 6628. A bill granting an increase of pension to Joseph W. Pierce (title amended);
H. R. 3231. A bill granting an increase of pension to Thomas Casey (title amended);
H. R. 4414. A bill granting an increase of pension to Patrick H. Fern;
H. R. 7369. A bill granting an increase of pension to Adam F. Emge (title amended);
H R. 4677. A bill granting an increase of pension to Sylvia M. Anthony;
H. R. 12736. A bill granting an increase of pension to Lidia A. Patterson (title amended);
H. R. 11917. A bill granting an increase of pension to Elmira F. Smith;
H. R. 4762. A bill granting a pension to Kate B. Wheeler;
H. R. 12160. A bill granting a pension to Julia A. Wilcoxon;
H. R. 4667. A bill granting an increase of pension to Mary A. Clendenin;
H. R. 7214. A bill granting a pension to Isabel Seaman;
H. R. 4370. A bill granting an increase of pension to Bridget D. Farrell;
H. R. 13171. A bill granting an increase of pension to Barney Stone;
H. R. 13177. A bill granting a pension to Abraham H. Brown (title amended);
H. R. 7306. A bill granting an increase of pension to Mary J. Preuitt;
H. R. 11121. A bill granting an increase of pension to Maria Johnson;
H. R. 3230. A bill granting an increase of pension to Sarah Miller;
H. R. 5295. A bill granting an increase of pension to Julia Burns;
H. R. 6033. A bill granting an increase of pension to Fred B. Bowman;
H. R. 6313. A bill granting an increase of pension to Charles Helper;
H. R. 4653. A bill granting an increase of pension to Jose M. Jarmillo (title amended);
H. R. 12521. A bill granting an increase of pension to Henry Cash;
H. R. 12782. A bill granting an increase of pension to Roland M. Clark (title amended);
H. R. 4089. A bill granting a pension to Thomas B. Aber (title amended);
H. R. 7519. A bill granting an increase of pension to Jacob Mercer;
H. R. 2662. A bill granting an increase of pension to Patrick Fitzgerald;
H. R. 6932. A bill granting an increase of pension to John O. Warwick;
H. R. 3265. A bill granting an increase of pension to Matilda C. Carruth;
H. R. 3070. A bill granting a pension to Anna E. Lucas;
H. R. 4489. A bill granting an increase of pension to Benjamin B. Brininger;
H. R. 2658. A bill granting a pension to James Bates;
H. R. 1607. A bill granting an increase of pension to Daniel Carter;
H. R. 5621. A bill granting an increase of pension to Mary A. Ricketts;
H. R. 4696. A bill granting an increase of pension to Henry R. Darst;

H. R. 12561. A bill granting an increase of pension to Aurelia E. Willard;
H. R. 12509. A bill granting an increase of pension to Mary Williams;
H. R. 12320. A bill granting an increase of pension to Emilie Borchert;
H. R. 11011. A bill granting an increase of pension to Milton Kinder;
H. R. 3663. A bill granting an increase of pension to Robert A. McAulay;
H. R. 10946. A bill granting an increase of pension to Mary A. Tannehill;
H. R. 3667. A bill granting an increase of pension to Louis R. Thomas;
H. R. 3661. A bill granting an increase of pension to Mary A. Tyer;
H. R. 11956. A bill granting an increase of pension to Sarah Lusia Scannell (title amended);
H. R. 2922. A bill granting an increase of pension to Jane Spears;
H. R. 3217. A bill granting an increase of pension to Zylpha Raymond;
H. R. 2925. A bill granting an increase of pension to Amelia D. Robertson;
H. R. 11694. A bill granting an increase of pension to William Pritchard;
H. R. 9586. A bill granting an increase of pension to Mary Jane Pack;
H. R. 3657. A bill granting an increase of pension to Henry Parish (title amended);
H. R. 2429. A bill granting an increase of pension to Elizabeth H. Olcott;
H. R. 6868. A bill granting an increase of pension to Maria E. Menges;
H. R. 10366. A bill granting an increase of pension to George F. Hays;
H. R. 9582. A bill granting an increase of pension to Nancy B. Hacker;
H. R. 7070. A bill granting an increase of pension to John C. Hall;
H. R. 11690. A bill granting an increase of pension to Charles W. Geddes;
H. R. 4130. A bill granting an increase of pension to Mary Cox;
H. R. 12325. A bill granting an increase of pension to Mary E. Benson;
H. R. 7474. A bill granting an increase of pension to Charles H. Balch (title amended);
H. R. 2923. A bill granting an increase of pension to S. A. Bradley (title amended);
H. R. 12100. A bill granting a pension to Martha Alexander (title amended);
H. R. 12636. A bill granting a pension to Delia E. Ahern;
H. R. 8763. A bill granting an increase of pension to William M. Kenyon;
H. R. 10283. A bill granting an increase of pension to John S. Barr;
H. R. 10267. A bill granting a pension to Alice George;
H. R. 10152. A bill granting an increase of pension to Robert S. Clark;
H. R. 10128. A bill granting an increase of pension to Thomas H. Addison;
H. R. 9838. A bill granting an increase of pension to Harriet B. Nichols;
H. R. 8946. A bill granting an increase of pension to John Adam Hollander (title amended);
H. R. 8761. A bill granting an increase of pension to Henry A. Walker;
H. R. 8607. A bill granting an increase of pension to John R. Bevilheimer;
H. R. 9557. A bill granting an increase of pension to James W. King;
H. R. 8095. A bill granting an increase of pension to Charles B. Love;
H. R. 8477. A bill granting an increase of pension to William H. Mathis;
H. R. 7887. A bill granting a pension to Michael Kresge (title amended);
H. R. 7481. A bill granting an increase of pension to Mary E. Cook;
H. R. 6896. A bill granting an increase of pension to George Aschemoor;
H. R. 6870. A bill granting an increase of pension to Day Wheeler;
H. R. 4507. A bill granting an increase of pension to Eliza J. McPherson;
H. R. 4947. A bill granting an increase of pension to William Leabo (title amended);
H. R. 13814. A bill granting an increase of pension to Simeon S. Goodrich;
H. R. 14758. A bill granting an increase of pension to Eri B. Sabine (title amended);
H. R. 2777. A bill granting an increase of pension to Thomas J. Spencer;
H. R. 2927. A bill granting an increase of pension to William J. Mull;
H. R. 2933. A bill granting an increase of pension to Motier V. Eames (title amended);
H. R. 2962. A bill granting a pension to Mary E. Becking;
H. R. 3630. A bill granting an increase of pension to Jennings Branham;
H. R. 3685. A bill granting an increase of pension to John V. Larrimer;
H. R. 4104. A bill granting an increase of pension to Henry C. Martin;
H. R. 4506. A bill granting an increase of pension to Theresa M. Randall;
H. R. 4515. A bill granting an increase of pension to William S. Ankerman (title amended);
H. R. 10419. A bill granting an increase of pension to Shelton Canfield;
H. R. 4935. A bill granting an increase of pension to Clark Kelley (title amended);
H. R. 4946. A bill granting an increase of pension to Charles S. Baker;
H. R. 4948. A bill granting an increase of pension to Henry A. Lamontain (title amended);
H. R. 6013. A bill granting an increase of pension to James Brown;
H. R. 6044. A bill granting an increase of pension to Truman H. Baldwin;
H. R. 6083. A bill granting an increase of pension to Stephen Loranger;
H. R. 6300. A bill granting a pension to Benjamin L. Haynes (title amended);
H. R. 6410. A bill granting an increase of pension to Thomas P. Clark;
H. R. 10346. A bill granting an increase of pension to James C. Vorhes;
H. R. 2862. A bill granting an increase of pension to Theodore Ray (title amended);
H. R. 4234. A bill granting an increase of pension to William W. Tannery;
H. R. 10964. A bill granting a pension to Patrick J. O'Brien;
H. R. 9552. A bill granting a pension to Burton Walters;
H. R. 11938. A bill granting an increase of pension to Stephen Glanden (title amended);
H. R. 11572. A bill granting an increase of pension to William H. Smyser;
H. R. 12208. A bill granting an increase of pension to Robert B. Thomas;
H. R. 13029. A bill granting an increase of pension to Elizabeth Gritzner (title amended);
H. R. 13220. A bill granting an increase of pension to Frank H. Wells;
H. R. 13234. A bill granting an increase of pension to Jacob Glass;
H. R. 13771. A bill granting a pension to Henry Stulen (title amended);
H. R. 13815. A bill granting an increase of pension to Levi M. Briddell;
H. R. 13877. A bill granting an increase of pension to Seneca R. Randall;
H. R. 14149. A bill granting an increase of pension to David Mitchell;
H. R. 14344. A bill granting an increase of pension to Peter Penord;
H. R. 12969. A bill granting an increase of pension to Edward Hadfield;
H. R. 14601. A bill granting an increase of pension to James W. Madison;
H. R. 12955. A bill granting an increase of pension to Joseph S. Pratt;
H. R. 9705. A bill granting an increase of pension to George C. Gutelius;
H. R. 11182. A bill granting an increase of pension to John Bear;

H. R. 10204. A bill granting an increase of pension to Catharine E. Koontz;
H. R. 10035. A bill granting an increase of pension to William L. Skinner;
H. R. 9790. A bill granting an increase of pension to Peter Weatherby;
H. R. 9707. A bill granting an increase of pension to George W. Isett;
H. R. 7871. A bill granting an increase of pension to George Pratt;
H. R. 9321. A bill granting a pension to John F. Rupert (title amended);
H. R. 8547. A bill granting an increase of pension to J. T. Thrasher (title amended);
H. R. 7172. A bill granting a pension to George W. Norris (title amended);
H. R. 9292. A bill granting an increase of pension to James McDowell;
H. R. 8980. A bill granting an increase of pension to Mathias Dye (title amended);
H. R. 8243. A bill granting an increase of pension to Horace E. Adams;
H. R. 8020. A bill granting an increase of pension to James E. Hoisington;
H. R. 7443. A bill granting an increase of pension to Eli S. Dunkler (title amended);
H. R. 7309. A bill granting an increase of pension to Luthis B. Delman (title amended);
H. R. 7076. A bill granting an increase of pension to George W. Fletcher;
H. R. 7014. A bill granting an increase of pension to Samuel W. Tobey;
H. R. 6881. A bill granting a pension to Jane M. Buchanan;
H. R. 6645. A bill granting an increase of pension to Henry C. Myers;
H. R. 6557. A bill granting a pension to Hiram A. McDonald (title amended);
H. R. 6493. A bill granting an increase of pension to Charles M. Curtis (title amended);
H. R. 6321. A bill granting an increase of pension to Rufus Lucore;
H. R. 6036. A bill granting a pension to Gustavus A. Dwelly (title amended);
H. R. 5611. A bill granting an increase of pension to William A. Barnes;
H. R. 4697. A bill granting an increase of pension to Joseph W. King;
H. R. 3653. A bill granting an increase of pension to Walter C. Knight;
H. R. 3617. A bill granting an increase of pension to William E. Cox;
H. R. 3452. A bill granting an increase of pension to Peter Leonard;
H. R. 3353. A bill granting a pension to David W. Conrath (title amended);
H. R. 2710. A bill granting an increase of pension to William Lambert;
H. R. 3137. A bill granting an increase of pension to Willet Shottenkirk;
H. R. 3651. A bill granting an increase of pension to Mary H. Christian;
H. R. 2972. A bill granting an increase of pension to Henry Julius;
H. R. 1504. A bill granting an increase of pension to Andrew C. Gibson;
H. R. 1485. A bill granting an increase of pension to Hiram L. Russell;
H. R. 1080. A bill granting a pension to David Stidd (title amended);
H. R. 1033. A bill granting an increase of pension to Stephen H. Sanborn;
H. R. 2423. A bill granting an increase of pension to Cyrus Chapin;
H. R. 2217. A bill granting an increase of pension to James Adams;
H. R. 1468. A bill granting a pension to Sarah K. Adams;
H. R. 4962. A bill granting a pension to Mrs. U. B. Pearsoll (title amended);
H. R. 5571. A bill granting a pension to Lodema Cooley;
H. R. 6806. A bill granting an increase of pension to Baldwin Cann;
H. R. 7373. A bill granting an increase of pension to Andrew H. Hazlett;
H. R. 10761. A bill granting an increase of pension to George Berry;
H. R. 14283. A bill granting an increase of pension to Smith H. Simpson;
H. R. 13817. A bill granting an increase of pension to Philip Lutz;
H. R. 598. A bill granting an increase of pension to William Poor;
H. R. 11861. A bill granting a pension to Anastatia C. Seiss (title amended);
H. R. 11114. A bill granting an increase of pension to Michael McManus;
H. R. 4754. A bill granting a pension to Jane E. Chapel;
H. R. 4250. A bill granting an increase of pension to Austin Green;
H. R. 2685. A bill granting an increase of pension to Martha F. Allen;
H. R. 4969. A bill granting a pension to Jane Bain;
H. R. 8453. A bill granting an increase of pension to Stephen R. Clark;
H. R. 8834. A bill granting an increase of pension to Eliza Leedy;
H. R. 8845. A bill granting an increase of pension to Eliza J. Walker;
H. R. 9951. A bill granting a pension to Andrew J. Pence;
H. R. 10612. A bill granting an increase of pension to Alfred H. Johnston;
H. R. 11188. A bill granting a pension to Mary Ann Thompson (title amended);
H. R. 12045. A bill granting a pension to Ellen L. Fitzgerald;
H. R. 12264. A bill granting an increase of pension to Sarah Smith;
H. R. 12451. A bill granting an increase of pension to Harriet Hickey;
H. R. 12529. A bill granting an increase of pension to Lucretia A. Evans;
H. R. 12596. A bill granting a pension to Hulda Flinn.
H. R. 13138. A bill granting an increase of pension to Epsy M. Mellett;
H. R. 13550. A bill granting a pension to Ebby M. J. Hay (title amended);
H. R. 13623. A bill granting a pension to William A. Pollard;
H. R. 13874. A bill granting an increase of pension to Martha E. McKnight;
H. R. 14342. A bill granting an increase of pension to Mary A. Crawford;
H. R. 14472. A bill granting a pension to Tillman L. Lafferty;
H. R. 14619. A bill granting an increase of pension to Louisa Porter; and
H. R. 14827. A bill granting an increase of pension to Harriet Ann Long.

The following House bills, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed.

H. R. 4759. A bill granting an increase of pension to George H. Williams;
H. R. 3836. A bill granting an increase of pension to Jeremiah Haley;
H. R. 2930. A bill granting an increase of pension to Arnold Mattingly;
H. R. 8767. A bill granting an increase of pension to Theodore Schaeffer;
H. R. 2344. A bill granting an increase of pension to James B. Paige;
H. R. 4233. A bill granting an increase of pension to Nicodemus D. Henry;
H. R. 4534. A bill granting an increase of pension to Charles W. Lewis;
H. R. 6365. A bill granting an increase of pension to Albert W. Parker;
H. R. 11288. A bill granting an increase of pension to Alfred Booze;
H. R. 7073. A bill granting an increase of pension to Abram G. Spellman;
H. R. 13041. A bill granting an increase of pension to Samuel A. Gettys;
H. R. 1716. A bill granting an increase of pension to Lee P. Garrett;
H. R. 2349. A bill granting an increase of pension to Leander M. Clark;
H. R. 4073. A bill granting an increase of pension to Sarah J. Jones;
H. R. 8107. A bill granting an increase of pension to Rosamond Ensley;
H. R. 7034. A bill granting an increase of pension to Aaron T. Dooley;

H. R. 7878. A bill granting an increase of pension to John Redeker;
H. R. 13120. A bill granting an increase of pension to William G. McConnell;
H. R. 5617. A bill granting an increase of pension to Andrew Balbach;
H. R. 6084. A bill granting an increase of pension to Patrick McGrain;
H. R. 8101. A bill granting an increase of pension to Morris Hayes;
H. R. 4127. A bill granting an increase of pension to Maria Green;
H. R. 3814. A bill granting an increase of pension to Nancy Harmon;
H. R. 9791. A bill granting a pension to Leon D. Conover;
H. R. 10613. A bill granting an increase of pension to Narsis Burns;
H. R. 4518. A bill granting an increase of pension to James W. Eastman;
H. R. 3223. A bill granting an increase of pension to Marcus A. Stephenson;
H. R. 3495. A bill ganting an increase of pension to Benjamin F. Clark;
H. R. 4129. A bill granting a pension to Sophia Conlon;
H. R. 13781. A bill granting an increase of pension to George H. Smith;
H. R. 6318. A bill granting an increase of pension to Michael Sennet;
H. R. 10418. A bill granting an increase of pension to Robert A. Hodges;
H. R. 11223. A bill granting an increase of pension to George F. Cowing;
H. R. 12236. A bill granting an increase of pension to James W. George;
H. R. 12982. A bill granting an increase of pension to William C. Schofield;
H. R. 13396. A bill granting an increase of pension to Corydon S. Hickman;
H. R. 4533. A bill granting an increase of pension to Charles C. Gage;
H. R. 3224. A bill granting an increase of pension to William C. Greenlee;
H. R. 2936. A bill granting an increase of pension to Milton M. Orton;
H. R. 2827. A bill granting an increase of pension to Frederick J. Meyer;
H. R. 5705. A bill granting an increase of pension to Nellie P. Coyle; and
H. R. 4672. A bill granting an increase of pension to Henry D. Lewis.

The following Senate bill reported from the Committee of the Whole, with amendments, was considered, the amendments agreed to, and the bill as amended ordered to a third reading, read a third time, and passed.

S. 4048. An act granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

On motion of Mr. FULLER, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. DALZELL took the chair as Speaker pro tempore.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 15219, the Indian appropriation bill; and pending the putting of that motion I ask unanimous consent that the balance of to-day and so much of the time as this committee occupies on Monday be used wholly in general debate, and that the bill be not taken up for consideration under the five-minute rule until Tuesday; that the general debate be closed on Monday.

I have consulted with the gentleman from Texas [Mr. STEPHENS], and I understand that this proposition is agreeable to him.

Mr. STEPHENS of Texas. Mr. Speaker, three hours on this side will be all that we require for general debate, and as I understand we can have that this afternoon—this afternoon and Monday—and that the bill will not be taken up for consideration under the five-minute rule until Tuesday.

The SPEAKER pro tempore. The gentleman from New York [Mr. SHERMAN] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, and, pending that, asks unanimous consent that general debate close with Monday's session.

Mr. SHERMAN. I should have asked also that the time to be allotted to the majority be under the control either of the chairman of the committee or the ranking member, and that the time for the other side be under the control of the gentleman from Texas [Mr. STEPHENS] or the ranking member of the committee on that side, should he be absent.

The SPEAKER pro tempore. And that the time be controlled equally by the gentleman from New York [Mr. SHERMAN] and the gentleman from Texas [Mr. STEPHENS]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill, with Mr. PERKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill H. R. 15219, the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Chairman, the bill as now presented is based almost entirely on the estimates by the Department for the coming year. So far as any appropriation is carried by the bill, it is based entirely either upon the estimates made by the Department or subsequent recommendations made by the Bureau or Department of the Interior.

There are one or two matters of legislation in the bill to which I will allude in a moment, which have the approval of the Department and of the Bureau. The amount appropriated for the Indian Service for the fiscal year closing July 1 coming was $10,305,000—leaving off the odd dollars. The amount estimated for the bill which is now presented was $8,219,000, and the total sum carried by the bill now is $8,215,000, or a trifle less than the amount estimated. Notwithstanding the amount estimated for was $8,219,000, subsequent recommendations from the Department added quite materially to the amount. So that the difference of $4,000 does not show the total amount that the committee saw fit to reduce the proposed appropriation from the amount originally suggested by the Department and by the Bureau.

The committee have tried, Mr. Chairman, in formulating the bill to pare off wherever the good of the service would not be detrimentally affected thereby. They have tried to formulate the bill with the idea of economy, but not that economy injurious to the service.

The general administration of the work of the Department and of the Bureau during the last year has been very satisfactory. Much has been done to extend the irrigation work which has brought into a condition of profit tens of thousands of acres of Indian land. Very many Indians, running into the thousands, have received their allotment during the year. The Congress saw fit a year ago to appropriate $25,000 to be used expressly to eliminate the sale or to prohibit and stop the sale of liquor among the Indians. That money has been expended; much more than half of it was expended during the first six months of the fiscal year, and expended to very great advantage. It is really surprising that a sum no greater than that appropriated was used to accomplish so much as has been accomplished with this money. The officers chosen by the Bureau to carry out its mandate in this regard have exercised the utmost vigilance, and some of them at least, have exhibited an exceptionally high degree of detective skill, if I may use that expression, and much has been done to stamp out this evil.

Mr. Chairman, we all know that the furnishing of liquor to the Indians is an evil. It may be true that oil and water does not mix; whisky and Indians always mix when an Indian has a chance to mix it, and it is always done to the detriment of the Indians, and usually, if there is any fair chance to accomplish that end, in the interest of disorder, bad morals, and bad government.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. MANN. I supposed when the appropriation was made last year that it was for the purpose of prohibiting the sale of liquor to Indians in the Indian Territory.

Mr. SHERMAN. Yes, and the greater part of it was so used.

Mr. MANN. Why, then, is there occasion for an appropriation now? There is no Indian Territory. Is it not the duty of Oklahoma to enforce her laws the same as any other State enforces its laws?

Mr. SHERMAN. I will say to the gentleman from Illinois that, as I view it, our moral obligations to the Indians—I am not speaking of the legal obligation—does not entirely cease because a portion of Oklahoma was formerly called Indian Territory.

Mr. MANN. Another question. Before statehood was granted, as I understand, in the Indian Territory the enforcement of this law was not confined to the Indian reservations.

Mr. SHERMAN. Oh, no. The provision making this appropriation expressly authorized the expenditure outside of Indian reservations and, in fact, the greater portion of it, I believe, was expended outside of the reservations, and a large part of the investigation was carried on before any shipment reached the Territory.

Mr. MANN. I understand, and at that time there was no machinery or government in the Indian Territory.

Mr. SHERMAN. No machinery for State government.

Mr. MANN. There was no machinery of any sort.

Mr. SHERMAN. Certainly, there was.

Mr. MANN. No machinery for local government in the Indian Territory.

Mr. SHERMAN. No; but there was government which the United States provided.

Mr. MANN. Nothing except machinery provided by the United States.

Mr. SHERMAN. And the tribal government. The tribes all had their own governments.

Mr. MANN. So far as the United States is concerned now, it is eliminated from the local government. They have a local government of their own under the State government.

Mr. SHERMAN. They have.

Mr. MANN. Shall it be our policy to proceed to enforce the antiliquor law in the Indian Territory outside of the reservation and in various other States of the Union outside of the reservations?

Mr. SHERMAN. So far as it affects the Indian, yes.

Mr. MADDEN. What obligation still remains?

Mr. CARTER. This obligation—that under the enabling act which our constitution adopts the Federal Government still claims supervision over all Indians who have restrictions on their lands. They claim supervision over their lands, and, in so far as disposing of them or hypothecating them is concerned, the Federal Government still assumes to retain the restrictions.

Mr. MANN. Do they have the enforcement of all police regulations? Does the Federal Government undertake in the Indian Territory now to enforce the constitution and police regulations of the State of Oklahoma?

Mr. CARTER. The Federal Government has no police regulations whatever in the State of Oklahoma.

Mr. MANN. I say, do we undertake to enforce local regulations? You have prohibited the sale of liquor there.

Mr. CARTER. Yes.

Mr. MANN. Is it the duty of the Federal Government to enforce that provision of the constitution and laws of the State of Oklahoma simply because the people are Indians?

Mr. CARTER. Under a Federal statute the sale of intoxicants to Indians is prohibited.

Mr. MANN. Should we extend that proposition all over the country, and then should we say that having enforced it as to Indians we ought to enforce it as to other people who ought not to drink and who want to drink?

Mr. CARTER. I would not say that, but the Indians have a large amount of property. We are expecting, by a bill, to remove the restrictions from that property and we think that every precaution should be taken to keep whisky away from the full-blooded Indians. If the United States Government can assist in doing that, it is not only its legal but its moral duty to do so.

Mr. OLMSTED. In what way could the United States Government assist in enforcing the laws of Oklahoma?

Mr. CARTER. By enforcing the United States statute prohibiting the sale of whisky to Indians.

Mr. OLMSTED. In having the secret service men discover the offenders?

Mr. CARTER. Yes.

Mr. GAINES of Tennessee. Where do these Indians live?

Mr. CARTER. All over the United States, including the State of Oklahoma.

Mr. GAINES of Tennessee. Is that a reservation?

Mr. CARTER. No, sir; the lands have been allotted.

Mr. GAINES of Tennessee. Are they still what you call savages, or are they civilized?

Mr. CARTER. They are civilized.

Mr. SHERMAN. Some of them are and some of them are not; is not that true?

Mr. CARTER. Yes; about 20 or 25 per cent who are not.

Mr. GAINES of Tennessee. Does the prohibitory law apply to the uncivilized as well as to the civilized?

Mr. SHERMAN. It is not a prohibitory law. This is an appropriation authorizing the Secretary of the Interior to expend it in the suppression of the sale of liquor to Indians—not alone in the Indian Territory, but to Indians anywhere.

Mr. GAINES of Tennessee. And punish the people who sell whisky to them.

Mr. SHERMAN. Oh, certainly it does.

Mr. GAINES of Tennessee. I think that is the best thing in order to eliminate the evil. We have been trying to do that for years and years.

Mr. MANN. I wanted to get the gentleman's opinion how far this bill goes in the making of appropriations for secret service to enforce State police laws.

Mr. SHERMAN. We do not have to enforce police laws; we have national laws which prohibit the sale of liquor to Indians.

Mr. MANN. Not outside of reservations?

Mr. SHERMAN. Certainly; outside of reservations.

Mr. MANN. The Federal Government has no jurisdiction to say that an Indian coming to this town, not belonging to a tribe——

Mr. SHERMAN. Not belonging to a tribe is another proposition.

Mr. MANN. Well, not belonging to a tribe under the control of the Federal Government. The Federal Government has no control over the question at all, and all you can do under this provision as to those Indians is to employ secret-service people and enforce the local regulations. So long as we made regulations, while the Indian Territory was under the control of the Federal Government, we were enforcing our laws, but those laws are no longer controlling there, except so far as we have control over the Indians. But it is not limited to them at all——

Mr. SHERMAN. It is not limited to the Indian Territory at all.

Mr. MANN. I understand.

Mr. SHERMAN. It is expressly extended to the Indian Territory, but for years we have had a provision for a much less amount to be used in the suppression of the liquor traffic among the Indians, not only on reservations, but off reservations.

Mr. MANN. Of course I take it the gentleman's opinion is far superior to mine, but I have always understood in the House that the appropriation for this purpose was to enforce the law against the sale of liquor to Indians on the reservations, because the Government has no jurisdiction as to whether the Indian was buying liquor in this town or not.

Mr. SHERMAN. Just so long as he is a tribal Indian and has not taken his allotment and become a citizen.

Mr. MANN. We have done away with the tribal Indian.

Mr. SHERMAN. No; we have not entirely.

Mr. MANN. Not entirely; but the gentleman will not say, I think, that it is intended to spend this money that is proposed to be appropriated in reference to tribal Indians at all.

Mr. SHERMAN. Oh, yes; I will say it is in part; not all, but in part.

Mr. MANN. The last appropriation was expended mainly for the purpose of prohibiting the sale to Indians in the Indian Territory.

Mr. SHERMAN. Yes.

Mr. MANN. Which is a perfectly proper function of the Federal Government, but it seems to me it is a question whether the State having assumed statehood should not enforce its own law where our law is superseded by the State law as to all these Indians in tribal relations or upon reservations.

Mr. SHERMAN. Let me call the gentleman's attention to this fact, and, of course, when we get under the five-minute rule and reach that particular item we may discuss this subject further. Notwithstanding that allotments have been made to Indians in the Indian Territory, the right to alienate is especially reserved for twenty-five years, and these hundreds of thousands of acres of land do not contribute one cent for the maintenance of the government of Oklahoma or any of its counties.

Mr. MANN. Well, who enforces the law, the Federal Government or the State government?

Mr. SHERMAN. I assume that the government of Oklahoma will, although we still have, where any tribal relation exists, our local police courts and local Indian police.

Mr. MANN. That is where the tribal relations exist already in the reservation?

Mr. SHERMAN. Yes.

Mr. MANN. Nobody questions that proposition. I was only asking for information as to the other point of view, as to how far it is the duty of the Federal Government to act in these matters. It is a clear interference with States rights, although I am not so much of a States rights man as some people.

Mr. SHERMAN. I can not refer the gentleman to the section at this moment, but there is a section in the Revised Statutes which makes it illegal to sell liquor to an Indian.

Mr. MANN. The gentleman can not find any such statute.

Mr. SHERMAN. Yes, I can, too; and I have over and over again, in the United States courts in the State of New York, seen prosecutions for the violation of this statute. In fact, there was a time when my friend from New York [Mr. ALEXANDER] was United States district attorney, as he will recall, that a large part of his time was occupied in prosecuting cases under the statute.

Mr. MANN. The Seneca Indians have been to a certain extent, or were then, under the control of the United States.

Mr. SHERMAN. The Senecas have not been under the control of the United States Government for a good many years.

Mr. MANN. I am not positive as to names. But you have an Indian tribe up there——

Mr. SHERMAN. They are still tribal. The Government has been released from the care of the New York Indians for a quarter of a century.

Mr. MANN. The Indian who is released so that he becomes a citizen and can vote, the United States Government can not control the action of a State in reference to; and the United States Government has no authority to say that a man who has had conferred upon him the right of citizenship, whether he be of Indian blood or not, shall or shall not do a certain thing which is merely a matter of purely local police regulation.

Mr. SHERMAN. And when the Indian becomes a citizen it is an entirely different proposition.

Mr. MANN. That is what the gentleman is proposing now.

Mr. SHERMAN. No, I am not. The money has been used for Indians who were not citizens.

Mr. GAINES of Tennessee. Suppose one of those Indians who is not a citizen in Oklahoma commits an assault on one of the citizens of Oklahoma, is he amenable to the Federal or to the State law?

Mr. SHERMAN. He is amenable to the State law, of course.

Mr. OLMSTED. Can the gentleman state what proportion of the Indians are citizens? Is not the percentage very small?

Mr. SHERMAN. The proportion of Indians who are citizens is not small. I can not give the gentleman the exact figure, but it is large. The statute expressly provides that the moment an Indian accepts his allotment by that very act he becomes a citizen. The statute also provides that all Indians other than those who maintain the tribal relations in the Indian Territory are citizens of the United States.

I will proceed, Mr. Chairman. I started to say that I thought the administration of Indian affairs during the past year had been very satisfactory. I am glad to testify here, Mr. Chairman, that in my judgment the Government has to-day an exceptionally capable Commissioner of Indian Affairs, a man of broad culture, studious, energetic, industrious, and a man, too, who has made a special study of the Indian question for a great many years, and has his heart as well as his mind in the work; and in the execution of the law during the past year I think he has made distinct progress in his treatment of the Indians. He has bettered their general condition. More of them are laboring to-day than at any time before, and a few more are in schools than ever before. Last year the enrollment in the schools of the country was slightly below what it was the year before. This year it again reaches the high-water mark and, as I say, the administration, I think, has been most excellent and the general condition of the Indians is good. What we all desire, what we all hope for, is that ultimately the individual Indian will become a self-supporting and a law-abiding citizen, and, of course, allotment is one of the necessary prerequisites for that end. Tribal relations are being broken up as rapidly as possible and allotments are being made. We provide in this bill for a sum greater than we have appropriated for the last two or three years to be used for that purpose—for allotting to Indians, not only on reservations, but to Indians who have never received their allotments, and who under the terms of existing law can be allotted land from the public domain, and from that domain we are allotting as rapidly as we can.

The Commissioner, in his annual report, takes advanced and very positive ground on the subject of nonreservation schools. We have twenty-eight nonreservation schools in the country, in which we have enrolled about 3,700 pupils, as I recollect it. These schools are located all the way from 50 miles from a reservation to hundreds and hundreds of miles from a reservation. The Commissioner discusses at length in his annual report the advisability of doing away with these schools. The committee, I believe, are impressed with the belief that the Commissioner, in the main, was right in the position he took—that it is better for the Indians that they be educated as near their reservations as possible, and that the day-school education as a rule is better than nonreservation or boarding schools, where the Indians are educated away from home, where after attending school for six months or six years, they are sent back to the reservation and tepee, and then drop, I regret to say, to conditions that were no better than before they left; and, of course, in the general evening-up process, as a rule they drop back. Instead of elevating to any great extent those with whom they are thrown in contact, they are brought back and are brought down to their level. The Commissioner's idea is that the school in his reservation is the one that will eventually work out the best interests of the greatest number of Indians.

Mr. DRISCOLL. Is it not especially true of the girls, rather than of the young men, that they drop back?

Mr. SHERMAN. I think not. I do not think it applies more to the girls than to the young men.

Mr. DRISCOLL. I thought there were so many more of them that dropped back.

Mr. SHERMAN. Oh, some of them do, certainly; but the percentage of the girls that drop back, I believe, is no greater than that of the boys. I think, perhaps, there is a popular idea of degradation and lowness very apt to follow in the track of the girl on the reservation and nonreservation school; but I think the facts hardly warrant such a conclusion.

Mr. OLMSTED. Is there any evidence that the pupils on the nonreservation schools drop back any more quickly or lower than the pupils on the reservation schools?

Mr. SHERMAN. No; but there is this idea, that the pupils in the reservation schools and in the day schools are gone during the day, but are back at home during the night; they are in contact daily with their parents, and by that contact it is believed that perhaps they elevate them a little more than by going away and being gone a year and coming back for a month or two.

Mr. OLMSTED. On the other hand, the contact of the Indians every night and part of the day would keep their children from being elevated as much as if they were in contact with white and other citizens of elevated character.

Mr. SHERMAN. That may be possible; but the Commissioner, who has seen the Indians in their homes on the reservations, and gentlemen like the gentleman from Arizona [Mr. SMITH] and my friend from Oklahoma [Mr. CARTER], who live nearest to these Indians and have seen most of them, are of the opinion that in the end it is for the betterment of the Indians that they be educated as near as possible to their homes.

The Commissioner, of course, recognizes the fact that a change so great as this can not be accomplished in a moment.

Mr. STAFFORD. Will the gentleman allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. STAFFORD. Has not the Bureau also been impressed with the fact that those Indians who have been assigned to these nonreservation schools when they have gone home on a vacation are hard to get back to school again? I found in a recent visit to a reservation this summer that it was hard to get them back to school again and that thereby their school period was broken into.

Mr. SHERMAN. That is a fact. It is a fact that the parental love of the Indian is very strong. Every Indian parent is fond of his child, and he wants that child as near to him as possible, and that affection is reciprocal.

It often happens that when the Indian comes home for a vacation he dislikes to return to his school, and of course it is a fact—one of the unsatisfactory conditions in connection with the Indian Service—that at times there is an unseemly squabble to get students for some of these nonreservation schools. As to others, there is nothing of the kind, and the students are very glad to attend those schools—for instance, the school in the district of my friend from Pennsylvania, the Carlisle School. The Indians as a rule are glad to go to that school. It does not require the same amount of effort and argument to induce them to go to that school that it does to some of the others. There are some schools to which the children are glad to go, and there are others that it is very difficult to persuade them to attend.

Mr. GARDNER of Michigan. I should like to ask the gen-

tleman if it is not exceedingly difficult to get them to go to any school, many of them.

Mr. SHERMAN. Oh, many of them it certainly is.

Mr. GARDNER of Michigan. And does not the Commissioner in his report say that they have often to resort to arms, to physical force, to get them to go?

Mr. SHERMAN. I think the gentleman misunderstood the report. No physical force is ever used to take an Indian to any school other than a day school right at his door. No physical force is used to take an Indian to a nonreservation school.

Mr. GARDNER of Michigan. I understood the Commissioner's statement to be that they have gone so far as to use arms in order to get them to attend day school.

Mr. SHERMAN. Yes, day school; and that is under our general right to do that which is for the best interests of the Indian. There is no United States statute authorizing us to compel attendance of Indians at school.

The committee have authorized the insertion in the bill of a legislative item providing that the Commissioner shall negotiate with the various State governments where the schools are located which in his judgment can best be dispensed with or disposed of, for the disposal of these schools to the State, upon whatever reasonable and fair terms can be agreed upon. That authority, however, is simply to negotiate and report to the next session of Congress. It is not authority to dispose of the school. The Commissioner stated in his hearing before the committee that in some States he had been told by officials in high standing that the State government would be glad to take over the property of one or more schools located within its limits and make provision for the care of a certain number of Indian pupils for a specified length of time therein in return for the grant of the school plant to the State.

Mr. GAINES of Tennessee. I should like to ask the gentleman what is his judgment on this proposition: Whether it is better to educate the Indians in first-class schools near the reservation, or, in other words, out in the West, or to bring them to Pennsylvania, or to Tennessee, or to any other State far removed from any of their parents and far removed from the reservation?

Mr. SHERMAN. My theory is that our obligation to the Indians is met when we furnish an ordinary, reasonably decent education for the pupil, an education which comes somewhere near meeting his station in life. There is no doubt in my mind but that it would be well to maintain some of the nonreservation schools, so that we may educate there some of those who give evidence of being more apt and some of those who are specially desirous of being instructed in mechanical arts of one kind or another.

Mr. GAINES of Tennessee. Have we any such schools near the reservation?

Mr. SHERMAN. Oh, yes; indeed. There is an industrial department at Carlisle——

Mr. GAINES of Tennessee. Carlisle is in Pennsylvania.

Mr. SHERMAN. Carlisle is in Pennsylvania, but there is another industrial department in Haskell, which is in Kansas, and at Chilocco, which is in Oklahoma. We provide for the education of 100 Indian pupils down here at Hampton, in Virginia, which is really a colored school, but where there is a most excellent industrial department; and in my judgment no better results are obtained anywhere for the Indians a little further advanced than are obtained at Hampton.

Mr. GAINES of Tennessee. How does the school work out in Oklahoma and in Kansas—out in the western territory, near the Indian's home?

Mr. SHERMAN. How does it work?

Mr. GAINES of Tennessee. Yes.

Mr. SHERMAN. Very well, indeed.

Mr. GAINES of Tennessee. Comparing the results of those schools with the school at Carlisle, which is the better?

Mr. SHERMAN. Well, I do not know as I could say. There are certain features of the Carlisle school that personally I like. For instance, there is a system called "the outing system," under which certain pupils are farmed out, as you may say, during the vacation period, to families. Great care is taken to see that the pupils are placed only in respectable families, largely in Quaker families, and as is well known they are renowned not only for respectability, but for a great deal more than that.

Mr. GAINES of Tennessee. They have a fine baseball team there.

Mr. SHERMAN. They have a fine baseball team and a corking good football team.

Mr. GAINES of Tennessee. But the Nashville boys licked the football team a year ago. [Laughter.]

Mr. SHERMAN. Well, I do not know how the gentleman could speak in higher praise of the Nashville boys than to say that they defeated the Carlisle boys at football. If the gentleman from Tennessee is correct in his statement, I hope that next year the Nashville College will get a game with Yale or Harvard, because Carlisle made it quite interesting for them last summer.

Mr. GAINES of Tennessee. The gentleman from New York will remember that back in 1815, at New Orleans, we whipped the soldiers that subsequently whipped Napoleon. [Laughter.]

Mr. SHERMAN. Well, the gentleman's influence cast its shadow before. [Laughter.]

Mr. OLMSTED. I want to say to the gentleman from Tennessee that if he will bring his football team to Carlisle they will learn more in fifteen minutes than they ever knew before.

Mr. GAINES of Tennessee. Oh, we have whipped them once. Now, Mr. Chairman, I was leading up to ask this important question: The gentleman from Michigan [Mr. GARDNER] stated a moment ago that it was hard to get some of these pupils to leave home, and sometimes you had to force them. Would it not be better to encourage the western schools nearer the western reservation than to encourage those farther removed?

Mr. SHERMAN. It certainly is, and the Commissioner's idea is that the schools last disposed of should be those schools.

Mr. GAINES of Tennessee. Proceed with the idea that we take those schools where the Indian and the father and mother can go to the reservation and leave the child instead of coming to Pennsylvania or to some far-away place.

Mr. SHERMAN. I think the Commissioner's idea is to dispose of those schools last. Now, Mr. Chairman, another proposed legislative provision of the bill extends to the Indian Territory limiting the right of alienation. Congress some years ago provided that the individual Indian who had received his allotment might alienate that allotment upon furnishing proof to the Secretary of the Interior which satisfied him that the Indian was capable of taking care of himself. That statute excepted the Indian Territory. The committee now by their proposed amendment extends that right of alienation, subject to the supervision of the Secretary in the individual case, to the Indians in that part of Oklahoma that was formerly the Indian Territory.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to advert to the topic under consideration a few moments ago, and ask the gentleman a question. The gentleman stated that in Carlisle and a number of other schools—and the Commissioner makes the same statement—that very excellent work is done, that Indian men and Indian girls are fitted for remunerative avocations and become valuable citizens. Now, if this work can be done successfully in some schools, why not in all? Is it not largely the fault of the administration, rather than the fault of the system?

Mr. SHERMAN. I do not think it is the fault of the system. I am glad to find something that is not the fault of the system—using the word in a broader sense than the gentleman from Michigan would. [Laughter.]

Mr. GARDNER of Michigan. The gentleman concedes that the schools at Carlisle have done excellent work—and the school at Hampton and certain other schools. Now, the same thing can be said of the white and colored schools; it is not the fault of the school so much as the management.

Mr. SHERMAN. It may be the fault of the management and it may be owing to location. It may be the peculiar circumstances that the Indians at a particular center are from one or two tribes which have not for generations had the advantage of being in close contact with the whites and have not attained the same degree of advancement that the Indians in other tribes have. Many considerations may come in.

I think, Mr. Chairman, that the two legislative provisions I have spoken of are all that it is proposed to incorporate in the bill, and I think I have touched, although briefly, upon the many provisions of the bill in the main and upon everything old and new in it. As we are reading the bill by sections, which we will not commence doing until Tuesday, I shall be glad to give any information which any member of the committee may desire upon any particular point.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. I do.

Mr. MANN. Is the gentleman able to tell us offhand in reference to the irrigation work?

Mr. SHERMAN. In what respect?

Mr. MANN. How much money has been expended for that purpose, how much land has been irrigated, and what of it has been sold? The gentleman knows it is a very interesting subject.

Mr. SHERMAN. It is a very interesting subject, but I can not give the exact details. In the Commissioner's annual report, beginning on page 55, is a statement of the work during the last fiscal year, showing that there was expended in New

Mexico $88,000, in California $12,000, Montana $10,000, Arizona and New Mexico $7,000, Nevada $7,000, another project in Nevada $3,000, and this report in subsequent pages gives the details of the expenditures during the last year. Now, it would be purely a guess as to how much had been expended, all told, for irrigation for the benefit of the Indians, but it must be upward of $1,000,000. It is a very considerable sum.

Mr. MANN. Of course these items of expense last year must all have been small projects. What is the amount carried in the bill?

Mr. SHERMAN. One hundred and fifty-five thousand dollars, I think it is.

Mr. MANN. Oh, I thought it was a much larger sum. Can the gentleman tell us something also about the matter of appointments? Under the present Indian appropriation act and under this bill there are so many of these appointments that are to be made by the Secretary of the Interior and by the Commissioner of Indian Affairs. We all know that the present Administration is very strongly in favor of what is called the "merit system," or appointment after what is called a "competitive examination." What is the reason for waiving these two requirements of law as to so much Indian Service?

Mr. SHERMAN. The greater part of the Indian Service—I will not say the greater part, but all of the Indian Service in Washington, the Bureau and the Department, is under the legislative bill and is not in this bill at all. All we appropriate for here is the work of what is called "the field" Indian inspectors, etc.

Mr. MANN. But here, for instance, we are told now, and very properly, that in taking the next census everything should be appointed into the classified service after a competitive examination.

Mr. SHERMAN. Some people will tell you that, but I know one who will tell you differently. I don't think they ought to be.

Mr. MANN. That is all very well. But here is the situation, an actual condition of affairs. Why, if Congress should provide in the future that certain appointments should be made on competitive examinations, should not the administration or whoever it is enforce the law and have the present men appointed in the same way in the present Department of the Government?

Mr. SHERMAN. For instance, we appropriate by this bill $200,000 for Indian police on the various reservations. They receive compensation at $25 a month for captains, and $20 a month for ordinary officers—"patrolmen," I suppose, they may be called. The gentleman, of course, would not consider that a civil-service examination ought to be required for such appointees as that.

Mr. MANN. I do not believe in political appointments——

Mr. SHERMAN. These are not political appointments. These are appointments of Indians.

Mr. MANN. On the contrary, if it should be the policy of the Administration to require that charwomen should be appointed through the Civil Service Commission, I see no reason to make an exception of these policemen at $20 a month.

Mr. SHERMAN. These policemen are all Indians.

Mr. MANN. That is all very true, but I imagine there will be no competition from white men for those jobs.

Mr. SHERMAN. If the gentleman thinks that such an appointee should be under a classified service, we differ, and that is all there is to it.

Mr. MANN. The gentleman will pardon me. I was not attempting to put into his speech my opinion on the subject at all. I wanted to get what the reason was from the point of view of the administration. I do not mean the President, but I mean the administration of Indian affairs—their point of view as to why so many of these places should be filled not by the system so constantly commended by the President, but by one of his appointees, regardless of the ordinary method. There must be some reason for it.

Mr. SHERMAN. Certainly. For instance, we appropriate here $75,000 for practical farmers to go about from allottee to allottee and from reservation to reservation and teach the Indians in the arts of farming. Now, it seems to me perfectly apparent to any reasonable man that we ought not to have a civil-service examination for such employment as that. We formerly had a provision that these farmers must be appointed from a State or from the adjoining State, so that a farmer could not be sent from Georgia who had been in the habit of spending most of his time in raising cotton, for instance, up into Minnesota to teach Indians how to raise wheat.

Mr. MANN. Does the gentleman say that would be the method employed if the Civil Service Commission had charge of the matter?

Mr. SHERMAN. Why, certainly. The man who is employed from Florida, who spent all of his time in raising oranges, or whether he was from Wisconsin and spent all of his time in dropping trees, if he stood amongst the first three on the list would be sent out into the barren fields of Montana, where there is probably not a tree within a hundred miles, to teach the Indian farmer how to plant corn and raise wheat.

Mr. SMITH of Arizona. And how to irrigate.

Mr. SHERMAN. And how to irrigate.

Mr. MANN. If that is the gentleman's conception I do not wonder at this proposition, but I will not agree with the gentleman in his conception of the work being done by the Civil Service Commission. I do not believe the Administration would permit the Civil Service Commission to examine a man in such a way if he planted wheat he would know nothing about wheat planting, but, on the contrary, would be acquainted with orange-tree planting.

Mr. OLMSTED. Will the gentleman from New York permit me to ask a civil-service question of the gentleman from Illinois?

Mr. MANN. Why the gentleman is at liberty to ask any question he pleases on civil-service reform, because I am committed to the project years ago.

Mr. OLMSTED. Will the gentleman permit me to ask one civil-service question of the gentleman from Illinois? I simply want to inquire whether they "plant" wheat in Illinois.

Mr. MANN. Certainly we plant wheat in Illinois; and the gentleman may endeavor to use the old distinction between planting and sowing, but that distinction has long ago disappeared among farmers.

Mr. OLMSTED. Chicago farmers only.

Mr. MANN. Well, the gentleman is evidently not familiar with the method of planting wheat. They no longer sow wheat by hand, but they plant it now with——

Mr. OLMSTED. With a hoe? [Laughter.]

Mr. MANN. I presume the gentleman plants all the wheat he ever plants with a hoe.

Mr. OLMSTED. I live on a farm six months in the year and know something about it. I sow wheat, but never plant it.

Mr. SHERMAN. I will say broadly, in answer to the gentleman's question, that in my judgment better service is obtained by following the plan which has been in operation ever since I have known anything about Indian affairs than would be obtained by putting these Indian police, farmers, matrons, and the like of that, under the regulations of the classified civil service here in Washington.

Mr. MANN. Of course, if the gentleman will pardon me, I knew what the gentleman's opinion was.

Mr. SHERMAN. I understood you asked what my opinion was.

Mr. MANN. No; I was trying to learn from the gentleman what the opinion of the Administration was, the administrative department of the Government. What the opinion of the Secretary of the Interior is upon this question, as I suppose he has been before the gentleman; what the opinion of the Commissioner of Indian Affairs is—what the opinions of these two gentlemen, representing the reform ideas of the country, are, as to whether they want the places under them exempted from the civil-service provisions or apply the civil-service law in strict force as to places under everybody else.

Mr. MORSE. Mr. Chairman, if the gentleman will permit, I would like to read two or three lines from the Commissioner's report in answer to the gentleman's question.

There are connected with the Indian field establishment about 5,500 employees engaged in some capacity in the campaign of civilization directed from this Office. A little less than half the number are directly connected with the educational branch. The remainder deal more particularly with the adult Indians, their homes, their tribal relations, their lands, and their rights under the law. Substantially the entire corps is in the classified service, and appointments to it are made by selection from eligible lists prepared by the Civil Service Commission. Of the inelasticity of the system as applied to the Indian field, I spoke in my last report; but now, as then, the Commission holds itself always ready to study sympathetically the difficulties of the Office in this respect, and endeavors so to adjust its rules as to procure qualified candidates. About half the persons selected and notified declined appointment, usually on account of the inadequacy of the salaries the Office is able to pay under present appropriations, when viewed in the light of the everywhere increased cost of living and the scale of pay in private business for similar kinds of work.

Mr. MANN. If the gentleman will notice this bill as it is read he will find constant provisions in it, and constant provisions in the existing Indian appropriation law, providing for these appointments to be made by the Commissioner or by the Secretary of the Interior, which remove them from the operation of the so-called "civil-service law."

Mr. SHERMAN. The committee has received no request from the Secretary or from the Commissioner to change the plan.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has nine minutes.

Mr. SHERMAN. I yield to the gentleman from Georgia [Mr. ADAMSON], but I trust he will not use quite all of my time.

Mr. HARDY. Will the gentleman answer just one question? I would like to know about this: I see that telegraphing, telephoning, and supplies are put in at $315,000. Does the Government own those matters out there?

Mr. SHERMAN. No; that is to pay for the transportation, and so forth.

Mr. HARDY. That is for supplies and not for telegraphing?

Mr. SHERMAN. That is for transportation of supplies.

Mr. HARDY. It says "telegraphing, telephoning, and transportation of supplies, $315,000."

Mr. SHERMAN. That is an abbreviation in the report. The gentleman will find in the bill that it is transportation of supplies.

I now yield to the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] is granted eight minutes.

Mr. ADAMSON. Mr. Chairman, I thank the gentleman from New York for his consideration. Knowing that the time for general debate is limited and that several other gentlemen wish to be heard, I shall not abuse the gentleman's generosity. I was deeply touched by his affecting references to the disastrous results of mixing Indians and liquor. [Laughter.] He might have extended his conclusions to many other mixtures in which liquor is the dominating, component element. [Applause.]

As to the Indians, we are now comforted by the knowledge that most of the good ones are citizens of the great State of Oklahoma, which, in addition to the proud advantage of being born Democratic, with a model constitution, also came into life as a prohibition State. [Applause.] That reflection suggests the importance of exercising the Federal power over interstate commerce so as not to interfere with that inalienable right of local self-government which insures sobriety, quietude, and good order, so essential to decency, progress, and prosperity. [Applause.]

Several States, my own among the number, have adopted State prohibition. Congress attempted, in the passage of the Wilson bill August 8, 1890, to provide for the exercise of the control of commerce in such a way as to restore the control of the liquor traffic to each separate State within its own borders, thus restoring the full exercise of the right of local self-government surrendered by the States in assenting to the constitutional provision regulating commerce through Congress. The Supreme Court, however, in holding that the word "arrival" therein meant delivery to the consignee in the State, uncovered a loophole in the Wilson law, which permitted C. O. D. deliveries and otherwise aided blind tigers to evade the local law. The gentleman from Iowa [Mr. HEPBURN], a distinguished Republican, and many other statesmen immediately went to work to secure an amendment which would cure the defect uncovered.

The reference, which we thought ought to go to the Committee on Interstate and Foreign Commerce, of which the author of the bill was chairman and of which I am a member, was, for some reason unknown to me, made to the Committee on the Judiciary, and that has been the case for the last five Congresses.

I am proud to say, however, that many members of the Judiciary Committee, including Mr. CLAYTON, of Alabama, Mr. BRANTLEY, of Georgia, and others, have labored ably and faithfully to secure the enactment of that legislation. There has been much misapprehension prevalent in the country among both the saloon men and the antisaloon people as to the status of Federal legislation on the subject, due possibly to the fact that the Wilson bill, having been approved by the Supreme Court, it was deemed wiser and safer to retain its language and write therein the only amendment necessary to effect its original purpose. To the casual reader the language of the bill might convey the impression that it is an original suggestion rather than existing law. While many of us believe that the States have power to outlaw liquor and absolutely prevent its sale or storage in a State, even without the proposed Federal amendment, yet it is manifestly not only the right but the bounden duty of Congress to perfect what it attempted to do in the Wilson bill—withdraw the interference of interstate commerce from the protection of liquors as soon as they enter a State, whether before or after delivery. [Long continued applause.]

I find in the public press a letter from Mr. CLAYTON of Alabama, answering inquiries from his constituents on this subject. It is such a lucid, correct, and comprehensive exposition of the entire subject that I ask unanimous consent to print it as part of my remarks. [Loud applause.]

MR. CLAYTON'S LETTER.

What Congress has done and attempted to do on the subject of regulation of the traffic in intoxicating liquors may be summarized as follows:

1. Several years ago Congress prohibited the sale of liquor in the Capitol building at Washington and all other Government buildings and reservations of the United States. The Congressmen from Alabama and Georgia supported this proposition.

2. Several years ago Congress abolished the "army canteen," and has refused since to restore it. The Congressmen from Alabama and Georgia supported the proposition to abolish and opposed the restoration of the canteen.

3. Until the last Congress the law and the rules of the internal-revenue department would not permit the collectors of internal revenue to make public the names of those who had paid the special tax required of liquor dealers.

GOVERNMENT DOES NOT LICENSE SALE OF LIQUOR.

This special tax is often miscalled a "license." The Federal Government does not undertake to license the business of a liquor dealer, but requires a special tax of every liquor dealer. Across the face of each receipt for this special tax these words are printed: "This stamp is simply a receipt for a tax due the Government and does not exempt the holder from any penalty or punishment provided by the law of any State for carrying on the said business within such State and does not authorize the commencement nor the continuance of such business contrary to the laws of such State, or in places prohibited by municipal law. (See sec. 8243, Revised Statutes U. S.)"

On June 21, 1906, the law was amended so that each collector of internal revenue is required to place and keep conspicuously in his office, for public inspection, an alphabetical list of all persons who have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, etc.

I appeared before the Ways and Means Committee of the House of Representatives that had jurisdiction of several bills seeking to prevent the issuance of such special tax, miscalled license, in prohibition districts. That committee took the position that if the tax was not required in one district or community, say in a prohibition district or community, there would be no violation of any Federal law by any one who might sell intoxicating liquors in such district or community, for the plain reason that there would be no law requiring the payment of the special tax. Again, some members of the committee were of the opinion that to exempt any particular district or districts or particular State or States from the operation of the general law requiring the payment of the internal-revenue tax would be in violation of the Constitution of the United States, which requires that "all duties, imposts, and excises shall be uniform throughout the United States."

I believe that with the publicity required and made available of the names of the liquor dealers who have paid the special internal-revenue tax to the Federal Government, together with the strong sentiment which obtains in our State in behalf of laws that make for public health, morals, and good order, will prevent the nefarious business of the illicit dealer and will render it impossible for the "blind tiger" to flourish.

This measure had the support of the Congressmen from Alabama and Georgia.

SHIPMENTS INTO DRY TERRITORY.

4. As to the support of "some measure that will protect our prohibition territory from the imposition that is now being perpetrated upon it in the name of interstate commerce," you will readily understand that whatever legislation Congress may enact in this regard will be founded upon the commerce clause of the Constitution, which confers upon Congress the exclusive power to "regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Prior to 1890 many of the States had passed laws, some of them prohibiting the sale of intoxicating liquors and others regulating or controlling the sale of such liquors within their respective boundaries. It was notable that some years ago Kansas and Iowa attempted to prevent the carrying on of the alcoholic liquor business in those States by parties from the outside.

The Iowa law on this subject was reviewed by the Supreme Court of the United States and was held to be unconstitutional because it was "essentially a regulation of commerce among the States, and not sanctioned by the authority, express or implied, of Congress." It was held in another case by the same court, as a logical sequence of the decision in the first case, that the right to sell and import intoxicating liquors from one State into another State in the original package could not be interferred with by any State law in the absence of Federal legislation removing the restriction imposed by the commerce clause of the Constitution of the United States.

This clause confers upon Congress the exclusive power to regulate commerce among the States. This denied to the States the power to control or prevent the sale of intoxicating liquors transported from one State into another while they remained in the original packages and had not become "mingled with the common mass of property within the State."

In the last case which I have referred to, that of Leisy v. Hardin (135 U. S., 100), it was indicated by expressions like the following, that the remedy for this situation could be found in Congressional legislation:

"Yet a subject-matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police powers of the State unless placed there by Congressional action" (p. 108); "hence, inasmuch as interstate commerce, consisting in the transportation, purchase, sale, and exchange of commodities is national in its character and must be governed by a uniform system, so long as Congress does not pass any law to regulate it or allow the States so to do * * *" (p. 109); "* * * can a State, in the absence of legislation on the part of Congress, prohibit either importation from abroad or from a sister State, or, when imported, prohibit their sale by the importer?" (p. 110); "* * * essentially a regulation of commerce among the States, and not sanctioned by the authority, express or implied, of Congress" (p. 111). "* * * The State can not exercise that power (the power to regulate interstate commerce) without the assent of Congress * * * (p. 119); "the responsibility is upon Congress, so far as the regulation of interstate commerce is concerned, to remove the restriction upon the State in dealing with imported articles of trade within its limits which have not been mingled with the common mass of property therein if, in its judgment, the end to be secured justifies and requires such action" (p. 123); "* * * in the absence of Congressional permission to do so, the State had no

power to interfere by seizure or any other action in prohibition of the sale by the foreign or nonresident importer" (pp. 124–125). "The court expressly held in this case that interstate transportation did not end, and the commerce clause applied until the liquor was 'mingled in the common mass of property in the State,' saying, 'Under our decision in Bowman v. Chicago Railway Company, supra, they had the right to import beer into that State, and in the view which we have expressed they had the right to sell it, by which act alone it would become mingled with the common mass of property within the State'" (p. 124).

THE WILSON LAW.

Accordingly, to enable the States to enforce their own liquor or anti-liquor laws, Congress passed what is commonly called the Wilson law, approved August 8, 1890, which sought to give the State jurisdiction over all liquors transported into any State or Territory and remaining therein for use, consumption, sale, or storage therein, and to subject them upon arrival in such State or Territory to the operation and effect of the laws of such State or Territory enacted in the exercise of its police power, to the same extent and in the same manner as though such liquors had been produced in such State or Territory, and this law provided that such liquors shipped into the State or Territory should not be exempt from the laws of the State or Territory by reason of being introduced therein in the original package or otherwise.

This law was upheld by the Supreme Court of the United States (140 U. S., 545). Afterwards the same court held (170 U. S., 415) that under the provision of this Wilson law liquor transported from one State into another remained under the jurisdiction of the interstate-commerce laws until they were delivered to the consignee, and that the State law was inoperative to reach them until they were delivered to the person to whom they were consigned.

The effect of this decision was to practically nullify the act of 1890. Under the law, as thus construed, liquor dealers sent out their soliciting agents and established agencies in other States, who canvassed the country and took orders for intoxicating liquors to be shipped in by the principal and consigned to the subscriber—sometimes the liquors were sent to the subscribers direct, and in other cases in the care of the collecting agent. By this means the business of dealing in liquors by foreign dealers was kept up in many of the States with impunity, and the States were powerless to prohibit or regulate the sale of intoxicating liquors by persons from outside of the State.

HEPBURN-DOLLIVER BILL.

To meet this situation the Hepburn-Dolliver bill was introduced in the Fifty-seventh Congress. I reported this measure favorably from the House Committee on the Judiciary on January 26, 1903 (H. R. Rep. No. 3377, 57th Cong., 2d sess.). The purpose of this bill was to subject intoxicating liquors imported from one State into another to the laws of the State into which they were imported on arrival within the boundaries before and after delivery. This bill was called up in the House of Representatives on the 27th day of January, 1903, and the explanation of it on the floor of the House was accorded to me by the chairman of the Committee on the Judiciary. (CONG. REC., Vol. 36, pt. 2, 57th Cong., 2d sess.) After a short discussion, which I opened with a brief speech, this bill was passed by the House of Representatives with practical unanimity. It went to the Senate, and there it never received any consideration.

VOTE OF GEORGIA AND ALABAMA REPRESENTATIVES.

This measure had the entire support of all the Representatives from Alabama, who at that time were Messrs. TAYLOR, WILEY, CLAYTON, BOWIE, THOMPSON, BANKHEAD, BURNETT, RICHARDSON, and UNDERWOOD; and the measure also had the support of the Representatives from Georgia, who at that time were Messrs. ADAMSON, BARTLETT, BRANTLEY, GRIGGS, HOWARD, LEWIS, LIVINGSTON, Lester, Maddox, FLEMING, and Tate.

In the Fifty-eighth Congress the Hepburn-Dolliver bill was again favorably reported by me to the House from the Judiciary Committee. Under the hard and tyrannical rules of the House I was unable to get it up for consideration, as it was on the Calendar and could not be reached, was not privileged, and the recognition of the Speaker to call it up for consideration by unanimous consent could not be had.

At the long session of the last Congress (the Fifty-ninth Congress) the friends of such legislation endeavored to get a favorable report on this bill and failed. I am not allowed, under the rules, to give the proceedings of the committee. At the short session of the last Congress substantially the same bill was reported under the name of the "Littlefield bill;" but the bill met with the same fate that it met in the Fifty-eighth Congress, and because of the same reasons.

BRANTLEY C. O. D. BILL.

5. At the last session of Congress Mr. BRANTLEY, from the Committee on the Judiciary, reported favorably H. R. 16479, known as the "Brantley C. O. D. bill," which provides:

"That any railroad company, express company, or other common carrier, or other person who shall, in connection with the transportation of spirituous, vinous, malt, and intoxicating liquors of all kinds from one State or Territory into another State or Territory, collect on, before or after delivery, from the consignee or other person, the purchase price, or any part thereof, of such liquors, or who shall in any manner act as the agent of the consignor or seller of such liquors for the purpose of selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be subject in so doing to all the police powers of the State or Territory into which such liquors are transported and delivered, and for this purpose in all cases of the sale of spirituous, vinous, malt, and intoxicating liquors of all kinds in interstate commerce, where the same is sold 'collect on delivery,' the place of delivery shall be deemed and held the place of sale."

If this bill should become a law it would make the place of the delivery of the liquor the place of sale instead of, as is now held by some of the courts, that the sale occurs at the initial point of shipment. This bill went on the Calendar at the short session (Mr. BRANTLEY having been unable to get it out of the committee at the long session), and it was not reached on the Calendar, and it was impossible to have it considered by unanimous consent.

BELIEVES CONGRESS HAS POWER.

It is, perhaps, not necessary for me to give assurance that I shall continue to use my best efforts to secure legislation by Congress to the end that our own State laws in the interest of public health and morals and enacted in pursuance of the right of local self-government, shall not be violated by persons from the outside of the State, who shelter themselves under the commerce clause of the Constitution. I believe that Congress has the power to regulate the traffic in alcoholic liquors among the States, and that this traffic can be so regulated as to permit the States to enforce their own laws. The dealer, for instance, at Montgomery is not permitted to ship intoxicating liquors into a prohibition community within the State of Alabama. This is in accordance with the wisdom and power of our State and her people. The dealer, say, at Cincinnati, ought not to be allowed to carry on the business of shipping intoxicating liquors from his town outside of the State into a community in Alabama where the State has forbidden the sale of intoxicating liquors and forbidden their shipment from any other place in the State.

Very respectfully, H. D. CLAYTON.

Mr. SHERMAN. I reserve the balance of my time.

Mr. STEPHENS of Texas. I yield twenty minutes to the gentleman from Missouri.

Mr. RUSSELL of Missouri. Mr. Chairman, I desire to make a few plain and practical suggestions upon the present tariff law, especially in its relation to the farmers of the country.

I come from one of the largest, if not the largest, agricultural districts represented upon this floor and one of the largest in population and territory in the United Staes. It is larger in territory than the old Bay State of Massachusetts. It is greater in area than the three States of Connecticut, Rhode Island, and Delaware all combined. The average Congressional district by the last apportionment had in population about one hundred and ninety-six thousand, but my district at that time had a population of over two hundred and sixty thousand, and to-day has over three hundred thousand, as the census two years hence will show.

With my brief experience in public life it would be presumptuous in me to assume to be an expert upon all the questions involved in the intricacies of the present tariff system, but as one directly and indirectly interested in agriculture, and as the representative of a large agricultural district, I have given much time and thought to this subject, as it affects the farmers of the country. I believe that I clearly understand the outrages that it visits upon them, and it is for them that I to-day speak and ask to be heard.

As citizens of a common country we are all individually and collectively interested in the success of the farmers, as their success and prosperity is a prerequisite to the well-being of the whole people.

George Washington once said:

The farmers feed and to a great extent clothe the human race.

James J. Hill, the great railway magnate, and yet a scholar, a philosopher, and a patriot, in his great speech at the Minnesota State Fair in 1906, said:

All the life that exists upon this planet, all the development of man from his lowest to his highest qualities, rest as firmly and unreservedly upon the capacities of the soil as do his feet upon the ground beneath him.

There must be a national revolt against the worship of manufacture and trade as the only forms of progressive activity, and the false notion that wealth built upon these at the sacrifice of the fundamental form of wealth production can endure. A clear recognition on the part of the whole people that the tillage of the soil is the natural and most desirable occupation for man, to which every other is subsidiary and to which all else must in the end yield, is the first requisite.

The welfare of the farmers is the welfare of the nation, and both self-interest and gratitude on our part should prompt us all to accord to them fair treatment and impartial jusice in the enactment of laws and in their enforcement.

The tariff laws have been a matter of political contention almost from the beginning of our constitutional government. Tariff duties were first imposed to raise revenue to support the Government, but were so arranged and classified as to incidentally afford protection to the infant industries of the country. I once heard William J. Bryan in a public speech say:

The advocates of protection at first claimed that it was necessary to enable the young industries of the country to stand upon their feet, but now these industries can not only stand upon their feet, but run over the feet of everybody else.

I will not discount the intelligence of the Members of this House by discussing the question as to whether the tariff is a tax, nor the kindred subject as to whether it is a burden borne by the consumer of the protected articles. To all intelligent and fair-minded men these are no longer mooted questions.

The American who goes to Europe finds upon his return, as I did, that when he reaches the American port the foreigner is not there to settle the bills, but the tariff imposed by the Dingley law is demanded and collected from the returning tourist. The result is the same, indirectly, if the American merchant buys and brings foreign goods to our shores, as he simply advances the import duties, adds it to the original cost, and collects it from the purchaser who buys them for consumption.

On one occasion, with my wife and some other lady friends, I visited Canada. The ladies purchased souvenir spoons in the cities of Toronto, Montreal, Ottawa, and Quebec, and upon our return to the United States the revenue officer was informed of these purchases. He took charge of the ladies and marched them up to the "captain's office" for the settlement of the

tariff duties. My wife was unfortunate enough to have been the child of Republican parentage, but I am glad to inform you that since that impressive hour she has been the best Democrat in the State. [Laughter and applause.]

The question of taxation has always been, and will ever be, one of the most vital and important questions in this and every other land. It will be so as long as human nature continues as it now is, with the burning desire for the accumulation of wealth.

All good citizens ought to be, and I believe are, reasonably willing to pay their just share of the taxes necessary to pay the expenses of the county, State, and Federal governments when honestly and economically expended, but no man really enjoys paying taxes, and especially when he has a well-grounded conviction that they are unnecessary and unjust.

The present tariff tax is not levied for the purpose of raising revenue to support the Government. It is made too high for a revenue basis, and is intended to prohibit imports and thereby lessens the revenue that would otherwise be collected. It is levied for the express purpose of protecting certain industries in the United States.

How does it protect them? It protects them by discouraging, if not prohibiting, the importation of the protected articles from other countries to be sold in this country in competition with similar articles manufactured here. The result is obvious and perfectly understood. Foreign goods are thereby kept away from this country that would otherwise come. The Government loses the tax that would be paid. The American manufacturer is given a monopoly, and he promptly and diligently proceeds to utilize and enjoy the license thus given him by the Republican party to rob the American people by the extortionate trust prices charged for the necessaries of life.

This is in violation of the Democratic creed of "Equal rights to all; special privileges to none."

Every man ought to be given an equal chance in the race of life. Thomas Jefferson once said:

> No man was born booted and spurred to ride roughshod over the balance of mankind.

Do you deny that the necessaries of life are made higher to the farmers of my district and the country by this unjust tariff tax? If they are not, then the object of the law has failed, for that you admit is the purpose of the law.

They tell us that the factories of the United States can not live without this protection, but I deny it.

The statistics show that the factories of the United States have not only prospered, but have paid large and remunerative dividends, and it is a matter of common information that the manufacturing industries of the country have enjoyed greater prosperity and are much wealthier as a class than the farmers, who are compelled by this law to contribute to their increasing wealth.

As further and more convincing proof that it is unnecessary, permit me to remind you of the fact that our American manufacturers are to-day selling their goods in foreign lands cheaper than they sell them here at home. My distinguished friend from Illinois [Mr. RAINEY] clearly established in the last Congress the fact that Mr. Keene, a large dealer in watches in the city of New York, purchased American-made watches in Europe and, after paying the necessary profit to the dealer there and freight back to the United States, sold them at retail about 20 per cent cheaper than the trust price at which they were sold in the United States to the retail dealers.

Does any sane man believe that these goods were sold in the foreign markets at a loss? No man will stultify himself so much as to claim that. They simply sell in other countries at a reasonable profit because they come into competition with other countries and must sell at a reasonable price or not at all; but here they are given a monopoly by the Republican high-tariff law, strengthened and fortified by its natural offsprings, the pernicious trusts, and proceed to oppress the farmers and the consumers of this country by charging unreasonable and extortionate prices.

The answer to this unjust discrimination has usually been that they sell cheaper abroad in order to work off their surplus. I answer you, "Charity begins at home." [Applause.]

If the protected tariff barons have a surplus of manufactured articles to work off at lower prices, allow me to gently suggest the propriety of working them off on the mortgaged farmers of the West.

The question to-day is not one between tariff law and free trade, but the question is whether the present tariff law should be revised and reduced.

I am in favor of a tariff for the purpose of raising revenue, but would like to see at least a part of the necessary revenue to support the Government raised by an income tax, which I am persuaded to believe would be the fairest tax that could be imposed, coming as it would from those who enjoy the greatest benefit and protection from our laws by reason of their large possessions, and who by reason of large incomes are best able to bear the burden of taxation. [Applause on the Democratic side.]

I am glad to see that President Roosevelt has accepted the Democratic doctrine in this, and has recommended in his message to this Congress the enactment of an income tax law.

Nearly everything the farmer buys is made higher by the present tariff law. The implements upon his farm, his barb wire, his provisions that he can not produce with his own hands, his clothing, and in fact almost everything that enters into his home for the maintenance, the comfort and the pleasure of his family, is made higher by the Dingley law. But the products of the soil that he produces and sells are not and can not be affected by any tariff duty imposed by law, for the reason that even with free trade no country on the face of the earth could afford to bring its farm products to this country and sell them in competition with ours.

President Roosevelt, in his life upon Thomas H. Benton, wrote these words:

> Political economists have pretty generally agreed that protection is vicious in theory and harmful in practice.
>
> In 1828 the evil was peculiarly aggravated on account of the unequal way in which the proposed law would affect different sections. It purported to benefit the rest of the country, but it undoubtedly worked real injury to the planter States.

This was before he became intoxicated with an ambition for office; before he advocated short spelling and long families; before he founded the "Ananias Club;" before he became the hero of the "big stick" and the "Godless dollar." He wrote then as an economist, a historian, and a patriot.

Mr. Chairman, I have sometimes hoped that the party in power would give some relief against the present burdensome tariff taxes. This vain hope has been indulged from time to time as the utterances of prominent members of the Republican party have confessed their iniquities.

The present governor of the rich agricultural State of Iowa made and won his third race for governor of that State upon a platform advocating a reduction of the present import duties. In one of his speeches, when discussing the outrageous mismanagement of some of the great insurance companies, he said, in substance:

> All the robberies committed by all of the insurance companies in all times in the past does not amount to one-fifth of the robberies committed under the Dingley law in one single year.

Mr. Taft will be the Republican nominee for President. I regret to so predict in the face of our personal good friend "Uncle Joe," who presides over this House, and who has his "weather eye" upon that empty honor. [Applause.]

Mr. Taft, before he became a candidate for the Presidency, was an advocate of tariff revision; but since he became a candidate for President he has modified his views to this extent: He now says the tariff ought to be revised, but he is not in favor of revising it at present, but after the next Presidential election.

If a man is sick and sends for a doctor, who, after diagnosing his case, pronounces him very sick and in need of a remedy, he would astonish his patient if he were to advise the policy of postponing the treatment until after the next chill. I heard of a case where a patient gradually grew weaker and weaker until finally his doctor said to him: "My dear sir, you can not live but a few hours, and if you have anything to say, you must say it now." The patient in his dying whisper said: "Yes; there is one thing I would like to say, and that is I am sorry I didn't have a different doctor." [Laughter.]

"Doctor" Taft, "Doctor" Roosevelt, and many of the other lesser doctors and leaders of the G. O. P. are free to confess that the present tariff law is unreasonable, unjust, and should be revised, but are in favor of postponing the remedy until after the next "chill," which, if we do not misjudge the symptoms of the patient, will surely come in November next, when the people will surely demand the services of another doctor, the man who is to-day the greatest living American statesman and the first in the hearts of the people—William J. Bryan. [Great applause.]

The President in his message to this Congress recommended putting wood pulp and other forest products grown in this country upon the free list, but no Member of this House is careless enough of his reputation as a prophet to venture the prediction that his suggestion will be heeded.

Your policy is to postpone the remedy, or, as expressed in Republican phraseology, "stand pat."

Mr. Chairman, with my limited knowledge of the meaning of specially selected phrases expressive of the principles and mistaken virtues of the Republican party I may be in error

as to the correct interpretation of the words "stand pat;" but as I understand it you propose to stand by your present hand, good or bad, and depend upon your power to bluff the American people. That game is sometimes dangerous, especially with Missourians as competitors, who have become famous the world over for their inquisitive disposition on occasions of that sort, that leads them to the desire to be shown. [Applause.]

The farmers of the country are the first to suffer from bad or oppressive laws and the last to be benefited by remedial legislation intended for the relief of the people.

The last Congress passed a so-called "railroad rate bill." The idea was a good one and originated with William J. Bryan and the Democratic party, but the law enacted was not what the leaders of the Democratic party advocated, and has proved to be of little or no value. In the last campaign the Republican leaders and the Republican press boasted of this law as a monument to the constructive genius of Republican statesmanship; but it is a railroad rate bill in theory, that has failed to regulate in practice.

I live in a Missouri county and in the midst of one of the most fertile agricultural sections in the Mississippi Valley, about midway between St. Louis and Nashville, Tenn. Nashville is one of our chief wheat markets. The freight rate on wheat from St. Louis to Nashville by railway is 12 cents per hundred pounds, and from Charleston, Mo., to Nashville, only about one-half the distance, the freight rate is 16 cents per hundred pounds. The same unjust discrimination in rates obtains to all of the southern markets.

One of the faults of this pretended piece of beneficent legislation is that it undertakes to prohibit the charging of more freight for a short haul than a long haul, but adds the words, "under like conditions." When the railroad company charges more for the short haul than for the long haul it has but little difficulty in establishing the fact that the conditions are not the same.

Mr. Chairman, the claim has always been made by the Republican leaders, and especially the spellbinders upon the rural stumps, that no panic could ever come under Republican rule, and especially under a high-tariff law. Still the facts are that the three great panics that the country has experienced within the memory of us all have been under high protective-tariff laws.

The panic of 1873 was under Republican rule and under a high protective-tariff law. The panic of 1893, while under a Democratic Administration, the conditions of the country were such before the election of Mr. Cleveland as to make the panic inevitable. But even that panic, with all of its ravages upon the business interests of the country, with Coxey's army and other kindred expressions of dissatisfaction and unrest, came under the McKinley high-tariff law, which was not repealed until a year later.

The panic of 1907, which has now extended into the present year, is under a Republican Administration and a Republican Government in all of its branches and under the Dingley high-tariff law, the highest ever imposed and one that the leaders of all parties admit ought to be revised.

Some of our Republican friends persisted for a time in saying that this the present financial trouble does not amount to a panic, but Hon. Leslie M. Shaw, late Secretary of the Treasury, and now regarded as one of the great financiers of the country, frankly admits that it is the severest panic that this country has ever experienced.

In his speech at Des Moines on the 3d day of this month he said:

> Banks must have been sound, or widespread ruin would have marked the stringency of 1907, which is generally conceded to have been the severest the world has ever witnessed.

The present panic was more oppressive and hurtful to the farmers in proportion to their wealth than to any other class of people. It came at a time when their crops were ready for the market, and not only caused a great decline in prices, but for a time they were unable to sell for cash at any price.

In the face of this, the severest panic the world ever saw, brought about by a crude and an unjust system of taxation and an unsafe financial system, still the Republican leaders talk about the great prosperity of the country, and claim credit for all the blessings bestowed upon the people of the United States by a kind Providence.

I confess that we have had an era of prosperity, brought about by good crops here and famines abroad, with the prices of our products stimulated by the Spanish war and foreign wars. Still, I want to say that with all of this boasted prosperity, in the district where I live, which is as fertile as any under the sun, inhabited and cultivated by an honest, industrious, and a frugal citizenship, there is to-day a greater mortgage debt upon our lands and homes than ever before in the history of the country.

It is nothing less than partisan impudence to deny credit for whatever prosperity the country has enjoyed to the farmers and miners who have dug the wealth out of the ground, to the operatives who have created wealth in the factories, and to the transportation agencies which have carried the commodities from where they were produced to the places where they were consumed.

Sixty-six per cent of the exports from the United States to foreign countries consists of the products of the farms, and we all know that these are the indispensable agencies in bringing into this country hundreds of millions of dollars every year, giving to us the balance of trade and making possible the prosperity of which the Republican party boasts. [Applause.]

Unless it can be established that all this wealth is created by Republican brain and brawn, it is idle and preposterous for that party to claim the benefits which these products confer.

The fact is the country has prospered in spite of the Republican party and its oppressive legislation, rather than by reason of it, and the steady prosperity of the country might have continued uninterrupted by this severe bank panic if the Republican party had not overloaded our industries with excessive and unnecessary taxation and hoarded the proceeds in the Treasury at the time when the business interests of the country required every available dollar with which to carry on its immense transactions.

Mr. Chairman, permit me in conclusion to say the Republican party has proven itself inefficient and a false pretender. Its claim to popularity at the present moment rests upon its adoption of Democratic policies, which it formerly denounced, and it can not hope to retain power without promptly following the Democratic policy in tariff revision. [Great applause on the Democratic side.]

Mr. HINSHAW. I yield twenty-five minutes to the gentleman from Wisconsin.

Mr. KÜSTERMANN. Mr. Chairman, after having listened to the remarks of the distinguished gentleman from Missouri, it may be of interest to hear from the Republican side on this very interesting question—the tariff. There is no one on this floor who is more thoroughly in favor of a tariff for the protection of American industries and American labor than I am.

The tariff is not alone to create revenue, but the schedules must be so arranged as to fully cover the difference between the wages paid to workingmen in other countries and the amount paid for labor in our own country.

The tariff of 1897 was an admirable work, and at the time was the most perfect piece of legislation along this line ever produced. But though it served the purpose in 1897, it does not cover the conditions in 1907.

There were some industries in 1897 that needed protection by proper tariff schedules to build them up.

These have since become strong and can now stand alone.

Conditions have changed in other lines of industries, and the time has arrived when some schedules should be revised—either made lower or higher or wiped out entirely.

Among the latter we find the lumber schedule—$2 per 1,000 feet. The supply in the United States has been so reduced that in order to meet the demand the greater part of lumber needed must be imported.

With the present scarcity of timber in this country, probably little would be cut if the $2 per 1,000 feet import duty did not afford that little extra profit.

How desirable it would be to give our timber a chance to grow, so that at least the next generation could be benefited thereby, is well understood by everyone. [Applause.]

The lumbermen of this country, many of whom I interviewed personally on this subject, have no objection to having the duty removed, and to do so would mean a saving to the man who wishes to build a little home, to the farmer who contemplates the erection of a new barn, and, in fact, to all who are obliged to buy lumber. [Applause.]

Articles manufactured of wood were exported from this country during last year to the value of $80,000,000.

If the price of lumber is reduced by removing the duty, manufacturers in this line will be better able to compete in the markets of the world. [Applause on the Democratic side.]

When the steel trust of our country, with an actual investment of $360,000,000 and capitalized at $1,600,000,000, earns a profit of $180,000,000 in a single year, the time has arrived when that industry can stand on its own feet; no more protection is needed to help it along. [Loud applause on the Democratic side.]

The oil trust's profits have been so enormous that they can hardly be expressed in figures taught in our common schools.

As was shown in the report of the Commissioner of Corporations, the profits of the Standard Oil Company in eight years amounted to $490,315,000, or an amount equivalent to $6 for every man, woman, and child living in our country.

Now, some will say, "What has this profit to do with the tariff, as petroleum and its products are on the free list?"

Many of us in our campaign speeches, and otherwise, have made this assertion. It came in handy when we wished proof that there was no connection between tariff and trusts.

We have said that the Standard Oil Company, the greatest and greediest trust in the world, had no protection.

I made this bold statement myself before making a thorough study of the tariff law of 1897, and I believe that the majority of those who made similar statements believed them to be true.

It served its purpose and silenced those who were constantly attacking the tariff.

I can well understand how such a misstatement came to be made, because section 2 of the 1897 tariff says that on and after the passage of this act, unless otherwise specially provided for, the following articles when imported shall be exempt from duty.

In paragraph 626, under section 2, a number of articles are enumerated on which there is no import duty, among them petroleum, crude and refined, but the one who reads the paragraph to the end will find that the thirty or forty other kinds of oils mentioned in the paragraph are actually on the free list, while petroleum is in reality removed from the free list by an innocent little proviso or joker at the end of the paragraph, which reads as follows:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

[Applause.]

That is the same paragraph, gentlemen on the Democratic side, that you had in your tariff [laughter on the Republican side] in 1894, and our people overlooked it.

The effect of this cunning little proviso is that the petroleum of the Standard Oil Company has greater protection than almost any other article appearing on the Dingley tariff.

The only competitor of any account in the petroleum business is Russia, which country has such vast resources that not alone is it able to supply all demands at home, but it has a great surplus to ship outside.

With the high prices of oil in the United States, the Russian producers of petroleum would be pleased to sell us part of their product, and sell it at a less price than it is sold for by the great monopoly in this country, but there stands that little joker in our tariff laws, charging the same duty as is charged the American oil in Russia—in some cases 100 and even 200 per cent. [Applause.]

I presume Russia is charging such a high import duty because it knows that if it were not for this, the Standard Oil Company would first ruin all the Russian oil industries by offering oil at cost if necessary, and afterwards charging extravagant prices to the Russian consumer.

One would think that under such a high wall erected against Russian oil not one drop would be sent into the United States, but some of it must have found its way into this country, because, from reports procured from the Treasury Department, I find that $35,963.65 have been collected at American ports on Russian oils within the last six years.

The rates charged were 5.4 cents per gallon on crude and 2.34 cents on refined oils.

There was sent to this country from foreign ports during the last six years 38,413,312 gallons, much of which must have come from countries that have no import duty on American oil, such as Austria-Hungary, Roumania, Dutch East Indies, and British India.

Mr. WILLIAMS. We have a bill pending now to repeal it, but we can not get your Ways and Means Committee to report it.

Mr. GARRETT. Mr. Chairman, has the gentleman the data at hand, and will he put in the RECORD a statement showing the duties levied by other countries?

Mr. KÜSTERMANN. Yes; I will furnish you with that information at once.

The import duty in Germany is 6 marks per 100 kilograms on barrel oil, or 7.50 marks per 100 kilograms net on bulk oil. The total marketing costs, according to the information obtained from parties in the trade, amount to about 2 cents per gallon, which includes 1½ cents for marketing expenses and one-half cent for depreciation at 5 per cent and interest on investment at 10 per cent.

There are no import duties on oil in the United Kingdom.

The Danish import duty amounts to 3¼ cents per United States gallon.

The Netherlands import duty equals 0.67 cent per gallon.

The import duties on petroleum in other countries amount, per gallon, to about 1.7 cents in India, about 0.5 cent in China, about 4.18 cents (including excise tax of 3.8 cents) in the Dutch East Indies, and in Japan have ranged during the period January, 1903, to May, 1905, from 1.6 cents to 3.8 cents.

The Russian tariff bearing on oil and its products imported into Russia is as follows:

	Rubles per poud.
Petroleum, crude	0.30
Liquid products distilled from petroleum (keroene), photogen; solar oil; paraffin oil and lubricating oil; naphtha-ether, gasoline, ligroin, benzine, etc	1.80

(One ruble equals $0.515 and 1 poud equals 36.1 pounds.)

So great is the output of crude oil in Russia that in 1900, when there were no political disturbances, the production exceeded that of the United States by over 12,000,000 barrels. The remarkable feature of this is that the leading Russian oil wells are all within a radius of about 6 square miles at Baku, on the Caspian Sea.

The following table shows approximately the crude-oil production of the world at five-year intervals from 1885 to 1905, distinguishing the leading countries. The figures for the minor fields in the earlier years are imperfect, but the total production of these fields at that time was very small.

World's production of crude oil on the first of every fifth year from 1885–1905.

[Barrels of 42 gallons.]

Year.	United States.	Russia.	Austria-Hungary.	Roumania.
During 1885	21,859,000	13,498,000	.....	193,000
During 1890	45,824,000	27,661,000	659,000	383,000
During 1895	52,892,000	46,140,000	1,453,000	575,000
During 1900	63,621,000	75,779,000	2,347,000	1,629,000
During 1905	134,718,000	54,960,000	5,765,000	4,421,000

Year.	Dutch East Indies.	British India.	All other countries.	Total.
During 1885	.....	.....	350,000	35,900,000
During 1890	.....	118,000	200,000	74,845,000
During 1895	960,000	372,000	288,000	102,680,000
During 1900	1,968,000	1,078,000	1,693,000	148,115,000
During 1905	7,768,000	4,137,000	2,629,000	214,398,000

Now, let us see whether our great monopoly needs protection.

In 1903, when the average price of American oil in the United States was 10.9 cents per gallon, the New York export price was 5.9 cents per gallon, and the American oil was sold in London for 8½ cents per gallon, or 2.4 cents per gallon less than the United States oil monopoly was furnishing it for in Chicago, Philadelphia, or any other American city. In other words, our oil monopoly was selling its product cheaper to foreigners than to American citizens, even after adding the expense of transportation across the ocean.

In 1905 the price of oil in America came down to 9⅛ cents per gallon and the price in London to 5.8 cents per gallon.

Thus American oil was sold in London 3⅛ cents per gallon less than in American cities.

In the following table the margin between the price in the United States and the several prices in the foreign trade is presented merely for convenience in comparing relative movements:

Comparative movements of domestic and foreign prices of American illuminating oil, 1897–1905.

[Cents per gallon.]

Period.	Average price in U. S.	Prices in export trade.			Excess of U. S. price over—		
		New York export.	Hamburg.	London.	New York export.	Hamburg.	London.
1897	7.5	3.0	6.9	.....	4.5	0.6	.....
1898	7.5	3.8	8.5	.....	3.7	−1.0	.....
1899	8.3	5.4	10.2	.....	2.9	−1.9	.....
1900	9.2	5.9	10.5	8.5	3.3	−1.3	−0.2
1901	8.7	5.0	9.8	9.1	3.7	−1.1	− .4
1902	9.0	4.8	9.6	8.7	4.2	− .6	.3
1903	10.9	5.9	10.7	8.5	5.0	.2	2.4
1904	10.8	5.4	9.8	7.9	5.4	1.0	2.9
1905	9.2	4.3	9.1	5.8	4.9	.1	3.4
1897–1899	7.8	4.4	9.0	.....	3.4	−1.2	.....
1900–1902	9.0	5.2	10.0	8.9	3.8	−1.0	− .1
1903–1905	10.3	5.2	9.9	7.7	5.1	.4	2.8

From the foregoing statement which I have submitted it is to be seen that Great Britain and other foreign countries, on account of Russian competition, were supplied by the Standard Oil Company, in spite of expense of ocean transportation and other costs, at a lower price than American cities. [Applause on the Democratic side.]

The following table shows by six-month periods, from 1903 to the middle of 1905, the average prices, less transport costs and duties, of water-white oil in the United States and standard-white oil in Germany, the United Kingdom, and Denmark, together with the excess of the United States price over the foreign prices, after allowing 1 cent for difference in the quality of the oil:

Comparison of domestic and foreign prices of illuminating oil, less transport costs and duties, 1903–1905.

[Cents per gallon.]

Period.	Prices of illuminating oil.				Excess of U. S. price (allowing 1 cent for difference in quality) over—		
	United States.	Germany.	United Kingdom.	Denmark.	Germany.	United Kingdom.	Denmark.
1903—January to June..	11.0	.....	7.87	.....	.....	2.13	.....
July to December.	11.0	8.29	8.36	9.33	1.71	1.64	1.37
1904—January to June..	11.4	8.30	9.39	8.24	2.10	1.01	2.16
July to December.	10.3	6.92	6.42	6.49	2.38	2.88	2.81
1905—January to June..	9.2	6.21	5.03	6.08	1.99	3.17	2.12

These figures show a very remarkable excess in the American price above the foreign prices, particularly during the latter half of 1904 and the first half of 1905. During the latter half of 1904 the price averaged for the United States 10.3 cents, as contrasted with 6.92 cents in Germany, 6.42 cents in the United Kingdom, and 6.49 cents in Denmark. The excess of the domestic price, after allowing 1 cent for difference in quality, ranged at that time from 2.38 cents to 2.88 cents. During the first half of 1905 the extraordinary decline in the prices in the United Kingdom increased the effective margin between the domestic price and the price in that country to 3.17 cents.

This the company was enabled to do on account of that little joker in our tariff laws, virtually keeping out all foreign products and leaving our home people at the mercy of the greatest monopoly in the world.

That clever little joker in the Dingley tariff law has brought to the coffers of the great oil monopoly millions and millions of dollars.

From tables in my possession I am enabled to tell you quite accurately how much this little proviso, which in some clever manner crept into the tariff law, has been worth to the Standard Oil Company.

The entire production of mineral oil in the United States during the ten years the tariff has been in existence was 318,914,000 barrels of 42 gallons each.

Now, it is not denied that one-half or even more than one-half of this great production was consumed in the United States; but to be conservative let us call it one-half, or 159,457,000 barrels, containing 42 gallons each, in all 6,697,194,000 gallons.

By keeping out Russian competition the trust was enabled to charge home consumers about 2 cents more per gallon than it could have done if petroleum had really been on the free list. [Applause.]

Thus the profit to the Standard Oil Company on account of this proviso has been $133,943,880 within the last ten years, which is equivalent to a tax of about $1.50 levied on every inhabitant of the United States. [Applause on the Democratic side.]

Whatever view may be taken, however, as to the advantage of a great combination in furthering the export trade—

Says United States Commissioner of Corporations—

It is entirely clear that the advantages derived by the American people from that trade are very small as compared with the disadvantages imposed upon them by the Standard's monopoly at home. American consumers might, for the sake of maintaining a large foreign trade and thereby benefiting American industry, be willing temporarily to pay prices a little higher than are charged for the same product abroad. That American consumers, however, should be compelled to pay prices so high that, when an immense quantity of oil is sold by the Standard in foreign countries on the basis of little or no profit, the total profit on domestic and foreign business combined should be 50 or 60 per cent on its capital, is an obvious injustice.

The prices charged by the Standard Oil Company in the United States are, on the average, altogether excessive and they have greatly increased during recent years. These facts, however, do not tell the full story with regard to the Standard's domestic price policy. The prices in large parts of the country are much more extortionate than the average prices for the country as a whole.

The prices charged by the Standard Oil Company for petroleum products in the United States differ widely in different places according to the degree of competition or monopoly. This is true of all classes of petroleum products, but is most conspicuous and most easily demonstrated with respect to illuminating oil and gasoline. After deducting freight rates, which often constitute a large element in gross prices, extraordinary differences in prices appear, (1) as among different States or sections of the country, and (2) as among towns in the same general vicinity—for example, within the borders of a single State. These differences in price are to some extent due to differences in the cost of producing the oil and gasoline sold in different sections and in part to differences in the cost of marketing. In many cases, however, they are due solely to differences in the degree of competition, and in other cases a large part of the difference in price is due to difference in the degree of competition.

The methods of marketing oil products lend themselves to this practice of price discrimination. Illuminating oil and gasoline—and the same is in less measure true of other petroleum products—are not to any large extent sold at central markets or through jobbing concerns independent of the refiner. The Standard Oil Company sells most of its illuminating oil and gasoline in the United States directly to retail dealers at their own towns. They are largely delivered to retail dealers at their own stores by means of tank wagons. Consequently the prices of oil and gasoline are in general purely local prices. The retail dealer is ordinarily not familiar with prices charged in other towns or in central markets, but even if he were he could not take advantage of lower prices prevailing elsewhere to buy oil there and bring it into his own town. The cost of transporting oil in barrels, particularly in less than carload lots, is higher than in tank cars. Moreover, tank-wagon delivery is so much more convenient than barrel delivery that the retail dealer is ordinarily unwilling to buy barrel oil even at a lower price.

The Standard Oil Company has established the system of tank-wagon delivery in the larger towns in all parts of the United States and in a large proportion of the smaller towns in the more populous sections. The business of its competitors is largely confined to a limited area and to a limited number of towns within that area. In towns and sections where there is no competition the Standard can charge monopoly prices, and by reason of the high prices thus obtained it can afford to reduce prices in competitive areas and towns to a point which leaves no profit for the independent concern.

Independent concerns are compelled to confine their business to a limited area and usually to a limited number of places in such area; first, by reason of the fact, already stated, that delivery in barrels is either more expensive or less satisfactory than delivery by tank wagon; and, second, because the limited volume of their business does not permit them to establish tank-wagon delivery in many places, since, in order to reduce the cost of tank-wagon delivery to a reasonable amount per gallon, it is necessary that a concern should secure a considerable volume of business in each town it enters. Only a concern with enormous capital could afford to establish a marketing system in competition with that of the Standard throughout the entire country and thereby force the Standard, if it desired to cut prices, to sacrifice profit on its entire business.

It is clear from these considerations that the Standard has an enormous advantage over any of its competitors in the marketing of oil. By a vigilant policy of aggressive attacks on competitors competition is kept strictly localized and scattered, and thus easily controlled. The Standard can make huge profits on its total business while reducing the profits of its competitors to a small amount, or even forcing them to sell at a loss.

I believe that the entire tariff should be revised at the earliest possible moment and made to conform to present conditions. [Applause.]

However, to undertake a general revision at the present session would be doing an injustice to the industries concerned. [Laughter on the Democratic side.]

I am therefore of the opinion that only those schedules be changed at this session which we all know are conferring excessive benefits on the few to the detriment of the great mass of people who labor for their daily wage.

It would require no experts to pass on the needed change in the schedule of petroleum—it is self-evident. [Applause.]

The greatest injustice will be done the American people by leaving in our tariff schedule the little petroleum joker. [Applause.]

Representatives and apologists of the Standard Oil Company have attempted to create the impression that the recent decline in prices of American illuminating oil abroad was necessitated by an oversupply of that product. They have also used the argument that foreign oil-producing countries have been competing with special severity against the American product, and that, in order to retain the volume of American export trade, decided reductions in prices were necessary. These arguments are not well founded.

It should be understood that in criticising the policy of the Standard in reducing foreign prices in recent years, no assumption is made as to whether prices were reduced to such an extent as to leave the Standard no profit. It may be that the profits of earlier years in the export trade were so high that in spite of the great reduction the Standard was still able to make a moderate profit in 1904 and 1905. It is, however, very doubtful whether any profit was secured at times in the leading foreign markets during this period of price cutting. The basis of the criticism of the foreign prices is not so much that they were in themselves unreasonably low, but that the increase in the disparity between the domestic and foreign prices was not justified by any change in conditions of supply and demand.

I hope since the abuses arising from the schedule have been

called to your attention, that the same be wiped out by passing House bill No. 10488, introduced by me and referred to the Committee on Ways and Means. [Applause.]

A bill (H. R. 10488) to amend paragraph 626 of section 2 of the Dingley tariff act, so that no duty on petroleum, crude or refined, shall be collected at any port of the United States.

Be it enacted, etc., That section 2, paragraph 626, of the Dingley tariff act of 1898 ostensibly places petroleum on the free list, but in reality is so adroitly worded as to work out a high duty on petroleum, crude and refined, coming into this country, contrary to the belief of the American people in general.

SEC. 2. That by the wording of paragraph 626, section 2, a high tariff stands against Russian petroleum to the detriment of consumers in the United States.

SEC. 3. That the proviso of paragraph 626, section 2, which now reads, "*Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country," shall be so amended as to read, "*Provided*, That no duty on petroleum, crude or refined, shall be collected at any port of the United States."

No Member voting against it can justify his course before his constituents. [Loud applause on the Democratic side.]

Mr. STEPHENS of Texas. I yield to the gentleman from Indiana thirty minutes.

Mr. ADAIR. Mr. Chairman, I desire, with the indulgence of the committee, to submit to the House and, incidentally, to the country, my views upon a subject that is of much importance, not only to the printers, publishers, and newspaper men of the country, but is of great interest to every citizen, no matter what his occupation or profession. I have introduced a bill in this House, known as House bill 9188, which provides that the duty on printing paper, wood pulp, and all material used in the manufacture of printing paper be repealed, and that paper, wood pulp, and all material used in the manufacture of printing paper be admitted into the United States free of any duty whatever. My purpose in introducing this bill was twofold. In the first place, I wanted, if possible, to procure relief for the newspaper men of this country, who now have invested in their business nearly $250,000,000 and who employ 160,000 men and women, paying wages amounting to more than $100,000,000 annually, and who are now at the mercy of one of the largest and most heartless trusts the world has ever known. In the second place, my purpose in introducing this bill was to strike a deathblow at this unlawful trust, now capitalized at $40,000,000, a large portion of which is water, yet on this amount pays annually a profit of over $20,000,000.

I have no doubt but what at least 50 per cent of this large capital is water and that the annual profits of $20,000,000 is really 100 per cent on the investment. There are no men who contribute more to society and the general welfare of the nation than our country editors, and none who receive so little compensation for their contribution. The price fixed by the greedy paper trust for all material used by them is out of reason, and should not be permitted by this Government. Not only does it affect the country editor, but also the large printing establishments that manufacture all kinds of books, pamphlets, records, etc., that go into our schools, offices, and homes. Every time we buy a schoolbook, newspaper, or anything else manufactured out of paper we contribute to one of the most cruel trusts created by our present protective system. Therefore, this is a question that interests every citizen, because no one escapes making a contribution to this powerful corporation. There are many other trusts which have grown up under our protective system that are equally destructive of the people's interests, among which is the lumber trust. I have also introduced a bill in the House repealing the duty on all lumber imported into the United States, hoping thereby, to be able to save the American people millions of dollars and destroy another unholy trust. This bill, however, I shall discuss at some future time, and shall now direct my remarks to the subject first mentioned. It is not contended that the duty on wood pulp is necessary for the protection of home manufacturers, nor is it necessary for the protection of American labor. In fact, it is admitted that nobody receives any benefit by reason of these duties except a greedy paper trust, which is benefited to the extent of over $20,000,000 annually, wrung from the pockets of the people. I believe, Mr. Speaker, that the elimination of special privileges is the paramount issue before the American people to-day, and this House will fail to discharge its duty if it does not proceed at once to repeal all laws granting such privileges. [Applause.]

The public conscience is awakened as it never has been before, and the people are demanding equal and exact justice to all and special privileges to none. I believe, Mr. Chairman, that whenever any product falls in the hands of a trust it should immediately be placed on the free list, and as there is no question about the trust controlling everything that goes to make white paper, I insist that the duty on such material as enter into its manufacture be immediately repealed. A correspondent for one of the leading Republican newspapers of the country, in an article on this subject published recently, said:

There is small prospect of Congress taking the duty off ground wood pulp or print paper at this session. The Republican leaders have made up their minds to stand by the existing duty on these articles, in spite of the fact that the publishers of the country are practically a unit in asking that the duty be repealed.

In taking this position the leaders reflect the attitude of the entire Administration, which is that the tariff must not be touched. Some two months ago, when a committee representing the American Newspaper Publishers' Association called on the President to ask his assistance in getting the duty on wood pulp and on print paper repealed, they found him apparently in sympathy with the movement, but still unwilling to associate any request for the removal of the duty with the tariff question. It was his idea that it would be better to base the request on a plea for the preservation of the forests of the United States. He followed that policy in making a recommendation to the effect that—

"There should be no tariff on any forest product grown in this country, and especially there should be no duty on wood pulp, due notice of the change being, of course, given to those engaged in the business, so as to enable them to adjust themselves to the new conditions. The repeal of the duty on wood pulp should, if possible, be accompanied by an agreement with Canada that there shall be no export on Canadian wood pulp."

In view of the attitude the Canadians have taken, the publishers are greatly disappointed over the form of the President's recommendation. They can see how much better it had been if the President had come out squarely and asked for the repeal of the duty as a simple tariff measure. Here was a trust which had put prices up beyond all reason, and yet the Administration was afraid, apparently, to come out in a flat-footed way and insist on the removal of the tariff under which the trust is enabled to thrive at the expense of the publishers of the country. They saw the point in the President's message. The result is that the Canadians are now taking steps to force the manufacturers of paper to come to the Dominion. One suggestion made by the Canadians is that pulp-wood exportation be prohibited; another is that a heavy duty be laid on pulp wood. In the event of either plan being adopted, the pulp wood of Canada would be made into paper on Canadian ground. Thus the Canadians would get the benefit of the labor now employed in the mills in the United States that consume pulp wood shipped from the Canadian forests.

The pulp and paper manufacturers of Canada have recently conferred with the prime minister and the ministers of finance and customs at Ottawa. They asked for an export duty sufficient to bring about the desired object, or that the exportation of pulp wood be entirely prohibited by the Dominion government, as is now done by the Ontario provincial government. The claim is made that the American companies, now operating extensively there for American consumption, leave only a small amount for labor and freight charges, and entirely denude and almost devastate the territory.

According to the census of manufacturers for 1905 the printing and publishing business ranked seventh among the industries of the country. It would seem that such an industry might get a hearing before Congress on a question of vital importance to everybody engaged in the business. The printing and publishing interests represent an annual product of one-half billion dollars. The newspapers and periodicals alone have a capital of $239,000,000 invested, of which nearly $100,000,000 represents machinery, tools, and instruments. They paid in 1905 salaries and wages amounting to $106,000,000 to 160,000 workers.

The committee from the American Newspaper Publishers' Association which called on the President in November explained to him the situation in great detail. It was shown in the statement that though the American mills are selling abroad at low prices, in competition with Canada, Norway, Great Britain, and Germany, the price at home is so high that Canadian mills can and do pay the duty of $6 a ton and make a profit in the American market.

The newspapers insist that the paper manufacturers who induced Congress to protect them against competition from abroad are under obligations to provide for the present and prospective demands of consumers in this country. To repress manufacturers or to starve the market so that the paper maker is in position to create a famine and to stop the supply to any publisher should rank as a crime. Many newspaper proprietors are unable to obtain any quotations for paper next year and do not know where to obtain a supply. In all the history of crimes charged against combinations and trusts, such a situation is unprecedented. It demands immediate remedy.

Newspaper publishers must take alarm when they find the paper production of the country united in a friendly understanding, especially so when they are told that they must pay an in-

creased price for at least two years, as it will take that time to start new mills, and also because they are told that no readjustment of the tariff is possible until 1909.

Meanwhile the paper manufacturers are buying up vast timber tracts. In one of the four land offices of the Province of Quebec the International Paper Company has registered timber limits for 2,597 square miles. The Berlin mills have limits for 2,462 square miles. Consular reports show that a large proportion of timber lands in Quebec is held by American paper mills. The largest American paper-making concerns have acquired some of the finest forests and waterfalls in Canada, where paper can be made for $20 a ton, and they have been preparing for the alternative either to build other plants as soon as they see the time is ripe or to stop others from engaging in competition which would be highly profitable at present prices. At the time of consolidation the International Paper Company acquired ownership of 1,600 square miles of timber tracts in the United States. The newspapers are bearing the burden of this gigantic speculation in woodlands, because they are taxed to pay the interest-carrying charges on these purchases of timber that can not be marketed for twenty or more years. They are taxed to carry the load of overcapitalization that was saddled upon the International Paper Company, a capitalization of $43,000 for each ton of daily output; a capitalization that is $35,000,000 in excess of the accepted basis of investment of the paper trade for mills of modern construction.

It is difficult to recall another industry which has gone to such extremes in watering securities. The International Paper Company, with a book capitalization of $40,000,000, has a gross income of $21,000,000. Publishers maintain that if consideration be given to the inflated securities of the combined paper mills, then consideration should also be given to the immense capital invested in newspapers and periodicals. If the Government should assume that the labor employed in the paper mills ought to be protected, then it is urged that the labor employed by publishers should also be protected.

Every consideration of forest preservation and of enlightened self-interest impels the Government to keep the country's future wants in view, and to change that policy which puts a premium upon the destruction of great national treasures. The United States as a whole is consuming more than three times as much wood as the forests are growing. The destruction of the woodlands is progressing at the rate of 50,000 square miles per annum, or one-twentieth of the entire timber area of the United States. If nature were allowed to rehabilitate the earth in the wake of the lumberman, the reforestation of the country would not be alarming; but the pulp-wood industry takes practically the last standing tree.

The demand for pulp wood is beyond the ability of the country to furnish. An area as large as the State of Rhode Island is stripped of its spruce every year to supply the mills that make wood pulp. In the year 1906, 3,000,000 cords of domestic pulp wood were consumed in addition to 738,872 cords of Canadian pulp wood. Every material interest in threatened.

Rivers have been dried at the source, so that sawmills dependent on water power have been driven out of business, and other manufacturing interests have suffered. Farms have been given up in regions thus deprived of moisture because there was no longer enough water for stock or for home use, and disastrous floods in springtime are followed by droughts in summer.

The wholesale destruction of forests threatens the country with the calamities experienced from the same causes in Europe and Asia. Our lumbering methods, if continued, will entail baleful scenic, climatic, and economic results, injuring health, property, and occupations of all citizens and impairing industrial development by making intermittent the flow of the rivers, which are most important to agriculture and manufacture.

The members of the American Newspaper Publishers' Association have different views upon the question of the tariff, but they have a substantially unanimous sentiment upon the point that when the privileges and protection afforded by the tariff are abused by its beneficiaries to create a paper famine and to menace the seventh largest manufacturing interest of the country by oppressive combinations in restraint of trade, they feel justified in asking the attention of Congress to these facts and insist on such legislation as will prevent the possibility of a paper famine and the ruin of many publishers.

Apart from consideration of questions that relate to oppressive combination and to forest conservation, there is a larger view of the situation which should appeal to the responsible heads of government. Within the last twenty years this nation has turned from books to periodicals. It has fallen to the bottom of the list of nations in the number of books published. But it publishes 60 per cent of all the periodicals on the globe. The printing business represents an annual product of half a billion dollars and ranks seventh in the manufacturing industries. It has a larger number of establishments than any other industry. It stands for the intellectual growth of the country. It increases the facility for communication.

It is especially helpful to good government in that it promotes intelligence, uplifts the individual, and raises the standard of citizenship. If the combination of paper makers can succeed in its aims, it will stop cheap books and cheap newspapers. It will tax intelligence because the newspapers and magazines are the people's school and their library. All taxes upon paper are taxes upon reading, upon knowledge, upon the dissemination of information. Under any government such a tax would be oppressive and proscriptive. In a government, based, as ours is, upon the intelligence and resultant virtue of the people, it is anomalous and monstrous. To make newspapers artificially dear is wantonly to restrict the number of readers and so increase the sum of ignorance. When this is done or proposed simply to add to the profits of a monopoly, the injury to public interests becomes a matter demanding the intervention of the Government.

One solution suggested by the Forest Service of the Government is that there be adopted by the Government a system of forest management which will put a stop to the present wasteful methods in working up the product, and that a study be made of the utilization of wood other than spruce in the manufacture of pulp. Of course these might help, but the general view is that the real remedy lies in free pulp and free paper from Canada, Sweden and Norway, and other countries. With free trade in these articles the forests of the United States would be protected and the great stores of timber in these countries would be utilized.

Now, Mr. Chairman, there is without doubt no question but what the publishers have a grievance. They are entitled to some consideration at our hands, and this House should be quick in passing a bill that will free them from the extortions of a greedy trust. The cost of paper as fixed by the trust is next to robbery. It not only affects the publishers, but it bears down heavily on the manufacturer whose raw material consists entirely of paper, and also exacts from 80,000,000 consumers a tribute for the benefit of a vicious trust now making a net profit of nearly 100 per cent annually.

I am not surprised that the newspaper men are asking Congress for relief. They are entitled to it, and this House will fail to do its duty if it does not give the matter early and favorable consideration. In this connection I desire to say, Mr. Speaker, that while my sympathy is with the publishers and I shall gladly use my vote and influence to secure for them the relief they surely deserve, yet I believe it is fortunate for the country that at least some of them, who have praised long and loud the present vicious protective system [applause] under which hundreds of trusts have sprung up and have been permitted to rob and plunder the people, were made to feel the effect of a high protective tariff, through the extortionate and oppressive price fixed by the beneficiaries of this special privilege on the paper used by them. The newspaper men realize that the present high price of paper is due to the tariff, and at a meeting of the American Newspaper Publishers' Association held in New York some time ago passed a resolution asking for the repeal of all duty on wood pulp and all material entering into the manufacture of printing paper. Following this meeting and the passage of the resolution mentioned, the Indianapolis News, an independent Republican paper and one of the leading metropolitan newspapers of the country, published an editorial on this subject, which I now hold in my hand and ask that it be printed in the RECORD as a part of my remarks upon this subject. I am exceedingly anxious to have this editorial go in the RECORD, as it comes from a Republican source and voices the sentiment of all Democrats as well as many Republicans who have come to realize that the present protective system is designed to benefit a favored few at the expense of the many. The editorial referred to is headed "Too much tariff," and reads as follows:

TOO MUCH TARIFF.

Our newspaper friends of both parties do not seem to approve of the high duties on white paper and wood pulp. At a meeting of the American Newspaper Publishers' Association, held last week in New York, the following resolution was adopted without dissenting vote:

"*Resolved*, That it is the sense of this meeting that the duty on printing paper, wood pulp, and all material entering into the manufacture of printing paper be immediately repealed."

Here, of course, is a complete admission of the whole case against the protective tariff. The men who voted for this resolution recognized that the tariff was a prime cause of the present high price of paper; that it had much to do with maintaining the paper trust (supposed to have been "busted"), and that the price of paper was too high. Not only that, but they voted to invite the fullest foreign competition in

order that they might have the benefit of a price fixed by such free competition.

We have no word of criticism for the action of the publishers. It is beyond question that they have a real grievance. The cost of paper is most oppressive and burdensome. Our friends are right in demanding relief. They are also right in holding the tariff largely responsible for the exorbitant price of paper. All we suggest is that these men, especially the standpatters among them, should concede the same right to others which they claim for themselves. The case of the railroads, for instance, should appeal to them. All over the country we are fixing freights and fares, and these are as firmly established as is the price of newspapers, and yet we compel the railroads, through the duty on steel rails, to pay a tribute of from $8 to $10 a ton on rails to the steel trust. Is that fair? Is it reasonable? Can anything be said for the steel duty which could not also be said for the paper duty? In both cases there is a monopoly, in both a high duty on the competing product, in both an exorbitant price. It seems to us that the rule in both cases should be the same. So of the thread duty. Recently the thread trust advanced the price of thread, which certainly is a necessity. It is a necessity used by the poorest people. And it is "protected" as paper is. Will not the publishers help to have this duty repealed?

Many cases might be given—lumber, clothing, machinery of all kinds, glass, building material, and even Standard oil. All these are protected, and the protection is furnished by people who can no more afford to bear the burden than the publishers can. These latter demand absolute free trade in the products consumed by them, and they do it simply for the reason that they believe that the tax imposed on them is unjust and oppressive. They want free paper because they think they are entitled to it. And they admit that the tariff is a tax, and that it is paid by the consumer. Now, we venture to suggest that the standpat organs ought to exercise some charity to other people, who feel that they are burdened and oppressed by tariff duties. The connection between the high price of steel and the tariff is quite as close as the connection between the high price of paper and the tariff. In both cases the connection is as close and direct as it could be.

Clearly we have here a very important concession. It is important because it points to absolute free trade as the only logical stopping place, for there is practically no duty that is in any degree protective that does not raise the price of an article that some man or some class must have, and if the resolution of the publishers is right it follows that every such duty should be abolished. For the publishers have no better claim than other people have. Logically they have virtually declared against the whole protection business. If they are, as some of them seem to be, unwilling to take their medicine, they ought not to expect other people to be willing to take theirs. If free competition in paper is good, free competition in all other products sold at tariff-created prices would also be good. Therefore, the principle indorsed in this resolution is hostile to the very theory on which protection is based.

The strength of the present movement against protection is due to the fact that large numbers of people and many industries are feeling the pressure as the publishers are feeling it. It is not a question of theory with any of these people—it is a question solely of self-interest. When men realize that more people are unfavorably affected by the tariff than are helped by it, tariff reform will come with a rush. As industry after industry demands the abolition of the special tax that presses on it the movement will grow stronger and stronger until there will be no standpatters left in the country. The manufacturers are already convinced—or many of them are—that the tariff costs them more than they get out of it. The newspaper publishers are on record as believing that they ought not to be compelled to protect the paper manufacturers. The industrial life of New England depends wholly on the possibility of getting some modifications of tariff duties. So, we think that all such demands for lower taxes and wider freedom ought, after the action of last week looking to free trade in paper and pulp, to be treated with consideration and respect by the newspapers of the country without reference to party.

Now, Mr. Chairman, the suggestion in this editorial that the men affected by the exorbitant price on paper, and especially the standpatters among them, should concede the same right to others which they claim for themselves, is a good one. There is no question but what the high tariff duties have built up gigantic trusts, controlling almost every known product and that the people have suffered immensely, in order that a favored few might pile up colossal fortunes off the sweat and labor of plundered millions. [Applause.]

In the name of justice, in the interest of humanity, is it not time we were doing something to forever put at an end the granting of special privileges through a system of tariff taxation? The ultimate accomplishment of this end rests largely with the newspapers themselves. It is within their power, if they will do so, to mold public sentiment to such an extent that Congress will be forced to turn its back on the demand of this special-privileged class and legislate in the interest of the people. It is openly admitted that the protective tariff as it now exists is an injustice and should be speedily corrected. To postpone revision until 1909 is unfair to the people, and gives the trusts that much longer in which to strengthen their position. Why should we wait until 1909? If revision is needed in 1909 it is needed now. If I had a pain in my stomach I should not want to wait until 1909 to take paregoric, but would take it at once. [Applause.] And the same argument applies as to tariff revision. We are all agreed that the tariff should be revised, and it seems to me now is the time to do it instead of waiting until 1909.

This system of tariff taxation has distorted the functions of a free Government into tools of greed and vehicles of oppression. Under the guise of protection to American industry, pretending to be a friend of American labor, the protective tariff operates as a cloak for cunning, as a shield for monopoly, a tax upon industry, a fine upon labor, and, finally, in its last analysis, it is a graft and a false pretense, conceived in greed and brought forth in avarice. [Applause.] So far as I am concerned, I want to go on record now as favoring the passage of the bill I have introduced in the House, which provides for the repeal of all duty on wood pulp and all material used in the manufacture of printing paper, in order that a vicious trust may no longer prey upon not only the publishers of the country, but 80,000,000 consumers who use their products.

I know it is argued by the gentlemen on the other side of the House that to pass this bill and do this simple act of justice would open up a discussion of the whole tariff question, and that is what they seem to fear. Hence the publisher is to suffer indefinitely because of the fear that if we attempt to give him relief others will also insist on being recognized, and this will ultimately result in a discussion of the whole tariff question.

I believe, Mr. Speaker, that is exactly what the country wants to hear. I am confident I state the truth when I say that 90 per cent of all the people, regardless of party affiliation, favor a revision of the schedules at the earliest possible moment.

Personally, I believe the tariff question is not a political but a business proposition, and should be taken entirely out of politics and dealt with from a business standpoint. In fact, there is too much politics and not enough business in practically all the legislation before the House. So far as I am concerned I shall discard politics in dealing with all questions.

While I am a Democrat and believe in the fundamental principles of Democracy as laid down by the immortal Jefferson, who for forty years led the Democratic party and stood as the world's most conspicuous champion of the rights of the people, yet I am not here as the representative of any political party, but as the representative of all the people of my district; and, so far as my service upon the floor of this House is concerned, I shall forget my politics and have in mind only the faithful discharge of my official duty. [Applause.]

I believe in political parties as a means of getting our ideas before the people, but I also believe the man who would make the interest of his party paramount to the interest of his country is not a good citizen. Therefore, in passing upon legislation before the House, I shall not stop to inquire whether it is of a Democratic or Republican origin, but shall lend my support, or withhold it, according to the merit of the question under consideration as I understand it.

In conclusion I want to say that the bill I have introduced, removing the tariff on wood pulp will strike a death blow to one of the most vicious of all trusts, born in greed and nursed by a protective tariff. Every Democrat in this House stands ready to vote for this bill, and I want to ask my Republican friends on the other side to join me in giving to the publishers of the country the relief they deserve and at the same time deal a deathblow to one of the most heartless trusts our nation has ever known. Will you do it? [Loud applause.]

[During the delivery of the foregoing remarks, the time of Mr. ADAIR having expired, Mr. STEPHENS of Texas yielded to him five minutes additional.]

Mr. TIRRELL. Mr. Chairman, will the gentleman answer a few questions, now that he has finished his remarks?

Mr. ADAIR. I shall be happy to answer a question.

Mr. TIRRELL. I have a few questions that I should like to have you answer. In the first place, will you give us the name of this vicious trust?

Mr. ADAIR. It is called the "International Paper Company," as I understand it.

Mr. TIRRELL. What per cent of the printing paper of the country does the International Paper Company manufacture—what per cent of the paper used in the printing of newspapers?

Mr. ADAIR. As I understand it, they practically control all of it.

Mr. TIRRELL. They manufacture 40 per cent. Can you tell me how many large companies in this section of the country are in direct competition with the International Paper Company in placing their product on the market?

Mr. ADAIR. I will answer your question by saying that I believe there is practically no opposition. The companies that you speak of as being in opposition to the International Paper Company are in opposition to that company just the same as numerous oil companies were in opposition to the Standard Oil Company. [Applause on the Democratic side.]

Mr. TIRRELL. The gentleman is entirely mistaken. I shall reply at length to the gentleman's argument later on.

Mr. ADAIR. I shall be glad to hear from you on that subject.

Mr. TIRRELL. I will ask a few other questions. What is the duty——

Mr. ADAIR. Shall I prepare your speech for you?

Mr. TIRRELL. No; I want you to answer these questions.

You have given us no data or facts. You have given your own ipse dixit. Now I want you to come down to data. Will you tell me what the duty under the Dingley law is on wood pulp, and what is attached to the duty in the law?

Mr. ADAIR. I would suggest to the gentleman——

Mr. SMITH of California. Let me answer that. I am a newspaper publisher and I am interested in this question.

Mr. ADAIR. I will let the gentleman answer the question.

Mr. TIRRELL. I have a few more questions.

Mr. ADAIR. I shall let you prepare your speech and deliver it on the floor of this House without expecting me to give you the necessary information.

Mr. TIRRELL. Can you answer the questions?

Mr. CLARK of Missouri. Here is a man over here who wants to answer.

Mr. STEPHENS of Texas. I yield to the gentleman on my right [Mr. SMITH of California] five minutes to answer the question.

Mr. SMITH of California. For twenty years I have been a publisher of a newspaper, and know something of the cost of paper, and I do know that it is a fact that these last few years the price of paper has risen very much.

Mr. TIRRELL. Can you tell me what the price is now?

Mr. SMITH of California. I will come to that in a moment. Of course I buy it in a small way, a single carload at a time, and it costs me, laid down in California, about $3.60 per 100 pounds, which is from 60 to 80 cents more than I paid for it four or five years ago.

Now, in my opinion, there is nothing more nonsensical in the world than to charge this increase in price to the tariff. I take it to be a Democratic habit to charge everything to the tariff. I dare say that if you talk them into a corner on the question of race suicide they would say it was owing to the tariff or that the tariff had something to do with it.

Mr. WILLIAMS. It has a great deal to do with it, because the tariff makes it harder to live.

Mr. SMITH of California. On ground pulp the duty is one-twelfth of 1 per cent. That, according to my figures, would make $1.66 per ton on paper. That might possibly be charged to the tariff, whereas, as a matter of fact, in my business I have found that the increase in price has been from $12 to $15 or $18 per ton.

Mr. TIRRELL. What does that amount to ad valorem?

Mr. SMITH of California. The duty is not laid by ad valorem.

Mr. TIRRELL. It is from 8 to 15 cents. Can the gentleman tell me what the ad valorem duty is that Canada imposes against us?

Mr. SMITH of California. No.

Mr. TIRRELL. Twenty-five per cent.

Mr. SMITH of California. I am not advocating the abolition of the tariff on wood pulp, because I do not think the price is due to the tariff. The tariff of $1.66 per ton on pulp out of which the paper is made can not sustain an advance in price of $12 per ton. It seems to me that even a Democratic mathematician on the subject of tariff ought to understand that, and in my own experience I know that the increase has been as much as $12 a ton.

It is to be observed, also, that that increase in the price of paper did not begin to take effect until long after the Dingley tariff law was enacted. It ought to have responded at once to the tariff if the tariff was the cause. It does not seem to me that it can be proven in any way that the tariff has caused the rise of $12 per ton on news paper, and therefore it seems to me that there are other causes which will explain the rise in the price of paper in this country, and that removing the tariff would be merely to give that much of a subsidy or benefit to foreign manufacturers.

The question of the production of wood pulp from a forestry standpoint is another question, and is entitled to serious, fair, and nonpartisan consideration. I deny that the tariff is responsible for the rise in the price of paper, and I deny that the newspapers of the country generally believe that it is, and that they do not throughout the country demand the tariff on wood pulp.

Mr. WILLIAMS. Will the gentleman yield to me?

Mr. SMITH of California. As soon as I finish this statement. I have had considerable correspondence with newspapers in my district this winter on this question. Somebody has been prodding them to bring me up to say how I stand on the question. When I passed the question back to them in this form, saying:

Do you desire me to stand for the repeal of the duty on wood pulp and at the same time repeal the duty on things which we produce in California? If so, then I will know where I stand.

Of course, the answer comes back—

We would rather be left in the condition we are, all things considered, than to go into a general tariff revision which might sweep away the protection California's industries receive.

I expect to go before the people this fall, if I get the nomination, on the proposition that I have not, and will not, favor the repeal of the duty on wood pulp, because, in the first place, it is not proper to revise the tariff by piecemeal, and second, I do not propose to disarm myself by advocating the removal of the tariff on a product I buy and undertake to defend the duty on things my constituents sell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HINSHAW. I will yield five minutes more to the gentleman.

Mr. SMITH of California. I only want time to answer the gentleman from Mississippi.

Mr. WILLIAMS. Does the gentleman remember what the duty is on print paper?

Mr. SMITH of California. I have it before me: "Print paper, unsized and sized, suitable for books and newspapers, valued at not over 2 cents a pound, three-tenths of a cent." I take it that that is the class of paper we buy. I have nothing further to say, Mr. Chairman.

The CHAIRMAN. The gentleman from Nebraska is entitled to the floor.

Mr. STEPHENS of Texas. I will yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I only want about three minutes. I am not at all astonished at the letter the gentleman from California wrote to his constituents, nor am I at all astonished at the manner in which it was received by those who believe in protectionism. It is not at all unusual to appeal to the fears of a man who is robbed by others through the instrumentality of law not to complain about the amount of the robbery he is suffering, on the ground that by virtue of the same law he robs others of five or six times as much. [Applause on the Democratic side.]

Now, so far as this particular question is concerned, there is not only a duty upon wood pulp, but a duty upon printing paper. Both and the intermediate profits on both enter as factors in the unreasonable rise in the price paid by newspapers and publishers. Both of them are taxes upon the dissemination of intelligence. There is not only a tax upon print paper, but there is a tax upon linotype machines, and a very large one. I was the other day in conversation with an editor of a paper published in the State of Mississippi. He is the proprietor of the paper and he was up here attending the Newspaper Association, the members of which passed resolutions requesting the Congress to remove at least so much of the robbery of the tariff as robbed them. That gentleman told me that the linotype machine for which he paid $2,600 was sold by the American manufacturers outside of the United States for, I think he said, about $1,500. The last figure I am not perfectly certain about. I am about the amount he paid. At any rate, it was at a great deal less, some 30 or 40 per cent less. You Republicans have not only fixed a tax upon the dissemination of intelligence, but you are fixing a tax, and your own President is rebelling against it, upon the dissemination of good taste. You have a tax upon paintings, a tax upon statuary, a tax upon engravings. You are doing your utmost to retard the humanization and refinement of the American people. You want it to cost them as much as possible to get their information of science, of history, of everything else, and you want it to cost them just as much as possible of money to get the humanizing influence of the fine arts. Leave out for a moment this question of mere money. What justification can there be for taxing every man who reads, every man who has a child that goes to school, every Sunday school scholar in the United States who must buy a little catechism——

Mr. SMITH of California. Will the gentleman permit a question?

Mr. WILLIAMS. When I am through with this sentence I will—every man who wants to learn what the great geniuses of the world have exampled of art and its glories and its beauties, in order to enable a few men to add a few paltry dollars to the sum already in their pockets. Leave the money side out of it altogether and look at it solely from the view point of civilization and the culture and the refinement of humanity. How any man can defend it even for the purpose of retaining his seat upon this floor I do not understand; and among the very good things that the President of the United States has done—and not the least of them, by the way—is paralleling in his defense of the rights of labor this morning in that special message a little article written by Mr. Gompers for the Federationist—the

labor journal of this town—among the very many good things which have been done by the President, not the least of them, is throwing the weight of his influence, whether upon the ground of saving the forests or whatever ground, against this wood-pulp and print-paper tax on the spread of intelligence among men. I am glad to recognize that in a previous message he tried to read you on that side of the Chamber a lesson against taxing by import duties works of art. We are behind the world in the fine arts and art culture. We have been engaged for years conquering the forests, and then we have been engaged in conquering the industrial world. Now, at the time when we begin to acquire the refinements of life in the arts we find ourselves faced with a custom-house obstruction to their free introduction into the country.

I now yield to the gentleman from California.

Mr. SMITH of California. Mr. Chairman, I was going to ask if we were to conclude from the general tone of the gentleman's remarks that he is in favor of the repeal of the copyright law as being a tax on intelligence, also?

Mr. WILLIAMS. Why, Mr. Chairman, how in the world could the gentleman by any possible abnormality of intelligence imagine that there was any possible analogy between the two cases? [Applause and laughter on the Democratic side.] The copyright protects the product of a man's labor, and the highest form of labor in the world—the labor of his intelligence. The copyright merely says, "Thou shalt not steal my property, my thought, which is the result of my preparation and my work—my intellectual work."

Mr. SMITH of California. Let me ask the gentleman another question.

Mr. WILLIAMS. If the gentleman wants an analogy for a copyright, I will give it to him by asking him if he were in favor of abolishing the copyright, would be not also, by analogy, be in favor of abolishing the right of man to the property in a mule which had become his property by work. There is no sort of anology between the two things.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HINSHAW. Mr. Chairman, I yield five minutes to the gentleman from California.

Mr. SMITH of California. I want to ask the gentleman another question. Let us leave the tariff question out for a minute and talk a little ordinary business sense.

Mr. WILLIAMS. Oh, I am talking ordinary business sense, the highest sort of sense, a civilized and humanitarian sense, and I am talking about the tariff as it affects culture and intelligence, and I don't want to talk about anything else right now.

Mr. SMITH of California. I think likely that is true. I want to ask this question. The gentleman has referred to the cost of text-books, and spoke generally of that tax being a burden on intelligence. Now, there are two items aside from the mechanical production of the book in its cost. One is the cost of the paper which you say is affected by the tariff and the other is the copyright. Now, if you are going to make intelligence as cheap as possible, why not go the limit? You say, and we agree, that the copyright is for the purpose of remunerating the intelligence and genius which brought together the thought contained in the book. That is right, we agree with you, we are in favor of that kind of protection. We profess to believe, and do believe, that the tariff is a protection on American labor also. Now you deny that, I suppose, and if you will look at this question divested of the tariff, as you want us to do, and want to make the means of intelligence cheap, then why not repeal the copyright law also?

Mr. WILLIAMS. I will answer that question. I want to cheapen the dissemination of intelligence just as far as I possibly can short of the violating the law of God, "Thou shalt not steal." [Applause on the Democratic side.] I do not want to cheapen it to the point of stealing the result of any man's labor, his originality, or his genius. [Applause on the Democratic side.]

Mr. SMITH of California. Now, if I have any time left I want to reply to the gentleman's suggestion in regard to the linotype. Last winter I was bombarded with certain blue petitions, a letter, I suppose all of you recall, from newspapers, in which it was represented that linotypes can be manufactured for about $1,000, as I remember, the duty on which, they said, was 45 per cent, and they begged me to vote to repeal that, in order that we might not have to pay $3,000 for linotypes. If you can work that out mathematically for me you will do me a favor.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. SMITH of California. Yes.

Mr. WILLIAMS. The gentleman asks me if I can work that out. I can work it out very quickly and very easily. The minute you cut off foreign competition by a duty sufficient to do that—and the duty upon the linotype is sufficient to do that—then the minute competition begins at home between home producers, with the normal ultimate result a fall in the price of the product at home to one giving a reasonable profit, which would be the case, if nature were left alone to its own course—that minute men begin behind the tariff shelter to form combinations, which we call by the much-abused word "trust," and it is owing to this state of affairs the price is carried up beyond even what the necessities of the situation growing out of the system based upon the duty would itself require. And that process of first tariff, second trust, third extortion, also applies to the price of printing paper.

Mr. SMITH of California. I want to discuss that a little further, and if I am short of time I would like another minute. It was represented in this circular that linotype machines costing $1,000, plus $450 of tariff, or $1,450, did not come into this country from Canada or anywhere else and sell in this country in competition with the machine I paid $3,000 for f. o. b. New York, and that it was because of the tariff—a palpable absurdity as was ever held up before a presumably intelligent people. Now, let us answer the question in another way. Suppose you sweep the linotype tariff entirely away. Does anybody here suppose that a manufacturer in Canada can manufacture a linotype under the patents that have been taken out in that country and ship them into this country and sell them?

Mr. HITCHCOCK. But a number of those patents have expired.

Mr. SMITH of California. But not enough to produce a linotype that——

Mr. HITCHCOCK. They produce linotypes perfectly marketable.

Mr. SMITH of California. Then why do they not bring them in?

Mr. HITCHCOCK. They would if it were not for the tariff.

Mr. SMITH of California. If they can manufacture and pay the tariff and sell in this country for $1,450 and get a workable linotype, I can assure you there is good business for them here, because I paid $3,000 for them.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. STEPHENS of Texas. I yield one minute to the gentleman from Virginia [Mr. LASSITER].

Mr. LASSITER. Mr. Chairman, so much interest has been developed in this discussion of the tariff question that I venture, with the belief that a measure of this sort to be enacted at all should be enacted at once, to ask the Clerk to read the resolution which I send to the desk.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That it is the duty of the Sixtieth Congress to proceed at once to a revision of the existing tariff laws.

Mr. HITCHCOCK. If the gentleman will permit me three minutes to complete a little of this discussion that has gone before, I would like to have it while we are on it.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] yield to the gentleman from Nebraska [Mr. HITCHCOCK]?

Mr. STEPHENS of Texas. I do.

The CHAIRMAN. How much time?

Mr. STEPHENS of Texas. Five minutes.

The CHAIRMAN. The gentleman from Nebraska [Mr. HITCHCOCK] is recognized for five minutes.

Mr. HITCHCOCK. Mr. Chairman, my Republican friend from California [Mr. SMITH], although in the newspaper business, seems unable to appreciate how it was possible for the tariff to affect the price of print paper, as most intelligent newspaper men in this country firmly believe that it has, and I think I can tell him.

When this tariff was first laid the paper mills of the United States were independent of each other, were in competition with each other, and every newspaper man of any considerable importance received periodic visits from agents of various mills, tendering him paper on sample and quoting him prices delivered at his place. When I went into the newspaper business in 1885 such was still the case, and for many years one agent after another visited my office and received my orders. I placed my orders with various mills at various prices, and during many years the tendency of the price, by competition, new machinery, and cheaper cost, was gradually downward, until finally the great International Paper Company, of the East, was formed. When that occurred the great company practically took possession of all this eastern country. And after it had held possession of this eastern country for some time there became apparent a gradual working agreement be-

tween the International of the East and the Wisconsin mills of the West, and they gradually divided up the country, until in a short time the International Paper Company never sent its agents into the Western States beyond a certain line, and the western mills never sent their agents into the Eastern States beyond a certain line. Some time after that the national combination was made more complete by the organization in the West of the great General Paper Company of Wisconsin, which bound together into one immense selling agency all the western mills, and made them, for practical purposes, as much of a trust in their territory as the International Paper Company was in the eastern territory. About two years ago, however, the General Paper Company was broken up by prosecution by the Federal Government. At once the price of paper in the West began to fall, and for a year or more western papers were able to buy paper at less than $2 a hundred pounds. Gradually, however, and secretly, because publicity was dangerous, the western mills have come into an operating agreement, not only between themselves, but with the International Paper Company, until it came to pass during the year 1907 that the sudden clamp was put upon the newspaper interests of this country, and, arbitrarily, almost in the twinkling of an eye, the price of paper was raised 25 per cent. [Applause on the Democratic side.] And to-day I am paying for paper at the city of Omaha just exactly 25 per cent more than I paid last year. That is an enormous increase. On my paper alone it amounts to $16,000 per year. That is the case not only with my newspaper, but it is the case with thousands of newspapers throughout the United States, North and South, East and West. [Applause on Democratic side.]

And now the gentleman asks me how the tariff has anything to do with this. I will tell him. If it were not for the tariff of 30 cents a hundred we would have foreign competition to hold the price down. I would be able to buy Canadian paper, which sells to-day in Canada at less than $2 per hundred pounds. The quotation on Canadian paper in Omaha is just a little more than the price quoted by the paper trust in Omaha, just sufficient to keep me from buying the Canadian paper. Take off the tariff of 30 cents a hundred on imported paper and the American trust would be forced to lower its price at least 30 cents a hundred, or $6 a ton, and I use over 1,500 tons a year. [Applause on Democratic side.] How great the enormous robbery is in the aggregate, Mr. Chairman, I am unable to say, but I know, personally, it is costing me at least $9,000 a year in my business. [Applause on Democratic side.]

Mr. HINSHAW. Mr. Chairman, I move that the committee do now rise.

Mr. LASSITER. Mr. Chairman, before the committee rises I want to ask unanimous consent for the consideration of the resolution which I have just sent to the desk.

[Cries of "Regular order!"]

Mr. MANN. It can not be considered in this committee.

Mr. LASSITER. All who object I trust will stand up.

The CHAIRMAN. The question is on the motion that the committee do now rise.

The motion was agreed to.

Mr. LASSITER. Do I understand that consent has been refused?

The CHAIRMAN. The gentleman is out of order. The committee has agreed to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15219, the Indian appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BARTLETT of Nevada, by unanimous consent, was granted leave of absence until February 10, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3647. An act for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast—to the Committee on Interstate and Foreign Commerce.

S. 4121. An act authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, in Massachusetts—to the Committee on Appropriations.

S. 3541. An act vesting in the city of Enid, Okla., for park, school, and other public purposes, title to block 1 of McGuire's approved plat of the southwest quarter of the northwest quarter of section 8, township 22 north of range 6 west of the Indian meridian—to the Committee on the Public Lands.

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 25,000 additional copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, compiled and published under the direction of the Joint Committee on Printing; 8,000 copies for the use of the Senate and 17,000 copies for the use of the House of Representatives—

to the Committee on Printing.

Senate concurrent resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 23.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of White Lake Harbor, Michigan, with a view to providing and maintaining a 20-foot channel and turning basin in said harbor, and to submit estimates for the same—

to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 300. An act providing for second homestead entries.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2662. An act to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905.

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River in Woodruff County, Ark.

H. R. 10368. An act to authorize Secretary of War to change name of Julius Flemming to his proper name of Jacob John Locher.

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind.

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa.

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

ADJOURNMENT.

Mr. HINSHAW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a detailed statement of documents received and distributed by the Department during the calendar year 1907—to the Committee on Printing and ordered to be printed.

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting the report for the

year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the Potomac Electric Power Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the Georgetown and Tennalleytown Railway Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the City and Suburban Railway Company of Washington, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the vice-president of the Washington Railway and Electric Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War, submitting an estimate of appropriation for subsistence of the Army—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6195) to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala., reported the same with amendment, accompanied by a report (No. 535), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 417) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported the same without amendment, accompanied by a report (No. 537), which said bill and report were referred to the House Calendar.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the resolution of the Senate (S. C. Res. 5) authorizing the Department of State to invite the Governments of other countries to send representatives to the international congress on tuberculosis, reported the same without amendment, accompanied by a report (No. 536), which said resolution and report were referred to the House Calendar.

Mr. HUBBARD of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington, reported the same without amendment, accompanied by a report (No. 538), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 2756) for the relief of L. K. Scott, reported the same without amendment, accompanied by a report (No. 539), which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 2915) for the relief of John P. Hunter, reported the same without amendment, accompanied by a report (No. 540), which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 3388) for the relief of L. B. Wyatt, reported the same without amendment, accompanied by a report (No. 541), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal., reported the same without amendment, accompanied by a report (No. 542), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, reported the same without amendment, accompanied by a report (No. 543), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 15628) granting an increase of pension to John H. Layne—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15676) granting an increase of pension to George T. Barney—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15754) granting bounty and pay to Joseph P. Rollins—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 15778) to correct the military record of Edgar Crockett—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 15929) to prevent discrimination by the mailing or otherwise forwarding, except by telegraph or telephone, of telegrams or messages by telegraph companies when the same are accepted for telegraphic transmission by wire—to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: A bill (H. R. 15930) for removal of drift and bar at the mouth of Bayou Cortableau, St. Landry Parish, La., for the maintenance of navigation, and appropriating $100,000 therefor—to the Committee on Rivers and Harbors.

By Mr. COX of Indiana: A bill (H. R. 15931) to establish a fish hatchery and biological station in the Third Congressional District of the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: A bill (H. R. 15932) to increase the compensation of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: A bill (H. R. 15933) to authorize naturalization examiners to take testimony under oath—to the Committee on Immigration and Naturalization.

By Mr. MOORE of Texas: A bill (H. R. 15934) to authorize the Secretary of Commerce and Labor to allow additional compensation to certain clerical assistants to be employed by clerks of courts, exercising jurisdiction in naturalization cases—to the Committee on Expenditures in the Department of Justice.

By Mr. BURNETT: A bill (H. R. 15935) to fix the fees in naturalization proceedings—to the Committee on Expenditures in the Department of Justice.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 15936) to authorize the establishment of a fog signal at Grand Point au Sable, Mich., on Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH (by request): A bill (H. R. 15937) providing for the election of Members of the House of Representatives—to the Committee on Election of President, etc.

By Mr. SHACKLEFORD: A bill (H. R. 15938) for acquiring national forests in the Ozark Mountains—to the Committee on Agriculture.

By Mr. THOMAS of Ohio: A bill (H. R. 15939) authorizing the Secretary of War to exchange property—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: A bill (H. R. 15940) referring to the Court of Claims for adjudication overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.

By Mr. YOUNG: A bill (H. R. 15941) to authorize the establishment of a gas buoy with fog-signal attachment on or near Garden Island shoal, Lake Michigan—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15942) to authorize the establishment of a light and fog signal on Lansing shoal, Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: A bill (H. R. 15943) for the repair of breakwater in Dunkirk Harbor, State of New York—to the Committee on Rivers and Harbors.

By Mr. THOMAS of North Carolina: A bill (H. R. 15944) to limit the power of circuit and district judges of the United States in issuing injunctions and restraining orders against State laws and State officers—to the Committee on the Judiciary.

By Mr. LOVERING: A bill (H. R. 15945) to increase the efficiency of the personnel of the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BIRDSALL: Joint resolution (H. J. Res. 122) declaring the policy of the United States toward the Philippine Islands—to the Committee on Insular Affairs.

By Mr. HULL of Iowa: Joint resolution (H. J. Res. 123) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy—to the Committee on Military Affairs.

By Mr. MANN: Joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution—to the Committee on the Library.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 209) concerning immigrants on cotton plantations in Mississippi and Arkansas—to the Committee on Rules.

By Mr. TAWNEY: Resolution (H. Res. 210) providing for compensation of a police force in the House Office Building—to the Committee on Accounts.

By Mr. CARY: Resolution (H. Res. 211) for the investigation of the Government Printing Office—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 15946) granting an increase of pension to Nelson P. Andrews—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 15947) granting an increase of pension to Mary E. Leigh—to the Committee on Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 15948) granting a pension to William Wilson—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 15949) granting an increase of pension to Joseph S. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15950) granting an increase of pension to Chauncy Godfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15951) granting an increase of pension to Joshua Ankney—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 15952) for the relief of the heirs and legal representatives of Jacques (James) Clamorgan, deceased—to the Committee on Private Land Claims.

By Mr. BATES: A bill (H. R. 15953) for the relief of James Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15954) for the relief of John L. Wells—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 15955) for the relief of the International Enameled Ware Company and Stranski & Co., of New York City, N. Y.—to the Committee on Claims.

By Mr. BIRDSALL: A bill (H. R. 15956) granting an increase of pension to Ami Lovejoy—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 15957) granting an increase of pension to Theressia Neiss—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 15958) granting an increase of pension to Addie W. Farquhar—to the Committee on Pensions.

By Mr. BURKE: A bill (H. R. 15959) granting a pension to James Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15960) for the relief of Revilow N. Spohn—to the Committee on Claims.

Also, a bill (H. R. 15961) applying the provisions of the act of June 27, 1890, to the men of the Mississippi River Ram Fleet and Marine Brigade, their widows, and minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15962) authorizing the issuance of an honorable discharge to John McLaughlin—to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 15963) granting an increase of pension to Sarah J. Boots—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15964) for the relief of the trustees of the Methodist Episcopal Church South, of Annandale, Va.—to the Committee on War Clams.

Also, a bill (H. R. 15965) for the relief of Patrick J. Sullivan, Jeremiah McCarthy, and Bartholomew Shea, and for the relief of the heirs and legal representatives of John B. Dillon—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 15966) for the relief of John A. Fairfax—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 15967) granting an increase of pension to Charles S. Webb—to the Committee on Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 15968) granting an increase of pension to Robert M. Smith—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 15969) granting a pension to Lemuel E. Whitsitt—to the Committee on Pensions.

Also, a bill (H. R. 15970) granting a pension to George Comstock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15971) granting a pension to Philip Smith—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 15972) granting an increase of pension to Henry S. Corey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15973) granting a pension to Celeste C. Beattie—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 15974) granting an increase of pension to Robert Hannum—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 15975) granting an increase of pension to John Aber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15976) granting an increase of pension to David Leadbetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15977) granting a pension to Charles Kearns—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 15978) granting an increase of pension to Samuel Grimes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15979) correcting the military record of Theodore Winters—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 15980) granting an increase of pension to B. F. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15981) granting a pension to J. K. Rainey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15982) granting an increase of pension to W. D. Cummins—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 15983) granting an increase of pension to William Snooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15984) granting an increase of pension to Charles M. Massie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15985) granting a pension to David P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15986) granting a pension to Anna W. Clay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15987) granting a pension to George W. Mullins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15988) granting a pension to Joseph M. Bryant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15989) granting a pension to Martin M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15990) granting a pension to Symantha Hyre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15991) granting a pension to David P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15992) granting a pension to Wyatt Blackburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15993) granting a pension to Martin J. Helmick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15994) granting a pension to Bryant T. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15995) granting a pension to L. Y. McAvoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15996) granting a pension to Solomon Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15997) granting a pension to Anderson Jarrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15998) granting a pension to Mary E. Paugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15999) granting a pension to Eli Stover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16000) granting a pension to America Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16001) granting a pension to Adam Kerns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16002) for the relief of T. J. Coagar—to the Committee on War Claims.

Also, a bill (H. R. 16003) for the relief of Mary Shannon—to the Committee on War Claims.

Also, a bill (H. R. 16004) for the relief of Lucy L. Bane—to the Committee on Claims.

Also, a bill (H. R. 16005) for the relief of Sarah Miller—to the Committee on War Claims.

Also, a bill (H. R. 16006) for the relief of Charles W. Hutcheson—to the Committee on War Claims.

Also, a bill (H. R. 16007) for the relief of trustees of Gauley Bridge Baptist Church—to the Committee on War Claims.

Also, a bill (H. R. 16008) for the relief of Capt. Samuel L. Richmond's company of West Virginia Volunteer Militia—to the Committee on War Claims.

Also, a bill (H. R. 16009) for the relief of the trustees of the Presbyterian Church of French Creek, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 16010) for the relief of the heirs of Nancy Montgomery—to the Committee on War Claims.

By Mr. GILHAMS: A bill (H. R. 16011) granting an increase of pension to Samuel W. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16012) granting an increase of pension to John C. La Rue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16013) granting an increase of pension to Samuel Casebeer—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 16014) granting a pension to Walter W. Donahue—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 16015) for the relief of Lafayette L. McKnight—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 16016) granting an increase of pension to Martin L. Bruce—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16017) granting an increase of pension to Jeremiah Buckley—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16018) for the relief of the heirs of Philip Strickler, deceased, late of Rockingham County, Va.—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 16019) granting a pension to Grace S. Wood—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16020) granting an increase of pension to Moses T. Kelly—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16021) for the relief of Jordan H. Moore—to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 16022) for the relief of the heirs of Thomas N. Poullain, deceased—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 16023) granting an increase of pension to Caleb Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16024) granting an increase of pension to Sarah Ann Thatcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16025) granting an increase of pension to Mary A. Biggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16026) for the relief of Larnie Dean and James Dean—to the Committee on Claims.

Also, a bill (H. R. 16027) to remove the charge of desertion from record of Daniel Main—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 16028) granting an increase of pension to America Bruce—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 16029) granting an increase of pension to Richard Smith—to the Committee on Pensions.

Also, a bill (H. R. 16030) for the relief of Robert Frost—to the Committee on War Claims.

By Mr. KINKAID: A bill (H. R. 16031) granting an increase of pension to George D. Williams—to the Committee on Invalid Pensions.

By Mr. LENAHAN: A bill (H. R. 16032) granting an increase of pension to Mary B. Douglass—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 16033) granting a pension to Harriet E. Waller—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 16034) granting an increase of pension to James Carroll—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 16035) granting a pension to Mildred S. Lewis—to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 16036) for the relief of Martha E. Conklin—to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 16037) granting certain lands in the Wind River Reservation, Wyo., to the Protestant Episcopal Church—to the Committee on the Public Lands.

By Mr. NYE: A bill (H. R. 16038) for the relief of Wallace S. Winter—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 16039) for the relief of Charles Flanders—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 16040) granting an increase of pension to Calvin Gunn—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 16041) to carry into effect the findings of the Court of Claims in the matter of the claim of Preston Lodge, No. 47, Ancient Free and Accepted Masons, of Jonesville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 16042) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Presbyterian Church of Wytheville, Va.—to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 16043) granting an increase of pension to Permelia Hubbird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16044) for the relief of the heirs of Ella Parker, deceased—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 16045) granting a pension to Mary A. Myers—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 16046) granting an increase of pension to Jerome M. Stone—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 16047) granting an increase of pension to Edward A. True—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 16048) for the relief of the heirs of Cornplanter, alias John O'Bial or Abeel, a Seneca Indian chief—to the Committee on Indian Affairs.

By Mr. WOODYARD: A bill (H. R. 16049) granting an increase of pension to Andrew H. Boon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Nelson P. Andrews—to the Committee on Invalid Pensions.

Also, petition for granting storekeepers and gaugers increased pay ($3 per day and twenty-six days' vacation, with pay at $3 per day)—to the Committee on Ways and Means.

Also, petition of Philadelphia Maritime Exchange, for improvement of Life-Saving Service (H. R. 6169)—to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of Union Association of Retail Lumber Dealers, against change of railway rates of freight without sanction of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Army and Navy Union of Corry, Pa., for increase in pay of officers and enlisted men of the Army and Navy—to the Committee on Military Affairs.

By Mr. BENNET of New York: Paper to accompany bill for relief of International Enameled Ware Company and Strausky & Co., of New York—to the Committee on Claims.

By Mr. BINGHAM: Petition of Philadelphia Maritime Exchange, for S. 25 and H. R. 6169, providing for retirement of disabled supervisors, keepers, and crews of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Papers to accompany bills for relief of Jessie E. Beecher, Thurlow W. Seward, and Honoral Cole—to the Committee on Invalid Pensions.

Also, petitions of National Board of Trade of Philadelphia and Northwestern Cedarmen's Association, for a census of the timber resources of the country—to the Committee on Agriculture.

By Mr. COOK of Pennsylvania: Petition of National German-American Alliance, against interstate liquor legislation—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Local No. 89, Tri-City Stereo-

typers and Electrotypers, for repeal of duty on wood pulp and white paper and material used in making same—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of National German-American Alliance, against interstate liquor bill—to the Committee on the Judiciary.

Also, petition of United Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of the Northwestern Cedarmen's Association, for a census of standing timber in the United States—to the Committee on the Census.

By Mr. FITZGERALD: Petition of E. S. Brownson, of Brooklyn, N. Y., for certain financial legislation—to the Committee on Banking and Currency.

Also, petition of the Allied Boards of Trade and Taxpayers' Association, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Papers to accompany bills for relief of Harrison F. Sperry and Wilson Graham—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Haggard Marcusson Company, of Chicago, for currency legislation—to the Committee on Banking and Currency.

Also, petition of the American Mining Congress, for a bureau of mines—to the Committee on Mines and Mining.

By Mr. GARDNER of New Jersey: Petition of members of Pilots' Association of Delaware River and Bay, for H. R. 6169, for promoting efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT: Petition of Robert Treat Pain, for decrease in naval armament and other paraphernalia of war—to the Committee on Naval Affairs.

By Mr. GRAHAM: Petition of Peter Carroll and others, for H. R. 7691 (Anthony bill), for adjustment and payment of accounts of laborers, workmen, and mechanics under the eight-hour law of June 25, 1868, and May 18, 1872—to the Committee on Claims.

Also, petition of Union No. 4, Bricklayers, of Allegheny, Pa., for building battle ships at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Branch No. 95, Glass Bottle Blowers' Association, of Brackenridge, Pa., against Tillman bill (S. 2926), concerning State jurisdiction over all imported intoxicants—to the Committee on the Judiciary.

Also, petition of M. A. Reese, for amendment of clause in copyright law inimical to musical composers—to the Committee on Patents.

Also, petition of Alfred R. Wolff, for H. R. 11562, providing for return of collateral inheritance tax to Stevens Institute, Hoboken, N. J.—to the Committee on Claims.

Also, petition of R. M. Moung, against sale of intoxicants on all United States Government property—to the Committee on the Judiciary.

By Mr. HAMLIN: Paper to accompany bill for relief of William H. Lyman—to the Committee on Invalid Pensions.

By Mr. HARRISON: Memorial of protest against the Polish expropriation bill and the public-meetings bill now pending in the legislatures of Prussia and Germany, adopted at a mass meeting of the Poles in New York January 23, 1908—to the Committee on Foreign Affairs.

By Mr. HAWLEY: Petition of certain citizens of Gervais, Oreg., for the McCumber-Sperry bill, against sale of intoxicants in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Guy Otis Pearce—to the Committee on Pensions.

Also, papers to accompany bills for relief of Edward L. Briggs, Milton Lee, and John Valentine—to the Committee on Invalid Pensions.

Also, petition of Grand Army of the Republic post at Carvallis, Oreg., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of Hon. R. S. Bean and 95 other citizens of Oregon and D. B. Bush and 22 other volunteer officers, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of College Springs (Iowa) Presbytery, against money orders being issued by Post-Office Department on Sabbath day—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of Brig. Gen. Edward Schulze, of Hartford, Conn., for H. R. 14783, to promote the efficiency of the State militia—to the Committee on Militia.

Also, petition of Col. John Hickey, of South Manchester, Conn., for H. R. 14783, for improvement of the National Guard—to the Committee on Militia.

By Mr. HOWELL of New Jersey: Petition of Typographical Union of Perth Amboy, N. J., for abolition of duty on white paper—to the Committee on Ways and Means.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of William R. Coe—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of National German-American Alliance, against passage of any interstate liquor bill—to the Committee on the Judiciary.

Also, petition of Massachusetts State Board of Trade, condemning the proposed noncompetitive examination for taking the census—to the Committee on Reform in the Civil Service.

By Mr. WILLIAM W. KITCHIN: Petition of M. J. Wrenn and 67 other citizens of High Point, for Congressional investigation for betterment of telegraph service—to the Committee on Interstate and Foreign Commerce.

By Mr. LASSITER: Petition of American Institute of Electrical Engineers, for forest preservation—to the Committee on Agriculture.

By Mr. LEE: Paper to accompany bill for relief of Margaret E. McGuire—to the Committee on Pensions.

By Mr. LEVER: Paper to accompany bill for relief of Mrs. Mary Hutchinson—to the Committee on Pensions.

By Mr. LEWIS: Papers to accompany H. R. 14057, for a location of a branch Soldiers' Home for aged and disabled soldiers of the United States at Fitzgerald, Ga.—to the Committee on Military Affairs.

By Mr. LOUDEN: Petition of the executive committee of the National Business League of America, for transfer of the Consular Bureau from the Department of State to the Department of Commerce and Labor—to the Committee on Foreign Affairs.

Also, petition of John Lughrone and 52 others, of Stockton, Ill.; William H. Glasgow and 46 others, of Warren, Ill.; A. A. Perkins and 13 other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Paper to accompany bill to add 10,000 acres to Chickamauga and Chattanooga National Military Park—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Rachel S. Marshall—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: Paper to accompany bill for relief of Anna Catherine Kuffner—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of ex-Union soldiers and sailors residing in Brooks County, Kans., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of National German Alliance, against any interstate liquor bill—to the Committee on the Judiciary.

By Mr. POLLARD: Petition of Nebraska Park and Forestry Association, for opening of Wet Mountain Valley to the public—to the Committee on the Public Lands.

Also, petition of Nebraska Corn Growers' Association, favoring cooperative demonstrations with farmers for dissemination of scientific knowledge beneficial to farmers—to the Committee on Agriculture.

Also, petition of Nebraska Park and Forestry Association, for purchase of watershed of Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of Commercial Club of Lincoln, Nebr., against greater charges by railways for short hauls than long hauls—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of citizens' committee of Ilion, N. Y., for granting jurisdiction to the international court at The Hague, etc.—to the Committee on Foreign Affairs.

By Mr. SPERRY: Petitions of Company F, of Hartford; Company M, of Winsted; Company E, of New Britain, and Company C, of Rockville, First Infantry Connecticut National Guard, for the militia bill (H. R. 14783)—to the Committee on Militia.

By Mr. TOU VELLE: Petitions of J. H. Anderson and 128 other soldiers, and W. B. Graham and 27 other soldiers, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SIMS: Petition of Jackson Fiber Company, of Bemis, Tenn., for H. R. 10457, for forest preservation—to the Committee on Agriculture.

Also, petition of Spring Creek Union, No. 345 (41 members), for a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Jerome M. Stone—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of American Forestry Association, for forest preservation—to the Committee on Agriculture.

By Mr. WANGER: Petition of Fullerton J. Waldo, secretary Civil-Service Reform Association of Pennsylvania, against method of selection of census employees as provided for in H. R. 7597—to the Committee on Reform in the Civil Service.

By Mr. WOOD: Petitions of J. Day Flack, Edwin Burhorn, F. L. Pryor, F. H. Plum, Alfred R. Wolff, Franklin D. R. Furman, L. P. Buslig, and H. F. Gurney, for H. R. 11562, providing for repayment of collateral inheritance tax to the Stevens School of Technology, Hoboken, N. J.—to the Committee on Claims.

SENATE.

MONDAY, *February 3, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CLAPP, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the fiscal year ended December 31, 1907, which was referred to the Committee on Patents and ordered to be printed.

CITY AND SUBURBAN RAILWAY OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate the annual report of the City and Suburban Railway of Washington for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Railway and Electric Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

POTOMAC ELECTRIC POWER COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Company for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Brightwood Railway Company for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF WASHINGTON GASLIGHT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Gaslight Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF GEORGETOWN GASLIGHT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Gaslight Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of John H. Baker *v.* United States;

In the cause of George Seymour et al. *v.* United States; and

In the cause of Marie Josephine Le Sassier, administratrix of the estate of Francois Meuillon, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 485) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. LITTLEFIELD, and Mr. HENRY of Texas, managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 598. An act granting an increase of pension to William Poor;

H. R. 854. An act granting an increase of pension to Noah E. Thornburgh;

H. R. 1033. An act granting an increase of pension to Stephen H. Sanborn;

H. R. 1080. An act granting an increase of pension to David Stidd;

H. R. 1468. An act granting a pension to Sarah K. Adams;

H. R. 1485. An act granting an increase of pension to Hiram L. Russell;

H. R. 1503. An act granting an increase of pension to Andrew J. Fillmore;

H. R. 1504. An act granting an increase of pension to Andrew C. Gibson;

H. R. 1591. An act granting an increase of pension to Richard F. Williams;

H. R. 1607. An act granting an increase of pension to Daniel Carter;

H. R. 1608. An act granting an increase of pension to William H. H. Craver;

H. R. 1716. An act granting an increase of pension to Lee P. Garrett;

H. R. 2217. An act granting an increase of pension to James Adams;

H. R. 2218. An act granting an increase of pension to Lewis L. Bingham.

H. R. 2344. An act granting an increase of pension to James B. Paige;

H. R. 2349. An act granting an increase of pension to Leander M. Clark;

H. R. 2423. An act granting an increase of pension to Cyrus Chapin;

H. R. 2424. An act granting an increase of pension to David D. Reese;

H. R. 2429. An act granting an increase of pension to Elizabeth H. Olcott;

H. R. 2649. An act granting an increase of pension to Amos B. Batchelder;

H. R. 2658. An act granting a pension to James Bates;

H. R. 2662. An act granting an increase of pension to Patrick Fitzgerald;

H. R. 2685. An act granting an increase of pension to Martha F. Allen;

H. R. 2709. An act granting an increase of pension to George Collins;

H. R. 2710. An act granting an increase of pension to William Lambert;
H. R. 2724. An act granting an increase of pension to John L. Cleary, alias John L. Clark;
H. R. 2777. An act granting an increase of pension to Thomas J. Spencer;
H. R. 2827. An act granting an increase of pension to Frederick J. Meyer;
H. R. 2862. An act granting an increase of pension to Theodore F. Ray;
H. R. 2893. An act granting an increase of pension to James Henderson;
H. R. 2922. An act granting an increase of pension to Jane Spears;
H. R. 2923. An act granting an increase of pension to Sarah A. Bradley;
H. R. 2925. An act granting an increase of pension to Amelia D. Robertson;
H. R. 2927. An act granting an increase of pension to William J. Mull;
H. R. 2930. An act granting an increase of pension to Arnold Mattingly;
H. R. 2931. An act granting an increase of pension to Charles W. Pavey;
H. R. 2933. An act granting an increase of pension to Mott V. Eames;
H. R. 2936. An act granting an increase of pension to Milton M. Orton;
H. R. 2962. An act granting a pension to Mary E. Becking;
H. R. 2972. An act granting an increase of pension to Henry Julius;
H. R. 2988. An act granting an increase of pension to William H. Andrews;
H. R. 3070. An act granting a pension to Anna E. Lucas;
H. R. 3109. An act granting an increase of pension to Elkanah A. Richards;
H. R. 3137. An act granting an increase of pension to Willet Shottenkirk;
H. R. 3217. An act granting an increase of pension to Zylpha Raymond;
H. R. 3223. An act granting an increase of pension to Marcus A. Stephenson;
H. R. 3224. An act granting an increase of pension to William C. Greenlee;
H. R. 3230. An act granting an increase of pension to Sarah Miller;
H. R. 3231. An act granting an increase of pension to Thomas Casey;
H. R. 3265. An act granting an increase of pension to Matilda C. Carruth;
H. R. 3323. An act granting an increase of pension to Swen Dahlberg;
H. R. 3342. An act granting an increase of pension to Charles Belville;
H. R. 3353. An act granting an increase of pension to David W. Conrath;
H. R. 3452. An act granting an increase of pension to Peter Leonard;
H. R. 3495. An act granting an increase of pension to Benjamin F. Clark;
H. R. 3514. An act granting an increase of pension to Edward A. Tomlin;
H. R. 3515. An act granting an increase of pension to James Daly;
H. R. 3615. An act granting an increase of pension to William F. Carter;
H. R. 3617. An act granting an increase of pension to William E. Cox;
H. R. 3630. An act granting an increase of pension to Jennings Branham;
R. H. 3635. An act granting an increase of pension to Jesse T. Power;
H. R. 3651. An act granting an increase of pension to Mary H. Christian;
H. R. 3653. An act granting an increase of pension to Walter C. Knight;
H. R. 3657. An act granting an increase of pension to Henry Parish;
H. R. 3661. An act granting an increase of pension to Mary A. Tyer;
H. R. 3663. An act granting an increase of pension to Robert A. McAulay;
H. R. 3667. An act granting an increase of pension to Louis R. Thomas;
H. R. 3685. An act granting an increase of pension to John V. Larrimer;
H. R. 3814. An act granting an increase of pension to Nancy Harmon;
H. R. 3836. An act granting an increase of pension to Jeremiah Haley;
H. R. 4073. An act granting an increase of pension to Sarah J. Jones;
H. R. 4089. An act granting an increase of pension to Thomas B. Aber;
H. R. 4104. An act granting an increase of pension to Henry C. Martin;
H. R. 4127. An act granting an increase of pension to Maria Green;
H. R. 4129. An act granting a pension to Sophia Conlon;
H. R. 4130. An act granting a pension to Mary Cox;
H. R. 4212. An act granting an increase of pension to Francis O. Vandersluis;
H. R. 4233. An act granting an increase of pension to Nicodemus D. Henry;
H. R. 4234. An act granting an increase of pension to William W. Tannery;
H. R. 4250. An act granting an increase of pension to Austin Green;
H. R. 4370. An act granting an increase of pension to Bridget D. Farrell;
H. R. 4414. An act granting an increase of pension to Patrick H. Fern;
H. R. 4418. An act granting an increase of pension to Winslow H. Furrows;
H. R. 4489. An act granting an increase of pension to Benjamin B. Brininger;
H. R. 4492. An act granting an increase of pension to William H. Clark;
H. R. 4506. An act granting an increase of pension to Theresa M. Randall;
H. R. 4507. An act granting an increase of pension to Eliza J. McPherson;
H. R. 4515. An act granting an increase of pension to William S. Aukerman;
H. R. 4518. An act granting an increase of pension to James W. Eastman;
H. R. 4519. An act granting an increase of pension to William Minick;
H. R. 4533. An act granting an increase of pension to Charles C. Gage;
H. R. 4534. An act granting an increase of pension to Charles W. Lewis;
H. R. 4542. An act granting an increase of pension to William H. Teeling;
H. R. 4653. An act granting an increase of pension to Jose M. Jaramillo;
H. R. 4667. An act granting an increase of pension to Mary A. Clendenin;
H. R. 4670. An act granting an increase of pension to Elisha H. Colburn, alias William H. Lowry;
H. R. 4672. An act granting an increase of pension to Henry D. Lewis;
H. R. 4677. An act granting an increase of pension to Sylvia M. Anthony;
H. R. 4696. An act granting an increase of pension to Henry R. Darst;
H. R. 4697. An act granting an increase of pension to Joseph W. King;
H. R. 4753. An act granting an increase of pension to Richard W. Jones;
H. R. 4754. An act granting a pension to Jane E. Chapel;
H. R. 4759. An act granting an increase of pension to George H. Williams;
H. R. 4762. An act granting a pension to Kate B. Wheeler;
H. R. 4935. An act granting an increase of pension to Clark Kelly;
H. R. 4946. An act granting an increase of pension to Charles S. Baker;
H. R. 4947. An act granting an increase of pension to William W. Leabo;
H. R. 4948. An act granting an increase of pension to Henry A. Lamountain;
H. R. 4962. An act granting an increase of pension to Josephine M. Pearsall;
H. R. 4969. An act granting a pension to Jane Bain;
H. R. 5295. An act granting an increase of pension to Julia Burns;
H. R. 5571. An act granting a pension to Lodema Cooley;

H. R. 5611. An act granting an increase of pension to William A. Barnes;
H. R. 5617. An act granting an increase of pension to Andrew Balbach;
H. R. 5621. An act granting an increase of pension to Mary A. Ricketts;
H. R. 5705. An act granting an increase of pension to Nellie P. Coyle;
H. R. 6013. An act granting an increase of pension to James Brown;
H. R. 6033. An act granting an increase of pension to Fred B. Bowman;
H. R. 6036. An act granting an increase of pension to Gustavus A. Dwelly;
H. R. 6043. An act granting an increase of pension to Samuel H. Chambers;
H. R. 6044. An act granting an increase of pension to Truman H. Baldwin;
H. R. 6083. An act granting an increase of pension to Stephen Loranger;
H. R. 6084. An act granting an increase of pension to Patrick McGrain;
H. R. 6300. An act granting an increase of pension to Benjamin L. Haynes;
H. R. 6305. An act granting an increase of pension to Isaiah Smith;
H. R. 6313. An act granting an increase of pension to Charles Helper;
H. R. 6318. An act granting an increase of pension to Michael Sennet;
H. R. 6321. An act granting an increase of pension to Rufus Lucore;
H. R. 6350. An act granting an increase of pension to Benjamin F. Bean;
H. R. 6353. An act granting an increase of pension to Charles P. Jeannin;
H. R. 6365. An act granting an increase of pension to Albert W. Parker;
H. R. 6410. An act granting an increase of pension to Thomas P. Clark;
H. R. 6493. An act granting an increase of pension to Charles M. Curtess;
H. R. 6498. An act granting an increase of pension to Zelotus J. Stewart;
H. R. 6557. An act granting an incfease of pension to Hiram A. McDonald;
H. R. 6628. An act granting an increase of pension to Joseph W. Peirce;
H. R. 6645. An act granting an increase of pension to Henry C. Myers;
H. R. 6646. An act granting an increase of pension to John Marshall;
H. R. 6659. An act granting an increase of pension to Thomas D. Scott;
H. R. 6690. An act granting an increase of pension to John A. Bering;
H. R. 6761. An act granting an increase of pension to Calvin A. Eason;
H. R. 6762. An act granting an increase of pension to Ely E. Baker;
H. R. 6805. An act granting an increase of pension to Michael Doyle;
H. R. 6806. An act granting an increase of pension to Baldwin Cann;
H. R. 6868. An act granting an increase of pension to Maria E. Menges;
H. R. 6870. An act granting an increase of pension to Day Wheeler;
H. R. 6881. An act granting a pension to Jane M. Buchanan;
H. R. 6896. An act granting an increase of pension to George Aschemoor;
H. R. 6932. An act granting an increase of pension to John O. Warwick;
H. R. 7014. An act granting an increase of pension to Samuel W. Tobey;
H. R. 7030. An act granting an increase of pension to Harvey D. McCormick;
H. R. 7034. An act granting an increase of pension to Aaron T. Dooley;
H. R. 7070. An act granting a pension to John C. Hall;
H. R. 7073. An act granting an increase of pension to Abram G. Spellman;
H. R. 7076. An act granting an increase of pension to George W. Fletcher;
H. R. 7172. An act granting an increase of pension to George W. Norris;
H. R. 7207. An act granting an increase of pension to Armand Dufico;
H. R. 7214. An act granting a pension to Isabel Seaman;
H. R. 7225. An act granting an increase of pension to Samuel N. Dickerman;
H. R. 7306. An act granting an increase of pension to Mary J. Preuitt;
H. R. 7309. An act granting an increase of pension to Luthis B. Delman, alias Lawson R. Lane;
H. R. 7369. An act granting an increase of pension to Adam Emge;
H. R. 7373. An act granting an increase of pension to Andrew H. Hazlett;
H. R. 7374. An act granting an increase of pension to Charles M. Hobbs;
H. R. 7443. An act granting an increase of pension to Eli S. Dunklee;
H. R. 7474. An act granting a pension to Charles H. Balch.
H. R. 7481. An act granting an increase of pension to Mary E. Cook;
H. R. 7519. An act granting an increase of pension to Jacob Mercer;
H. R. 7871. An act granting an increase of pension to George Pratt;
H. R. 7878. An act granting an increase of pension to John Redeker;
H. R. 7887. An act granting an increase of pension to Michael Kresge;
H. R. 8020. An act granting an increase of pension to James E. Hoisington;
H. R. 8095. An act granting an increase of pension to Charles B. Love;
H. R. 8101. An act granting an increase of pension to Morris Hayes;
H. R. 8107. An act granting an increase of pension to Rosamond Ensley;
H. R. 8109. An act granting an increase of pension to William S. Kidder;
H. R. 8243. An act granting an increase of pension to Horace E. Adams;
H. R. 8453. An act granting an increase of pension to Stephen R. Clark;
H. R. 8477. An act granting an increase of pension to William H. Mathis;
H. R. 8547. An act granting an increase of pension to James T. Thrasher;
H. R. 8607. An act granting an increase of pension to John R. Bevilheimer;
H. R. 8638. An act granting an increase of pension to Berry May;
H. R. 8677. An act granting an increase of pension to Thomas W. Quine;
H. R. 8730. An act granting an increase of pension to George Lytle;
H. R. 8761. An act granting an increase of pension to Henry A. Walker;
H. R. 8763. An act granting an increase of pension to William M. Kenyon;
H. R. 8767. An act granting an increase of pension to Theodore Schaeffer;
H. R. 8773. An act granting an increase of pension to Alfred Lindsay;
H. R. 8834. An act granting an increase of pension to Eliza Leedy;
H. R. 8845. An act granting an increase of pension to Eliza J. Walker;
H. R. 8946. An act granting an increase of pension to John A. Hollander;
H. R. 8980. An act granting an increase of pension to Matthias Dye;
H. R. 9252. An act granting an increase of pension to Samuel Fetters;
H. R. 9292. An act granting an increase of pension to James McDowell;
H. R. 9321. An act granting an increase of pension to John F. Rupert;
H. R. 9370. An act granting an increase of pension to Earl Henry Cooper;
H. R. 9552. An act granting a pension to Burton Walters;
H. R. 9557. An act granting an increase of pension to James W. King;

H. R. 9582. An act granting an increase of pension to Nancy B. Hacker;
H. R. 9586. An act granting an increase of pension to Mary Jane Pack;
H. R. 9658. An act granting an increase of pension to John A. Mayes;
H. R. 9705. An act granting an increase of pension to George C. Gutelius;
H. R. 9707. An act granting an increase of pension to George W. Isett;
H. R. 9790. An act granting an increase of pension to Peter Weatherby;
H. R. 9791. An act granting a pension to Leon D. Conover;
H. R. 9807. An act granting an increase of pension to William R. Hicks;
H. R. 9838. An act granting an increase of pension to Harriet B. Nichols;
H. R. 9951. An act granting a pension to Andrew J. Pence;
H. R. 10035. An act granting an increase of pension to William L. Skinner;
H. R. 10128. An act granting an increase of pension to Thomas H. Addison;
H. R. 10152. An act granting an increase of pension to Robert S. Clark;
H. R. 10204. An act granting an increase of pension to Catharine E. Koontz;
H. R. 10267. An act granting a pension to Alice George;
H. R. 10283. An act granting an increase of pension to John S. Barr;
H. R. 10346. An act granting an increase of pension to James C. Vorhes;
H. R. 10366. An act granting an increase of pension to George F. Hays;
H. R. 10418. An act granting an increase of pension to Robert A. Hodges;
H. R. 10419. An act granting an increase of pension to Shelton Canfield;
H. R. 10612. An act granting an increase of pension to Alfred H. Johnston;
H. R. 10613. An act granting an increase of pension to Narsis Burns;
H. R. 10761. An act granting an increase of pension to George Berry;
H. R. 10857. An act granting an increase of pension to Caroline H. G. Dralle;
H. R. 10946. An act granting an increase of pension to Mary A. Tannehill;
H. R. 10964. An act granting a pension to Patrick J. O'Brien;
H. R. 11011. An act granting an increase of pension to Milton Kinder;
H. R. 11047. An act granting an increase of pension to George B. Follett;
H. R. 11101. An act granting an increase of pension to Levi B. Gaylord;
H. R. 11114. An act granting an increase of pension to Michael McManus;
H. R. 11121. An act granting an increase of pension to Maria Johnson;
H. R. 11182. An act granting an increase of pension to John Bear;
H. R. 11188. An act granting an increase of pension to Mary Ann Thompson;
H. R. 11214. An act granting an increase of pension to George W. Horder;
H. R. 11223. An act granting an increase of pension to George F. Cowing;
H. R. 11288. An act granting an increase of pension to Alfred Booze;
H. R. 11572. An act granting an increase of pension to William H. Smyser;
H. R. 11690. An act granting an increase of pension to Charles W. Geddes;
H. R. 11694. An act granting an increase of pension to William Pritchard;
H. R. 11861. An act granting an increase of pension to Anestatia C. Seiss;
H. R. 11917. An act granting an increase of pension to Elmira F. Smith;
H. R. 11938. An act granting a pension to Stephen Glanden;
H. R. 11956. An act granting an increase of pension to Sarah Luria Scannell;
H. R. 12045. An act granting a pension to Ellen L. Fitzgerald;
H. R. 12100. An act granting an increase of pension to Martha Alexander;
H. R. 12107. An act granting an increase of pension to William Guthrie;
H. R. 12111. An act granting an increase of pension to Wesley M. Niblock;
H. R. 12160. An act granting a pension to Julia A. Wilcoxon;
H. R. 12208. An act granting an increase of pension to Robert B. Thomas;
H. R. 12236. An act granting an increase of pension to James W. George;
H. R. 12264. An act granting an increase of pension to Sarah Smith;
H. R. 12320. An act granting an increase of pension to Emilie Borchert;
H. R. 12325. An act granting an increase of pension to Mary E. Benson;
H. R. 12451. An act granting an increase of pension to Harriet Hickey;
H. R. 12509. An act granting an increase of pension to Mary Williams;
H. R. 12521. An act granting an increase of pension to Henry Cash;
H. R. 12529. An act granting an increase of pension to Lucretia A. Evans;
H. R. 12561. An act granting an increase of pension to Aurelia E. Willard;
H. R. 12596. An act granting a pension to Hulda Flinn.
H. R. 12604. An act granting a pension to John N. Moeller;
H. R. 12636. An act granting a pension to Delia E. Ahern;
H. R. 12736. An act granting an increase of pension to Lydia E. Patterson;
H. R. 12782. An act granting an increase of pension to Rolan M. Clark;
H. R. 12801. An act granting an increase of pension to Thomas Fauciel;
H. R. 12837. An act granting an increase of pension to Daniel J. Duffy;
H. R. 12955. An act granting an increase of pension to Joseph S. Pratt;
H. R. 12969. An act granting an increase of pension to Edward Hadfield;
H. R. 12982. An act granting an increase of pension to William C. Schofield;
H. R. 13029. An act granting a pension to Elizabeth Gritzner;
H. R. 13041. An act granting an increase of pension to Samuel A. Gettys;
H. R. 13120. An act granting an increase of pension to William G. McConnell;
H. R. 13138. An act granting an increase of pension to Epsy M. Mellett;
H. R. 13171. An act granting an increase of pension to Barney Stone;
H. R. 13177. An act granting a pension to Abram H. Brown;
H. R. 13220. An act granting an increase of pension to Frank H. Wells;
H. R. 13234. An act granting an increase of pension to Jacob Glass;
H. R. 13396. An act granting an increase of pension to Corydon S. Hickman;
H. R. 13550. An act granting a pension to Ibby M. J. Hay;
H. R. 13623. An act granting a pension to William A. Pollard;
H. R. 13771. An act granting an increase of pension to Henry Stulen;
H. R. 13781. An act granting an increase of pension to George H. Smith;
H. R. 13814. An act granting an increase of pension to Simeon S. Goodrich;
H. R. 13815. An act granting an increase of pension to Levi M. Briddell;
H. R. 13817. An act granting an increase of pension to Philip Lutz;
H. R. 13874. An act granting an increase of pension to Martha E. McKnight;
H. R. 13877. An act granting an increase of pension to Seneca R. Randall;
H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."
H. R. 14149. An act granting an increase of pension to David Mitchell;
H. R. 14283. An act granting an increase of pension to Smith H. Simpson;
H. R. 14342. An act granting an increase of pension to Mary A. Crawford;

H. R. 14344. An act granting an increase of pension to Peter Penord;

H. R. 14472. An act granting a pension to Tillman L. Lafferty;

H. R. 14601. An act granting an increase of pension to James W. Madison;

H. R. 14619. An act granting an increase of pension to Louisa Porter;

H. R. 14758. An act granting an increase of pension to Eri B. Sabin; and

H. R. 14827. An act granting an increase of pension to Harriet Ann Long.

The foregoing House pension bills were subsequently read twice by their titles and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 2662. An act to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Arizona Territory; and

H. R. 300. An act providing for second homestead entries.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the National German-American Alliance of Philadelphia, Pa., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Patrick & Dove, of Brentwood, Cal., remonstrating against the enactment of legislation to extend the time of the present nine-hour telegraphic law, which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of the North Side Board of Trade of New York City, N. Y., praying that an annual appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. HOPKINS presented a petition of Local Union No. 291, International Typographical Union, of Aurora, Ill., praying for repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Tri-State Mining Association of Galena, Ill., praying for the establishment of a bureau of mines, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Historical Society of Chicago, Ill., praying for the enactment of legislation providing for the collection and publication of the languages of the Miami, Weas, Piankeshaws, Peorias, Kaskaskias, and other tribes of Indians in Illinois and Indiana, which was referred to the Committee on Indian Affairs.

He also presented a memorial of the National German-American Alliance of Philadelphia, Pa., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stigler, Okla., praying for the enactment of legislation to remove certain restrictions from Indian lands, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry executive officers of the Missouri and South Illinois Division of the National German-American Alliance of St. Louis, Mo., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of the Commercial Club of Hendricks, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of North Swedish Annual Conference of the Methodist Episcopal Church, of Duluth, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. KEAN presented the memorials of F. W. Dickerman, of Newark, N. J.; of A. S. Wallace, of Montclair, N. J., and of Frederick E. Kip, of New York City, N. Y., remonstrating against the repeal of the present anticanteen law, which were referred to the Committee on Military Affairs.

He also presented a memorial of Local Branch No. 8, Glass Bottle Blowers' Association, of Bridgeton, N. J., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of Frederick E. Kip, of New York City, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented the petition of Bennet B. Bristol, of Waterbury, Conn., praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of sundry citizens of Plymouth, N. H., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National German-American Alliance of St. Louis, Mo., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 359, Iron Molders' Union of North America, of South Berwick, Me., praying for the enactment of legislation providing for the building of ships and war vessels at the navy-yards of the United States, which was referred to the Committee on Naval Affairs.

He also presented a petition of Columbia Lodge, No. 174, International Association of Machinists, of Washington, D. C., praying for the enactment of legislation providing for an investigation of the Engineer Commissioner's office of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Southwest Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the removal of the grade-crossing tracks of steam railroad companies in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of F. W. Mahood, of Washington, D. C., remonstrating against the enactment of legislation to increase the capitalization of the Georgetown Gas Company, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Dover, N. H., of the Woman's Christian Temperance Union of Paterson, N. J., of the South Marion Meeting of Friends of Marion, Ind., and of the Woman's Christian Temperance Union of Schenectady County, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FRAZIER presented a petition of Local Lodge No. 12, Commercial Telegraphers' Union, of Memphis, Tenn., praying that an investigation be made into the conditions of the telegraph companies of the country, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Southern School of Photography, of McMinnville, Tenn., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which was referred to the Committee on Patents.

He also presented a petition of the Planters' Protective Association of Montgomery County, Tenn., praying that a liberal appropriation be made for the continuation of the work in the tobacco districts by the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the International Congress of Cotton Growers and Manufacturers, of Atlanta, Ga., praying that an appropriation be made to continue the work of the Bureau of Biological Survey, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Exchange of Memphis, Tenn., and a petition of the Cotton Exchange of Memphis, Tenn., praying for the enactment of legislation to improve the present financial system, which were referred to the Committee on Finance.

He also presented a petition of the American Medical Association of Chattanooga, Tenn., praying for the enactment of legislation to increase the efficiency of the Medical Department of the United States Army, which was ordered to lie on the table.

He also presented a petition of the boards of aldermen and councilmen of Chattanooga, Tenn., praying for the enactment of legislation to establish a brigade post at Chickamauga Park, in that State, which was referred to the Committee on Military Affairs.

He also presented a petition of N. B. Forrest Camp, No. 4, United Confederate Veterans, of Chattanooga, Tenn., praying for

the establishment of national parks on the battlefields of the civil war, which was referred to the Committee on Military Affairs.

He also presented petitions of Spring Creek Union, No. 345, American Federation of Labor, of Madison County, Tenn.; of Local Union No. 609, Farmers' Educational and Cooperative Union of America, of Kenton, Tenn., and of the Middle Tennessee State Institute, of Shelbyville, Tenn., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying for the enactment of legislation providing for the establishment of a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Union No. 51, Stereotypers and Electrotypers' Union, of Memphis, Tenn., and a petition of Local Union No. 165, Printing Pressmen's Assistants' Union, of Chattanooga, Tenn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Nashville, Tenn., praying for the enactment of legislation placing the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a petition of sundry volunteer officers of the civil war of Tennessee, praying for the enactment of legislation to create a voluntary retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of Nashville, Tenn., and a memorial of the First Commercial Travelers' Congress of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Institute of Electrical Engineers of Boston, Mass., praying for the enactment of legislation to protect the headwaters of the important streams of the country from deforestation, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Asiatic Exclusion League of the United States, praying for the enactment of legislation to restrict the immigration of Asiatics, which was referred to the Committee on Immigration.

He also presented a memorial of the National German-American Alliance of Philadelphia, Pa., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Interstate Association of Live Stock and Sanitary Board, of Richmond, Va., praying that an appropriation be made for the eradication of the cattle tick, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Honolulu, Territory of Hawaii, praying that an appropriation be made for the widening and deepening of Pearl Harbor, in that Territory, which was referred to the Committee on Finance.

Mr. CULLOM presented a joint resolution of the legislature of Illinois, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate joint resolution 30.

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war, 1861 to 1865, forms the most sanguinary chapter in the history of the world; that the Regular Army during that struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people, now enjoying the inestimable blessings of a preserved Union, owe a debt of gratitude that can never be paid: Therefore,

Resolved by the senate (the house of representatives concurring herein), That we request the Senators and Representatives of the Sixtieth Congress from the State of Illinois to aid in the prompt enactment of a law in effect creating a volunteer retired list, upon which may be placed with retired pay, upon application, the surviving volunteer officers of the Army, Navy, and marines of the United States who served with credit during the civil war, such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory.

Resolved, further, That in our opinion the precedents of Congressional legislation fully justify the enactment of this law, namely, the acts of 1828 and 1832, granting retired pay during life to the surviving officers and enlisted men of the Army, Navy, and marines of the Revolution; the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of captain of the Navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had "served with credit during the civil war," and the act of 1905, providing for the retirement of two officers of volunteers, namely, Gens. Joseph R. Hawley and P. J. Osterhaus, with the rank and retired pay of brigadier-generals: Therefore, it is further

Resolved, That in our opinion the surviving officers of volunteers of the Army, Navy, and marines who served with credit in the great war for the preservation of the Union are entitled to receive from the National Government honors and emoluments equal to those which had heretofore been bestowed upon any officers who served in time of war in defense of the country.

Adopted by the senate November 26, 1907.

Concurred in by the house January 14, 1908.

OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Illinois, ss:*

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fifth general assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of State, at the city of Springfield, this 15th day of January, A. D. 1908.

[SEAL.] JAMES A. ROSE, *Secretary of State.*

Mr. TAYLOR presented a petition of sundry citizens of Milan, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Council No. 54, Order of Knights of Columbus, of Nashville, Tenn., and a memorial of Local Council No. 401, Order of Knights of Columbus, of Jackson, Tenn., remonstrating against the enactment of legislation providing for a reclassification of second-class mail and the rates of postage thereon, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying for the enactment of legislation providing for the preservation of the timber resources and the mountain forests of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Union No. 165, Printing Pressmen and Assistants' Union, of Chattanooga, Tenn., and a petition of Local Union No. 51, Stereotypers and Electrotypers, of Memphis, Tenn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of Memphis, Tenn., praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a petition of the Christian Endeavor Union of Nashville, Tenn., praying for the enactment of legislation placing the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a petition of N. B. Forrest Camp, No. 4, United Confederate Veterans, of Chattanooga, Tenn., praying for the enactment of legislation to establish national parks on the battlefields of the civil war, which was referred to the Committee on Military Affairs.

He also presented a memorial of Frity & Weihl Company, of Chattanooga, Tenn., remonstrating against the adoption of certain amendments to the present pure food and drug law, which was referred to the Committee on Manufactures.

He also presented a petition of the general council of Chattanooga, Tenn., praying for the establishment of a brigade post at Chickamauga Park, in that State, which was referred to the Committee on Military Affairs.

He also presented a petition of Arthur Bigler, of Knoxville, Tenn., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Clarksville, Tenn., praying for the enactment of legislation to amend the act providing for the removal from bond, tax free, of domestic alcohol, etc., which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 95, Coopers' International Union, of Memphis, Tenn., praying for the construction of war vessels in navy-yards where workmen are required to labor only eight hours per day, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 12, Commercial Telegraphers' Union, of Memphis, Tenn., praying for an investigation into the condition of the telegraph companies of

the country, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Council of Jewish Women of Nashville, Tenn., remonstrating against the adoption of certain proposed changes in the present immigration law, which was referred to the Committee on Immigration.

He also presented a memorial of the Commercial Club of Knoxville, Tenn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Harriman, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CRANE presented a petition of the General Federation of Women's Clubs of North Cambridge, Mass., praying that an appropriation be made to enable the Bureau of Public Health and Marine-Hospital Service to prevent the spread of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the board of directors of the American Peace Society, of Boston, Mass., remonstrating against any further increase of the Navy, and especially against the proposed construction of four new battle ships, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry volunteer officers of the civil war of the State of Massachusetts, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BRYAN presented a petition of the Farmers' Educational and Cooperative Union, of Walton County, Fla., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of E. E. Ropes, of Deland, Fla., praying for the enactment of legislation providing for the construction of railroads and canals on the most direct routes throughout the country, which was referred to the Committee on Railroads.

Mr. HEYBURN presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, DEPARTMENT OF STATE:

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 1, by McMillan, to the Senate and House of Representatives of the United States in Congress assembled, which was filed in this office the 2d day of March, A. D. 1907, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 30th day of November, A. D. 1907.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

Senate joint memorial No. 1, by McMillan.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas a bill is now pending in the Senate of the United States providing for the granting of additional lands to the State of Idaho for the purpose of aiding in the construction of the State capitol and procuring of the grounds and accommodations necessary and incident thereto. Therefore, your memorialists, the legislature of the State of Idaho, earnestly recommend the passage of said bill, and respectfully represent that:

The general grant to said State for said purpose in the admission act is inadequate to provide funds for the erection of a proper capitol building. Much of the land selected under said original grant is arid in character and not of sufficient value to realize on the sale thereof the minimum price therefor as provided by law. Several thousand acres were selected which have since proved of little value, the selections having been erroneously made. There are yet many thousand acres of valuable public land in said State from which such selection could be made.

Your memorialists therefore earnestly recommend the passage of said bill so that land selections for said purpose sufficient to provide for the construction of a proper building may be made.

The secretary of state is hereby required to forward copies of this memorial to the Senate and House of Representatives of the United States and to the Representatives in Congress from this State.

This senate joint memorial No. 1 passed the senate on the 19th day of February, 1907.

E. A. BURRELL,
President of the Senate.

This senate joint memorial No. 1 passed the house of representatives on the 25th day of February, 1907.

J. FRANK HUNT,
Speaker of the House of Representatives.

This senate joint memorial No. 1 was received by the governor on the 26th day of February, 1907, at 10.45 o'clock a. m., and approved on the 2d day of March, 1907, at 11 o'clock a. m.

F. R. GOODING, *Governor.*

I hereby certify that the within senate joint memorial No. 1 originated in the senate chamber of the legislature of the State of Idaho during the ninth session.

F. S. WETTACH,
Secretary of the Senate.

Mr. HEYBURN presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, DEPARTMENT OF STATE:

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 1, by Freehafer.

Which was filed in this office the 28th day of January, A. D. 1907, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 30th day of January, A. D. 1907.

[SEAL]

ROBERT LANSDON,
Secretary of State.

House joint memorial No. 1, by Freehafer.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully present that—

Whereas a bill is now pending in Congress having for its purpose the granting of pensions to the participants, or their widows, in what is known as the "battle of Beechers Island,"

Now, therefore, your memorialists urgently recommend that said bill be enacted into law. Said legislation is necessary for the reason that the participants in said battle were civilian scouts enlisted and recruited by Col. George Alexander Forsythe, and were known as "Forsythe's Scouts;" that there were in number about fifty of said scouts, including their officers, and at a point known as "Beechers Island," in the State of Colorado, a battle was fought with the Indians on September 17, 1868; that said scouts and their officers were surrounded by more than 1,000 Indians for nine days and nights; that five of said scouts were killed and twenty-one wounded, and the survivors suffered untold agony; that only a small number of said scouts survive to this day, and that practically all of them, and the widows of the deceased scouts, are in straitened circumstances financially; that had they been regularly enlisted in the United States Army they would long since have been receiving pensions, but on account of the irregularity of their enlistment and the nature of the service which they rendered their country they are not entitled to pensions under the general law. For this reason a special bill has been introduced in Congress for their relief.

Your memorialists therefore earnestly recommend that said bill be passed in order that these men and their widows may receive that recognition to which they have always been entitled, but which they have never received.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and to our Representatives in Congress.

This joint memorial passed the house of representatives on the 14th day of January, 1907.

J. FRANK HUNT,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 22d day of January, 1907.

E. A. BURRELL,
President of the Senate.

Mr. HEYBURN presented a memorial of Local Council No. 892, Order of Knights of Columbus, of Pocatello, Idaho, and a memorial of Local Council No. 1024, Order of Knights of Columbus, of Lewiston, Idaho, remonstrating against the enactment of legislation providing for a reclassification of second-class mail matter and the rates of postage thereon, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 4092) to amend the military record of Jonas O. Johnson, which were referred to the Committee on Military Affairs.

Mr. WARREN presented a memorial of the Johnson County Wool Growers' Association of Buffalo, Wyo., remonstrating against the enactment of legislation providing for a general lease of the public domain, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Uinta County Wool Growers' Association of Cokeville, Wyo., favoring the general policy of the Government in conserving the forests for the future use of the people, and remonstrating against the present fees charged for grazing sheep in the forest reserves, which was referred to the Committee on Agriculture and Forestry.

Mr. DOLLIVER presented a petition of Local Union No. 118, International Typographical Union, of Des Moines, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Brighton, and of the congregations of the Christian, Evangelical Lutheran, and United Presbyterian churches, of Chariton, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented the petition of Brig. Gen. Edward Schulze, retired, of the Connecticut National Guard, of Hartford, Conn., praying for the enactment of legislation to

promote the efficiency of the State militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the Pastors' Association of Bridgeport, Conn., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the Nebraska State Horticultural Society and the Nebraska Park and Forestry Association praying for the establishment of a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HEMENWAY presented petitions of Local Union No. 38, International Stereotypers and Electrotypers' Union, of Indianapolis, and of Typographical Union No. 35, of Evansville, in the State of Indiana, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

VOLUNTEER RETIRED LIST.

Mr. BURROWS. I present certain data which has been furnished me relative to the bill (S. 1676) to create in the War Department a roll to be known as the "volunteer retired list," to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes. It is very important, I think, and I ask that the paper be printed as a document, printed in the RECORD, and referred to the Committee on Military Affairs.

There being no objection, the paper was referred to the Committee on Military Affairs and ordered to be printed as a document and to be printed in the RECORD, as follows:

WASHINGTON, D C., *January 30, 1908.*

DEAR SIR: Upon the introduction of S. 1676, a bill to create in the War Department a roll to be known as the "volunteer retired list," to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes, introduced by yourself December 9, 1907, and referred to the Committee on Military Affairs, you stated that to present this bill intelligently to the committee it was necessary that a statement be prepared giving the number, rank, and age of these surviving officers, so that the cost of this measure could be definitely ascertained. You requested that such a statement should be prepared, and I now have the honor of presenting you with the information desired in tabular form:

Statement of a classification according to rank and age of surviving volunteer officers of the civil war eligible to the provisions of H. R. 6288, together with an estimate of the first year's cost of said bills.

Rank.	Number.	Retiring rate.	Age 70 and over.	Age 64 and under 70.	Total amount.
Major-general	2	$2,000	$4,000		$4,000
Brigadier-general	28	2,000	56,000		56,000
Colonel	129	2,000	258,000		258,000
Do	22	1,750		$38,500	38,500
Lieutenant-colonel	136	2,000	272,000		272,000
Do	59	1,500		88,500	88,500
Major	197	1,875	369,375		369,375
Do	112	1,250		140,000	140,000
Captain	1,377	1,350	1,439,950		1,439,950
Do	1,256	900		1,133,100	1,133,100
First lieutenant	1,026	1,125	1,154,250		1,154,250
Do	1,207	750		905,250	905,250
Second lieutenant	480	1,050	504,000		504,000
Do	683	700		480,200	480,200
Various ranks, Navy	150	1,050	157,500		157,500
Total	6,867				7,000,625

Deduct 6,867 pensions at $145.60 average pension of all rates for fiscal year 1907	$999,835	
Of the above-described officers 3,376 are 70 years and upward, and many are 80 years of age; a number receive pensions for wounds received in battle and others by special acts of Congress. The average of these will no doubt be more than $20 per month and thus increase the deduction of pensions to the amount of	350,000	
		$1,349,835
Estimated cost of bill for those eligible to its provisions		5,651,790

In addition to the above number, there are 383 officers under 64 years of age, who, upon arriving at that age, will be entitled to retirement.

In submitting the above figures for the consideration of yourself and the Committee on Military Affairs, I will state that the presentation of the question to the Fifty-ninth Congress resulted in earnest cooperation among these surviving officers throughout the country to secure its proper presentation to the Sixtieth Congress. A general committee and many State and local committees were organized for the purpose of united action. Petitions for officers were widely distributed and there was a prompt response. The aid of the Grand Army posts and of the Loyal Legion commanderies was invoked. As a result of most diligent effort, the foregoing statement of the number, rank, and age of the surviving officers is presented. My deliberate opinion is that these figures can be confidently relied upon as a basis for legislation.

I respectfully invite an examination of the many petitions of these veteran officers presented to Congress. It will be found that the great body of these men are of long service, and that nearly half of them are over 70 years of age: many are over 80 years.

I also call attention to the petitions of citizens from all parts of the country memorializing Congress for the enactment of this law. These petitions are from the substantial men of the various cities and communities where they have been signed. The public press is behind this measure, indorsing it as wise and just.

It is obvious that the enactment of this bill into law will meet the hearty approval of the people.

I invite attention to the acts of 1828 and 1832, copies of which are added hereto as an appendix.

It will be seen that these statutes granted to the surviving officers, noncommissioned officers, musicians, soldiers, and Indian spies of the continental line, or State troops, volunteers or militia, who at one or more terms had served two years during the war of the Revolution, full pay during life according to rank, not to exceed the pay of a captain in said line, and for service less than two years and not less than six months an amount proportioned to the length of his service as it compared with the period of two years.

I now wish to call particular attention to the recent legislation of the Fifty-eighth and Fifty-ninth Congresses bearing upon the subject. First, to the act of March, 1905, by the provisions of which, Generals Joseph R. Hawley and P. J. Osterhaus were retired with the rank and retired pay of brigadier-general. These officers had served as officers of volunteers during the civil war, had never been commissioned in the Regular Army, and had been mustered out of the service at the close of the civil war. Second, to the act of April 23, 1904, which provided that "any officer below the grade of brigadier-general who served with credit as an officer or an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865 * * * and who has heretofore been, or may hereafter be retired * * * may * * * be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of retirement." Upon an examination of the Army Register of 1905 it will be found that 354 officers on the retired list were reretired with increased rank and retired pay as follows: Ninety-two colonels were retired as brigadier-generals, 43 lieutenant-colonels were reretired as colonels, 49 majors as lieutenant-colonels, 110 captains as majors, 39 first lieutenants as captains, 6 second lieutenants as first lieutenants, and 15 chaplains as majors; 254 of these officers had served in the volunteer army of the civil war. In 1906 the principle of the foregoing act was applied to officers of the Navy, and in March, 1907, provision was made for the retirement of brigadier-generals as major-generals who had performed creditable service during the civil war, and a number of brigadier-generals have been retired with increased rank and retired pay.

Thus it is seen that under existing law every surviving officer of the Regular Army, from second lieutenant to brigadier-general, and of the Regular Navy, of corresponding rank, who "served with credit during the civil war" have been or will be retired with one grade increased rank and retired pay.

This honorable recognition to officers of the Regular Army and Navy was not granted because of long service in the Regular Army and Navy, but solely on the ground that these officers had "served with credit during the civil war."

In view of these acts, and as Congress since the close of the civil war has not enacted any legislation in recognition of volunteer officers who served with credit in that great war, the question naturally arises:

Shall it become the settled policy of Congress to establish by law a higher standard of merit for officers of the Regular Army and Navy for the performance of "creditable service during the civil war" than for officers of the Volunteer Army and Navy for the performance of long and equally creditable service during said war?

In behalf of these 6,867 surviving officers of the Army and Navy of the civil war I respectfully submit that their services to the country entitle them to consideration equal to that bestowed by Congress upon any officers who ever defended the national flag, and I insist that anything short of this would be a serious reflection upon their patriotism, ability, and service, and would not be creditable to the great Republic whose existence and authority they assisted to maintain.

Having given the subject of the cost of this measure most careful consideration, I state without reservation that, in my opinion, the annual cost at the outset will not exceed the estimate, namely, $5,651,790. It must be recognized by all intelligent persons that, considering the advanced age of the majority of these surviving officers, the roll would not continue as an expense to the Government for many years.

And reasoning upon the same facts, if the Senators and Representatives of the Sixtieth Congress are in sympathy with the sentiments of Senator Webster, expressed May, 1828, in respect to the bill enacted at that time that "It is * * * a mixed claim of faith and public gratitude, of justice and honorable bounty, of merit and benevolence," the will, like Mr. Webster, declare: "What we do should be done quickly."

As to the wisdom and justice of this measure there can scarcely be found a dissenting voice.

As to the ability of the Government without embarrassment to meet this expense there can be no question.

Never in the history of the world has any nation or any people reached so high a plane of prosperity and wealth as this great united nation and people.

The preservation of the Union gave an opportunity and impulse to the tremendous progress which has been made during the past forty-two years which has placed this country in the lead of all nations in respect to agriculture, mining, manufactures, internal commerce, and wealth.

With exports amounting to $1,853,718,000 and imports amounting to $1,431,421,000; with a paper circulation of $2,772,956,000, every dollar of which is based upon the national credit, and with a redemption fund in the Treasury of gold and silver amounting to $1,425,116,000; with a system of revenue which not only provided ample means to pay the current expenses of Government, but enabled the Treasury from 1865 to 1892 to pay $4,216,788,999 principle and interest on the public debt, and which has provided the Treasury a present available cash balance of $260,628,885, of which $240,278,701 is on deposit in national banks and subject to the draft of the Treasurer of the United States, it is obvious that the suggested appropriation of $5,651,790 will not embarrass the Treasury in the least.

In behalf of these surviving officers of volunteers of the civil war I have the honor to request that you will refer this letter to the honorable Committee on Military Affairs and bespeak an early and favorable report of your bill.

I have the honor to be, very respectfully, yours,

GREEN B. RAUM, *Chairman.*
S. L. GLASGOW, *Secretary.*

Hon. J. C. BURROWS, *United States Senate, Washington, D. C.*

APPENDIX.

ACT OF MAY 15, 1828.

Be it enacted, etc., That each of the surviving officers of the Army of the Revolution in the Continental line who was entitled to half pay by the resolve of October 21, 1780, be authorized to receive out of any money in the Treasury not otherwise appropriated the amount of his full pay in said line, according to his rank in the line, to begin on the 3d day of March, 1826, and to continue during his natural life: *Provided*, That under this act no officer shall be entitled to receive a larger sum than the full pay of a captain in said line.

SEC. 2. *And it is further enacted*, That whenever any of said officers has received money of the United States, as a pensioner, since the 3d day of March, 1826, aforesaid, the sum so received shall be deducted from what said officer would otherwise be entitled to under the first section of this act.

SEC. 3. *And be it further enacted*, That every noncommissioned officer, musician, or private in said Army, who enlisted therein for and during the war and continued in service until its termination, and thereby became entitled to receive a reward of $80 under a resolve of Congress passed May 15, 1778, shall be entitled to receive his full monthly pay in said service out of any money in the Treasury not otherwise appropriated, to begin on the 3d day of March, 1826, and to continue during his natural life: *Provided*, That no noncommissioned officer, musician, or private in said Army who is now on the pension list of the United States shall be entitled to the benefits of this act.

SEC. 4. *And be it further enacted*, That the pay allowed by this act shall, under the direction of the Secretary of the Treasury, be paid to the officer or soldier entitled thereto, or to their authorized attorney, at such places and days as said Secretary may direct, and that no foreign officer shall be entitled to said pay, nor shall any officer or soldier receive the same until he furnish to said Secretary satisfactory evidence that he is entitled to the same in conformity to the provisions of this act; and the pay allowed by this act shall not in any way be transferable or liable to attachment, levy, or seizure by any legal process whatever, but shall inure wholly to the personal benefit of the officer or soldier entitled to the same by this act.

SEC. 5. *And be it further enacted*, That so much of said pay as accrued by the provisions of this act before the 3d day of March, 1828, shall be paid to the officers and soldiers entitled to the same as soon as may be, in the manner and under the provisions before mentioned; and the pay which shall accrue after said day shall be paid semiannually, in like manner, and under the same provision.

(U. S. Stat. L., vol. 4, pp. 269, 270.)

ACT OF JUNE 7, 1832.

Be it enacted, etc., That each of the surviving officers, noncommissioned officers, musicians, soldiers, and Indian spies, who shall have served in the Continental line, or State troops, volunteers or militia, at one or more terms, a period of two years, during the war of the Revolution, and who are not entitled to any benefit under the act for the relief of certain surviving officers and soldiers of the Revolution, passed the 15th day of May, 1828, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount of his full pay in the said line, according to his rank, but not exceeding, in any case, the pay of a captain in the said line; such pay to commence from the 4th day of March, 1831, and shall continue during his natural life; and that any such officer, noncommissioned officer, musician, or private, as aforesaid, who shall have served in the Continental line, State troops, volunteers or militia, a term or terms in the whole less than the above period, but not less than six months, shall be authorized to receive, out of any unappropriated money in the Treasury, during his natural life, each according to his term of service, an amount bearing such proportion to the annuity granted to the same rank for the service of two years, as his term of service did to the term aforesaid; to commence from the 4th day of March, 1831.

SEC. 2. *And be it further enacted*, That no person, receiving any annuity or pension under any law of the United States providing for Revolutionary officers and soldiers, shall be entitled to the benefits of this act, unless he shall first relinquish his further claim to such pension; and in all payments under this act the amount which may have been received under any other act as aforesaid, since the date at which the payments under this act shall commence, shall first be deducted from such payment.

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, mariners, or marines, who served for a like term in the naval service during the Revolutionary war, shall be entitled to the benefits of this act, in the same manner as is provided for the officers and soldiers of the army of the Revolution.

(U. S. Stat. L., vol. 4, pp. 529, 530.)

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, to report it with amendments, and I submit a report thereon. I shall ask the Senate to take up the bill the first thing to-morrow morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," to report it with amendments, and I submit a report thereon.

I ask unanimous consent that 1,000 additional copies of the bill and report be printed for the use of the Document Room of the Senate.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States Navy-Yard in the city of Washington, D. C., reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims, which was agreed to:

A bill (S. 4433) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mails; and

A bill (S. 1203) for the relief of David K. Wall and the heirs of John A. Witter, deceased.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district, reported it without amendment.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 2549) for the relief of Samuel Liverpool, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs, which was agreed to.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River, in the city of Hammond, Ind.; and

A bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River.

BILLS INTRODUCED.

Mr. DIXON (by request) introduced a bill (S. 4793) authorizing settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 4794) granting a pension to Margaret Dunn Aston, which was read twice by its title and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 4795) to remove the charge of desertion from the military record of James C. Heath, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4796) granting an increase of pension to Thomas W. D. Horton, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 4797) for the care and preservation of The Hermitage, which was read twice by its title and referred to the Committee on the Library.

Mr. PROCTOR introduced a bill (S. 4798) for the relief of Col. Charles A. Booth, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 4799) granting an increase of pension to Bankson T. Morgan, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4800) to correct the miltary record of A. J. G. Kane, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 4801) granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 4802) to amend the act of February 25, 1907, providing for a United States judge for the northern district of Alabama, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. HEYBURN introduced a bill (S. 4803) granting an increase of pension to Austin Parks, which was read twice by its title and referred to the Committee on Pensions.

Mr. CRANE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4804) granting an increase of pension to Edward A. Whiston; and

A bill (S. 4805) granting an increase of pension to Charlotte M. Peters.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4806) to amend the military record of Aaron Cornish; and

A bill (S. 4807) to authorize the President of the United

States to appoint John C. Hawley captain and quartermaster in the Army.

He also introduced a bill (S. 4808) to pay Maj. Horace P. Williams amount found due him by Court of Claims, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, which was read twice by its title and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 4810) to create a commission to investigate and report to Congress as to the advisability of the establishment of a pan-American bureau of education, which was read twice by its title and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 4811) to purchase a painting of the battle of Gettysburg, which was read twice by its title and referred to the Committee on the Library.

Mr. GALLINGER introduced a bill (S. 4812)) to regulate the employment of child labor in the District of Columbia, which was read twice by its title and, with the accompanying papers, referred to the Committee on Education and Labor.

Mr. GALLINGER. I introduce the following bills, forwarded to me by the Commissioners of the District of Columbia, for reference to the Committee on the District of Columbia.

The bills were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia, as follows:

A bill (S. 4813) to regulate the production and sale of milk, cream, ice cream, and of butter and cottage cheese, and similar milk products, in and for the District of Columbia;

A bill (S. 4814) to amend section 491n of the Code of Law for the District of Columbia;

A bill (S. 4815) regulating certain licenses in the District of Columbia, and for other purposes;

A bill (S. 4816) to amend section 10 of an act approved August 14, 1894, entitled "An act to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes;"

A bill (S. 4817) providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia;

A bill (S. 4818) to amend an act approved July 1, 1902, entitled "An act to amend an act entitled 'An act in relation to taxes and tax sales in the District of Columbia,' approved February 28, 1898;"

A bill (S. 4819) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and certain other laws and regulations, in so far as they relate to the registration of deaths and the disposal of dead bodies, and for other purposes; and

A bill (S. 4820) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (with accompanying papers).

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4821) granting an increase of pension to James H. McGill;

A bill (S. 4822) granting an increase of pension to David K. Adkins; and

A bill (S. 4823) granting an increase of pension to James R. Moses.

He also introduced a bill (S. 4824) for the relief of Capt. Sidney F. Shaw, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 4825) for acquiring national forests in the southern Appalachian Mountains and White Mountains, which was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4826) granting an increase of pension to Joseph G. Lanham;

A bill (S. 4827) granting a pension to Carolyn W. Stevens; and

A bill (S. 4828) granting a pension to John A. Thompson.

Mr. WARREN introduced a bill (S. 4829) authorizing a resurvey of certain townships in the State of Wyoming, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 4830) granting a pension to William W. Bishop, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 4831) for the relief of Pembroke B. Banton, which was read twice by its title.

Mr. ALLISON. I have some doubt as to whether the bill should go to the Committee on Claims or the Committee on Interoceanic Canals. However, I ask that it be referred to the latter committee.

The VICE-PRESIDENT. The bill will be referred to the Committee on Interoceanic Canals.

Mr. ALLISON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 4832) to provide for the erection of a public building at Ottumwa, Iowa; and

A bill (S. 4833) to provide for the erection of a public building at Le Mars, Iowa.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4834) to remove the charge of desertion from the record of George M. Kimball;

A bill (S. 4835) to remove the charge of desertion from the record of John A. Wood;

A bill (S. 4836) to correct the military record of James E. C. Covel; and

A bill (S. 4837) to remove the charge of desertion from the record of Edmond McManus.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4838) granting an increase of pension to James M. Swisher;

A bill (S. 4839) granting an increase of pension to John E. Gilmore;

A bill (S. 4840) granting an increase of pension to Alonzo Greenleaf; and

A bill (S. 4841) granting an increase of pension to John G. Hibbs.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4842) granting an increase of pension to George W. Holt;

A bill (S. 4843) granting an increase of pension to William Osborne;

A bill (S. 4844) granting an increase of pension to Caloway G. Tucker;

A bill (S. 4845) granting an increase of pension to James F. Campbell;

A bill (S. 4846) granting an increase of pension to Thurman H. Rodeheaver;

A bill (S. 4847) granting an increase of pension to Nathaniel T. Gourley; and

A bill (S. 4848) granting an increase of pension to Prior P. Baird.

He also introduced a bill (S. 4849) for the relief of Winslow Hart Reaves, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. LATIMER introduced a bill (S. 4850) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. OVERMAN introduced a bill (S. 4851) to amend section 720 of the Revised Statutes of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4852) granting a pension to Edward Smith Tennent, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 4853) to establish a Bureau of Postal Savings, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP introduced a bill (S. 4854) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. FLINT introduced a bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4857) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as "nursery stock," and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as "nursery stock," grown within the United States, which become subjects of interstate commerce or exportation, which was read twice by its title and referred to the Committee on Finance.

Mr. PAYNTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4858) for the relief of the estate of Martin Preston, deceased (with an accompanying paper);

A bill (S. 4859) for the relief of Mrs. Lizzie R. Ashurst, administratrix of the estate of William Ashurst, deceased;

A bill (S. 4860) for the relief of Thomas N. Arnold;

A bill (S. 4861) for the relief of the estate of M. G. Horton, deceased;

A bill (S. 4862) for the relief of the estate of Solomon Jones, deceased;

A bill (S. 4863) for the relief of the estate of R. W. Hawkins, deceased;

A bill (S. 4864) for the relief of W. F. Tomlinson, administrator of the estate of Samuel Tomlinson, deceased;

A bill (S. 4865) for the relief of Cash Claxon;

A bill (S. 4866) for the relief of H. Z. Taylor, administrator of the estate of H. R. M. Taylor, deceased;

A bill (S. 4867) for the relief of George Taylor, administrator of the estate of Elizabeth Taylor, deceased;

A bill (S. 4868) for the relief of the estate of John Yancy, deceased;

A bill (S. 4869) for the relief of David B. Dowdell;

A bill (S. 4870) for the relief of A. Portwood;

A bill (S. 4871) for the relief of C. B. Kinnett; and

A bill (S. 4872) for the relief of the estate of Oliver Frazer, deceased.

Mr. BULKELEY introduced a bill (S. 4873) granting an increase of pension to Julia A. Derby, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4874) for the incorporation and regulation of corporations engaged in interstate commerce, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4875) granting an increase of pension to Stephen H. French, which was read twice by its title and referred to the Committee on Pensions.

He also (for Mr. KITTREDGE) introduced a bill (S. 4876) granting an increase of pension to Sanford Burdett, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. BANKHEAD introduced a bill (S. 4877) for the relief of Alberti Operti, which was read twice by its title and referred to the Committee on the Library.

He also introduced a bill (S. 4878) for the relief of Henry C. La Point, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DANIEL introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 4879) to enlarge, extend, remodel, or repair the post-office building of the United States at Danville, Va.; and

A bill (S. 4880) to erect a custom-house and post-office building in the city of South Boston, Va.

He also introduced a bill (S. 4881) granting an increase of pension to Michael Sullivan, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4882) for the relief of the trustees of Macedonia Methodist Episcopal Church South, of Frederick County, Va., which was read twice by its title and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 4883) granting a pension to Eliza A. Thomas, which was read twice by its title and referred to the Committee on Pensions.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4884) granting an increase of pension to Henry C. Ferguson;

A bill (S. 4885) granting an increase of pension to John Marsh; and

A bill (S. 4886) granting an increase of pension to George D. Phillipy.

Mr. LA FOLLETTE introduced a bill (S. 4887) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 4888) granting an increase of pension to Samuel Brundage, which was read twice by its title and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 4889) authorizing the Secretary of the Interior to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians the sum of $50,000, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. DEPEW introduced a bill (S. 4890) granting a pension to Rufus J. Henderson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4891) granting a pension to Thereon W. Haight, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4892) to prohibit the importation, manufacture, and sale of opium in the Philippines and wherever the jurisdiction of the United States Government extends, except through or by approval of opium superintendents appointed by the President, which was read twice by its title and referred to the Committee on Finance.

Mr. WARREN introduced a joint resolution (S. R. 49) authorizing the Secretary of War to permit not exceeding seven Filipinos to receive instruction at the United States Military Academy, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE introduced a joint resolution (S. R. 50) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, which was read twice by its title and referred to the Committee on Interoceanic Canals.

INVESTIGATION OF ACCIDENTS IN MINES.

Mr. HEMENWAY. I intended to submit an amendment proposing to appropriate $120,000 for establishing and equipping a station for the investigation of methods of minimizing accidents and dangers in mines, etc., as an amendment to the urgent deficiency appropriation bill, which has just been reported by the Senator from Maine [Mr. HALE.]

I find that several Senators object to the amendment on the ground that it is not a deficiency; but I desire, for the information of the Senate, to offer the amendment and have it printed along with a statment—an incomplete statement—relating to fatal accidents in the mines of the country. I hope the Committee on Mines and Mining will give the matter consideration. I shall present it in another form later in the session. I should like to have the amendment printed in the RECORD, along with the statement which I furnish, and referred, with the accompanying statement, to the Committee on Mines and Mining.

There being no objection, the proposed amendment and the accompanying statement were referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. HEMENWAY to the bill (H. R. 14706) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, viz: On page 26, after line 11 and before line 12, insert the following:

For establishing and equipping a station for the investigation of methods of minimizing accidents and dangers in mines, to continue available during the fiscal year 1909, the sum of $120,000.

For the investigation of mine accidents and their prevention and the improvement of mine conditions, to continue available during the fiscal year 1909, the sum of $60,000.

For the investigation of methods of preventing waste in the mining, extracting, and utilization of ores and mineral substances other than fuels, to continue available during the fiscal year 1909, the sum of $20,000.

Incomplete statement of the fatal and nonfatal accidents in mines during the month of January, 1908, as gathered from newspaper clippings sent to the Technologic Branch of the United States Geological Survey:

[The clippings represent about one-third of the casualties in the mines during the month.]

January 21. Seven injured, Evanston, Wyo.; explosion of gas.
January 22. Three injured, Sullivan, Ind.; explosion of gas.
January 23. One injured, Jermyn, Pa.; fall of roof.

January 15. One injured, died later, Windber, Pa.; fall of roof.
January 14. One killed, Shamokin, Pa.; fall of coal.
January 22. One killed, Houghton, Mich.; falling timber.
January 24. One injured, Des Moines, Iowa; slide of coal.
January 27. One injured, Scranton, Pa.; premature explosion.
January 22. Nine injured, Ottawa, Ill.; cage falls down shaft.
January 12. One injured, Joplin, Mo.; fall of roof.
January 21. Nine injured, Oklahoma City, Okla.; explosion of gas.
January 23. One killed, Marquette, Mich.; falling timber.
January 21. One injured, Butte, Mont.; crushed by machinery.
January 24. One injured, Hazelton, Pa.; fall of coal.
January 22. Three injured, Webb City, Mo.; fell down shaft.
January 11. One killed and one injured, Wilkesbarre, Pa.; blown out shot.
January 18. One killed, Monongahela, Pa.; crushed between coal cars.
January 22. One injured, Scranton, Pa.; explosion of gas.
January 21. One killed, Springfield, Ill.; fall of roof.
January 20. One killed, three injured, Linton, Ind.; explosion of gas.
January 21. One injured, Girardville, Pa.; crushed by machinery.
January 24. One killed, Wilkes-Barra, Pa.; fall of roof.
January 22. Three injured, Scranton, Pa.; fall of roof.
January 18. One killed, Scranton, Pa.; fell down shaft.
January 18. One killed, Scranton, Pa.; crushed by machinery.
January 18. One injured, Wilkes-Barra, Pa.; crushed by machinery.
January 20. One killed, Wilkes-Barra, Pa.; cause not stated.
January 18. One injured, Pittston, Pa.; premature explosion.
January 20. Six injured, Mahanoy City, Pa.; explosion of gas.
January 16. One killed, one injured, Victor, Colo.; premature explosion.
January 14. One killed, Redding, Cal.; fell down shaft.
January 18. One injured, Scranton, Pa.; premature explosion.
January 10. One injured, Johnstown, Pa.; crushed by car.
January 10. One injured, Nanticoke, Pa.; explosion of gas.
January 8. One injured, Sullivan, Ind.; fall of slate.
January 22. One injured, Latrobe, Pa.; fall of slate.
January 21. Ten injured, La Salle, Ill.; cage falls down shaft.
January 22. One killed, Wilkes-Barre, Pa.; fall of rock.
January 8. One killed, Hartshorn, Okla.; premature explosion.
January 9. Two killed, 8 injured, Princeton, Ind.; explosion of gas.
January 13. One killed, 1 injured, Wilkes-Barre, Pa.; premature explosion.
January 9. One killed, Shamokin, Pa.; premature explosion.
January 10. Two killed, Shamokin, Pa.; explosion of gas.
January 7. One killed, Wheeling, W. Va.; fall of stone.
January 8. One injured, Pittston, Pa.; fall of rock.
January 4. One killed, Birmingham, Ala.; electrocuted.
January 3. One injured, Taylorville, Ill.; crushed by car.
January 20. One injured, Charleston, W. Va.; crushed by coal car.
January 9. One killed, Wheeling, W. Va.; crushed by machinery.
January 8. One killed, Rummell, Pa.; fall of coal.
January 7. One injured, Johnstown, Pa.; fall of coal.
January 9 One injured, Wilkes-Barre, Pa.; crushed by coal.
January 4. One injured, Bingham Canyon, Utah; blown out shot.
January 1. Nine killed, 5 injured, Carthage, N. M.; explosion of gas and dust.
January 15. One injured, Wilkes-Barre, Pa.; crushed by coal.
January 15. Two injured, Shamokin, Pa.; explosion of gas.
January 12. One killed, Wilkes-Barre, Pa.; crushed by coal car.
January 9. Two injured, San Bernardino, Cal.; premature explosion.
January 18. One killed, Wilkes-Barre, Pa.; cause not stated.
January 18. One injured, Scranton, Pa.; caught in machinery.
January 18. One killed, Wheeling, W. Va.; fall of stone.
January 16. One injured, Wilkes-Barre, Pa.; crushed by coal.
January 20. One killed, Wilkes-Barre, Pa.; explosion of gas.
January 21. One killed, Washington, Pa.; fall of coal.
January 21. One injured, Scranton, Pa.; premature explosion.
January 21. One killed, Large, Pa.; fall of slate.
January 20. One killed, one injured, Wilkes-Barre, Pa.; fall of roof.
January 17. Two killed, two injured, Hancock, Mich.; blown out shot.
January 10. One drowned, Wilkes-Barre, Pa.; explosion of gas opened a chamber full of water.
January 3. One killed, Wilkes-Barre, Pa.; crushed by coal car.
January 28. One injured, Dubois, Pa.; blown out shot.
January 28. One injured, Shamokin, Pa.; fell down shaft.
January 27. One killed, Wilkes-Barre, Pa.; crushed by car.
January 30. Nine killed, Hawks Nest, W. Va.; explosion of gas and dust.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to increase the appropriation for pay of Indian agents at the Lower Brulé Agency, S. Dak., from $1,400 to $1,600, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for pay of Indian agents at the Pine Ridge Agency, S. Dak., from $1,800 to $2,500, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $60,000 to enable the Secretary of War to complete the improvement of Grays Harbor and Chehalis River, in the State of Washington, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DEATH OF THE KING AND THE CROWN PRINCE OF PORTUGAL.

Mr. CULLOM submitted the following resolutions, which were considered by unanimous consent and agreed to:

Resolved, That the death by unlawful and inhuman violence of the King and Crown Prince of Portugal is sincerely deplored by the Senate of the United States of America.

Resolved, That a copy of these resolutions be delivered to the President of the United States, with the request that he communicate the same to the Government of Portugal.

CANAL AT FALLS OF WILLAMETTE RIVER, OREGON.

Mr. FULTON. I submit a concurrent resolution and ask that it may be printed and lie on the table. At a subsequent time I propose submitting some remarks in regard to it.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause such survey and examination to be made of the existing canal and locks at the falls of the Willamette River at Oregon City, Oreg., as may be necessary to ascertain what sum of money at present prices of labor and material should be appropriated by Congress, in addition to the appropriation already made by the State of Oregon therefor, to enable the Government to acquire said canal and locks and properly repair the same.

The VICE-PRESIDENT. The resolution will lie on the table.

ACTION OF NEW YORK CITY BANKS.

Mr. CULBERSON. I introduce a resolution and ask that it be printed and lie on the table. I shall call it up for action to-morrow morning, or at least at the earliest practicable date.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if any national banks outside the city of New York complained by telegrams or letters to the Treasury Department, the Secretary of the Treasury, the Treasurer of the United States, or the Comptroller of the Currency, between October 1, 1907, and November 15, 1907, of the refusal of national banks of New York City to pay in cash New York exchange or to respond to calls for reserves; and if so, the Secretary is directed to send to the Senate copies of all such telegrams and letters.

The VICE-PRESIDENT. The resolution will lie on the table.

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. BAILEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, requiring an appropriation by Congress, not heretofore reported.

BITTER ROOT VALLEY LANDS, MONTANA.

Mr. DIXON. Before the close of the morning hour, on account of the urgent necessity for the proposed legislation, I should like to call up by unanimous consent the bill (S. 206) to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 5, before the word "lands," to strike out the words "all the" and insert "the undisposed of," so as to read:

That all the provisions of the present mining laws of the United States are hereby extended and made applicable to the undisposed of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo fork of the Bitter Root River, designated in the act of June 5, 1872.

The amendment was agreed to.

The next amendment was, to add at the end of the bill the following proviso:

Provided, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INQUIRY AS TO CERTAIN WESTERN LAND GRANTS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 31st ultimo, as follows:

Whereas at divers times various railroads and other corporations have received large grants of public lands of the United States, under and by virtue of acts of the Congress, containing conditions to the effect that such lands should be sold to actual settlers only, or in quantities not exceeding for any one purchaser a limit fixed by the act relating thereto, or at a price per acre not greater than an amount mentioned in the act authorizing such grant, to the end that such lands might promptly become the homes of citizens of the United States; and

Whereas it is currently reported and widely believed that the Department of Justice has information to the effect that certain of the corporations aforesaid, or their alleged successors in title, having obtained colorable title to large tracts of land within a State or States of the

Pacific slope by virtue of the grants above mentioned, and still holding considerable portions thereof, have violated or evaded the equitable and salutary conditions so as aforesaid imposed by the Congress upon such grants for the public good; yet the Senate is not advised that any action has been taken by the Department of Justice to enforce the said conditions or restore the said lands to the public domain: Now, therefore, be it

Resolved, etc., That the President be requested, if not incompatible with the public interest, to inform the Senate what information, if any, has been received, and what action, if any, has been taken by the Department of Justice with respect to the matters and things in the preamble to this resolution set forth.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILL REFERRED.

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," was read twice by its title and referred to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On January 31:

S. 456. An act to provide for the holding of United States district and circuit courts at Salisbury, N. C.

On February 1:

S. 2694. An act to authorize the construction of a drawbridge over the Black River, in Lawrence County, Ark.

ALASKA-YUKON-PACIFIC EXPOSITION.

The VICE-PRESIDENT. The morning business is closed.

Mr. PILES. I ask that the bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, be laid before the Senate, that I may make some remarks thereon.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Chair lays the bill before the Senate.

The SECRETARY. Rule IX, Order of Business 39, a bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909.

Mr. PILES. Mr. President, in calling the attention of the Senate to the bill which has just been reported, I desire to state at the outset that the Government is not asked to finance this proposition or to give any assistance, by way of a loan, to the exposition. The Government is simply invited to participate as are foreign countries and the several States of the Union. The bill especially provides, by section 11, that the Government shall not, in any manner or under any circumstances, make a loan, directly or indirectly, to the exposition or for its benefit, nor appropriate any money other than the sums provided for in this bill. The Government is asked to appropriate $700,000 for participation in the exposition, divided as follows: Two hundred and fifty thousand dollars for Government exhibits, including the special fisheries exhibit, the special life-saving exhibit, and the special exhibit of the Bureau of the American Republics; $100,000 for Alaskan exhibits; $25,000 for Hawaiian exhibits, and $25,000 for Philippine exhibits—a total of $400,000 for exhibits; and $300,000 for buildings. The buildings provided for in the bill are a Government building, an irrigation and biograph building, a fisheries building complete, and buildings for the exhibits from Alaska, Hawaii, and the Philippine Islands.

PURPOSES OF THE EXPOSITION.

The people of the Pacific Northwest, feeling that a concerted effort should be made to stimulate our commerce in the Pacific Ocean countries, and to make known the wonderful resources of Alaska and our island possessions and the possibilities of that great western country, concluded to hold an exposition at the city of Seattle, commencing on the 1st day of June, 1909, and ending on the 15th day of October of that year. An exposition company was formed at Seattle with a capital stock of $500,000. The people of that city were asked to subscribe to this capital stock. A day was set apart for that purpose, and, on the day named, subscriptions to the amount of $654,000 were tendered by our local citizens. A committee of business men carefully examined the offers made, and, after eliminating all doubtful ones, there remained subscriptions to the amount of $625,000. The capital stock of the company having been oversubscribed by the citizens of Seattle in a single day, the same was thereafter increased to $800,000. So far no subscriptions have been invited to the unsubscribed $175,000 of increased capital stock. The subscriptions are payable in four equal installments. So far $412,000 has been paid in cash. The remaining installment is not payable until April of this year.

APPROPRIATIONS BY WASHINGTON AND OTHER STATES.

The State of Washington has appropriated $1,000,000 in aid of this enterprise, and our legislature passed an act authorizing the several counties of the State to levy a tax for the purpose of raising a fund for individual county exhibits. Under this act the sum of $278,000 will be raised. So far, I am credibly informed, some $200,000 has been provided in this manner for the purposes indicated, making a total of over $2,000,000 which the people of the State of Washington alone will contribute toward this great enterprise.

The exposition is to be held upon the university grounds of the State, at the city of Seattle, which front, from a westerly view, on Lake Union, mirrored in the heart of the city, and from an easterly view, on Lake Washington.

The State of California has appropriated $100,000 for participation in the exposition, and the State of Oregon a like sum for that purpose. Other States have made appropriations, and the management feel confident that all of the Western States and a great many of those on the Atlantic seaboard will be handsomely represented. And I am reliably informed that the Canadian government will make an appropriation in behalf of the Canadian Yukon territory as soon as Congress recognizes the exposition by providing for participation therein.

We have extended the Government an invitation to participate with us in the exposition, and I do not believe that it can afford to refuse to accept, or that it will refuse to accept, our invitation. It would be a most unusual thing for the Government to refuse to participate in an exposition of this character, held for the purpose of developing our trade along lines which have been already too long neglected.

BENEFIT TO HAWAII AND THE PHILIPPINES.

The people of Hawaii and the Philippine Islands are exceedingly anxious to participate, and I am sure it would be most gratifying to them to know that Congress had manifested a disposition toward granting their wishes in that regard.

I visited the Hawaiian Islands in company with a Congressional party last summer. The people of the islands were exceedingly gratified to see us because they felt that, by our visit in a body, the continental country was at last becoming personally interested in their welfare. The people out there are striving to make known their wonderful resources and to invite an immigration which will aid in developing the islands along agricultural and other lines which may be profitably pursued by small investors.

The exposition will tend to bring about a better feeling between the people of the islands and the continental country. In fact the whole country will be greatly benefited by an exposition of this character, and especially Alaska, which is, after all, one of the richest portions of our domain.

And now, Mr. President, what of Alaska, with its more than 590,000 square miles of territory and 26,000 miles of coast line? Its purchase in 1867 from the Russian Government for $7,200,000 was bitterly opposed by some of our then most distinguished statesmen upon the ground, among others, that it was an inhospitable and worthless land.

EARLY OPINIONS OF ALASKA.

In view of its wonderful productivity, it may be of interest to notice briefly what was said by some of our leading public men respecting Alaska at the time the treaty was negotiated; and to also say something of its commerce, climate, and agricultural and general resources.

Mr. Washburn, of Wisconsin, speaking in the House in December, 1867, with respect to Mr. Seward's negotiation of the treaty, said:

> * * * No man in the United States had asked for the negotiation of this treaty or that that country should be acquired. There was no public sentiment in favor of it, and not a single newspaper in the whole length and breadth of the land had ever advocated it. Yet, sir, in the absence of all this, and upon his own motion, the Secretary of State enters into a contract to pay the Government of Russia the sum of $7,200,000 in gold for a tract of country—in regard to which he knew little or nothing—that we did not need, that nobody wanted, and as far as known was utterly worthless.
>
> * * * I make no doubt that both France and Spain abandoned their pretensions to it (Alaska) simply because they regarded the whole country as absolutely valueless. Certain it is that the whole civilized world were content to allow Russia to possess and occupy it. * * * The propriety of its acquisition had never been mooted or discussed anywhere in the country. No newspaper had ever advocated it. No public man had ever publicly advocated it. Nobody demanded it. Nobody wanted it. Nobody had any information in regard to it. Yet, in the absence of all these things, * * * the Secretary of State undertakes to wrench from our tax-ridden people the large sum of $7,200,000 in gold, regardless of their wishes and in wanton disregard of the general welfare.

The hint upon which the honorable Secretary appears to have acted came from the legislature of the Territory of Washington in the shape of a memorial.

MEMORIAL TO CONGRESS IN 1866.

The memorial referred to by Mr. Washburn passed the house of representatives of that Territory January 10, 1866. It showed that an abundance of cod, halibut, and salmon of excellent quality were found along the shores of the Russian possessions, and requested the President to obtain such rights and privileges from the Government of Russia as would enable American fishing vessels to visit the ports and harbors of Alaska to the end that fuel, water, etc., might be easily obtained. Proceeding, the speaker said:

Who gave him (the Secretary of State) the right to squander millions of the money of the people at this time of general financial distress and to complicate us with a foreign power that it was urged, as an excuse why the treaty should be ratified, that we would offend Russia if we did not? * * * The Czar has a minister here who has lived in this capital for twenty years. He speaks our language, and should be by this time somewhat familiar with the workings of our Government. He knew perfectly well, when he was overreaching our Secretary in his land trade, that the Secretary was promising what he had no power to perform without the aid of this House. * * * With an Indian war on our hands that is costing us untold millions, it is proposed to pay $7,200,000 for a country where none but malefactors will ever live and where we are likely to be at constant war with the savages. * * *

After denouncing the treaty as an outrage on the rights of the American people, Mr. Washburn, continuing, said:

Persons well informed as to Alaska are ungrateful enough to hint that we could have bought a much superior elephant in Siam or Bombay for one-hundredth part of the money, with not a ten-thousandth part of the expense incurred in keeping the animal in condition.

GEN. BENJAMIN F. BUTLER'S VIEW.

Discussing the same subject, Gen. Benjamin F. Butler, of Massachusetts, in the House of Representatives, said:

If we are to pay for her (Russia's) friendship this amount, I desire to give her the $7,200,000 and let her keep Alaska, because I think it may be a small sum to give her for her friendship if we could only get rid of the land, or ice, rather, which we are to get by paying it. * * * I have no doubt that at any time within the last twenty years we could have had Alaska for the asking. I have heard it so stated in the Cabinets of two Presidents, provided we would have taken it as a gift. But no man, except one insane enough to buy the earthquakes in St. Thomas and ice fields in Greenland, could be found to agree to any other terms for its acquisition by this country.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I desire to ask the Senator from Washington from whose speech he is quoting?

Mr. PILES. I am quoting from a speech by Gen. Benjamin F. Butler, of Massachusetts.

When the Committee of the House on Foreign Affairs had under consideration in May, 1868, the question of reporting a bill providing for an appropriation to carry out the terms of the treaty, the minority, after disparaging the climate and ridiculing Secretary Seward, reported as follows:

* * * A minority of the committee, having considered the various questions involved and the evidence in regard to this country under consideration, are forced to the conclusion that the possession of the country is of no value to the Government of the United States; that it will be a source of weakness instead of power, and a constant annual expense for which there will be no adequate return; that it has no capacity as an agricultural country; that its timber is mostly confined to a narrow strip of country only 30 miles wide, south of Mount St. Elias, and is generally of a poor quality and growing upon inaccessible mountains; that its fur trade is of insignificant value to us as a nation, and will speedily come to an end; that the fisheries are of doubtful value; and that, whatever the value of its fisheries, its fur trade, its timber, or its minerals, they are all open to the citizens of the United States under existing treaties; that the right to govern a nation or nations of savages in a climate unfit for the habitation of civilized men is not worthy of purchase.

These, Mr. President, are but a few of the many similar utterances which might be cited, but I forbear taking up further time of the Senate in referring to them.

SEWARD'S GREATEST ACHIEVEMENT.

Let us see now, sir, what has become of the contentions of those who opposed the purchase of Alaska, and of the predictions of that statesman who, in favoring its purchase, looked into the future with prophetic vision.

Westward, Mr. President, the course of empire has taken its way, and, as Thomas Jefferson was responsible for the acquisition of Louisiana, so William H. Seward was responsible for the purchase of Alaska. It is said that when that great statesman was nearing the end of his eventful life, in 1872, he was asked what he considered the greatest achievement of his public career of forty years, and he answered: "The annexation of Alaska, but it will take the country a generation to find out Alaska's value."

In 1858, while Mr. Seward was a member of this Senate, in the course of a speech which he then delivered, he gave utterance to this sentiment:

The Pacific Ocean, its shores, its islands, and the vast regions beyond will become the chief theater of events in the world's great hereafter.

In 1860, about three years before the Russian fleet stood in the New York Harbor during our Civil War, and seven years before concluding the purchase of Alaska, while addressing the citizens of St. Paul, Mr. Seward said:

Standing here and looking off into the westward I see the Russian as he busily occupies himself in establishing seaports and fortifications on the verge of this continent as the outposts of St. Petersburg; and I can say, "Go on and build your outposts all along the coast, up even to the Arctic Ocean; they will yet become the outposts of my own country—monuments of the civilization of the United States in the Northwest."

PRODUCTION OF GOLD $107,000,000.

The statements of Mr. Seward, which I have just read, illustrate the farsightedness of that eminent statesman, and prove beyond peradventure that he urged the purchase of Alaska, not for the mere purpose of pleasing Russia or of making her a present in recognition of the friendly disposition which she manifested toward this country in sending her fleet to the Atlantic coast during the civil war, as was charged at the time the treaty was made, but because he foresaw, better than any other man of his time, the real value of Russia's possession in the Pacific Northwest to the American nation.

Alaska, Mr. President, was little known in the world's history or in the world's commerce before the discovery of the placer diggings in the Klondike was made known in 1897. Those who considered it from a distance looked upon it as a barren, frozen waste, incapable of producing anything besides ice and furs. Since that time it has added to the gold wealth of our country more than $107,000,000, and has in no small degree contributed toward making us one of the greatest gold-producing nations of the world; and yet the interior, in which the placer diggings are found, has been barely touched. But gold, extraordinary as the production of it is, and increasing as it must from year to year for at least half a century yet to come, is not the sole wealth of Alaska. It has copper—mountains of it—tin, marble, gypsum, lead, iron, silver, and coal—not only in veins but in extensive ledges of great depth and of the very finest quality—besides its forests and fields of petroleum.

POPULATION AND COMMERCE.

While Alaska at the present time, Mr. President, has a population not exceeding 90,000 souls, about 35,000 of whom are white, the annual commerce between it and the United States proper amounts to approximately $50,000,000.

There are now engaged in commerce between the ports of Puget Sound and Alaska twenty-two ocean-going steamships, where, prior to 1897, there were but three or four. There are also engaged in trade on the upper and lower Yukon and the Tanana rivers seventy-two steamers and fifty-two freight barges; whereas, before the discovery of the Klondike placers, there were no vessels of any character engaged in commerce on any of the interior rivers of Alaska save a few small craft trading with the Indians and hunters along its streams.

RAILROADS IN ALASKA.

Mr. President, when I first visited that Territory in 1883, and looked upon the range of mountains which separates the lakes and the upper Yukon from tide water, I little thought that within a period of seventeen years from that time there would be constructed a line of railway across those mountains; but such, sir, is the fact. The White Pass Railroad is and has been in operation across the mountains from Skagway to White Horse, a distance of 112 miles, since 1900. And as an evidence of the progress that is being made in Alaska, I may say in passing, that there are now several hundred miles of railways under construction in that Territory from various points on the seacoast to the interior. When the roads now under construction and those contemplated shall be completed, and the exposition shall bring prominently into public view the possibilities of that northern region, the population of the territory will be largely increased and its resources speedily developed.

ALASKAN FISHERIES.

The production of the Alaskan fisheries, while in their infancy, amounts annually to from $8,000,000 to $10,000,000, a larger sum of money for one year's yield of fish than this Government paid for the whole Territory. The fisheries of that Territory have produced, since its purchase, more than $150,000,000. It is said that there are no fisheries in the world which can surpass those of Alaska, because its many streams flowing into Bering Sea and the Pacific Ocean are peculiarly salmon streams,

due in a large measure to the fact that they are what we call "midwaters" between the Arctic and Tropic regions, being far enough north to be absolutely pure and far enough south to be tempered by the warm North Pacific or Japan current.

Cod fishing is an inviting field of enterprise. More than 25,000 square miles of cod banks are now profitably worked, according to Government reports, and it is claimed that we have something like 125,000 square miles of this character of fishing in connection with the Alaskan coast. With this immense area, plentifully supplied, one can readily imagine what may be expected from the cod banks of Alaska in the near future. While numerous varieties of food fish are found in great abundance in those waters, salmon is essentially the fish of Alaska, and long after the production of gold and other minerals in that Territory shall cease to be one of the world's wonders, its fish, if this industry be properly protected, will be feeding the millions of the earth.

CLIMATE.

The mention of Alaska, Mr. President, to those unfamiliar with its climatic conditions generally brings up visions of snow and ice. That Territory, with the Arctic Ocean on its north and the thermal currents of ocean and air from the Pacific on its south, has probably a greater variety of climates than it has of minerals. I presume there are more warm days in the winter along the southeastern coast of Alaska than there are in this capital city during the same season. While the thermometer in the interior sometimes drops to 60° or 70° below zero, the cold is not as intense there as it is in northern Minnesota or the Dakotas. This is due to the absence of high winds and to the dryness of the atmosphere, in consequence of which there is very little, if any, suffering from cold. The summers in the interior of Alaska are most delightful; they are not excelled anywhere, even in the most favored latitudes. I have had prepared, under the direction of the Chief of the Weather Bureau, a table of comparative temperatures of various cities in the United States proper and points in Alaska, which I ask to have printed as a part of my remarks, as it will give a fair understanding of the climatic conditions of that Territory as compared with those in other parts of the United States.

ALASKA AN AGRICULTURAL COUNTRY.

No State or Territory, Mr. President, can become permanently great without farms and farmers; and Alaska, I am happy to say, is able to furnish homes to the agriculturalists, notwithstanding what was said against her many years ago and what is now thought of her in some sections of the country.

There are, I am told by as high an authority as the Secretary of Agriculture, from 60,000,000 to 100,000,000 acres of agricultural land in that Territory, or more acres of farming land there, taking the latter figures as a proper estimate, than the total land area of New England, New York, and Pennsylvania combined.

The soil in the valleys is exceedingly rich; and that it has been ground up by the glaciers at the heads of the streams on the mountain summits and carried down the sides of the mountains and deposited in the valleys for many ages is evidenced by the fact that miners in search of gold have dug down 50 feet into this glacial silt and still found rich, alluvial soil.

The Tanana Valley, in which the prosperous town of Fairbanks is situated and which has produced within the last seven years from $22,000,000 to $24,000,000 in gold from its frozen soil, has an average breadth of from 30 to 35 miles and a length of from 800 to 900 miles. It is capable of sustaining, I am told by well-informed residents of that valley, a farming population of from 300,000 to 500,000 people. The ground in the valley is frozen to a depth of probably 100 feet, but commences to thaw in March or April and thaws to a sufficient depth to permit of cultivation. Wild cranberries, said to surpass the cultivated berry of New Jersey, grow there in great profusion, as do also wild strawberries, raspberries, huckleberries, and currants. Practically all small fruits and vegetables of the very finest quality grow in this valley, where, say, from 3 to 4 feet below the earth's surface ice and frozen ground are found. This element, however, adds great value to the soil in that it produces subirrigation, without which the valley, for agricultural purposes, would be an arid waste, the rainfall being insufficient to produce crops. Tests have been made, and it has been found that the hardier grains grow and ripen there without difficulty, although I do not claim that it will ever be a great wheat or grain producing country. There are thousands of acres of meadow lands in the valleys of Alaska—in fact, the whole interior is a fine grass and hay region. Even Kentucky blue grass grows in that northern climate in all its grace and peculiar beauty.

The Tanana and Sushitna form practically one great valley. The soil, however, in the latter does not freeze as it does in the former, and it neither has nor finds necessity for subirrigation, because, being close to the coast, it is watered by the vapor condensed by the high range of mountains between it and the Tanana.

The Copper River Valley is an enormous flat country, and was formerly undoubtedly an inland sea which finally broke through the mountains, making the river which drains the valley bearing its name. This valley is about 100 miles square, and it and many others which I might mention are as productive as the Tanana.

NEARLY TWENTY-FOUR HOURS SUNSHINE.

The length of the day in the Tanana and its tributary valleys in the months of May, June and July is practically all of the twenty-four hours, the sun rising at 1:30 o'clock in the morning and setting at about 10:30 at night. In other words, darkness does not penetrate that region in the months I have named, and crops therefore mature very rapidly during the long hours of the hot summer sun.

A distinguished Government official informed me that during the month of June he camped for seven days 10,000 feet up on the side of Mount McKinley, the highest peak in North America, having an altitude of 20,464 feet; that during that time he beheld a sight seldom witnessed by man, that of the sun standing in full view for seven days and nights. That was indeed a rare scene, Mr. President, but only one of the many wonders of that northern land.

TRANSPORTATION REQUIRED FOR DEVELOPMENT.

I do not mean to say, sir, that Alaska now offers opportunities to a large farming population. On the contrary, it does not; but it does offer at the present time opportunities in that respect to the pioneer farmer. Before, however, it can support anything like a large farming population, railroads must tap the great valleys and open up the coal fields, the copper deposits, and the placer diggings, which can not now be worked, owing to the lack of transportation facilities.

GOVERNMENT PARTICIPATION A GOOD INVESTMENT.

It seems to me, Mr. President, that the contention that this exposition will be of little or no benefit to the Government must be made by those who have not well considered the subject; for will anyone deny that, if the products of Alaska are sufficiently exhibited, and the facts which I have stated amply demonstrated, the population of the Territory will be greatly and speedily increased and its resources more fully and quickly developed? The sum asked is but paltry as compared with the benefits which the Government will receive, not only by the growth in population of the Territory, which means the acquisition of homes by the thousands who need and can not elsewhere find free homes or opportunities to better their condition, but from the much-needed increase in the production of gold, coal, and other Alaskan products which will necessarily follow a further development and an enlarged population.

If the $107,000,000 in gold which Alaska has produced since 1897 should be withdrawn from circulation to-day, we would quickly recognize the importance of that Territory as a great treasure house, and lend all possible assistance toward its reproducing a similar amount at the earliest possible moment. But there are some, sir, who hesitate to aid an enterprise which will, in the nature of things, stimulate the production of gold in that Territory. Of what consequence is a million dollars to this Government as compared with the advantage it will gain from the increase in the production of gold of ten or twenty millions of dollars a year for many years to come in a given section of the country? No one familiar with Alaska, and understanding its gold-producing power, will deny that this exposition will further such increase in production by bringing sharply to the attention of the people the hidden wealth in the placer diggings, the manner in which the gold in these diggings is mined, and the fact that it is that character of mining which may be prosecuted with the pick and shovel, without the expenditure of large sums of money which is necessary in the development of quartz claims.

VAST DEPOSITS OF MERCHANTABLE COAL.

Then, sir, take the question of coal. For many years the Government has been purchasing the higher grades of coal for its vessels and naval stations on the Pacific coast in foreign markets, while millions of tons of the very finest steam coal lie undeveloped in Alaska. At present two fields of coal of large extent are known to exist in that Territory; they have been the subjects of careful examination by the Geological Survey. The Controller Bay field has an area of about 120 square miles.

Professor Martin, of the Geological Survey, in speaking of this coal, said:

* * * In heating power, as well as in the low amount of impurities, it is almost identical with the Pocahontas steam coal of West Virginia, but excels this coal by having a higher proportion of fixed carbon. There is no other coal with which it is likely to come into general competition with which it is to be compared, for it is higher in heating power and in purity than any coal that is mined upon the Pacific coast, either in the United States, in Canada, or Australia.

Coal has been discovered on the Pacific Ocean side of the Alaska Peninsula as far out as Portage Bay, some 200 miles farther west than Honolulu, and within convenient reach of vessels traversing the shortest steamer route from this country to Asia. Portage Bay is said to be a well-protected harbor, and it needs no exaggerated statement to emphasize the value of a coal mine situated 200 miles farther out into the Pacific Ocean than the city of Honolulu as a coaling station for our naval fleet and merchant vessels.

The Government is certainly interested in having the Alaskan coal fields developed, which are underlaid with the character of coal demanded in our naval service. We have important naval stations on the Pacific which require large quantities of coal for their use. We build ships of the highest efficiency at great expense; they require the highest and best grade of fuel that can be obtained for their operation; to give them any less than this is to take away the very efficiency which we have spent millions of dollars in securing in their construction. Testimony given before the Committee on Territories of the Senate, while considering the matter of railroad construction for the development of Alaska, tended to show that the introduction of this and the Matanuska coal (also a field of large area and of high quality) would probably save the Government in the Navy alone a very large sum of money every year.

RESOURCES MUST BE MADE KNOWN.

These vast natural resources will not be developed by the investment of the necessary capital until they become known to the public; and the prime object of having Alaska fairly represented at the exposition is to bring her natural resources to the attention of the people in the most convincing way, so that an interest may be aroused in their early development.

The Government, Mr. President, should in my judgment give its encouragement to any meritorious movement looking toward the advancement of the country and the development of our trade and natural resources. We have, since 1803, added 2,937,613 square miles of contiguous and noncontiguous territory, the greater portion of which lies west of the Mississippi River. For this territory we paid a little more than $87,000,000. The Government has lost nothing by investing in the western country. Statistics show that it has, in the thirty years ending June 30, 1906, received from the sales of public lands west of the Mississippi River more than $140,000,000; and there is yet remaining west of this river public lands of the value of more than $500,000,000, computed at $1.25 per acre.

And the Government will lose nothing by encouraging this exposition, as it will make known the resources of a new and productive land and aid in developing our commerce and in promoting our trade from a practical business standpoint, which will result in substantial benefit to the country at large. As an encouragement to other States and countries in making displays at the exposition; as a means of calling attention to the present importance and future possibilities of the western coast, Alaska, and our possessions in the Pacific, and, finally, as a means of fostering commerce in the Pacific and placing ourselves in close touch with the other countries which participate in that commerce, the Government should make an adequate exhibit which will prove an investment producing manifold returns to the people; and in this the Government is vitally interested. It is expending annually, through the several Departments, large sums of money to promote commerce, agriculture, and the various industries of the country. Participation in this exposition will therefore be a means to the end which the Government is striving to attain through the expenditures of the Departments for the purposes indicated, and will, so far as it goes, produce equal if not better results.

IMPORTANCE OF THE WEST TO THE UNITED STATES.

The exposition will bring together the people and products from Alaska, from the Canadian Yukon, from the west coast of Canada, from the islands of the Pacific, from the Orient, from the west coasts of South and Central America, and the Republic of Mexico. It will introduce, from the participating States and countries, the producers and the consumers, and will lead the people of the eastern, southern and central portions of the United States to understand what the West, constantly becoming a stronger factor in our national life, really is.

No man of this century will deny the wisdom of Mr. Seward's prophecy concerning the future of the Pacific Ocean. The commercial powers, once unmindful of its importance, have invaded it. There is hardly an important European power that does not occupy one or more of its islands, in whole or in part, not for the purpose of benefiting the natives, but for the purpose of promoting its commerce in the most fruitful field on earth today. Our country, with its natural advantages, is, without question, the best equipped of all the nations in the struggle for the commercial mastery of the Pacific. To become predominant, it has only to make use of its superior opportunities for exploitation. The importance of the Pacific Northwest in this struggle can not well be overestimated.

We are told that the commerce of Holland, as early as the sixteenth century, gathered into her harbors the fruits of the wide world. That while she produced practically no grain, she had the best supplied granaries of Europe; without fields of flax, she swarmed with weavers of linen; without flocks, she became the center of all woolen manufactures; and that provinces that had not a forest built more ships than all Europe besides. If Holland, Mr. President, without the material elements which inhere in the greatness of a state, could build such a commerce, what, sir, shall be the future commercial greatness of the Pacific Northwest, with its immense wheat fields, flocks of sheep, and herds of cattle; its forests that can not be approximated elsewhere on the globe; its diversified farm products; its capacious harbors; its numerous water courses teeming with merchantable fish; its inexhaustible fields of coal, iron, and other mineral wealth, to supply an old, yet a new world, lying to its westward inviting its trade?

POPULATION AND COMMERCE OF PACIFIC COUNTRIES.

The statistics of the Department of Commerce and Labor show that the countries bordering on the Pacific, exclusive of the United States, have an area of 17,096,060 square miles, and a population of more than 904,000,000 people. The total annual foreign commerce of these countries is now nearly $4,000,000,000, and is growing enormously. The trade of Central and South America on the Pacific side should not be overlooked or neglected by us if we expect to participate in their future development. Their annual importations amount to nearly $600,000,000, while they export during the same period commodities of the value of more than $800,000,000. We can, by proper attention and through the medium of this exposition, lay the foundation for increasing our trade and friendly relations with these rapidly developing countries.

TRADE OF THE UNITED STATES WITH CHINA AND JAPAN.

The growth of our commerce in the Orient has been not only surprising but gratifying under the circumstances. The exports from this country to the Chinese Empire did not amount to $10,000,000 until 1897. In that year, however, the value of our exports was nearly $12,000,000, while in 1902 they jumped to $24,531,118, and in 1905 to $53,301,131.

The history of our trade with Japan is even more striking. The imports of that country in 1892 amounted to but $48,858,000. Of this the United States furnished only $4,102,000; while in 1905 the total imports of Japan amounted to $243,291,932, of which $51,934,691 came from this country; or, in other words, Japan received from us in that year a little more than one-fifth of her total importations.

The showing we have made is not what it should or would be if our trade in the Pacific had been properly fostered, but it foreshadows our future possibilities in the Orient. Statistics show that Great Britain, much farther from the Asiatic markets than we are, has during the last fifteen years furnished 21.78 per cent of the importations of China and Japan, while we have furnished to these countries but 10.71 per cent of their importations during the period mentioned.

That the burden of developing our oriental commerce rests largely with the Pacific coast cities is, I think, generally admitted, and the fostering of this commerce for the future may be greatly influenced by the attitude of the Government toward such agencies as the proposed exposition for its development.

ONE EXPOSITION WEST OF THE ROCKY MOUNTAINS.

In the entire history of the country but one appropriation has been made by the Government for an exposition west of the Rocky Mountains. That was for the Lewis and Clark Centennial Exposition held at Portland, Oreg., in 1905, and for which the Government appropriated only $475,000, while I believe each State on the Pacific slope has contributed liberally to every exposition that has been held in the United States since those States were respectively admitted into the Union. At any rate, they have, with characteristic western spirit, cheerfully borne their share of the nearly $28,000,000 that have been appropriated for other expositions held in different sections of the country.

ALASKA'S CONTRIBUTION TO THE WEALTH OF THE NATION.

Alaska, Mr. President, has contributed her share to the wealth of the nation, and she is entitled to encouragement and recognition at the hands of the Government. She has paid into the Treasury of the United States, in round numbers, $12,000,000 in revenue alone, and her productions of gold, fur, and fish have yielded more than $300,000,000. She will continue that contribution to a much larger degree as the years roll on. She is incapable of raising revenue to enable her to participate in the exposition because, notwithstanding her immense wealth and her capacity to produce, she has no form of government under which she can, by taxation or otherwise, raise a fund for this or any other purpose. She must therefore look to the Government, to which she has so freely given, to aid her in participating in the exposition which will so greatly facilitate her advancement.

SEWARD'S PROPHECY COMES TRUE.

Mr. President, the prophecy of William H. Seward has been fulfilled. We have, after a lapse of a generation, come to know, to some degree at least, the benefit and value of that vast domain which he so wisely purchased in 1867. We know from his public utterances that he foresaw the value of Alaska as far back as 1860, and that he was wise enough and courageous enough to purchase it in 1867, in the face of the fiercest opposition and the loudest denunciations.

The people of the Pacific coast, by reason of their close business relations with that Territory, understand its value; they read its future; they know what it holds in store for the people, and they hope that Congress will aid them in exhibiting its resources on a scale commensurate with its importance, for without Congressional aid Alaska must go unrepresented and the exposition become local instead of international in its scope.

We hope the present Congress will not be as reluctant in taking advantage of opportunities in the Pacific Northwest as were some of our former statesmen when the Oregon question was before the country or when Mr. Seward negotiated the treaty for the purchase of Alaska.

THE "OREGON COUNTRY" SAVED BY THE PIONEERS.

Mr. President, the lines of Whittier—

> I hear the tread of pioneers,
> Of nations yet to be,
> The first low wash of waves where soon
> Shall roll a human sea,

are peculiarly applicable to that other land, formerly known as the "Oregon country," of which I shall now speak briefly, and which, when the pioneers were struggling to settle and to save for the people of this Republic, was as harshly spoken of in some quarters, and as indifferently treated in others, as was the proposed purchase of Russia's former possession in North America.

Senator Dickerson, of New Jersey, in February, 1825, expressed the hope in the Senate that the American and British Governments would give the Oregon country to the Indians. He said that it could never become one of the United States, and that if our laws were extended to it, it would have to be considered as a colony; that it could never be of any pecuniary value to us, but that it might be the means of promoting, in a most signal manner, the cause of humanity by being presented to the Indians.

SENATOR BENTON'S PLAN.

Senator Benton, in March, 1825, though speaking very flatteringly of the western part of the country and strongly advocating its acquisition, took it for granted that the ridge of the Rocky Mountains might be named without offense as a convenient, natural, and everlasting boundary between the Atlantic and Pacific coasts. He advocated planting the seed of a new power on the Pacific coast, but said that the new government, when strong enough to take care of itself, should separate from the mother country as the child separates from the parent at the age of maturity.

Senator McDuffie, speaking in the Senate in January, 1843, with respect to establishing military posts in the Pacific Northwest, that the pioneers might have military protection against the attacks of the savage tribes, among other things, said:

* * * Now, it is one of the most uncalculating measures which was ever brought before the Senate. For whose benefit are we bound to pass it? Who are to go there, along the line of military posts and take possession of the only part of the territory fit to occupy—that part lying upon the seacoast, a strip less than 100 miles in width; for, as I have already stated, the rest of the territory consists of mountains almost inaccessible and lowlands which are covered with stone and volcanic remains, where rain never falls, except during the spring; and even on the coast no rain falls from April to October, and for the remainder of the year there is nothing but rain. Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole territory. I wish to God we did not own it. I wish it was an impassable barrier to secure us against the intrusion of others.

PRODUCTS OF FARMS IN THE STATE OF WASHINGTON.

I may be pardoned, Mr. President, if I say in this connection that the State of Washington, which I have the honor to in part represent here, with less than one twenty-sixth of her area seeded, harvested more than 35,000,000 bushels of wheat last year. Her crops of barley and of oats are nowhere surpassed. That portion of Washington which the Senator said was covered with stone and volcanic remains, produced last year, in addition to its generous yield of wheat and other farm products, fruit of the value of $16,000,000.

Farming in the rich valleys of Washington is not confined to fruit growing, for the heavy crops of hay mown from the alfalfa meadows, which yield from three to five crops each season, are almost as valuable as the products of the trees.

I have mentioned, Mr. President, only a few of the agricultural products of but one of the States situated in that country which the Senator said was worthless for agricultural purposes.

That portion of the State bordering upon the seacoast, while favored with many fertile valleys and agricultural fields of large extent, has as its chief product timber. Last year the timber product of the State reached the value of $70,000,000, a sum greatly in excess of the value of the wheat crop of the most favored grain State in the Union.

It is not necessary to call the attention of the Senate to other remarks similar to those of the Senator last quoted, as enough has been submitted to show the esteem in which the country was held at that time by some, and the belief entertained by others, that it was not then and never would be of any material value to the American nation.

DANIEL WEBSTER THOUGHT OREGON A POOR COUNTRY.

I was somewhat surprised in my investigation of this subject to find in what slight estimation even Mr. Webster, as late as 1844, held the Oregon country. In writing to Edward Everett, then minister to England, in January of that year, Mr. Webster said:

* * * I feel a good deal of anxiety about the Oregon business. On one side, portions of the English press, especially The Times, appears to me to be doing great mischief by its abusive and reproachful articles; and, on the other side, there are not a few persons in this country, as you know, quite desirous of finding some excuse for difficulty and trouble with England. I most sincerely hope the two Governments may be able to come to an agreement. From present appearances it is not probable that either House will, at present, recommend to the President to give the necessary notice for the termination of the convention of 1818. *I believe Oregon to be a poor country, in no way important to England, except that she happens to have settlements in that region, and of very little consequence to the United States.*

I imagine, Mr. President, that if Mr. Webster could have foreseen the value of that region to us as a nation, and what it shall mean to us in the future, he would, instead of minimizing its importance in the language I have just quoted, have thrown the force of his powerful influence on the side of the pioneers in their early struggle; and that, if he were alive to-day, and could now see what a splendid outlet British Columbia affords Great Britain through Canada to the Pacific Ocean and to the vast trade and possibilities beyond, he would realize *why England regarded the Oregon country as of importance to her*, and would give much to recall his statements.

Continuing, Mr. Webster said:

The ownership of the whole country is very likely to follow the greater settlement and larger amount of population, proceeding hereafter from whichsoever of the two countries. * * *

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. PILES. Certainly.

Mr. FULTON. If it will not disturb the Senator I should like to state right here an interesting fact, I think, in connection with the quotation the Senator has made from Mr. Webster, to indicate what slight attention the statesmen of those days paid to that far western country and its development. It is illustrated by the fact that in 1843—that remark, I think, was made by Webster in 1844——

Mr. PILES. Eighteen forty-four.

Mr. FULTON. In 1843 nearly 1,000 American citizens crossed the continent from the Missouri River to the Pacific coast and settled in the Oregon country, and yet it seems that the statesmen of that time had little appreciation of the wonderful attractiveness of that great country.

Mr. PILES. The Senator from Oregon is correct.

NATION'S DEBT TO THE EARLY SETTLERS.

To my mind, Mr. President, our ownership of the Oregon country is due to the courage and patriotic determination displayed by the hardy pioneers who in the early days peopled and held that region.

Although the treaty of October 20, 1818, between Great Britain and the United States for the joint occupancy of the Oregon country (which was continued by special convention in 1827 for an indefinite time, with the stipulation that either power might terminate the arrangement upon twelve months' notice) was made without prejudice to the rights of either power, it must, I think, be apparent to all thoughtful students of our history, that had the American pioneer failed to push his way across the mountains, to found American settlements and establish an American form of government in that country, it would in the end have been so largely peopled by British subjects as to have been entirely lost to us.

Mr. Webster believed, as late as 1844, as I have already shown, that the greater settlement and larger amount of population of either power would determine the title to the country.

BLAINE GIVES CREDIT TO THE PIONEERS.

Mr. Blaine, in his Twenty Years of Congress, in discussing the subject, said:

It is not improbable that if the Oregon question had been allowed to rest for the time under the provisions of the treaty of 1827 the whole country would ultimately have fallen into our hands, and the American flag might to-day be waving over British Columbia. The course of events and the lapse of time were working steadily to our advantage. In 1826 Great Britain declined to accept the forty-ninth parallel, but demanded the Columbia River as the boundary. Twenty years afterwards she accepted the line previously rejected.

Why? He answers the question himself:

American settlers had forced her back.

This statement, Mr. President, is significant when we recall that there were in the Oregon country not to exceed 500 Americans—men, women, and children—in the spring of 1843, while at the time of the settlement of our dispute with Great Britain over that country, in June, 1846, there were between 6,000 and 7,000 of our people in that Territory.

GREAT BRITAIN VALUED THE PACIFIC.

I am not criticising Great Britain, Mr. President, for her attitude. No one can help admiring her aggressive claims. She understood the immense value of a frontage on the Pacific Ocean. She foresaw that the larger that frontage the greater would be her power in the Pacific. She knew, Mr. President, in a general way at least, the value of the empire which the pioneers were saving to the American people. And so did the pioneers themselves, who were out yonder fighting the most important battle of modern times in a peaceful way, without for years having either governmental protection or encouragement, and without knowing to which flag they might ultimately owe allegiance. Understanding, however, the importance of that region to the American nation, the pioneers were determined to do all in their power to hold the country, that this Republic might have not only a foothold upon the shores of the Pacific, but that it might become the dominant power in the greatest of oceans, and that thousands of patriotic American citizens might there find free homes under the shelter of their own flag.

FIRST AMERICAN GOVERNMENT WEST OF THE ROCKY MOUNTAINS.

In furtherance of this determination, we are told that in February, 1843, a meeting, which is historically known as the "wolf meeting," was held in the Willamette Valley for the purpose of taking action to protect the settlers against the ravages of wolves and other wild beasts. At this gathering, the historian tells us, a committee was appointed to call a general meeting, which took place in March, and at which bounties were offered out of a fund to be raised by volunteer subscription of the settlers. This meeting was in fact called for the purpose of initiating a movement in behalf of a Provisional Government, but its object was carefully veiled under the pretext of a second "wolf meeting," because the American settlers feared that if their design were made known the Hudson Bay Company people might frustrate their plans. After the ostensible business of the meeting had been concluded, those present were addressed by W. H. Gray, a then prominent, weather-beaten, old pioneer, upon the real purpose of the meeting. The address, it is said, concluded as follows:

We have mutually and unitedly agreed to defend and protect our cattle and domestic animals. Now, fellow citizens, I submit and move the adoption of the two following resolutions, that we may have protection for our persons and lives, as well as our cattle and herds:

"*Resolved*, That a committee be appointed to take into consideration the propriety of taking measures for the civil and military protection of this colony.

"*Resolved*, That the said committee consist of twelve persons."

THE STRUGGLE FOR SUPREMACY IN 1843.

The resolutions, Mr. President, were, according to the historian, unanimously adopted and the committee appointed. A meeting was called for the 2d day of May, 1843, to organize a Provisional Government, which, it is said, both the British and the Americans then in the country attended in full force; for here, sir, commenced the real struggle for supremacy.

Looking back now, Mr. President, into a period of a little more than sixty-four years, and upon that now rich and populous section of our country in which that meeting was held, do you recall, sir—does the country recall—how many Americans, after every effort had been made to induce the citizens and subjects of each power to attend, voted at that meeting to establish, in that then distant land, an American form of Government, and out of which land the aggressive and progressive States of Oregon, Washington, and Idaho, and the western and southwestern parts of Montana and the northwestern corner of Wyoming have been carved?

I wish, Mr. President, that that pioneer voting scene in the wilderness might be transferred to canvas by an artist who could catch the inspiration of the moment and comprehend the importance of the result, which showed that 52 Americans had cast their votes in favor of a provisional government, against the 50 votes of those who opposed them.

WHO'S FOR A DIVIDE?

That election, Mr. President, was not conducted in the form of elections of the present day. The opposing forces met under the great trees in a partly cleared field, near a small log house. After discussion of the report of the committee favoring the organization of a provisional government, owing to considerable confusion difficulty was experienced in determining the vote of the intermingled forces. In the midst of this confusion a division was suggested. Acting upon the suggestion, a picturesque mountaineer, of heroic stature and unfailing courage, by the name of Joe Meek, a Virginian by birth, rose and said: "Who's for a divide? All in favor of the report and of an organization follow me." Fifty-one followed Joe Meek, and 49 the opposing leader; and so, by a majority of two votes, the Americans won the day. But the forces were too evenly divided for the majority to put immediately into successful operation their form of government. In the fall and winter of 1843, however, that historic train of pioneers reached the Oregon country, proving the correctness of Whitman's statement that there was a passageway for wagons across the Rocky Mountains from the Atlantic to the Pacific. From the time of the arrival of that immigrant train, with its eight hundred or a thousand settlers, American supremacy prevailed throughout that portion of the country lying south of the Columbia River.

AMERICAN SETTLEMENT ON PUGET SOUND.

The Hudson Bay Company people had for many years attempted to confine the American settlers to the region south of this river, in order to hold for Great Britain that part of the country north of the Columbia. The Americans were not, however, content to be confined within such narrow limits, or to relinquish without a struggle our claim to that portion of the disputed territory lying to the northward. Actuated by the spirit that induced them to brave the perils of a journey across the continent in the first instance, they steadily extended their settlements into the Puget Sound basin, saving to this country that great and beautiful inland sea known as Puget Sound, upon the shores of which the commerce of the Orient and Occident meet and break bulk, and where, within less than two generations, will stand the third great city of the American continent.

500 AMERICANS IN 1843—2,000,000 IN 1908.

Mr. President, the progress that has been made in that country since those votes were counted reads like a romance. Could de Toqueville, who at one time predicted that the Rocky Mountains would be the probable limit of the American Union, rise from his grave and look upon that imperial land lying yonder west of that lofty range, he would stand as one before whose vision a great mystery had been suddenly revealed. For he would see, Mr. President, more than 2,000,000 happy, peaceful, and prosperous people in that land where, in May, 1843, not more than 500 Americans lived. He would see commerce of the value of hundreds of millions of dollars now annually transacted where—stop, sir, to think of it—within the brief space of a human lifetime there was no commerce at all. He would see, Mr. President, hundreds of thousands of homes, tended by the deft hands of American mothers, where but a few years ago, as time now runs, two missionary brides, the first white women to cross the continent and settle in the Oregon country, stood upon the crest of the mountains and looked down upon the broad, sweeping, yet silent valleys in which they were to found—in which they did, in fact, found—the first American homes. He would look, Mr. President, upon a land which has made us the dominant power in the Pacific Ocean, and without which the British Empire, instead of the American

Republic, would hold the key to the commercial supremacy of that ocean.

WESTERN ENTERPRISE DESERVES ENCOURAGEMENT.

Should not that region, Mr. President, which has contributed so much to the material wealth and happiness of our people, be encouraged by Congress in the great enterprise which it has undertaken?

The State of California, in the face of the practical destruction by fire of her greatest city, did not hesitate, as sorely afflicted as she was, to appropriate the sum of $100,000 for the purpose of participating in the exposition. If California, Mr. President, could stop long enough in the rebuilding of San Francisco and of the ruined homes of her people to note sufficiently the value of the exposition to appropriate the sum named, at a time when she needed money as she had never needed it before, it seems to me that Congress ought to appreciate its importance and provide for liberal participation.

FOOTHOLD OF THE UNITED STATES ON THE PACIFIC.

Mr. President, we do not know, we can not estimate, what we owe the pioneers who saved that western land. While the Oregon country was being belittled in different sections of the Union they were out yonder on the plains and in the forests fighting the battle which was to make, which has already made, ours the greatest nation of the earth—for without the Pacific coast region who, sir, would be bold enough to say that as a nation we would occupy our present position or could ever attain it? Who would say that, had we lost that country in 1846, or at any time prior thereto, we would or could have acquired California in 1848 or Alaska in 1867? Who can say, sir, that had we lost the Oregon country we would to-day have even a foothold upon the Pacific coast? What an unfortunate condition, Mr. President, would be ours with another nation just across the Rocky Mountains occupying the entire Pacific coast line! And that another nation is not there, sir, is due to the courage and fortitude of the American pioneer.

"WESTWARD THE COURSE OF EMPIRE TAKES ITS WAY."

Mr. President, there is in the other wing of this Capitol a great and historic mural painting before which the western man stands in mute admiration. It portrays a scene that lives now only in memory and in history. It is a scene, sir, that is never again to be enacted upon this or any other continent. It is the story, Mr. President, of the pioneers, with their wives and children, crossing the mountains to found a new empire upon the shores of what we call the western sea, and in the fertile valleys that lie between the Rocky Mountains and that sea, which the artist has there painted. Go, sir, and look upon it! Aye, let those who come as pilgrims to this Capitol pause before it long enough to grasp its full meaning; for in marking, as it does, a sublime epoch in the history of our country it reveals an incident in our national life that can be seen now only through the medium of art. The imperial West is settled. The day of heroic pioneering is ended. That land which was once far off and beyond the most distant horizon is now belted with steel. The valleys that were once as quiet as was the ruined city of Palmyra when Count Volney mused upon it are now teeming with life and bursting with activity. Those vast plains—the Great American Desert—once thought to be fruitless, have answered to the touch of the plow and fulfilled the hopes of man. Farther on, upon the shores of the placid sea, stately cities with a mighty commerce have raised their spires and set their spindles among the upheaved mountains of a far-away age. And we have builded there, Mr. President, schools and churches and factories and a civilization unsurpassed in the most enlightened sections of this or any other land.

ALL DUE TO THE PIONEER.

And, sir, who peopled that region and founded those cities? It was the pioneer and his children, who fought, with a desperation surpassing the heroic, the most effective battle of all—the battle of the supremacy of the white man over the aborigines and the elements, coupled with isolation and want, that that immense stretch of country might not fall into alien hands. That they prevailed, sir, history records.

But, Mr. President, had the pioneers been as timorous or as indifferent as were some of the statesmen of their age, their efforts would have been but "a twice-told tale," remembered only as are "the footprints of the traveler over the sand;" and that land, formerly known as the "Oregon country," instead of being, as it now is, the common heritage of all our people, would be to-day one of the possessions of the British Empire.

It is therefore fitting, in view of their achievements, that Congress should aid the people of the Pacific Northwest in their desire to exhibit to an astonished world the progress that in so brief a space of time and under such trying and difficult conditions has been made in the arts, in science, in commerce, in agriculture, in mining, and in manufacturing, and in all, sir, that goes to make a great and glorious land.

APPENDIX.

UNITED STATES DEPARTMENT OF AGRICULTURE, WEATHER BUREAU.

Fairbanks, Alaska.

[Climatological.]

Stations.	January.	February.	March.	April.	May.	June.	July.
Maximum temperature [a]	34	21	46	64	81	84	86
Minimum temperature [a]	−65	−50	−48	−31	24	37	30
Mean temperature [a]	−19.0	−12.7	11.4	30.8	45.5	57.7	54.0
Precipitation, 1905	0.92	0.50	.....	0.20	.....	.....	.....
Too incomplete to make a mean. {1906.	1.71	0.37	0.33	0.50	0.36	0.94	2.82
Too incomplete to make a mean. {1907.	3.30	.....	2.42	0.93	0.35	.....	.....
Snow, 1905	9.2	5.0	.....	2.0	.....	.....	.....
Depth of fall, 1906	17.1	3.7	3.3	5.0	.....	.....	.....
Depth of fall, 1907	33.0	.....	24.2	8.0	0	.....	.....

Stations.	August.	September.	October.	November.	December.	Annual.
Maximum temperature [a]	84	70	58	40	33	86
Minimum temperature [a]	29	13	−16	−50	−55	−65
Mean temperature [a]	55.3	42.4	24.5	0.7	−13.6	20.8
Precipitation, 1905	2.71	.....	.....	1.20	0.60	.....
Too incomplete to make a mean. {1906.	1.50	0.25	0.30	0.65	1.15	.....
Too incomplete to make a mean. {1907.	1.81	.....	.....	.....	.....	.....
Snow, 1905	.....	.....	.....	12.0	6.0	.....
Depth of fall, 1906	.....	.....	1.6	6.5	11.5	.....
Depth of fall, 1907	.....	.....	29.4	.....	.....	.....

[a] For the years 1905, 1906, 1907.

[Mean temperature.]

Stations.	January.	February.	March.	April.	May.	June.	July.
ALASKA.							
Southeast Coast District.							
Sitka	34	33	37	42	47	52	54
Killisnoo	27	27	33	36	45	50	55
Southern Coast District.							
Fort Liscum	20	22	25	34	43	50	51
Kenai	8	18	22	34	42	50	52
Wood Island (Kadiak)	30	31	33	36	43	50	55
Alaska Peninsula.							
Coal Harbor	28	27	30	33	40	47	53
Unalaska	33	31	33	35	40	46	50
Western Coast District.							
Holy Cross	− 6	0	14	23	39	53	56
St. Michael	7	− 2	9	20	33	46	54
Upper Yukon District.							
Fort Gibbon	−18	− 7	9	24	45	59	59
Fort Egbert	−18	− 7	5	25	44	57	61
Dawson, Canada	−20	−15	2	27	45	57	60
Copper River Plateau.							
Copper Center	−14	− 2	14	29	45	53	55
UNITED STATES.							
Boston, Mass	27	28	35	45	57	66	71
Washington, D. C	33	34	42	53	64	73	77
Chicago, Ill	24	25	34	46	56	66	72
St. Paul, Minn	12	15	28	46	58	67	72
Bismarck, N. Dak	7	8	22	43	55	64	70
Helena, Mont	20	22	31	42	52	61	67
Seattle, Wash	39	40	44	49	55	60	64

Stations.	August.	September.	October.	November.	December.	Annual.
ALASKA.						
Southeast Coast District.						
Sitka	57	52	46	40	36	44
Killisnoo	54	46	41	33	31	40
Southern Coast District.						
Fort Liscum	49	44	37	25	23	35
Kenai	54	46	36	22	12	33
Wood Island (Kadiak)	55	50	42	35	30	41
Alaska Peninsula.						
Coal Harbor	53	48	41	35	29	39
Unalaska	50	46	40	35	33	39

UNITED STATES DEPARTMENT OF AGRICULTURE, WEATHER BUREAU—cont'd.
Fairbanks, Alaska—Continued.
[Mean temperature.]

Stations.	August.	September.	October.	November.	December.	Annual.
ALASKA—continued.						
Western Coast District.						
Holy Cross	52	42	28	11	— 3	26
St. Michael	52	44	30	16	5	26
Upper Yukon District.						
Fort Gibbon	54	36	20	3	—14	21
Fort Egbert	53	42	25	1	—16	23
Dawson, Canada	55	42	27	— 2	— 8	22
Copper River Plateau.						
Copper Center	53	42	29	5	— 6	25
UNITED STATES.						
Boston, Mass	69	63	52	41	32	49
Washington, D. C	74	68	57	45	36	55
Chicago, Ill	71	65	53	39	29	48
St. Paul, Minn	70	60	48	31	19	44
Bismarck, N. Dak	68	57	44	26	15	40
Helena, Mont	66	56	44	33	25	43
Seattle, Wash	63	58	51	44	41	51

SUBPORT OF KNIGHTS KEY, FLORIDA.

Mr. FRYE. The bill (H. R. 14011) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," was laid before the Senate to-day and referred to the Committee on Commerce. The Senate has already passed and sent to the House a bill of like purport. I ask that the House bill may be put upon its passage, and then I shall ask that the House be requested to return the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the privileges of the first section of the act approved June 10, 1880, to the subport of Knights Key, in the customs collection district of Key West, Fla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. FRYE, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3344) extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

SNAKE RIVER DAM, WASHINGTON.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order. The Secretary will report the first bill.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors, or assigns to construct a dam across the Snake River, in the State of Washington, was announced as first in order on the Calendar.

Mr. KEAN. The Senator from Idaho [Mr. HEYBURN] is somewhat interested in this bill. I do not see him present. I ask that it may go over.

The VICE-PRESIDENT. The bill will go over, without prejudice.

GOVERNMENT DEPOSITARIES.

The next business on the Calendar was the resolution submitted by Mr. STONE January 23, 1908, authorizing and directing the Committee on Finance to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury.

Mr. KEAN. I suggested the other day that this resolution might be indefinitely postponed. I do not see that the Senator from Missouri can have any objection to having it indefinitely postponed at the present time.

Mr. STONE. I think it had better be referred to the Committee on Finance.

Mr. KEAN. I have no objection to that reference.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Finance, in the absence of objection.

EXTENSION OF BOUNTY-LAND LAWS.

The bill (S. 1407) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies of the Florida Seminole Indian war was announced as next in order on the Calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

MINING TECHNOLOGY BRANCH.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey, was announced as the next business on the Calendar.

Mr. KEAN. Let the resolution go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from New Jersey.

JOHN H. HAMITER.

The bill (S. 4024) for the relief of John H. Hamiter was considered as in Committee of the Whole. It proposes to pay to John H. Hamiter, of Lafayette County, Ark., $3,590.47, the proceeds of the sale of fifty-three bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.

Mr. KEAN. Let the report be read.

The VICE-PRESIDENT. The Secretary will read the report, at the request of the Senator from New Jersey.

The Secretary proceeded to read the report submitted by Mr. DAVIS, January 28, 1908, from the Committee on Claims.

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. It has been thought advisable that a reprint be made of the sections that were passed over for further consideration and for an elaboration of the notes to accompany them. The notes have been elaborated in conformity with suggestions and expressions during the consideration of those sections. The reprint is not yet out of the Printer's hands. I therefore ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection it is so ordered.

JOHN H. HAMITER.

Mr. KEAN. I ask unanimous consent that the Senate proceed with the Calendar under Rule VIII.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Jersey? The Chair hears none, and the consideration of Senate bill 4024 will be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4024) for the relief of John H. Hamiter.

The VICE-PRESIDENT. The reading of the report will be resumed.

The Secretary resumed and concluded the reading of the report submitted by Mr. DAVIS January 28, 1908, which is as follows:

The Committee on Claims, to whom was referred the bill (S. 4024) for the relief of John H. Hamiter, having considered the same, recommend that the said bill be passed.

The bill provides for the payment to John H. Hamiter the sum of $3,590.47, the proceeds of the sale of 53 bales of cotton sold in 1865, the net proceeds being placed in the Treasury of the United States.

The chairman of the Committee on Claims referred this bill to the Secretary of the Treasury for a report, which report is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 2, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, inclosing Senate bill 3283, "For the relief of John H. Hamiter."

The bill proposes to appropriate $3,590.47, the proceeds of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.

You request report on the bill.

In reply, I have the honor to report that 53 bales of cotton were collected from John H. Hamiter, in Lafayette County, Ark., in October 1865, shipped to New York, and sold. The net proceeds of the 53 bales were $3,590.47, which amount was placed in the Treasury.

Respectfully,

L. M. SHAW, *Secretary.*

Hon. C. W. FULTON,
Chairman Committee on Claims, United States Senate.

The affidavit of Mr. Hamiter shows the circumstances of the taking of this cotton and also that under the President's amnesty proclamation of May 29, 1865, that Mr. Hamiter had taken the oath of allegiance to the Government of the United States prior to the seizure of the cotton in question.

This cotton was not "captured." The Supreme Court of the United States, in Ninth Wallace, page 540, in the case of the United States *v.* Padelford, clearly defined the meaning of the word "captured," as follows:

"As early as the 3d of July, 1863, the Secretary of the Treasury, in a circular letter of instructions addressed to the supervising special agents of the Department, charged with the duty of collecting abandoned and captured property under the act of March 12, 1863, defined captured property as property 'which had been seized or taken from hostile possession by the military and naval forces of the United States.' This definition must be taken as the interpretation practically given to the act by the Department of the Government charged with its execution; and we think it correct."

This cotton was not taken from "hostile" possession, but, on the contrary, was taken from the possession of an individual who had been pardoned by the President's proclamation, and his taking the oath under it fully restored him to all his property rights.

It was not "abandoned" at any time, but was in the personal possession of Hamiter and within the inclosure around his residence.

At the time of the seizure Mr. Hamiter was temporarily absent on a visit to relatives in Louisiana, but his residence and property was under the personal charge of Isaac Shepherd, who forbade the taking of the cotton. It appears that Mr. Fuqua, the agent who seized the cotton, had been the personal guest of Mr. Hamiter for a night only a short time previous to the seizure.

This cotton had been removed from Mr. Hamiter's plantation to his residence; it had never been sold, and was never claimed by anybody up to the time of the seizure by Fuqua. There were about 180 bales of cotton taken, although the proceeds of the sale of only 53 bales, amounting to $3,590.47 net, seems to have found its way into the Treasury.

In the case above referred to, of The United States *v.* Padelford, on page 542, Ninth Wallace, the property in question had been actually captured in time of war and in the midst of military operations, but after the claimant had under an amnesty proclamation of the President taken the oath of allegiance, the court, in a unanimous opinion, used the following language:

"In the case of Garland, this court held the effect of a pardon to be such 'that in the eye of the law the offender is as innocent as if he had never committed the offense;' and in the case of Armstrong's foundry, we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings, and relieved from any penalty which he might have incurred. It follows, further, that if the property had been seized before the oath was taken, the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question, at the time of the seizure, was perfect, and that it remains perfect notwithstanding the seizure."

In the same case, on page 543, the court further says:

"Under the proclamation and the act, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own."

The case in which the court in a unanimous opinion made these declarations was in all respects parallel to this case, except that in the Padelford case the property was actually captured in the city of Savannah by the Federal Army when the capture of that city was made on December 21, 1864, by the forces of the United States.

In the case of Kline *v.* The United States (13 Wallace, p. 137) the court held that, while all private property belonging to disloyal persons South was liable to confiscation, nevertheless—

"No titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied."

And on page 142 in the same case—

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested out of the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decides that question affirmatively as to all persons who availed themselves of the proffered pardon. It was competent for the President to annex to his offer of pardon any conditions or qualifications he should see fit; but after those conditions and qualifications had been satisfied, the pardon and its connected promises took full effect. The restoration of the proceeds became the absolute right of the persons pardoned on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment. To refuse it would be a breach of faith not 'less cruel and astounding' than to abandon the freed people whom the Executive had promised to maintain their freedom."

Judge Miller, who will always be remembered as a great and able judge, dissented from this opinion of the court, and in his dissenting opinion, in which Mr. Justice Bradley concurred, he said:

"But I have not been able to bring my mind to concur in the proposition that under the act concerning captured and abandoned property there remains in the former owner, who had given aid and comfort to the rebellion, any interest whatever in the property or its proceeds when it had been sold and paid into the Treasury or had been converted to the use of the public under that act."

Further on in the same dissenting opinion, Judge Miller, in commenting on the Padelford case, in which case he had concurred with all the judges, said:

"In that case the opinion makes a labored and successful effort to show that Padelford, the owner of the property, had secured the benefit of the amnesty proclamation *before* the property was seized under the same statute we are now considering. And it bases the right of Padelford to recover its proceeds in the Treasury on the fact that *before the capture* his *status* as a loyal citizen had been restored, and with it all his rights of property, although he had previously given aid and comfort to the rebellion. In this view I concurred with all my brethren. And I hold now that as long as the possession or title of property remains in the party, the pardon or the amnesty remits all right in the Government to forfeit or confiscate it. (The italics are Justice Miller's.)"

Assuming, for the sake of the argument, that the court was in error in its conclusions in the Kline cases, and that Justice Miller was right, it will be seen that the present case comes strictly within the rule suggested by him. Thus we have the unanimous opinion of all the judges in both the Padelford case and the Kline case that, under circumstances such as exist in this case, "all right in the Government to forfeit or confiscate" the property had been remitted, and that under the proclamation of the President and the action of petitioner in taking and faithfully keeping his oath of allegiance, "the Government is a trustee holding the proceeds of petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character the Government loses nothing by the return of the money which 'simply awards to the petitioner what is his own.'"

Under the circumstances of this case and the law as distinctly laid down by the Supreme Court of the United States it seems clear to the committee that the net proceeds of this fifty-three bales of cotton should be restored to the owner of the cotton, and we therefore recommend that the bill do pass.

Mr. HOPKINS. I should like to inquire of the Senator from Arkansas [Mr. CLARKE] if this bill was considered by the commission that was appointed soon after the close of the civil war.

Mr. CLARKE of Arkansas. Mr. President, I have no information that it was. It has been considered by the Committee on Claims of this body twice. It was investigated at the last session, and a report substantially similar to the one which has been read at the desk was made. The bill was considered by the Senate and passed, but it failed to pass the other House.

Mr. HOPKINS. The Senator will remember that soon after the close of the civil war Congress took up the subject of providing payment for the claims of all parties who were entitled to payment under the law, and a commission was appointed to consider all such claims. An immense amount of testimony was taken by the commission, and an opportunity given to every person in any of the States that were lately in rebellion to present their claims to the commission, and if they were entitled under the law of the land to any recognition whatever those claims were allowed.

I had occasion while a Member of the other House to look into this matter a good deal, and, without desiring to interfere unnecessarily with the Senator from Arkansas, I should like to have the bill go over until I can look into the report made by that commission.

Mr. CLARKE of Arkansas. Mr. President, why not permit me to make some statement about it just now? That may obviate the necessity of making an examination into the old report.

Mr. HOPKINS. The commission at that time investigated the claim of every loyal citizen in the Southern States and made their report. The report of that commission has been the guide of Congress for more than thirty years.

If this claim was there presented and was allowed, certainly there could be no objection to it. If it was disallowed by the commission, there ought to be some strong reasons shown to the Senate, as it seems to me, why we at this late date should consider it. If it was not considered at all by the commission, then it seems to me there ought to be a full and complete explanation showing why this party did not take advantage of the commission that was investigating all this class of claims.

Mr. CLARKE of Arkansas. Mr. President, I insist that there exists a reason that will take this claim out of the class that the commission was created to consider. This cotton was not planted until after the civil war ceased. The cotton was planted later than April, 1865, and was taken from this claimant the latter art of October, 1865—after the war had ceased. It is not strictly a war claim at all.

More than a hundred bales of cotton were taken, and the proceeds of fifty-three of the bales were placed in the Treasury, and are there now. The claimant is not making a claim against the United States Government for anything except for the restitution of the proceeds of his own property, taken at a time when active hostilities were not in progress in that part of the country or anywhere else.

Mr. HOPKINS. Then I should like to ask the Senator from Arkansas why it was that this claimant did not present his demand against the Government?

Mr. CLARKE of Arkansas. That is a matter I can hardly explain any further than that he did not do it. It was not in the class, and it was not necessary to present the claim to that particular tribunal, because it probably had no jurisdiction over it.

Mr. TELLER. It did not have.

Mr. CLARKE of Arkansas. It did not have jurisdiction of a question of that kind. The question as to why the particular claimant did not press his claim may probably be explained by some of the attorneys who had charge of it, but the justice of the claim is very manifest from the communication from the Secretary of the Treasury.

Mr. HOPKINS. When was this claim first presented to Congress?

Mr. CLARKE of Arkansas. I presented it at the last session.

Mr. HOPKINS. Was that the first time it was ever presented?

Mr. CLARKE of Arkansas. It was the first I know anything about its pendency here.

Mr. HOPKINS. Can the Senator explain to this body or to the House of Representatives why this claim has been permitted to sleep for more than thirty years before it is presented against the Government?

Mr. CLARKE of Arkansas. I can not, except that the claimant himself is a farmer with limited information about matters

of that kind. Possibly he did not understand that he had a claim against the Government.

Mr. HOPKINS. Is the original claimant living?

Mr. CLARKE of Arkansas. He is living still. He is an old man now, and is very much in need of the proceeds of the property wrongfully taken from him forty years ago.

Mr. HOPKINS. Is the claim presented by him or by some other person?

Mr. CLARKE of Arkansas. It is presented by him. There is no assignee.

Mr. HOPKINS. Will the attorneys get any commission on the payment if Congress shall favorably consider it?

Mr. CLARKE of Arkansas. I can not say about that. Ex-Senator Jones, my predecessor here, is his attorney. I presume he has some contract with him. I am not sure about that. He is an old friend of ex-Senator Jones and an old friend of ours. He is a very reputable citizen of the State of Arkansas.

Mr. HOPKINS. Ex-Senator Jones, as I remember, was a Senator from Arkansas for a great many years after the close of the civil war, and as a Senator he never felt that this claim had such merit in it as he was willing to stand sponsor for as a public officer. Is that correct?

Mr. CLARKE of Arkansas. I have no information that he knew anything about its existence. I am sure he did not think it was an unmeritorious claim, because it is not, and manifestly it is not. If he thought anything on the subject he did not think that. He probably knew nothing about it.

Mr. HOPKINS. I desire, Mr. President, to call to the attention of Senators the fact that under the statement made by the Senator from Arkansas forty-three years have elepsed since the close of the civil war, and the gentleman who is now acting as an attorney served in this body for many years—I think for eighteen or twenty years—and during all that period he never felt, as a public officer, that there was merit enough in the claim to present it to this body.

Mr. CLARKE of Arkansas. I think the Senator from Illinois does the ex-Senator from the State of Arkansas injustice when he says he never thought there was sufficient merit in the claim to justify him in presenting it. I have no information that he knew anything about the existence of the claim. If the Senator from Illinois has such information, I am sure he is justified in making that statement. He would not be justified in making it unless he was advised.

Mr. HOPKINS. I simply judge from the conditions as they appear here this morning. As I said, I have had occasion in years gone by to look into these claims very closely, while a Member of the other branch of Congress, and I have found that lapse of time has aided many of these claimants to get claims before the Senate and the House that, had they been taken up at the proper time, when the Government could have been protected by evidence which was then in existence, never would have been favorably considered. Of course, I make the suggestion to call the attention of Senators to that condition. If this is a claim of real merit, it should be made manifest before it is considered favorably by the Senate.

Mr. CLARKE of Arkansas. Mr. President, I think it perfectly manifest from a consideration of the communication from the Secretary of the Treasury that this is just the kind of a case that the Senator says should exist in order to justify action at this late date. There has been a favorable report of two committees of the Senate.

It appears that in October, 1865, a large number of bales of cotton, largely in excess of the number now sought to be recovered for, were taken from John H. Hamiter, now a citizen of Arkansas; that a part of the cotton taken from him was sold, and the proceeds of fifty-three bales paid into the Treasury. It is there to-day.

It was not a war claim, because the war had ceased. It may possibly be that the officer who took the cotton assumed that he had some authority growing out of his connection with the Army, but the United States Government has no title, legal or equitable, to this money, and no officer of the Government asserts that it has.

It is a perfectly evident proposition that the whole thing was an erroneous exercise of authority, if not a wrongful one. The only question to be determined now is whether or not there is an equitable, just, and moral claim rightly asserted on behalf of the owner of that cotton for the money. The United States Government asserts no claim to it. There is no pretense that there is the slightest foundation or that there can be the slightest ground for assuming that the United States Government had any title to it then or has any title to it now. The equity of the claim becomes perfectly obvious upon a mere statement of the circumstances under which the cotton was taken from Mr. Hamiter.

Mr. HOPKINS. I should like to ask the Senator if, under existing law, the claimant could not go into the Court of Claims and make good his claim there?

Mr. CLARKE of Arkansas. The Court of Claims could find nothing except what the Secretary of the Treasury admits now.

Mr. HOPKINS. Is that court open to him now?

Mr. CLARKE of Arkansas. No, sir; it would not be without some action of Congress. But why send it to the Court of Claims to determine that the cotton was taken in October, 1865? The records of the Treasury Department show that. Why refer it to the Court of Claims to determine the loyalty of the claimant when the record shows that? The money is there in the Treasury to-day opposite an entry upon the books of the Treasury Department, showing whence the money came and to whom it belonged, and the Court of Claims, if it had jurisdiction, could do nothing more.

Mr. HOPKINS. Where is the record of the loyalty of the claimant?

Mr. CLARKE of Arkansas. The record of his loyalty, as shown by the report, consists in the fact that he was pardoned by Andrew Johnson and took the oath of allegiance some months before the cotton was taken from him. The cotton was actually planted after the war ceased. This is not cotton that had an existence during the war. It was a crop of cotton raised after the war had ceased in that country. This is a clear case of error, and whilst I am entirely satisfied to see the Senator from Illinois and every other Senator protect the public funds of the United States, I do think, where it is manifest that wrong has been perpetrated and nobody asserts to the contrary, that it will not do to assume that the claim is fraudulent because it is old. There may be many reasons that Mr. Hamiter could give as to why he had not preferred his claim heretofore. I am not familiar with them. I know him, and I know he is a straightforward, honest man, a man somewhat unaccustomed to the ways of the world, and somewhat unaccustomed to the method of collecting claims. It may be that he did not believe he had any claim, and did not suppose he had any right until somebody brought the matter to his attention.

Mr. CULLOM. I suggest to the Senator from Arkansas [Mr. CLARKE] that the letter of the Secretary of the Treasury, which has been referred to, be inserted in the RECORD with the debate on the bill.

Mr. CLARKE of Arkansas. I will make it a part of my remarks. It is a letter of Secretary Shaw, and I will read it. It is as follows:

Treasury Department, Office of the Secretary, Washington, February 2, 1906——

Mr. KEAN. I suggest to the Senator from Arkansas that all that went in when the report was read.

The VICE-PRESIDENT. It is already in.

Mr. CLARKE of Arkansas. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOCATION OF MINERAL CLAIMS.

Mr. HEYBURN. Mr. President, on the last legislative day, at the suggestion of the junior Senator from Kansas [Mr. CURTIS], Senate bill No. 129 went to the Calendar under Rule IX until that Senator could examine it. He has now withdrawn any objection, and I ask unanimous consent that the bill may be restored to its place under Rule VIII, and that it be now considered.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that Senate bill 129, the title of which will be stated, be transferred from the Calendar under Rule IX to Rule VIII.

The SECRETARY. A bill (S. 129) to validate the location of mineral claims heretofore made by United States deputy mineral surveyors during their incumbency in office.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the bill, the title of which has just been stated, be transferred from the Calendar under Rule IX to Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

Mr. HEYBURN. I now ask that it may be considered in its order.

The Senate as in Committee of the Whole resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has been heretofore read, and the amendment reported by the Committee on Mines and Mining agreed to.

Mr. TELLER. I rise to make an inquiry. I simply desire to ascertain what the bill is, and how it came to be under Rule IX.

The VICE-PRESIDENT. The Chair will state that the bill is Order of Business No. 138 on the Calendar, being Senate bill 129.

Mr. HEYBURN. Mr. President, I will make a statement which I think will make it plain to the Senator from Colorado.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I do.

Mr. HEYBURN. Mr. President, when the Calendar was reached on the last legislative day Senate bill 129 was reached in regular order. The bill was read and amended and was about to be put upon its passage when the Senator from Kansas [Mr. CURTIS] suggested that he desired to make some inquiries regarding the bill, that he did not then have time to examine it, and he asked that it go to the Calendar under Rule IX in order that he might have time for that purpose. This morning the Senator from Kansas advised me that he desired to withdraw his objection to the bill, stating that it might be restored to its former place on the Calendar, and that it might be proceeded with regularly before the Senate. It is now in order, because by the transfer it has become the next bill to be reached.

Mr. TELLER. Mr. President, I am willing that the order of transfer should be made, but before the bill is taken up for consideration, or when it is taken up, I should like to have the Senator explain——

The VICE-PRESIDENT. The bill has been restored to its place on the Calendar under Rule VIII, and is now in order. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill (S. 129), to validate the location of mineral claims heretofore made by United States deputy mineral surveyors during their incumbency in office, as amended, as follows:

Be it enacted, etc., That the title to mining claims heretofore located by persons holding commissions as United States deputy mineral surveyors shall not be held invalid by reason of the fact that such locations were made by deputy mineral surveyors during their incumbency in such office and such location shall not be deemed to be in violation of section 452 of the Revised Statutes of the United States.

Mr. TELLER. Will the Senator from Idaho explain what section 452 of the Revised Statutes of the United States provides?

Mr. HEYBURN. That provision of the statutes reads as follows:

SEC. 452. The officers, clerks, and employees in the General Land Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

Mr. President, that presents several phases of the question that have entered into the consideration of the right of this class of officers to locate mining claims. In the first place, there is a difference of opinion in the Department itself as to whether or not deputy mineral surveyors are in that class of officers against which this prohibition is made. A deputy United States mineral surveyor, under no circumstances which I can recall, receives any pay or consideration from the Government, nor is he on any pay roll. He is merely an officer having certain qualifications, who is designated as a proper person with whom a private individual may make a contract to perform private services paid for by the individual; but under some circumstances, or in some cases, this officer has been held to be within this prohibition, and in others he is held not to be within this prohibition. It will be observed that the statute does not say that a location made by such an officer then and thus described in the act is void or that the effect of his making such a location in any way affects its validity. But in some cases the Department has held that a location made by a deputy mineral surveyor is void; in some cases the courts have held such to be the case; in other cases other courts have held that he is not within the prohibition, and in other cases other courts have held that, even if he were within the prohibition, it would not affect the validity of the location. During all this period of uncertainty, and in the absence of any knowledge on the part of the deputy surveyors that such a question was being raised against them, locations have been made by deputy mineral surveyors, and before they attained any value or were developed as mines, passed, in the ordinary course of transfer, into the hands of innocent purchasers. In due course of time, sometimes within a short period and sometimes after many, many years, claims based upon locations made by deputy mineral surveyors have become mines of very considerable importance. So far as I know, there is no existing controversy depending upon this question, but there is, because of the fact that the Department has held that these officers are within the prohibition of the statute, a feeling of unrest and uncertainty as to the titles to mines that rest upon such locations. I think, however, and so far as I know without any exception, it is the desire of those engaged in mining and owning mineral claims that this question shall be set at rest forever. This is in the nature of a statute to set at rest the questions and uncertainties as to those titles and to remove all temptation from those who would seek to take advantage of this technical or possible construction to be placed upon this statute and provoke litigation for the purpose of forcing compromises.

Mr. TELLER. Mr. President, I am familiar with the character of the people who have been making these locations. It is an extreme stretch of imagination on the part of those who call these men officers of the Department. They are not now and never have been employees of the Department in a proper sense. They are not paid by the Department; they are paid entirely by private persons, and they can in no wise be called employees of the Department.

I do not intend to interfere with this bill, for undoubtedly it seeks to correct a bad ruling by the Department. I only want to say that, as a rule, any attempt on our part to validate what is invalid is a pretty dangerous business, and it is only when there is a very clear case of error that we ought to do it. I do not, however, object to the bill.

Mr. GALLINGER. Mr. President, when this bill was up for consideration on a former occasion, I called attention to its peculiar wording, and I should now like the Senator from Idaho [Mr. HEYBURN] to explain why the words "deputy mineral surveyors" are repeated. The bill reads:

That the title to mining claims heretofore located by persons holding commissions as United States deputy mineral surveyors shall not be held invalid by reason of the fact that such locations were made by deputy mineral surveyors during their incumbency in office as deputy mineral surveyors, etc.

Mr. HEYBURN. Mr. President, the bill has already been amended by striking out the repetition of the words which was, I suppose, either an error of the printer or of those who corrected the proof. The words "as deputy mineral surveyors" in line 7 have been stricken out, and the word "such" has been interposed between the words "in" and "office" in that line.

Mr. GALLINGER. That is entirely satisfactory to me. I was not aware that the bill had been so amended.

Mr. HEYBURN. Yes; it was done on the last legislative day when this bill was up.

Mr. KEAN. The bill has not been amended or passed.

Mr. HEYBURN. The amendment was agreed to as in Committee of the Whole, and the bill is still in Committee of the Whole.

Mr. GALLINGER. I was not present when that was done.

Mr. HEYBURN. I desire to make a little statement, so that the record may appear as it should, and it is called forth by the suggestion of the Senator from Colorado [Mr. TELLER]. I do not know whether the Senator from Colorado has read the report accompanying this bill, but in the report the conflicting decisions are set forth and referred to specifically, and it is held, as I suggested, that these parties were within the prohibited class.

Mr. NELSON. Mr. President, the Supreme Court of the United States in a decision on the 13th of last month held that a land-office inspector, one sent around the country to investigate homestead claims, under this very statute would be incompetent to enter a homestead, and they held his title invalid. The Department has ruled both ways on this subject; but finally the case came to the Supreme Court of the United States, and they held in that decision practically that the statute covered every employee of the Land Office. It is the case of Presser *v.* Finn, in error to the supreme court of the State of Washington.

Mr. HEYBURN. That case was called to my attention. It relates to an entirely different class of officers—to people on the pay rolls of the Government.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT NIOBRARA MILITARY RESERVATION, NEBR.

The bill (S. 1931) to grant certain land part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village, was considered as in Committee of the Whole. It proposes to grant to the village of Valentine, a duly incorporated municipality under the statutes of the State of Nebraska, the northwest quarter and the north half of the southwest quarter of section 30, township 34 north, range 27 west, sixth principal meridian, in the State of Nebraska, that being now a part of the Fort Niobrara Military Reservation, the property of the United States but the tract shall be used by the village in supplying water to its inhabitants, and not for other purposes.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

TALTON T. DAVIS.

The bill (S. 2876) to correct the military record of Talton T. Davis was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of Talton T. Davis, of Marion, Kans., late of Company H, Twenty-first Regiment Kentucky Volunteer Infantry, and to grant him an honorable discharge as of date October 8, 1862; but no pay, bounty, or allowances shall be allowed by reason of this act.

Mr. BACON. Mr. President, is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report accompanying the bill submitted by the Senator from North Carolina [Mr. OVERMAN.]

Mr. BACON. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF CERTAIN INDIAN WARS.

The bill (S. 522) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892," was considered as in Committee of the Whole. It proposes to extend the provisions of the act of July 27, 1892, as amended by the act of June 27, 1902, to include the Indian wars which occurred in the Territory of Utah down to and including those which took place in the year 1867; but before the name of any person shall be placed on the pension roll under this act proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act; and the loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of service performed and an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge the applicant may establish the same by other satisfactory testimony.

Mr. KEAN. Mr. President, I should like to ask the Senator from Utah to explain this bill, and inform the Senate how much money is involved in it. The latter part of the bill seems to be rather loosely drawn.

Mr. SMOOT. Mr. President, I am not able to say just exactly how many of the veterans who took part in the Indian disturbances are still alive. It is estimated, however, that there are about 700. The bill simply proposes to bring the provisions of the present law down to and including the year 1867. The survivors of the Indian wars referred to in the bill, and I suppose of one or two other Indian disturbances, are the only ones now left that are not drawing pensions to-day. The Committee on Pensions unanimously reported this bill. They approved of it last year when it passed the Senate, and they have also approved of it at this session. I need not go over in detail, I suppose, the causes of the war, etc.——

Mr. KEAN. I do not care for that. I only called the Senator's attention to the fact that the latter part of the bill seems to be rather loosely drawn.

Mr. SMOOT. Mr. President, I will state that the men who engaged in that war were never paid for their services by the Government of the United States, and it is for that reason that the proof of their service as outlined in the bill is left in the condition it is; that is, it must be satisfactory to the Department.

Mr. KEAN. And the Senator thinks from his knowledge of claims that that is a proper provision to make, and that it properly guards the Government against fraud and everything of that kind?

Mr. SMOOT. Mr. President, I should say yes, under the circumstances.

Mr. CLAPP. Mr. President, I understand the bill is now open to amendment.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. CLAPP. On page 2, after line 1, I move to amend by inserting the words "and including those which took place in the State of Minnesota down to and including the year 1862."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 1, after the date "1867," it is proposed to insert "and including those which took place in the State of Minnesota down to and including the year 1862."

The amendment was agreed to.

Mr. TELLER. Mr. President, I desire to offer an amendment of the same character as that just offered by the Senator from Minnesota, to include the State of Colorado from 1860 to the close of 1865.

Mr. KEAN. Mr. President, I understood the Senator from Utah to state that those mentioned in the bill were the only Indian disturbances to which the provisions of the act of July 27, 1892, had not been extended.

Mr. SMOOT. Mr. President, I said, as I remember, that the bill applied to the war veterans of Utah of 1867.

Mr. KEAN. I think it ought to include all of them if it is going to pass at all.

Mr. SMOOT. But that there were one or two other States that had similar cases.

Mr. TELLER. Mr. President, I should like to say that during the civil war Colorado had some Indian wars in which we put some—I do not know how many, but 200 or 300—men into the service, and some of them were engaged side by side with the Government troops. Those men have never been paid either by the State or by the General Government, and I know, Mr. President, that the State expended considerable money which has never been repaid; the counties expended a good deal of money, and individuals expended a good deal of money in the same cause. If there is any proposition to pay for such services, we can present as meritorious a case as any other State.

Mr. SMOOT. I will state that this very war cost the State of Utah a little over a million dollars. There was a claim presented here by Hon. Joseph Rawlins, formerly a Senator from the State of Utah, to reimburse the State that amount for moneys and provisions advanced.

Mr. TELLER. But it was not done.

Mr. SMOOT. That claim was never paid, but the service was given by these men, and there is a provision now on the statute books in the interest of the Black Hawk war veterans up to and including 1853. That provision, however, does not reach the later wars of Colorado, Utah, and perhaps of Minnesota. It is for that reason that I introduced this bill, to give the veterans referred to a pensionable status.

Mr. TELLER. Mr. President, I have no objection to the bill. It is founded upon justice to those people. I only want to include the people of my State who stand in the same condition as do the others.

Mr. SMOOT. Mr. President, I have no objection whatever to the amendment of the Senator from Colorado.

The VICE-PRESIDENT. The Senator from Colorado offers an amendment, which will be stated.

Mr. TELLER. I desire to have the same provision inserted in regard to Colorado that the Senator from Minnesota [Mr. CLAPP] had inserted regarding Minnesota, except that I want to extend the time down to the close of the year 1865. Some of these disturbances occurred in that year, but I do not remember in what part of the year.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment just inserted, it is proposed to insert:

and including those which took place in the State of Colorado during the years from 1862 to 1865, both inclusive.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to propose a further amendment by including Idaho. On line 7, after the word "Utah," I move to insert the word "Idaho."

Mr. WARREN. Mr. President, may I ask the Senator from Idaho could he not offer an amendment that would make the bill general? I think it ought to be made so.

Mr. HEYBURN. An amendment that would make it general would obviate these particular amendments. I desire to cover the Indian wars of Idaho of 1878 and to obviate the necessity of a lot of relief bills, many of which are pending and many of which are very just.

Mr. PERKINS. For the same reason, Mr. President, I desire to include California. But I think the bill ought to be perfected and made a general bill, and therefore I suggest to the Senator that it had better go over until to-morrow.

Mr. KEAN. I have no objection.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The bill will go over at the request of the Senator from California.

Mr. SMOOT. Mr. President, I should like to say to the Senator from California that the Committee on Pensions have had this subject under consideration for a number of years now, and no one from California has ever intimated to our committee that there were similar conditions in that State.

Mr. CLAPP. If the Senator will pardon an interruption, I might add that as to Minnesota the Pension Committee has just reported a provision as to the Indian wars in Minnesota.

Mr. SMOOT. I agree with the Senator from Minnesota upon that and know that to be the case; but it seems to me that it is asking something that should not be done in relation to this bill. If California wants a bill applying to any Indian wars that occurred in California similar to this, I think it would be proper to introduce a bill to that effect, and I assure the Senator I will support it.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do.

Mr. PERKINS. I have no desire to object to the passage of this bill, but I have in mind the Indian war in California, known as the "Indian Modoc war." I am not sure whether it has been provided for, and we do not want to be charged with neglect of duty, so far as the interests of our State are concerned.

Mr. SMOOT. As I understand, the war spoken of by the Senator from California has already been taken care of.

Mr. HEYBURN. Mr. President, the amendment which I offered is before the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. KEAN. What is the amendment?

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. On page 1, line 7, after the words "Territory of Utah," it is proposed to insert "and Territory of Idaho."

The amendment was agreed to.

Mr. KEAN. I think the Senator from Idaho ought to be as gracious to the Senate as the Senator from Colorado has been, and postpone his amendment until the matter can be examined.

Mr. HEYBURN. All of the amendment has not been stated.

Mr. KEAN. That may be, but it is of the same nature as the amendment the Senator from California suggested; and the Senator from Idaho has no data in regard to the case at all.

Mr. HEYBURN. I have.

Mr. KEAN. Not here. It is not that I am opposed to it, but I think it ought to be considered.

Mr. HEYBURN. Let the amendment be considered so that the record will not be fragmentary.

Mr. KEAN. Certainly.

Mr. HEYBURN. I move to strike out "sixty-seven," on page 1, line 8, and insert in lieu "seventy-nine," so as to read, "eighteen hundred and seventy-nine." I desire to cover the period of our Nez Percé war, which presents the same class of claims exactly as the Senator from Utah is desiring to cover by the bill.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I wish simply to call attention to the fact that a good many years ago, when I chanced to be chairman of the Committee on Pensions, a general law was passed, which, at that time, was supposed to cover all these old Indian wars. I remember that I went to a good deal of trouble to ascertain whether or not it did, and I am satisfied it did. But since then I think one or two bills have been passed covering some fragments of military companies or regiments which were said to have participated in Indian wars.

Now, we are considering another bill to pension soldiers who were not enlisted, who have no record of service, and who are to be put on the penson roll by parole evidence. I am not going to be technical about this matter; if they rendered service covering a period of thirty days, I presume they ought to be pensioned; but it does seem to me, Mr. President, that it would be very much better if the suggestion made by some Senator a moment ago was adopted, that the consideration of this bill be passed over until a general bill can be drawn. It would save us a good deal of trouble, I am satisfied, in the future as well as at the present time.

This will not end it. We will have other fragments of regiments that killed Indians somewhere, or tried to kill them, coming in and engaging our attention. I want to sound this note of alarm, that after we have got through with this we are going to be asked to pension all the militia organizations of the various States. That, of course, is a separate subject, but it is one we will be called upon to consider. I do really think it would be in the line of good legislation if the Senator from Utah would allow this bill to go over and see if he can not frame a general law that would cover all the cases that have been suggested to-day and make it so broad that it would cover all cases that could be presented to the Bureau of Pensions, where the small amount of proof that is required by this bill was forthcoming. I really feel that that ought to be done.

Mr. SMOOT. Mr. President, of course if the Senator from New Hampshire feels that this is not a proper bill and if he would prefer to have a general measure on this subject I certainly do not want to object. But I do feel that this bill should pass as it is. I feel that the men who fought in those wars at that time for the preservation of that country, sparsely settled as it was, in defense of homes there, and virtually for the protection of the property of the United States, ought to be provided for in a bill. The act of June 27, 1902, amending the act of July 27, 1892, granting pensions to the survivors of the Black Hawk war, the Creek war, the Cherokee disturbance, and the Seminole war, extended its provisions to the Utah Indian disturbances of 1850 to 1853, inclusive. I suppose the reason why it did not take in the wars of 1865 and 1866 and 1867 was that there had not been at that time a sufficient lapse of time, as was stated by members of the committee, to justify pensions being granted to the survivors. But I think now the time has come when there should be a law whereby these men can be placed in a position to receive pensions from the Government. I should like very much, of course, to have the bill passed, but if there is objection I shall say no more about it.

The VICE-PRESIDENT. Is there objection to the further consideration of the bill?

Mr. GALLINGER. I will not object, Mr. President.

Mr. FULTON. If the Senator from Utah has no objection—I do not wish to defeat the passage of his bill, because I think it is eminently just—I should like to have the State of Oregon inserted.

Mr. KEAN. If there are further amendments to the bill, I think we ought to follow the suggestion of the Senator from New Hampshire and have a general bill passed.

Mr. FULTON. I will not ask the adoption of the amendment if it is going to interfere with the passage of the Senator's bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPOSITION AT QUITO, ECUADOR.

The bill (S. 4633) making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador, was considered as in Committee of the Whole. It proposes to appropriate $50,000, to be expended under the direction of the Secretary of State, for the participation by the United States in an exposition to be held at Quito, Ecuador, during the year 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIRST PAN-AMERICAN SCIENTIFIC CONGRESS.

The bill (S. 4634) making an appropriation for the representation of the United States at the First Pan-American Scientific Congress was considered as in Committee of the Whole. It proposes to appropriate $35,000, to be expended under the direction of the Secretary of State, to enable the Government of the United States to be fittingly represented at the First Pan-American Scientific Congress, to be held at Santiago, Chile, during the year 1908.

Mr. FRYE. After the word "dollars," in line 5, I move to insert "to be immediately available and."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AWARD OF BERING SEA ARBITRATION.

The bill (S. 390) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon was considered as in Committee of the Whole.

Mr. McCREARY. Mr. President, a similar bill passed the Senate at the last session, and was favorably reported in the House of Representatives, but was not there reached on the Calendar. It is now again favorably reported.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE WARD, FORMERLY ANNIE BROWN.

The bill (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described was considered as in Committee of the Whole.

Mr. TELLER. I think there ought to be some explanation of the bill.

Mr. GAMBLE rose.

Mr. TELLER. Let the report be read.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from Colorado.

The Secretary proceeded to read the report submitted by Mr. GAMBLE, January 29, 1908, which is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 558) to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described, having had the same under consideration, beg leave to report it back with the recommendation that the same do pass.

The bill proposes to confirm the homestead entry of Annie Ward, formerly Annie Brown, and authorizes the issuance of patent to the land described, and the facts in connection with the case are fully set forth in the report of the Secretary of the Interior upon the bill, which is hereto attached.

The equities in the case appeal very strongly to your committee, as they did to the Secretary of the Interior, shown and admitted by that official's decision in the case and by his suspension of further action respecting the land involved, at the request of Senator HANSBROUGH, until opportunity might be afforded Congress to enact special measure for the relief of this homesteader. Laches on the part of the Department is shown in the delay of practically two years in the allowance of the entrywoman's application to make second entry, and in view of the fact that absolute good faith is shown throughout, as evidenced by the proof, and the further fact that extreme hardship would be inflicted upon the parties in interest by the cancellation of the entry, your committee is of the opinion that the bill should become law.

The report of the Secretary referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1908.

GENTLEMEN: I have the honor to acknowledge the receipt from the clerk of your committee of Senate bill 558, with the request for the views of this Department thereon. The bill is entitled "A bill to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described," and provides:

"That the entry of Annie Ward, formerly Annie Brown, of the southwest quarter of section twenty, township one hundred and forty-four north, range seventy-one west, in the Fargo land district, in the State of North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, confirmed, and the Secretary of the Interior is hereby authorized and directed to cause a patent to the land embraced within said entry to be issued to the said Annie Ward, formerly Annie Brown, provided there is no valid adverse claim for such land."

On May 6, 1902, the beneficiary of the proposed legislation being then a single woman, filed her application to enter the SW. ¼ sec. 20, T. 144 N., R. 71 W., fifth principal meridian, at Fargo, N. Dak., under the homestead law as a second entry. The papers were transmitted to the General Land Office, and on February 8, 1904, the application was allowed, and on June 25, 1904, she made entry No. 28441, Bismarck, N. Dak., series. On May 4, 1906, she submitted commutation proof showing that she began building her house October 15, 1904, into which she moved the following November, and that her actual residence therein was continuous, being absent with her family only one month, in June, 1905, on business in Minnesota, where she was detained by sickness. Her proof shows that her house is 12 by 16 feet, with a kitchen 12 by 12 feet, granary 14 by 20, barn 24 by 36, 80 acres of breaking, 200 trees near the buildings, 45 acres of fenced pasture, well 26 feet deep, curbed with wood, the aggregate value of the improvements being $1,290; that her family consists of "her husband and two children," and that she and her family have continuously resided on the land since first establishing residence thereon. As to the cultivation of the land, the proof shows that in 1902 she broke 10 acres and cultivated it to flax; in 1903 a crop of flax was raised on the same land; in 1905, 70 acres were cropped, 60 to flax and 10 to rye; and in 1906, 80 acres were seeded and being seeded.

The proof shows the establishment and maintenance of an actual bona fide home, and the improvements and cultivation of the land from year to year indicate an honest purpose to continue to make the land a home to the exclusion of a home elsewhere. It was to encourage the making of such homes that induced the passage of the homestead law; but it appearing from her proof that prior to the allowance of her entry she had married, she was required to file an affidavit showing the date of her marriage and whether at that time her husband was claiming a separate tract of land under the homestead law. In response to this she filed her affidavit June 29, 1906, that she was married October 28, 1902, and that her husband made proof upon his homestead entry in April, 1903, and was therefore not claiming a separate tract under the homestead law during the time they were living upon her entry.

Upon consideration thereof by the General Land Office, on April 23, 1907, her commutation proof was rejected and her homestead entry held for cancellation. From this decision she appealed to the Department, and upon consideration thereof by the Department the decision of the General Land Office was affirmed on August, 23, 1907, the Department in this decision citing the act of June 6, 1900 (31 Stat. L., 683), stating that:

"Claimant prior to her marriage took possession of the land and raised a crop thereon, and such cultivation was continued from year to year, but she did not establish residence upon the land until November, 1904. A mere act of settlement upon the land is not sufficient to bring the settler within the protection of the act; she must have 'improved, established, and maintained bona fide residence thereon,' but even if her settlement was sufficient to bring it within the remedial provisions of the act (June 6, 1900) she would be barred by the second proviso that requires the claimant to show 'that the man whom she marries is not at the time of their marriage claiming a separate tract under the homestead law.' The purpose of the act was to guard against the maintenance of two homes at the same time by husband and wife. Even if the claimant prior to marriage had initiated such a settlement right as would be protected by the act of June 6, 1900, it was defeated by her marriage to a man who had at the time of marriage an unperfected homestead which he continued to claim and maintain. While there are many equities in favor of this entryman, the language of the statute is so free from ambiguity as to make it obligatory upon the Department to cancel the entry."

On September 26, 1907, at the request of Hon. H. C. HANSBROUGH, United States Senator, the Department suspended further action respecting the land involved until such time as opportunity might be afforded Congress to enact a special measure for the relief of this homesteader.

In view of the equities of the case above enumerated, the Department has no objection to interpose to the enactment of Senate bill 558, returned herewith, into law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

During the reading of the report,

Mr. TELLER. Mr. President, I do not think it is necessary to read all of the report. I should like to have it appear in the RECORD, however.

The VICE-PRESIDENT. Without objection the report will be printed in the RECORD without being further read.

Mr. TELLER. I made the suggestion I did because I thought it was within the power of the Department to give the relief. I am not certain now that it is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN.

The bill (S. 553) for the relief of certain homestead entrymen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That no homestead entries heretofore made shall be canceled for the sole reason that persons who made such entries have, under the act entitled "An act relating to public lands," approved June 15, 1880, purchased lands formerly entered by them, and all entries heretofore canceled on that ground may be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this act, that there are no valid grounds for the cancellation of such entries in all cases where valid adverse rights have not attached to the lands covered by such entries since the dates of their cancellation, but this act shall not be construed as validating or authorizing the reinstatement of any entry made under sections 2306 and 2307 of the Revised Statutes of the United States, and the commutation provisions of the homestead laws shall not apply to any entry confirmed or reinstated under the provisions of this act.

The amendment was agreed to.

Mr. WARREN. I should like to have the Senator who reported the bill state approximately how general it is in its application. To how many entries will it apply?

Mr. NELSON. Mr. President, I am unable to state the number of entries. I do not think it will apply to a great many entries. There are only a few cases.

Under the law of 1900 we allowed people who had taken a homestead, but had commuted it by paying the cash price for it, to make another entry. In 1880 Congress passed a law for the relief of certain homesteaders, the second section of which I will read, as it has a bearing on this case:

That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the right of those having so entered for homesteads, may have been attempted to be transferred by bona fide instrument in writing, may entitle themselves to said lands by paying the Government price therefor, and in no case less than $1.25 per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided*, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

There are not many, but there are a few cases of persons who made entry under that special law. They have made second entries, and they supposed, inasmuch as they paid for the land, that they would be in exactly the same category as the men who had commuted under the law of 1900. But the Department had some scruples about it. The bill as originally introduced was referred to the Department, and they presented a substitute, which is the bill now under consideration, and recommend it.

Mr. WARREN. I have one more question. If I understand the Senator correctly, this does not apply to those who have commuted their homesteads under the general law?

Mr. NELSON. No, it does not apply to them. Inasmuch as these entrymen under this law paid for their land like men who now commute, the bill is intended to put them exactly on the same footing. That is all there is to the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. M'DOWELL.

The bill (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska was considered as in Committee of the Whole. It proposes to pay to John M. McDowell, of Council City, Alaska, a sum not to exceed $3,000 for the services stated.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

HOSPITAL SHIPS.

The bill (S. 4377) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I ask the Senator from Illinois whether he thinks the preamble ought to be stricken out?

Mr. CULLOM. I do not think it should be.

Mr. HEYBURN. No; I do not think it should be stricken out.

The preamble was agreed to.

IMMIGRANT STATION AT PHILADELPHIA, PA.

The bill (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa., was announced as the next business in order on the Calendar, and was read.

Mr. BACON. Is there a report accompanying the bill? If so, I should like to have it read, unless it is very long.

The VICE-PRESIDENT. There is no report with the bill.

Mr. BACON. The bill carries a considerable appropriation, and we ought at least to know the necessity of it. I hope the Senator in charge of the bill will enlighten us on it. I note, however, that the Senator who reported the bill is temporarily absent from the Chamber.

I am not urging any objection to the bill, but I think it is due to us that we should know the reasons which impelled the introduction and the favorable report of the bill. I am sorry that neither the Senator who introduced it nor the Senator who reported it is here. The bill may be all right, but I do think when a bill carrying an appropriation of $250,000 is before the Senate there ought at least to be a report from the committee or a statement from some one representing the committee in order that we know the reasons by which we are actuated in making the appropriation. We are absolutely without any information.

Mr. CLAY. Does the bill come from the Committee on Public Buildings and Grounds?

The VICE-PRESIDENT. It was reported from the Committee on Immigration.

Mr. CLAY. It strikes me that a bill of this kind should come from the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. It was referred to the Committee on Public Buildings and Grounds, and that committee reported it back and asked to be discharged from its further consideration and that it be referred to the Committee on Immigration, which was agreed to.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. CLAY. Certainly.

Mr. KEAN. I may say for the information of the Senator from Georgia that this bill is similar to one reported by the Senator from Massachusetts [Mr. LODGE] for the establishment of an immigrant station at Boston, which had been recommended by the Department. The bill in regard to Boston has already passed, and this is for an immigrant station at Philadelphia.

Mr. CLAY. Does the Senator mean to say that this bill has been recommended by the Department and unanimously by the Committee on Immigration?

Mr. KEAN. I am not a member of that committee, but I believe it has. It has already passed the other House.

Mr. CLAY. I know nothing about it. If it came from the Committee on Public Buildings and Grounds originally, I am on that committee, but have no recollection of it.

Mr. BACON. Unless some one is prepared to make a statement in explanation of the bill I shall object to its present consideration. I do not wish it to lose its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. BACON. Without prejudice. I am perfectly willing to agree to the passage of the bill so soon as we have any information, but there is absolutely none before the Senate now.

STEAM LIGHTER CLIMAX.

The bill (S. 2873) for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof was considered as in Committee of the Whole. It provides that the claim of the owners of the steam lighter *Climax*, injured and sunk by collision with the United States light-house tender *Cactus* on the afternoon of the 25th day of November, 1905, in the East River, off the borough of Manhattan, city of New York, for and on account of the loss and injury to the vessel and cargo and damages to the owners thereof, may be submitted to the United States district court of the southern district of New York, under and in compliance with the rules of the court sitting as a court of admiralty, and the court shall have jurisdiction to hear and determine and to render judgment thereupon upon the same principles and measures of liability and damages in like cases in admiralty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKING LAWS.

The bill (S. 3023) to amend the national banking laws was announced as next in order on the Calendar.

Mr. KEAN. Let the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Jersey.

IMMIGRANT STATION AT PHILADELPHIA, PA.

Mr. LODGE. I understand that House bill 7694 was passed over.

Mr. BACON. I will state for the information of the Senator, as he was not in his seat, that it was upon my objection the bill was passed over, not that I knew any valid objection against the passage of the bill, but there was simply a failure of information upon which we could act intelligently. I therefore simply asked that it be passed over without prejudice until the Senator from Massachusetts or some other Senator, in the absence of a printed report, could give us the required information as to the necessity for the erection of this structure.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7694) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa. It directs the Secretary of the Department of Commerce and Labor to acquire by purchase or condemnation a suitable site and cause to be erected, complete, thereon a public building to temporarily accommodate and care for immigrants arriving at the city of Philadelphia, Pa., the cost of the site and the complete erection, equipment, and furnishing of the building not to exceed the sum of $250,000.

Mr. LODGE. I reported the bill in behalf of the Senator from Pennsylvania (Mr. PENROSE), as he was absent from the city at that time. A similar bill passed the Senate for the erection of an immigrant station at Boston.

All the immigrant stations on the Atlantic coast were thoroughly examined by the Immigration Commission, which was created at the last session of Congress, and that Commission was unanimous that there ought to be new stations at Philadelphia and Boston. Neither station is fit for the proper reception of immigrants. Boston has the largest number of immigrants next to New York, reaching some sixty or seventy thousand, and I think Philadelphia has over 50,000 immigrants annually.

I will not take time in saying anything about the Boston station, as that bill has passed, but the Philadelphia station is totally unfit for the reception of immigrants. It is an old building. It is almost impossible to keep it clean, as it should be, though every effort is made in that direction. It is dark, and it is in no wise a proper place in which to keep the people who are detained or in which to receive the people for examination.

The Commission were unanimous in recommending the new stations. The same recommendation was made by the Secretary of Commerce and Labor and the Committee on Immigration in both Houses have been unanimous in reporting bills for new stations at these two large ports. All who have examined the matter are of one opinion.

The money necessary for the construction of the station comes from the immigrant fund. It is not a charge upon the Treasury. There is, as Senators are doubtless aware, what is known as "the immigrant fund." All the money coming from the head tax is put into a separate fund in the Treasury, which is used for the expenses of the Immigration Service. That fund has reached over two million and a half dollars. The last act limited the amount in the fund at any one time to two and a half million dollars, and everything above that is covered into the Treasury. There is this large fund derived from the head tax, which is used for the benefit of the service. There is an abundance of money there to pay for these new stations, and I can assure Senators from my personal examination that the need of a new station at Philadelphia is imperative. The appropriation ought to be made.

Mr. BACON. Before the Senator takes his seat I should like to make an inquiry of him. Does the Senator regard the erection of these immigrant stations as conducive to the encouragement of immigration into this country?

Mr. LODGE. Mr. President, that is a question which I have not considered. I had not thought that they had any bearing on the amount of immigration into the country one way or the other. But even if I thought the fact that we had good stations encouraged immigration I should still advocate them, although I am not in favor of indiscriminate or unlimited immigration.

I think it becomes us to have proper places for the reception of the people who come here. A considerable percentage of them—women, children, people who are diseased—are detained for examination and have to be deported subsequently, and they ought to be carefully and properly treated.

Mr. CULLOM. Decently, anyway.

Mr. LODGE. There ought to be decent accommodations for them all, such as are at Ellis Island, in New York. I think it is only proper that we should treat these people while they are in the hands of the Government in such a way that their health and morals will be guarded so far as possible.

Mr. BACON. Mr. President, I quite agree with the Senator that we ought to have proper accommodations for the immigrants when they come, but I think it is very patent that the more agreeable we make the reception the more there is in the way of encouragement for them to come.

I thought, in view of the Senator's very pronounced opposition to immigration, which he has expressed very forcibly in this Chamber, possibly that thought had not occurred to him. But accepting his statement, that whatever might be his attitude in regard to the question of immigration, he would desire that these new stations should be erected, I should like to inquire of him, as he is on the Commission and also upon the Committee on Immigration, how many stations there are along the Atlantic coast outside of the three which he has mentioned?

Mr. LODGE. There is a station at Baltimore, and two stations, which I suppose by this time are completed—one at Galveston and the other at New Orleans—were authorized last year.

Mr. BACON. My inquiry was——

Mr. LODGE. I do not recall now whether there is a station at Norfolk or not. I do not think there is At all events, the number of immigrants arriving there is so small that it is not of consequence.

Mr. BACON. My suggestion was instigated, I may say; somewhat by my interest in the port of Charleston, a port which has manifested some considerable enterprise in the introduction of a desirable class of immigrants, and there was some legislation last year that I thought was decidedly unfriendly to it. As the attitude of the learned Senator from Massachusetts seems to be somewhat changed in regard to the question, I did not know but that while he was in a liberal mood in this matter he might recall the fact that possibly the action taken last year had shut up the port of Charleston to this desirable class of immigrants, and that possibly he might now add to this bill a provision for an immigrant station at Charleston, only for the most desirable class, I will say. None of us desire the undesirable class.

Mr. TILLMAN. I will state for the information of the Senator from Georgia, if the Senator from Massachusetts will permit me, that we have already passed a bill, and it is a law, providing for an immigrant station at Charleston. It is a very modest one. I think we got only $50,000, but we got all we asked for.

Mr. LODGE. That is true. I had forgotten Charleston when I mentioned Galveston and New Orleans.

Mr. President, I have not changed my views about immigration, because I wish the immigrants when they arrive here to be properly treated. I do not suppose for one moment that we are going to add to the immigration because it is known that for the twenty-four or forty-eight hours that the mass of them are detained at the port of entry they are treated like human beings and not like cattle. I do not think that will have any effect one way or the other on the tide of immigration, which is moved by causes more potent than the condition of the station at which they are received.

I have been in favor of putting a suitable station wherever there would arrive any considerable number of immigrants. I voted last year for stations at Charleston, Galveston, and New Orleans. Perhaps Senators are not aware how trifling the immigration is at most of those points, and that for a large part of the year the stations are but little used. I think the immigration at New Orleans was something like 4,000, and the immigration at Galveston (I am speaking from memory of six months ago) was something like 6,000 for the previous year. The immigration at Philadelphia was 55,000, and immigrants are arriving there every week. The immigration at Boston reaches 70,000. Sometimes a couple thousand have arrived in a day. There are thousands of immigrants a week who come in at that port. The immigration at New York is over 1,000,000. We have to proportion our stations to the needs of the ports.

Mr. CLAY. I ask the Senator if I am correct in stating that we are receiving in this country now about 1,250,000 foreigners every year?

Mr. LODGE. There were something over 1,100,000 last year, I think. I have not the exact figures, but I think the number was 1,100,000 and odd.

Mr. CLAY. Does not the Senator think the best interests of the country and our future demand that we shall be extremely careful in regard to the introduction of foreigners into this country? Does not the Senator think we have done well in guarding carefully our law and in restricting the class of immigrants that shall come to this country?

Mr. LODGE. Mr. President, the question of immigration is one which I have discussed very often in this body, and I discussed it very often in the other House before I came here. My views upon the question have never changed. I have thoroughly approved of the laws we have had. We have had no strictly restrictive laws as yet except the laws excluding the Chinese.

Mr. CLAY. I understood the Senator to favor an educational qualification.

Mr. LODGE. I did, but that has never been adopted.

Mr. CLAY. It was adopted, I think, by the Senate and stricken out by the House.

Mr. LODGE. It was passed by both Houses and vetoed by President Cleveland.

Mr. CLAY. I thought that that feature of the bill was passed by the Senate two sessions ago.

Mr. LODGE. It was. It has passed the Senate three times——

Mr. CLAY. I thought so.

Mr. LODGE. And it has been lost in the House. It passed both Houses and was vetoed by President Cleveland. It passed the Senate again when you, sir, [the Vice-President in the chair] were chairman of the Committee on Immigration, and it was lost in the House; and it passed again last year, and the House again refused to accept it, and it was lost in conference.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. There is no political color to this discussion; at least I had not supposed there was any politics in it; but if the Senator charges the destruction of the educational qualification to a Democratic President, he ought at least to be fair enough to locate the trouble now with the Republican House.

Mr. LODGE. I was not making a speech with any idea of politics. I do not think immigration is a political question; but the Senator from Georgia was asking about the educational test, and I gave him the history of it. It is simply a fact that the bill carrying the educational test, as it is called, passed both Houses of Congress and was vetoed by President Cleveland. I do not remember the exact year. It was during his second term, and at the time when I was chairman of the Immigration Committee of the Senate. It subsequently passed the Senate and was lost in the House—a Republican House.

Mr. LATIMER. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. LATIMER. As I understand the object of this measure, it is simply to give improved conditions at Philadelphia, so that a more thorough examination can be made of immigrants as they arrive in this country. The boarding house, as I understand it, where the immigrants are taken after they are landed from the vessel is now some distance from the place of landing. Upon investigating the immigrant question in Europe, we found that the steamship companies are at a great disadvantage where the boarding houses are in one part of the city and the immigrant station in another, for the reason that the immigrants will be scattered over the city and there will be no opportunity to take care of them and exercise influence over them, and they can not be made as cleanly in their clothing and in the care of their quarters as is the case where magnificent immigration stations are provided, such as are found in many places.

I understand that the station at Philadelphia is an old building, over a hundred years old, and that it is not sufficient to take care of the immigrants when they are landed there. I

do not see that that has a thing to do with the question as to whether a man may be for or against the class of immigrants coming into the United States. The object is simply to take care of the people who are coming here under the laws that we have already passed. If we want to further restrict immigration so as to prevent the coming of a class of immigrants to which we are opposed, it is all right to put it into a bill, but I think this measure ought to pass, so as to give accommodation for the people who are now coming under the laws we have already passed.

Mr. LODGE. I had no idea of entering upon any general discussion of the immigration question. It is a question that is always with us, and we shall have a good deal of discussion about it in coming years as we have had in the past, because it is one of the very great problems that confronts this country. I was merely replying as best I could to questions that Senators put to me.

What the Senator from South Carolina says about the building at Philadelphia I had already said, and it is quite true. It is an old freight house that has been turned into an immigrant station. The upper story is used for the immigrants and the lower story for their luggage. I supposed the detention station is there, too; but the Senator may be right about that. Certainly the detention station, wherever it is, is under the control of the Government, and the offices of the immigration commissioner of Philadelphia are a long distance uptown, because there is no suitable place for him and his offices on the spot where they ought to be. The station is very inconvenient; it is not healthy; it is dark, and in every way unsuitable for the reception of human beings, some of whom have been detained there perhaps for several days, or as long as a week—those who have to be deported and those subject to a more careful examination than others.

Whatever views we may any of us hold about immigration, that the measures ought to be simply selective as they now are or that we ought to go further and have restrictive measures. I think we all ought to be agreed that humanity demands that while the people who land upon our shores are under the control of the Government and being examined according to our laws, they should be treated in such a way as to provide for their health and their comfort, and that we should use them with the decency and kindness which is becoming on the part of a nation like that of the United States.

Mr. BACON. Mr. President, I do not understand that there has been any objection expressed by anyone to the passage of the pending bill. Personally, I have none. On the contrary, I quite agree that the Government should establish at the proper ports suitable houses for the reception and examination of immigrants. My purpose in calling attention to it was twofold. I had a little curiosity to know whether there had been changes of views by certain Senators in regard to the matter of immigration. Then, forgetting for the moment that we had already provided for Charleston, and recollecting the fact that there had been a matter of legislation which seemed to me to be directed quite particularly at that port, I felt an interest to know whether we might not at this time provide for Charleston. But that is provided for I understand, and, so far as I am concerned, I shall approve the passage of the bill and vote for it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, there are some executive communications which should be acted upon, and therefore I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. NELSON. I ask unanimous consent that the Senate resume consideration of the bills on the Calendar under Rule VIII.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of the bills on the Calendar under Rule VIII. Is there objection? The Chair hears none. The first bill on the Calendar will be stated.

PORT OF CHATTANOOGA, TENN.

The bill (H. R. 558) to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement was considered as in Committee of the Whole. It proposes to extend the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Chattanooga, in the State of Tennessee.

Mr. TELLER. Mr. President, I should like to know what the statute is that is referred to in the bill. I ask whether there is a report accompanying the bill?

The VICE-PRESIDENT. There is no report noted as being with the bill.

Mr. TELLER. Then I wish some Senator would explain the bill.

Mr. McLAURIN. Mr. President, there was a report made on the bill in the House of Representatives, which report was adopted by the Senate committee and is with the papers, I take it.

The VICE-PRESIDENT. The report is not indicated upon the Calendar.

Mr. McLAURIN. The report of the House committee was handed in when the bill was reported, as I happen to know, having myself reported it.

Mr. NELSON. I think I can explain to the Senator from Colorado. The bill went to the Committee on Commerce. In all such cases we refer the bills to the Treasury Department. This bill was referred to the Treasury Department, and they sent in a letter of recommendation in its favor. The letter is not quoted, but the Treasury Department favors the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC DOMAIN IN THE STATE OF MINNESOTA.

The bill (S. 2495) restoring a certain tract of public land in the State of Minnesota to the public domain was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 4, after the word "thirty," to insert:

And the point of land in section 18, extending from lot 1 in section 19, omitted from the original United States land survey, but which is shown upon the plat of survey made under the direction of the War Department by the United States engineer office at St. Paul, for the Gull Lake Reservoir, in Minnesota, which said land was reserved for reservoir purposes and the reservation approved by the President January 18, 1896.

So as to make the bill read:

Be it enacted, etc., That the following-described land, to wit, the southeast quarter of the northwest quarter of section 30, and the point of land in section 18, extending from lot 1 in section 19, omitted from the original United States land survey, but which is shown upon the plat of survey made under the direction of the War Department by the United States engineer office at St. Paul, for the Gull Lake Reservoir, in Minnesota, which said land was reserved for reservoir purposes and the reservation approved by the President January 18, 1896, in township 134 north, of range 29 west, in the State of Minnesota, be, and the same hereby is, restored to the public domain subject to homestead entry; and all prior rights of settlement and entry, or attempted entry, are hereby reserved to the occupant and claimant of the land, to be passed upon and determined by the Commissioner of the General Land Office: *Provided, however*, That any homestead entry of said land or final certificate or patent that may be issued therefor, shall be subject to the right of the United States to construct and maintain a dam for reservoir purposes at Gull Lake and to flood any part of said land by means of said dam.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill restoring certain tracts of public land in the State of Minnesota to the public domain."

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, February 4, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 3, 1908.

REGISTER OF LAND OFFICE.

Hal J. Cole, of Washington, to be register of the land office at Spokane, Wash., to take effect March 18, 1908, at expiration of his present term. (Reappointment.)

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Jay J. Morrow, Corps of Engineers, to be major from January 31, 1908, vice Sewell, resigned.

First Lieut. Edward N. Johnston, Corps of Engineers, to be captain from January 31, 1908, vice Morrow, promoted.

Second Lieut. Jarvis J. Bain, Corps of Engineers, to be first lieutenant from January 31, 1908, vice Johnston, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1908.

COLLECTORS OF CUSTOMS.

James Brady, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts.

Luke B. Colbert, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts.

David M. Little, of Massachusetts, to be collector of customs for the district of Salem and Beverly, in the State of Massachusetts.

Obed G. Smith, of Massachusetts, to be collector of customs for the district of Nantucket, in the State of Massachusetts.

PROMOTIONS IN THE ARMY.

Coast Artillery Corps.

Lieut. Col. John R. Williams, Coast Artillery Corps, to be colonel from January 20, 1908.

Maj. William C. Rafferty, Coast Artillery Corps, to be lieutenant-colonel from January 20, 1908.

Capt. Henry D. Todd, jr., Coast Artillery Corps, to be major from January 20, 1908.

Capt. Thomas W. Winston, Coast Artillery Corps, to be major from January 21, 1908.

First Lieut. Richard C. Marshall, jr., Coast Artillery Corps, to be captain from January 20, 1908.

First Lieut. John O. Steger, Coast Artillery Corps, to be captain from January 21, 1908.

Cavalry Arm.

Second Lieut. Peter J. Hennessey, Fifth Cavalry, to be first lieutenant from January 21, 1908.

POSTMASTERS.

ARIZONA.

Francis D. Crable to be postmaster at Tombstone, Cochise County, Ariz.

CONNECTICUT.

Alfred E. Goddard to be postmaster at Essex, Middlesex County, Conn.

William H. Kenyon to be postmaster at Moosup, Windham County, Conn.

NEW JERSEY.

James E. Jones to be postmaster at Florence, Burlington County, N. J.

NEW YORK.

E. A. Drew to be postmaster at Tupper Lake, Franklin County, N. Y.

Daniel D. Moyer to be postmaster at Hammond, St. Lawrence County, N. Y.

DEBT OF SANTO DOMINGO.

The injunction of secrecy was removed February 3, 1908, from the report on the debt of Santo Domingo (Ex. Doc. No. 1, 59th Cong., 1st sess.) submitted to the President of the United States by Jacob H. Hollander, special commissioner, on October 1, 1905.

CODES OF INTERNATIONAL LAW.

The injunction of secrecy was removed February 3, 1908, from a convention signed at Rio de Janeiro on August 23, 1906, by the degelates of the Governments represented at the Third International Conference of American States, looking to the establishing of an international commission of jurists for the purpose of preparing draft codes of private and public international law regulating the relations between the nations of America.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 3, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday last was read and approved.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. JENKINS. Mr. Speaker, I call up from the Speaker's table the bill S. 485, with House amendments disagreed to by the Senate.

The Clerk read as follows:

A bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said district, and for other purposes.

Mr. JENKINS. Mr. Speaker, I move that the House insist on the House amendments and agree to the conference asked.

The motion was agreed to.

The Speaker announced the appointment of Mr. JENKINS, Mr. LITTLEFIELD, and Mr. HENRY of Texas, as conferees on the part of the House.

ADDITIONAL STENOGRAPHER TO COMMITTEE ON INVALID PENSIONS.

Mr. HUGHES of West Virginia. Mr. Speaker, I submit the following privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolution in lieu of House resolution 197.

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of an additional stenographer to the Committee on Invalid Pensions, for the session of the Sixtieth Congress, compensation at the rate of $100 per month.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS. Is this a unanimous report?

Mr. HUGHES of West Virginia. Yes, sir.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On January 31, 1908:

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

On February 1, 1908:

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam acress the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905;

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa;

H. R. 10368. An act to authorize Secretary of War to change name of Julius Flemming to his proper name of Jacob John Locher;

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind.;

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.; and

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River in Woodruff County, Ark.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills and concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4098. An act for the construction of a steam vessel for the Revenue-Cutter Service for duty on the coast of Oregon;

S. 4380. An act for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York;

S. 533. An act for the relief of A. A. Noon; and

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of Senate Document No. 180, Fifty-eighth Congress, third session, being the report of the Public Lands Commission, with appendix, 1,500 copies for the use of the Public Lands Commission, 500 for the use of the Senate, and 500 for the use of the House of Representatives.

INCREASE OF PENSIONS OF WIDOWS AND MINOR CHILDREN.

Mr. SULLOWAY. Mr. Speaker, I move to take up the bill H. R. 15653, suspend the rules, and pass the bill.

The bill was read, as follows:

A bill (H. R. 15653) to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war.

Be it enacted, etc., That from and after the passage of this act the rate of pension for widows, minor children under the age of 16 years, and helpless minors, as defined by existing laws, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of 16 years and for each helpless child; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided, however,* That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late civil war and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army or navy service, be placed on the pension roll from the date of the application therefor under this act at the rate of $12 per month during her widowhood, provided that said widow shall have married said soldier or sailor prior to June 27, 1890; and the benefits of this section shall include those widows whose husbands are given a pensionable status under the act of February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906.

SEC. 3. That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

The SPEAKER. The gentleman from New Hampshire moves to suspend the rules and pass the bill just read. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, in order that we may have an explanation of this important bill, I demand a second for that purpose, and ask the gentleman from New Hampshire to explain the bill.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] is entitled to twenty minutes and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to twenty minutes.

Mr. SULLOWAY. Mr. Speaker, this bill seeks to accomplish two purposes—two results, and only two.

The first section of the bill relates only to the ratings of the pensions of widows and minor children. It makes the minimum pension if enacted into law $12 instead of $8 per month. It in no way changes existing law as far as the claims are concerned. It relates solely to the rating, and only the rating, and will make the rate of pension $12 instead of $8 per month. Your committee believe the time has arrived when every widow of a soldier who served the requisite length of time to give her a pensionable status under existing law should not be compelled or asked to live on a pension of $8 per month. [Applause.]

The second section does this one other thing, and these are the two things and the only two things which are done by the bill: In the act of 1890, we unwisely, I believe, and I thought so at the time, provided that if a widow had an income of $250 per year she was not pensionable. The result of that has been that in all human probability it has cost the Government more to investigate, appraise, ascertain, guess, wonder, and query whether a woman by some sort of economy in life had acquired and would possibly have received or should have received an income of $250 a year than it would have cost to give her the pension. This feature of the present law has worked a great injustice to many widows who, on account of the interpretation of the law by the Bureau, have been kept off the pension rolls. As to how this operated I will give you an instance of a case that came within my own knowledge. A soldier went through four years of the war and left a widow and daughter. He died without leaving a will. Under the law in our State the daughter took two-thirds of the property. The widow made an application for pension and the special examiner went there and reported that there was so much real estate, this much of this and that much of that, and while it was mortgaged for all it was worth, and the daughter was entitled to two-thirds of it, the widow was charged up with every bit of the property, while in reality she had scarcely enough left in her equities to buy a barrel of flour. The claim was rejected. Another claim was then filed, and the whole proposition was gone over again, and finally the special examiner said they had a clay bank which might be sold for brickmaking, when in reality there was not a brick kiln within 20 miles of the place. The clay would not have been worth drawing. Finally, after months and months of effort, her pension was allowed. I speak of this to show the way in which this feature of the act of 1890 works. Your committee, believing that it was wise to strike that provision from the bill, have recommended this legislation; and that, with the rating in the first section, is all there is in this bill. It has the unanimous support of the committee.

Mr. YOUNG. Will the gentleman yield to a question?

Mr. SULLOWAY. Certainly.

Mr. YOUNG. Will the gentleman tell the House how much money this bill will cost?

Mr. SULLOWAY. It is estimated in the report of the committee that it will take some $12,000,000.

Mr. KEIFER. If the gentleman will allow me, I think the estimate made by the Commissioner of Pensions is that this bill, by increasing the pensions of widows who are now receiving pensions, would only add to the pension rolls a little over $6,000,000.

Mr. SULLOWAY. This would be true if it only applied to civil-war widows, but it takes in the widows of all wars, which makes the additional increase.

Mr. BONYNGE. I desire to ask the chairman of the committee whether, if a soldier was discharged from the service on account of injuries or disabilities incurred in the service prior to the expiration of ninety days, his widow can obtain a pension under this bill without showing that the soldier died from the effects of wounds or disabilities contracted in the service?

Mr. SULLOWAY. This bill in no way changes existing law in that respect.

Mr. BONYNGE. Is there any reason why the widow of a soldier who was discharged prior to the ninety days of service on account of wounds or injuries incurred in the service should not have a pensionable status?

Mr. SULLOWAY. That is not the question before the House at this time.

Mr. KEIFER. She can get that.

Mr. BONYNGE. Not without showing that the soldier died from the effects of wounds or disabilities.

Mr. SCOTT. Will the gentleman yield for a question?

Mr. SULLOWAY. I will, although I would like to inquire whether our friend on the other side wants to occupy any time or not?

Mr. SCOTT. I desire to inquire whether the committee has considered the proposition of changing the provisions in the act of 1890, by which the date of marriage might be extended to a later period?

Mr. SULLOWAY. We have made no change from that law in this bill in this respect.

Mr. SCOTT. Is there likely to be any recommendation from the committee in regard to that?

Mr. SULLOWAY. I can not speak for the committee on that. I think that this is about all we should do at this time.

If this bill becomes a law, it will relieve a great many Members who have bills pending increasing the pensions of widows suffering with physical disabilities, distressed by poverty and mental anguish. With this class of cases eliminated it will give your committee more time and attention for other meritorious claims.

The one great class of pensioners who will be benefited if this becomes a law appeals to me and my sense of justice most strongly, and I believe that all fair-minded people will agree with me when I state the fact that of the 184,000 widows who are drawing pensions of only $8 per month under the act of June 27, 1890, more than 30 per cent, or 54,000, were the wives of the soldiers during the war, each one of whom shared with her soldier husband in the hardships, caring for the home and children, if children they had. Her anxiety never for one moment ceased. She never kissed the little ones to bed at night knowing whether the husband and father was living or dead, whether he was wounded and suffering on some bloody field of battle, or a prisoner hungry and starving, her children fatherless, and she a widow. To such this nation owes what it can never repay, and in the declining years of these widows we can grant them this increase of pension to $12 per month, and I believe for so doing it will be said, "Well done!" [Applause.]

Without taking more time, I will print as a part of my remarks the report of the committee accompanying the bill, which contains a detailed statement of the result that will be accomplished if the bill is enacted into law.

[House Report No. 531, Sixtieth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 15653) to increase the pension of widows, minor children, and of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, submit the following report:

A year ago Congress passed an act granting pensions to certain soldiers of the late civil war and the war with Mexico, known as the McCumber Act, which provided a minimum rate of $12 per month to soldiers who had arrived at the age of 62 years and a maximum rate of $20 per month to those who had arrived at the age of 75 years.

No provision for an increased rate of pension was then made for the widows of the soldiers who served in these wars, and, fully realizing that while it is not the policy of the Government to provide full support for widows of soldiers, your committee believe that an increased rate of pension for these widows should nevertheless be granted to prevent absolute want.

Your committee now presents a bill granting to the widows of soldiers of all wars who are now receiving, or may hereafter be entitled to receive, a pension of $8 per month, an increase of $4 per month, so as to make their pension $12 per month.

This part of the bill goes into effect from the date of its passage, and the increased rate is granted to those widows who are now drawing pensions without the necessity of making application at the Pension Bureau, as the same mode of procedure can be applied to the execution of this act as has heretofore been done when the pension of general-law widows was increased from $8 to $12 per month under the act of March 19, 1886, and the minimum rate of pension of $6 per month was established by the act of March 2, 1895, namely, through the several agencies for the payment of pensions.

At the same time the bill provides in section 2 that, from and after the date of its passage, applications for widows' pensions under the act of June 27, 1890, as amended by the act of May 9, 1900, may be made by and allowed to those widows who formerly were barred thereunder by reason of the fact that they possessed resources from which an actual net income in excess of $250 per annum was derived or derivable.

These widows will be granted the same rate of pension as those mentioned in section 1, and the same limitation as to date of marriage is made applicable to them as is contained in the original act of June 27, 1890.

This section of the bill, it will be seen, is not retroactive; hence application for its benefits must be made to the Pension Bureau after the date of its passage.

It has been found in the adjudication of this class of claims under existing law (act of May 9, 1900) that the Pension Bureau has been put to great expense to arrive at a just finding in these claims, many of which had to be placed in the hands of special examiners to determine the question of dependence, and many of which were rejected upon the sole ground that because the claimant owned property which was used as a home the potential income from the same would exceed $250 per annum. By eliminating this proof of dependence the Pension Bureau will save almost as much in expenses as the additional burden to the pension appropriation bill will entail.

The cost of the bill if enacted into law will approximate $12,741,300 per year, divided as follows, this estimate being based on the number of widows, minor children, and helpless minors on the pension roll on June 30, 1907:

CIVIL WAR.	
183,671 widows, minors, and helpless minors, pensioned under the act of June 27, 1890, at an increased rate of $48 per year	$8,816,208
2,486 widows pensioned under the general law at $8 per month (act of March 19, 1886), at an increase of $48 per year	119,328
MEXICAN WAR.	
6,880 widows, at an increase of $48 per year	330,240
INDIAN WARS.	
3,081 widows, at an increase of $48 per year	147,888
REGULAR ESTABLISHMENT.	
172 widows, at an increase of $48 per year	8,256
SPANISH WAR.	
153 widows, at an increase of $48 per year	7,344
Total	9,429,264

It is estimated that about 18,000 widows may apply for pension under the second section of this bill (having had no prior title by reason of their nondependence under the act of May 9, 1900). The cost of these claims at $144 per year will amount to $2,592,000.

It is further estimated that there will be a yearly increase in the number of widow pensioners (over and above the loss by death) of about 5,000, which would further increase the annual cost to the amount of $720,000, so that the total cost of this bill if enacted into law will amount to about $12,741,000.

The first section of the bill, as above stated, applies to every widow pensioner now on the rolls at $8 per month and includes, therefore, not only the widows of soldiers who served in the civil war, but those who served in the war with Mexico, the various Indian wars, the war with Spain, the regular military and naval peace establishment, and one widow of the war of 1812 receiving a pension of $8 only.

The committee unanimously recommend the passage of the bill, believing that the benefits therein granted are fully merited.

Mr. SCOTT. Mr. Speaker, I am very sorry to hear the gentleman speak so positively and discouragingly as to the prospect of early legislation along the line indicated by the questions which I addressed to him. The act of June 27, 1890, very properly contained a provision limiting its benefits to those women who had married their soldier husbands prior to the passage of the act. But it will now soon be eighteen years since that act was passed. Men who have now reached the age of 70 were then but 52 years old—in the very prime of their physical and mental strength. To hold that a woman who married a soldier any time within ten years after the passage of that act with full knowledge that by the very terms of the act she would be barred from a pension in the event of his death—to hold that under such circumstances a woman contracted marriage with a soldier for the low and mercenary motive of drawing a pension after his death—seems to me preposterous. In point of fact there is not a man on this floor who does not know, within the range of his own acquaintance, scores of cases in which the soldier husband remained in vigorous health, easily earning an ample livelihood for years after a marriage which occurred subsequent to the passage of the act of 1890, but who finally succumbed to disease, often of a lingering nature, which not only robbed him of his earning capacity but made him a constant burden and expense upon his family. Personally I know of many cases, and I doubt not in the aggregate there are thousands of them, in which the husband thus stricken remained in helplessness until the little property he had accumulated had all been dissipated, and until the strength and health of his wife had also been shattered by days and nights of ceaseless vigil, so that when at last death relieved him of his suffering his widow was left penniless, hopeless, and helpless, forced in her old age to become a public charge or to become the humiliated recipient of grudging private charity. Surely in such cases as these there is a touching and powerful appeal, not only to our sympathies but to our sense of justice, and I regret exceedingly that the measure before us does not lift the ban and confer its benefits on all widows of soldiers, no matter when the marriage was contracted. Unfortunately the bill comes before the House under a rule which makes amendment impossible, and I shall therefore, not attempt to have it amended. I can not but believe, however, that before very long this House will be given an opportunity to do justice to a most deserving class of devoted women.

While addressing myself to this general subject, Mr. Speaker, I beg to say a few words touching other changes in our pension laws, which I think are demanded by every consideration of humanity and patriotism. Four years ago I had the honor to introduce into this body a bill providing a pension of $30 a month to all honorably discharged civil war soldiers who, by reason of injury or disease, whether incurred in the service or out of it, were rendered so far helpless as to require the constant attendance of another person. One reason why I wished that bill passed was because it would practically eliminate what has been so frequently referred to as the "special-bill evil"—eliminate it by making it unnecessary.

As it is now, the passage of a special act giving any soldier a higher pension than he would be entitled to under any general law is necessarily unfair discrimination. One man is chosen from among hundreds or perhaps thousands of his comrades, all just as deserving as he, and for his individual benefit the whole legislative machinery of the nation is set to work. With the utmost possible diligence on the part of our Committee on Invalid Pensions and their clerks it is physically impossible, as we all know, to reach more than a mere fraction of the cases that we know to be deserving. In my own district I have no doubt there are at least 100 ex-soldiers, each of whom is wholly without income except the pension he may now be receiving under some general law and each not only incapable of earning anything, but in a condition of practical physical helplessness. No amount of importunity or diligence on my part could make it possible for me to secure the passage of a bill for the relief of more than five or six of these men when such relief can only be afforded through a special act, and yet they all deserve relief as much as any one of them does. We know that the pension of twelve, fifteen, or twenty dollars a month which these men are now receiving is not sufficient to provide them and those who wait upon them with the barest necessaries of life. The difference between what they now receive and what their living actually costs must be made up to them by public charity or private beneficence; it must come from the contributions of their friends or from the charity funds of the town or the county in which they live. Would it not be vastly better if this difference between the pension that they now receive and what their living actually costs should be made up by the Government, not grudgingly as an act of charity, but proudly as the payment of a debt of honor and gratitude for the sacrifices these men endured and for the immeasurable service they rendered?

There is still another measure pending before our Pension Committee, Mr. Speaker, which I most earnestly hope will receive early and favorable consideration. It is a bill introduced by my colleague, Mr. ANTHONY, to give a pensionable status to the men who served in the Kansas State Militia during the civil war. It was in the very high tide of the rebellion, when every man of the regular troops in the field was needed at the storm centers of the conflict, that Gen. Sterling Price, of the Confederate army, with 20,000 men under him, started on his raid through Missouri and Kansas. That this raid must be resisted, and that many thousand troops would have had to be withdrawn from the main lines of battle where they were so sorely needed had it not been for the services of the Kansas Militia goes without argument. But with the courage and patriotism which so distinguished all our citizens throughout that period the few men who remained in Kansas—for Kansas sent a greater proportion of her citizens into the Union armies than any other State in the Union—the boys and the old men responded to the governor's call and, uniting with the few regular troops which were available under the command of United States officers, drove the enemy from the State, rendering in thirty days a service which, in point of

hardship endured and losses suffered and results achieved, might compare favorably with many other campaigns of many times longer duration. It is true that these men were in the service of Kansas only and were never enrolled in the armies of the United States; but it is also true that they did not stop at the State line when pursuit of the enemy led them beyond it, and it is true that the service they rendered was a service to the nation, for it was against the enemies of the nation and not against the enemies of Kansas only that they fought. In all justice and patriotism, therefore, the survivors of these militia regiments are entitled to the honor which their recognition upon equal footing with the regularly enlisted soldiers of the Union would give them, and to the succor which the modest pension would afford them now in the days of their weakness and poverty and age.

In what I have said I do not wish to convey a hint of unkind criticism against the members of our Pension Committee nor to appear lacking in appreciation of the splendidly generous pension legislation which this committee has in years past initiated and is at the present time bringing forward. Experience has shown that the act of February 6, 1907, has increased by $20,000,000 annually the amount our soldiers will receive. It is estimated that the act which will be passed here to-day, increasing the pensions of all widows to $12 a month, will add not less than $12,000,000 annually to the widows' pension roll. Surely a committee which in two successive years brings forward legislation which in the aggregate adds more than $30,000,000 annually to a pension list already generous beyond all precedent, can not be charged with lack of sympathy or patriotism or the sense of justice.

The pension legislation of the United States is a standing and unanswerable rebuke to the pessimist who declares that republics are ungrateful. Never in all the tide of times has a nation treated with such lavish generosity the men who fought its battles, and the women, the wives and mothers who bore their full share of the heavy burden. The soldiers of the district I have the honor to represent are not unmindful of this generosity or lacking in appreciation of it, and I should be but a poor spokesman for them if I were to give any other impression of their sentiment.

But not only the soldiers of my district, Mr. Speaker, but all the other people in it believe that in the directions I have indicated the generosity of this great nation might be still further extended without disadvantage to any of its interests, without appreciable burden to any of its citizens, and with infinite advantage to itself. While I shall vote, therefore, for this measure as it is, I shall do so in the confident hope that it will be followed by other measures of like character but more extended scope that shall still further attest the gratitude of our people to the men who alone made it possible for us to assemble here as the Congress of "The United States of America."

Mr. UNDERWOOD. Mr. Speaker, I want to say that I am in favor of this bill because it carries out a principle of legislation that I believe to be right. I believe the most unfair legislation that is passed by Congress on the pension question is to be found in the private pension bills that we pass; not that I am criticising the Pension Committee, because I believe they have done their work well and thoroughly; but a private pension bill is a matter of favoritism; it is a matter of being able to reach an individual Congressman. I believe all pensioners should be put on the same basis and that we should pass general pension laws that would apply equitably to all soldiers who are entitled to relief and not pass as many private pension bills as we do, but make a general pension law to fit the case as far as practicable. For that reason I favor a general bill of this kind.

Now, Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. DIXON].

Mr. DIXON. Mr. Speaker, on the first day of this session of Congress I introduced a bill to grant to every widow of a soldier of the civil war who had been honorably discharged a pension of $12 per month. While the present bill is not quite as broad as that measure, I rejoice that I am a member of the committee that unanimously reported this bill, and which very properly will be known as the Sulloway bill, in honor of the committee's distinguished soldier chairman.

This bill increases the pension of 196,443 widows from $8 per month to $12 per month. It includes the widows, minor children, and helpless minors of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and the war with Spain.

It is estimated that it will add 18,000 new names to the pension rolls who are now excluded therefrom by reason of the fact that by the complex mathematical calculation of the Pension Office their net incomes are in excess of $250 per annum.

The Pension Office has been put to great expense to arrive at a proper finding in these claims, many of which are investigated by special examiners, and this bill will save almost as much in expense as the additional pensions granted will entail.

It is also estimated that the yearly increase in the number of widows' pension is about 5,000, so that this measure will directly benefit and help, in all, 219,443 widows.

The expenses of the Pension Office during the last year on account of widows' pensions was $34,335,015.57, and the estimated increase by this bill will make the total expense for the coming year for the widows and minors $47,076,105.57.

The expense last year was divided as follows:

Widows of the Indian war	$34,775.94
Widows of the Mexican war and dependents	747,648.73
Widows and dependents of the war with Spain	842,548.10
Widows of the civil war, under act of June 27, 1890	18,976,704.22
Widows of the civil war, under general law	12,505,450.21
Widows, regular establishment	737,058.37
Total	34,335,015.57

The increase carried by this bill will be divided as follows:

Widows of the Indian wars	$147,888
Widows of the war with Mexico	330,240
Widows of the war with Spain	7,344
Widows, minors, and helpless minors, act of June 27, 1890	8,816,208
Widows under general law	119,328
Widows under regular establishment	8,256
Total increase	9,429,264
Estimated:	
18,000 widows, having no prior title	2,592,000
5,000 widows, estimated increase next year	720,000
Total cost of present bill	12,741,264

By the passage of this bill we not only honor the memory of the gallant soldier dead, whose widows we thus assist, but we impress upon the knightly soldiers living our gratitude for their valor and services in time of need, and give them the assurance of the nation's watchfulness over their widows when they are deprived of their husbands' comfort and support. [Applause.]

The widows are entitled to this consideration and the benefits of this bill. Most of them are advanced in years and many have no other income than their small pensions. Their husbands came to the support of this Government in its hour of need, and a great and prosperous nation should save their widows from want and afford them the comforts of life. This is not a measure of charity, but an act of justice; not a matter of sympathy, but a token of gratitude. Gratitude to the men who defeated the army of Mexico and added to our territory the great Southwest and to our wealth untold millions; to the men who preserved the nation and cemented the Union of States; to the men who rescued Cuba from a tyranny that was both cruel and exacting. The story of the patriotism, bravery, and heroism of these men will be forever cherished in the recollection of a grateful people and the poet's lyre will forever sing their praise with its choicest notes. [Applause.]

The people do not begrudge this money for the care and support and the comfort of these widows. They remember the hardships, sufferings, and deprivations endured by their husbands. They recall the heroic patriotism of the soldiers who left their homes and loved ones and presented themselves to their country to be uniformed for battle and robed for death. "No pen will ever place on history's page the full measure of domestic tenderness and heroic patriotism of the volunteer soldier who at the gate of his humble cottage, with weeping wife at his side and loving children at his feet, gave in solemn tones to the muster officer his name for the army."

Under the law now (act of June 27, 1890) for the widow to receive $8 per month she must be without income or means of support other than her daily labor and an actual net income not exceeding $250 per year. Under the rigid rules of the Pension Office the rent of the home, if owned by the widow, is counted as part of that income, and frequently this alone equals one-half the total sum allowed.

This was not a liberal construction of that law, but no doubt was a correct technical interpretation thereof. Under existing law for a widow to receive $12 per month her marriage must have been prior to 1886 and her husband's death must have been due to Army service.

The widow's need of a pension is not based upon the cause of her husband's death, and this amount of pension should not be measured thereby. "It is true the widows did not fight upon the field of battle, but in all wars there are battles fought and victories won far removed from the smoke of battle and the noise of guns. In the homes were wives fighting the battle for support of their families while husbands were fighting the battles of their country. [Applause.]

"These noble women passed many days and nights in dread and fear while waiting for the report of battles to scan the list that contained the names of dead and wounded. They were as faithful and loyal as the soldier in battle." No monuments have been erected to their memory and no statues commemorate their virtues, but a grateful nation should ever hold them in loving remembrance. [Applause.]

While this bill helps the widows, and the soldiers of the country will rejoice at its passage, yet I would like to see this Congress pass some liberal measure for those brave men who fought the battles and endured the hardships and privations of Army service. The soldiers have now arrived at an advanced age, their physical disabilities render manual labor impossible, and their pensions are inadequate for their support and comfort. No mere money consideration can pay them for the pain and suffering and the hardships and privations they endured, and a more liberal pension would be a recognition of their services.

This country can well afford to furnish these soldiers with such pensions as to assure them the comforts of life and a proper support.

When the country needed help they responded to the call. They came from the farms, the shops, the mills, and the professions, each man anxious to do a soldier's duty. These men, trained to the pursuits of peace, abandoned their avocations and became soldiers. In battle, on the march, in camp, hospital, and prison they displayed the loftiest elements of patriotism. Their work and its results are woven into the country's history and have become the sacred possession of our people. I have introduced a bill materially increasing the pensions of our soldiers, and I hope to see them all receive not less than $30 per month, or at least $24 per month; personally I prefer the larger amount. They would then know that their services had been appreciated and the appreciation shown in a substantial manner. The bill giving $30 per month to soldiers who had served eighteen months and over and $20 for those of shorter service would be gratefully appreciated. I hope some measure of assistance will be passed by this Congress, but as a rule we are told to wait; but while we wait thousands of these brave men are dying yearly.

Their ranks are gradually getting thinner, and but a few years more and the last of these soldiers will be laid to rest and their services and history will be but a treasured memory.

The McCumber Act of February 6, 1907, was a help to many deserving soldiers. It is based on age alone, where the service was ninety days and the discharge honorable. To June 30, 1907, the end of the fiscal year, there had been added but 1,794 new names to the pension roll, although 120,355 claims had been allowed. The reissue of certificates to the Mexican soldiers numbered 2,195 and those of the civil war 116,366. These figures plainly demonstrate that its chief beneficiaries are those whose mental or physical disabilities allowed them a pension under former laws, but a smaller amount than given under this law. These represent but one-third the claims filed, but the percentage of original pensions granted would, no doubt, be about the same, so that the total new names will be between 5,000 and 6,000.

Prior to 1890 our pension laws were based solely upon physical or mental disability of the claimant, and these must have been proven to have been of service origin. Physical disability, no matter how great, would not answer; such disability must be clearly proven to be due to Army service. Proof satisfactory to the Bureau was difficult to obtain; comrades were dead, hospital records frequently silent, and thousands of worthy and deserving cases were disallowed. Thousands of soldiers who had given from one to four years' service to their country, who were suffering from diseases that rendered them unable to earn a living, were denied recognition or help from the nation they had preserved. The protest became so loud, the wrongs inflicted so great, that the act of June 29, 1890, was passed, and this gave to the soldier with ninety days' service and honorably discharged a pension of six to twelve dollars if he was disabled from the performance of manual labor, by reason of physical or mental disability, rendering him unable in a greater or lesser degree to earn a living.

The disability of Army service entitling a soldier to $30 per month would secure but $12 under this act. There are many thousands of helpless soldiers to-day, many of them blind and paralyzed, who receive but $12 per month.

There are thousands more so weakened by disease as to render them wholly unfit for manual labor who depend almost entirely upon a pension of only $12 per month. Their condition can not be satisfactorily established to be due to their Army service. Many of them had from two to four years of hard and exacting Army service. It is certainly true that years or even months of military duty in the field, exposed to the storms of winter, suffering untold hardships, and enduring many privations, would weaken the physical system and render it less able to resist disease. Prisoners of war for months would naturally be susceptible to disease, their systems weakened by confinement. Is it not time to recognize these facts and help those with a substantial pension who are not able to help themselves? Are they not entitled to $30 per month?

They responded when the country called; they gave their services when needed; they fought the country's battle; they won its victories; they saved the Union. Are they not entitled to fair treatment? They did not enlist for pay; money was not considered, ambition did not whisper in their ears, military renown was not dreamed of; they went to support their country and to do a soldier's and a citizen's duty, and now, in their old age and helplessness, this nation can afford to be generous to these men. Such a law would allow large sums of money now used in the administration of the Pension Office to be applied to the payment of pensions.

Last year the expenses of the Pension Bureau were as follows:

Medical examinations	$490,573.59
Salaries at pension agencies	499,845.44
Rents and contingent expenses	31,321.70
Examinations of agencies	47.55
Salaries, Pension Bureau	1,696,096.69
Special examiners	434,318.70
Total	3,152,113.68

While the added expense would be great, yet when we consider our resources and wealth and our lavish expenditures in all other governmental departments, it does not appear so large. Economical expenditures in the Government service instead of extravagant expenses would save more than these pensions would amount to. The people would never protest or object to generous treatment of the soldier. Four new battle ships will cost about forty millions, and it is said they will be provided for.

The pension roll is now smaller than it has been since 1893. It now contains 967,371 names, the total net loss last year being 18,600. The survivors of the civil war on the pension roll now number 644,338. The deaths last year of these soldiers were 31,201.

The passage of this bill is in response to the universal demand for fair treatment of the soldiers' widows. I am glad to support it and to have aided as a member of the Invalid Pensions Committee in securing a favorable and unanimous report recommending its passage.

I was glad to support and vote for the McCumber Act of February 6, 1907, and hope for an opportunity to still further assist the soldiers by voting for a more liberal and generous pension law.

Now, nearly forty-five years after the close of the war, our nation, strong and prosperous, must not longer neglect those who came to its rescue when in danger and preserved it when in peril. I can but reiterate a portion of what I said February 4, 1907, when the McCumber bill was before the House for consideration.

The soldiers were modest in their demands upon the country for help; they appreciated the enormous indebtedness of the nation at the close of the war, and ten years after its close but 5 per cent of the surviving soldiers had applied for pensions. This small per cent included all those who had been wounded, those enfeebled in prison confinement, and those suffering from diseases contracted in the service. And now, forty-two years after the close of that war, in our strength and prosperity we should not neglect our defenders who supported us in our weakness and need. On every battlefield of the war they gave added testimony to the high character and quality of American soldiery. They exhibited the same American spirit that characterized the achievements of the Revolutionary war. Their bravery and devotion have immortalized the battlefields of the civil war, and their struggles forever settled the question of human slavery and peaceful separation. The settlement was right, and all sections to-day ratify that solution, and the character of the nation at home and abroad is higher by reason of that war. They established beyond question the American doctrine that the volunteer soldiery, taken from the pursuits of industrial life, can be depended upon to defend the country in time of war. The American citizen, trained to peace and the pursuits of industry, leaves his farm, quits his employment, and abandons his books and profession when his country calls. How gladly and proudly he marches forth to battle for his country's cause! From the independence of the farm and from the struggles of the city, of all political opinions and with all religious creeds, the soldiers come, all devoted to a common cause. The hardships of war cheerfully suffered; the brunt of battle gladly borne; defeat in battle but arouses him to more vigorous action; and victory is followed by magnanimity and kindness. His fame will be heard for centuries, and the poet's lyre will forever sing his praises with her choicest notes. The American soldier was the pride of the eighteenth century, the marvel of the nineteenth, and the glory of the twentieth. [Applause.]

Mr. FULTON. Mr. Speaker, I desire to inquire first whether or not an amendment will be entertained at this time to this bill?

The SPEAKER. Under the rules it is not in order.

Mr. FULTON. I do not desire anyone to think for a moment because of the question asked that I am opposed to the bill in its present form or that I would retard its passage. On the contrary, I heartily indorse it. I take the position, however, that it does not go far enough. I go on the theory that when you desire to reward persons you should reward them in proportion to the service rendered. While it is true that those who took part in the memorable conflict of 1860 and 1865 set a standard for bravery and heroism that never has been, and I doubt ever will be, equaled in the history of the world, yet we had bravery and heroism of as high a type displayed by their wives at home.

As my friend from Indiana [Mr. DIXON] just remarked, we had battles of various kinds in that war. The average soldier went through but a few battles in his years of service, but the mother and wife went through battles every day of the year and every minute of the day. We had brave men on both sides in 1860–1865, but we had brave men simply and only because we had brave women at home. I wish it were possible that our Government might reward, as they should be rewarded, these women, no matter whether they lived in the northland or in the southland, because they all suffered and endured like hardships and privations.

Now, not only were these women an inspiration to the soldiers in the field, because women are always an inspiration, and the soldier on the firing line never could have accomplished the deeds of gallantry that he did if it had not been for the mothers and wives and sisters who held up his hands and cheered him on, but they contributed in many other ways. Many of them—in fact, the great majority of them—took up the additional burden of their husband's business and carried it on successfully during those four years. Thousands of brave and noble women, women of culture and refinement, worked as common farm laborers in order to support themselves and their children. My own dear mother's experience—and I trust I will be pardoned for relating it—was not dissimilar to those thousands of women. When my father enlisted she was left alone upon a farm in western Iowa, with five small children to support, the eldest but 10 years of age, and time and again I have heard her tell how she would lariat the two youngest to the bedpost and, with the other three accompanying her, would go into the field, and with her own hands unassisted planted and harvested the crops for four long years; and if the thousands of women of the civil war were here to speak to-day, every one of them could tell of a similar experience of hardship and privation.

I ask, therefore, gentlemen, if such service is not entitled to due reward? We will have our mothers with us for only a few short years, and can we not make their last days a little more pleasant, a little more easy, a little fuller of the comforts of life? Of course my mother and the mothers of Members of this House may not need this assistance, but somebody's mother does. In fact, the great majority of the widows of veterans need this assistance. Twelve dollars a month is entirely inadequate. I would like to have offered an amendment paying them $30 dollars a month in order that they may spend their last days in ease and comfort. I do not believe that in their old age they should be compelled to support themselves by labor, nor should they be compelled to live upon the charity of friends. We have the richest country in the world to-day; we have millions of dollars locked in the Treasury; we spend hundreds of millions of dollars every year in public improvements, and why can we not take a little of this money—it would not hurt our country any—and use it to bring a little sunshine and a little comfort and a little ease and a little pleasure into the lives of those who have endured and suffered? For that reason I wish it were in order that we might have this bill amended so as to carry $30 a month instead of only $12. [Applause.]

Those having the bill in charge, however, have seen fit to bring it before the House under the rule that no amendments can be offered, so all I can do is simply to voice my sentiments. I am firmly convinced that an amendment raising the monthly payment to $30 would carry by an overwhelming majority, and I believe we should have an opportunity to vote on it. The bill, however, is a recognition—although a very small one—of the services rendered by noble women, and for that reason, and knowing how much the great majority of them are in need of assistance, I shall vote for the bill with pleasure, trusting that those who control legislation in the House will later on report a bill more equitable and just.

If it were permissible, I should also at this time offer an amendment providing for a pension of $40 a month for every honorably discharged soldier of the civil war. Early in the session I introduced such a bill, which is now pending before the same committee which reported the one now under discussion. This bill is H. R. 6100 and reads as follows:

A bill (H. R. 6100) to provide a pension for all surviving officers and enlisted men in the military and naval service of the United States in the war of the rebellion.

Be it enacted, etc., That the Secretary of the Interior is directed to place on the pension roll the names of all surviving officers and enlisted and drafted men, including militia and volunteers of the military and naval forces of the United States, who served not less than sixty days in the war of the rebellion and who were honorably discharged.

SEC. 2. That pensions under the preceding section shall be at the uniform rate of $40 per month and shall be paid to the person entitled thereto for the term of his life from and after the 1st day of July, 1908: *Provided*, That said section shall not apply to any person who is receiving a pension at the rate of $40 or more per month, nor to any person who is receiving a pension less than $40 per month, except for the difference between the pension now received and $40 per month.

This bill expresses my views on the pension question. If we are going to reward our old soldiers for services rendered, let us do it in a substantial way, and let us do it before they are all dead. If I had my way I would absolutely wipe out of existence the entire system of red tape which prevails in our Pension Department and say to every old soldier, "Show your discharge and take your pension." In fact, I would make it as easy for him to get a pension as it is to get a check cashed, and that is just what my bill will do if it were a law. It is true it might result in depriving a few clerks of a job, or a few pension attorneys of a fee, but on the other hand it would bring a little ease and a little more comfort to thousands of veterans who are rapidly nearing the end of the journey of life.

I wish it were possible to get the expression of this House on my bill. If there is anything wrong with it I would like to know it. It might be said that it will cost our Government too much, but I have made a hurried calculation and am convinced that it would not increase our disbursements for pensions over $150,000,000 a year, and while this is a large sum of money, yet less than three months ago, at the beginning of our present panic, the Administration issued $150,000,000 in bonds simply to protect and assist a few of our great financiers, who, the chances are a thousand to one, never did one-tenth, nay, one-hundredth as much for our country as one old soldier has done. But if $40 a month is too much, then cut it down to thirty; if thirty is too much, cut it down to twenty-five, but do something. Those who comprise the majority have always claimed to be the friend of the old soldiers; they now have an opportunity to show it, as it rests with them whether or not my bill ever comes to a vote.

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. HACKNEY].

Mr. HACKNEY. Mr. Speaker, I wish to say that this bill meets my hearty approval. I believe that the time has come when the property limitation on the widows' right to pension should be stricken out. I believe it is the experience of every Member, as referred to by the chairman of the committee, that gross injustice has been done in every part of the country in excluding from the bounties of the Government those widows who for the time being had only a small amount of property. The law could be so construed as to make this property meet the limitation fixed by the statute; and thousands of destitute widows have been turned away as having a competency when they had not sufficient to keep them from want. I believe that every widow of a soldier, who served the time fixed by this bill, ought to have at least $12 a month. I believe in raising the widow's pension from the minimum of $8, because I think that the $8 per month is wholly inadequate to represent the bounty that this Government feels it ought to pay to that class of people. I say that no money is better distributed in bounty from the Government than in giving pensions to soldiers and to the widows of soldiers and their helpless orphans. Into every section of the country the soldier with his family has gone. They have taken the advance step in the civilization of the West and Southwest and the Northwest, and they are doing their share toward upbuilding the land. Their widows, left in old age and helpless, ought to receive the recognition of this bill and ought to be paid such a sum as would keep them from want. I only regret that we can not to-day say they should receive more than $12 a month, but, of course, these things must come gradually, and that limitation has been fixed for the time being. But, Mr. Speaker, I would go with the committee in saying that the minimum of $12 ought to be raised to at least $20 a month. It would do away in a great measure with private bills. Every Member of Congress has been besieged by his constituents, I take it, to introduce private pension bills. We all know how the requests come; we all know how meritorious many of them are, and we all know how hard it is to turn them down; but we must put a limitation somewhere. Mr. Speaker, I am glad to see that the House has taken this

advanced step at this time in doing long-delayed justice to the widows of our soldiers. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I thoroughly indorse the bill now pending before the House. I indorse what the gentleman from Missouri [Mr. HACKNEY] has just said. I had hoped, however, that the bill would be broader in its scope and would have taken within its provisions the few remaining veterans of the Indian wars in Florida, who are as deserving a class of veterans as this Government ever has or ever will pension. But, if I can not receive all for my people that I think they are entitled to, in their name I will accept what the committee desires to give. I want to say also, Mr. Speaker, that I shall never be found upon this floor delaying, obstructing, or opposing any pension bill brought here for the veterans of any war of this Republic. [Applause.]

I desire to yield the remainder of my time, if I may, to my colleague, the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, I do not rise for the purpose of opposing this measure. On the contrary, I am in favor of it, and will take great pleasure in voting for it. But, like my colleague from Florida [Mr. CLARK], I regret very much that it is not broader in its scope and has not been so extended as to take in the surviving soldiers of the Florida and other Indian wars, who are now being pensioned. These are a very deserving class of people, and ought to have their pensions increased over the small sum of $8 per month, which they are drawing now, to at least $12, as is provided in this bill for the widows of those who are dead. I am very sorry that this matter comes up here in such a way that we can not offer an amendment to the bill here; but, as I understand it, that can not be done here, and now we will have to take our chances before another committee, the Committee on Pensions, on some other occasion, of introducing and passing a bill through this body that will give relief to this very deserving class of people. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. ANSBERRY].

The SPEAKER. The gentleman is entitled to three minutes.

Mr. ANSBERRY. Mr. Speaker, it has been the custom of the sons of men "from time beyond which the memory of man runneth not to the contrary" to celebrate the anniversary of great battles, great soldiers, great statesmen, and great events in their country's history by the erection of monuments of bronze or stone and to inscribe thereon suitable words of commendation or facts of historical importance. But the Congress of the United States for the past forty years have, in addition to the building of monuments, seen fit to provide, under the sanction of law, suitable pensions for the individual soldier and after his death for the widow and minor and helpless children.

This is a commendable thing and, in addition, is but an act of simple justice. Hence it follows that in no sense of the word can the action of the Government be considered as charity. The people of the United States realize that they owe a debt to the soldiers of the civil war that they can never repay, and it follows, I think, that the pittance that in too many instances is doled out to these men, their widows, and their minor and helpless children is not at all commensurate with the services rendered. Right here I desire to repeat the well-known and forceful words of the Master, "The laborer is worthy of his hire." In a Government like ours, that up until the civil war depended for defense not on a standing army, but upon the assurance that if needed her citizen soldiery would be ample for her needs, it is but meet that we should give that soldiery a fraction of the amount that would be necessary to maintain a standing army.

I had no intention of participating in this debate. It would seem that words or arguments in support of this meritorious measure are unnecessary, particularly since the gentlemen from Florida [Mr. CLARK and Mr. SPARKMAN], representing Southern constituencies, have raised their voices in eloquent support of this just cause. But despite that fact I would deem myself deficient in patriotism and wanting in a proper sense of loyalty to a soldier father and his comrades in arms if when the opportunity presented itself I did not rise in my place and add my mite in support of the interests of those women and men who gave so much that yonder flag should remain intact, symbolic of a united country.

Then, again, I have the honor to be a member of the committee that reported this bill, and in justice I must tell you, gentlemen, that this committee labored unceasingly with the end in view of giving to these good women a liberal pension. That this bill is not all that it should be, we concede. That it falls far short of absolute justice between the different classes of soldiers' widows is admitted by all, for under it the woman who married a soldier June 27, 1890, or prior thereto, is on the same footing with the widow who married the soldier before or during the war, and who, of necessity, suffered more of the hardships incident to warfare than did the woman who married the soldier June 27, 1890. We appreciated this fact, and it was the judgment of every member of the committee, Democratic and Republican alike, aye, it was the desire of every member of the committee that the woman who married the soldier during, before, or immediately after the war, should be given $16 per month, but we were not permitted so to do. I say not permitted advisedly. Now, as a matter of course, no pension bill for widows can be made equitable. This for the reason that an arbitrary date must be fixed as well as an arbitrary amount, and any law the essentials of which are arbitrary must necessarily work an injustice to some one.

I myself, Mr. Speaker, and the other Democratic members of the Committee on Invalid Pensions, were of the opinion that January 1, 1908, should have been the arbitrary date, and in justice I must say that the Republican members of the committee also were of the opinion that January 1, 1908, should be the date fixed by this law; but because of the fact that there might be a deficiency staring us in the face, and in view of the fact that the date in this bill would carry an appropriation of $12,741,300, and this, coupled with other reasons, convinced us we could not go any further, and so the minority joined with the majority in making a unanimous report. I believed that at some future time the arbitrary date of June 27, 1890, should be changed. I am here reminded of the fact that in the case of the widow who had married a soldier since June 27, 1890, there would be no new charge put upon the Government, for in most cases these widows would only receive a small proportion of the pensions their soldier husbands had been receiving from the Government. I am firmly of the opinion that this should be done, and I believe that the temper of the membership of this House is such that this would be changed now but for the fact that under the rule no amendment will be permitted to be offered to this bill. I want to be distinctly understood that the committee were in favor of January 1, 1908, as the arbitrary date, but were deterred from so constructing the bill for the reason that they feared by so doing that they might defeat the whole bill. [Applause.]

In passing I desire to say a word in behalf of a bill I introduced early in the session in the interest of the soldier. This bill, known as "H. R. 9084," while it does not embody my ideas of a perfect pension bill, still I believe it goes at least a step in the right direction. Briefly, it amends the "Act of February 6, 1907," so that a soldier at the age of 62 gets $15 per month; at 70, $20 per month; at 75, $25 per month, and at 80, $30 per month; and after a soldier has once made his proof he is not compelled to furnish new proof when he arrives at an age that entitles him to an increase of pension. I believe that the ideal pension bill would give $1 per day to each and every soldier, and my future efforts shall be directed with that end in view; and I propose to make an honest effort to get a pension for every soldier in my district at the rate of $1 per day through the medium of a special bill if I can not get a general law. We all indulge in flowery talk on occasions of special interest to soldiers. We tell them that they were the bulwark of the country in time of danger; that they preserved the nation; that they made sacrifices without number; that they shattered their health and their fortunes; that they gave of their time when men are laying the foundations of their future prosperity; that, sad to say, many of them gave up their lives; many were wounded and horribly maimed and have since crawled through life as best they could, living evidences of Sherman's truism that "War is hell;" that but for them we would not now be living in a reunited country, the greatest and best that God's sun has ever shone upon. These things and many others of similar import we tell them, and truthfully, but, sad to say, when they knock at the door of Congress and ask that they be given a portion, a small fraction of their due, they are put off with the same old story: "No funds. Wait! Wait! Wait!" Mr. Speaker, these men have waited now until they are in the "sere and yellow leaf." Many of them, yes, hundreds of them, are daily answering the last call, and if more time is permitted to elapse, if adequate relief be not given, and that, too, soon, you will have acted too late to remove from many of "the old guard" the impression that there is truth in the saying that "Republics are ungrateful." [Applause.]

Mr. UNDERWOOD. May I ask the gentleman from New Hampshire if he will, as chairman of the committee, ask unani-

mous consent that Members may have five days to print on this bill, as there are many gentlemen who desire to be heard.

Mr. SULLOWAY. That is my purpose, I will say to the gentleman. I now yield to the gentleman from Illinois [Mr. FULLER.]

Mr. FULLER. Mr. Speaker, I hope this bill may pass by unanimous vote of the Members of this House. My only objection to it is that it does not go far enough. The bill which I introduced upon this subject proposed to grant a pension of $12 per month to all widows of soldiers of the civil war and of the war with Mexico who were married prior to the passage and approval of this bill. It was thought by the committee that the expense entailed by this bill was all that Congress would be justified in incurring at the present session. But pension legislation is a matter of growth, and the time will come when a grateful nation will pension all widows of the soldiers of the Union regardless of the date upon which they were married. This bill will add to the cost of the pension roll about $12,000,000 per year. It will benefit over 200,000 worthy widows of deceased soldiers of the civil and other wars. I only regret the amount could not be greater for each one, and that the number benefited might be greater. This nation can well afford to care not only for the nation's defenders, but for those dependent upon them when they have passed from the scenes of earthly action. God bless all the nation's defenders, and let the nation care for those who were dependent upon them. What this great nation owes to its volunteer soldiers of the civil and other wars is beyond computation in dollars. It is a matter of simple justice that the nation should care liberally for them and for their widows and helpless children. The money thus expended does more real good than any other money voted by Congress for any purpose whatever. In the future, no doubt, the policy now inaugurated will be extended so that all deserving ones shall be provided for by act of a grateful Congress.

Mr. BELL of Georgia. Mr. Speaker, I desire to register my approval of the bill now before this House for consideration. I had introduced a bill similar to the bill now under consideration, except that my bill goes a little further and proposes to allow widows of the Mexican and Indian wars $12 per month at the age of 62, $16 per month at the age of 70, and $20 per month at the age of 80 years. I did not include widows of the civil war, but I am heartily in favor of this increase and believe it to be right. Members of this House could not do a more commendable act than to pass this measure unanimously. I have numerous bills before the House for increase of pensions of widows of soldiers of all the wars enumerated in this bill, some of these having reached the ripe age of 85 years and who have no other means of support, and it is gratifying that the Committee on Invalid Pensions should take hold of this matter in the manner it has and ask an increase for these most worthy widows of our great soldiers of the Mexican and Indian wars who have long since gone to meet their reward. Mr. Speaker, while I shall vote for this measure, I do sincerely regret that it does not provide for increases according to age as outlined in my bill for widows of Mexican and Indian war soldiers, but I bow to the inevitable and will gladly register my vote of approval of the passage of this measure. [Applause.]

Mr. GOULDEN. Mr. Speaker, House bill No. 15653, now under discussion, provides an increase of pension to the widows and minor children of deceased soldiers and sailors of all the wars, beginning with the Mexican and ending with the Spanish-American. The bill provides that widows' pensions shall be raised to $12 per month, instead of $8. The report of the Committee on Invalid Pensions makes the following estimates of number of people affected and the probable cost the first year.

The cost of the bill if enacted into law will approximate $12,741,300 per year, divided as follows, this estimate being based on the number of widows, minor children, and helpless minors on the pension roll on June 30, 1907:

CIVIL WAR.	
183,671 widows, minors, and helpless minors, pensioned under the act of June 27, 1890, at an increased rate of $48 per year	$8,816,208
2,486 widows pensioned under the general law at $8 per month (act of March 19, 1886), at an increase of $48 per year	119,328
MEXICAN WAR.	
6,880 widows, at an increase of $48 per year	330,240
INDIAN WARS.	
3,081 widows, at an increase of $48 per year	147,888
REGULAR ESTABLISHMENT.	
172 widows, at an increase of $48 per year	8,256
SPANISH WAR.	
153 widows, at an increase of $48 per year	7,344
Total	9,429,264

It is estimated that about 18,000 widows may apply for pension under the second section of this bill (having had no prior title by reason of their nondependence under the act of May 9, 1900). The cost of these claims at $144 per year will amount to $2,592,000.

It is further estimated that there will be a yearly increase in the number of widow pensioners (over and above the loss by death) of about 5,000, which would further increase the annual cost to the amount of $720,000, so that the total cost of this bill if enacted into law will amount to about $12,741,000.

The first section of the bill, as above stated, applies to every widow pensioner now on the rolls at $8 per month and includes, therefore, not only the widows of soldiers who served in the civil war, but those who served in the war with Mexico, the various Indian wars, the war with Spain, the regular military and naval peace establishment, and one widow of the war of 1812 receiving a pension of $8 only.

The sentiment of the House seems to be unanimously in favor of this deserving but long-delayed act of justice. The committee having charge of the bill have acted wisely and patriotically in unanimously reporting it to the Congress. I am heartily in favor of this measure, and congratulate the country upon its becoming a law. When the nation forgets its heroes and its heroines the beginning of the downfall of our American institutions is at hand.

No people deserve the grateful thanks and the substantial recognition of our citizens more than those who by their valor and patriotism saved the nation. A deep debt of gratitude is due them, and this is especially true of the devoted women whose loved ones fought its battles and won its victories. All good, loyal citizens will rejoice at our action here to-day in passing this just and reasonable measure.

Mr. STERLING. Mr. Speaker, I am in favor of this bill. I shall vote for it very cheerfully; of course I will. It is doing justice that has been deferred. It is certainly good as far as it goes.

I am of the opinion, however, that if I had the drafting of this bill and the right to determine its scope and extent, I could have improved it in at least three particulars. I say this with all due respect to all the members of this able and honorable committee from which the bill is reported. I have no doubt they have reported the very best bill on which they could agree, and different views must always be considered where it is sought to get substantial results.

First. I believe that the law ought to descriminate in favor of the widow who was the wife of the soldier at the time of his service. Such a widow ought to have $20 per month. She saw and felt the real hardships of the war; she suffered and sacrificed, where the woman who was not married to the soldier at the time of his service did not.

Second. This bill limits the pension to widows of soldiers who were married to the soldier prior to June 27, 1890. This date is purely arbitrary and is not based on any particular reason. The widow of a soldier who married the soldier after that date is not entitled to any pension at all under the terms of this bill. Why not? I am sure many cases may arise and will arise where the marriage occurred after that arbitrary date, in which the facts show more merit than some of those other cases where the marriage occurred before that date.

Perhaps the only reason that anyone can or would suggest for this arbitrary date is that it will limit the amount of the appropriation necessary to pay these additional pensions. If it is not possible for the Government to pay all just pensions, then the hardship ought to be distributed and not fall on a few or a certain class. Many of these widows who married the soldier after June 27, 1890, have the most meritorious claims for pension. Many of them have taken care of the old soldier in his old age, when in ill health, after he had broken down and when he most needed the care and comforts which these widows gave him. I do not think it just to leave these widows unprovided for in this bill. The bill should apply to all widows where the marriage to the soldier took place prior to the passage of this act, and if I could I would amend it in that regard.

Third. The law applies to widows of soldiers who served not less than ninety days. It should apply where the soldier served not less than sixty days.

Mr. Speaker, I am aware that under the rule it is not competent to offer amendments to this bill. If it were I would offer each and every one of them, and I believe they would meet with the support of a large majority of the Members of this House. When this bill comes back to us from the Senate I hope these amendments will have been inserted.

Mr. HALE. Mr. Speaker, proof that I favor the passage of this bill is found in the fact that I have introduced a bill in this Congress embodying the salient features of the bill now under consideration. I have all along thought that the widows of the soldiers of the war of the rebellion were, in a measure, neglected; that in our anxiety to do the right thing for the soldier we have forgotten the trials, the hardships, and sorrows

that were borne by the wife. Even the widow who married after the close of the war and contributed to the support, comfort, and care of the old veteran as he grew older is entitled to a measure of consideration almost commensurate to that of the soldier himself.

We can readily see, when all things are considered, that it was easier for the soldier to fight on the field of battle, surrounded by his comrades and urged on by the fires of patriotism and duty than it was for his wife to remain at home with no protection and surrounded by the lonely scenes common in times of war. The soldier in those days could forget in the excitement of battle and the companionship of his comrades the local surroundings of his old home and the scenes of his home familiar before the war, even though the earth might shake from the thunder of war and the very reflection of the field of battle light up the heavens with a lurid glare akin to the fires that swept the hills of Gehenna, still they could fight; the very force of the battle, the sound of the martial music, and the command of his officer prompted him on to greater deeds of heroism and of glory. The wife of the soldier was left back at home without any of the facilities for immediate knowledge that we have to-day; but few newspapers or letters reached them. They were lonely in a nation where brother was fighting against brother and section warring against section, and in many localities subject not only to the ravages of each contending army, but to the savagery of the bushwacker and guerrilla and all the human fiends who in that dark hour were disposed to take advantage of the war for plunder and pillage.

In East Tennessee, southwest Virginia, and the mountain territory lying along the border line dividing the North from the South, those women left at home were, in my judgment, the highest examples of heroism and true devotion to home and country to be found on the globe or to have lived in the history of the world. The heroism of no Spartan mother was greater than hers.

In East Tennessee, all the men left their homes and went to one army or the other, and the wives of the soldiers were left on the line of the contending armies, yet with a devotion indescribable they stayed in their mountain homes with no other protection than their virtue, their children, and the God they worshipped. They fed all they had to the hungry soldier and the departing refugee, and without a murmur submitted to the conditions of war and came out of this fire with enlarged heroism and devotion to country such as to inspire the admiration of the world. Her lot was more lonely and her hardships far exceeded those of the soldier himself.

Being the son of a soldier who lived in the South and fought three years to preserve this Union, and whose mother at that time suffered all the sorrows, privations, and hardships possible to suffer under all these circumstances, I feel that the widows deserve even more than this bill gives them. The $12,700,000 which this bill proposes to pay to the widows of our soldiers throughout our country will bring joy and gladness into thousands of homes and will make glad many a heart that has yearned through the years of seeming neglect when they reflect on the scenes of forty years ago. Our nation never has before, and perhaps never will again, appropriate money in such a way as to bring as much happiness, comfort, and joy to the American people as this bill as proposed will bring.

It will not be long until the last soldier of the civil war will pass away, and in a short time the last widow of that war will be called hence, but they have enriched our nation with loyalty to country and devotion to home, and from their heroism and patriotism there has come a generation of men and women in whom I believe rests the highest ideas of popular government and in whose hands the destiny of our country will be safe.

Mr. SULLOWAY. Mr. Speaker, I yield four minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Speaker, I am glad I belong to the one Republic in the world that is not ungrateful to its defenders. We go upon the theory in the United States of having a small standing Army and defending the country in time of need by volunteer soldiers and then paying liberal pensions to them after their services have been rendered to the country. I am glad to hear Members say that they like the principle involved in this bill which is before the House for its consideration, yet there is no general bill that can meet each and every case. It becomes necessary in the course of the business of the Committee on Invalid Pensions that they shall undertake to provide special bills for those cases which can not be included in any general law. There have been a great many private pension bills passed since I have been a Member of this House, but I think there has not been a single one that has not been highly meritorious; and while we regret the necessity for so many of these bills coming before the committee for its consideration and action, yet we can not afford to allow any soldier who served his country faithfully to go "over the hill to the poorhouse." [Applause.]

I hoped, when we passed the bill of last session for the soldiers, giving all soldiers of ninety days' service $12 per month at 62 years of age, $15 per month at 70 years of age, and $20 per month at 75 years of age, that we might also provide $24 to $30 per month for all the totally disabled, so as to relieve the committee of most of the cases which come before the committee seeking relief—and but for the pension committee of the Grand Army of the Republic it would have been attempted. That committee, however, fearing that the bill might fail altogether, if amendments were made, asked us at this end of the Capitol to pass the bill as it came from the Senate, which was done.

The next needful thing is the passage of a bill providing for the totally disabled soldiers, whether their disabilities are due to their service in the Army or not, and I hope the opportune time for such a measure will not be long delayed. Meantime, we can not afford to allow any of the soldiers to go down in want, and therefore, in order that we may provide for these special cases, special bills are presented and recommended for passage by the committee. I hope the time will come, and I hope to stay in Congress long enough to see every soldier who served his country in the hour of its peril have $1 a day as an honor credit in his old age. [Applause.] This bill provides for all of the widows and gives each one a pension of $12 a month.

The committee did not see wherein there was a difference in her chances of getting on in life between the widow whose husband died of a disease contracted in the service and one whose husband died from some other disability. So we thought we would equalize all of these, and we have done so.

This bill has received the unanimous support of the committee, and it carries quite a sum of money—possibly $13,000,000—and yet not so much but that the Government pocketbook is equal to it—every cent. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEISSE. In the gentleman's remarks he stated that we could not pass a general bill that would take care of a great many of these private pension bills. I believe that we can pass a bill that would take care of many of them.

Mr. CHANEY. Oh no; I say nothing of the sort. We certainly will sooner or later.

Under the act of June 27, 1890, there are 183,671 civil-war widows, minors, and helpless minors getting $8 per month who will get an increase under this bill of $48 per year each, or $8,816,208. There are 2,486 widows pensioned under the general law, at $8 per month also, who will get $4 per month more than they now get, or $48 per year each, equal to $119,328; there are 6,880 Mexican war widows drawing $8 per month who will now get $12, or $330,240; of the Indian wars, there are 3,081 widows getting $8 per month who will now get each $48 per year more, or $147,888; of the Regular Establishment of the Army there are 172 widows who will, under this bill, get $48 per year more each, an aggregate sum of $8,256; there are 153 widows of the Spanish war who will also each get $48 more per year, or $7,344; or an aggregate of $9,429,264.

Widows who have heretofore been denied pensions under the act of 1890 because of an income of $250 per annum will all be pensioned under this bill, and each one will be entitled to $144 per year. There are probably 18,000 of these, and these pensions will amount to $2,592,000. The number of widows are likely to increase something like 5,000, and this will swell the budget to $720,000 more, thus adding a grand aggregate to the pension appropriation of $12,741,000.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. SULLOWAY. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I have no desire to delay the House in coming to a vote on this benign pension measure. I rise mainly to correct an inaccuracy in a statement that I made a few moments ago, and I correct it by reading a paragraph from a letter of the Commissioner of Pensions, written to myself, and dated January 13, 1908, in which he speaks of a widows' pension law:

> In accordance with your verbal request, I have the honor to advise you that if the pensions of all widows who are receiving a less rate than $12 a month were increased to $12 per month, the increased expenditure per annum would be approximately $9,500,000.

I may add that in the last Congress, and early in the session of this Congress, I introduced a bill substantially like the pres-

ent one. I think, however, that the distinguished chairman of the Committee on Invalid Pensions [Mr. SULLOWAY] and that committee have improved somewhat upon the bill that I offered, and I do not care to add anything in advocacy of this measure except my approval. I might say, Mr. Speaker, of this bill what was said by the great Horace Mann about sixty years ago on the floor of this House when speaking of a measure that was pending to endow institutions for the insane. He said that measure was so fraught with humanity and justice that a pirate in a storm would lay down his tiller to support it. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, in the limited time allowed for debate upon the bill now before the House, I desire to say that in my judgment no more righteous measure has been presented for the consideration of this body. Deserving as the veterans of the civil war are of the pensions they now receive, they are scarcely more so than the noble body of women who as wives and mothers have shared with them every privation in peace, and many of them suffered even greater agonies during the war. If the provisions of this bill are enacted into law, as I believe they will be, more than 186,000 widows of the Union Army veterans will receive $12 per month who now receive but $8. Under the law as it stands to-day soldiers' widows are prevented from receiving the $12 because of inability to prove that death resulted from wounds received in battle or from disease contracted in the line of duty while in the service. The soldier may have long been aware of their existence, but in what battle, or campaign, or siege, or under just what conditions of exposure the seeds of death were planted in his system while in the service of his country he is unable to tell. The physician who certifies to cause of death is often perplexed as to the origin of the fatal malady, and even though he may believe that the Army service had much to do with his premature taking off, hesitates, in the absence of more certain knowledge, to certify that the soldier's death resulted from such service. The material needs of the widow who receives $8 are often as great, and may be even greater, than the one who receives $12 per month, while the service rendered by her soldier husband may have been of vastly more value to his country, and in all such cases a very great though unintentional injustice has been done a hero's widow.

When the law was enacted fixing the sum of $8 per month as a widow's pension, that sum was the maximum received by the soldier. Now the minimum allowed the soldier at 62 years of age is $12 a month, regardless of physical or financial condition. Is it any more than simple justice that the maximum rate to the widow should be equal to the minimum rate to the soldier? That is what this bill provides.

There are now with reference to pensions two limitations placed upon widows of civil-war veterans. Under the present law the widow of a soldier having a net income of $250 per year is barred from receiving a pension.

The other limitation is where the marriage to the soldier was contracted after June 27, 1890. The latter barrier still remains if the provisions in the present bill are enacted into law. This limitation, put in the law of June 27, 1890, was designed to act as a deterrent to youngerly women entering into matrimonial relations with men of advanced years, induced thereto by the expectation of a pension in case of the soldier's death. In many instances this law is unjust and works a great hardship, and the day is not far distant when it will be repealed; but, as I understand, under the rules of the House governing during the consideration of the pending measure no amendment will be in order.

The first of the two limitations named as now operative will, if this bill becomes a law, be removed, and the soldier having an honorable service of ninety days or more will entitle his widow, whatever her income, to receive $12 a month. The removal of this limitation puts the wife on an equal footing with her husband as a claimant under the law passed last year and known as the "McCumber Act."

The number who will or may claim under this provision of the bill constitutes the "unknown army" of widows. It is impossible to estimate with any degree of exactness how many there are, but the total number is believed to be comparatively small. This class of cases is said to be the most difficult, the most delicate, and at the same time the most expensive, to adjudicate. While there will be a small minority who may avail themselves of the Government's liberality who could live in ease and comfort and even in luxury without a pension, it still remains that the widow, and there are many, who has only a net income of $250 per year, or $5 per week, or 69 cents per day, finds herself greatly troubled to pay taxes and insurance and betterments, if she has a home, and live on what is left, or if she has no home it is a meager sum with which to pay for shelter and food and clothing and other expenses incidental to every well-regulated life.

The widows of soldiers of the Mexican war, of our Indian wars, and, in a qualified sense, of the Spanish-American war and of the Regular Army, are made to share equally with the wives of the veterans of the civil war in the bounty of the Government.

But, sir, there is another class to whose hearts the passage of this bill will bring a feeling of relief and gladness. That class is composed of the veterans who still survive. Death follows upon their track with relentless and seemingly accelerated force. The mortality roll increases month by month. Time is removing the defenders of the Union more rapidly than all the marches and sieges, the battles and prisons, combined in the bloodiest year of the great war. That mighty host once numbering over twenty-two hundred thousand men and constituting the very flower and strength of American manhood is rapidly vanishing from our sight. In the month of December alone 2,920 were mustered out of the ranks of the heroic living into the ranks of the immortal dead. Sir, that means that there were on the average ninety-seven died every day, four every hour, and one every fifteen minutes of time. This bill crystallized into law will enable many a veteran soldier to gaze for the last time into the face of the wife of his youth and the mother of his children, comforted and sustained by the thought that the Government to which he gave the strength of his young manhood will care for his widow and his helpless orphans.

Sir, before concluding my remarks, I desire to emphasize, not the "inadequacy" of pensions, but rather the unparalleled liberality of the nation toward its defenders and their widows and orphans. As a soldier, I am proud of my country for what she has done and is doing, not only for the soldiers, but for the widows of soldiers. [Applause.] Since I have been a member of this legislative body, I have seen the limit against widows raised from $96 to $250, and now I rejoice to see the limit about to be absolutely removed. Last year a bill passed the Congress which gave to the soldiers of the Union, in addition to what they were then receiving, $20,000,000. If this bill becomes a law, it means in round numbers $13,000,000 more to the widows of soldiers. In other words, the Congress has in the last two years, in addition to that which it was previously appropriating, given $4,000,000 more than the total which France gives to her disabled soldiers and their widows, $9,000,000 more than Germany gives for the same purpose, $20,000,000 more than Austria-Hungary, and $21,000,000 more than Great Britain. I call attention to this here and now that my comrades and my countrymen may know and realize that among the great governments of the world the American Republic stands alone in the unprecedented liberality with which she treats the men who fight her battles and those who are dependent upon them. [Loud applause.]

Mr. FINLEY. Mr. Speaker, will the gentleman yield to me for a minute?

The SPEAKER. The gentleman's time has expired.

Mr. SULLOWAY. I can not yield and comply with the requests for time. How much more time have I, Mr. Speaker?

The SPEAKER. The gentleman has three minutes and a half remaining.

Mr. SULLOWAY. I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I am glad to see this legislation, but I regret very much to learn that this bill does not pension the woman who was once the widow of a deceased Mexican soldier, who afterwards died and she again married and that husband, number two, is now deceased. I hold in my hand a letter received this morning about such a widow, whom I well know, who was the widow of as brave a Mexican soldier as ever drew sword. He died. She was then pensioned, and then after about eight or nine years married a second time and her pension stopped. I am informed from this letter, written by one of the best men in Tennessee, that she is now in "reduced circumstances." That widow, Mr. Speaker, this bill does not aid. I can not see why. There is absolutely no just reason why Congress should not continue to take care of the widows of the heroes of this country who marry a second time and again become widows. [Applause.]

Mr. SULLOWAY. I yield one minute to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Speaker, the gentleman from Michigan says that no nation has been so generous to her defenders as the United States. That is true. No nation has ever had greater reasons for the exercise of such generosity. The pensions which this Government grants to the soldiers of the civil war is not charity. It is the fulfillment of a sacred obligation. It is as binding on the nation's integrity as any portion of the public

debt. Since the close of the civil war the Government has paid out in pensions the enormous sum of $3,551,626,000. The total expense of maintaining this Government from its foundation up to the present time is about $20,000,000,000. More than one-sixth of that entire sum has been paid to the soldiers of the civil war. It is estimated that for the fiscal year 1908 it will require $150,000,000 to provide for the pension roll. This great increase over former years is due to the McCumber law, which was approved on the 6th day of February, 1907. The operation of this law has indicated the judgment of its advocates. The annual report of the Commissioner of Pensions for the fiscal year ending June 30, 1907, shows that 120,355 certificates were issued under the provisions of the McCumber Act. I have made special inquiry of the Department for the six months from June to December, which shows that 161,368 certificates were issued during that period. The total number of soldiers who have been benefited by the provisions of that law will approximate at the present time 300,000. While these figures are extremely gratifying, there is a growing sentiment in Congress and throughout the country in favor of reducing the age limit for a fifteen, twenty, and twenty-five dollar pension. The people of the United States will approve of any plan that will provide the soldiers of the civil war with all the comforts of life during their declining days. I trust the time is not far distant when the men who wore the blue during that mighty conflict shall each receive $1 a day, not as compensation for their patriotic services, for there can be no adequate monetary consideration, but as an expression of the gratitude of the Government and the succeeding generations for their devotion to the cause of human liberty.

Mr. Speaker, I approve of every provision in the pending measure. Lincoln left to us a sacred injunction, "Care for him who shall have borne the heat of the battle and for his widow and his orphan." It is not only the duty of this Congress to provide for the comforts of the soldier, but those dependent upon him should receive the protection of the Government when he is gone. At the present time there are 270,767 widows on the pension rolls of the United States. One hundred and eighty thousand of these are, under the act of June 27, 1890, drawing a pension of $8 per month. The provisions of this measure will increase that pension to $12 per month. I am informed by the chairman of the committee that it will require an expenditure of $7,000,000 or $8,000,000 to provide for that increase, but the bill is so eminently fair and just, so thoroughly in accord with the generous policy of this Government in the matter of pensions, that there is not a dissenting opinion on the floor of this House. It meets with unanimous approval here and will have the united support of the country at large. I deeply regret, however, Mr. Speaker, that this measure does not go further and eliminate the clause in the law of 1890 making ineligible to pension widows who have married soldiers since that date. There are thousands of widows throughout the United States who have married soldiers since 1890. They have taken care of these old veterans during their declining days and have made them as peaceful and happy as the passing of the sunlight from the hillside. They can not be charged with other than the highest motives, as they married these soldiers in the face of the fact that they were not entitled to a pension under the law. Many of these noble women are in needy circumstances and should receive the generous treatment which has always been characteristic of the American people. I regret that this measure has been presented under such parliamentary rule as will not admit of its amendment; but, because of the great good that will be accomplished as it now stands, I heartily favor it, and will give it my earnest support. [Applause.]

Mr. SULLOWAY. I yield the balance of my time to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, I propose to vote for the passage of this bill; and I have taken the floor simply to call attention to another class of widows whom I regret are not provided for in this bill. I do so at this time in the hope that the Committee on Invalid Pensions will yet report a bill at this session that will provide for the class of widows I have in mind. Under the law as it now stands, and under the law as it will stand if this bill is enacted, the widow of a soldier who was discharged prior to the expiration of ninety days' service on account of wounds, injuries, or disabilities incurred in the service can not obtain a pension unless the widow is able to show that the soldier died as a result of such injuries, wounds, or disabilities. Let me give you a concrete case as an illustration: If a soldier having served sixty days was discharged on account of blindness incurred in the service, while he would be enabled to have a pension during his life, his widow could not obtain any pension unless she was able to show that he died from that specific injury, which obviously would be impossible.

Now I submit, Mr. Speaker, that there is no reason for this distinction. A soldier who was discharged after sixty or thirty days or any number of days of service because of wounds or disabilities incurred in the service is very properly given a pensionable status, and in my judgment his widow unquestionably should be, equally with the widow of soldier who served ninety days. The discharge of the soldier prior to ninety days of service on account of disabilities incurred therein should give his widow the same rights as the widow of a soldier who served ninety days or more and was honorably discharged, perhaps with no physical disability or injury. The wife of the soldier who was discharged because of disability, even though such discharge was prior to ninety days of service, has been throughout the life of her husband deprived of his earning power and upon his death she is equitably entitled to be included within the provisions of the bill we are now considering. I have a bill now pending before the committee to give such widows a pensionable status and I hope it will be reported to this House. I regret that the bill now under consideration is not subject to amendment. It is an excellent measure as far as it goes. I shall cheerfully support it and trust that in the respect I have mentioned it may later be amended. [Applause.]

Mr. SULLOWAY. Mr. Speaker, I call for a vote.

The question was taken, and, two-thirds voting in favor thereof, the rules were suspended and the bill passed.

LEAVE TO PRINT.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that Members have leave to print on this subject for seven days.

The SPEAKER. The gentleman asks unanimous consent that Members may have leave to print upon this bill for seven legislative days. Is there objection?

There was no objection.

BRIDGE ACROSS PEND D'OREILLE RIVER, WASHINGTON.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Idaho and Washington Northern Railroad, a corporation organized under the laws of the State of Idaho, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Pend d'Oreille River, near Newport, in Stevens County, in the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this the unanimous report of the committee?

Mr. FRENCH. I understand that it is; yes.

Mr. WILLIAMS. The bridge is to be constructed under the provisions of the general law?

Mr. FRENCH. It has the approval of the War Department.

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FRENCH, a motion to reconsider the last vote was laid on the table.

ASSIGNMENT OF COMMITTEE ROOMS.

Mr. MANN. Mr. Speaker, I present a privileged report.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House in the Capitol Building, beg leave to make a further partial report and to recommend the adoption of the following resolution, to wit:

"*Resolved*, That the following assignment of rooms be, and the same is hereby, made, to wit:

"To the Committee on Pensions, as an additional room, the room heretofore occupied by the Committee on Mileage.

"To the Committee on Expenditures in the Department of Justice, for temporary use, the room in the terrace heretofore occupied by the Committee on Election of President, Vice-President, and Representatives in Congress.

"To the Joint Commission on Revision of the Laws, as an additional room, the room formerly occupied by the Committee on Education.

"To the Committee on Appropriations, as an additional room, the room with temporary number 468 in the House Office Building."

All of which is respectfully submitted.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MANN. Mr. Speaker, I desire to present another report from the same committee, to be printed in the RECORD.

The SPEAKER. The gentleman from Illinois presents an-

other report, and asks that it be printed in the RECORD. Does the gentleman desire to have it printed without reading?

Mr. MANN. I do not object to its being read, but I do not wish to call it up at this time. Perhaps it had better be read.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House and Capitol building, beg leave to make a further partial report and to recommend the following resolution, to wit:

"*Resolved*, That the rooms in the House Office Building bearing the following temporary numbers, according to the plats accompanying H. Res. No. 53, passed by the House December 19, 1907, to wit, 313, 314, and 315, and the large room at the southwest corner of the House Office Building, be, and the same are hereby, assigned for the use of the Committee on Ways and Means, and to the same committee as an additional room for temporary use the room on the House floor of the Capitol building now occupied by the Speaker, and that the rooms now occupied by the Committee on Ways and Means are hereby assigned for the use of the Speaker."

All of which is respectfully submitted.

Mr. PAYNE. Mr. Speaker, I would like to inquire of the gentleman when he proposes to call up that resolution?

Mr. MANN. Not this morning. The gentleman will have notice of it. I ask to have it printed in the RECORD.

GOLDFIELD, NEV., LABOR TROUBLES.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying documents, ordered to be printed and referred to the Committee on Labor:

The House of Representatives:

I transmit herewith a report by the Secretary of State with copies of papers called for by the resolution of the House of Representatives on January 22, 1908, reading as follows:

"*Resolved*, That the President be requested to transmit to the House of Representatives, if not incompatible with the interests of the public service, a copy of the report made to him by the special commission, composed of Lawrence O. Murray, Herbert Knox Smith, and Charles P. Neill, sent by him to Goldfield, Nev., for the purpose of investigating the labor troubles in that district and to make a report concerning the same; and also such other papers relating thereto as in his judgment are material and for the better information of the House."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 3, 1908.*

INDIAN APPROPRIATION BILL.

Mr. HINSHAW. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PERKINS in the chair.

Mr. HINSHAW. Mr. Chairman, I now yield five minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, I have introduced in the House and had referred to the Committee on Foreign Affairs the following resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That, recognizing the constant allegiance of the Polanders in America to the Government of their adoption, we therefore extend our sympathy and good wishes toward the Poles in Prussia in their efforts to maintain their property rights in that Kingdom.

Mr. BATES. I also ask to have the telegram read.

The Clerk read as follows:

ERIE, PA., *February 3, 1908.*

Hon. ARTHUR L. BATES,
House of Representatives, Washington, D. C.

We are delighted with your attitude on the Polish question.

EMORY A. WALLING.

Mr. BATES. Mr. Chairman, the telegram which was just read was from Emory A. Walling, who is serving by unanimous election a second term of ten years as presiding judge over the courts of Erie County, Pa. It is but expressive of the opinions which are being voiced and sounded in public meetings all over this land in protest against what appears to be the oppressive attitude of Prussia againt the Poles in Prussia.

Public meetings are being held throughout this country protesting against the acts of what, if newspaper accounts and speeches of leading scholars and judges and ministers are true, is the oppressive attitude of the Prussian Government against the Poles who are endeavoring to live peaceably in their native land. It comes to us that they have by edict prohibited the use of the Polish language in their own schools; that they have by edict prohibited the use of their native tongue in any public meetings, and that now they propose to pass in the Prussian Parliament a resolution for the creation of a commission which is to be a commission of "compulsory dispossession," to take up and condemn the homes of Polanders, paying for them the price that this commission see fit to pay, and settle their own people in the homes of these distressed people, who have occupied that land, they and their fathers, for the past two thousand years. This is in contravention of the Congress of Vienna of 1815, and in violation of the organic law of Prussia, which prohibits the Government from making distinction between the citizens of the Kingdom.

The effect of this will be to stamp out the Polish nation and efface its name and history. This brave and heroic people have always excited the admiration of mankind.

We recognize the loyalty and devotion of the Poles in America to us and to our institutions, and it runs back to our Revolutionary war, when Kosciusko and other brave men joined our cause and won renown on American battlefields. This feeling of gratitude and the common instincts of humanity have caused expressions of sympathy to be voiced by the American people. It is as though the men of a century ago, who faced death in freedom's cause, and that freedom—American freedom—were inspiring the men of to-day to be moved by this cry of oppression. [Applause.]

Mr. HINSHAW. I now yield one hour to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, I do not rise at this time for the purpose of defending the present Administration. It needs no defense with the American people. Its record will illume the pages of United States history and mark an epoch in popular government. To it the student of the future will point as the period when the people came into the possession of their own by establishing as facts the theretofore theories of a Republic where by legislation and administration it was declared that special interests must not prevail when in conflict with the common good, and that Federal law is enacted for no class or financial condition, but for the people. Not the rich people; not the poor people; not the great; not the small; not the white; not the black, but all of the people, rich and poor, great and small, white and black.

Some of the steps taken have by a few been claimed as being on new and dangerous grounds, and from the beginning of the Fifty-eighth Congress until now these gentlemen and interests have insisted that a departure from the principles of the Republic has been made and that industrial and commercial confusion and depression must be, and are, the results. The legislation of the last two Congresses has been charged with having produced the late financial disturbance, and especially has the rate legislation, as consummated by the act of June 29, 1906, been blamed for the conditions of November and December, 1907.

There are other gentlemen, Democratic politicians, who, recognizing the fact that the people have pronounced the legislation good, desire to appropriate it to themselves as capital to be used as a political asset in future campaigns.

It is my purpose, during the brief time that I shall ask the indulgence of the House, to call attention to some facts which to me seem conclusive of the various claims and charges made so recklessly and so regardlessly of the elements of logic and truth.

It is a conceded fact that the material prosperity of the country during the last ten years has been beyond the wildest dream of the most optimistic; indeed it has been almost dangerous in its magnitude. This very development brought into prominence certain great evils, which had never been other than evil, but which had been tolerated theretofore. In dealing with these conditions no new law principle was invoked, but the old common law was applied through effective instrumentalities. In spite of existing law, gross favoritism was shown by the public carriers to some of the people. The means for enforcing just and reasonable rates and provisions were inadequate, in fact, beyond the reach of the injured citizen. He appealed to the Fifty-ninth Congress; it listened to his appeal and wrote a new statute reviving an old law and clothing it with the power to do, as well as to advise. No line of that law was written in the spirit of malice or revenge; no sentence was inspired by a desire to deal unjustly with any interest to be affected by it. On the contrary, it was publicly stated on this floor by the advocates of the measure that it was in the interest of the honest railroad and would inure to its benefit as well as to the benefit of the people at large. Honest railroading and general prosperity go hand in hand. It is not a worthy argument against a law to prove that the criminal offender, he who hopes to practice his nefarious schemes, will be panic-stricken before that law. [Applause.] The question is, How is legitimate enterprise affected by it? It is not my intention to explain in detail my theory of how the so-called "panic" was caused. It is my aim to show that railroad legislation and enforcement of the law did not deter any honest man from contributing to the prosperity of the country.

He who reads the law of 1906 will find no section of it imposing a single provision upon common carriers which the very

spirit of their charters did not contemplate. They never had a right to impose other than just and reasonable rates and regulations; they never had a right to discriminate. In fact, they denied that their rates and regulations were unjust and unreasonable, and protested that no discriminations were practiced except such discriminations as strong and powerful shippers forced upon them, and which they were anxious the Congress should relieve them from. They admitted that the pass evil had become a burden to them, and relief was welcomed in that particular. The record of the old Interstate Commerce Commission showed no cause for fear, and the courts were ever open to hear and adjust any and all injustices which a future commission might possibly inflict. The carriers did not think that wrong or injury was to be inflicted upon them. This is proven by the fact that the passage of the so-called "Esch-Townsend bill" in February, 1905, did not affect railroad stocks or railroad enterprises. In spite of the fact that it was known that railroad legislation was sure to be enacted at the next session of Congress, the House and President being determined in the matter, still railroad extensions were unchecked and investments in new railroad equipment were unparalleled. The passage of the law of 1906 did not halt this mighty movement; stocks, instead of going down, continued to rise. The new Commission entered upon its work. No railroad manager raised his voice against the action of the Commission. It confiscated no earnings or profits. In the winter of 1906 and 1907 and in the spring and summer of 1907 political controversies between the President and certain so-called great captains of industry occurred. A general demand for the renomination of President Roosevelt was being manifested. These captains got busy and prophets of disaster were abroad in the land. They did not represent the sentiments of men afraid of their investments, for none were afraid. The widows and orphans for whom the hearts of stock gamblers bleed had not learned that there was anything to fear. The Commission had made no general reductions of rates; every car of every railroad was in commission 365 days in the year. The earnings of the roads were never so great. Shippers who had been receiving special rates were paying the same as others. Those who had been riding for nothing were paying the regular fare. There was no cause for fear; there was no fear, and he who claims that rate legislation caused the panic or to any considerable extent legitimately contributed to it, but begs the question in his desire to justify his opposition to the measure and to discredit an Administration hostile to special interests and favorable to government by law.

For more than a year the law has been administered and during that time no one, save those whose wish was father to the thought, has claimed that the effects of that law have been detrimental to honestly conducted railroading. Some criminals were brought to justice and others were at least exposed to arrest, but railroad earnings grew no less. In October and November last the banks in the city of New York, the clearing banks for the country, were raided. Millions of dollars were withdrawn from legitimate business and withheld from enterprise. These banks could not respond to the demand of their depositors, the country banks, and these latter commenced to hoard their deposits in self-protection against a "run" and business depression was the result. If gentlemen mean that because some men who saw that the rate law itself could not disturb business, but rather would make it more stable and therefore more desirable, were still intent on discrediting it and the Administration which fathered it; if they mean that these men, a few of them, became worse than the vilest burglar who ever blew a safe or used a jimmy, worse than the highwayman who in the pistol's glare puts out life and steals the purse—became worse than these, and tapped the arteries of the financial system and drew out sufficient of the circulating medium to threaten commercial life with stagnation and death, then I can see some logic in their contention. But these logicians say that these financiers would not ruin themselves to vent their spite. Certainly not. Has anyone heard of the ruin of one of them? Their stocks have gone down, but they hold them still, and with the money they have withdrawn from circulation they can and will profit by the necessities of the less fortunate. In the end these men will be found smiling and serene in the structure which they have reared on the ruins of others. But let me say to those gentlemen that the country is not deceived, and if it ever becomes a question as to whether we shall have great prosperity by the grace of malefactors, or less prosperity under honest and impartial law, the people have already accepted the latter and the struggle will be over before it is fairly begun. [Applause.]

I am no agitator, nor do I believe, as a general proposition, in laws designed to make people good, but I do believe in common decency; I do have faith in a government of law. Such a government proclaims what by common consent is believed to be just and prohibits what by the same authority is believed to be unwise.

Now, I am in favor of enforcing the penalty imposed by the law against every offender, and I would make the penalty fit the offense, where it does not already. In the end, law enforcement against offenders means wider liberty, greater security, and more enduring prosperity. If we have reached that point, and I deny that we have, when the conscienceless powerful must be left alone in order to avert even a general panic, I believe I speak the honest and thoughtful sentiment of a great majority of the American people when I say, Let our present business system fall, and on the ruins from our great natural resources and with our patriotic citizens of all classes, unhampered and unfettered by the powerful vicious, we will lay deep and strong the foundaton of an industrial edifice which can not be rocked by men who profit by the losses of others and thrive on threats of destruction. But I believe our present industrial and commercial condition is secure; its enemies have overestimated their strength. They will learn ere long—yea, they are learning already—that the way of the transgressor is hard, and he who tries to block the wheels of justice will be ground beneath them.

The agitation attending the passage of the interstate-commerce act of 1906 has passed. That act has been the law of the land for something over a year, not long enough to test its every provision or to perfect the machinery for its complete administration, but under the circumstances, perhaps, it has been long enough to demonstrate whether it is an instrument of justice, beneficial to the people, or a means of oppression inimical to the common good and disastrous to general prosperity, the handiwork of statesmen, or the blunder of demagogues and foolish men. Since before its enactment to the present time it has been subjected to attack by trained and skillful critics. It has had bitter and powerful enemies earnestly and industriously intent on discrediting it. I say, therefore, that under the circumstances it has been a law long enough to demonstrate in a measure, at least, whether it has been worth while. It will be well for us in considering this question to bear in mind that up to the legislation of the Fifty-eighth and Fifty-ninth Congresses most of the attempts at railroad legislation had been to prevent discriminations between shippers and between places. Certain it is that the act of 1887, under the construction of the Supreme Court, was directed to that end; and yet discriminations increased, and in 1906 they were generally recognized as stupendous evils. Some of the old methods of granting rebates had ceased, but new and more invidious, and therefore more dangerous, means were employed. To-day it is the universal opinion of shippers and others that rebates have practically ceased. There may be some cases yet in existence, but they are accompanied by as much danger to the giver and receiver as are the crimes of theft and burglary to the perpetrators of those offenses. This condition is due almost entirely, I believe, to the act of June 29, 1906. It increased the penalties somewhat for violations, though not as much as I would have liked, for I would have imposed imprisonment more frequently; but, best of all, it made detection easier.

It is true that we had the Elkins law, a statute against rebates, but under it the offenses were not stopped. The act of 1906 did more than increase penalties and provide means for detecting offenders. It did what, may I be pardoned for saying, I prophesied it would do when the bill was before this House, namely, serve notice upon the carriers that the time had come when they must respect and obey the law. This notice, I submit, did much to bring relief from the intolerable rebate system. Respect for the law is more potent than the law itself.

But, as I have stated, sentiment was not the sole virtue of this legislation. The criminal provisions were in effect practically the same as under then existing law, but the Commission was empowered to fix a rate. It could with reason find in many cases that the special rate was the reasonable one and declare it so; this of itself was a powerful reason against granting rebates. The act provided that railroad accounts should be uniform and that the books of the companies should be subject to inspection by experts employed for that purpose. Under this inspection it would be very difficult to pay rebates without having the same detected. Entries would appear under some name or designation; several employees would have to be parties to the entries. Such employees would hesitate to commit a crime which would subject them to imprisonment, and the more parties necessary to the offense, the greater the danger of detection. The law was passed in 1906. Since then we have

seldom heard of rebates. Is it illogical to claim that the act put an end to rebates?

The one provision of the new law which received the most bitter opposition was the section which gave the Commission power to fix a reasonable rate as the maximum in place of the one found unreasonable. Experience under the law fully justifies the action of the Congress in inserting it in the statute. It furnishes the only means for obtaining just and reasonable rates, and I hope to show before I sit down some of the great benefits which have actually been brought to the people thus far through the administration of this provision. It is true that some of the carriers have seen fit, as usual, to evade the effects of this statute by indirection, but they can not go entirely beyond its reach. For several years carriers have been raising rates, insisting that they had a right to share in the general prosperity of the country. This is an unfortunate statement of their rights. Under existing law as construed by the courts the common carrier is entitled to impose a freight charge which will yield a reasonable return upon its investment after meeting the necessary expenses of maintenance, operation, and extension, but it is entitled to nothing more. It imposes and demands this when times are hard. Should it not be subject to the same rule when times are good?

I believe that the enforcement of the law against rebates and other forms of favoritism has made it possible for the carriers to make more money at the old rates than ever before, and certainly it is the common belief that net earnings since 1898 have been sufficient to demonstrate the fact that a reasonable return to railroads has been more than realized. Representatives of the carriers insisted before the committees of Congress that anything like a general raise of rates was impossible. This statement was made in the face of the fact that rates were being raised at that time and have been raised since and without any reason other than that the traffic would stand it. But how can it be said that the new law caused this rise in rates? And if it did, can it be seriously urged that it has been detrimental to the railroads and the cause of the panic? There is absolutely no provision of the law which encourages the raising of rates. On the contrary, it furnishes the only relief against unjustly high rates, and if charges have been increased with the knowledge that upon complaint and hearing they may be reduced and reparation to the shipper made, what would have taken place under the old law? So far as the right to advance charges is concerned, no change was made by the act of 1906 further than to require a thirty days' notice of a change of rate.

And now may I call your attention to some of the things that have been actually done by the Commission since the act of 1906 went into effect? There were filed during the year from December 1, 1906, to December 1, 1907, 415 formal complaints alleging various violations of the act to regulate commerce. There were 82 similar complaints filed during the year 1906 and 350 during the six years prior to the passage of the Hepburn bill.

Of the 415 complaints filed the Commission has heard and investigated 276, and of this number it has decided and made final reports on 126, all of which were contested and resulted in final orders. Fully 30 more are awaiting briefs, statistics, and various information asked for by the Commission, which is necessary before final orders can be made. Counsel for both complainants and defendants have delayed in many instances the issuance of final orders. After full hearing and investigation by the Commission, and upon arguments and briefs submitted by the various parties to the actions, final orders were issued as follows: In 65 final orders were issued against various defendant railroads, in 46 the complaints were dismissed, and in 15 no final orders were issued, due to the fact that both parties signified their intention to adjust their differences.

In 14 complaints in which issues were joined by both complainants and defendants the petitions were dismissed at the request of the petitioners on the ground that the defendants had granted the relief asked for by the petitioners. Of the 126 reported decisions by the Commission 78 involved the reasonableness of the rates, 32 involved discriminations of various kinds, 13 involved reparation claims, and 20 involved the establishment of through rates. It will be seen that some of the above-decided cases involved more than one issue; that is to say, a given case may have involved the reasonableness of a rate as well as a discrimination of some sort, etc.

In all there were 5,156 matters handled by the Commission. Of these 4,382 were informal in character, and of this number 2,106 were returned to the complainants on account of the Commission not having jurisdiction over the matters complained of. There were 2,276 informal complaints handled, which resulted in the satisfactory adjustment of something over 1,000 cases. In 660 cases refunds were permitted on orders issued by the Commission on account of overcharges made by the railroads. In 60 cases the rates were reduced by the railroads on account of correspondence conducted by the Commission, calling the attention of the railroads to the unreasonableness of certain rates complained of. The remaining cases resulted in the filing of formal complaints or were otherwise disposed of.

Thus far only one final order of the Commission has been appealed from, viz, the Preston & Davis case, which was brought against the Delaware, Lackawanna and Western Railroad Company, in which the Commission ordered the defendants to reestablish its facilities for unloading petroleum from tank cars at Clymer street, at its Brooklyn terminal, so that the complainants could be served there as formerly. The defendants appealed the case to the United States circuit court of the southern district of New York, in which court the order of the Commission was sustained. Up to the present time no further appeal has been made by the defendants of this case.

I have caused to be examined the records of the 50 cases which are discussed in the annual report of the Commission now submitted to Congress and find that of this number 40 attack the reasonableness of rates which were filed with this Commission prior to the passage of the Hepburn bill, 5 attack the reasonableness of rates which were filed since the passage of said bill, and in 3 of them some of the rates attacked were filed prior and some subsequent to the passage of the bill. In one of them the tariff complained of was not filed with the Commission at all. There are now 305 cases pending before the Commission, 198 of which are ready for trial. About 80 per cent of these cases deal with the reasonableness of the rate. Thus, it will be seen that the law has demonstrated the wisdom of its advocates. Rates in 60 out of 78 complaints were found unreasonable and reduced. In many more cases rates were reduced voluntarily by the carriers when complaints were threatened. Would this have been done had not the Commission been given power to administer justice in these matters?

There is one defect in the law which, by proposed amendment, I have sought to cure. The law provides that by giving a thirty days' notice the carrier may raise its rates. If at the end of the thirty days and after the new rate goes into effect it is found unreasonable, then complaint can be made and the rate may be reduced; but in the meanwhile business may have been injured, shipping contracts may have been disturbed, and great wrong may have been inflicted. The amendment proposes to give shippers the right to complain of the proposed rate at the time notice of a raise is given. Then the question of reasonableness can be determined before irreparable injury has been effected, and that without any injustice to carrier or shipper. [Applause.] With this amendment freight rates can be made just and reasonable. Every protection against an unlawful advance in charges should be given by law.

Since I have been in Congress I have seen demonstrated the fact that patriotism and exalted statesmanship have no party labels. [Applause.] I have seen the minority in this House at times strain truth and propriety almost to the breaking in its desperate attempts to acquire partisan advantage. I have no doubt the Republicans did practically the same things when they were in the minority. It is really surprising what great and good things a man or party out of power would do if in power. The surprise is only equaled by the paucity of things done when opportunity presents itself. [Laughter.] I said on this floor, in discussing the rate bill at the time it was up for consideration, that it was nonpartisan, and I gave credit for its passage to Democrats and Republicans alike. I was naturally glad that its passage was brought about under a Republican Congress. In fact, it is very gratifying to contemplate the fact that all positive, progressive, beneficial legislation during the last forty-five years has been under a Republican Administration. Democrats have voted for these measures at times after they have talked against them and exhausted the realm of criticism and opposition. And criticism and opposition are not altogether useless. The minority has helped. I believe it has rendered real service to the country during the last four years. It has a nose for carrion. It can scent corruption at very long range, but it has no refined distinction as to the kind. It will rally its members as gleefully to the carcass of a mouse as to that of an elephant, and I have sometimes thought its olfactories were so abnormally developed that they were dulled to all sweet things, and in breathing the miasma of death they failed to detect the odor of life. [Laugher on the Republican side.]

It does not require great ability to find fault with conditions, but it sometimes does require great ability to remedy those conditions; and yet fault-finding is necessary and is the largest part of the capital of a minority. I have little complaint to

make at much of the criticism of our minority brothers. It is true that a great amount of that criticism has been captious and unreasonable, but reason was not expected, and in the end, after the record for home consumption has been completed, the minority has voted right on most of all the great questions before the Congress.

Every little while I hear some Democrat say, or read of his saying, that the rate bill, the antitrust law, and the enforcement of them are of Democratic origin; that Republicans have stolen Democratic thunder; that President Roosevelt, to use a classical expression of Mr. Bryan, has been wearing the latter's clothes. Ordinarily I think it is wise not to notice these things; but the statements have been made so long and so loud that it is possible some of the younger generation may believe them, and the Democratic party may come to claim them by right of possession under the statute of limitations. I shall make the claim hostile and shall dispute that either the rate bill or the Sherman antitrust law is Democratic.

Mr. HEFLIN. Will the gentleman permit an interruption?

Mr. TOWNSEND. Certainly.

Mr. HEFLIN. Does the gentleman remember in the Fifty-ninth Congress a speech made by Mr. Sibley, of Pennsylvania, a Republican, in which he said that the Democrats were responsible for the rate regulation?

Mr. TOWNSEND. Well, I believe Mr. Sibley was opposed to it, and he evidently wished to make it as obnoxious to the House as possible; but neither Mr. Sibley nor anybody else will dispute the history of railroad legislation when I have presented it to the House, for fortunately we have a record of all Congressional matters, and to it we can turn for facts when disputes are on.

The history of American interstate and foreign commerce would fill a volume. Indeed, it is the story of our growth and development as a nation.

The fathers who framed the fundamental law of our land provided Congress with power "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Upon that provision "hang all the law and the prophets" so far as Federal control over common carriers and corporations is concerned. When that provision was adopted interstate commerce was in its infancy. In comparison with what exists to-day it was an almost negligible quantity. Up until the middle of the nineteenth century the efforts of State and nation were devoted to devising ways and means for extending commerce; little attention was paid to regulation of carriers. Indeed, as early as the sixties the Government was donating lands and money for building railroads. The Government was exceedingly, may I say excessively, grateful to the men who organized themselves into companies for the purpose, under sanction of general or special law, of performing for hire a function of government; and by such indulgence it neglected to establish rules of conduct which might easily have been enacted into law as a condition of engaging in the common carriage of interstate commerce, but which were strongly opposed and found extremely difficult of passage when proposed for the correction of established evils. Two classes of railroad men came into being—those who builded railroads, like the Vanderbilts, and those who wrecked them, like the Goulds and Harrimans. Railroads affected by the latter class were handled on Wall street through the manipulations of stock gamblers who had no more concern for the interests of those people who bought stocks as an investment than they had for the people whom the roads, in theory, at least, were supposed to serve. Productive energy was extending mightily the field of manufactures and general industry. Favoritism to special interests and places was shown and rates were fixed without regard to justice or reason.

As the railroads of the country increased in wealth and influence, less regard was paid to the rights and duties which they owed the people. Discontent was being manifested throughout the country and efforts to secure relief through the States were unavailing. Even before the close of the civil war there was a growing tendency to demand of the Federal Government some relief from the manifest evils of transportation.

The first real movement to regulate commerce by railway on the part of the National Government was in 1865, when Charles Sumner, a Republican Senator from Massachusetts, introduced in the Senate of the United States a bill to regulate commerce among the States, but the only recorded action on the bill was its reference to the Committee on Commerce.

In December, 1865, James A. Garfield, a Republican Congressman from Ohio, introduced in the House of Representatives a bill to facilitate commercial, postal, and military communications among the States. This bill became the first law asserting the power of the Federal Government over interstate commerce on June 15, 1866. On January 7, 1868, Garrett Davis, a Whig Senator from Kentucky, moved in the Senate that the Committee on Commerce be instructed to inquire into the expediency of regulating interstate railroads in the matter of rates of fare, freight, etc., and on March 3, 1868, William Loughridge, a Republican Congressman from Iowa, offered a resolution instructing the Committee on the Judiciary to inquire into the power of the Congress to regulate freight rates charged by railroads engaged in interstate commerce. On April 27, 1868, Godlove S. Orth, a Republican Congressman from Indiana, moved that the Committee on Roads and Canals be instructed to inquire whether Congress had power to regulate railroads extending through more than one State in such a manner as to secure: (*a*) Safety of passengers; (*b*) uniform and equitable rates of fare; (*c*) uniform and equitable charges for freight or transportation of property; (*d*) proper connection with other roads as to the transportation of passengers and freight, and if, in the opinion of the committee, Congress possessed such power, to report a bill which would secure the objects mentioned. A report on this resolution was made to the House on June 9, 1868, and is remarkable for the strong ground it took in favor of the widest interpretation of the powers of Congress to regulate commerce in all the particulars set forth in the resolution; but the committee did not present a bill, for the reason, it said, that it did not have the information to enable it to proceed intelligently. Petitions began to pour into Congress from every direction praying for relief from various specified evils. In December, 1869, William Williams, a Republican Congressman from Indiana, introduced a resolution in the House instructing the Committee on the Judiciary to inquire into the powers of Congress to enact laws to protect the great agricultural and other interests of the West by securing lower railroad rates.

In 1872 U. S. Grant, a Republican President of the United States, for the first time in the history of the country called the attention of the Congress in a message to the fact that it would be called upon at that session to consider certain means for the cheaper and more certain transportation of products of the South and West to the Atlantic seaboard, and recommended that a committee be appointed to obtain necessary information for the enactment of suitable legislation to insure just and equitable transportation. In compliance with this recommendation a Republican Senate appointed a committee with William Windom, a Republican Senator, as chairman on December 16, 1872, and this committee was instructed to sit during the recess of the Senate. The principal question before this committee was cheaper transportation rather than the abuse of railroad management. Yet the committee investigated all phases of the railroad problem, and its report was the first real comprehensive plan for railroad control by the Federal Government. Upon reading that report gentlemen will find that it is, in many respects, a prophecy of the law of 1906. It is more radical in some respects, and while it does not provide for a commission, it does suggest a bureau of commerce, a forerunner of a rate-fixing commission.

The first bill introduced into Congress seeking to regulate interstate commerce by railroads and providing for a commission was by George W. McCrary, a Republican Congressman from Iowa. It was a drastic measure of fourteen sections and required the commission to fix schedules of reasonable maximum rates on all interstate railroads. It passed a Republican House in March, 1874, but failed in the Senate. At the same session of Congress John Sherman, a Republican Senator from Ohio, introduced a Senate bill prohibiting and declaring unlawful unjust discriminations, providing for publishing all rates, and making departures therefrom illegal. In 1876 James H. Hopkins, of Pennsylvania, introduced a bill similar to the one presented by Senator Sherman. Mr. Hopkins is the first Democrat I find of record to take a positive step in the direction of railroad legislation, although, as we have seen, he had many distinguished Republican examples to follow.

In 1878 Judge Reagan, a Democratic Congressman from Texas, introduced a bill in the House to regulate commerce among the States and to prohibit unjust discriminations by common carriers, but it contained no provisions for a commission. His remedies for wrongs were suits in the courts for forfeitures. In 1885 Mr. CULLOM, a Republican Senator from Illinois, introduced a bill in the Senate providing for regulation of common carriers through a commission and permitted pooling of railroads under the commission's direction. At the same session Congressman Reagan introduced a bill in the House similar to the one he had theretofore introduced. It prohibited pooling and did not provide for a commission. This bill passed the House, which was Democratic. The Cullom bill passed the Republican Senate. These bills were in some respects similar. The Reagan bill contained provisions intended to do away with discriminations between individuals and places, secure publicity,

etc., and then left the private shippers to fight it out with the corporations in the ordinary courts of law. The Cullom bill contained similar provisions, but provided for the establishment of a commission whose business it would be to supervise the execution of the law, listen to complaints of shippers, investigate charges against offending railroads, and assist the shippers in obtaining relief. After a long and thorough discussion a compromise between the two Houses was reached, and what is known as the Cullom Act, or the law of 1887, was passed.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a couple of questions.

Mr. TOWNSEND. Very well.

Mr. CLARK of Missouri. One of them is, Is not the Reagan bill, which the gentleman has just referred to, the real foundation of all legislation that has taken place since?

Mr. TOWNSEND. I would say that I have stated the facts as they are, and if I have, the Reagan bill was not the pioneer——

Mr. CLARK of Missouri. I didn't ask the gentleman whether it was the pioneer; I asked if it was not the foundation of all the legislation enacted since.

Mr. TOWNSEND. I do not think so; certainly not.

Mr. CLARK of Missouri. Now, the second question I want to ask the gentleman is, Is not Senator CULLOM one of the statesmen who has been here a long time that has the trick of getting his name fastened on somebody else's bill pretty frequently? [Laughter.]

Mr. TOWNSEND. I am not prepared to state that.

Mr. CLARK of Missouri. There have been four or five such gentlemen around here. [Laughter.]

Mr. GAINES of Tennessee rose.

Mr. TOWNSEND. I would like to complete my answer to the gentleman from Missouri. I would say that the Reagan bill simply prohibited discrimination, and it left every man who was injured to his remedies under the law. He had to go into court. That is not the foundation of modern legislation. The foundation principle of modern legislation is that which provides for a commission whose duty it shall be to care for the rights of those individuals, who are incapable of presenting them themselves, and to secure justice in the courts. Mr. Reagan was opposed to that feature, and it was under such opposition that it was forced into conference. Mr. Reagan opposed the pooling proposition in the Cullom Act, and that went out in the conference report. Now, I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Is it not a fact that the Reagan bill passed a Democratic House, went to the Senate and was killed in the Senate?

Mr. TOWNSEND. No; the last time it did not. I know that in 1878 it was introduced, and in 1885 it did pass the House and went over to the Senate, where it met the Cullom bill, which had passed that body, and the two went into conference.

Mr. GAINES of Tennessee. I think the gentleman will find several Reagan bills passed several times the Democratic House and went to the Senate and were defeated, and then the House Reagan bill, the last one, came to the Senate and met the Cullom bill, and the two bills became the law of 1887.

Mr. TOWNSEND. I wish to say that there is not a principle in the Reagan bill which is incorporated in modern legislation that was not several times prior to his presenting it introduced in this House by the gentlemen whose names I have mentioned here. [Applause on the Republican side.]

Mr. GREGG. Will the gentleman yield to me?

Mr. TOWNSEND. Certainly.

Mr. GREGG. Is the gentleman informed as to when Judge Reagan first introduced a bill embodying the principles of the bill that was finally passed?

Mr. TOWNSEND. He never introduced such a bill.

Mr. GREGG. I do not mean the main features, but regulating interstate commerce.

Mr. TOWNSEND. He introduced a bill in 1878. It was preceded by the Garfield bill, the Davis resolution, the Loughridge resolution, the Orth resolution, President Grant's message, the Windom report, the McCrary bill, and the Sherman bill. Mr. Reagan had seen similar measures time and time again. Mr. Hopkins, a Democrat of Pennsylvania, was ahead of Mr. Reagan.

Mr. GREGG. Doesn't the gentleman know that Mr. Reagan first introduced a bill in 1878?

Mr. TOWNSEND. I have said so.

Mr. GREGG. Did he not work on it every session from then on until it culminated in a compromise known as the Cullom bill?

Mr. TOWNSEND. Certain features he had introduced, which were copied from many other earlier bills on that subject preventing discrimination.

Mr. GREGG. My question is, Did not his efforts in that direction culminate in the final adoption of the bill known as the Cullom bill?

Mr. TOWNSEND. Well, there was no doubt but what his efforts compromised the Cullom Act, if that is what the gentleman means; it undoubtedly compromised the Cullom Act, which enabled it to pass.

Mr. GREGG. Has not the gentleman got it backward? Did not the Cullom Act compromise the Reagan Act?

Mr. TOWNSEND. Oh, no, I think not. At least I have stated the record, and gentlemen will have an opportunity to review my remarks and see if I have quoted the history of the railroad rate legislation correctly.

Mr. GAINES of Tennessee. How many times did a railroad regulating bill pass the Senate and come to the House before the Cullom Act passed? How many railroad regulating bills passed the American Senate before the Cullom Act passed?

Mr. TOWNSEND. There was no railroad rate regulation bill. There were several resolutions and bills introduced.

Mr. GAINES of Tennessee. When did the gentleman say the first bill was introduced—1860?

Mr. TOWNSEND. Eighteen hundred and sixty-five.

Mr. GAINES of Tennessee. From that time up to 1887 the Republican party had control of the Senate. Why is it that they were so long in getting the bill through the Senate?

Mr. TOWNSEND. I will try and answer the gentleman's question in a moment. Mr. Chairman, I now want to proceed to the conclusion——

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield for a question?

Mr. TOWNSEND. How much more time have I?

The CHAIRMAN. Six minutes.

Mr. TOWNSEND. I can not yield unless I am granted more time.

Mr. RICHARDSON. I ask the gentleman but a moment. What does the gentleman consider, after the decision of the maximum rate case by the Supreme Court of the United States, was the greatest obstacle in the enforcement of the law against railroads in the matter of collecting unreasonable rates? I know that the gentleman must believe that it was the reckless use of the power of temporary restraining orders and injunctions by the courts. I quite concur with the gentleman in his praise of the principles of the present rate law. I am not much disposed to amend that law unless it can be shown that the law is working manifest injury. I want to call his attention to one part of that law. The gentleman has said that the rate law is a Republican measure. I would like to ask the gentleman——

Mr. TOWNSEND. Oh, I will have to say to the gentleman that I can not allow him to make a speech in my time.

Mr. RICHARDSON. But I am not going to make a speech.

Mr. TOWNSEND. But the gentleman has taken half of my time already.

Mr. RICHARDSON. I want to ask the gentleman this: Who was responsible for this part of the law:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted, except on hearing after not less than five days' notice to the Commission.

Is it not a fact that every Republican on the Interstate Commerce Committee opposed that paragraph, and it is not of Democratic origin, put there by Democrats?

Mr. TOWNSEND. I can not say whether the resolution was presented seriously by any Democrat or not. I know I have never opposed the principle of notice of hearing.

Mr. RICHARDSON. I say that it is.

Mr. TOWNSEND. I say to you that any man would be a fit candidate for an insane asylum who would attempt to follow out all of the suggestions that have been made by gentlemen on that side with reference to railroad legislation. [Applause and laughter on the Republican side.] The trouble with the law of 1887 was that under the decision of the Supreme Court in the maximum-rate case it was devitalized of all power. Now, Mr. Chairman, I must finish my remarks.

Mr. RUCKER rose.

Mr. TOWNSEND. Oh, let me finish, and then I will stand here and answer all the questions the gentlemen may desire to put.

Mr. RUCKER. But I desire to ask one question which will not take a minute.

Mr. TOWNSEND. Well, let it go.

Mr. RUCKER. As I understand the matter, the gentleman has stated that for about thirty-five years prominent Republicans have been introducing and striving to enact a railroad-rate

act. I would like to ask the gentleman how it happens that with both Houses largely in the control of the Republican party they have never been able to get such a measure enacted into law until its management was turned over to a Democrat in the Senate? [Applause and laughter on the Democratic side.]

Mr. TOWNSEND. Mr. Chairman, I deny that the turning over of the bill to a Democrat in the Senate had anything to do with the passing of it, and I never heard that argument used before. Such action was taken to defeat the passage of the bill. I am not saying that the railroad-rate legislation was enacted as early as it ought to have been enacted. I am simply answering the argument that railroad-rate legislation is of Democratic origin. When the Democratic party was in full power it did nothing in the matter. And in further answer to the gentleman from Tennessee [Mr. GAINES], allow me to say that the Republicans did not have the Senate from '65 to '87, the Democrats had a majority from '77 to '83. The Garfield bill passed the Senate, as I have stated, in 1866. The Senate appointed the Windom Commission in 1872, and its report, in 1873, gave the Congress and the country the most comprehensive understanding of the railroad question in its relations to the Government it had obtained up to that time.

I submit that the Commission and the country believed that the act of 1887 gave the Commission power to fix a reasonable maximum rate; but after ten years the Supreme Court decided that the Commission did not have such power under the law. Agitation for further regulation was revived, and in 1902 Mr. ELKINS, a Republican Senator from West Virginia, introduced in the United States Senate a bill prohibiting rebates; this became a law February 19, 1903. In the Fifty-eighth Congress Mr. TOWNSEND, a Republican Congressman from Michigan, introduced in the House of Representatives a bill which was a combination of two bills, one introduced by himself and the other by Mr. ESCH, a Republican Congressman from Wisconsin. This bill enlarged the powers of the Commission and provided for a commerce court to hear and determine questions arising under the law. It passed the House in the last days of the Congress and failed of consideration in the Senate. The present law, named after Mr. HEPBURN, a Republican Congressman from Iowa, was enacted in the Fifty-ninth Congress. Democrats and Republicans voted for it, but it would have had votes sufficient if every Democrat in both Houses had voted against it. [Applause on the Republican side.]

If I have given the correct history of interstate-commerce legislation, does it lie with any man to claim that the rate law or the principles which it represents are of Democratic origin or conception? Has the President departed from Republican policies when he has advocated it?

But we are told that attempts at regulation of the trusts are certainly Democratic. Have not the Democrats always been against the trusts? Have they not in conventions condemned them, and on the stump and in the press have they not fought them? No one will deny it. But what is the history of antitrust legislation and of its enforcement?

In 1890 John Sherman, a Republican Senator from Ohio, introduced in the Republican Senate a bill which bears his name, and after it passed the Senate was sent to a Republican House, and after passing that body it became a law by the signature of a Republican President. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. YOUNG. Mr. Chairman, I ask unanimous consent that my colleague may have time to complete his remarks.

The CHAIRMAN. The control of the time is in the hands of the committee.

Mr. GAINES of Tennessee. Mr. Chairman, I hope somebody will yield time sufficient to the gentleman to finish his speech——

Mr. HINSHAW. Mr. Chairman, I yield ten minutes to the gentleman, the time he requests.

Mr. GAINES of Tennessee. Now, if the gentleman will allow me, I want to correct him about the Sherman bill. I know the gentleman does not want to state a thing that would not be correct. I know the gentleman does not want to do that.

Mr. TOWNSEND. Let me finish this.

The Sherman Act became a law July 2, 1890.

During President Cleveland's Administration, the work under the Sherman law is represented by four bills in equity, two informations, and two indictments. Four of these cases pertained to the Debs matter.

Under President Roosevelt's Administration, up to December 1, 1907, sixteen bills in equity, one forfeiture proceedings, eighteen indictments, and two contempt proceedings.

As compared with President Cleveland's Administration, there have been under the present Administration four times as many bills in equity filed, nine times as many indictments found, and seven times as many convictions had, with nine indictment cases still pending.

The antitrust law is not of Democratic origin; its enforcement is not to Democratic credit.

But it is by some claimed that the Cleveland Administration was not to the liking of the modern Bryan Democracy. However that may be, allow me to remind gentlemen that that Administration was more in harmony with the history and traditions of the Democratic party than have been the principles and policies of that party since, and the Fifty-third Congress was Democratic in both branches, and Cleveland was President; and, what is more, Mr. Bryan was a Member of Congress and could at least have called his party's attention to the need of antitrust-law enforcement. He had a voice for speaking and a disposition to use it. The law was on the statute books and the trust was abroad in the land. I have looked in vain for a recorded speech or for the record of a resolution delivered or introduced by him on the subject. I have heard he introduced a resolution and that it died from gross neglect, but I have been unable to find a record of it.

I have recounted this little history not for the purpose of claiming honor for the Republican party for what it has done so much as to dispute the unwarranted claims of our Democratic brethren. I repeat that they have helped pass some good laws, but they have originated none of them. They sometimes make good helpers, but thus far they have made sorry work of initiating and directing. My experience and acquaintance with the Members of the minority in this House lead me sincerely to believe that the wisest of them at least are satisfied that their party is not qualified to conduct the great business of government. Many of them have been so engaged in talking buncomb to constituencies which evidently are easily fooled that they have got into a habit of insincere thought and action that would work ill to the country in the future as it has worked disaster in the past. [Applause on the Republican side.]

Mr. Chairman, I have spoken longer than I had intended, but I submit that the provocation has been great. I am and have been a believer in and, I trust, a consistent worker for just and equitable relations between the people and the great interstate corporations chartered and sustained by law; not for the purpose of partisan advantage, but for the good—nay, for the safety—of the Government itself. I have never inquired nor cared for the political origin of any measure before Congress. Right and justice are not copyrighted by any party. I have never knowingly worked nor voted for any measure that would injure any legitimate enterprise of the country, and it has seemed impossible to sit in silence under the charge that the enactment and enforcement of laws against great wrongs were subversive of the principles of good government and the cause of industrial and financial depression. Neither could I longer possess my soul in patience while gentlemen lost sight of the qualities of exalted American statesmanship and descended to the plane of the politician to claim a credit they did not deserve.

A new order of things is established in the land. The people are aroused to their rights, and neither the schemes of the vicious nor the tricks of the demagogue will avail to deceive them. More than ever before they are demanding of their legislators—municipal, State, and national—honest, fearless, and patriotic service. We must not and will not be deterred by the evil prophecies of lawbreakers.

No rogue e'er felt the halter draw
With good opinion of the law.

The act of 1906 and the enforcement of law against public malefactors have not impaired and will not impair the general prosperity, but will contribute to permanent justice and equality. The policies of the present Administration were conceived in patriotism and born of Republican parents. [Loud applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I yield twenty minutes to the gentleman from Ohio [Mr. SHERWOOD]. Afterwards I will yield to the gentleman from Pennsylvania [Mr. BRODHEAD] five minutes, and then to the gentleman from New York [Mr. COCKRAN] one hour.

The CHAIRMAN. The gentleman from Ohio [Mr. SHERWOOD] is recognized for twenty minutes.

Mr. SHERWOOD. Mr. Chairman, it is now thirty-four years since I last addressed this great body of representative Americans, and it touches me with deep sadness that of all my associates in the Forty-third Congress only one—the Speaker of the House—remains. Of the Ohio delegation, all have passed to the great beyond. Of all the Members then assembled here, twelve only are still on earth. New men, new States, and new issues are before us.

There were historical characters in that Congress, men called to deal with both ethical and fundamental questions growing out of the civil war, questions that stirred the blood and commanded the most potent mental endeavor. Just across this aisle sat two intellectual athletes—Gen. Benjamin F. Butler, of Massachusetts, and S. S. Cox, of Ohio and New York—who continuously measured the strength and potency of their rasping scimiters at close range. In the seat where now sits our valuable and worthy chairman of the Committee on Appropriations [Mr. MANN] sat my old Army comrade, James A. Garfield, then chairman of that committee, and afterwards President of the United States. Right in front of the Speaker's desk, in his wheeled chair, was Alexander H. Stephens, of Georgia, vice-president of the Confederate States, a man if intense and powerful intellectuality, a true type of that great array of intellecual giants that made both the House and the Senate great forums of debate during and after the war.

James G. Blaine, the idol of his party, was Speaker of the House and the recognized leader. On the Republican side sat six representatives of the negro race, just enfranchised, and on the Democratic side ten or twelve of the battle-scarred veterans of the Confederate army. I had the honor of a seat between General "Joe" Hawley, of Connecticut, and George Frisbie Hoar, of Massachusetts, the former then famous as a soldier, the latter as the exponent of the highest culture in the domain of civics. But lest I be classed as a reminiscence, I will not indulge in reminiscences further. I am not a pessimist. I believe in to-day, I believe in the future, I believe in the better day to come. And if the debates I have listened to in this Congress seem tame and commonplace it is because no great vital questions to stir men's blood have been under consideration, questions to waken the full force of high intellectual effort.

It is great crises that make great orators and a great soldier is only born of a great war. It is not great men who create epochs of human history; it is epochs that make great men. Had there been no Trojan war there would have been no Homer. Had there been no conflict of the kings in the formative period of English literature there would have been no Shakespeare. Had there been no civil strife there would have been no Abraham Lincoln. Should a great crisis confront this Congress, I sincerely believe that there is material on this floor, on both sides of this historic Chamber, to equal in forensic power the record of the past. Such a crisis may not be far off.

And now, Mr. Speaker, I desire to discuss, in the fewest possible words, the remarkable message of the President. The most remarkable in salient features of any ever read on this floor. I shall discuss it in sorrow, and surely without prejudice or party bias, as all the hot-whetted shafts, delivered with such terrific force and venom are aimed at the men who control and dominate the principles and policies of the President's own party. No Member on this side of the House is hit or lacerated by the President's double-edged and powerful cleaver. [Applause on the Democratic side.]

What I feel impelled to say is not all my own inspiration, but comes from the earnest prodding of the brave and patient people whom I have the honor to represent.

My people are in great distress. Our merchants are complaining of falling trade; our manufacturers are curtailing their output. Five thousand worthy workers in Toledo, Ohio, are out of work and eating the bitter bread of charity. The same deplorable condition exists all over this unhappy country. Labor is in despair and desperate from hunger in all our larger cities. What, then, is the vital question of the hour? Should not the universal answer be for a movement of all representatives of both parties, without consideration of party or partisan gain, for legislation to calm the general discontent and aid in the restoration of confidence; to start again the wheels of industry, to again employ labor, and in the sacred name of humanity to make a united and heroic effort to relieve the millions of men, women, and children in the pangs of despair and starvation.

We are in the midst of a severe crisis. In Chicago, in New York, in all our great cities, a vast multitude are desperate and ripe for revolution, and this is no time for political philippics. This is a time for calm judgment, for humane consideration of the best possible measures to relieve the universal distress.

Concede all the President's message contains to be true, what called it forth at this time? After the great battles of the civil war we used to gather at night by the lights of the bivouac fires and the lanterns of the ambulance corps and bury our dead under flags of truce. On the one side the Blue, on the other the Gray. No hostile shots were ever fired during this saddest and most sacred of all the terrible duties of war. To-day, in the midst of the dead and the wounded, the result of the disastrous money panic of last October, let us not pause to discuss the cause, or fix the blame, or punish the guilty, but let us all unite as patriots and forget that we are partisans and agree on a measure of relief in the interest of business and of labor, to whom idleness is either beggary or death. [Applause on the Democratic side.] As I read the President's message, he offers no advice on a proper measure to relieve the distress of his countrymen. He hinges his message on the Supreme Court decision declaring the employers' liability act unconstitutional, and he recommends new legislation. This is all proper and important, but is there any issue here? Is there any opposition to this proposed legislation? I have heard of none. The day following the Supreme Court decision a Senator [KNOX, of Pennsylvania] prepared and introduced a bill to cure the legal defects of the law declared unconstitutional. As to a new railroad-rate bill, the President knows that the original rate bill of the last Congress was amended and emasculated by the President's own party out of all vitality and value. The President also knows that the same Senators and Representatives that emasculated and made valueless the old rate bill are now absolutely dominating both branches of this Congress, and he also knows that he used all the power of his great office to elect this same Congress. And now the question is under vigorous discussion everywhere, especially in labor circles. [Applause on Democratic side.] What has caused this sudden and unexpected zeal of the President on behalf of the wageworkers? Is it a political play to exploit and stampede labor in the interest of the candidacy of the Secretary of War? Or is it a spectacular and sensational play to divert the attention of the country from the all-pervading distress? [Applause on the Democratic side.] The President, like the Secretary of War, has a labor record that needs extensive patching to make it at all presentable. [Applause and laughter.] Let me refer to the recent troubles at Goldfield, Nev. Contrary to all precedent, contrary to law, in order to aid the mine owners to crush out the miners' union, the President called out the United States troops. What did the mine owners want?

First. A sweeping reduction of wages.

Second. To destroy organized labor by refusing employment to every miner unless he should renounce his membership in the Western Federation of Miners. This act is in direct violation of the State law of Nevada bearing upon this subject.

Third. To force the miners to accept scrip in lieu of cash, the mine owners refusing to guarantee it, a scrip issued in violation of Federal law regulating the issuance of currency.

I have here a very voluminous report, bearing upon this last of the labor troubles in the Rocky Mountain regions. This report was made by a commission appointed by the President to make a thorough examination and investigation into the causes of the Goldfield strike, and the necessity for sending the United States Army to Goldfield to aid in wiping out the miners' union. I have the report in full in my possession, though it is not now available. Why it was not printed I can not say. The demands for it are great. This report has great value not only to every wageworker in the United States, but to every Representative on the floor of this Congress. This special investigating commission was appointed by the President December 11, 1907, and the report submitted December 30.

The President's order is as follows:

> You are hereby directed to proceed immediately to Goldfield, Nev., and make an investigation at that place into the conditions existing there at this time, and you will, on your return to Washington, submit a report to me personally.

This commission was composed of Lawrence O. Murray, Assistant Secretary of Commerce; Charles P. Neill, Commissioner of Labor; Herbert Knox Smith, Commissioner of Corporations.

Why this commission was ordered to report to the President personally I do not know. The Constitution and laws recognize only one person in the White House, but now it seems we have two—Theodore Roosevelt, the President, and Gen. Theodore Roosevelt, the person.

As to the report, I quote a paragraph on page 11:

> The strike grew out of a refusal on the part of the miners to accept cashier's checks in payment for their wages, the miners insisting upon some form of guaranty by the mine operators of whatever paper was accepted in lieu of cash. Various propositions were made, but no basis of agreement was reached.

This plan was prepared by the mine owners, according to the President's commission, and they were afraid to attempt its execution without the aid of Federal troops. The mine owners therefore secretly arranged with Governor Sparks to call upon President Roosevelt for troops when they were ready to spring the programme and force its provisions upon the miners.

The following is from page 12 of the report:

> The action of the mine operators warrants the belief that they had determined upon a reduction in wages and the refusal of employment to members of the Western Federation of Miners, but that they feared

to take this course of action unless they had the protection of Federal troops, and that they accordingly laid a plan to secure such troops and then put their programme into effect.

The following is from page 16 of the President's commission:

In short, up to the time the troops arrived and for six months prior thereto there had been no unusual conditions of violence or disorder or any such conditions as would in any way justify the presence of the Federal troops or their retention there. The conditions did not support the general allegation in the governor's request for troops, nor were his specific statements established to any such extent as to justify his use of these statements for the purpose of getting Federal troops.

Now, I unhesitatingly declare that the sending of the troops to Goldfield was not only unnecessary, but in direct violation of the Revised Statutes of the United States, and this report, made by the President's specially appointed commission, proves it. The report of the President's special commission shows the sending of United States troops to Goldfield was a criminal outrage. I quote from this report, page 13:

Neither the county commissioners, the sheriff, nor the district attorney were consulted, nor had any of them even a suspicion of the action which had been taken. The first news that the city had that it was in a condition of lawlessness and disorder requiring the intervention of the Federal Government was when dispatches appeared in the papers that the troops had been called for and were then on their way to Goldfield. When the fact was ascertained positively that the troops were actually on their way to Goldfield a formal protest was telegraphed to the governor by most of the county officials.

In this connection it is proper to refer to another feature of the case, which was fully reported in the western papers, but for obvious reasons was omitted from the report of the President's commission. According to the accounts of these papers, which have not been denied, SIMON GUGGENHEIM, of Colorado, and a few others of his class representing the mine owners' interests of Nevada, met with the governor of Nevada, entertained him at a banquet in a convivial fashion, and it was by this means the governor's consent was secured to call for troops when the mine owners were ready for them. Indeed, this account stated that the governor was in an irresponsible state when this conspiracy to crush union labor was hatched. Whether this be true or not it has never been denied.

Do you want more evidence that our heroic and much-idolized President, so suddenly full of new-born zeal for organized labor, has only a record of words on the labor question? Let us examine briefly another cruel chapter of lurid history.

On February 17, 1906, three officers of the Western Federation of Miners—Moyer, Haywood, and Pettibone—men without guile, guilty of no crime, were arrested between 9 and 11 o'clock Saturday night. They were arrested on warrants sworn out by the county attorney of Canyon County, Vanduyn by name, and this affidavit was false. The warrants were issued from Caldwell, Idaho, the home of Stunenberg, where he was killed. The warrants were placed in the hands of Idaho officers, who went to Denver. Haywood was arrested while leaving the Federation offices between 9 and 10 o'clock. Pettibone was at home; his wife being absent, on her return found him gone. Pinkerton detectives, under the direct charge of Adjutant-General Wells, guarded the men rigorously until the special train, which had been previously arranged for, was ready. The men were not permitted to consult counsel nor was any information as to their whereabouts permitted to leak out until after they were safely aboard the special train. This train made no stops at any station during the 1,000-mile journey, except at watering tanks and coaling stations.

An announcement was publicly made by the Pinkerton detectives who had directed the kidnaping that their fate was sealed and that they would never leave the State of Idaho alive. When the facts of the arrest and the methods became known the whole body of organized labor was aroused and tremendous excitement stirred the entire labor world. The supreme court of Idaho refused to consider their application for habeas corpus and this decision was confirmed by the supreme court of the United States, Justice McKenna giving a dissenting opinion. No case of more vital interest to labor was ever before that august tribunal. Here was a chance for the President of the United States to proclaim in thunder tones for the great fundamental rights of man guaranteed by the Constitution. But he was as silent as the oysters of Oyster Bay. Instead of this the President took occasion to denounce these three innocent officials who were, as it was claimed, about to be railroaded to the gallows as "undesirable citizens." He also sent Secretary Taft to the State of Idaho when an election was pending to plead the cause of the governor and in effect to aid the conspiracy that was seeking to hang the labor officials and drive organized labor from the State.

Neither England, nor France, nor Germany, nor Austria has ever been cursed by a King or Queen or Emperor who has publicly voiced his convictions, denouncing a suspected subject on trial for his life. It remained for the United States to produce such an official in the person of President Roosevelt, violating the most sacred traditions of all Christian nations.

I am not aiming to pose as the champion of organized labor on this floor. I do not assume to represent organized labor alone. I did not have the indorsement of organized labor in my campaign for Congress. But I stand for men. I stand for all the measures of reform borrowed by the President. I am for all the so-called "Roosevelt policies," except militarism, imperialism, and vampirism. The President stands for nothing of any vitality that he did not borrow from the Democratic platforms of 1896 and 1900. I was for all these policies and working side by side with the peerless leader from Nebraska for a whole decade, while the self-appointed champion of these policies, now in the White House, was before the American people denouncing Bryan and his cause as dangerous and anarchistic. [Loud applause on Democratic side.]

And I am as ready and anxious to vote for these principles in the coming November as I was in 1896. But not under a newly converted leader devoted to militarism and imperialism and the reckless waste of the people's hard-earned tax money. [Applause on the Democratic side.] I prefer a leader tried and true, prescient with truth, endowed with unwavering fidelity to the cause of the people, and not a wabbler, looking daily for a new slogan to win unthinking applause. I see that leader now. I see our champion still in the limelight, as in 1896. In mental endowment he is the superior of the "strenuous one" without his imperial swagger. [Laughter and applause.] He never appeals to those who exalt the cruel or the brutal. He would never, if President, hold Japanese wrestling matches on the White House carpets. [Laughter and applause on the Democratic side.] He never stabbed to death a cub mountain lion amid the wild plaudits of the cow punchers and broncho busters. [Laughter and applause on the Democratic side.] He never drank the brutish milk of the she bear in Louisiana canebrakes, but in moral grandeur he towers above the dictator of the White House as the Washington Monument above the marshes of the Potomac. [Laughter and applause on the Democratic side.]

Our champion is broader in culture, riper in that knowledge of affairs that comes from travel and contact with the best minds of both continents. He is better poised and safer balanced. His name is William Jennings Bryan. [Loud Democratic applause.] And the shibboleth of our Democracy shall be:

The flag of these shining stars of States shall never float over a country where the sword and the man on horseback usurp the functions of justice, liberty, and constitutional law. [Loud and long-continued applause on the Democratic side.]

The following is the report to which I made reference in my speech:

THE GOLDFIELD STRIKE.

DECEMBER 30, 1907.

SIR: On December 11, 1907, you issued to us the following instructions:

"You are hereby directed to proceed immediately to Goldfield, Nev., and make an investigation at that place into the conditions existing there at this time, and you will, on your return to Washington, submit a report to me personally.

"All Federal officials, both civil and military, are hereby directed to render you any assistance that you may need, and to give you access to any information, papers, or documents that they may have bearing on the situation."

In accordance therewith we left Washington on the afternoon of December 11, arriving at Goldfield, Nev., in the evening of the 15th, and proceeded at once to make the investigation directed. We gave our entire time to this object, continuing hearings and interviews every day, and usually until midnight, with the help of one, and later two, stenographers, until the morning of December 21, when we left Goldfield and returned to Washington.

Immediately upon our arrival in Goldfield we conferred with General Funston, who had been investigating the situation there for several days previous to our arrival, and who remained for some days and assisted us in every way in our work. We next discussed the situation fully with the governor of the State, who was at Goldfield, and then met a committee from the miners' union and the executive committee of the Goldfield Mine Operators' Association. We thus obtained at the outset a comprehensive preliminary survey of the general situation.

The Mine Operators' Association, through their counsel, then presented to us a general statement of their side of the case, and, as they were the persons primarily desiring the coming and the retention of the troops, we informed them that we would regard this written statement as analogous to the plaintiff's complaint in a court action, and that we would at once call upon them to make out their case and lay before them the responsibility of producing as rapidly as possible the evidence therein, reserving to ourselves, of course, the right to hear thereafter evidence on the other side. They agreed to this procedure, which seemed to be the most practical way of handling the matter, and for several days brought before us numerous witnesses, documents, and other evidence intended to substantiate the allegations of their so-called complaint and demonstrate the need for Federal troops. Their counsel was informed that our primary object was to secure information bearing on the question as to what justification existed for the call for Federal troops and for their continuance at Goldfield, and, after several days of hearings, on December 20, he assured us that he had produced substantially the best evidence on his side of the case,

that anything more he might bring would be simply cumulative, and, in substance, that he rested his case on what he had presented.

Inasmuch as we were by this time satisfied that the mine operators had not in any particular established a case justifying either the bringing or the retention of the troops, we did not deem it necessary to take any extensive evidence on the other side, and the hearing was substantially closed with a brief formal interview with the said committee from the miners' union.

THE QUESTION BEFORE THE COMMISSION.

The Federal troops had been sent to Goldfield on the request of the governor of Nevada, dated December 5, 1907, and we made it therefore the primary object of our work to ascertain, first, whether the state of facts existing in Goldfield prior to and at the arrival of the troops corresponded with the allegations of said request of the governor of Nevada and gave sufficient ground for the sending of the troops, and, second, whether the conditions existing at Goldfield upon the arrival of the troops and up to and during the time of our stay there afforded a sufficient basis for their retention at that point; and, if so, for what period they should be retained.

Incidentally, we necessarily informed ourselves briefly as to the merits of the industrial controversy there existing, but only so far as the same had some bearing on the question of law and order and the presence of the Federal troops. Any complete or satisfactory examination into the general merits of the industrial dispute would have covered many weeks and would have been impossible for us to make, having as we did no power to administer oaths or compel the attendance of witnesses or the production of evidence.

Inasmuch as the troops are still in Goldfield and the question of their retention there is an important issue, we deem it proper to submit to you herewith a report bearing on this question, and we therefore direct our findings in this report to a consideration of those facts which are relevant to this question in view of the requirements of section 4 of Article IV of the Constitution, sections 5297, 5298, and 5299 of the Revised Statutes, and the act of June 18, 1878, and to a consideration of the question as to what facts existed at Goldfield before and since the arrival of the troops to constitute the grounds of action described by the said article of the Constitution and the said statutory sections.

SECTION 5298, REVISED STATUTES.—*Insurrection against the Government of the United States.*

"Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed."

SECTION 5299, REVISED STATUTES.—*Power to suppress insurrection in violation of civil rights.*

"Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect or from any cause fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States or the due execution thereof or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations."

Revised Statutes, section 5298, deals only with insurrections against the Government of the United States; Revised Statutes, section 5299, deals only with violations of rights, privileges, immunities, or protection secured by the Constitution of the United States. These two sections may be, therefore, dismissed from consideration with the simple statement that there is absolutely no evidence showing the existence of any insurrection against the Government of the United States or the violation of any Federal rights.

Section 4, Article IV, of the Constitution provides as follows:

"The United States shall guarantee to every State in this Union a republican form of government, shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."

Section 5297, Revised Statutes, based on the above constitutional provision, is as follows:

"In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature can not be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary."

Act June 18, 1878, chapter 262, section 15:

"From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $10,000 or imprisonment not exceeding two years or by both such fine and imprisonment."

The said constitutional section and the said statute based thereon, together with said act of June 18, 1878, being clearly the only provision of law possibly applicable in the premises, we took them as a guide for our investigation into the facts existing at Goldfield. It is true that the call of the governor of Nevada of December 5 was apparently based upon and followed largely the wording of section 5299, probably under a misapprehension of the force of that section. The attorney-general of the State informed us that he had been consulted in the preparation of the call and that it had been based upon section 5299. The governor stated in that call, however, that certain facts existed, which facts, if sufficiently verified and if broad enough in their scope and important enough in their bearings, might conceivably furnish sufficient ground for Federal action under section 5297, Revised Statutes, and although, as above set forth, it was obvious that the governor in framing the said request had before him especially section 5299, which was wholly inapplicable, nevertheless it was, of course, necessary to look rather at the substance than at the form of the request and to ascertain whether the facts so stated formed a basis of action under section 5297, Revised Statutes. The request of the governor was as follows:

"UNITED STATES OF AMERICA, *State of Nevada, ss:*

"To His Excellency Theodore Roosevelt,
"President of the United States:

"At Goldfield, Esmeralda County, State of Nevada, there does now exist domestic violence and unlawful combination and conspiracies, which do now so obstruct, and continue to obstruct and hinder, the execution of the laws of the State of Nevada, and now deprive, and continue to deprive, the people of said section of the State of the rights, privileges, immunities, and protection named in the Constitution of the United States, and of the State of Nevada, and which are secured by the laws for the protection of such rights, privileges, and immunities; and the constituted authorities of the State of Nevada are now, and continue to be, unable to protect the people in such rights, and the reason of such inability and the particulars thereof are the following, to wit:

"Unlawful dynamiting of property, commission of felonies, threats against the lives and property of law-abiding citizens, the unlawful possession of arms and ammunition and the confiscation of dynamite, with threats of the unlawful use of the same by preconcerted action.

"The lawfully constituted authorities of this State are unable to apprehend and punish the perpetrators of said crimes, and to prevent the commission of other threatened crimes, and unless the relief hereinafter requested is granted, this State, and the lives and property of large numbers of its people, will be irreparably affected and damaged, contrary to the peace and dignity of the United States and of the State of Nevada.

"Therefore, pursuant to Article IV, section 4, of the Constitution of the United States, and to sections 5297 and 5299 of the Revised Statutes thereof, I, John Sparks, governor, do hereby respectfully request that Your Excellency, Theodore Roosevelt, President, do immediately send to Goldfield, Esmeralda County, Nev., two companies of the troops of the Army of the United States, to suppress unlawful disorder and violence, to protect life and property, to restore peace, and to insure protection of law to the people of the State of Nevada.

"In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed, at the capitol, Carson City, Nev., on this 5th day of December, A. D. 1907.

"[SEAL.] JOHN SPARKS, *Governor.*"

While the first part contains a number of allegations, they are general and formal in nature. The specific statements of fact contained in the call appear in the second paragraph.

FACTS AS TO SITUATION IN GOLDFIELD.

With these legal considerations in view, our findings are as follows:

There has existed at Goldfield, which is exclusively a mining town of an estimated population of between 15,000 and 20,000 in southern Nevada, for over a year past, and especially since the spring of 1907, a disturbed industrial situation, due to frequently recurring labor difficulties between the mine operators on the one hand and the miners on the other. The two sides were represented almost completely by the Goldfield Mine Operators' Association, including almost all the owners, operators, or lessees of mines on the one hand, and by the local union of the Western Federation of Miners on the other, a union comprising substantially all the miners in Goldfield. This union, known as Goldfield Miners' Union, No. 220, is a branch of the general organization known as the Western Federation of Miners. It has carried on its rolls a membership estimated at above 3,000 men, which number, however, included members of crafts in Goldfield other than workers in and about mines. Figures furnished us by the mine operators showed that about 1,900 mine workers went on strike on November 27, 1907. Although a number of strikes and minor difficulties had occurred during 1907, the only acute situation arising prior to the call for troops existed in the spring of 1907. This controversy involved not only a dispute between the mine owners and the miners at Goldfield, but also between the members of the miners' union and the members of other crafts in Goldfield affiliated with the American Federation of Labor. The Goldfield Miners' Union was also affiliated with the organization known as the Industrial Workers of the World, and an effort was made to force members of other crafts not affiliated with the organization to join its ranks. Not only the Mine Owners' Association and members of the miners' union went armed, but members of crafts not affiliated with the Industrial Workers of the World felt it necessary to carry arms to protect themselves while at work. The condition of Goldfield at that time was that of an armed camp, and for a time a serious clash seemed imminent. The controversy resulted in a murder of a restaurant keeper and aroused such opposition against the Industrial Workers of the World that a ban was practically put upon them, and the organization under that name was forced to abandon Goldfield. This acute situation disappeared before the end of the spring of 1907.

A succession of miners' strikes, however, had taken place throughout 1907, some of them with apparently little justification; and although the operators had yielded to nearly all the demands of the union, it seemed impossible to secure any settled industrial conditions. The mine operators insist that the socialistic doctrine adopted and preached by the Western Federation of Miners practically justified the stealing of ore by the miner. Some of the mines at Goldfield are among the richest in the world. They maintain, and of this there is little doubt, that this phenomenally rich ore is daily stolen to the amount of many hundreds of dollars by some of the miners, and that the representatives of the union have resisted and attempted to nullify reasonable attempts on the part of the mine owners to protect themselves against these thefts by "change" rooms or otherwise.

The industrial situation was further aggravated by the fact that the Goldfield Union would not enter into any contract governing working conditions for any specified length of time, and the mine operators, therefore, could have no assurance at any time that any settlement of a dispute was more than a temporary makeshift, nor could they secure

any assurance of stable industrial conditions for any fixed length of time.

Moreover, the Goldfield Miners' Union embraces in one single union not only the various crafts working in and about the mines, but also clerks, waiters, bartenders, and other miscellaneous crafts and avocations in Goldfield.

On November 27, 1907, a strike of the miners was inaugurated and is still in effect. This strike grew out of a refusal on the part of the miners to accept cashiers' checks in payment of their wages. The miners insisted upon some form of guaranty by the mine operators of whatever paper was accepted in lieu of cash. Various propositions were made, but no basis of agreement was reached.

The merits of this controversy are not of importance here, as we are concerned solely with the question of whether or not conditions warranted the calling for Federal troops. The mine operators insist that the attitude of the miners in refusing to accept cashiers' checks in payment of wages in the then acute currency condition of the country was unjustifiable, and that this as a culmination to their past experience exhausted their patience and definitely determined them to make a final break with the Western Federation of Miners and establish their permanent independence of that organization. The miners contend that their demand for a guaranty of the scrip by the mine operators was entirely proper and just, and that the mine operators sought a strike as a means to secure Federal troops, and then reduce wages and destroy the union in Goldfield.

The action of the mine operators warrants the belief that they had determined upon a reduction in wages and the refusal of employment to members of the Western Federation of Miners, but that they feared to take this course of action unless they had the protection of Federal troops, and that they accordingly laid a plan to secure such troops and then put their programme into effect.

A committee of the mine operators went to see the governor on December 2, and urged upon him the necessity of calling for the Federal troops to preserve peace and order in Goldfield. An agreement seems to have been reached that if conditions continued as they then were that the governor would issue such call, and the committee returned, after having agreed with the governor upon a code word which should be sent by telegraph to indicate the necessity for troops still existed.

Some days later the agreed-upon word was telegraphed to the governor, and he thereupon issued his call upon the President for troops. During this time, when conditions at Goldfield were represented to be in such lawless state as to demand Federal troops there was apparently no discussion of the subject whatever carried on outside of the Mine Operators' Association. No indication was permitted to become public as to the real purpose of the call of the committee on the governor.

The papers published the fact of the presence of the committee from Goldfield at Reno and stated the purpose of its visit to be the selection of a site for a smelter. After the agreement with the governor and pending the sending of the telegraphic word agreed upon no public intimation was given in Goldfield that troops had been asked for or were expected. Neither the county commissioners, the sheriff, nor the district attorney were consulted, nor had any one of them even a suspicion of the action which had been taken. The first news that the city had that it was in a condition of lawlessness and disorder requiring the intervention of the Federal Government was when dispatches appeared in the papers that the troops had been called for and were then on their way to Goldfield. When the fact was ascertained positively that the troops were actually on their way to Goldfield a formal protest was telegraphed to the governor by most of the county officers.

The troops arrived in Goldfield on December 6. On December 7 the Goldfield Mine Operators' Association issued a public statement, in which, among other things, they said: "We propose to adopt fair and reasonable rules for the operation of our properties and employ men irrespective of whether they belong to unions." The rules and regulations adopted in pursuance of this statement made a general reduction in their wage scale amounting, in the case of miners, from five to four dollars per day, and also provided that the said association would not employ any man belonging to Goldfield Miners' Union, No. 220, of the Western Federation of Miners, or any other union in Goldfield or elsewhere that is connected or affiliated with the Western Federation of Miners, and, in pursuance of this provision, stated that each employee, if a member of this association, shall, as a condition of employment, be required to sign the following agreement:

"'In consideration of my being employed by the ——— company for such time as my services shall be satisfactory, and at wages heretofore fixed by said company, subject to the rules and regulations fixed by said company, and by the Goldfield Mine Operators' Association relating to the employment of men in and around mines of Goldfield mining district, I hereby covenant and agree with said company that I am not now and will not be during the time I am working for said company a member of Goldfield Miners' Union, No. 220, of the Western Federation of Miners, or of any other union in Goldfield or elsewhere that is directly or indirectly affiliated with or has any connection of any kind, nature, or description with said the Western Federation of Miners.

"'Witness my hand and seal at Goldfield, Esmeralda County, Nev., this —— day of ———, 190—.'"

While this cut in wages and refusal to employ members of the Western Federation of Miners was not announced until after the arrival of troops, every indication confirms the belief that such action was in contemplation before the arrival of troops, was part of the general plan of the mine operators to establish their independence of the union, and that the coming of the troops was expected and urged by them to make such plan feasible.

We find that from the spring of 1907 to the date of the arrival of the troops there were no conditions of especial violence or disorder in Goldfield or particular reasons why such disorder was likely to occur. Apart from the question of the personnel of the miners' union—a matter that will be discussed later—the situation was normal. The town had been for at least six months previous fully as free from disturbances as any mining town of similar situation and conditions. There had been no organized opposition to law. The number of homicides during the two years prior to the coming of the troops, as stated by the county officials, did not exceed half a dozen, and several of these had no relation to any labor difficulty. There was evidence that in the past two years a number of so-called "deportations" had taken place—that is, men had been driven out by union sympathizers either by threats or by actual violence—but probably the total number so forced out of town did not exceed 25 in two years. There were made before us, it is true, several statements of very much larger number, going as high as 700, but when all the witnesses had been asked to give names and facts in specific cases the number of such cases brought to our attention did not exceed 20. Moreover, numbers of these deportations were not in furtherance of any organized plan to drive out nonunion men. They represented the paying off of old scores due to former troubles in Cripple Creek and the Coeur d'Alenes.

There was no evidence of the unlawful use of dynamite, with the one exception that it was shown that one of the poles of the electric company's plant had been bored and dynamite cartridges inserted and lighted (which, however, failed to explode), and that a large number of other cartridges had been left at the base of the pole. No actual damage was done. This occurred shortly before the arrival of the troops. It was alleged by the miners' union that this had been done by the mine operators themselves in order to produce the appearance of violence; and while we express no opinion as to who placed the dynamite there, it must be admitted in the circumstances in the case that the clumsy way in which the work was done at least raises a reasonable doubt as to the genuineness of the attempt. We find that there were at the time of troops' arrival a considerable number of rifles in the possession of each party; that a large number of men in the town were carrying pistols, but probably not in much greater proportion than is true of most mining towns of this character. In short, up to the time the troops arrived and for six months prior thereto there had been no unusual conditions of violence or disorder or any such conditions as would in any way justify the presence of the Federal troops or their retention there. The conditions did not support the general allegations in the governor's request for troops, nor were his specific statements established to any such extent as to justify his use of these statements for the purpose of getting Federal troops.

The great bulk of the testimony submitted by the mine operators sets forth facts which tended to show not the existence of actual serious disorder in the past or in the present, but the possibilities of future disorders should the troops be withdrawn. It was this potential situation that was obviously in the minds of most of the men who appeared before us on behalf of the retention of the troops. Many men of almost all classes, whose assertions we believe to have been perfectly sincere, stated earnestly that they believed that should the troops be withdrawn there would very shortly arise a condition of serious disorder and violence, loss of life, and damage to property, taking the shape of a direct conflict between the miners' union and the mine operators. Inasmuch as the situation, as above stated, had remained substantially unchanged for the six months prior to the coming of the troops, during which time practically no one believed in the probability of an insurrection or serious disorder, and inasmuch as on December 5 the so-called insurrection was unknown to the community, and the coming of the troops a complete surprise, it was obvious that some new factors must have entered the situation very recently in order to produce these honest opinions as to future disorder.

We find that such new factors did enter, but after the troops arrived, and that they consisted of the announced determination aforesaid on the part of the mine operators, on December 7, to reduce wages and to refuse employment to members of the Western Federation; that this programme, if carried out, meant a struggle for its existence on the part of the union, and that these witnesses naturally felt that this struggle would, on the withdrawal of the troops, take the form of serious disorder. This explains to our minds the acuteness of the new situation that arose, the fears of many of those who appeared before us, and the desire expressed by so many that the troops should be retained.

Probably the most disturbing of the new factors was the refusal by the operators to employ members of the Western Federation, as above set forth, and this particular requirement, in our own opinion, was on its face contrary to the statute of Nevada, as follows:

"CHAP. CXI.—An act making it unlawful for employers to enter into agreements with their employees, or persons about to enter their employment, not to become or continue as members of labor organizations, and prescribing penalties for violations thereof. (Approved Mar. 17, 1903.)

"The people of the State of Nevada, represented in senate and assembly, do enact as follows:

"SEC. 1. It shall be unlawful for any person, firm, or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm, or corporation, or any person about to enter the employ of such person, firm, or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization, or shall promise or agree to become or continue a member of a labor organization.

"SEC. 2. Any person or persons, firm or firms, corporation or corporations violating the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $50 or more than $300, or be imprisoned in the county jail for a period of not less than twenty-five days or more than five months, or by both such fine and imprisonment.

"SEC. 3. All acts or parts of acts in conflict with the above are hereby repealed."

The constitutionality of this statute, as well as its application, was questioned by the mine operators, but, of course, until it has been declared unconstitutional by judical decision it must be regarded as the law of that State.

Nevada has no State militia, its former force having been disbanded. The only force at the disposal of the governor consists of five State detectives, substantially all of whom are acting now as mine guards in Goldfield and in the pay of the mine operators, a force wholly inadequate to deal with any serious disorder. The governor informed us in writing that he would not convene the legislature and that he would not take any steps to organize a State militia under the State statutes; that in case the troops should be withdrawn he did not know what he would do, but so far as he could then see he would do nothing. The exact form of this statement was as follows:

Interview with Governor John Sparks, of Nevada, at Hotel Casey, Goldfield, Nev., December 17, 1907.

Present: Messrs. Smith, Murray, and Neill.

Mr. SMITH. We want to get in permanent and definite shape your decisions on the questions we talked of this afternoon. First, whether you will or will not convene the legislature?—A. I do not think that I can consistently do it.

Q. So you decline to do that?—A. For the present; yes, sir.

* * * * * * *

Mr. SMITH. As to another matter, Governor, there was suggested the appointment of a militia here?—A. Yes.

Q. What is your view on that?—A. Well, it would take considerable time to organize that. You mean a State militia?

Q. Yes, sir.—A. Well, I should oppose that. I have opposed it all the way along. The very people I am trying to protect knew that the soldiers were here and backed me up on that. I believe a State militia at this time would be disgraceful to the State.

Q. What I refer to especially is an emergency militia, which was suggested this afternoon right in this town.—A. An emergency militia? If we had the right kind of an emergency militia, it would operate all right, but I don't believe we could get that kind. That is one of the circumstances.

Q. So just what would be your action in case the troops are withdrawn?—A. Well, Mr. Smith, I have got to consider your proposition. I don't want to dodge any question you ask me, but at the present time I do not know what I would do. The chances are I would not do anything until these people here fought it out on common ground with one another. It seems they are prepared to do it. I don't want them to do it; I want to preserve peace, law, and order and protect the people more than property.

Mr. MURRAY. Governor, at the present time, you do not feel justified, then, in having the legislature in extraordinary session, nor to organize a State militia?

A. No, sir. I don't think it would be wise to do it. A State militia would not remedy the situation in my judgment.

* * * * * * *

December 18, 1907.

This is a correct copy and statement.

(Signed) JOHN SPARKS, *Governor.*

In brief, the attitude of the State was simply passive. The governor had in conference with him at the time his aid, Captain Cox, and the attorney-general, Mr. Stoddard, and after this interview, December 18, he left Goldfield and did not return during our stay.

We had conferences with the sheriff of the county, two of the three county commissioners, two of the assemblymen, and the district attorney, constituting all the representatives of the civil authorities of the county whose presence we could secure. Goldfield is not an incorporated city. There is a constable, but it appears, so far as we could ascertain, that since the removal of the county seat to Goldfield his powers have been largely superseded by those of the sheriff and that substantially the sheriff is the supreme and responsible peace officer of the county and the town. Our interview with these gentlemen was unsatisfactory in the extreme, lasting nearly ten hours continuously and until 10 o'clock of the night of December 19. We endeavored to get from them a statement, and especially from the sheriff, as to whether in their opinion the county officers could or could not maintain order in Goldfield should the troops be withdrawn. They each evaded this question to the utmost limit and in such a way that it was perfectly obvious that they did not dare to answer it directly, until at the end of our interview, when we finally secured from them all as the most direct definite statement they would make in answer to our single question on this point the following negation:

"Sheriff Ingalls, are you willing to say that if the troops are removed from here you can not maintain law and order in this town and protect life and property? Are you willing to say that?"

"No; I can not say that."

The same question was put to all the said county officers and the same answer was received. They all stated that they resented the call of troops by the governor; that their coming was unnecessary; but now that the troops were in Goldfield they wished that they might be kept there. They insisted that it was an insult to the citizens and officials of Goldfield to have brought in Federal troops to maintain order and that it conveyed an utterly false impression to the outside public.

In the case in question we find that, to put it tersely, the State of Nevada, with a population of about 70,000, and the city of Goldfield, with a population of probably 15,000, are thus far in the position of deliberately and expressly abdicating their governmental powers in the face of not more than a few hundred dangerous and disorderly men and of calling upon the Federal Government to perform the work of keeping these men in order by the use of Federal troops. We believe that such a condition illustrates to the extreme the false principles above condemned, and that it would be a precedent of infinitely evil possibilities should the Federal Government concur in any such position as the governor of Nevada and the officials of Esmeralda County desire it to take.

The above considerations apply to the fundamental question as to whether the troops should be indefinitely maintained in Goldfield, as is desired by many citizens there, and we believe that these considerations answer that question emphatically in the negative. Since we left Goldfield, however, and on December 31, the governor of Nevada has changed the decision he expressed to us and has issued a call convening the legislature of that State for January 14, 1908. We believe it proper and expedient, inasmuch as the troops are now in Goldfield at the request of the governor, that the troops should remain there until the assembling of the legislature to preserve the status quo, so that the legislature may deal with the situation as it now exists. But we also must firmly believe that upon the assembling of the legislature, or within a few days thereafter, the troops should be removed, regardless of any request for their retention that may be made by either the legislature or the governor of Nevada, it being essential that the State of Nevada shall understand this situation completely, shall recognize the fact that there will at that date be thrown upon it, and it alone, the primary responsibility of keeping order, and that, recognizing this responsibility, it may take such action as is the duty of the State and as will be sufficient in the premises.

Very respectfully,

LAWRENCE O. MURRAY,
Assistant Secretary of Commerce and Labor.
CHAS. P. NEILL,
Commissioner of Labor.
HERBERT KNOX SMITH,
Commissioner of Corporations.

The PRESIDENT, *White House.*

Mr. BRODHEAD. Mr. Chairman, while the House is in Committee of the Whole on the state of the Union, I desire to submit a few observations on the state of the Union from the viewpoint of a small stockholder in a large corporation, known as a trust, created and existing under the laws of our country.

At the last session of this House, on Friday, I heard read the President's message, and I applauded the exhibited sincerity and honesty of purpose manifested in that remarkable document, and because of the many good recommendations contained therein I am convinced that it was written either by Mr. Roosevelt or by Mr. Bryan. I am quite sure it was not written either by the eminent and admired Speaker or by the distinguished and imposing leader of the majority.

The country will now watch with great interest to see whether or not the Republican majority in Congress will carry out the measures recommended in the message, or whether they will continue their policy of delay and do nothing—adjourning on Fridays to meet the following Monday.

But I did not rise to praise the message. Having only five minutes gives me but time to register a kick on behalf of the small stockholders of the big corporations, many of whom live in the Twenty-sixth Congressional District of Pennsylvania (God bless them).

We little stockholders agree with the President that a great deal of the corporate business of the country *is* corrupt, but we maintain that such corruption is made possible in the first instance by the unjust, stand-pat, high protective tariff, which should be forthwith revised.

We further believe that corporate profits have been diverted for the benefit of the few in control, and since the last Presidential election we have learned that a large portion of these profits were diverted into the hands of a national campaign treasurer, from whose hands no criminally contributed dollar ever returned.

We further feel that the punishment by spectacular fines for the crimes committed in the operation of certain corporations falls upon us, and not upon the wrongdoer. We small stockholders noticed with what ease the message swept us aside, recognizing no innocence, but simply saying that he who voluntarily purchases stock in a corporation whose methods and management he knows to be corrupt is not innocent. But we answer, What about him who does not know that the methods and management are corrupt? Such a one is as innocent as is the President innocent of those Presidential campaign corrupt contributions, and should not be punished any more than he has been.

Again, take the individual who has not voluntarily purchased the stock, but has come into its possession by inheritance. I say that such a stockholder is innocent, and to mulct such a one, perhaps a minor, or a widow, with any part of a fine often spectacular in its magnitude is not a square deal.

To be sure, the message cites a few cases where the individual "wealthy criminal" have been convicted, like Gaynor and Green, but in these flagrant cases there was no intervening corporation.

The message alleges that a favorite method of attack on the Administration is to blame it for not procuring the imprisonment of the individual wrongdoers, instead of merely fining the corporation, and the President adds that the man making this assault is either a prominent lawyer or an editor who takes his policies from the financiers and his arguments from their attorneys.

On the same day that this message was given to Congress, Governor Hughes, in his New York speech, declared that to prevent oppression through the conduct of large enterprises and to secure the enforcement of the law against illegal attempts to monopolize, and the various devices resorted to in unlawful restraint of trade, is the adequate punishment of the guilty. "I am not," he said, "in favor of punishment in the shape of fines upon corporations, except for minor offenses. The burden of fines imposed upon such corporations is either transferred to the public, or is borne by stockholders, the innocent as well as the guilty."

Mr. Chairman, Governor Hughes is a prominent lawyer. Is he one of those referred to by the President?

My high regard for the sincerity of the President is such that I believe he will yet see that in all cases where corporate crime is committed there are one or more individuals who are the guilty ones and who alone should be punished.

If our present distinguished President and his reluctant party do not provide means to reach the real culprits a Democratic President and the Democratic party will.

These corporate crimes from which we little stockholders, as well as the whole country, are suffering are corporate in name but individual in fact.

It was Judson Harmon who said, in the correspondence between himself and the Attorney-General, over two years ago, in the now almost forgotten Paul Morton Atchison rebate case, that "Guilt is always personal. So long as officials can hide behind their corporations no remedy can be effective. When the Government searches out the guilty man and makes corporate wrongdoing mean personal punishment and dishonor the laws will be obeyed."

Mr. Chairman, had it been known in the beginning of the Christian era that crime, which is necessarily always personal, could be committed through the instrumentality of a corporation, and, when detected, punished only by a spectacular fine imposed on the corporation, I have no doubt but that the unrepentant thief could have successfully accomplished his ends without individual liability, and there would have been one unoccupied cross on Mount Calvary.

The President is always honest, but not always right. At one time he honestly thought that English words were not spelled correctly in the standard dictionaries of the day.

As far as I know, the words in this last message are all spelled according to Webster's Unabridged.

So that, relying upon his honesty, sincerity, and manliness to change when in the wrong, we little stockholders hope that this Administration will go gunning after the real culprits guilty of these corporate crimes, and thereby make the remedy effective without paralyzing the whole business community with fear.

This is one of the omissions which should be supplied. If this Administration does not the Democratic party will.

Mr. Chairman, I have tried to register the kick of the little stockholder; the next election will show that there are many millions of us. The burden of our song is "Guilt is always personal. The corporate evils which confront us are corporate in name, but individual in fact."

I notice in this morning's newspapers an interview with the present Attorney-General, Mr. Bonaparte, in which he says:

There is one matter, however, about which I can speak with knowledge. If great clusters of corporations, such as the Standard Oil Company, the tobacco trust, the powder trust, and our well-known railroad systems, are not to be punished by fines imposed on convicted corporations, this means that in ninety-nine cases out of a hundred they will not be punished at all.

It is often possible to obtain legal proof on which to convict the corporation, when it would be altogether impossible to obtain evidence to satisfy a jury against any one of its superior officers. This statement may seem a little strange to persons inexperienced in criminal law, but a lawyer who has to enforce such statutes as the antitrust law will soon learn its truth.

It will be seen that from the beginning of the Administration to the present time there is no intention or desire to pursue the effective remedy based upon the maxim that "Guilt is always personal." If the question of effectively remedying the so-called "corporate crimes" from which we are suffering is to be one of the leading questions of the coming Presidential campaign, the name of Judson Harmon, of Ohio, should be upon the Democratic ticket.

The necessity of individual punishment for corporate crime is so well set forth by Judson Harmon in the correspondence in the Paul Morton Atchison rebate case that I ask unanimous consent to insert it as an extension of my remarks.

In this correspondence, which was published at the time by the President, the reply of Judson Harmon to the Attorney-General's letter of March 21, 1905, was inadvertently omitted, and I am unable to supply it at this time. It will be noticed that Mr. Harmon and Mr. Judson were not permitted to be counsel of record, but that their authority was carefully limited to merely appear before the examiner only, and gave them no right to appear in court, an authority quite nugatory. In the reply, which is not published, the Attorney-General's attention was called to this, but the request for authority to proceed was not granted. It will be further remembered that in the end Mr. Morton's word was taken as establishing individual innocence, although corporate crime was admitted, instead of letting him go into court, the natural and proper way, and clear himself if he could of the responsibility for what was done by the department specially in his charge, because during the period of these enormous and continued rebates he was the head of the traffic department.

The correspondence was as follows:

DEPARTMENT OF JUSTICE,
Washington, February 28, 1905.

The ATTORNEY-GENERAL.

SIR: We have the honor to inform you that, as directed in your letters of the 14th instant, we have carefully examined the report of the Interstate Commerce Commission in the matter of alleged unlawful rates and practices in the transportation of coal and mine supplies by the Atchison, Topeka and Santa Fe Railway Company, and also the evidence on which the report was founded. We beg now to state the results of our consideration of the questions arising thereon.

The conclusions stated in the report concerning transportation of coal appear to be fully sustained by the evidence. From August, 1902, until December, 1904, the railway company continuously transported coal for the Colorado Fuel and Iron Company at less than the published rates then in force from various points in Colorado and elsewhere to El Paso, Tex., Deming, N. Mex., and other places, to which such transportation was interstate commerce.

This was done by secret arrangement between the two companies, under which the coal was apparently billed at the published rate of freight, although in fact the price of the coal was included. The railroad company collected the amount shown by the billing, and paid over part of it to the fuel company as the price of the coal, making the real charge for transportation less than the published rate by just that amount. At the same time the rates given and charged other shippers were the published tariff rates without any deduction.

This plan, and the way it was carried out, plainly indicate an intention to deceive the Government and the public, and to enable the fuel company to gain a monopoly of the coal supply at the points involved by giving them a strong advantage over competitors in the actual cost of transporation. The motive for thus favoring the fuel company does not appear in the evidence thus far taken, but the fact is clear.

Only one of the chief officers of the railway company in charge of traffic has been called as a witness, and only one of such officers of the fuel company. No immunity from prosecution can be claimed for any other officer of either company. No papers whatever were produced by or on behalf of the fuel company, so that no immunity can be claimed for it. And while certain papers of the railway company were produced, it is not entitled to immunity for that reason, because the papers produced all related to charges for transportation and are by law made public. The immunity provided by the statutes applies only in case of private papers whose production could not be required but for the immunity so given. Assuming, therefore, that a corporation might claim immunity in a proper case by reason of the production of its papers, this is not such a case.

You further direct us, in case we find that the law has been violated, "to recommend what character of proceedings the evidence justifies, and against whom the same should be taken to secure the vindication of the law." We therefore beg to make the following recommendations:

On March 25, 1902, in the suit of the United States against the Atchison, Topeka and Santa Fe Railway Company, in the circuit court of the United States for the western district of Missouri, western division, an order of injunction was issued, forbidding said railway company, its officers, agents, and servants from acting under, enforcing, or executing in any manner whatever any agreement to transport over its railroad, or any part thereof, any interstate traffic at other than the established scheduled rates, and also from "thereafter agreeing with any shipper or other person to transport such traffic at any other or different rate than such as may be provided for in its schedules as filed and published according to law."

It has been suggested, in view of the recent decision in what is known as the "beef-trust case," that this injunction is too general to be enforcible. We think this suggestion is not well founded. The bill on which the injunction was issued, after setting forth the granting of lower than the published rates to favored shippers of grain and meats, charged in a separate paragraph (VIII) that the railway company was committing like offenses "on many other of the principal commodities constituting the bulk of railroad traffic between the States, comprising the ordinary necessities of life."

The order of injunction must, of course, be read in connection with the bill; and the general clause of the order therefore applies only to granting preferential rates on principal commodities comprising the necessities of life. The order is, therefore, not a general one directed at all possible violations of law, whether like the one specifically set forth or not, and in this respect differs from the general clause in the order in the beef-trust case.

Besides, the order in the latter case was considered on an appeal which subjected it to direct review. Here there has been no appeal, but the railway company has taken issue on all the averments of the bill, including Paragraph VIII.

Because of the decision in United States *v.* Missouri Pacific Railway Company (189 U. S., 274), the Government has taken the precaution to bring the present case within the provisions of the act of February 19, 1903, known as the "Elkins law." This was done by an order made May 8, 1903, continuing the injunction until further order of the court. Again there was no appeal, but the case stands at issue on the general as well as the specific charges made by the bill.

It is well settled that an order of injunction can not be reviewed indirectly by those charged with violating it. Jurisdiction of the subject and person granted, as it must be here, the only question that can be raised is that of disobedience.

We therefore recommend that the Atchison, Topeka and Santa Fe Railway Company and all its principal officers and agents who had, during the period above named or any part thereof, power and authority over traffic agreements and freight rates, be arraigned for contempt of court in making and carrying out the above agreement with the Colorado Fuel and Iron Company shortly after the injunction was issued and continuing to carry it out after the injunction was reentered.

It may be found that some subordinate officers or agents should also be included. But this secret arrangement with the fuel company involved the carriage of hundreds of cars per month. The concessions from the established rates must have amounted to about a million dollars for the two and one-half years during which they were granted; and it is incredible that this scheme was devised and carried out by any authority but that of the chief officers of the railway company, who were in control of its traffic department. And it was the duty of each and all of these officers to see that the injunction was obeyed.

The proceeding for contempt seems to us the most ready and effective to be taken against the railroad company and its responsible officers. The abolition of imprisonment by the Elkins law does not apply to contempts, so that this penalty as well as a fine may be imposed if, in the judgment of the court, a case for such punishment be made out against any officer. At the same time the court has a much broader discretion than it would have in a strictly criminal proceeding to adapt its punishment to the degree of guilt in the case of each offender.

We think the object of Congress in providing a remedy by injunction in such cases, leaving the necessary penalties for disobedience to the discretion of the court, was to avoid the niceties of procedure and proof required in strictly criminal prosecutions and apply to railroad officials the remedy so often found effective in other cases.

We have not had as yet the time or means for making the investigations required for further recommendations. We shall proceed with all possible dispatch to make such examinations, and shall have the honor hereafter to make a further report.

Awaiting your instructions, we have the honor to be,
Your obedient servants,

JUDSON HARMON,
FREDERICK N. JUDSON.

DEPARTMENT OF JUSTICE,
Washington, March 8, 1905.

Hon. JUDSON HARMON, *Cincinnati, Ohio.*

SIR: I have the honor to acknowledge the receipt of the letter of yourself and Mr. Judson, dated February 28, 1905, reporting the results of your consideration, up to that date, of the questions arising out of the report of the Interstate Commerce Commission in the matter of

alleged unlawful rates and practices in the transportation of coal and mine supplies by the Atchison, Topeka and Santa Fe Railway Company.

I am very much gratified with the progress being made in the investigation, and upon the receipt of a final report I shall desire to arrange for another conference at Washington with yourself and Mr. Judson for the purpose of considering the action to be taken upon your joint recommendations.

Respectfully,

W. H. MOODY,
Attorney-General.

ST. PAUL BUILDING,
Cincinnati, Ohio, March 11, 1905.

The ATTORNEY-GENERAL, *Washington, D. C.*

SIR: We beg to acknowledge the receipt of your letter of the 8th instant. We both understood our report to recommend proceedings in contempt in the suit of the United States against the Atchison, Topeka and Santa Fe Railroad Company at Kansas City, without awaiting the result of future investigations with reference to other action against it or the Colorado Fuel and Iron Company, its officers and agents. If, however, as we understand from your letter, you think it best not to take these proceedings in contempt until we shall have reported on the advisability of such further proceedings, we shall of course make our investigations and report as early as we can.

An examination of the record of the above case at Kansas City shows that on January 25 last Edgar P. Powell was appointed examiner to take testimony, leaving the time for so doing to be fixed by further order. It seems to us that the quickest and most effective way of getting the testimony desired will be to have an order directing the examiner to proceed at an early date to take the testimony. He will have authority to enforce the attendance of witnesses and require the production of books, papers, etc. He can sit at convenient points, and the consignees whose testimony we want can be brought before him with less inconvenience to them and all parties, and with greater facility, than before a grand jury where there might be some question as to our right to appear.

If you approve this course all that will be necessary will be for you to authorize us, or either of us, to appear for the Government. We can then have a further order made fixing the time, and arrange to proceed. I suggest that the authority be made alternative, because it may not be necessary for us both to appear at all times, and we might not both be able to do so. We should, of course, be in constant touch in the matter and should both appear when necessary.

We have the honor to be, with great respect,

Very truly, yours,

JUDSON HARMON,
FREDERICK N. JUDSON.

DEPARTMENT OF JUSTICE,
Washington, March 21, 1905.

Hon. JUDSON HARMON, *Cincinnati, Ohio.*

SIR: The letter of yourself and Mr. Judson, dated the 11th instant, has just come to my attention, I having been out of the city when it was received. The plan there outlined for getting the testimony necessary to enable you and Mr. Judson to complete your investigation and report upon certain transactions between the Atchison, Topeka and Santa Fe Railway Company and the Colorado Fuel and Iron Company commends itself to my judgment, and for the purpose of carrying it out, and in accordance with your suggestion, I hereby authorize you and Mr. Judson, or either of you, to appear before Examiner Edgar P. Powell, with full powers in the premises, and represent the United States in the matter of the taking of testimony in the case of the United States against the Atchison, Topeka and Santa Fe Railway Company, now pending at Kansas City.

Referring to the first paragraph of your letter, I wish to say that, unless in the opinion of yourself and Mr. Judson a different course would be to the greater advantage of the Government, I do prefer to have all of your and his recommendations before me before considering the question of the proper action to be taken against the Atchison, Topeka and Santa Fe Company.

Respectfully,

W. H. MOODY,
Attorney-General.

ST. LOUIS, MO., *March 20, 1905.*

The ATTORNEY-GENERAL, *Washington, D. C.*

SIR: We beg to say that we have made informal investigations which confirm our previous reports. We can go no further without the use of process to secure formal evidence and other proof, and therefore again recommend contempt proceedings and the taking of testimony before the master appointed for that purpose in the case pending in the United States circuit court at Kansas City.

We have no doubt that the laws have been violated by the traffic officers of the Atchison, Topeka and Santa Fe Railroad Company and those of the Colorado Fuel and Iron Company. The former have by the same acts violated the injunction in that case. The formal proof required to punish them for contempt of court, and also criminally, if it shall be thought best to do that, too, can be had only by judicial process. This is ready to our hands in the above-named case. The proof elicited before the master will also be available for criminal proceedings against the Colorado Fuel and Iron Company and its officers and agents.

As we have said, we can go no further, and need go no further, with informal investigations. We are convinced that the facts are as we have stated them, and it only remains to put the proof in legal form.

We beg, therefore, that this be considered our final report as to the recommendations for which we are asked, and await your further instructions.

We have the honor to be, your obedient servants,

JUDSON HARMON.
FREDERICK N. JUDSON.

DEPARTMENT OF JUSTICE,
Washington, March 27, 1905.

Hon. JUDSON HARMON, *Cincinnati, Ohio.*

SIR: My letter of the 21st instant, in reply to the communication of yourself and Mr. Judson of the 11th instant, perhaps will serve as a reply to yours of the 20th instant. It gives the fullest authority to take testimony in the case now pending at Kansas City against the Atchison, Topeka and Santa Fe. It is believed by you, and I concur in that belief, that testimony thus elicited will serve to show with accuracy what acts have been committed which may be claimed to be in contempt of the injunction, by whom those acts were committed, and where the responsibility for them rests.

Before proceedings for contempt or criminal proceedings against either the railroad or the fuel company, or their officers or agents, are begun, I desire that all the material facts should be before the Department and that the Department should have the benefit of your advice upon them.

Very truly, yours,

W. H. MOODY,
Attorney-General.

ST. LOUIS, MO., *April 11, 1905.*

The ATTORNEY-GENERAL, *Washington, D. C.*

SIR: In view of the subjects discussed in our conferences at Washington last week, we think it is proper that our position with reference to our recommendations concerning the taking of testimony under the Commission at Kansas City should be formally stated.

We recommended in our letter of March 11 that we should be authorized to proceed with the taking of testimony at Kansas City, not so much with a view of procuring proof of the violation of the injunction as a basis of an attachment for contempt against the railroad company and its officers, as with the view of procuring detailed proof of unlawful shipments, so as to have a proper basis of proceeding under the criminal provisions of the Elkins Act against the Colorado Fuel and Iron Company and its officers.

Testimony taken before the master without filing contempt charges would necessarily be limited, under the established rules of procedure, to proof of the facts alleged in the bill, and proof of alleged violations of the injunction order since the filing of the bill would doubtless be objected to and excluded as irrelevant to the issue. If, however, a rule to show cause were issued against the railroad company and its officers, the master could be empowered to take evidence as to the complicity of the several parties charged with contempt. In the absence of such a rule, however, the testimony would clearly be limited to facts at and prior to the filing of the bill.

While proof of the detailed shipments is doubtless essential in any criminal prosecution under the act, such proof is not essential in an attachment for contempt for violation of the court's injunction. It is enough to show that the injunction has been violated, and the detailed proof of the daily shipments constituting distinct offenses would not be required. We are clearly of opinion that the report of the Commission, with the verified copy of the testimony before the Commission, would be a sufficient basis for an attachment in contempt against the corporation and its managing officers. Proof of the extent of the violation of the injunction would, however, be proper, in order to guide the court in fixing the penalty, so that the proof required for criminal prosecution could be obtained.

We have considered, at your suggestion, the advisability of attaching only the corporation, without including the managing officers, and we are of opinion that such a course would be against the interests of the Government. The corporation might plead guilty to what it would claim to have been a mere technical violation of law, and escape with a fine, thus in effect barring us against further steps against the individuals really guilty of violation of the court's order, as the door to further investigation would thus be closed. The real violation of the court's order is by the individual acting in their corporate relation, as has been uniformly recognized by the courts, and it is for that reason that injunction orders against corporations always run, as in this case, against their officers and agents also. (See 5 Thompson on Corporations, section 6450.)

It necessarily follows, therefore, that when there is proof of the violation of the court's order by a corporation defendant, some individuals are chargeable with the wrong, and they are presumably the officers in charge of the corporate business involved. We deem it of importance to the interests of the Government, and as a judicial precedent, that this principle of individual responsibility for corporate action should be insisted on as essential for the enforcement of the judicial power in this the first important case, wherein the remedy of injunction is enforced by the Government against a railroad company under the interstate-commerce act.

Respectfully,

JUDSON HARMON,
FREDERICK N. JUDSON.

DEPARTMENT OF JUSTICE,
Washington, May 19, 1905.

GENTLEMEN: I have considered with the utmost care your letter of April 11. It has been submitted to the President and considered by him. I think I ought to state to you that in transmitting your letter to the President I said:

"I concur in much that is said in this letter. I have not, however, as yet been able to overcome my repugnance to proceeding individually against the officers of the railroad company for contempt of the injunction without some evidence with respect to every individual proceeded against that he had some culpable connection with the contempt of court."

In passing upon your recommendations I have not been unmindful of the great weight which is added to them by your personal and professional standing. Nor have I forgotten that you were invited to exercise the broadest discretion as to persons, as well as corporations, in dealing with the subject committed to you by this Department. Nevertheless I can not escape my responsibility by substituting the discretion of others for my own. If proceedings are taken against the corporation or individuals, they must be taken in my name and, what is infinitely more important, with the authority that belongs to the office which, for the time being, I hold. I am, therefore, brought face to face with my own personal and official responsibility and must discharge it under the embarrassing circumstance that one of the persons affected by my decision is a colleague in the performance of public duty. It is not easy to determine with accuracy what effect such a circumstance has upon the exercise of judgment. I can only say that I have endeavored to see that it should have no effect one way or the other.

The advice which you give is that an application should be made for an attachment for contempt of the injunction against the railroad company and its managing officers. There is no difference between us as to proceeding against the corporation itself. If the transactions set forth in the report of the Interstate Commerce Commission in regard to the departure from the published rates by the Atchison, Topeka and Santa Fe Railway system in favor of the Colorado Fuel and Iron Company are within the terms of the injunction the evidence before the Commis-

sion shows with sufficient clearness that that injunction has been violated, and the railroad company has been guilty of contempt of court.

But you go further and recommend proceedings against the managing officers of that company, including, presumably, the president, the vice-president in charge of the traffic department, the general freight and traffic manager, and other officers whose duties relate to the transportation of freight, saying:

"We are clearly of opinion that the report of the Commission, with the verified copy of the testimony before the Commission, would be a sufficient basis for an attachment in contempt against the corporation and its managing officers."

I have examined this report and a transcript of the testimony taken by the Commission. I do not find any testimony relating to the conduct of any except minor officials, and Mr. Biddle, who may claim to have obtained immunity by testifying fully before the Commission. For instance, to be specific, there is not a syllable of testimony that Mr. Ripley, the president of the road, or Mr. Morton, then one of its vice-presidents, had any connection whatever with the departure from the published rates in favor of the Colorado Fuel and Iron Company, or that they knew or suspected that transportation was furnished to this company in any manner different from that prescribed by the open and published rate.

Neither of these officials was in the remotest way referred to in the testimony or in the report of the Commission. Surely it would not be contended that upon this state of facts these officials were subject to a penalty for contempt of court. Nor have I understood that it has been your opinion that upon such a state of facts any individuals would be liable to punishment for contempt. Your view, as I have understood it, has been that as corporations must always act through their officers and agents there is a presumption that those who are charged with the management of their affairs are responsible for the conduct of a corporation which violates an injunction; that that presumption warrants an accusation for contempt against its officers and agents where the corporation has been guilty of contempt, and that upon investigation of the accusation testimony may be taken which will show whether or not the officers accused have themselves been guilty of any conduct which has aided in bringing the corporation into contempt of court. I do not understand, however, that without such evidence you would be of opinion that any officer or agent would be liable to the penalty for contempt.

After great consideration, I am of the opinion that some evidence ought to precede the accusation and that an accusation so grave in its character ought not to be made unless there appears before it is made some evidence in support of it. I realize fully that I have the power to make the accusation and no one can question it. The possession of the power carries with it, however, the responsibility for its scrupulous exercise. In this case, upon the facts which I have stated, I have reached the conclusion that I ought not to make the application for an attachment for contempt against the officers of the railway company.

I have felt that it was due to you that you should receive an exact statement of the views which I entertain and the reasons which have controlled my action.

I have submitted the foregoing to the President and he authorizes me to say that he approves the conclusion which I have reached and directs that proceedings for contempt of the injunction be begun against the railroad company only.

Very respectfully,

W. H. MOODY,
Attorney-General.

Hon. JUDSON HARMON and FREDERICK N. JUDSON, Esq.,
Cincinnati, Ohio.

CINCINNATI, OHIO, *June 5, 1905.*

The ATTORNEY-GENERAL, *Washington, D. C.*

SIR: We have received and carefully considered your letter of 19th ultimo, and regret that you do not approve our recommendation of February 28 last, which we repeated with further reasons in our letter of April 11. We appreciate the very great weight to be given your conclusion, but we are deeply impressed with the gravity of the matter and its importance as a precedent. We feel therefore that we may, without impropriety, refer to some things in your letter.

It is true that the report of the Interstate Commerce Commission merely stated the facts which show that the law had been violated, without attempting to fix responsibility on any particular officers of the railroad company. The reason for this was that the Commission limited its inquiry to the mere fact of such violation, and so stated. (See testimony, p. 1341.)

The violation by a corporation of an injunction directed against it and its officers always calls for a rule against such of them as had control of its conduct to show cause why they should not be held personally responsible. They are prima facie guilty of disobedience. It was their duty to see that the acts forbidden were not done, as well as not to do them.

The necessity of this rule is apparent as well as its justice. The facts are peculiarly within the knowledge of such officers and of subordinates under their control. Except in cases so rare that they may be called accidental there are no means of discovering the facts except by such a proceeding as we have advised.

This well-established rule, which is sufficient to justify the action proposed in any case, seemed and still seems to us peculiarly to fit the case in hand. A rule against the controlling officers of the railroad company to show cause is simply the recognition by the court of the responsibility incident to their official relation. It is a demand for an explanation and not, properly speaking, an "accusation." The action of the corporation is necessarily presumptive evidence against its principal officers who had charge of the department in question.

We fully concur that no proceedings should be commenced without evidence, but facts presumed or judicially noticed are evidence. The proceeding we recommended is not unusual or exceptional, but, on the contrary, is the natural and ordinary one in such cases.

What we have said is peculiarly true of the great corporations of our day. They can not be imprisoned and punishment by fine is not only inadequate, but reaches the real culprits only lightly, if at all. The evils with which we are now confronted are corporate in name, but individual in fact. Guilt is always personal. So long as officials can hide behind their corporations no remedy can be effective. When the Government searches out the guilty men and makes corporate wrongdoing mean personal punishment and dishonor the laws will be obeyed.

Your opinion always commands great respect, which is by no means due to your office alone, and we appreciate the deep sense of official responsibility which you express, but the nature and circumstances of our appointment impose a certain independent responsibility upon us which we feel would not be met by a proceeding against the corporation alone.

We therefore consider that we have now discharged the duty which you did us the honor to intrust to us, and thanking you most sincerely for your constant courtesy and consideration, we remain,

Very respectfully, yours,

JUDSON HARMON.
FREDERICK N. JUDSON.

DEPARTMENT OF JUSTICE,
Washington, June 12, 1905.

Hon. JUDSON HARMON and FREDERICK N. JUDSON, Esq.,
Cincinnati, Ohio.

GENTLEMEN: I have received and carefully considered your letter of the 5th instant. While the difference of opinion which has arisen between us is upon what might be termed an "interlocutory" part of the case, nevertheless you have regarded it as so vital and fundamental as to prevent you from proceeding further in the investigation, consideration, and action concerning the rebates given by the Atchison, Topeka and Santa Fe Railway Company to the Colorado Fuel and Iron Company.

I regret your conclusion, but not doubting that you have arrived at it after great consideration, inspired by a sense of your duty, I must accept it.

I was impressed with the fact that the investigation of the subject made by the Interstate Commerce Commission, while doubtless adequate for its purposes, was insufficient for the purposes of the Department of Justice. To what extent shipments of coal made under the rate not published were subject to the control of the Federal Government and within the provisions of the interstate-commerce law was not made at all clear by the report of the Commission. Moreover, having especial reference to the restraining order of the circuit court of Missouri, that report leaves it quite uncertain what, if any, of such transportation was between the States, the restraining order being by its terms directed against transportation "between the States." Still further, the report of the Commission and the testimony taken before it are silent as to individual responsibility or culpability, dealing, as you say, with "the facts which show that the law had been violated, without attempting to fix responsibility on any particular officers of the railroad company."

I had hoped that you would find it practicable to elicit further and more specific information, at least in the respects above mentioned, before determining upon the character of the proceedings to be taken for the vindication of the law. I have believed that this information should precede action and that action should be based upon it rather than upon inferences to be drawn from the Commission's report or the presumed responsibility of the officers of a corporation for its acts.

I fully appreciate the weight of the reasons which, though they have not convinced me, have led you to a contrary conclusion. In accepting your resignation permit me to assure you of my high personal regard.

Very respectfully,

W. H. MOODY,
Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, May 31, 1905.

SIR: I have the honor to lay before you my views concerning the proceedings for contempt which have been under consideration on account of the granting of certain rebates by the Atchison, Topeka and Santa Fe Railway Company to the Colorado Fuel and Iron Company.

The Interstate Commerce Commission, in an opinion rendered February 1, 1905, decided that the railway company had continuously granted such rebates for five years and that this had been accomplished by deducting from the published rate for transportation the price of the coal shipped, paying that price to the mining company. How far this practice concerns itself with interstate commerce and is in violation of law need not now be considered. It is enough to say that, according to the opinion of the Commission, some part of it was in violation of law. It is suggested in the opinion of the Commission that, since the granting of the restraining order hereinafter referred to, the giving of these rebates was in contempt of that order. I therefore invite your attention to the suit in which the restraining order was granted and to the terms of the order itself.

The United States, in March, 1902, exhibited its bill in equity against the Atchison, Topeka and Santa Fe Railway Company, in which it was set forth that the defendant was a common carrier engaged in interstate transportation, had transported packing-house products, dressed meats, and grain at less than the published established rates on such commodities, paying to the shippers the difference in the form of rebates, and that unlawful rebates, preferential rates, and facilities were granted by the defendant "on many other of the principal commodities constituting the bulk of railroad traffic between the States, comprising the ordinary necessities of life."

The bill prayed for an injunction against the transportation except at the published rates of packing-house products, dressed meats, grain, and the products of grain, or "any traffic transported by said defendant over its railroad," and against the giving of rebates in respect of such transportation.

On March 25, 1902, the court issued a restraining order in substance as follows:

"The defendant, its officers, agents, and servants, and each and every of them, be, and they and each of them are hereby, enjoined and restrained from further acting under and enforcing, or executing in any manner whatever, any agreement to transport over the defendant's railroad or any part thereof, between the States, any packing-house products, dressed meats, grain, or the products of grain, or any other interstate traffic, at any greater or less rate than the rates named for such services in defendant's established schedule in force on its lines and at the time said traffic is transported on file with the Interstate Commerce Commission; or in any way departing from their schedule rates in carrying any of said above products or traffic between the States; and they, and each of them, are enjoined from hereafter agreeing with any shipper or other person to transport such traffic at any other or different rate than such as may be provided for in its schedules as filed and published according to law; and they and each of them are enjoined and restrained from paying any rebates or making any concession whatever in defendant's rates and charges whereby any such traffic transported by said defendant over its railroad, or in respect to any traffic in the transportation of which said defendant may participate, shall be carried by it, in whole or in part, at any rate different from the established rate at the time such traffic shall be transported then on file with the Interstate Commerce Commission, as provided by law."

For present purposes it may be asumed that the transportation of coal at less than the published rates is in contempt of this restraining order and that the corporation which has engaged in such transportation is liable to the penalties of contempt. If this be so, any officer of the corporation who brought about, or consented with knowledge to this departure from the published rate, ought to be proceeded against individually for contempt.

But I do not believe that proceedings ought to be begun against officers of the corporation until some evidence is forthcoming that they did, either by act or connivance, have some relation to the guilty conduct. Mr. Ripley was the president of the railway company during all the time the transactions referred to occurred, and Mr. Morton, a member of your cabinet, during a part of the time was one of its vice-presidents, and among his duties was the management of the freight traffic of the system. I do not find a scintilla of evidence taken before the Interstate Commerce Commission which tends to show that either of these officials had the slightest connection with the misconduct complained of or any knowledge whatever of its existence. When it is considered that the graveman of the offense is the transportation of coal without the publication of the rate at which it was transported, and further considered that the rate schedules of a great railway system are very numerous, it seems to me unjust in the extreme that an accusation of contempt of court should be made in the condition of the evidence which I have described.

Very respectfully,

W. H. MOODY,
Attorney-General.

The PRESIDENT,
The White House.

THE WHITE HOUSE,
Washington, June 12, 1905.

SIR: I have received and carefully considered your letter of the 31st ultimo. I entirely agree with your conclusions. In my opinion you would be wholly without justification in proceeding individually against the officers of the Atchison, Topeka and Santa Fe Railway for contempt when neither the Interstate Commerce Commission nor the special counsel you have employed have developed a single fact of any kind beyond the holding of their offices tending to implicate any one of these officers. One of the officers, Mr. Morton, is a member of my Cabinet. This fact is not to be allowed to shield him, nor, on the other hand, is it to be allowed to cause him to be singled out, or the officers with whom he is associated to be singled out, for attack.

At about the same time that the injunction was obtained against the Atchison, Topeka and Santa Fe an injunction was obtained against several other western railroads. Subsequently it was developed by the Interstate Commerce Commission that under the guise of a division of rates, unlawful rebates were given by these railroads to the International Harvester Company, just as a rebate was given by the Atchison in the case of the Colorado Fuel Company. Upon attention being called to the cases by the Interstate Commerce Commission, the unlawful practice was abandoned in the Harvester case, as it was abandoned in this case of the Colorado Fuel Company. The two cases stand precisely on a par. No one has suggested, and as far as I am aware no one has thought of suggesting, that we should proceed individually against the officers of the roads engaged in this International Harvester Company affair; yet the case is exactly parallel to this Atchison, Topeka and Santa Fe case, and if such action as you have refused to take was taken against the officers of the Atchison, Topeka and Santa Fe Railroad, it would also have to be taken in the case of the International Harvester Company against the officers of every railroad running west of Chicago. There is, of course, no possible excuse for discriminating one case from the other.

You advised me to direct the submission of the printed evidence taken by the Interstate Commerce Commission (the only evidence before the special counsel) to Judge Phillips, who had issued the injunction, to see whether on this published evidence, in which there is not a syllable directly bearing on Mr. Morton or any one of his colleagues in the management of the road, action could be taken against any one of them personally. I did not take this advice for two reasons: First, if it were not for Mr. Morton being in my Cabinet, neither you nor I would dream of following such a course in this instance; and we could not follow it save on condition of also following it in the case of the Harvester Company and all similar cases, which, in my judgment, would put us in a wholly untenable position. Second, I have received from Mr. Morton a letter, of which I inclose you a copy, together with a copy of my reply. In it you will see that Mr. Morton not only states in the most unequivocal manner that he had no knowledge whatever of the unlawful practice complained of, but also shows by the quotation of documents issued under his direction, that all such unlawful practices were specifically forbidden by him, and that the attention of his subordinates was repeatedly called to the necessity of complying with the law in this respect. When there is thus not one shadow of testimony against him, and when whatever evidence has been submitted shows explicitly that he is not guilty, it seems to me that there is no warrant whatever for our proceeding against him.

The course that you have followed in dealing with all these corporation matters has been coherent and resolute and has had my heartiest approval. The aim of the Administration has been in the first place to stop the unlawful practices. We have not proceeded personally against any of the officers unless there was legal evidence showing that their conduct had been willfully of such a nature as to render it our duty to try to punish them personally no less than to try to put an end to the objectionable practices. You perhaps remember that when the Administration brought the Northern Securities suit there was much criticism of us for not undertaking criminal proceedings against the principal directors in the Northern Securities Corporation. The view of the Administration at that time was that such a proceeding would be unjust to the men concerned and not to the advantage of the public. Events have, I think, shown this view to be correct. In the same way, when a year or two ago injunctions were obtained against the corporations known popularly as the Beef Trust, no effort was made at the time to proceed personally against the individuals in those corporations. Since then testimony has been offered us to show that the packing companies have violated this injunction and that the violation was deliberate and willful on the part of a number of individuals.

On the weight and sufficiency of this evidence it is not for me to judge. With my approval the Department of Justice, with the assistance of the Department of Commerce and Labor, has for some months been endeavoring to find out whether or not they can obtain legal evidence of such willful and deliberate violation of the injunction by any individual. If the grand jury now sitting in Chicago find indictments against any individuals connected with the packing corporations, it will be because in their judgment such legal evidence of the violation of the injunction has been laid before them. If you at any time get legal evidence of any such willful and deliberate violation by any officer of the Atchison, Topeka and Santa Fe or of any other railroad running west of Chicago, of the injunction in the Colorado Fuel case, or of the injunction in the International Harvester Company case, you will of course proceed as you have already proceeded in the Chicago beef-packing cases. But at present not only has there been no such evidence produced, but there has been no attempt to produce such evidence; and as regards Mr. Morton, there is seemingly conclusive testimony to the contrary. You will not, however, take action against any official of the Atchison, Topeka and Santa Fe Railroad which you do not take against the official of any other railroad under precisely similar circumstances.

In both this Colorado Fuel case and in the International Harvester case I direct that proceedings for contempt against the companies be taken by the Government. Whether, as the cases develop, proceeding against individual officers become necessary must depend in each instance upon whether testimony is obtained showing that such individual officer has, either by act or connivance, been personally guilty in the matter. If there are any railroads guilty of the practices which we have enjoined other railroads from following, but which have not themselves been enjoined, proceeding should be begun to put them under similar restraint.

You have expressed your doubt as to whether the injunction granted is in sufficiently explicit terms to cover either the case of the Atchison, Topeka and Santa Fe or the similar case of the International Harvester Company. I agree, however, with your feeling that even though there is such doubt, an effort should be made to obtain the judgment of the court on the question.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. WILLIAM H. MOODY,
Attorney-General.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. COCKRAN]. [Loud applause on the Democratic side.]

Mr. COCKRAN. Mr. Chairman, I listened with much attention and with interest, which was shared by everyone present, to the speech of the gentleman from Michigan [Mr. TOWNSEND]. Its opening sentence, as I understood it, was of great significance. He said the present Administration marked the coming of the American people into their own. If this be a correct statement of his language, I venture to say he exaggerates slightly the actual conditions. The present Administration does not mark the coming of the people into their own; but I think the President's message shows how they can be brought into their own, and that explains the applause which greeted it on Friday [applause on the Democratic side], and which, beginning on this side, became so infectious that it finally extorted concurrence and support from that side [laughter], so that as the reading proceeded this House, judged by its manifestations, was unanimous in praising the doctrine expounded in that remarkable document.

Mr. Chairman, I may be pardoned if I bestow a moment's notice on that part of the gentleman's speech which was its main burden. He said that all important measures which during the last forty years have found their way into the statute books of the country were exclusively of Republican origin—that Democrats sometimes supported them, but never originated any of them. Mr. Chairman, I dispute the accuracy of that statement, and I go further. I am sorry the gentleman from Michigan is not present, but I see in their seats on the other side some excellent historians who are abundantly able to vindicate every plausible claim of the Republican party to credit for public service of any kind, and in the presence of these competent and vigilant critics I venture the assertion that from the very first establishment of this Government there never has been a policy permanently incorporated into our political system that was not of Democratic origin. [Loud applause on the Democratic side.] The country has often rejected Democratic candidates, but it has never accepted a measure vitally affecting the structure or development of our Government that was not either recommended by a Democratic President, enacted by a Democratic Congress, or proposed by a Democratic convention. Even the legislation of the last fifty years has been an enforcement of Democratic policies by Republican politicians. [Applause on the Democratic side.]

The gentleman himself, in attempting to prove his proposition, has cited several instances where individual members of his party suggested valuable reforms, but each one, if it establish anything, shows that every Republican patriot who attempted to embody patriotism in legislation always ran up against opposition immovable as a stone wall when both Houses of Congress were dominated by the Republican party. [Applause on the Democratic side.] Whenever he cited a remedial measure actually passed, it was one enacted either under a Democratic Administration or by a Democratic Congress, or else it had its source in a Democratic platform. [Applause.]

Mr. Chairman, to justify this statement, we need but a brief glance at the salient features of our history since the beginning of this Government with the inauguration of Washington.

The first political division of the American people was between those who accepted the teachings of Jefferson on one

side and Hamilton on the other. The issue between them was decided by the people in 1800, when Jefferson was elected President. From that hour the tendency of this nation has been toward a democratic republic, as under the Administration of Adams, had he been reelected, and the influence of Hamilton it must have been toward what was styled a "strong," which meant an oligarchical government. [Applause on the Democratic side.] The chief feature of Jefferson's Administration was the Louisiana Purchase, constituting the Democratic policy of expansion—an expansion involving the spread of our authority over lands where the American flag will typify for all time that the American Constitution is the possession of every inhabitant. [Loud applause.]

This wise policy of Jefferson, by which valuable contiguous territory was secured through peaceful negotiations to avoid war with France, has been perverted under a Republican Administration to the conquest by violence of worthless lands on the other side of the globe and the purchase of men for $20,000,000 in the Philippine Islands. [Loud applause on the Democratic side.]

Here we see the painful results that follow when enforcement of Democratic principles is intrusted to Republican officials. The Democratic policy of expansion executed by Democrats can be judged by the Louisiana purchase; the same policy intrusted to Republican hands by the Philippine experiment—one resulting in a new territorial possession glorious in extent, in character, and in results; the other in a wretched adventure of which you yourselves are so heartily sick and ashamed that you are ready to blame on Providence now the follies, or worse, of your own politicians. [Applause on the Democratic side.]

Was the Monroe Doctrine of Republican origin? And yet it is a principle more frequently invoked by Republican statesmen of late years—and I may add more extensively misapplied—than any other with which I am familiar.

But perhaps you will tell me that the Republican party is at least entitled to credit for having first asserted the indestructibility of our Federal compact and for having maintained the Union through the stress and difficulties of civil war. Even that claim I dispute. Where was the principle first formulated that this Federal Union of States is not a compact from which any of them might withdraw at pleasure, but a Government entitled to exercise every power necessary for the maintenance of its existence even to the extent of using force against a State that undertook to disrupt it by secession? Was it in the speech of a Republican politician or in any platform of a Republican convention? No, sir; that doctrine is first expounded fully and completely in the proclamation issued by Andrew Jackson in 1832 or 1833, and he never failed to embody Democratic principles in his every utterance. [Applause on the Democratic side.] To Jackson's statement of the grounds on which the Federal Union must be held indestructible nothing has ever been added. All that the strongest Republican Administration accomplished in this respect was to enforce by arms the principles first laid down by a Democratic President. And the war to save the Union was not the policy of a party, but a patriotic movement of the whole people. It is true that Republican politicians controlled the Government during the years of our civil conflict, but it is equally true that Democratic patriots manned the Union Army. [Applause on the Democratic side.] Republicans obtained the offices and secured the contracts; Democrats filled the regiments, bore the fatigues of long marches, the perils of desperate battles, the losses of property, sharing all the sacrifices that were the price of maintaining the Union. [Applause on the Democratic side.]

But, sir, when the war was over, when the last battle to save the Union had been fought and won, when the last hostile soldier had laid down his arms, when the smoke of conflict had cleared from the southern fields, by what policy was reconstruction of the South accomplished? Was it according to the policy of punishment, penalties, proscription proposed by the Republican politicians—the Thad. Stevenses, the Butlers—which, if it had been adopted, would have sown seeds of deep injury, inevitably ripening into bitter crops of resentment, hate, and very probably renewed resistance. No, sir; the reconstruction finally adopted was based on the policy of pacification by plenary pardon, which Democrats advocated and which in the last analysis merely embodied the terms of surrender prescribed by Grant to Lee. Democrats insisted that the South was not to be treated as conquered territory, to be pillaged, oppressed, garrisoned; her patriots to be prosecuted; her leaders to be fined, exiled, imprisoned, hanged, but that she must be welcomed back as an estranged sister to the sisterhood of States, without condition or disqualification, her hands not bound in shackles, but left free to repair the waste of war, while her head reposed securely on the generous bosom of a reunited country. [Applause on the Democratic side.] And, sir, never has a policy been vindicated so promptly and gloriously. The men who had sustained heroically in many battlefields the right of a State to secede within ten years after their defeat rejoiced with the victors over the triumph of the Union. And to-day there are no more valiant upholders of the Union, no truer friends of the Constitution, than the descendants of the heroes who wore the gray in that Titanic conflict. [Applause on the Democratic side.]

I do not believe the gentleman from Michigan will deny that final reconstruction of the Union was accomplished according to the Democratic policy of conciliation or express regret that the Republican policy of proscription was abandoned before the indignant protest of American manhood, American justice, and American virtue voiced by the Democratic party. [Applause.] And so, Mr. Chairman, coming down to present times and actual conditions, while the gentleman from Michigan may find some analogy between the language of the President's message read here last Friday and a few isolated expressions of some Republican leaders, I do not think he will pretend that anything of similar or kindred import can be found in any platform or official declaration of political principles ever adopted by any Republican convention. But, sir, however this may be, even conceding for the sake of argument that there may be ground for dispute about the sources from which certain meritorious legislation proceeded, there can be no differences of opinion whatever concerning the sources of the abuses these measures were intended to remedy. Of this the speech delivered by the gentleman from Michigan to-day furnishes conclusive proof. I ask your attention once more to his opening sentence: "The President's Administration marks the coming of the people into their own."

When were they ousted from their own? [Applause on the Democratic side.] None will dispute that these sinister conditions amounting to an ouster of the American people from their birthright are a growth of the last ten years, and that surely has been a period of undivided Republican ascendency. Abuses which have grown up while Republican control has been undisputed are abuses for which the party can not escape responsibility. [Applause on the Democratic side.]

But, sir, I must not myself follow the example of the gentleman from Michigan in occupying the time of the House with discussions of historical rather than practical interest. We are not here to establish the truth of history, but to deal with living questions. The people are not much concerned about the source of a policy, but deeply concerned about its value. They do not care whence a valuable suggestion comes, but very much whither it tends. It matters little whether you gentlemen on that side or we on this were reluctant in the past to support meritorious measures, but it is vitally important to know how far you are willing to go with us now in redressing wrongs, the gravity of which the President's message makes clear, the existence of which nobody denies.

That message raises a question far more serious than the one discussed by the gentleman from Michigan, or by the eloquent gentleman who has just preceded me [Mr. SHERWOOD].

I do not now refer to the first part of it dealing with conditions which are deplorable, but for which no adequate remedies are suggested. For my part, I do not believe the head of a State is ever very impressive while he is describing difficulties without showing how they can be surmounted. To declare the existence of abuses while failing to recommend suitable means of reform is to discredit the Government by confessing its incapacity to discharge one of its primary and essential functions. But, sir, after we pass that portion of the message which deals with Mr. Ripley, of the Atchison road, and his peculiar performances, we reach a statement of conditions and a declaration of purpose which everybody on this side joined in applauding so vigorously that finally you gentlemen on the other side reached the point of applauding it yourselves. [Applause on the Democratic side.] What was the purport of this declaration which evoked universal approval, spontaneous and enthusiastic on this side, somewhat belated but ultimately not without vigor on that side? It is all summarized in one paragraph. Here it is:

> I do not for a moment believe that the actions of this Administration have brought on business distress. So far as this is due to local and not world-wide causes and to the actions of any particular individuals, it is due to the speculative folly and flagrant dishonesty of a few men of great wealth, who seek to shield themselves from the effects of their own wrongdoing by ascribing its results to the actions of those who have sought to put a stop to the wrongdoing. But if it were true that to cut out rottenness from the body politic meant a momentary check to an unhealthy seeming prosperity, I would not for one moment hesitate to put the knife to the corruption.

[Applause.]

These words, sir, raise a question that goes not merely to the credit due any party or any man for having originated remedial

measures, not merely to the prosperity of this people, not merely to the security of this Republic, but to the very existence of civilized government everywhere. In the last analysis this language amounts merely to a declaration that the President will obey his oath of office and enforce the law of the land under all circumstances, against all offenders, for the protection of all citizens. That declaration, which ordinarily would pass for a commonplace, assumes very grave significance in view of the effect that it has produced on the country. What is the effect? Has it awakened on every side unstinted applause? Can it be possible that there are any elements in this country outside of the penitentiaries who would interpret such a declaration of the Chief Magistrate as a threat against their interests or against the securities of their property? Surely, Mr. Chairman, if we were told that somewhere on this globe there is a country where men prominent in mercantile affairs, in the professions, in journalism, aye, in judicial life, administering the chief enterprises, controlling the largest capital, employing the greatest number of wageworkers, wielding the mightiest influences, interpreted a solemn declaration by the head of their Government that law would be enforced universally and justice done impartially as an assault upon credit and a blight upon industry, would we not be prompt to declare such a community must be incurably corrupt, hopelessly rotten, a reproach to humanity, and a peril to civilization? And yet, sir, that is precisely the attitude taken by many—practically all—of the most prominent financiers in this country of ours. Do I exaggerate? Let me read from one of their leading newspaper organs, voicing presumably the sentiments of its subscribers, or, at least, of its advertisers. I hold in my hand a copy of the New York Sun, dated February 2. Let me read the first article on its editorial column:

The business of New York and of the United States is not all done in Wall street. The financial institutions, the custodians of accumulated wealth, and the traders in investments, the great railroad and industrial corporations are not the only interests that have reason for the most serious concern at this time. The merchants and manufacturers of the country, the smaller firms and partnerships, the individuals engaged in the old-fashioned way in one or another of those myriad forms of productive or commercial activity which in the aggregate constitute the major and most potent part of what is known as American "business"—what are they thinking to-day of the document they read yesterday with amazement and profound apprehension? It would be interesting to know. In former times of peril their initiative for self-protection and for patriotic purpose has been intelligent, prompt, and effective. What precautions are they taking or contemplating in the present situation? Is it really twelve years—it seems but yesterday—since these merchants and business men, in all quarters of the land, having been aroused by the menace of Bryanism, were organizing without regard to previous partisanship for the defense of the interests of honest business against the assaults of the most dangerous demagogue our politics had then produced?

Here we have a declaration in unmistakable terms that the President's message is an assault on property so outrageous that owners of property are open to criticism because they are not organizing to protect themselves against the policy outlined in it.

To-day that same paper publishes another editorial of even still more sinister import. Omitting the personal references to individuals, so as to avoid making the RECORD a vehicle for circulating libels, I will read that part which shows the editor's conception of the effect produced by the President's words. The article is headed, "Dansons la Carmagnole," signifying "Let us dance the Carmagnole," and it says:

The whole Pacific coast, including the San Francisco sand lots, throbs and palpitates with ecstasy.

The boycott looks up again. The "scab" betakes him to the tangled bush. A livelier iris breaks upon the burnished walking delegate.

* * *

From far and near the clans assemble. Down with capital! Down with property! Let us join the Carmagnole!

Now, conceive the full significance of this publication. Everybody here, of course, remembers that the Carmagnole was the measure of maddened fury danced by the Parisian mobs around tumbrils laden with men and women rolling slowly and painfully through the streets toward the guillotine, that misdirected altar of popular sovereignty on which victims of popular distrust were immolated in great numbers every day, drenching the soil of France with some of her best blood, shed avowedly as a sacrifice to the public safety, but really as a mad libation to anarchy and terror. And we are told now that this message proclaiming on the part of the President nothing but a determination to enforce the law with strict impartiality against all forms of dishonesty is an incitement to riot, tumult, and bloodshed; an invitation to mobs that they join in dissipating capital, ruining property, blighting prosperity, all to the mad whirl of the Carmagnole.

Sir, that statement is highly portentous. It is virtually a declaration that rottenness is a condition of prosperity, and a notification to the American people that enforcement of the law by public authorities against crimes of the greatest magnitude will so disturb the course of commerce that ruin will be precipitated on our industry, panic and desolation will be set loose over the country.

Sir, when this Congress met last December I cherished strong hopes that the President of the United States would have accepted on behalf of law, justice, order, and morality that insolent challenge of the forces that are really responsible for the ruin of our industrial prosperity. I hoped that he would say in unmistakable terms to the Congress, and through the Congress to the country: "*The men who themselves are really responsible for the panic having undertaken to dictate the terms on which they will suffer prosperity to be restored, and these terms being not merely immunity from prosecution, but silence on the part of public officers concerning their offenses, I answer that I will give them neither. The people must judge between these men, who demand that the law be suspended in favor of criminals when their crimes are stupendous, and the magistrate, who, believing his oath of office leaves him no discretion, will enforce the law against all offenders with absolute impartiality. If prosperity must indeed be builded upon corruption among financiers, I will not suffer it to be maintained by perjury, for corruption can survive only through perjury of officers sworn to do battle against it in the name of law and the justice which law embodies.*" [Applause on the Democratic side.]

I confess, sir, that the President's message received here on the opening of the session disappointed these hopes and filled me with the gravest apprehension. It did seem at the time as if the champion of right had shrunk at the critical moment from encountering the forces of corruption, appalled by the calamities which these agencies of evil had brought upon the country. Sir, had the President indeed abandoned his attitude of enforcing the law at the behest of offenders against the law, the consequences must have been appalling. It would have been equivalent to surrendering control of government to the very criminals government is organized to pursue, punish, exterminate. Such a calamity could have portended to the country nothing but disorders, discredit, and ever-recurring disasters. I feel justified now in taking the floor to congratulate the country because all danger that corruption and violence might triumph over law has been dispelled wholly and completely by the message of Friday. [Applause.]

If it were indeed true that a declaration by the President of a fixed purpose to obey his oath of office and enforce the law regardless of consequences had produced the panic, we would be face to face with a very grave question. We must decide between maintaining industrial prosperity by a sacrifice of justice and maintaining the moral law at a sacrifice of material interests. Were the people of the United States actually reduced to such a choice, I do not believe they would hesitate for a moment to decide by overwhelming majorities in favor of maintaining morality and justice, whatever the cost. But, sir, there is no such alternative. Obedience to the moral law and enjoyment of material prosperity are not alternatives. They are one and the same condition. The widest industrial prosperity can be reached only by the strictest observance of law based on justice and right. [Applause on the Democratic side.]

This panic has not been caused by exposure of wrong, but by perpetration of it. It has been caused, sir, not by anything the President has said or done, but by the criminal practices of his detractors and critics, not by any doubt about our currency or about the policy of our Government, but by grave doubts about the honesty with which the largest business enterprises are administered. And this widespread distrust was justified by successive revelations of depravity in high places of the financial world. It began with exposures of extensive corruption in the management of insurance companies. Was the President responsible either for the perpetration of these crimes or the circumstances that uncovered them? Is it not true that these rotten conditions were of long standing and that they became public through quarrels of the plunderers over distribution of the loot? The people, startled at the enormity of these crimes, were still more deeply shocked to find that nobody has ever been punished or even seriously pursued. Prosecuting officers have appeared able to discover nothing but obstacles in the pathway of justice. Not one has unsheathed the sword or smitten a single offender. Instead of being called to answer for their crimes in the criminal courts, these miscreants are still occupying the very places they have violated—controlling the very corporations whose treasuries they have plundered. Revelations of rottenness in the management of insurance companies were followed by exposures of darker depravities in other great corporations. Many concerns were investigated and every one appeared to have been managed in utter contempt of common honesty.

The spectacle of all these violators of the law enjoying immunity from prosecution and continuing to occupy the places they have abused has worked a sense of helplessness and hopelessness among the people in the last degree depressing to commerce.

When a great railway was found to have delivered practically an entire monopoly of the coal traffic in New York Harbor to a single concern—stock of that concern being held by officers of the railway company to whom it had been given for nothing—and the railroad president on his return from Europe, where he had been taking a vacation, told a newspaper reporter he had come home "to do some house cleaning" that statement was accepted as a rather handsome tribute to justice. So dulled had the public conscience itself become by the spectacle of unpunished crime in the administration of the very largest enterprises that never once did it seem to dawn upon anyone—publicist or prosecutor, journalist or politician—that, instead of being suffered to "do some house cleaning" in the corporation which he had pillaged, he should have been sent to do some cell cleaning in the penitentiary which he had deserved. [Applause on the Democratic side.]

Finally, toward the close of last year in the city of New York, the local transportation companies, operating the most profitable franchise in the whole world, were investigated by a public utilities commission, and such a condition of rottenness was laid bare that they went into the hands of receivers on their own application. The only reason that could be given for their collapse was that even the great revenues derived from the enormously profitable franchise they enjoyed were not sufficient to satisfy the rapacity of the thieves who dominated the companies, much less yield a penny for dividends to stockholders. [Applause on the Democratic side.]

Now, Mr. Chairman, that statement has been repeated in the newspapers for a long time, and no one has questioned it. Yet, while the truth of it is undeniable, nobody is prosecuted. Nay, more, these enterprising financiers, when their rapacities had exhausted the treasuries of the transit companies and their credit, when there was nothing more left to steal, did not even withdraw from the management of the enterprises they had looted. They still control the bankrupt concerns brought to ruin by their crimes. And how has this been accomplished? By defying the courts, or at least by deceiving the judges, you will say. Not at all. Neither by evading nor defying the courts, but by openly making use of the courts to promote their sinister purposes. These wrongdoers did not fly from justice, fearing its sword, but they actually enter a court of justice, not to suffer punishment or to offer reparation, but to obtain from the court a further lease of authority over the very corporations they had ruined by open and flagrant robberies. Let me state what actually happened, from the record, then this House can judge for itself the fairness of this description.

A friendly creditor—there is no denial of his friendship—brought suit against the company operating the street railways upon a claim for debt, not in the State court—they did not like the atmosphere there—but in the United States court, which assumed jurisdiction on the ground that the plaintiff was a resident of another State, and then this remarkable spectacle was exhibited to investors and citizens generally. The debtor shows no apprehensions of the proceedings instituted against him. On the contrary he meets the pursuing creditor by appointment before the judge, the debt is confessed, and together they walk out of court with an order appointing two receivers of the property so absolutely agreeable all around that every one of the officials operating the transit system while the thieves controlled it were at once reemployed, and they remain in control of it at this hour with one single exception. The president of the concern, who was employed as general manager by the receiver, finding the climate of New York unpropitious to his health—subpœnaes were thicker than microbes in the air at that time—left the State, and before crossing the border into Connecticut he offered his resignation, and the receivers accepted it in a correspondence calculated to leave an impression that the parting was with high regard on both sides.

In the light of all these revelations—sinister, sordid, shocking—is it any wonder that distrust became widespread as to the value of corporate stocks? No one doubted the capacity of industrial enterprises in this country to earn large revenues, but many men doubted, and with good reason, whether the earnings, however large, would be suffered to reach the stockholders, or be stolen by dishonest officials. Under the influence of such doubts, stocks and bonds were forced on the market in enormous volume. When it was found that the same men who had perpetrated these enormities against industrial and transportation companies were also in control of the largest financial institutions, the banks became subjects of doubt and distrust. Was it not inevitable that investors who had sold securities, because they could not trust the honesty of men administering great corporations, would hesitate to trust the proceeds of these sales to banks controlled by the very same men? Withdrawals of deposits from banks and hoarding of moneys in secret places were inevitable results of such conditions. But hoarding always involves loss of interest and risk of greater loss. No man hoards from choice. Withdrawing his money from banks is virtually withdrawing from business, and this no man is willing to do except through fear of greater loss. Last year business men had good reason to fear that their funds deposited in banks might be lost in wild speculation or stolen outright. Driven to choose between loss of interest if they withdrew their deposits and loss of both principal and interest by swindling if they left their moneys in bank, they accepted the partial rather than risk the total loss of both principal and interest.

While deposits were thus being reduced one very large bank closed its doors, and soon afterwards nine, ten, or eleven other banking institutions suspended.

Bear in mind, Mr. Chairman, not one of these banks failed through some error of judgment on the part of their officers. Every one of them was ruined by practices that amounted to crime. It was notorious that the closed concerns had extensive alliances, and as suspicion naturally extended to other banks, long lines of depositors formed before the paying-teller's windows urgently demanding their funds. As fears spread that runs might become general, emergency measures were hastily taken by all the banks, which soon culminated in panic.

How was this condition met? Was it by publicity? Was full light turned at once on all banking conditions, the rottenness of unsound banks admitted, and the solvency of sound ones made clear, conspicuous, and unquestionable? No, sir. Popular distrust was met by universal suppression of every fact by which the people could learn for themselves what the conditions actually were.

The banks seemed to believe that confidence could be restored only by wrapping their own operations in impenetrable mystery. The newspapers lent themselves energetically to this general policy of mystification. They suppressed mention of every fact likely to shed any light on the actual condition of affairs. The word went round that the way to make all things right was to shout that they were right and to abuse anyone who expressed a doubt or even ventured a question. They ceased to publish the credit and debit accounts of each bank at the clearing house. Events that could not be suppressed wholly were misrepresented radically. Some banks, being unable to meet their debit balances at the clearing house, thereupon all the banks suspended payment by agreement amongst themselves. And this was proclaimed in the press as a marvelous display of financial soundness.

Mr. Dooley described the situation admirably when he said in one of his inimitable articles that the restoration of confidence was being prosecuted heroically under the inspiring cry of "Shut up." [Laughter and applause.]

Into this atmosphere of doubt and mystification I had hoped the President would turn the wholesome light of publicity by ordering every bank to make a report of its liabilities and resources, stating the stocks, bonds, or other property against which loans had been made. Such a showdown would have dispelled at once all doubts and all uncertainties about the actual financial situation. The people would then have been able to decide for themselves which were sound and which were rotten.

Whatever conditions might have been disclosed, the people would have faced them once they understood them. A few concerns that had managed to keep open might have been forced to close their doors, a few more financiers might have come to grief, but the people would at once have set about overcoming the obstacles in their pathway, which would have ceased to be insurmountable the moment they had ceased to be mysterious. Within thirty days the work of reparation would have been under full headway. Prosperity as we have known it has probably receded into the distance, but the march toward it would long since have begun. But the financiers have been allowed to deal with the situation as they pleased. The policy of suppression and mystification and silence remains in full force. Open violent runs on banks have indeed ceased, but distrust has not been allayed, confidence has not been restored, the panic has not been ended. The theater of its violent manifestations has merely been shifted from a few concerns of doubtful solvency to the body of the community where men engaged in legitimate business will for a long time continue to be its victims.

Why was that policy pursued? What was its object? Simply to prevent a few rotten concerns—not merely banks, but certain

stock-speculating houses whose names were bandied freely through the streets—from going into bankruptcy. The financiers succeeded, but how? By diverting capital which should have been available for the legitimate operations of commerce to maintaining these worthless concerns in operation. Great industrial companies like Westinghouse could not secure discounts necessary to their business at any bank. All the resources of the banks having been employed to keep going these worthless, unproductive, speculative enterprises, not a penny could be obtained for legitimate productive enterprises. And this diversion of capital from its natural function of stimulating wholesome production to shielding fraud and crime from their natural consequences was justified and even made the subject of praise, because it was said that had these bucket shops been allowed to fail the stock exchange itself must have suspended. [Applause on the Democratic side.]

This is not my explanation. It is the statement by which the authors of this policy justified it; and so, sir, the service actually rendered by the financiers who claimed credit for having ended the panic is that the great business houses of the country have been embarrassed in order that gambling houses might be restored to prosperity. And whose money was it that these financiers employed to relieve the embarrassment of stock gamblers and the institutions that had financed them, so that in a little time they will be launched on a new career of speculation and peculation? Not the money of the great financiers themselves, but of the large banks they controlled—that is to say, the moneys of depositors—your money and mine. For over two months legitimate banking was suspended that the crimes of illegitimate banking might be concealed and the perpetrators shielded from pursuit. Can any one doubt that immunity to these miscreants now means reproduction on even a larger scale of their practices and enormities when clearer financial skies shall once more create new opportunities for swindling by reviving the spirit of speculation? Can the recurrence of panic be avoided when the conditions of panic are perpetrated and even extended?

Sir, if the President be chargeable in any degree for this panic, it is not on account of anything he has done, but of things he has left undone. If he be open to criticism, it is not for having exposed rottenness in corporate management, but for having delayed the exposures. Had he turned the light on corporate management in 1901 instead of 1905 perpetration of many grave crimes would have been prevented, and the panic caused by them would have been sensibly reduced in violence, if not wholly averted.

Mr. Chairman, I do not believe that prosperity will ever be restored so long as the power of Government to punish crime remains doubtful. To-day men are walking the streets charged with the perpetration of enormous offenses, of which the proof is clear and convincing as Holy Writ itself, who have never denied their guilt, and yet not merely go unwhipped or even unchallenged of justice, but who still actually retain control of the very corporations they have pillaged and betrayed. Confidence can not coexist with such a state of affairs as that. [Applause.]

This spectacle of justice inert, paralyzed, helpless in the presence of stupendous crimes, is itself sufficient to plunge the country into distrust of all investments. For who can say that any corporation is sound while its officers may loot it with impunity? [Applause on the Democratic side.]

The assertion that attempts of public officers to remedy these conditions and prevent their recurrence are incitements to disorder is a gospel of despair in this Republic. It means that government of the people and by the people can not be enforced against some of the people when they obtain control of vast financial institutions and abuse it. [Applause on the Democratic side.]

Mr. Chairman, I do not belittle the difficulties obstructing the course of justice when enforcement of the law involves injury to many persons who are not perpetrators but innocent victims of criminal practices. Not merely is the loyalty of public officials in such cases tempted by suggestions that are base, but often motives in themselves commendable are invoked to check prosecution. During the recent panic the officers of banks who were being pursued before grand juries for crimes that had resulted in closing the doors were able to arrest the proceedings against them by undertaking more or less vociferously to reopen the concerns. While these movements were in progress there was a general disposition to suspend proceedings, lest prosecutions might interfere with the prospects of resumption. In some instances the efforts were successful. Depositors were persuaded to waive immediate payment of their dividends and the concerns resumed operations. At once the men who had wrecked them were lauded as saviors of society: I suppose because they had not blown up the buildings in addition to having pilfered the funds. [Applause on the Democratic side.]

I agree with the President that it is difficult in such a state of public opinion to secure convictions of corporate officers for abuses of their trusts; but, sir, I do not believe that difficulty in overtaking malefactors furnishes any justification for abandoning pursuit of them.

For my part I think the most pressing necessity of a society afflicted by disregard of law among its powerful members is a determination by the chief officers of state to enforce the law. I do not think the President has yet exhausted all the powers of his great office in the direction of vigorously enforcing the law, but I do say that the message shows he appreciates his duty to the people in this respect. [Applause.] And appreciation of duty by a public officer is the first step toward the performance of it. For this reason the President's message is an inspiring proclamation that the gage of battle thrown down to the people by forces of corruption which, at the beginning of the session, it seemed might be left untouched on the ground has finally been taken up by the man who has always had the power and who now shows he has the disposition to do effective battle for justice and law, whatever the consequence. [Loud applause on the Democratic side.]

Mr. Speaker, it is a stupendous issue—this between the President and the mighty forces of corruption whose gage of battle he has accepted. The elements arrayed against him are the most formidable that ever did battle in a struggle for privilege. The powers they can invoke are stronger in many respects than the powers exercised by government itself. I wonder if Members of this body realize the extent of the forces these embattled interests can put in motion.

In a lecture delivered in my own State a few weeks ago, I undertook to say that our political system had undergone a silent but radical revolution during the last few years, that the greatest powers in the community were no longer exercised in legislative bodies, in the council chambers of cabinets, or in the offices of a chief executive, but in the rooms where a few men direct the administration of great corporations or plan new corporate enterprises. True, there has been no change in the outward structure of our institutions, but the most profound revolutions have been those that affect not the form but the substance of government. All the forms of republican government survived in Rome long after the Republic itself had been replaced by absolute despotism. The atrocities of Caligula and Nero and Domitian, perpetrated under the authority of a republic, show that forms the most venerable may be perverted to perpetration of oppressions the most atrocious. And so, sir, the outward structure of our Government remains wholly unchanged. Not merely does our Constitution survive in form, but all our constitutional formulas are still acknowledged universally and invoked extensively.

Constitutionally each man has the right to go where he pleases, to work when he pleases for whom he pleases and for what he pleases, but between him and the exercise of these privileges lie formidable powers which the Constitution never contemplated and which government does not control. Practically no man can take one step from his own door to engage in the ordinary competitions of life except on conditions and terms fixed by some corporation operating a transit system, controlled by a few persons—generally by one—with whose selection government has nothing to do, whose orders and regulations, though binding on a whole community, government hardly pretends to regulate. What avails it a citizen that legally, constitutionally, theoretically he can sell his labor for what he pleases when the value of the wages he may earn is fixed absolutely by a few men in whose selection he has no voice, whose course he can not control or even influence? The cost of implements necessary to his calling, of the clothes that cover him, the food he eats, the fuel he burns, the materials used in constructing the house that shelters him, are all determined absolutely and even arbitrarily by some half a dozen men, who are also believed to control the chief highways of commerce throughout the country, and, therefore, the immense capital necessary to their operation. With the vast banking deposits which the control of production and transportation places at their disposal these same men dominate the financial institutions of every great city. And thus they govern not merely the volume of production and the means of transportation by which commodities are exchanged, but also, through control of the banks, they regulate credit, which is the very lifeblood of commerce.

Compared with these enormous powers exercised in secret by men clothed with no official authority, subject to no public supervision, acknowledging no responsibility, how trivial are

the powers exercised by the nominal or constitutional government, whether State or Federal, or both combined. The National Government never comes in contact with me except when it delivers my letters or examines my baggage at the dock on my return from a foreign trip. These men affect closely every act of my life, every exercise of my muscular energy, every effort that I make for the improvement of my own condition, every plan that I contemplate for the employment of my resources or my abilities. While I refrain from crime I have no reason to be conscious that government, Federal or State, exists. But I can not take a step about my daily affairs without paying tribute to these forces, whose authority is undisputable, yet whom it is often impossible to locate, whose power is boundless, yet whose very identity is unknown. [Applause on the Democratic side.]

Sir, the powers wielded by these forces must be controlled by law or they must themselves become actually the government. It has been said that these powers are necessary and inevitable products and features of a highly organized industrial system. The President's message does not discuss the extent of these powers nor the justification of them. It merely insists that whatever they be they must remain subordinate and subject to the law of the land. When we consider the influences they exercise, their power to reward the public man who serves them and to assail the one who obstructs their plans or assails their privilege, it would seem as if the outcome of a conflict between them and the constitutional government might be doubtful. Certain it is that the rewards in their power to bestow are preferred by many men of great talent to the highest honors of public life.

Twenty years ago a seat in the Senate was considered the supreme reward of political success, ample compensation for a lifetime of arduous labor, fitting crown for the most splendid career. Have we not recently seen the toga surrendered by one of the most distinguished Senators to become the adviser of financiers? And it is widely suspected that there are others ready, aye, eager, to follow his example if opportunity offer.

In New York—I speak here of that which is within my own knowledge—there was a time, and that not long ago, when a seat on the bench was the prize toward which every lawyer aspired, the success for which he labored, the fulfillment of his highest ambition. Within a few years we have seen one judge after another quitting that exalted station to accept the retainers of financiers, and it is quite generally believed that those who remain on the bench are straining their eyes for an opportunity to exchange the serene atmosphere of the courts for the profitable though less honorable service of corporations.

Sir, this is a spectacle which may well cause thoughtful men the gravest apprehension. The very life of the Republic is involved in maintaining the vigor and independence of the courts. We have restricted the powers of legislatures and no injury has followed to the body politic. We may reduce the scope of Executive authority, and no serious harm may ensue. But there must be in every system of government some depository of ultimate power, some department that can fix limits to the authority of all others. In a republic that power must always remain with the courts. It is a significant fact that whenever one of these judges exchanged the judicial ermine that is honorable for the livery of corporations that is profitable he invariably became a mouthpiece and exponent of the apprehensions entertained by his new employers—that the President is inclined to carry his love of justice too far.

Sir, not even when these doubts proceed from the mouths of ex-judges transformed into corporation attorneys can it be admitted that love of justice, however strong, in any public servant is incompatible with the welfare of the people.

Never, sir, will that be admitted by this House—at least by this side of the Chamber. Here we believe that justice is the true fountain of prosperity. [Applause.] So long as justice governs any enterprise it can have no fear of injury from enforcement of the law. Law can never be the foe of industry, but always its companion and handmaiden. Through law it enjoys peace, which is the essential condition of its efficiency. By law its fruits are defended and its prosperity promoted. It is crime which fattens on wrong, and its beneficiaries—the dishonest in commerce, the rotten in morals, the corrupt in politics—that can have any reason to fear the light of publicity or the sword of justice, and against these may that light never be obscured, may that sword never be sheathed. [Applause.]

Sir, if the rewards bestowed on their adherents, advocates, advisers, and apologists by these forces of intrenched privilege be so large that they are preferred to places of highest honor in the public service, so are the penalties formidable that they can inflict on their opponents, critics, or prosecutors. It would seem as if the man who incurs their resentment must be prepared to renounce hopes of the most profitable professional employment or of admission to the charmed circle of high finance with its opportunities for enormous profit. He must risk even his hopes of public approval. The storm which has raged round the ears of the President ever since he dared pick up the gauntlet thrown down by these great interests shows strikingly the extent to which they can affect public opinion by poisoning the sources of public information through their ownership of many leading newspapers. The public man whom they pursue will find his words misquoted, or suppressed, if distortion be impossible, his motives assailed, purposes attributed to him which are farthest from his own conception, a thousand difficulties created in his way when he returns to the constituents whom he tried to save from spoliation. The corrupt need no incitement to hostility against the honest. But hitherto many of the well disposed were cajoled into serving these interests by appeals cunningly directed to their fears and prejudices.

When we measure the enormous powers wielded by these interests, controlling, as they do, every avenue of success in the professions, in politics, and in commerce, we must realize, that hitherto opposition to their unlawful privileges by a public man demanded qualities little short of heroic. Here, sir, is the capital value of the President's message, which all good men must applaud, however they may have criticised or condemned former acts of the Administration. It states in unmistakable terms the exact nature of the contest before the country. Whoever reads it must see that the issue is between enforcing the law against all men and suspending the law in favor of a few men. On that issue, once stated, it will be impossible to divide the American people, and therefore the demand for justice embodied in this message neither party will undertake to ignore or deny in its platform—the Republican party because it will not dare and this party of ours because it will not want to evade it. [Applause on the Democratic side.] It results, sir, that the campaign now opening will not be a contest between conflicting principles, but a choice of the champion who will do most effective battle for a cause which all will cherish, or at least profess to cherish. While no one will openly antagonize the President's policy of justice, the prospect of its being loyally maintained will turn entirely on the character of the man chosen to enforce it during the next four years.

Sir, it is no ordinary political contest, but a crusade to which the President invites us. The man to make this fight successfully must be animated by the spirit, the courage, and the unselfishness of a crusader. But, sir, the qualities of heroism are not common. The stuff of which crusaders are made is not to be found on every side. These qualities were described vividly more than eight hundred years ago, when Pope Urban II preached the first crusade to the great gathering at Clermont. You remember, sir, that while urging his hearers to take up arms for the delivery of the Holy Land from impious domination he told them they must not expect prizes of any earthly value, but they must renounce all hopes of gain or fortune. They must turn their backs upon the homes they loved; in frail barks they must cross seas wide and stormy; they must walk with bleeding feet over burning sands; they must face with dauntless breasts the scimiter of the Saracen; they must even, if need be, with naked hands climb the walls surrounding the city of the Holy Sepulcher profaned by the infidel's possession, and all these sacrifices must be made, all these fatigues undergone, all these perils incurred without any hope of reward or return, except the consciousness of a high duty loyally done. And as that vast assemblage, moved by his words, cried out with one mighty voice "It is God's will!" "It is God's will!" the Pope added, "Be those words your motto: Id Deus vult—It is God's will! Go forward in His name!"

Mr. Chairman, that spirit of readiness to face all difficulties for the sake of justice because it is God's will is the spirit which must animate the man fit to lead this campaign. Whoever undertakes the burden of this contest hoping for personal reward will very probably be disappointed. With all the avenues to success—professional, financial, and political—guarded patrolled, policed by sentries of the enemy, he must be ready to suffer, if need be, pecuniary embarrassment, misrepresentations of his motives and conduct, seduction of his allies, betrayal by men he trusts, defeat of his policies by treason even if he be successful at the polls. But, sir, though he be forced to taste all the bitterness of hopeless conflict, his sacrifice will not be in vain, his defeat will not be final. Sooner or later his cause will triumph. Though both parties be complaisant, though legislatures be corrupt, though courts be subservient, though judges may prefer to win the favor of powerful interests rather than do justice upon wealthy criminals, none

the less the cause of the people will prevail, because it embodies that justice against which no organization of men has ever yet been able to make a successful stand. [Applause.]

But, sir, where is this champion to be found who, animated by the spirit of a crusader, will cheerfully face disappointment or disaster rather than compromise a principle, resting his hope of success not upon political finesse, but on devotion to an ideal? There is no crusader on the Republican side except one [applause on the Democratic side], and he is disqualified from the fray. His acceptance of a nomination by either party, or by both parties, would not be elevation, but abasement, almost dishonor. He has renounced the field of politics, and through that renunciation he has been lifted to a nobler plane by the spontaneous judgment of civilization. [Applause on the Democratic side.] Never before in the history of this country has a President, while still in office, succeeded in embodying so completely and voicing so emphatically the conscience of the people that a message of his will be embodied in the platforms of both political parties. And this domination of the whole political field has been accomplished in the face of a rancor fiercer than ever was evoked by any of his predecessors, not while he enjoys even a prospect that his official term may be prolonged, but after he has openly and finally renounced every chance of remaining in office. That sir, it surely is no exaggeration to say, is a position no President has ever before achieved, at least not till long after he had passed from the scenes of contentious politics and the grasses had been growing for many seasons above his breast. [Applause.] The position reached by this man no party success could improve, but any partisan affiliation must lower. For him to become the nominee of a party, whatever the outcome, would be to put on a duller armor, to enlist in a baser cause, to fight behind a meaner banner. [Applause on the Democratic side.] No friend would tempt him to such a descent; no patriot would deem him capable of contemplating it. [Applause.]

Sir, with the President eliminated, I repeat there is no crusader available among Republicans. I hardly think anybody would even suspect our distinguished Speaker of possessing the qualities of a crusader. Nor can I conceive the well-balanced Senator from Pennsylvania passing for a reincarnation or even for a lineal descendant of Godfrey de Bouillion, while the distinguished gentleman who is generally supposed to represent more directly the Administration is essentially a judge, and the judge's place is behind the crusader, following after him to organize, regulate, make permanent the results won in strenuous battle. But there is a man available on the Democratic side with every essential quality of the crusader, a champion of justice and morality, about whom there is only one doubt, and that is whether he be not too strenuous. [Applause on the Democratic side.] Men may question his judgment, but no one can doubt his loyalty. We may differ from his views on many subjects, but all men respect his virtues. I have opposed him in the past. Under certain conditions I might oppose him in the future. But I believe this message has outlined conditions under which he becomes for this campaign the foreordained champion of law, justice, and order. [Prolonged applause and cheers on the Democratic side.]

Mr. Chairman, there are some features of the extensive political creed he has professed which I reject. If they were issues now, or if they become issues, and he the candidate representing them, I would be just as vehement in opposing him as I hope to be active in supporting him. But there are some questions on which I believe he embodies the conscience of the whole people, and if in the next campaign these be made the issues, I believe he will be invincible, because no one can question the sincerity with which he reaches his conclusions or the loyalty with which he maintains them. If he confine imself to demanding prosecution of all malefactors without distinction, except that if rigorous enforcement of the law should result in congestion of the criminal courts, then that plunderers of millions be given precedence on the pathway to prison over pilferers of pennies. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN. Mr. Chairman, I will ask the gentleman to yield me five minutes further.

Several MEMBERS. Make it ten.

Mr. STEPHENS of Texas. Mr. Chairman, I yield ten minutes more to the gentleman from New York.

Mr. COCKRAN. Mr. Chairman, if in addition to that he demand that United States Senators be elected directly by the people of the different States, so that the Chamber at the other end of the Capitol would become as quickly responsive to public opinion as this body has always proved itself, if he insist on publicity of all campaign expenses, so that while everyone who wishes may continue to subscribe freely, the people shall be informed of the sources from which all political subscriptions come, before the ballots are cast—if in addition to all these he demand also that special privileges against which the gentleman from Michigan [Mr. TOWNSEND] has declaimed, be abolished in fact—that wherever a tariff enables a trust to exploit the people, it shall be abolished altogether or, at least, reduced to the point where foreign competition may give consumers deliverance from exactions palpably unjust, he will then stand upon a platform in support of which his party is absolutely unanimous, and the people of this country practically unanimous. [Applause on the Democratic side.] Not a man on the other side would venture openly to assail these principles. Our opponents might continue to talk about our former divisions, but they would be surprised at the genuineness of the present reunion. [Applause on the Democratic side.]

Such a platform would embody nothing except a demand that equal and exact justice be done to all men, that society shall pursue its greatest enemies even more rigorously than lesser offenders against its laws, and that all citizens be placed on a plane of absolutely equal opportunity in matters industrial as well as political, and these are the demands embodied in the President's message. You gentlemen will be forced to nominate some man who will profess belief in its doctrines; we will nominate a man who will not need to make a profession of faith, for all the people will know that his heart and soul and every fiber of his being are instinct with ardor for them. All parties will therefore at least profess opposition to the abhorrent forces which the President has denounced. And this insures their overthrow. Conceive, Mr. Chairman, this most valuable fruit which the message has already borne. Elements which but yesterday thought themselves strong enough to dominate both political parties, whose newspapers were openly encouraging opposition to the one man whose nomination they feared on this side, and at the same time seeking to intimidate the champion of justice who has risen most unexpectedly from your ranks, are already completely defeated, demoralized, routed by the popular response to the President's appeal. The harsh notes of their organs still disturb the air, but as political forces they are already beneath contempt. Instead of governing and dominating both parties, when the two conventions shall have adjourned there will not be an inch of political ground left for them to occupy. Instead of being feared and cultivated and served, they will become political outcasts whom no one will regard, political lepers with whom association would be dangerous and contact fatal. Sir, here is success sufficiently brilliant to make an Administration memorable; triumph sufficiently decisive to insure a glorious place in history for any President. [Applause.]

Viewing it, Mr. Chairman, as I do, fixing as it does the issue of this campaign, and therefore indicating as it does the man best fitted to bear triumphantly this banner of justice, morality, and law, insuring as it does the triumph of principles for which the Democratic party has contended ever since the foundation of this Government, I have no hesitation in recording my judgment that the message read here last Friday is among the most valuable contributions ever made to the safety, the progress, the prosperity of this Republic. I care not what else the President may have done, I care not what other features of his record may be open to criticism, I care not what inconsistencies may at other times have marked his public life, I say of him now in the presence of this House and of the American people what I said to him last Saturday, when for the first time since this Congress assembled I stood in the White House. "As your first message of the session was read I doubted you. But your last message shows clearly that the courage which I had questioned remains unshaken, while the occasion for displaying it has been chosen with better judgment. Two months ago you might have been considered a candidate bidding for popularity. Now not even a breath of suspicion can becloud the spotless armor of unselfish patriotism in which you stand forth the champion of right."

Mr. Chairman, if anybody shared my views of the first message, I hope he will join me now in acknowledging the merit of this last communication, and as its author disappears from the field of contentious politics surely we may all hail him as a shining ornament of popular government, a loyal exponent of truth, an intrepid champion of justice—a great hero in the glorious galaxy of American heroism. [Prolonged applause and cheers.]

Mr. HEPBURN. Mr. Chairman, the debate this afternoon, so far as it has been conducted by gentlemen on the other side of the Chamber, is certainly very instructive as to the versatility of the Democratic party. One gentleman denounced in bitter, unmeasured terms, unseemly, it seemed to me, in this Chamber, the President of the United States, our President,

the President of this whole country, and I say that advisedly, for no man who has ever sat in the Presidential chair so fully fills the hearts of the American people as the man who sent to us the message so criticised. [Applause on the Republican side.] One gentleman, the gentleman from Ohio, whose years of experience in parliamentary procedure, parliamentary propriety, has covered more than a generation, it seemed to me, went far beyond the proprieties of debate in denouncing the Chief Executive and the message that he had sent to us, while another gentleman, who followed him, told us that this message was of such a character that he could scarce tell who should have originated it, whether it was Theodore Roosevelt or the object of his political adoration, William J. Bryan. The gentleman from New York, who has just taken his seat, has told us it meets his hearty approval, and he has devoted an hour's time to showing how, in all of the recommendations of the President, he has been right. Does not that show the versatility of Democracy? And, mind you, the sentences of the gentleman from Ohio were applauded when he was denouncing the Executive as vigorously as were the sentences of the other gentleman [applause on the Republican side] when they were extolling him.

Mr. Chairman, I was profoundly moved by the early sentences of the gentleman from Ohio, who so pathetically spoke of bygone days when he sat here in this House on a former occasion—years ago with men who were giants in their day, but who have mingled with the dust almost half a century. It was pathetic, pathetic indeed. But later I thought, as he rambled along among his captious and querulous comments, that if he had seen fit he might have indulged in personal recollections of a House that had assembled in times much farther remote. Mr. Chairman, this message of the President has received in some sections of this country very violent condemnation. But from whom? That is always a pertinent inquiry when you hear either denunciation or praise. In order to value either you must know the sources from which it comes. The denunciation in this case that we read in the newspapers comes from the organs of the very men, and those only, whom the President of the United States has seen fit to denounce as the great malefactors of the age. There is where the condemnation comes from, and that is the only source from which it has come to my knowledge except from the gentleman from Ohio. [Laughter.]

Mr. Chairman, why do they denounce the President of the United States? They say because he disturbs business and because he produces a panic. Disturb business? What has the President done to disturb business? He is not engaged in business himself; he is not a rival of those gentlemen; he is neither a bull nor a bear. What has he done? He has simply called attention to the misdeeds of certain men and the manner in which they have perpetrated crime and the manner in which they have imposed valueless securities upon the public; the manner in which they have seized upon great railway corporations and bankrupted them; the manner in which they have added to the capital stock of railways such enormous sums as to jeopardize the possibility of there being any value in those that were or those that they have falsely issued. That is all. That is all that he has done. He has simply exposed, simply brought to the light, simply turned the lime light upon the transaction. Not of his action, but of others. Is it singular that there will be doubt and mistrust on the part of investors in the stocks and bonds of railway companies in the United States? I ask that question in all sobriety and candor. The value of a railroad stock depends upon the proportions between its volume and the possible or probable income of the road, and when three or four men can take hold of one of the most valuable of all western railways and in a single night add $92,000,000 to its indebtedness, is it to be wondered that men should be reluctant to invest their money in the stock of such a road? When a single man can add $182,000,000 to the bonds and stock of another railway, is it strange that men should hesitate to put their money into the stocks and bonds of that railway? Those transactions and similar transactions are what created distrust, created suspicion, and with other offenses brought about that want of confidence that has resulted in financial disaster in some localities.

But that is not all. The stock gamblers are all arrayed against the substance and essence of this message. Stock gamblers, in my humble judgment, did more than any other class of men, through their influence with the banks of the cities, to bring about this financial disturbance. [Applause.]

Mr. Chairman, in the first half of the year 1904 the transactions on the Stock Exchange of New York, according to a report which I have, which is official, I think, amounted to about four and one-half millions of shares. This is the so-called legitimate business, as I understand it, not the bucket-shop business, not the floor trading of the brokers among themselves when they have nothing else to do. In a corresponding period of the next year those transactions advanced to about 12,000,000 shares, and in 1906 to upwards of 20,000,000 shares in the half year. Suppose it to be 40,000,000 shares during 1906—and this is the respectable part of this gambling—suppose it to be 40,000,000 shares; suppose that they represent simply face value, it means under their methods of business, the methods of the New York Stock Exchange, that the banks of that city must have furnished these traders approximately three billions and six hundred millions of money to carry on these transactions. If that is true, if this great proportion of the banking capital of New York was thus absorbed in illegitimate business, is it any wonder that later on when legitimate transactions were to be conducted, and men in ordinary business sought the banks for usual accommodations, that the banks were unable to supply their customers and that ordinary legitimate business languished? And yet these stock dealers are the men that are assailing the President of the United States because of his recommendation that stock gambling should cease.

Mr. Chairman, in the things that the President has done the American people to-day stand behind him. [Applause on the Republican side.] In every recommendation of his message the American people stand by him, ready to uphold his hands, ready to demand that the legislation that he asks shall be given in order that those recommendations may be made effective through the courts. [Applause on the Republican side.] There may be gentlemen who say there will be nothing done by this Congress. I do not believe it. I assert that the American people are earnest in the purpose of so clothing the Executive with power that he may be able to accomplish the reforms that are advocated in this message, and if men stand in the way, Mr. Chairman, they will be run over and may be disfigured badly in the contact. [Applause on the Republican side.]

Mr. Chairman, I was glad to hear these encomiums of this message. I am glad to hear them, because as I read history they import a great departure—a great departure—from the policies and purposes of the Democratic party. There is legislation asked for here, legislation that men are doubting about the power of Congress to grant. I am glad to hear these gentlemen say that they approve of the legislation and saying that they will join hands with us in trying to secure it. A gentleman a little while ago said—the gentleman from New York [Mr. COCKRAN]—among other things in his admirable speech, that everything that had been accomplished by this Government in the way of progress had come as a largess from the Democratic party.

I confess that I thought that was a statement somewhat startling. I thought there were many persons here who scarcely believed that the gentleman could be sincere. And he gave as an illustration of the progressive movements of the Democratic party the fact that the Louisiana purchase came from Jefferson's Administration. Ah! but Jefferson denied the power of the Federal Government to do the thing that he had done. Jefferson said that there was no power in the Government of the United States to purchase the Louisiana tract, and twice or three times came to the Congress of the United States asking for an amendment to the Constitution whereby his act of usurpation (as he regarded it) would be validated. Thomas Jefferson denied the power of the Government of the United States to assume the debts of the State. He said that there was no power; and although he did become a party to it, he said afterwards, in apology, that he was tricked into doing it by Mr. Hamilton. Mr. Jefferson always insisted that the Government of the United States had no power of any kind whereby it recognized as money anything but gold and silver. Oh, it is true the Democrats have progressed. I can remember only a few years ago they were urgent and insistent that they could pay off with honor and integrity a bond, interest bearing, with a greenback which was another promise to pay and did not bear interest. They are a progressive party, it is true. [Laughter on the Republican side.]

Why, Mr. Chairman, coming all down the history of the United States, the reader is surprised to find that every step in progress that it has ever made has been over the protest of the Democratic party. [Applause on the Republican side.] It has always insisted that there was no power in the Federal Government to accomplish these great results. But the limit of audacity was reached by the gentleman from New York [Mr. COCKRAN] when he suggested to an audience—very many of them more than 60 years old—the fact that it was to the Democratic party we owed the doctrine that the Federal Government had the powers to coerce a seceding State. [Laughter on the Republican side.] The only way in which I could account for that was that at the date when Mr. Buchanan and his then

Cabinet announced a different doctrine the gentleman had not then concluded to grace our citizenship with his presence and his person. [Laughter.] Mr. Chairman, seriously speaking, was it any act or through the influence of the Democratic party that this Union was restored, or was it of another party? Was it the Democratic party that demanded, after the victories of Gettysburg and of Vicksburg, when the Army of the Potomac was surrounding the beleaguered capital of the Confederacy, when the Confederacy was tottering to its fall, that declared in a national convention that after four years of failure to restore the Union by the processes of war, we must now quit the nearly won fight and go into negotiations, negotiations that had been tried and found a failure four years earlier? I did not know that there was a living man, not even the gentleman from Kentucky, who would have the audacity to make the statement that was made by the gentleman from New York with regard to that bit of our history.

If the Democratic party had had the power, to-day we would have unlimited quantities of greenbacks or else we would have been in complete bankruptcy. If they had the power, we would have had unlimited coinage of silver, without the intervention of an international agreement, at the ratio of 16 to 1 of gold. If they had been in power, there would have been no gold-standard enactment, and we would not be on a par with the other nations. If they had been in power, there would have been no Dingley tariff, with the prosperity of the last decade. I do not doubt but that that portion of the gentleman's address struck as very ridiculous some of his listeners who are now so anxious to recant all that they have ever said in extolling the greenback and sounding pæans on free silver. I do not believe that there is a Democrat within the sound of my voice who to-day would dare to say that he favored any financial platform of theirs enacted between 1860 and 1904. Not one. Every one of them is a repudiationist on that subject, although I believe that none of them believe in the repudiation of Mississippi some fifty-eight years ago.

Mr. Chairman, the gentleman from Ohio [Mr. SHERWOOD] had much to say about the extreme poverty, the extreme distress, from which the people of the United States are to-day suffering. I assert that that is a matter of imagination with him; that there is no such suffering as he depicted in any part of the United States; that there has been no marked injury to the country banks whatever. On the contrary, outside of three or four cities, the business of the country is sound and the people solvent. There never was a time where there was more money in the banks than now, or when there was a greater freedom from apprehension of panic, except in the city of New York, and there they have to account for their own sins when they look over the situation.

Some gentlemen have complained that the President of the United States does not get a larger number of men into the penitentiary. I know a good many concerning whom I would give God-speed to him if his efforts were to be redoubled and his capacities in that direction multiplied a score of times. [Laughter.] But we must remember, Mr. Chairman, that there are difficulties in the way. How difficult it is to convict any man of crime, I do not care who he is, if he reenforces his defense with an abundant exchequer. It is almost impossible. You must remember, gentlemen, how many fictions we have thrown around the criminal, how many technicalities we have environed him with. What a large, unlimited play there is for him to move upon the sympathies of jurors. How difficult it is to keep an improper man from the jury list and then from the jury box. Look at the trials that we have had that have attracted the attention of the people of the United States during the last six months or twelve months; how many there are that the great mass of the people regard as mistrials and miscarriages of justice, where the miscreant has been unwhipped of justice because of our methods and because of the opportunities that are given to a man charged with crime to escape. All of these technicalities come down to us as a portion of the common law that first had their origin rightful in that time when there were sixty to seventy capital offenses, when under the law in Engalnd the criminal was not permitted counsel, when they were not permitted challenges of the jury, where in a great majority of instances they were ignorant men oppressed and abashed by the presence they were in, intimidated and fearful because of the presence of the court and the dignitaries they were before, condemned by ignorance, by fear, by self-recognized inferiority to silence—then it was right and proper to presume the innocence of a prisoner. But I submit to you that the legal presumption of the common law obtaining in our courts to-day that after a man has gone through with the preliminaries of arrest, after his case has been heard by a dispassionate grand jury, after he has been solemnly charged, under all these circumstances, the presumption that he is innocent, with all the presumption involves, does not promote the administration of justice. Such presumption is one of the anomalies of the common law for which no necessity now exists. Courts set aside verdicts because of mere technicalities. I believe that it would be wise policy if we were to declare that in the Federal courts that presumption of common law that I have referred to should not be regarded, but that all criminal statutes should be liberally construed in order to avoid evasion and to secure a due and proper administration of justice.

If that were so, then there would not be so many infractions of our law. If that were so, it would be possible to compel obedience to statutes of the United States that now every man who has a hundred thousand dollars to spare laughs to scorn.

Gentlemen say that Theodore Roosevelt produced this panic. Every sensible man knows that as long as human nature continues as it is, and as long as we do business as we do, panics will be inevitable. All of the great business of the United States is done with 5 per cent of actual money, 95 per cent with some form of credit capital, capital that has value only because it may have confidence, personal or public, behind it. Remove that confidence in any way and that 95 per cent of capital withers as though but paper thrust into a furnace. There will be panics in every country having a business system such as ours, where you can not have the actual money to do all the business. You have got to use this large proportion of credit that is based upon confidence or faith, and that shrivels into nothing whenever that confidence or faith is disturbed. Men will expand their business. I gave you an illustration of it just now in business, so called, where the stock gambling increased in three years' time from four and a half million in one period of six months in 1904 to twenty million shares in another six months later. All the money that these gamblers could get hold of they invested in their so-called business. The more money there was that they could reach, the more expansive became their business. For, mind you, their business is carried on without regard to the quantity or amount of a thing which is produced. In a single day more shares of Union Pacific stock have been sold in the Stock Exchange of New York than were ever issued.

On the board of trade in Chicago in a single year I am told by a gentleman who I think knows that 90,000,000,000 bushels of grain were bought and sold, eighteen times the entire production of the United States in its most prolific year. The subject of that kind of business is unlimited, except as it is limited by the banks. As long as the banks will loan, these gentlemen will borrow; and the banks prefer to loan to them, for they are the men who pay the extraordinary rates of interest. Whenever you see that rates are 1, 2, 3 per cent a day, as they sometimes are, you may know that the stock gamblers are busy. They are then conducting their business with alacrity. It is not the men engaged in the ordinary pursuits of commerce that can pay such rates of interest as that. Six, or at most, 8 per cent a year is the limit that their financial possibilities will reach. It is the stock gambler who is the favored customer, and these large rates of interest make them the most attractive of borrowers, and the banks favor them to the exclusion of legitimate business. Then when the real business must be done come the strenuous times.

Mr. Chairman, again I want to express my gratification at the manner in which this message of the President has been received, at the manner in which it has been generally and generously extolled by gentlemen of that side; and I want further to say that there are but few members on that side who will have the temerity to say anything else than honeyed phrases in speaking of it. They know that it meets the requirements, the demands, the expectations, the hopes of the American people, evinced by their efforts to appropriate all of its provisions. [Applause on the Republican side.]

Mr. Chairman, as an appendix to these remarks I desire to print the following article:

[From the Morning World, January 7, 1908.]

WALL STREET—WORST OF GAMBLING PLACES.

Governor Hughes in his message recommends the abolition of race-track gambling. He asks the legislature to make bookmaking at race tracks a prison offense, like pool selling. His authority for this recommendation is section 9 of article 1 of the constitution of the State of New York, which requires that "the legislature shall pass appropriate laws to prevent" any form of gambling within this State.

This section of the constitution should be enforced everywhere with equal justice.

Nowhere is its enforcement more needed than in the New York Stock Exchange, the Consolidated Stock Exchange, the Cotton Exchange, and on the Broad street curb. Race-track gambling at its worst is an evil of petty consequences in comparison with Wall street gambling. Race-track gambling injures only those who bet on horses. Wall street gambling may menace the legitimate business of the entire nation.

What other public service could Governor Hughes render comparable with the elimination, segregation, or even restriction of this great evil?

BANKS AS GAMBLING TOOLS.

In no other country than the United States are incorporated banks part of the machinery of stock gambling. In no other country are the methods of stock gamblers such as to require the constant use for that sole purpose of hundreds of millions of dollars of other people's money. In no other country is the National Treasury called upon to turn over the public revennes for the use of members of a stock exchange. In London, Paris, Berlin, Frankfort, and Amsterdam gamblers in stock must use their own money and their own credit as if they were playing at Monte Carlo instead of on a stock exchange.

This difference in stock gambling accounts for the great fluctuations in the rates of interest in New York as compared with the stability of European financial centers. In New York call money may be 3 per cent one day and 50 per cent the next day, something unknown in Europe.

The banking laws and the banking system of the United States concentrate the fluid capital of the country in Wall street. By bidding up the rate of interest higher than legitimate business can pay, stock gamblers are able to draw from productive industry its means for supplying pay rolls, for carrying on manufacturing, for distributing goods and for moving the crops.

To-day, for instance, the World's Wall street article bears the head "Flood of Cash Buoys Stock List." The money came from every part of the country—from many places where the business need of it is sore.

In Great Britain an increase of 1 per cent in the discount rate of the Bank of England is regarded as a serious fluctuation. For the Bank of France to alter its rate one-half of 1 per cent is a matter of international finance. For the Bank of Germany to charge a third of last week's highest rate in Wall street is done only after serious consultation with the Government, with great capitalists, and with business interests.

THE WORLD'S BIGGEST GAMBLING HOUSE.

Nowhere on the earth does another such gambling institution exist as finds shelter in the New York Stock Exchange—an unincorporated, irresponsible institution. According to the statistics carefully compiled by James Creelman, in Pearson's Magazine, there were sold in 1906 on the Stock Exchange 286,418,601 shares of stock of the par value of $25,000,000,000, besides 665,000 thousand-dollar bonds; on the Consolidated Exchange, 136,000,760 shares of stock, besides 21,569,178 shares of mining stock and 193,884,000 bushels of wheat. This does not include curb sales.

These gambling transactions amount to over $30,000,000,000—four times the value of the products of all the farms of the United States, half the value of all the land and buildings, one-third the census valuation of all the wealth of ever kind in the country.

Last year there were sold on the stock exchange 43,399,710 shares of Reading, fifteen times the total amount of Reading stock in existence. Of the Union Pacific, Harriman's road, there were sold 36,751,600 shares, twenty times as much as existed.

Ninety-nine and one-half per cent of these transactions, according to Thomas W. Lawson, are nothing except bets that the price goes up or down. They are as much gambling as betting on a horse race or on the card that comes out of the faro box or on the odd-or-even fall of the dice.

THE BUCKET-SHOP LAW.

Under section 343 of the penal code it is a crime for—

"any building * * * to be used for * * * making any wagers or bets made to depend upon the future price of stocks, bonds, securities, commodities, or property of any description whatever."

This law was passed to enable the stock exchange to close bucket shops and thus monopolize gambling in stocks. For this purpose the law is effective, because the bucket shop makes no pretense to actual delivery of the stocks in which it gambles, while the stock exchange does. The system of the stock exchange to evade the gambling law and to utilize for its own purposes the fluid capital of the United States is complicated. Were it simple and known to everybody it would long since have been abolished.

THREE BILLIONS OF MONEY.

Without banking facilities and credit, productive industry would be limited to the use of real money as the method of exchange. Business would become largely barter, because 95 per cent of the business of the country is done with checks. All the gold and silver of the world would not suffice to sustain a cash basis. The total amount of money in the United States, including gold, silver, legal-tender greenbacks, and national-bank notes, is only $3,000,000,000, while the exchanges of the New York Clearing House alone amounted in 1906 to $103,754,100,091, or thirty times the amount of all the money in the United States.

Of this money the United States Treasury holds a little over a third to cover its gold and silver certificates, as a reserve against its legal-tender notes, for the redemption account of national-bank notes and as a cash balance. Another third is held by the banks and trust companies as a reserve on their deposits. That leaves less than $1,000,000,000 for circulation.

THIRTEEN BILLION DEPOSITS.

The deposits of banks and trust companies other than private and national banks amount to $8,000,000,000. The deposits of the 6,625 national banks of the United States, as reported on December 3, amount in round figures to $5,000,000,000. All the money in the United States would not pay one-quarter of these deposits on demand.

THE RESERVE SYSTEM.

To protect the depositors and to prevent the undue inflation of credit, the national banking law, of which the State banking law is substantially a copy, provides that banks "must retain a reserve of lawful money." Three cities—New York, Chicago, and St. Louis—are made central reserve cities, where banks must keep on hand in cash 25 per cent of their deposits. Banks in twenty-eight other reserve cities must also keep 25 per cent reserve, but only one-half of this need be in cash in their vaults, the other half being allowed to be deposited in New York, Chicago, or St. Louis banks. In all other cities and towns the banks must maintain a reserve of 15 per cent, of which they need keep on hand only two-fifths, being allowed to deposit the other three-fifths in reserve banks.

This system drains the reserve money of the United States to Wall street. A commercial bank, charging merchants and manufacturers 6 per cent interest, can not afford to pay interest on deposits in competition with the Wall street banks, which can frequently get 20 to 50 per cent on the Stock Exchange for the use of their deposits. Thus these reserve moneys gravitate to the banks which can afford to pay high interest on them. This process of drawing the surplus savings of the country to Wall street was facilitated by the three great insurance companies—the Equitable, Mutual, and New York Life—which collected annually $200,000,000 from their policyholders. This money they invested in Wall street securities or deposited in Wall street banks, making their disbursements by New York drafts and keeping the cash here.

Wall street thus became a great funnel into which the savings of the people, instead of being available to the local manufacturer or the local storekeeper, were driven by higher rates of interest to the Stock Exchange.

The system of reserves directly invited this. If a national bank in Altoona or Columbus or Topeka deposited its money in a Wall street bank it not only received interest, but it was allowed to credit what the New York bank owed it to its legal reserve like real cash. But the debt of any country bank to a New York bank could not be credited to its legal reserve. A New York credit was legally cash and a country credit was not.

DEPOSITS AND LOANS.

When the recent panic became acute in November the clearing-house banks reported deposits of over $1,000,000,000. Of these deposits one-half were due to other banks. Of the loans, which slightly exceeded the deposits, over half were on stock exchange collateral. That is, the money collected from millions of depositors throughout the country by their local banks was used as the basis of Wall street credit and was the real money in the stock exchange game.

There are two general classes of loans. One is commercial paper—that is, discounts on bills of lading, on cotton, wheat, warehouse receipts, goods in manufacture, and the notes which retailers give their wholesalers and wholesalers give to their manufacturers. The other kind of loan is what Europe calls a finance bill and Wall street calls a collateral loan. It is a loan not on separable property, but on a piece of paper which represents an interest in indivisible property.

A share of railroad stock differs from a warehouse receipt for eggs, butter, cotton, or wheat in that no holder of it can demand so many rails and ties or locomotives and cars. No holder of United States Steel stock can demand so many tons of steel rails or iron pigs; no holder of Standard Oil stock can demand so many barrels of kerosene. Neither can the holder of any corporate bond demand anything except payment of principal and interest when due, and bonds run for such long periods that their payment is an asset too slow to be realized on in an emergency.

This distinction is recognized in every other country. The Bank of France last November declined to make any advances on American finance bills, while expressing its willingness to loan all the money that their value would warrant on cotton, wheat, corn, and other tangible goods in shipment. The Bank of England months ago not only refused to discount American finance bills itself, but notified its customers that they must not do so. The Bank of Germany was forced several years ago to adopt the same policy.

In these countries the discounting of finance bills is left to private bankers, who use their own private resources, without involving general banking facilities, which are restricted to the use of commerce, manufacture, and other business.

COMMERCIAL OR FINANCE.

Instead of the New York national banks following this wise policy of the great European banks by looking after their commercial customers, rather than seeking for the higher rates of interest which stock gamblers pay, they have adopted the contrary policy. In ten years, from 1896 to 1906, the New York bank loans on stock exchange collateral increased from $162,361,654 to $442,210,765. The gain in commercial loans was only two-fifths as much, $151,795,029 to $259,340,272.

During the panic weeks bank loans on collateral were actually increased. Banks had the alternative of carrying their stock-gambling customers or of such a stock exchange crash as would imperil their own solvency. Therefore some of the banks stopped commercial discounts and cut down the credit of solvent merchants in order to use all their resources to protect their brokers' collateral. It will be recalled that interest rates ran up to 200 per cent one afternoon, and that only the $25,000,000 cash which Mr. Morgan secured from the United States Treasury and dumped at once into the stock exchange prevented the immediate failure of gamblers who had bet that stocks would go up.

In the first three weeks of the panic the New York clearing-house banks increased their total loans over $100,000,000, yet at the same time they actually reduced their commercial loans.

THE MACHINERY OF GAMBLING.

The system of stock gambling in Wall street is different from that in any European country. Here every day the broker goes through the farce of legitimate purchase and sale. After one broker has bought and another sold, each makes a memorandum, and the transaction is sent out through the ticker everywhere. Then each broker tabulates his transactions and sends to the stock exchange clearing house a copy, with a check for the difference between his price and the closing price. The clearing house sends out notices to the brokers, telling them who is to deliver what shares of stock and to whom.

The next morning every broker who is to receive stocks sends to his bank and gets certified checks for the sums he is to pay. Part of the money he had already arranged for through the system of time and call loans on stock exchange collateral. For the rest his bank allows him to overdraw his balance, commonly overcertifying therefor. Then before 2.15 p. m. every broker who is to deliver stocks sends around the certificates and receives these certified checks. After 2.15 p. m., and before the banks close, every broker in turn deposits the certified checks and the stocks which he has received in his bank to make good the overdraft the bank certified for him in the morning.

HOW IT IS DONE ABROAD.

Without the banks' assistance this whole system would be destroyed and the stock gamblers in New York would have to gamble as do the stock gamblers in London, Paris, and Frankfort, where this form of actual delivery in speculative transactions is not gone through with. Instead, there are fortnightly settlements, where the losers pay and the winners collect their winnings. Such a thing as a London stockbroker having the Bank of England or a Paris broker the Bank of France certify his check in advance and thus furnish the funds for him to gamble with is unheard of. The European stockbrokers gamble as do the London race-track bookmakers, who have their regular settlement day at Tattersalls.

On the London Stock Exchange settlements are made twice a month. On the Paris Bourse settlements are made once or twice a month. On the Frankfort Bourse there are semimonthly settlements. On the Berlin

Bourse there are settlements at times fixed by the Government regulation. If the parties desire to continue the gamble, a charge is made for an extension, but either party can quit the game and cash in at any time, just as in any other gambling house.

On the Continent these matters are regulated by the Government so that general industry will no more be interfered with by stock gambling than by gambling at cards or dice. The Prussian Government forbids the short selling of industrial stocks on the Berlin Bourse. Transactions on margins are forbidden, except in certain cases between registered parties. Unless a man registers his name as a stock gambler he can refuse to pay his losses. Transactions in futures on agricultural products are prohibited. In Paris, bourse agents are not allowed to operate on their own account. There is a tax on every order to buy or sell and on every completed transaction. The French system is analogous to the taxing, licensing, and regulation of ordinary gambling houses by the French Government.

The forms which the New York Stock Exchange go through to evade the New York gambling law are in vogue nowhere else.

GOVERNMENT REGULATION.

The French and German Governments treat stock gambling somewhat as race-track gambling is now treated in New York State, where it is permitted in race-track inclosures and forbidden elsewhere. But these continental governments go further. They even decide in what stocks and bonds they will allow gambling.

During the Japanese-Russian war the French Government instructed the Parisian brokers that no one might sell or offer for sale Russian bonds without giving their serial number. This prevented short selling. In Germany similar measures have been taken.

On both the Paris and London exchanges the brokers who do the buying and selling on the floor are distinct from the brokers who do business with the customers. The floor brokers do business only for other brokers, just as an English barrister—that is, the lawyer who tries the case in court—is not retained by the client, who deals with an office lawyer called the solicitor.

As a result of this separation of stock gambling from the banking business of the country the great drop in Russian bonds, hundreds of millions of dollars of which are owned in France, caused hardly a ripple on the surface of French trade and manufacture. The great fall in the market prices of South African gold and diamond mine stocks at the time of the Boer war did not shut off discounts and banking facilities to English manufacturers, forwarders, and merchants.

What other countries have done in segregating and restricting stock gambling the United States also must do, remembering always that Wall street also performs a legitimate function in providing capital for great enterprises and in affording a market for the actual sale of securities.

OVERCERTIFICATION.

The overcertification of checks is already a crime under the national banking law. Section 176 specifically prohibits the certification of any check "unless the person or company drawing the check has on deposit at the time such check is certified the amount of money equal to the amount certified in such check."

This, of course, prohibits certifying a check before 2.15 p. m. on the strength of deposits after 2.15 p. m. Its violation, however, is difficult to prove, and its evasion is easy by a broker putting in dummy notes at the time of certification.

STOCK-TRANSFER TAX.

One way to diminish stock-gambling is to increase the tax upon it. Last year one-quarter of the revenue of this State was derived from the $2 tax on every transfer of 100 shares of stock. The enormous amount of these stock-gambling transactions is shown by the fact that, in spite of gross evasions of payment, over $6,000,000 was collected, equivalent to 3,000,000 sales of 100-share lots. The ordinary broker's commission is one-eighth of 1 per cent on the par value, or $12.50 on 100 $100 shares. A tax of one-sixth of the broker's fee has had no appreciable effect to diminish the amount of stock gambling. Through the clearing-house system the floor traders escape this tax on many of their gambles by clearing stock and not delivering it.

This tax could be greatly increased. A tax of one-half of 1 per cent on all gambling transactions in stocks, grain, and cotton would pay all the State taxes, all the taxes of New York City, and all the taxes of every county, city, and town in the State.

ABOLISH STOCK GAMBLING.

To segregate stock gambling as is done in Europe and to make both unprofitable and illegal the use of other people's money by Wall street gamblers without the consent of the real owner, three short, simple changes in the State and national banking laws would suffice.

First—Require every bank to keep its legal reserve in the form of legal-tender money in its own vaults, instead of as bank credits in Wall street. This would retain in the banks of the manufacturing and agricultural sections of the country the real money necessary for wages and for moving the crops.

Second—Prohibit the payment of interest on demand deposits. A demand deposit is the correlative to a call loan, which is a Wall street gambling device. Commercial banks can not afford to pay interest on demand deposits. The stock-exchange banks can and do. By prohibiting any bank from paying interest except on time deposits the Wall street banks will be made unable to divert accounts which properly belong to commercial banks.

Third—Divide all check-account banks into two classes—commercial and finance; that is, banks of discount and deposit, which make loans only for the facilitation of trade, commerce, and manufacture, and finance banks, which loan for speculative purposes on promotions, syndicate allotments, stock-exchange collateral and the like. Then restrict every bank so that it may not do both kinds of business, and compel trust companies to be trust companies and not banks. This distinction has been long recognized in England, France, and Germany.

This remedy is national. These amendments to the banking laws would cut off the main source of supply by which the Wall street gamblers are enabled to risk other people's money.

But it is imperative to consider whether this gambling can not be entirely stopped. Certainly the State of New York can greatly restrict it by its power of taxation, which is the power to prohibit. The stock-transfer tax should be greatly increased. Like the excise tax, the receipts should be divided between the city and the State.

A tax of one-half of 1 per cent on all the transactions appearing on the clearing house sheets of the respective exchanges would be a trifling imposition on legitimate purchases and sales, and yet would raise on the basis of last year's transactions an amount more than sufficient to pay all the expenses of the city of New York and of the State government and of rebuilding the Erie Canal.

Such a tax would be less than the real estate broker's ordinary fee, and the legitimate transfer of real estate is in no way interfered with thereby. It would be exactly the same per cent as the real estate mortgage tax, which has facilitated loaning upon real estate and added to the marketability of real estate mortgages.

How much more important is it that Governor Hughes should rid legitimate business of the dominating evil of Wall street gambling than that mere race-track betting be suppressed.

Mr. HINSHAW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PERKINS, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, and had come to no resolution thereon.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4380. An act for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York—to the Committee on Interstate and Foreign Commerce.

S. 4098. An act for the construction of a steam vessel for the Revenue-Cutter Service for duty on the coast of Oregon—to the Committee on Interstate and Foreign Commerce.

S. 533. An act for the relief of A. A. Noon—to the Committee on Claims.

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of Senate Document No. 189, Fifty-eighth Congress, third session, being the report of the Public Lands Commission, with appendix; 1,500 copies for the use of the Public Lands Commission, 500 for the use of the Senate, and 500 copies for the use of the House of Representatives—

to the Committee on Printing.

SAN CLEMENTE ISLAND, CALIFORNIA.

By unanimous consent, the Committee on the Public Lands was discharged from the further consideration of the bill (H. R. 13099) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, and the same was referred to the Committee on Interstate and Foreign Commerce.

LORON W. FORREST.

By unanimous consent, at the request of Mr. KIPP, leave was obtained to withdraw from the files of the House, without leaving copies, the papers in the case of Loron W. Forrest, Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HINSHAW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the East Washington Heights Traction Railroad Company, transmitting the report of the company for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Secretary of the Treasury, recommending legislation relating to the administration of the revenue law applying to dealers in oleomargarine—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for medical equipment—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Interior, transmitting draft of proposed legislation for the abolition of the land office at Des Moines, Iowa—to the Committee on the Public Lands and ordered to be printed.

A letter from the Commissioner of Patents, transmitting the report of his office for the calendar year 1907—to the Committee on Patents and ordered to be printed.

A letter from the president of the Washington Gas Light Company, transmitting a detailed statement of the business of the company and list of its stockholders for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the secretary and general manager of the Georgetown Gaslight Company, transmitting a detailed statement of the business, with a list of the stockholders of the company, for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, reported the same without amendment, accompanied by a report (No. 621), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10442) granting an increase of pension to John Sullivan, reported the same with amendment, accompanied by a report (No. 544), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9811) granting an increase of pension to Daniel H. Sumner, reported the same with amendment, accompanied by a report (No. 545), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3350) granting an increase of pension to Edward M. Lee, reported the same with amendments, accompanied by a report (No. 546), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8745) granting an increase of pension to Cornelius W. Smith, reported the same with amendments, accompanied by a report (No. 547), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 8053) granting an increase of pension to Samuel Cozine, reported the same without amendment, accompanied by a report (No. 548), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7879) granting an increase of pension to Hiram Still, reported the same without amendment, accompanied by a report (No. 549), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7223) granting an increase of pension to Jeremiah Keefe, reported the same without amendment, accompanied by a report (No. 550), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6736), granting an increase of pension to Rosenia Writer, reported the same without amendment, accompanied by a report (No. 551), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5636), granting an increase of pension to Davis E. James, reported the same without amendment, accompanied by a report (No. 552), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2354), granting an increase of pension to Amos Foust, reported the same without amendment, accompanied by a report (No. 553), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2200) granting an increase of pension to William H. H. Lang, reported the same without amendment, accompanied by a report (No. 554), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1496) granting an increase of pension to Elbert M. Watts, reported the same with amendments, accompanied by a report (No. 555), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1062) granting an increase of pension to Charles C. Weaver, reported the same without amendment, accompanied by a report (No. 556), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14314) granting an increase of pension to Randolph Snell, reported the same with amendment, accompanied by a report (No. 557), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14427) granting an increase of pension to Calvin Morehead, reported the same with amendments, accompanied by a report (No. 558), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13951) granting an increase of pension to William Herbert, reported the same with amendments, accompanied by a report (No. 559), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13355) granting an increase of pension to Samuel A. Slemmons, reported the same with amendments, accompanied by a report (No. 560), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13137) granting an increase of pension to Thomas J. Shaffner, reported the same with amendments, accompanied by a report (No. 561), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13065) granting an increase of pension to John E. Lapeley, reported the same with amendments, accompanied by a report (No. 562), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12811) granting an increase of pension to John Riley, reported the same with amendment, accompanied by a report (No. 563), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11937) granting an increase of pension to William A. Couch, reported the same with amendment, accompanied by a report (No. 564), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11911) granting an increase of pension to Samuel Beckley, reported the same without amendment, accompanied by a report (No. 565), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11286) granting a pension to John H. Stephens, reported the same with amendments, accompanied by a report (No. 566), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11120) granting an increase of pension to John T. Hogg, reported the same with amendments, accompanied by a report (No. 567), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11055) granting an increase of pension to Joseph Price, reported the same with amendment, accompanied by a report (No. 568), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10949) granting an increase of pension to Leonard C. Hill, reported the same with amendment, accompanied by a report (No. 569), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10930) granting an increase of pension to Robert H. Barton, reported the same with amendment, accompanied by a report (No. 570), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10753) granting an increase of pension to Michael P. Donley, reported

the same with amendment, accompanied by a report (No. 571), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10307) granting an increase of pension to Susan Harkey, reported the same with amendments, accompanied by a report (No. 572), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3339) granting an increase of pension to James M. Neal, reported the same with amendment, accompanied by a report (No. 573), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2846) granting an increase of pension to Linsay C. Jones, reported the same with amendment, accompanied by a report (No. 574), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5639) granting an increase of pension to George S. Bennett, reported the same with amendment, accompanied by a report (No. 575), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4539) granting an increase of pension to John W. Pressley, reported the same with amendment, accompanied by a report (No. 576), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4538) granting an increase of pension to Charles F. Read, reported the same with amendment, accompanied by a report (No. 577), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House H. R. 4094) granting a pension to John B. Southworth, reported the same with amendments, accompanied by a report (No. 578), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14632) granting an increase of pension to Mary Ten Eick, reported the same with amendments, accompanied by a report (No. 579), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14570) granting a pension to George W. Eggleston, reported the same with amendments, accompanied by a report (No. 580), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14477) granting an increase of pension to Edward Carr, reported the same with amendments, accompanied by a report (No. 581), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14453) granting an increase of pension to Henry H. Taylor, reported the same with amendment, accompanied by a report (No. 582), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14807) granting an increase of pension to Cornelius D. McCombs, reported the same with amendments, accompanied by a report (No. 583), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14829) granting an increase of pension to Andrew J. Black, reported the same with amendment, accompanied by a report (No. 584), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14869) granting an increase of pension to Carlos L. Buzzell, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14916) granting an increase of pension to James Tenbrook, reported the same without amendment, accompanied by a report (No. 586), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14982) granting a pension to Missouri L. Herron, reported the same with amendment, accompanied by a report (No. 587), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12936) granting an increase of pension to Cynthia Benson, reported the same with amendments, accompanied by a report (No. 588), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to whfch was referred the bill of the House (H. R. 15305) granting an increase of pension to Edward B. Wright, reported the same with amendments, accompanied by a report (No. 589), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14621) granting an increase of pension to Thomas A. Sorrell, reported the same with amendments, accompanied by a report (No. 590), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15380) granting an increase of pension to Cleanthus Burnett, reported the same with amendment, accompanied by a report (No. 591), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4265) granting a pension to John W. Hudson, reported the same without amendment, accompanied by a report (No. 592), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4355) granting a pension to John M. Hoisington, reported the same with amendments, accompanied by a report (No. 593), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4934) granting an increase of pension to Hiram Woods, reported the same with amendments, accompanied by a report (No. 594), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10692) granting an increase of pension to David H. House, reported the same with amendments, accompanied by a report (No. 595), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13152) granting an increase of pension to John H. Sain, reported the same with amendments, accompanied by a report (No. 596), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13962), granting an increase of pension to John D. Wells, reported the same with amendment, accompanied by a report (No. 597), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14716) granting an increase of pension to Henry M. Waters, reported the same with amendments, accompanied by a report (No. 598), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2175) granting an increase of pension to Mittie Mitchell Choate, reported the same with amendments, accompanied by a report (No. 599), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5868) granting a pension to Jane Dorsey, reported the same with amendment, accompanied by a report (No. 600), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7288) granting an increase of pension to John J. Banks, reported the same with amendment, accompanied by a report (No. 601), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7325) granting an increase of pension to Joseph Chisam, reported the same

with amendment, accompanied by a report (No. 602), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7431) granting a pension to Florence K. Patterson, reported the same with amendments, accompanied by a report (No. 603), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7432) granting a pension to Worthington Fringer, reported the same with amendments, accompanied by a report (No. 604), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7439) granting an increase of pension to Joshua Gill, reported the same with amendment, accompanied by a report (No. 605), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7790) granting an increase of pension to Milo L. Pierce, reported the same with amendment, accompanied by a report (No. 606), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7792) granting a pension to Susan A. Jackson, reported the same with amendments, accompanied by a report (No. 607), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7893) granting an increase of pension to Sarah J. Toncray, reported the same with amendments, accompanied by a report (No. 608), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8489) granting a pension to Adelaide Holland, reported the same with amendments, accompanied by a report (No. 609), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8640) granting an increase of pension to Barbara Haase, reported the same with amendment, accompanied by a report (No. 610), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4387) granting an increase of pension to Margaret Orst, reported the same with amendments, accompanied by a report (No. 611), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4072) granting a pension to Henry B. Keffer, reported the same with amendments, accompanied by a report (No. 612), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8644) granting an increase of pension to Ida W. Maples, reported the same with amendment, accompanied by a report (No. 613), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8829) granting an increase of pension to Milton Frame, reported the same with amendment, accompanied by a report (No. 614), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9768) granting an increase of pension to Martha A. Atkinson, reported the same with amendment, accompanied by a report (No. 615), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9813) granting an increase of pension to Henry L. Williams, reported the same with amendment, accompanied by a report (No. 616), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10040) granting an increase of pension to Milton Williams, reported the same with amendment, accompanied by a report (No. 617), which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12484) for the relief of the Citizens' Bank of Louisiana, reported the same without amendment, accompanied by a report (No. 620), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 1815) for the relief of the estate of D. S. Phelan—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 13746) granting a pension to Martin Bolster—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: A bill (H. R. 16051) to authorize the Centerville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River in said State at or near Centerville, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. LILLEY: A bill (H. R. 16052) to amend an act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents—to the Committee on Pensions.

By Mr. HINSHAW (by request): A bill (H. R. 16053) granting certain pensions to blind children of civil-war soldiers—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16054) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. SMITH of Michigan: A bill (H. R. 16055) regulating certain licenses in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 16056) to amend section 10 of an act approved August 14, 1894, entitled "An act to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes"—to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 16057) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 16058) to authorize the President to appoint a commissioner to settle the boundary lines between the Territory of New Mexico and the State of Oklahoma and the State of Texas in conjunction with a commissioner appointed by the State of Texas, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 16059) to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma and to extend the time of payment on certain homestead entries upon said land heretofore sold, and for other purposes—to the Committee on Indian Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 16060) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. SABATH: A bill (H. R. 16061) to provide compensation for employees solely engaged in interstate commerce to which the regulative power of Congress extends under the Constitution of the United States, and to create a commission of injury awards, and granting powers to said commission—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 16062) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and certain other laws and regulations in so far as they relate to the registration of deaths and the disposal of dead bodies, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 16063) to regulate the employment of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 16064) to amend an act approved July 1, 1902, entitled "An act to amend an act entitled 'An act in relation to taxes and tax sales in the District of Columbia,' approved February 28, 1898"—to the Committee on the District of Columbia.

Also, a bill (H. R. 16065) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902—to the Committee on the District of Columbia.

Also, a bill (H. R. 16066) providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 16067) to amend section 491n of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 16068) to regulate the production and sale of milk, cream, ice cream, and butter, and of cottage cheese, and similar milk products in and for the District of Columbia—to the Committee on the District of Columbia.

By Mr. PAYNE: A bill (H. R. 16069) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

By Mr. SMITH of Missouri: A bill (H. R. 16070) relating to conspiracies in cases that now or hereafter may arise within the jurisdiction of the laws of the courts of the United States—to the Committee on the Judiciary.

By Mr. WILLIAMS: A bill (H. R. 16071) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

Also, a bill (H. R. 16072) to place crude petroleum and the products of crude petroleum, whencesoever imported, on the free list—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: A bill (H. R. 16073) to authorize the town of Edgecomb, Lincoln County, Me., to maintain a free bridge across tide waters—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: A bill (H. R. 16074) to confer additional powers on the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIG: A bill (H. R. 16075) to amend an act authorizing the construction of dams and power stations on the Coosa River, at Lock Two, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: A bill (H. R. 16076) providing for the purchase of a site and the erection thereon of a public building at Defiance, in the State of Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16077) to amend sections 1791 and 1792 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BONYNGE: A bill (H. R. 16078) providing for second desert-land entries—to the Committee on the Public Lands.

By Mr. McKINNEY: A bill (H. R. 16079) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. LASSITER: A bill (H. R. 16080) to increase the limit of cost for the extension, remodeling, or improvement of the United States post-office and custom-house at Petersburg, Va.—to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 16081) granting pensions to the widows and minor children of United States marshals and deputy marshals whose husbands and fathers were killed while in the discharge of their official duties—to the Committee on Reform in the Civil Service.

By Mr. DOUGLAS: A bill (H. R. 16082) to create in the Department of Commerce and Labor a Bureau of Mines—to the Committee on Mines and Mining.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 16083) to authorize the establishment of a light and fog-signal ship on or near the southeast shoal off North Manitou Island, Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Tennessee: A bill (H. R. 16084) requiring the assessment and collection of taxes imposed by the income-tax law of August 28, 1894—to the Committee on Ways and Means.

By Mr. TAWNEY: A bill (H. R. 16085) to levy a tax upon the issuance of coupons, prize tickets, and other devices, and on the redemption, payment, purchase, or exchange of coupons, prize tickets, tags, bands, or other articles, things, or parts of articles or things that shall have been attached to, packed in or with or formed a part of or encircling or given with any manufactured tobacco, cigar or cigars, cigarette or cigarettes, or snuff, or any stamped package or receptacle thereof—to the Committee on Ways and Means.

By Mr. ALEXANDER of New York: A bill (H. R. 16086) amending an act entitled "An act for the control and regulation of the waters of Niagara River for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906—to the Committee on Rivers and Harbors.

By Mr. STURGISS: A bill (H. R. 16087) authorizing certain extensions to be made in the lines of the Capital Railway Company in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A bill (H. R. 16088) to increase the salaries of certain officials and employees in the Pension Bureau, Department of the Interior—to the Committee on Appropriations.

By Mr. MACON: A bill (H. R. 16089) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 16090) relating to jurisdiction on appeals in the court of appeals of the District of Columbia in cases relating to public and Indian lands, and for other purposes—to the Committee on the Public Lands.

By Mr. HASKINS (by request): A bill (H. R. 16091) to regulate the appointment of pharmacists in the Public Health and Marine-Hospital Service of the United States, and to fix their pay and allowances—to the Committee on Expenditures in the Treasury Department.

By Mr. LANGLEY: A bill (H. R. 16092) to repeal the provisions of the act of July 7, 1884, limiting the compensation of storekeepers and gaugers in certain cases to $2 a day, and for other purposes—to the Committee on Expenditures in the Treasury Department.

Also, a bill (H. R. 16093) to amend section 4716 of the Revised Statutes and the joint resolution approved July 1, 1902—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16094) for the benefit of Federal soldiers and State militiamen who were confined in Confederate military prisons during the war of the rebellion—to the Committee on War Claims.

Also, a bill (H. R. 16095) to extend the provisions of the pension laws to officers and enlisted men of State military organizations who rendered military service to the Union during the war of the rebellion and to their widows, minor children, and dependent parents—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 16096) to provide for a census of the standing timber in the United States—to the Committee on the Census.

By Mr. STEENERSON: A bill (H. R. 16097) for the relief of homestead entrymen—to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 16098) for the construction of a dredge for use on the western shore of Lake Huron, State of Michigan—to the Committee on Rivers and Harbors.

By Mr. LANDIS: A bill (H. R. 16099) permitting the building of a dam across the White River, near the village of Decker, in Knox County, in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 125) to provide for an examination of Cahaba River, Alabama—to the Committee on Rivers and Harbors.

By Mr. CARY: Joint resolution (H. J. Res. 126) providing for an investigation into alleged illegal practices and breaches of trust on the part of the Western Union Telegraph Company and the Postal Telegraph and Cable Company—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Joint resolution (H. J. Res. 127) to make immediately available the sum of $2,500 of the appropriation in rivers and harbors act of March 3, 1899, for improving Fox River, Wisconsin—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Joint resolution (H. J. Res. 128) ap-

pointing a commission to investigate the recent mining disasters in certain States—to the Committee on Labor.

By Mr. BATES: Resolution (H. Res. 214) expressing sympathy with the Polanders in Prussia in their efforts to maintain their property rights—to the Committee on Foreign Affairs.

By Mr. LEGARE: Resolution (H. Res. 215) for the increase of salaries of House employees—to the Committee on Accounts.

By Mr. DRAPER: Resolution (H. Res. 216) for additional pay to one of the assistant clerks in the House document room—to the Committee on Accounts.

By Mr. DAVENPORT: Memorial of the legislature of Oklahoma concerning legislation to restore the rivers tributary to the Mississippi and the Arkansas rivers to navigable streams—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 16100) granting an increase of pension to Charles Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16101) granting an increase of pension to Harrison Deems—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16102) granting an increase of pension to James A. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16103) granting an increase of pension to Thomas T. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16104) granting a pension to Rachel R. Shuler—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 16105) granting an increase of pension to Jacob Swatzentrub—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16106) granting an increase of pension to Levi Wells—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 16107) granting a pension to Ambrose Giseburt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16108) granting an increase of pension to Francis M. Burnett—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 16109) granting an increase of pension to Philip L. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16110) granting an increase of pension to Pascualita J. G. De Anaya—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16111) granting an increase of pension to James T. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16112) granting an increase of pension to W. F. Blanchard—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R 16113) granting a pension to James Kightlinger—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 16114) granting a pension to Irad McElhoes—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 16115) granting an increase of pension to John Cooper—to the Committee on Invalid Pensions.

By Mr. BINGHAM (by request): A bill (H. R. 16116) for the relief of Parsey O. Burrough, who survived Henry S. Hannis, late copartners, trading as Henry S. Hannis & Co.—to the Committee on Claims.

Also, a bill (H. R. 16117) granting a pension to Annie Valerie Stockton—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16118) granting an increase of pension to H. C. Doll—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 16119) for the relief of Isaac Sutton—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 16120) granting an increase of pension to John West—to the Committee on Pensions.

Also, a bill (H. R. 16121) granting an increase of pension to Oliver T. French—to the Committee on Invalid Pensions.

Also a bill (H. R. 16122) granting an increase of pension to E. B. Koenig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16123) to correct the military record of James Miner—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 16124) for the relief of the estate of James S. Wilson, of Neshoba County, Miss.—to the Committee on War Claims.

By Mr. BURKE: A bill (H. R. 16125) granting an increase of pension to Francis Gault—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 16126) granting an increase of pension to Adele Jeanette Hughes—to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 16127) to place the name of Emma A. Trott upon the roll of intermarried citizens of the Cherokee tribe of Indians—to the Committee on Indian Affairs.

By Mr. CAMPBELL: A bill (H. R. 16128) granting an increase of pension to William H. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16129) granting an increase of pension to Ormas R. Doolittle—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 16130) granting a pension to J. P. Rodier—to the Committee on Pensions.

Also, a bill (H. R. 16131) granting a pension to Virginia E. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16132) granting an increase of pension to George R. Brandon—to the Committee on Pensions.

Also, a bill (H. R. 16133) granting an increase of pension to Sophia C. Hillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16134) for the relief of Burke & Marshall—to the Committee on Claims.

Also, a bill (H. R. 16135) for the relief of Eliza Mountjoy—to the Committee on Claims.

Also, a bill (H. R. 16136) for the relief of George Umbaugh—to the Committee on Claims.

Also, a bill (H. R. 16137) for the relief of James S. Garrison—to the Committee on Claims.

Also, a bill (H. R. 16138) for the relief of Robert D. Embry—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 16139) granting a pension to William McCrocklin—to the Committee on Pensions.

Also, a bill (H. R. 16140) granting an increase of pension to Samuel Dillon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16141) granting an increase of pension to Robert C. Thorlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16142) granting an increase of pension to Jacob Adams—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. CRAVENS: A bill (H. R. 16144) granting an increase of pension to Louis Knoll—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 16145) granting an increase of pension to John Bowzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16146) granting an increase of pension to Nathan G. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16147) granting an increase of pension to G. S. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16148) granting an increase of pension to William R. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16149) granting a pension to John W. Richardson—to the Committee on Pensions.

Also, a bill (H. R. 16150) granting a pension to J. C. Farrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16151) granting a pension to Willis J. Gambel—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 16152) granting a pension to Albert S. Lowe—to the Committee on Pensions.

By Mr. DENVER: A bill (H. R. 16153) to amend the military record of Capt. Thomas M. Elliott—to the Committee on Military Affairs.

By Mr. DIXON: A bill (H. R. 16154) granting a pension to Edwin A. Cobb—to the Committee on Pensions.

Also, a bill (H. R. 16155) granting an increase of pension to James G. W. Hardy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16156) granting an increase of pension to George W. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16157) granting an increase of pension to Thomas Godfrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16158) granting an increase of pension to Isaac M. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16159) granting an increase of pension to Charles W. Burkhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16160) granting an increase of pension to Henry Strassner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16161) granting an increase of pension to William H. Lamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16162) granting an increase of pension to Rebecca J. Forry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16163) granting an increase of pension to James Marlett—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 16164) granting an increase of pension to Rolando S. Fuller—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 16165) for the relief of the Barse Live Stock Commission Company—to the Committee on Claims.

By Mr. FLOYD: A bill (H. R. 16166) granting an increase of pension to Wilbur F. Kellogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16167) granting a pension to John A. Cockrum—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 16168) authorizing the Secretary of War to bestow a medal of honor upon Maj. J. O. Skinner, surgeon United States Army, retired—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 16169) granting an increase of pension to Donald Swanson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16170) granting an increase of pension to Robert Anderson—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 16171) for the relief of John Ware—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 16172) granting a pension to Flora R. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16173) granting a pension to Maria Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16174) granting a pension to Ann T. Holbrook—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 16175) for the relief of A. M. Gildea—to the Committee on Claims.

Also, a bill (H. R. 16176) for the relief of A. M. Gildea and Mary A. Gildea, widow of James E. Gildea—to the Committee on Claims.

By Mr. GILLESPIE: A bill (H. R. 16177) granting an increase of pension to Andrew J. Peters—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 16178) for the relief of Felipe de Jesus Cantee—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 16179) for the relief of Wilson L. Lowery—to the Committee on Pensions.

Also, a bill (H. R. 16180) for the relief of the estate of William F. Sharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16181) granting an increase of pension to Barzilla T. Monday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16182) to remove the charge of desertion now standing against Thomas Martin—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 16183) granting an increase of pension to Mahlon N. Boardman—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 16184) granting an increase of pension to James Cochran Key—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 16185) granting an increase of pension to Eva F. Holdridge—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 16186) providing for a certain construction of the pension laws of the United States in relation to Captain Stufft's independent company Indian Scouts, Nebraska Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16187) granting an increase of pension to Rufus H. Washburn—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 16188) granting an increase of pension to James H. Sickles—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 16189) granting a pension to Henry W. Elbridge—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 16190) granting an increase of pension to George W. Fitzgerald—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 16191) to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 16192) granting an increase of pension to Eva Seeley—to the Committee on Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 16193) granting a pension to Charles J. Burget—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16194) granting a pension to William F. Paris—to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 16195) granting a pension to B. A. Moreland—to the Committee on Pensions.

Also, a bill (H. R. 16196) granting an increase of pension to Mary Fowler—to the Committee on Pensions.

Also, a bill (H. R. 16197) for the relief of the heirs of Samuel A. Nelson—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16198) granting an increase of pension to R. H. Dedrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16199) to correct the military record of Fred Hamilton—to the Committee on Military Affairs.

Also, a bill (H. R. 16200) for the relief of the trustees of the Union Church, at Woodsonville, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 16201) for the relief of Abner Goodman—to the Committee on War Claims.

Also, a bill (H. R. 16202) for the relief of Gardner Hawkins—to the Committee on War Claims.

Also, a bill (H. R. 16203) for the benefit of Harriet Mosley—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 16204) for the relief of Bernard Campbell—to the Committee on Claims.

By Mr. KEIFER: A bill (H. R. 16205) granting an increase of pension to John Detrick—to the Committee on Invalid Pensions.

By Mr. LAMAR of Florida: A bill (H. R. 16206) to relinquish title in certain land to Leslie E. Brooks—to the Committee on the Public Lands.

By Mr. LANGLEY: A bill (H. R. 16207) granting an increase of pension to John F. Sebastian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16208) granting a pension to George Amerine—to the Committee on Pensions.

Also, a bill (H. R. 16209) to correct the military record of James Webb—to the Committee on Military Affairs.

By Mr. LILLEY: A bill (H. R. 16210) granting a pension to Mary Spillane—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 16211) granting a pension to Louis F. Koch—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 16212) authorizing the appointment of Col. A. L. Varney, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 16213) authorizing the appointment of Lieut. Col. O. W. Pollock, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 16214) authorizing the appointment of Maj. Mason Carter, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 16215) granting an increase of pension to Isaac S. Wyant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16216) granting an increase of pension to Joshua R. Winn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16217) granting an increase of pension to Samantha E. Merrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16218) granting an increase of pension to Mrs. Robert B. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16219) granting an increase of pension to John M. Milhollen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16220) granting an increase of pension to Gottlieb Schaubel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16221) granting an increase of pension to Joseph Southard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16222) granting an increase of pension to Job Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16223) granting an increase of pension to Daniel D. Slocum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16224) granting an increase of pension to Rebecca J. Rains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16225) granting an increase of pension to Daniel W. Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16226) granting an increase of pension to John Lanier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16227) granting an increase of pension to Henry S. Cowger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16228) granting an increase of pension to James E. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16229) granting an increase of pension to Daniel Debaun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16230) granting an increase of pension to Aylett R. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16231) granting an increase of pension to Jacob Haylett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16232) granting a pension to Mickel Zwicky—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 16233) granting an increase of pension to Harriett Winnie—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 16234) providing for the determination and payment of claims of certain Indian traders and others against the Menominee tribe of Indians in Wisconsin and against individual members of said tribe—to the Committee on Indian Affairs.

By Mr. OVERSTREET: A bill (H. R. 16235) appropriating money to pay the claim of Mattie E. Wheat, widow of James C. Wheat, deceased, for expenses incurred as adjutant of the Forty-ninth Indiana Volunteers, war of the rebellion—to the Committee on War Claims.

By Mr. PARKER of New Jersey: A bill (H. R. 16236) granting an increase of pension to Thomas Sheppard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16237) granting an increase of pension to Amanda Bonnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16238) granting an increase of pension to Sarah B. Goehler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16239) granting an increase of pension to Mary A. Taylor—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 16240) for the relief of P. R. Hatch—to the Committee on Claims.

Also, a bill (H. R. 16241) granting an increase of pension to Sarah W. Passmore—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 16242) granting a pension to Bertha I. Whitney—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 16243) granting a pension to William H. Liter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16244) granting a pension to Nettie Eckler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16245) granting a pension to Mary Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16246) granting an increase of pension to Mary Kearns—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 16247) for the relief of the heirs of the late Hugh Rowen—to the Committee on War Claims.

Also, a bill (H. R. 16248) for the relief of the heirs of George Sink—to the Committee on War Claims.

Also, a bill (H. R. 16249) granting an increase of pension to Stephen P. Moore—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16250) granting a pension to James Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16251) granting an increase of pension to John Welker—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 16252) granting a pension to Julia E. Wells—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 16253) for the relief of David F. Ragsdale—to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 16254) granting a pension to B. C. Dragoo—to the Committee on Pensions.

Also, a bill (H. R. 16255) granting a pension to Jack W. Long—to the Committee on Pensions.

Also, a bill (H. R. 16256) granting a pension to J. M. Dragoo—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 16257) granting an increase of pension to John Hatcher—to the Committee on Pensions.

Also, a bill (H. R. 16258) granting a pension to James A. Thomas—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 16259) to increase the pension of Absolom Wood—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 16260) granting a pension to George W. Webb—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 16261) authorizing the President to nominate and appoint William Lay Patterson a captain and quartermaster, United States Army—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 16262) granting an increase of pension to Thomas J. De Bolt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16263) granting an increase of pension to David Monticue—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 16264) granting an increase of pension to Anna J. Franklin—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 16265) granting an increase of pension to Charles Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16266) granting an increase of pension to William Lamon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16267) granting a pension to Lydia Ann Gregory—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

The SPEAKER: Petition of Los Angeles (Cal.) Chamber of Mines, requesting the establishment of a Bureau of Mines—to the Committee on Mines and Mining.

Also, petition of Rhineland Post, Grand Army of the Republic, of Missouri, for placing the enrolled militia on the pension roll—to the Committee on Invalid Pensions.

Also, petition of Robert D. Kinney, of Philadelphia, Pa., asking for an inquiry into the course pursued by Hon. R. W. Archebold, United States judge, in case of Robert D. Kinney against Commonwealth of Pennsylvania—to the Committee on the Judiciary.

Also, petition of Civil Service Reform Association of Chicago, in favor of civil-service law for next census—to the Committee on the Census.

Also, petition of wholesale and retail hardware joint committee, of Fort Smith, Ark., protesting against establishment of parcels-post—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: Paper to accompany bill for relief of James A. Morgan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Mary McNally—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John B. Shellenberger—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas S. Vail—to the Committee on Military Affairs.

By Mr. ADAIR: Paper to accompany bill for relief of William W. Angel—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of Maria H. Motsinger and Francis M. Burnett—to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of Peter Carroll and others, voters of the First Congressional District of Kansas, in favor of H. R. 7691, for adjustment and payment of accounts of laborers arising under the eight-hour law (June 24, 1868)—to the Committee on Claims.

By Mr. BARTLETT of Georgia: Petition of Upson County (Ga.) Farmers' Educational Cooperative Union, favoring the passage of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Paper to accompany bill for relief of John Cooper—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Petition of T. S. Hughes and 18 other citizens of Tennessee, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of John Hogan (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BURTON of Ohio: Petition of Cleveland Printing Pressmen's Union, asking repeal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Local Union No. 22 of International Electrotypers, asking repeal of duty on white paper—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, asking repeal of act of February 2, 1901—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of Local Union No. 465, United Brotherhood of Carpenters and Joiners, for Government-built ships to be constructed at the League Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. CALDER: Petition of Alfred Winder, for H. R. 175, for pensioning military telegraphers—to the Committee on Invalid Pensions.

Also, petition of North Side Board of Trade, of New York, for annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of mass meeting of the Poles in New York against the Polish expropriation bill and the public meetings bill now pending in legislatures of Prussia and Germany—to the Committee on Foreign Affairs.

Also, petition of National German-American Alliance, for repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of Flint Wagon Works, of Flint, Mich., for bill providing for census of stumpage—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Gottfried Rossberg—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Sidney Raphael—to the Committee on Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of Samuel Dillon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William McCracklin—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of National German-American Alliance of Missouri and Southern Illinois, for repeal of canteen law—to the Committee on Military Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Robert C. Thorlton—to the Committee on Invalid Pensions.

By Mr. COUDREY: Papers to accompany bills for relief of Freda Burow, Morris Lavin, and Jesse H. Wade—to the Committee on Pensions.

Also, petition of International Brotherhood of Bookbinders, for removal of duty on white paper, wood pulp, etc., and all material of their manufacture—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Margaret C. Storts and Robert C. Pate—to the Committee on Invalid Pensions.

Also, petition of B. H. Mann, for H. R. 10457, for acquiring national forests in southern Appalachian and White mountains—to the Committee on Agriculture.

By Mr. CRAVENS: Paper to accompany bill for relief of Rebeckah Williams (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. DARRAGH: Petition of Birton I. Gee and 197 other citizens of Michigan, against the reduction of existing tariff rates on sugar importations from our insular possessions or other countries—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of citizens of Syracuse against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DUNWELL: Petition of Flint Wagon Works, of Flint, Mich., favoring bill to obtain census of stumpage of timber in United States—to the Committee on Agriculture.

Also, petition of mass meeting of Poles in New York City, against Polish expropriation bill now pending in the legislatures of Prussia and Germany—to the Committee on Foreign Affairs.

Also, petition of South Bend (Ind.) National Bank, for currency legislation—to the Committee on Banking and Currency.

Also, petition of National German-American Alliance, against an interstate liquor law—to the Committee on the Judiciary.

Also, petition of N. Johannsen, for currency legislation—to the Committee on Banking and Currency.

Also, petition of North Side Board of Trade of New York City, for annual appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. ELLIS of Oregon: Petition of citizens of Clatskanie, Oreg., for $25,000 for improvement of the Clatskanie River—to the Committee on Rivers and Harbors.

Also, petition of Veteran Volunteer Officers of Union Army, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Local Union No. 210, International Typographical Union, of Oregon, for repeal of duty on white paper—to the Committee on Ways and Means.

Also, petition of C. L. Daggett and F. G. Forbes, of Marine Engineers' Brotherhood of America, No. 41, of Portland, Oreg., for increasing efficiency of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Methodist Church South and Baptist and Christian churches, of Heppner, Oreg., for Littlefield bill—to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Milwaukee, Wis., for amendment of Crumpacker bill (H. R. 7597) so that the clerical force for taking census may qualify by competitive examination—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Petition of North Side Board of Trade, of New York City, for an annual appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of Government Town Site Protective Association, for investigation of the Segregated Coal Land Settlers' Association—to the Committee on the Public Lands.

Also, petition of National German-American Alliance, against interstate liquor legislation—to the Committee on the Judiciary.

Also, petition of National German-American Alliance of Missouri and Southern Illinois, for repeal of canteen law—to the Committee on Military Affairs.

By Mr. FULLER: Paper to accompany bill for relief of Matilda B. Aldrich (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petition of Commercial Travelers' Congress, San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Institute of Electrical Engineers, for legislation to preserve and perpetuate national forests—to the Committee on Agriculture.

Also, petition of Kingman Plow Company, of Illinois, for currency legislation—to the Committee on Banking and Currency.

By Mr. FULTON: Paper to accompany bill for relief of James Houston—to the Committee on War Claims.

Also, paper to accompany bill for relief of Jacob Mull—to the Committee on Military Affairs.

By Mr. GARNER: Petition of Del Rio Business Men's Club and others, of Del Rio, Tex., for appropriation of $100,000 for public building at Del Rio (H. R. 3890)—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of A. M. Gildea—to the Committee on Claims.

By Mr. GOEBEL: Petition of Local Union No. 2, German-American Printers' Union, for repeal of duty on white paper—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Marine Trades Councils of New York City, for building battle ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. GRAHAM: Petition of D. R. Reynolds for Kittredge copyright bill (S. 2900)—to the Committee on Patents.

Also, petition of Bradhurst Schieffelin, secretary of Citizens' Alliance, for legislation to effect limitation of inheritance tax—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of storekeepers and gaugers, of Pittsburg, Tenn., for increase of salary of storekeepers and gaugers to $3 per day and twenty-six days' vacation with pay—to the Committee on Ways and Means.

Also, petition of San Diego (Cal.) Chamber of Commerce for appropriation to improve Pearl Harbor—to the Committee on Rivers and Harbors.

Also, petition of Commercial Travelers' Congress of San Francisco, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGGOTT: Petition of C. D. Neff and 156 other citizens of Fort Collins, Colo.; W. H. Farr and 107 other citizens of Colorado, and William F. Slocum and 135 other citizens of Colorado, in favor of a volunteer officers' retired list law—to the Committee on Military Affairs.

By Mr. HALE: Petition of R. N. Hood Post, Grand Army of the Republic, Department of Tennessee, for passage of two bills by the Hon. N. W. HALE for pension of $30 per month for soldiers and $12 per month for their widows—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany H. R. 15575, for the relief of Rhoda A. Jones—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Zach Taylor Post, No. 42, Grand Army of the Republic, for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of churches of Chariton, Iowa, for passage of original-package liquor bill—to the Committee on the Judiciary.

Also, petition of College Springs (Iowa) Presbytery, for legislation prohibiting traffic in opium—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Company C, of Rockville, Conn., and Company A, First Infantry, Connecticut National Guard, for bill promoting efficiency of the militia—to the Committee on Militia.

By Mr. HINSHAW: Petition of third-class postmasters of the Fourth Congressional District, for increase of salaries of clerks in third-class offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nebraska Park and Forestry Association, for forest preservation—to the Committee on Agriculture.

Also, paper to accompany bill for relief of L. J. Blowers—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Hann—to the Committee on Invalid Pensions.

Also, petition of Prof. W. E. Jellson, opposing certain provisions of H. R. 11794—to the Committee on Patents.

Also, petition of Lincoln Commercial Club, for legislation making all interstate rates apply as maxima at directly intermediate points, and that tariffs shall so state—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: Petition of citizens of Utah, against H. R. 243, in that portion inimical to rights of musical composers—to the Committee on Patents.

Also, petition of George T. Odell, for a uniform classification of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Club of Salt Lake City, Utah, for financial legislation—to the Committee on Banking and Currency.

By Mr. HULL of Iowa: Petition of O'Donnell Printing Company and others, of Iowa, for repeal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

By Mr. OLLIE M. JAMES: Petition of hundreds of citizens of Oklahoma, asking that the inscription "In God we trust" be restored to our coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of C. F. Long and other citizens of Graves County, Ky., in favor of nine-hour bill for telegraphers—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of Ernest Woodward (previously referred to Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of Nannie E. Lenderman—to the Committee on Pensions.

Also, paper to accompany bill for relief of Mary Fowler—to the Committee on Pensions.

Also, paper to accompany bill for relief of Samuel A. Nelson—to the Committee on War Claims.

Also, paper to accompany bill for relief of Thomas H. Emory—to the Committee on Pensions.

Also, paper to accompany bill for relief of Harrot Mosley—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of shipbuilders on the Pacific coast, recommending passage of a bill to register the barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Shipowners' Association of the Pacific, for ocean mail subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Stodebaker Brothers, of California, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Canners' League of California, for amending interstate-commerce law preventing change in rates without supervision of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of German-American Alliance, for repeal of canteen law—to the Committee on Military Affairs.

Also, petition of John J. Field, H. H. Oellig, Charles J. Parker, George M. Fisk, and others, of San Francisco, Cal., for exclusion of all Asiatics—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petition of board of directors of Boston Chamber of Commerce, against Crumpacker bill providing for census clerical force without regard to civil service examination—to the Committee on Reform in the Civil Service.

By Mr. KNAPP: paper to accompany bill for relief of George P. Matteson—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: petition of Samuel D. Hastings and 39 other citizens, favoring an enactment of a volunteer retired list law—to the Committee on Military Affairs.

Also, petition of resident of De Pere, Wis., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Ninth Congressional District of Wisconsin, in favor of parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of General John Sedgwick Post, No. 37, Grand Army of the Republic, of York, Pa., for restoration of the motto to coins, "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. LEVER: Petition of Columbia (S. C.) Chamber of Commerce, for appropriation for public buildings in City of Columbia—to the Committee on Public Buildings and Grounds.

Also, petition of Columbia (S. C.) Chamber of Commerce, for forest reservation in Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of Columbia (S. C.) Chamber of Commerce, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petition of George S. Cobb Post, No. 63, Grand Army of the Republic, of Camden, Me., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of H. B. Kelgaud and 57 others, of Chicago, in favor of volunteer retired list law—to the Committee on Military Affairs.

By Mr. McGUIRE: Paper to accompany bill for relief of James E. Hale—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Larrier—to the Committee on Invalid Pensions.

By Mr. MALBY: Paper to accompany bill for relief of Harriett Winnie—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Local Union No. 72, International Stereotypers and Electrotypers, for repeal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of Canners' League of California, for a hearing before the Interstate Commerce Commission before change in any interstate rate can become effective—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Interdenominational Missionary Union of the District of Columbia, for a Sunday-rest law—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Paper to accompany bill for relief of Mattie E. Wheat—to the Committee on War Claims.

Also, petition of Charles M. Fosdick, for H. R. 10457, for acquiring national forests in southern Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of Southern Indiana Teamsters' Association, favoring H. R. 12243, of the Fifty-ninth Congress, and H. R. 8487, securing teamsters in the Army of the civil war recognition on the pension list—to the Committee on Invalid Pensions.

Also, petition of Encampment No. 20, Union Veteran Legion, of Indianapolis, for H. R. 3896 (the Adair pension bill)—to the Committee on Invalid Pensions.

Also, petition of Local Union No. 38, International Stereotypers and Electrotypers' Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Woman's Home Missionary Society of Central Avenue Methodist Episcopal Church, of Indianapolis, Ind., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Green A. Pylant—to the Committee on War Claims.

Also, paper to accompany bill for relief of Missionary Baptist Church of Franklin, Tenn.—to the Committee on War Claims.

By Mr. REEDER: Petition of T. J. Vesh, asking for the creation of a Bureau of Mines—to the Committee on Mines and Mining.

By Mr. RIORDAN: Petition of North Side Board of Trade of City of New York, urging Congress to pass an annual appropriation bill—to the Committee on Rivers and Harbors.

By Mr. SABATH: Petition of Fox River Valley Manufacturers' Association, of Aurora, Ill., for currency legislation—to the Committee on Banking and Currency.

By Mr. SLAYDEN: Paper to accompany bill for relief of Sarah Bridgman—to the Committee on War Claims.

By Mr. SLEMP: Paper to accompany bill for relief of John W. Hyatt (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of Company A, First Infantry, Connecticut National Guards, of Hartford, for the militia bill—to the Committee on Militia.

Also, petition of Eagle Tent, No. 2, Independent Order Rechabites, for prohibition bills in Sixtieth Congress—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of North Side Board of Trade of New York City, for a rivers and harbors bill—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Ohio: Petition of David Todd Gilliam and 36 other citizens of Ohio; Encampment No. 88, Union Veteran Legion, of Columbus, Ohio, and Wells Post, No. 451, Grand Army of the Republic, of Columbus, Ohio, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of Detroit Lubricator Company, in favor of H. R. 10457—to the Committee on Agriculture.

Also, petition of Michigan Agricultural College, in support of H. R. 10457—to the Committee on Agriculture.

By Mr. THOMAS of Ohio: Petition of C. Branard Post, No. 503, Trumbull, Ohio, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of National German-American Alliance, against any interstate liquor legislation—to the Committee on the Judiciary.

By Mr. WOOD: Petition of J. A. P. Crisfuld and Jerome W. Leverich, for H. R. 11562, for repayment of collateral inheritance tax to the Stevens Institute of Technology—to the Committee on Claims.

Also, paper to accompany bill for relief of Charles M. Goodfellow—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 4, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CIRCULATING NOTES FOR PANAMA BONDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 15th ultimo, a statement giving the name of each national bank to which was awarded Panama Canal bonds, the amount awarded, the price paid, etc., which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington.

The message also announced that the House had passed a bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of deceased soldiers and sailors of the late civil war, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Board of Trade of Manchester, N. H., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Manchester, N. H., praying that an appropriation be made for instruction in the mechanical arts in the high schools, and also for courses to be given in home economics, which was referred to the Committee on Education and Labor.

He also presented the memorial of George R. Beyerle, a citizen of the United States, remonstrating against the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented the petition of H. N. Potter, of Darlington, Pa., and a petition of the Woman's Christian Temperance Union of Apollo, Pa., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of the Musicians' Protective Association of Syracuse, N. Y., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Council No. 236, United Commercial Travelers, of Elmira, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMOOT presented a petition of the Commercial Club of Spanish Fork, Utah, praying for the adoption of an amendment to section 4 of the act to regulate commerce, which was referred to the Committee on Interstate Commerce.

Mr. SMITH presented petitions of James R. Wylie and 106 other citizens, of Thomas M. Peck and 106 other citizens, of Charles T. Sanger and 20 other citizens, of Charles T. Sawyer and 20 other citizens, of J. W. Stone and 79 other citizens, of Mason W. Burt and 59 other citizens, of Thomas Sparks and 19 other citizens, of George Weimer and 12 other citizens, and of Z. S. Trowbridge and 263 other citizens, all in the State of Michigan, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. FLINT presented a petition of the Chamber of Commerce of San Diego, Cal., praying that an appropriation be made for the improvement of the fortifications at Fort Rosecrans for the better protecton of southern California, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry volunteer officers of the civil war in California, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a petition of the Commercial Club of Lincoln, Nebr., praying for the enactment of legislation to prohibit railroad companies from charging a greater freight rate for transportation for short distances than for longer distances covering the same and additional track mileage for the same commodities, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers' Institute Association and the Nebraska Park and Forestry Association of Lincoln, Nebr., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of George G. Meade Post, No. 19, Department of Nebraska, Grand Army of the Republic, of Sutton, Nebr., praying for the enactment of legislation to remove limitations in the payment of arrearages of pension, which was referred to the Committee on Pensions.

He also presented a petition of sundry third-class postmasters of the Fourth Congressional District of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented an affidavit to accompany the bill (S. 2703) granting an increase of pension to Charles Adams, which was referred to the Committee on Pensions.

Mr. WARNER presented a petition of sundry citizens of Kirksville and Ethel, in the State of Missouri, praying for the enactment of legislation to remove the charge of desertion from the military record of Joseph Lovern, deceased, which was referred to the Committee on Military Affairs.

Mr. WETMORE presented a petition of Local Union No. 53, Stereotypers Union, of Providence, R. I., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. LONG presented a memorial of Local Council No. 96, United Commercial Travelers, of Parsons, Kans., remonstrating against the passage of the so-called "parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National German-American Alliance, Missouri and Southern Illinois Division, of St. Louis, Mo., praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented petitions of Zed S. Hoslings and 46 other citizens of Effingham, and of the Woman's Christian Temperance Unions of Winchester, Argonia, Phillipsburg, Lyons, Lewis, and Kansas City, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented an affidavit to accompany the bill (S. 4221) for the relief of Franklin Cowan, which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of sundry volunteer officers of the civil war, of Greenville and Fairfield, in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. STEPHENSON presented a petition of Local Union No. 90, Stereotypers' Union, of Milwaukee, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war, of Green Bay and Marinette, in the State of Wisconsin, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. BURKETT presented a petition of sundry third-class postmasters of the Fourth Congressional District of Nebraska, praying that an appropriation of $2,000,000 be made for additional clerk hire for third-class postmasters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of Local Council No. 96, United Commercial Travelers of America, of Parsons, Kans., remonstrating against the enactment of legislation to secure the use of United States rural mail equipment and to place the rural service on a paying basis, and also against the consolida-

tion of third and fourth class mail matter under the title of "merchandise," etc., which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Olathe, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a memorial of the Board of Trade of Boston, Mass., remonstrating against the passage of the so-called "Crumpacker bill," to provide for the taking of the Thirteenth and subsequent decennial censuses, which was referred to the Committee on the Census.

He also presented a petition of the Missouri and Southern Illinois Division of the National German-American Alliance, praying for the enactment of legislation to repeal the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 13, International Typographical Union, of Boston, Mass., and of Local Union No. 51, International Typographical Union, of Lawrence, Mass., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. WARREN presented a petition of Cheyenne Lodge, No. 89, International Association of Machinists, of Cheyenne, Wyo., praying for the construction at the Government navy-yards of vessels for the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Farmers' Cooperative Association of Wheatland, Wyo., praying for the establishment of postal savings banks, and also for the enlargement of the parcels-post system, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wyoming, praying for the enactment of legislation providing an annuity of $75 per month to veterans who have received the Congressional medal of honor, which was referred to the Committee on Military Affairs.

Mr. BURNHAM presented a petition of the Board of Trade of Manchester, N. H., praying that an appropriation be made for national high school instruction in the mechanical arts and also for national high school courses in home economics, which was referred to the Committee on Education and Labor.

He also presented the petition of Lawrence Adler, of Hanover, N. H., praying for the adoption of certain amendments to the present copyright law relating to musical compositions, which was referred to the Committee on Patents.

He also presented a petition of Local Union No. 359, Iron Molders' Union of North America, of South Berwick, Me., praying for the enactment of legislation providing for the building of ships and war vessels at the navy-yards of the country, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Plymouth, N. H., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Manchester, N. H., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made for the erection of a public building for an immigrant station at that city, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3133) granting an increase of pension to George Hemminger, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3878) granting a pension to John F. Rose, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 1525) for the relief of James E. Byram, which was referred to the Committee on Military Affairs.

He also presented a paper to accompany the bill (S. 3977) granting an increase of pension to Matthew C. Reed, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3132) granting an increase of pension to George W. Kinsel, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1497) granting an increase of pension to Joseph T. Sparr, which were referred to the Committee on Pensions.

Mr. HALE presented a petition of sundry volunteer officers of the civil war of Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

IMMIGRATION AT PORT OF NEW YORK.

Mr. LODGE. I present some statistics of immigration at the port of New York prepared by Robert Watchorn, Commissioner of Immigration at that port. I move that the paper be printed as a document and referred to the Committee on Immigration.

The motion was agreed to.

REPORT OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 3528) for the relief of Durham W. Stevens, reported it without amendment and submitted a report thereon.

Mr. FULTON, from the Committee on the Judiciary, to whom was referred the bill (S. 3526) to amend section 876 of the Revised Statutes, reported it with amendments and submitted a report thereon.

Mr. HOPKINS, from the Committee on Finance, to whom was referred the bill (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois, reported it without amendment.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to whom was referred the bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, reported it without amendment.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 4893) granting an increase of pension to William C. Brooks, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4894) granting an increase of pension to Alfred A. Gambill, which was read twice by its title and referred to the Committtee on Pensions.

He also introduced a bill (S. 4895) granting an increase of pension to Marshall Bragg, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 4896) for the relief of Andrew Erickson, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH introduced a bill (S. 4897) granting an honorable discharge to Adam D. Shriner, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4898) granting an increase of pension to Lewis Philbrick (with accompanying papers);

A bill (S. 4899) granting an increase of pension to Charles Moulton;

A bill (S. 4900) granting an increase of pension to George Alexander;

A bill (S. 4901) granting a pension to Jason A. Pelton (with accompanying papers);

A bill (S. 4902) granting an increase of pension to Benjamin S. Whitman; and

A bill (S. 4903) granting a pension to Lydia A. Brigham (with accompanying papers).

Mr. NELSON introduced a bill (S. 4904) granting a pension to Mary Ursula Krieg, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 4905) for the relief of the trustees of the Methodist Episcopal Church South, of Platte City, Mo., which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 4906) for the relief of Charles W. Howard;

A bill (S. 4907) for the relief of John O'Connor; and

A bill (S. 4908) for the relief of Levi Mott.

He also introduced a bill (S. 4909) granting an increase of pension to Matthew Harris, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RICHARDSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4910) granting an increase of pension to Emma L. Cole; and

A bill (S. 4911) granting an increase of pension to John F. Barr.

Mr. BRIGGS introduced a bill (S. 4912) for the relief of Henry A. Tolbert, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4913) granting a pension to Eliza W. Newell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN (by request) introduced a bill (S. 4914) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. PAYNTER introduced a bill (S. 4915) to amend section 14, chapter 1, Revised Statutes of the United States, prescribing the time when Senators of the United States shall be elected, which was read twice by its title and referred to the Committee on Privileges and Elections.

Mr. BORAH introduced a bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the Board of Missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4917) providing for the repeal of the act passed and approved June 3, 1878, known as the timber and stone act, and also the act passed and approved August 4, 1892, the same being an extension of said act, which was read twice by its title and referred to the Committee on Public Lands.

Mr. STEPHENSON introduced a bill (S. 4918) granting an increase of pension to George W. Morton, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 4919) to correct the military record of Caleb J. Kizer, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 4920) to provide a temporary home in the District of Columbia for ex-Union volunteer soldiers, sailors, and marines; and

A bill (S. 4921) authorizing the extension of Ninth street NW.

Mr. GORE introduced a bill (S. 4922) providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4923) granting a pension to Elizabeth Alice Sanders; and

A bill (S. 4924) granting a pension to Mary A. Hanks.

Mr. BURKETT introduced a bill (S. 4925) granting an increase of pension to Richard Shapland, which was read twice by its title and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4926) granting an increase of pension to Tyra Montgomery, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 4927) granting an increase of pension to Betsey L. Emerson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 4928) for the relief of William Hayes, which was read twice by its title and referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 4929) granting an increase of pension to John H. Albee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4930) granting a pension to Horace H. Lockwood;

A bill (S. 4931) granting an increase of pension to Lawson T. Worthington;

A bill (S. 4932) granting an increase of pension to John W. Manning (with accompanying papers);

A bill (S. 4933) granting an increase of pension to Garrett H. Fowler;

A bill (S. 4934) granting an increase of pension to Alexander Field;

A bill (S. 4935) granting a pension to Eli A. Boyer;

A bill (S. 4936) granting an increase of pension to George W. Boggs;

A bill (S. 4937) granting an increase of pension to John White (with an accompanying paper);

A bill (S. 4938) granting a pension to W. B. Lunbeck;

A bill (S. 4939) granting an increase of pension to Richard Farley;

A bill (S. 4940) granting an increase of pension to George W. Pitner;

A bill (S. 4941) granting a pension to David G. Moreland;

A bill (S. 4942) granting a pension to Lucy C. West (with accompanying papers);

A bill (S. 4943) granting a pension to Charles S. Wolfe (with accompanying papers);

A bill (S. 4944) granting a pension to Jacob Myers;

A bill (S. 4945) granting a pension to August Rumpf;

A bill (S. 4946) granting a pension to Annie C. Newsom (with accompanying papers);

A bill (S. 4947) granting a pension to Susan Roads;

A bill (S. 4948) granting an increase of pension to William C. Forsythe;

A bill (S. 4949) granting an increase of pension to John Blevins (with an accompanying paper);

A bill (S. 4950) granting a pension to John A. Hiser; and

A bill (S. 4951) granting a pension to Wilson S. Zurmehly.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4952) granting an honorable discharge to William McCormack; and

A bill (S. 4953) to remove the charge of desertion from the military record of John H. Lettrell.

He also introduced a bill (S. 4954) for the relief of Elizabeth F. Irvin, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4955) to amend paragraph 483 of section 2 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 4956) to grant an honorable discharge to Reuben Seiler, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 4957) to grant an honorable discharge to Alfred L. Dutton;

A bill (S. 4958) for the relief of Thomas F. Walter; and

A bill (S. 4959) to amend section 4875 of the Revised Statutes to provide a compensation of $100 per month, with fuel and quarters, for the superintendent of the Arlington (Va.) National Cemetery.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4960) for the relief of Henry George;

A bill (S. 4961) for the relief of Matthew H. Elder; and

A bill (S. 4962) referring to the Court of Claims the claim of Anna K. Carpenter, widow of the late Bvt. Maj. Thomas H. Carpenter, captain, United States Army, retired.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4963) granting an increase of pension to Cephas W. Dyer;

A bill (S. 4964) granting an increase of pension to Annie D. Mickley;

A bill (S. 4965) granting an increase of pension to William Lamon;

A bill (S. 4966) granting an increase of pension to John H. Schreiner;

A bill (S. 4967) granting a pension to Allison F. Kohler;

A bill (S. 4968) granting an increase of pension to Condy Manelius;

A bill (S. 4969) granting an increase of pension to Peter Clark;

A bill (S. 4970) granting an increase of pension to Alice M. Bright;

A bill (S. 4971) granting an increase of pension to Emily S. Beale;

A bill (S. 4972) granting a pension to Silas R. Anderson;

A bill (S 4973) granting a pension to Isabella C. Swisher;

A bill (S. 4974) granting a pension to Delia White;
A bill (S. 4975) granting a pension to Annie S. Jones;
A bill (S. 4976) granting an increase of pension to Robert S. Miller;
A bill (S. 4977) granting an increase of pension to Charles E. Tipton;
A bill (S. 4978) granting a pension to Jacob Peter;
A bill (S. 4979) granting an increase of pension to Thomas B. Lewis;
A bill (S. 4980) granting a pension to Anna E. Siple;
A bill (S. 4981) granting a pension to Ellen J. Nesbit; and
A bill (S. 4982) granting an increase of pension to Michael Dougherty (with an accompanying paper).

Mr. PROCTOR introduced a bill (S. 4983) to pay the Canadian Electric Light Company, of Levis, Quebec, its claim on account of damages caused by the U. S. gunboat *Essex*, which was read twice by its title and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 4984) for the relief of James D. Elliott, which was read twice by its title and referred to the Committee on Claims.

Mr. BAILEY introduced a bill (S. 4985) to provide for the deposit of public money in certain cases, which was read twice by its title.

Mr. BAILEY. Mr. President, this bill is intended as a substitute for what is known as the Aldrich bill. I ask that it be referred to the Committee on Finance.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HEYBURN introduced a joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, which was read twice by its title and referred to the Committee on Public Lands.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing that the Spanish Treaty Claims Commission shall fix a price per page for depositions taken in Cuba, such as would be fair and reasonable under ordinary conditions, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for taking depositions abroad for the Spanish Treaty Claims Commission, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment increasing the appropriation for the limit of cost for the construction of a custom-house building in the city of San Francisco from $1,500,000 to $1,750,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

PROPOSED TARIFF COMMISSION.

Mr. BEVERIDGE. I move that the bill (S. 3163) to create a tariff commission be reprinted with alterations.

The motion was agreed to.

REPORT OF PUBLIC LANDS COMMISSION.

Mr. NELSON submitted the following concurrent resolution, which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of Senate Document No. 189, Fifty-eighth Congress, third session, being the report of the Public Lands Commission, with appendix, 1,500 copies for the use of the Public Lands Commission, 500 for the use of the Senate, and 500 for the use of the House of Representatives.

SURVEY OF BOGUE SOUND, NORTH CAROLINA.

Mr. SIMMONS submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound, 100 feet in width and of a depth of 5, 8, and 10 feet at low water.

SURVEY OF WASHITA RIVER, OKLAHOMA.

Mr. GORE submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Washita River, Oklahoma, from the point of its confluence with the Red River to the town of Mountain View, in Kiowa County, Okla., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

SURVEY OF NEW SMYRNA INLET, FLORIDA.

Mr. BRYAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of New Smyrna Inlet, in the county of Volusia and State of Florida, with a view to deepening the same, and to submit estimates therefor.

HOUSE BILL REFERRED.

H. R. 15653. An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war was read twice by its title and referred to the Committee on Pensions.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I ask that the urgent deficiency appropriation bill be taken up and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments be considered in their order.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments by the Committee on Appropriations be first considered. Without objection, it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury," on page 8, after line 2, to insert:

Charters, Constitutions, and Organic Law: The Secretary of the Treasury is hereby directed to withhold payment of the sum of $10,000 appropriated by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, for the purchase of the manuscript of a new edition of "Charters, Constitutions, and Organic Laws," pending the approval of the Joint Committee on the Library, which is hereby authorized to pass upon the question of the completeness and accuracy of the work and to determine whether the manuscript submitted is the identical, specific manuscript which Congress agreed to buy and for whose purchase it appropriated $10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to insert:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 13, line 1, to increase from $107,000 to $142,000 the appropriation for furnishing and equipping complete in every detail by the Commissioners of the District of Columbia the new municipal building, for repairing and renewing old furniture, etc.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, under the heading, "Public schools, District of Columbia," to insert:

That the appropriation of $25,000 provided to meet the expenses due to the operation of the compulsory education law, fiscal year 1908, is hereby made available for the purchase of all necessary articles and supplies to be used in the course of instruction provided for atypical and ungraded classes.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

Columbia Hospital for Women: To reimburse Columbia Hospital for Women and Lying-in Asylum for expenditures for indigent patients sent to said hospital by the Board of Charities in excess of the appropriations by Congress, from July 1, 1903, to June 30, 1905, $2,475.80.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous Objects, War Department," on page 19, after line 8, to insert:

To pay JOHN H. BANKHEAD for his services as a member of the Inland Waterways Commission from March 14 to June 18, 1907, $1,875.

The amendment was agreed to.

The next amendment was, under the subhead "Indian Affairs," on page 27, after line 8, to insert:

For the suppression of the traffic of intoxicating liquors among the Indians, to be expended under the direction of the Secretary of the Interior, for the fiscal year 1908, $3,500.

Mr. GALLINGER. The amendment reads: "For the suppression of the traffic of intoxicating liquors." I move to amend by striking out the word "of" and inserting the word "in;" so

as to read: "For the suppression of the traffic in intoxicating liquors."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 2, to insert:

The Secretary of the Interior is directed to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians in South Dakota, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be immediately available, said sum to be expended under the direction of the Secretary of the Interior in the purchase of cattle, mares, and stallions, or for such other purposes as he may deem to be for the best interests of the Indians: *Provided*, That the same shall be reimbursed to the United States from the first proceeds received from the sale of the lands described in the act of April 21, 1906 (34 Stat. L., 125), belonging to said Lower Brulé Indians.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to insert:

For expense of surveys, allotment of lands to Indians, salaries and expenses of the Commission heretofore appointed for the classification of the Flathead Indian Reservation lands, and other incidental expenses in connection with the appraisement, classification, and sale of the lands embraced in the Flathead Indian Reservation, in the State of Montana, the sum of $60,000, the same to be reimbursable from the sale of said lands.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," on page 34, after line 3, to insert:

All expenses that may be incurred and otherwise chargeable to the United States and District of Columbia in the approaching trial of the case of the United States against Hyde, Dimond, Benson, and Schneider in the District of Columbia shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

The amendment was agreed to.

The reading of the bill was continued to line 2 on page 35.

Mr. BACON. I should like to ask the Senator from Maine to give us some information in regard to the item on page 34, that which is an amendment. It has already been passed, but in reading rapidly I did not have time at the moment to catch the significance of it. I presume it is all right, but at the same time I think the Senate should have some explanation of it.

Mr. HALE. In this case, Mr. President, the indictment was found in the District of Columbia, although nothing here had anything to do with the charge or offense, except that the Department of Justice decided that the conspiracy was perfected here and jurisdiction could be had only here. Therefore, the indictment was found in the District. It is not a District matter in any way, and the District government should not be burdened with the expense. That is the reason why it is provided that the trial shall be at the expense of the General Government.

The reading of the bill was resumed. The next amendment was, on page 38, after line 3, to insert:

To pay James D. Elliott for services performed as United States attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, the sum of $2,599.99.

Mr. CULBERSON. Mr. President, with reference to that amendment, I understand that the beneficiary of this appropriation was appointed district attorney for the State of South Dakota and that his nomination was rejected by the Senate. I invite the attention of the Senator from Maine [Mr. HALE] to section 1761 of the Revised Statutes, which provides:

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

The facts, Mr. President, of this case are not within my personal knowledge, but I understand they bring the case within the prohibition of this statute. I therefore submit the matter to the Senator in charge of the bill.

Mr. GAMBLE. Mr. President, so far as it appears in the amendment the vacancy did not occur during a session of the Senate. The services, payment for which is provided for in the amendment, were from July 11, 1906, to March 4, 1907. The Senate on the 11th of July, 1906, was not in session. It seems to me, therefore, that the amendment would not be subject to the objection made by the Senator from Texas.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. GAMBLE. Certainly.

Mr. CULBERSON. I ask the Senator from South Dakota if the disbursing officers did not refuse to pay the money because of this statute?

Mr. GAMBLE. I will say, in answer to the Senator, that that is true. James D. Elliott was United States attorney for the district of South Dakota, and resigned the office, I think, on the 10th of April, 1906, when the Senate was in session. The position was at once filled under the statute by the presiding judge making an appointment. The office was occupied by that appointee until the 11th of July following, when Mr. Elliott was appointed during the recess of the Senate. He took possession of the office on the 11th of July and held it until the 4th of March, 1907, he not being confirmed by the Senate. I think the officers of the Department held that the vacancy occurred at the time of the resignation of Mr. Elliott and that the position was not filled by the appointment made by the presiding judge. The services were rendered and the office held by the United States attorney from the 11th of July up until March 4, 1907. There is no question in regard to the services having been rendered.

I trust the Senator from Texas [Mr. CULBERSON] will not interpose the objection, because, as I at first suggested, so far as the amendment appears, it is not in contravention with the terms of section 1761 of the Revised Statutes. If the objection should be insisted upon and sustained, it would drive this man, of course, to seek another remedy.

Mr. TILLMAN. I ask the Senator from South Dakota if this is not a claim against the Government?

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. GAMBLE. Certainly.

Mr. TILLMAN. If this is a claim against the Government, it is not a deficiency, and, therefore, does it not appear here rather by courtesy than anything else?

Mr. GAMBLE. I think, perhaps, it would be a deficiency; certainly it is a deficiency so far as Mr. Elliott is concerned.

Mr. TILLMAN. It is a deficiency in Mr. Elliott's finances, undoubtedly, but it can not be a deficiency in the sense of the law, because such a claim is forbidden by law to be paid.

Mr. GAMBLE. Mr. President, I do not understand that the objection by the Senator from Texas [Mr. CULBERSON] was based on that ground. I trust the Senator from Texas will withdraw his objection.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. CULBERSON. Mr. President, I suggest that this amendment increases the appropriation in violation of existing law; that it is therefore subject to the point of order, and also that such an appropriation as this has no place in a deficiency appropriation bill.

Mr. HALE. Mr. President, I have no doubt that the amendment is subject to the point of order, and I ask that it be disagreed to.

The VICE-PRESIDENT. Is the point of order proposed by the Senator from Texas withdrawn?

Mr. CULBERSON. On the contrary, Mr. President——

The VICE-PRESIDENT. The Senator from Maine asks that the amendment be disagreed to.

Mr. HALE. That will dispose of it on this bill.

Mr. CULBERSON. It goes out of the bill—very well; that is all I care for.

The amendment was rejected.

The reading of the bill was resumed and continued to the end of the clause in line 14, on page 43, as follows:

THE ISTHMIAN CANAL.

For salaries of members, officers, and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $18,600.

For pay of officers and employees on the Isthmus other than skilled and unskilled labor, including civil engineers, superintendents, instrument men, transitmen, levelmen, rodmen, draftsmen, timekeepers, mechanical and electrical engineers, supervisors, clerks, accountants, stenographers, storekeepers, messengers, office boys, foremen and subforemen, watchmen, wagon masters, stewards, hospital dispensers, internes, nurses, and attendants, including those necessarily and temporarily detailed for duty away from the Isthmus, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, $210,700.

For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers, janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, accounting, disbursements, and labor, quarters and subsistence, $5,536,300.

For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the Commission deems necessary to best promote the construction of the Isthmian Canal, for the departments of construction and engineering, auditing, disbursing, and labor, quarters and subsistence, $6,085,700.

For miscellaneous expenditures, cable and telegraph service, stationery and printing, and traveling and incidental expenses on the Isthmus, for the departments of construction and engineering, accounting, disbursing, and labor, quarters and subsistence, $157,700.

Mr. CULBERSON. Mr. President, in reference to this Isthmian Canal appropriation, I call the attention of the Senator from Maine to the fact that in 1905 the assurance was given

that no part of the appropriation for the Isthmian Canal should be used for the maintenance of a publicity bureau. Since then they have gone to a greater extent than previously and have established a newspaper on the Zone. I ask the Senator from Maine if any part of the money which is appropriated in this bill affects that question?

Mr. HALE. Mr. President, the matter of publishing a newspaper as the organ of the Isthmian Canal Commission, as the Senator from Texas will remember, had its rise in conditions here. It was found that a bureau had been set up, not simply to record the doings, the transactions of the Commission, but to furnish information to the press generally and to edit communications furnished to the press. The Committee on Appropriations and the Senate were very strongly against it. When the matter was laid before the President, he saw at once the impropriety of it, and the bureau went out of existence, as it was fitting it should.

Now, upon the Isthmus there is issued each week, not a newspaper in the sense of having editorials or editorial matter sent out, but a record of the work, a record of the prices, a record of the markets, simply a statement, so far as I have examined—and I have examined several copies—a statement which is convenient and handy for everybody down there, showing the existing conditions of the work. I had something to do with abolishing the old bureau, and was every earnest about it, as the Senator from Texas will remember; but I do not see in this sheet—it is not much more than that—anything that was objectionable in the old bureau. Therefore I have not thought it worth while to put any prohibition of it in this bill.

Mr. CULBERSON. I was not asking the Senator from Maine, Mr. President, to put in the bill any prohibition; but I was asking him if this particular bill contained any deficiency so far as that publication is concerned?

Mr. HALE. The deficiency is of the fund generally, and undoubtedly this sheet—it does not cost much—is paid for out of the general fund, and the deficiency of $11,000,000 or $12,000,000 here includes that small amount, not in terms, but the authorities down there have authorized this paper, and the amount appropriated here, which is $12,178,900, includes that, undoubtedly.

Mr. BACON. Mr. President, if I recollect correctly as to the bureau which existed in this city and which fell under the condemnation of the last Congress, the objectionable feature was that there was an editorial department, not for the purpose of giving information as to the progress of the work, although that may have been a part of the design, but the main feature of it, as it was understood, was that it really occupied the position of an advocate for the purpose of defending certain policies or advocating certain policies. That was deemed to be an improper feature. I will ask the Senator from Maine if I am correct in that?

Mr. HALE. The Senator has stated it exactly.

Mr. BACON. As I understand now, the publication of which he has been speaking and which at present is being issued upon the Canal Zone has not that objectionable feature?

Mr. HALE. Nothing of the kind at all; in fact, the old bureau that we were all against did not issue any paper or sheet, but furnished information and edited matter for outside papers.

Mr. BACON. For publication in other newspapers?

Mr. HALE. And to influence public sentiment.

Mr. BACON. In other words, it was a propaganda?

Mr. HALE. Yes.

Mr. CULBERSON. Mr. President, it seems improper for me to let the occasion pass without saying that the identical person who had charge of the publication bureau connected with the old Isthmian Canal Commission is now the editor of the paper to which I have called attention. He has simply been shifted from the United States to the Canal Zone and his duties enlarged by providing him a means, at the expense of the Government, for presenting his views with reference to the conditions on the Zone and the progress of the work there. Not only are tables printed giving prices and the progress of the work, but in the one or two issues of that paper that I have noticed, Mr. President, there are editorial comments. The question, therefore, is whether the Senate will consent to one of the Departments of the Government—that is, the War Department on the Canal Zone, or the Isthmian Canal Commission—publishing a newspaper at the expense of the Government of the United States. There is, in my judgment, Mr. President, no difference in principle between the case as presented now and the case as it presented itself during the last Congress, except that the present instance is more aggravated than the previous one.

I desire to offer at the end of this paragraph an amendment to the effect that no part of this appropriation shall be used to pay for the expense of publishing a newspaper on the Canal Zone.

Mr. FLINT. Mr. President, I hope the amendment offered by the Senator from Texas will not be adopted. The newspaper, so called, that is published on the Canal Zone is not the same proposition at all as was presented to the Senate when the matter of Mr. Bishop's employment was considered in a previous Congress. The newspaper published on the Canal Zone now is simply to disseminate knowledge throughout the nation as to what is actually taking place in the work on the Zone. It is a mere statement of facts, not only to supply information throughout the United States, but also to inform the various employees of the Isthmian Canal Commission as to what is taking place in the different parts of the Zone. The matter has been thoroughly discussed before the Canal Committee. Colonel Goethals testified before the committee that the publication of this sheet resulted in great good to the workmen throughout the Zone in encouraging them to perform their duties, as in this journal credit is given for good work to the employees under each department.

Mr. BACON. Mr. President, as the Senator from California is familiar with this matter, I should like to ask him a question. I ask him for information, not arguendo. Does the Senator know what salary Mr. Bishop gets now as editor of that paper?

Mr. FLINT. I understand he receives no salary for editing this paper; that it is a mere incident to his other employment. He attends to his other work, and supervising the publication of this paper is merely an incident. He is not engaged in the same line of work as that which was heretofore criticised by the Senate.

Mr. BACON. What is his other work?

Mr. FLINT. The other work is acting as secretary to the Commission on the Zone. I do not know just exactly what his work is in detail as secretary to the Commission, but it was testified before the committee that his connection with this paper is a mere incident to his other work.

Mr. BACON. The Senator, then, has no information as to what his work is?

Mr. FLINT. He is secretary to the Commission.

Mr. BACON. The point of the inquiry is this: When Mr. Bishop was engaged in the business in Washington he had some other title, but he was at the time, just as he is now in the Zone, nominally, at least, engaged in other work. It developed, however, and was, I think, brought to the attention of the Senate, that while thus nominally engaged in other work at a salary of $10,000 per annum, he was in fact engaged in what I suggested just now might be properly denominated as a propaganda. He issued no sheet here, no newspaper; but it was understood that he was engaged in the preparation of matter which was published in other newspapers. Congress stopped that, and yet the same party is now employed under some other title and engaged, in a degree at least, in the same class of work. It seems to me, after Congress has indicated its intention that this employment should cease, that when it is brought to our attention that he has been shifted to another position of a similar kind at the same salary—a salary, I will remark by way of parenthesis, which was very severely criticised in this Chamber as being excessive—employed in a similar capacity and engaged in a degree in the same kind of work, and when the statement is made that he gets nothing for that work, but that it is an incident to his other employment, it does seem to me that it is not unreasonable to ask that we should have definite information as to what that other employment is.

Furthermore, I should like to know, if the Senator has information upon the subject, whether the same gentleman, Mr. Bishop, is limiting his literary labors to this little newspaper, or, if the Senator is prepared to tell us, either affirmatively or negatively, whether he is still engaged in the same propaganda in which he was engaged when the matter was before the Senate during the last Congress.

Mr. CARTER. Mr. President, I understand from the statement of the Senator from California [Mr. FLINT] that Mr. Bishop is the secretary of the Isthmian Canal Commission. In his official capacity as secretary he receives from day to day practically the body of the information which is printed in this so-called "paper." The information manifestly comes to him without express or particular effort on his part. It is official information, which he as secretary is required to collect in order to keep thorough track of the work in progress. Originally editorials were prepared and policies with reference to the Zone were advocated by the distribution of such editorials and comments through the press of the United States.

This work of giving forth information concerning the progress of the work and the manner of its performance is clearly not in the nature of a propaganda; it is not in the nature of an effort to influence policy, national or otherwise, but is the furnishing in convenient form to the American people of a class of information which they would seek by correspondence if it were not perfectly convenient for them to get it through some other channel.

I imagine the work of the secretary of the Commission would be very greatly increased and the expense of his office considerably increased if, instead of issuing this paper at stated periods, with all the information it contains, he relied upon answering particular letters and inquiries concerning the progress of the work. His staff of clerks would undoubtedly have to be increased, or else the secretary would have to decline to furnish any information at all concerning the work in progress on the Zone. The people of the country are very greatly interested in this canal work. Many persons have apprehended that it would involve an expenditure of money entirely beyond the most extravagant estimates ever presented to Congress or the country.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. In a moment, if the Senator will permit me. Other men, Mr. President, have apprehended that the work might prove a failure altogether. The execution of this great project involves the aspirations and dreams of the country throughout centuries. The country is deeply, actively, and profoundly interested in the success of the enterprise, and consequently interested in all the information that the secretary of the Commission can give forth with reference to its progress from day to day.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana now yield to the Senator from South Carolina?

Mr. CARTER. I yield with pleasure.

Mr. TILLMAN. I noticed in the press some little while back that Colonel Goethals, the engineer in chief—an army officer, of course, and a very accomplished one—in his testimony before some committee of the House, when asked as to the probable cost of this canal, was unwilling even to limit it to $500,000,000—that is my recollection—and when some one there endeavored to get some fixed sum which would be sufficient, there was no definite information furnished. I should like to ask the Senator from Montana whether the purpose of this newspaper is to let the American public into the confidence of the Commission by degrees and ease us down, or ease us up to the $500,000,000 schedule?

Mr. CARTER. Mr. President, the construction of the canal is the business of the people of the United States, being executed by the agencies of the Government. The people are as much interested in this information as the engineers in charge, and I think the diffusion of information is certainly not a reprehensible proceeding.

Mr. BACON. Before the Senator takes his seat——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Certainly.

Mr. BACON. In order that he may direct his reply, if he has the information, to the specific point—and as I understood the suggestion of the Senator from Texas [Mr. CULBERSON], it was not in any manner directed against the propriety of such information being furnished to the people of the United States and also to those engaged in the work on the Zone, for that would be commendable and nobody would object to that—but the point suggested upon which I should like, if the Senator has the information, that he would give it to us, is this: The Senator from Maine [Mr. HALE], who, I am sure, was entirely in accord with the judgment of the Senate in the last Congress as to the impropriety of the propaganda which was being prosecuted in this city, gave us the assurance that in the present publication there was no such feature. If it had rested there I am sure there would have been nothing further said, because everybody will recognize the propriety of the fullest information being given to the people of the United States in regard to the progress of this work, the money that is being expended, the difficulties that are being encountered, and the possible expenditures before there can be an accomplishment of the great design. I repeat, if that assurance of the Senator from Maine had rested as the final information nothing more would have been said. But the Senator from Texas replied to that, I think, either that he had seen or had information that this publication went beyond the matter of giving this information and that it contained editorials the design of which was either to defend certain policies or to advocate certain policies. In other words, it was again a propaganda in another shape. If the information of the Senator from Texas in that regard is erroneous, of course we would be glad to be informed of it; and if we can be satisfied it is erroneous, I am certain there will be no objection to the proper expenditure of money in the giving of needed information.

Mr. HALE obtained the floor.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. Certainly.

Mr. HOPKINS. Mr. President, in answer to the Senator from Georgia as to the purpose of this publication, I desire to call his attention to the statement made by former Senator Blackburn, who during his last service in the Senate was the recognized leader of the opposition in this body. Senator Blackburn before the Interoceanic Canals Committee, in speaking on this very subject, said:

> Whatever may be said about the literary bureau that was complained of in the amendment offered by the Senator from Texas, I do not think there will be found in the Canal Record from its establishment until now any cause for criticism upon the score of "boosting" anybody connected with the work of building this canal. I think its main object, and the best feature connected with it, consists in the fact that it is an official statement merely of facts, given weekly to the American people and to the world, as to the progress of that work and its condition from week to week. I think its main value consists in the fact that, without any effort to magnify the work of the Commission or anybody connected with the Commission, it is an open, frank presentation to the American people and to the world of the progress that is being made and the exact status of that work in every detail from week to week.

Colonel Goethals in his statement says it was intended largely to give to the people working on the Isthmus information of orders that were issued from time to time by the Commission and to keep the employees advised as to the condition of the work on different portions of the canal itself, and that, in his judgment, it was a very wise provision, not only from an economical standpoint, but for the purpose of keeping all the employees on the canal fully advised of the work that was in progress at different points on the Isthmus.

Mr. HALE. Mr. President, I do not propose to debate the general conditions on the Isthmus. The money will be appropriated because it is needed for the great work there. Nor do I take much interest in the issuance of this sheet—this paper, so-called. I have examined three or four different issues, and I have discovered nothing in it that is anything more than a statement of existing facts from week to week. I have seen no editorial that attempted to argue any proposition in any way disputable. I do not think the sheet is doing any harm, and it may do some good. It will never be circulated much outside the Isthmus. Very few people will ever see it. The secretary, Mr. Bishop, is giving no time of any account to it. I presume the figures are compiled by some clerk and the paper is issued from week to week. While I was very much against the propaganda and against the Bishop performance here in Washington, I am satisfied all that has disappeared and that this sheet which is issued is not subject to the objections that arose at that time, and which I believed in then and believe in now.

I am desirous of getting the bill through as soon as possible. If the Senator insists upon his amendment let us have a vote upon it, and if the amendment is put on it will not do any harm. If it is not put on it will not do any harm.

Mr. LODGE. Mr. President, the Senator from South Carolina [Mr. TILLMAN] a moment ago quoted Colonel Goethals as to the cost of the canal, and I think he must have relied on newspapers and not on what Colonel Goethals said.

Mr. TILLMAN. I relied on newspapers.

Mr. LODGE. I read from the stenographic report of the hearing:

> The CHAIRMAN. I observe, Colonel, you are quoted this morning in the papers as saying that the aggregate cost of the lock canal would be $300,000,000.
>
> Colonel GOETHALS. I was misquoted. I stated that, making a rough estimate in April, we thought the canal would cost approximately $250,000,000, but I was not prepared to make any estimate, and will not be prepared until the annual report is made next year, at which time we hope to have estimates ready to submit, stating exactly what the canal will cost.
>
> The CHAIRMAN. Let me ask you, Colonel, whether in that approximate estimate that you say you have made——
>
> Colonel GOETHALS. It can hardly be called an estimate. It is merely a guess.
>
> The CHAIRMAN. I want to ask you whether that includes all expenditures for construction as well as those expenditures that are necessarily incident to construction?
>
> Colonel GOETHALS. That was to include everything except the purchase money; to include sanitation, civil government, and everything—the canal completed. We had estimated roughly that it would not exceed $250,000,000; but I think that estimate can be materially reduced now.

His approximate, rough estimate is less than $250,000,000. He said nothing about $500,000,000. He said he was misquoted when he was represented as having said $300,000,000.

The CHAIRMAN. If a sea-level canal should be constructed——

Colonel GOETHALS. I do not think there is money enough in the country to build a sea-level canal. [Laughter.]

Mr. LIVINGSTON. It would be nothing but a ditch if we did built it.

Colonel GOETHALS. That is all, and I do not know. if you would ever get the ditch built. We have difficulties enough with a lock canal. I do not think we should attempt the sea-level.

The CHAIRMAN. What do you say as to the time required to make a sea-level canal?

Colonel GOETHALS. I would not even make a guess.

So his estimate of the lock canal now under construction is $250,000,000, and he thinks the detailed estimate will show it to be less.

Mr. TILLMAN. Will the Senator tell us what book he is reading from?

Mr. LODGE. I have been reading from the stenographic report of the hearing before the House committee.

Mr. TILLMAN. I am glad to get more consolation from that than I got from the newspapers.

Mr. TELLER. Mr. President, the canal question is hardly a live one for us. Some time ago we determined that the canal should be built, and then we put the whole matter in charge of the President of the United States. Whether wisely or unwisely it was put there, and it is there now. Later the question came up whether we would have a sea-level canal or a lock canal. That was determined by Congress in favor of a lock canal. We do not know anything about the expenditures, except we know that we have to make the appropriations. Where the money goes, whether it is wisely distributed or not, we know nothing about, and we are not entitled to know. Congress voluntarily abandoned all supervision of the canal, directly or indirectly.

I want to say a word in reply to this gentleman who says there is not money enough in the country to build a sea-level canal. You can tell what a sea-level canal will cost with a great deal more precision than you can tell what a lock canal will cost. There is not an engineer in this country who is qualified to call himself an engineer in the profession, who can not sit down and tell what a sea-level canal will cost, and there is not one, and there never has been one, who can tell what a lock canal will cost. You have merely to cut a ditch for a sea-level canal. That is a disrespectful way of speaking of a canal. For this canal you have to build locks for which there are no precedents in the world. You have to build a dam under conditions such that no good engineer, in my judgment, will ever declare its construction to be feasible and practicable. I know it has been said, and said officially, by men connected with the canal, that if they had the power to determine for the same cost between a sea-level canal and a lock canal, they would take a lock canal; and the only thing they ought to have added, to make that statement complete, is that the more locks you have the better the canal would be. Any engineer who makes such a statement writes himself as disqualified to pass upon this great question.

A majority of the engineers of the world have on two occasions at least determined that a sea-level canal could be constructed; and it can be constructed, beyond a question. The President of the United States called together the engineers of this country and of Europe. A majority of them declared that a sea-level canal could be constructed. They made an estimate, not a very accurate one I will admit, but they made a general estimate of the cost. It was as accurate as any estimate that ever has been made of the cost of a lock canal. A majority of them decided in favor of a sea-level canal, but the President decided with the minority and concluded he wanted to build a lock canal. I do not want any discussion with a man who tells me that a canal which requires you to climb a mountain with your ship is better than one on the dead level from ocean to ocean, because he is either ignorant or unfair.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. Certainly.

Mr. HOPKINS. I desire to suggest to the Senator from Colorado that the great majority of the American engineers were in favor of the lock canal, and the further investigation that has been made has simply confirmed the opinion of the American engineers on that subject. For a sea-level canal it is not simply necessary to dig a ditch, as suggested by the Senator from Colorado, but there is the Chagres River, a torrential stream, which the ingenuity of man up to date has been unable to control. Under the sea-level system——

Mr. TELLER. I did not surrender the floor to the Senator to make a speech. He can make his speech when I get through.

Mr. HOPKINS. I beg pardon.

Mr. TELLER. For more than twenty years this question has been before Congress. I have myself taken part in its discussion. I have studied every report made on the subject. I have given it as much attention as has the Senator from Illinois, and I say now that nothing has been demonstrated in an engineering way to justify any man in saying that a lock canal is better than a sea-level canal.

I should like to put myself on record here to-day, Mr. President, in order that some man some time may read it: In my judgment this canal will be an absolute failure if made with six locks, and will not meet the demands of commerce, which we ought to be under obligations to do if we take charge as we have taken charge of the canal. We have said that nobody else shall build the canal. We said to the French Government: "You may build the canal with the De Lesseps Company; but you shall not build it by France. If it is to be built by a company, we will not object; but no nation shall build it. We reserve the right to build it ourselves." When we took that position before the world we were in honor bound to build a canal that would meet the wants of commerce and would meet the judgment of the engineering talent of the world. It may be that a majority of the American engineers who were consulted declared that a sea-level canal was not so good as a lock canal, but every shipmaster who went before the committee without, I believe, a single exception declared that a sea-level canal alone would meet the demands of commerce.

Mr. President, up to the time when Congress determined to build the canal I had voted always every time I had an opportunity against the canal. I voted against it when three men voted against it, when four men voted against it, and when seven men voted against it. I said then the American people want to build the canal, they are able to build it, and as far as I am concerned I mean to vote every time for appropriations to build it. I mean to vote for such appropriations as will make it a success and not a failure.

There have been no such dams in the world as it is proposed to build on this canal. There have been no locks of the kind proposed to be built on the canal. There are no precedents for it. This was determined upon by the engineers that the Senator from Illinois [Mr. HOPKINS] now falls back on. They determined the size of the locks and their general character; and now we are told that we must increase the size of the locks. The business of shipbuilding has demonstrated now that the locks are too narrow. I have no hesitation in saying that the last thought is better than the first; that the locks ought to be increased both in length and in width. But if there had been proper attention paid to it, and if the right man had had hold of it, there would not be here, five years after, a suggestion that you shall now change your plan and build a different canal than you then declared was ample to meet the requirements of the commerce of the world for all time to come.

This is a more risky canal than a sea-level canal would be. It may cost a little less, but when it is done it will not have cost much less than a sea-level canal would have cost. This engineer who was before the committee, who now has the canal in charge, thinks it may cost $250,000,000 over and above the purchase price, as I understand. That will make it cost $300,000,000. I do not believe there is an engineer in this country who has sat down and examined the question who believes it can be built for $300,000,000. But if it can be, it will be a second-class canal when it is completed. The world has had some experience in canals. Of course it has never had any experience with a canal like unto this. Somebody will tell you because up here on the Lakes we have a successful lock canal, you can have a lock canal climbing a mountain nearly a hundred feet high. The one lock up here on the Lakes is less than 20 feet in its lift. There is nothing in the one case as in the other. In Panama there are to be three locks, one above the other, and built in duplicate. Take a big ship, starting in the upper lock, and if it makes a slight movement it will go to the bottom of the canal and destroy the six locks. The risk is a hundred times greater in a lock canal than it is in a sea-level canal. With a pressure of 85 feet upon your bank, a little leak under the bank will leave you without a dam in a few hours.

I have not said this because I am opposed to making the appropriation; and in the short time I am to be here I expect we will appropriate at least $100,000,000 more. My successor will vote for more than $100,000,000 on top of that. If this canal is built within $500,000,000 and you have a successful lock canal, you will disappoint the best engineering talent not simply in this country, but throughout the world. I do not believe anybody can tell what a lock canal will cost. I do believe you can tell what a sea-level canal will cost. But you are meeting obstacles in connection with your locks that nobody has

ever met with before, and nobody can tell what will happen. We do know if certain things should happen with your lock canal it is the end of the canal as an instrument of value to commerce for one or two years, or more.

I do not think it is of much consequence whether there is a newspaper published down there or not. If I believed it was a good paper I would be glad to subscribe for it myself, in order to keep in touch with the work as it goes on there; not that I want to criticise it, but I should like to know how rapidly we are approaching the completion of the canal. One man goes down there and spends two or three days looking it over and says the canal can be completed in five years, and another tells you in eight years. No living man can look at the canal and give any better judgment as to how long it will take than a man who has never seen it.

The great trouble we had with the Nicaragua route was that we never knew what a canal would cost, because we never had a unit to start with. We knew nothing about how large the locks would have to be. We knew nothing except the generalization of some engineers, who told us the canal could be built for $65,000,000. We started in on the Nicaragua route with a canal which, had it been completed fifteen years ago, would not be worth $100 to the commerce of the world to-day.

Mr. President, some of you will live to see this canal abandoned. Some of you will live to see a sea-level canal between the Pacific Ocean and the Atlantic. Then the great ambition of mankind will be accomplished. When the water shall flow from one ocean to another, and ships shall go unhindered by locks, then, and then alone, will the commerce of the world be satisfied with our efforts in this behalf.

Mr. PERKINS. Mr. President, I wish to call the attention of my friend, the Senator from Colorado, to the fact that the average rise and fall of the tide at Panama is 18 feet, and the spring tide is 21 feet. Therefore a sea-level canal must have double locks, certainly on the shores of the Pacific at the Bay of Panama.

Mr. TELLER. I wonder if the Senator from California thinks I do not know about the tides. I wonder if he thinks I have been here wrestling with this question for twenty-odd years and do not know what the tide is; whether I do not know how to prevent the high seas of the Pacific from ruining the canal. It is the simplest thing in the world, with one lock.

Mr. BACON. Mr. President, I do not desire to discuss the question of the relative merits of a sea level and a lock canal. I will take advantage of the opportunity, however, to say that I quite agree with the Senator from Colorado, and at the time when the matter was before the Senate I favored a sea-level canal. But there was one thing said by the Senator from Colorado which I do not think ought to be permitted to pass without dissent. The Senator asserted, if I understood him correctly, that we have surrendered the right to have any further control over the question of what shall be done in the construction of the canal, and that our sole duty is limited to the appropriation of money for its construction. From that proposition I most radically dissent, and I think it important that it should not pass without a dissent, because there is now too much of that disposition on the part of some officials of this Government. There is nothing done in obedience to law or in prosecution of anything authorized by law that is not within the control of Congress. Congress can withdraw, if need be, any authority it has given. I am not speaking about this particular matter, because, of course, there is no prospect or possibility of that; there is no thought of it. But Congress, the law-making power, is the authority which keeps its hand and its control on every Department of the Government and on every work of the Government done in pursuance to law. In fact, it has power and control over everything except some things which are devolved upon the coordinate branches of the Government by the Constitution, as to which they are not in a sense accountable to Congress. But even there the final account is to Congress, and I am unwilling that the present disposition to assume an authority independent of and superior to the control of Congress should be encouraged by any word that I may utter or any assent that I may give to words uttered by another in that regard.

Of course, I do not suppose the Senator from Colorado really means the full import that could be gathered from his words, and that he simply meant to criticise the action of Congress in having surrendered, to the extent which it has done, the practical work of the construction of the canal. Certainly from nothing that has been done by Congress can there be legitimately deduced the conclusion that Congress has surrendered the right to itself control in every department and in every particular.

Mr. TELLER. Mr. President, I do not mean to say, and I did not say, and no inference can be drawn of that kind, that Congress could not take charge of the canal. The Senator from Georgia knows that there has never been any effort to control it in the slightest degree except to make the appropriation of which I spoke. When we abandoned the management of the canal to the President of the United States we left it there, and it is there now, and the Senator knows just as well as he knows that he is a Senator from Georgia that no bill can be passed now to take it out of the hands of the President. So it is practically there, and it is a waste of time to criticise him with the management there. If there is any fault, it is with Congress for having abandoned its control over it, for the time being at least.

Mr. CULBERSON. Mr. President, just a moment more with reference to this matter.

Several statements have been made as to the character of this publication on the Zone, rather varying, coming from different Senators. I happen to have the issue of January 1, 1908, copied in the hearing before the Senate committee. I had myself made some statements about the character of this publication, calling it a newspaper with comments, not being confined to mere statements of the work done on the canal. That statement was in a sense disputed.

I shall ask that this copy of what is called the "Canal Record," published free, weekly, under the authority and supervision of the Isthmian Canal Commission, be printed in the CONGRESSIONAL RECORD, so that the people of the country may know that they are supporting a real newspaper on the Zone.

Mr. President, I will not attempt to analyze the contents, but I call attention to the fact that there is an article in it from the Rev. M. Britton King, superintendent of the Wesleyan Methodist Mission, as to the work done among the negroes in that locality. Some people will be interested to know that he states there that "all the negro women were dressed in white gowns, petticoats, kerchiefs, and caps, and the men as neatly." There is also a chapter devoted to social life. There are also personal paragraphs stating what is going on socially. Among others it says:

Miss Edith Slifer—

I desire to have this go in the RECORD at this place, because it deserves to be there—

Miss Edith Slifer, daughter of the general manager of the Panama Railroad, who came to the Isthmus to spend Christmas at Colon with her parents, sailed for New York on December 26, on the *Dunottar Castle*, accompanied by her friends, Miss N. Stull and Miss Vera Bergman. The Misses Margaret and Mary Slifer, who have also been spending Christmas at Colon, returned to New York on the *Finance*, which sailed from Cristobal on December 31.

There is another statement, and I pick out these because they strike me more favorably than some of the others—

The Ancon club held its business meeting on New Year's morning at 8.30 in the sun parlor of Hotel Tivoli. The committee on the dance to be given by the club announced that the only available date for the Tivoli ballroom is February 29. The ball will be a flower dance, and the ladies will appear in costume, each representing a flower. Invitations will be extended to other clubs in the Zone. The committee will have the arrangements completed in a short time.

Attention is called to the Ancon Amusement Association, and the members of the committee are referred to.

Mr. President, there is another item here which will be interesting to all Southerners. It is headed "Circus on the Isthmus."

CIRCUS ON THE ISTHMUS.

Shipp's Great American Circus, which has come to the Isthmus by the way of New Orleans, opened at Colon on December 28, with its "old-fashioned circus" performance, remaining there three days. It opens in Panama on the evening of January 1, continuing for eight nights and a Sunday matinee. It will go next to Empire for two or three performances, and then go to Gorgona for one or two.

We have in the publication an article about the advance of Christianity on the Zone, and an advertisement that a circus will appear Sunday afternoon in a matinee! I only call attention to these few excerpts to show the character of the paper, which is somewhat different from that indicated by my distinguished friend from Maine.

Mr. TILLMAN. Will the Senator from Texas yield for a question?

Mr. CULBERSON. Certainly.

Mr. TILLMAN. The Senator seems to have received this valuable publication. I have not been honored with a copy, but some Senator told me that it was being franked. I should like to know whether that is done according to law or whether it is an assumption of authority.

Mr. CULBERSON. I think it is being received by Senators who are members of the Committee on Interoceanic Canals. I myself have received a number of copies. I do not recall whether it is franked or not, but I happened to have this copy of January 1, 1908, which was printed in the hearings before the Senate committee, and I want it entered in the RECORD as my

answer to the suggestion on the other side of the Chamber as to the character of the publication.

The VICE-PRESIDENT. Without objection, permission is granted to print the paper in the RECORD.

The matter referred to is as follows:

CANAL RECORD.

[Seal of the Canal Zone, Isthmus of Panama.]

[Volume 1. Ancon, Canal Zone, Wednesday, January 1, 1908. No. 18.]

THE CANAL RECORD.

[Published weekly under the authority and supervision of the Isthmian Canal Commission.]

The Canal Record is issued free of charge, one copy each, to all employees of the Commission and Panama Railroad Company whose names are on the "gold" roll. Extra copies can be obtained from the news stands of the Panama Railroad Company for 5 cents each.

Address all communications the Canal Record, Ancon, Canal Zone, Isthmus of Panama.

NOTES OF PROGRESS.

ARRIVAL OF THE CULEBRA.

The seagoing suction dredge *Culebra* arrived at La Boca on the morning of December 28 after her long voyage of 12,000 miles. She is a sister dredge of the *Ancon*, which was described in the Canal Record of October 9. She sailed from Sparrows Point, Md., on the morning of October 9, with a crew of 53 men, in command of Captain Helliksen. Previous to her departure the hopper doors were sealed and covered with cement in order to make them water-tight, and the hoppers filled with coal as a reserve supply and as ballast. Heavy weather was encountered for the first few days out, and on the fourth day she ran into a hurricane lasting about eighteen hours, but she proved herself a good sea boat and no damage was sustained. Barbados was reached on October 19, where coal and provisions were obtained. She sailed from there October 20 and had fine weather to Pernambuco, Brazil, where she arrived October 30. After coal and stores had been obtained she sailed November 4 and had fine weather until within 200 miles of Montevideo, when a heavy southeast gale was encountered, lasting for about twelve hours. Montevideo was reached November 13, where four days were spent in coaling and securing provisions. She sailed on November 17 and had fine weather until Cape Verde was sighted, when she ran into a heavy southwest gale and anchored off the cape on November 23. During the gale the starboard anchor was lost. She left Cape Verde the next day and ran down to Possession Bay, Straits of Magellan. On November 25 she proceeded to Gregory Bay and anchored there for the night, and the next day, November 26, arrived at Punta Arenas. Coal and provisions were obtained and on November 30 she sailed, encountering very bad weather from the Straits of Magellan to Coronel, Chile, where she arrived December 7. Coal could not be obtained there on account of the heavy swells beating into the harbor and the voyage was continued to Valparaiso, where she arrived December 9. After coaling and provisioning she sailed on December 11, and had fine weather to Callao, Peru, which was reached on December 17. After again laying in a supply of coal and provisions she sailed for La Boca. The entire trip lasted eighty days, of which sixty-one were spent at sea and nineteen at the various ports en route. The average speed for the trip while at sea was about 9 knots per hour, and on her official trial trip in Chesapeake Bay she made a record of 9.88 knots per hour in a 90-mile trial run.

NOTICE TO EMPLOYEES.

Employees should understand that in order to receive payment on account of illness or injury under the regulations of the Commission, it is necessary to present themselves at a dispensary for treatment, or have a physician visit them in quarters in all cases where they are detained from their duties. Under the Chairman's circular, No. 144, which was published in the Canal Record of October 2, the physician's certificate must state specifically that the illness was contracted through no fault of the employee, and it is obvious that such certificate can not be given unless the physician has personal knowledge of the employee's condition.

This is published for the information of all employees, in view of the criticism to which physicians have been unjustly subjected for refusing to furnish certificates in cases where they were not consulted by the employees.

TWO MORE USABLE FRENCH BARGES.

The sanitary department has recently called the attention of the Chief Engineer to two 75-ton coal barges lying in the Rio Grande where they had been abandoned by the French company. They are about one-half mile below the point at which the Panama Railroad crosses the canal prism near Pedro Miguel and are similar to the one taken apart and conveyed by railroad to La Boca and rebuilt, as described in the Canal Record of November 13.

These barges are in fairly good condition and can be economically rebuilt. They are at present full of water caused by the rains of the recent wet season. The water will be pumped out and the decks housed over during the coming dry season, and at the next rainy season an effort will be made to float them to the shipways at La Boca, as they are too far away from the railroad to be taken there by train. It is thought it will not be a difficult matter to float them out during high water in the river.

Because of the special design of these old French barges they have the same advantages as ships built with a double bottom and are structurally very strong and practically unsinkable. The space between the bottom of the barge and the bottom of the hold, with the lateral bulkheads, forms air-tight compartments, so that if a hole were knocked in the hull by a collision, or even if the hull itself were cut in two the barge would float. This feature of construction has proved its usefulness on several occasions.

CULEBRA ISLAND QUARANTINE STATION.

A permanent Canal Zone quarantine station is being established on Culebra Island, in Panama Bay, for use at the Pacific entrance of the canal. It will be composed of ten buildings, which are now in course of erection, and which will be used as follows: Building No. 1 for the general detention of cabin passengers; No. 2 for the general detention of steerage passengers; No. 3 for women steerage passengers and attendants; No. 4 for station attendants' quarters; No. 5 for a plague laboratory; No. 6 for a laundry, and Nos. 7 and 8 as isolation wards for suspicious cases of infectious or contagious diseases. Building No. 9 will be the superintendent's residence.

A double system of water supply will be provided for the island. Salt water will be pumped directly from the sea to a 50,000-gallon tank located on the near-by island of Naos, from which a 6-inch water main will be laid under the narrow strait separating the islands and leading to all the buildings, furnishing ample sanitary and fire protection. The fresh-water supply will be obtained from the rainfall. Gutters on the eaves of the buildings will be connected with pipes, which will carry the water to two tanks, with a combined capacity of 100,000 gallons, located near the pump house (building No. 10). These tanks are so arranged that in case of necessity fresh water, brought in barges from La Boca, can be pumped into them. This fresh water supply will be used only for cooking and other necessary purposes, the main supply being salt water, as stated above.

On account of the rise and fall of the tide at this point, which amounts to about 20 feet, a wharf of such construction will be built as to render it available at all stages of the tide. It will consist of two bridge spans, each 55 feet long. One end of span No. 1 will be fastened to the shore abutment by a hinge joint. The other end will rest upon a float or pontoon held in position by guide piles, and will follow the vertical movement of the water until the tide is half out, when a cross beam on the pontoon will rest upon a support on the guide piles and will prevent further downward movement of the pontoon and of the inshore span. One end of span No. 2 is also secured to the same pontoon, the other end being on another pontoon, 20 by 50 feet in size and about 6 feet deep, which will form the wharf landing. This second pontoon will also be held in place by guide piles and will follow the total vertical movement of the tide. At extreme low water the wharf will have a grade of about 10 per cent from the landing to the shore, and as there will be 15 feet of water at the end of the wharf at extreme low tide, steamers connected with the quarantine service will always be able to make a landing.

The plan of this wharf is a modification of the landing used by ferries in the States. It is not known, however, whether a wharf of this character has ever before been attempted where there was such an extreme tide, but it is believed that this simple solution of the case will accomplish the desired purpose at a minimum cost. All the material for building the wharf is on the ground and all the steel and iron needed in its construction consists of old French material found on the Isthmus.

HIGHEST DAILY SHOVEL RECORDS.

The subjoined table gives the highest daily records of steam shovels in the Department of Excavation and Dredging from December 1 to 24, inclusive:

Shovel No.	Date.	Location.	Amount of material removed (cubic yards).	Kind of material.
221	Dec. 3	Bas Obispo	1,900	Rock and earth.
116	do	do	1,788	Do.
205	Dec. 21	Empire	2,140	Do.
126	Dec. 4	do	1,164	Do.
222	Dec. 18	Culebra	2,072	Do.
128	Dec. 2	do	1,960	Earth.
211	Dec. 13	Pedro Miguel	3,164	Soft rock.
110	Dec. 6	do	1,900	Earth.
103	Dec. 13	Mindi	1,334	Rock and earth.
115	Dec. 21	San Pablo	1,450	Do.
54	Dec. 20	Caimeto Mul	1,030	Earth.

Shovels in the one-hundred class are 70-ton shovels with buckets of a capacity of 2½ cubic yards. Shovels in the two-hundred class are 95-ton shovels with dippers of a capacity of 5 cubic yards. Shovels in the fifty class are 45-ton shovels with dipper capacity of 1¾ cubic yards. The shovels are under steam for eight hours per day, but are not actually worked during this entire period, time being lost by the necessity of moving the shovel forward, blasting stone too big for the shovel to handle, keeping the shovel supplied with cars, etc.

GATUN STEAM SHOVEL WORK.

The maximum daily output for the week ending December 21 was made on Friday, 20th instant. The amount excavated was 7,174 cubic yards, car measurement, being an average of 1,435 cubic yards per shovel.

For the same period there was loaded by steam shovels Nos. 113 and 114, at the spillway, 18,178 cubic yards, car measurement. The largest day's loading for both shovels was on the 21st, when 3,622 cubic yards were taken out. Steam shovel No. 114 made the largest output for any one day during the week, loading 2,016 cubic yards on the 21st.

DREDGING AT LA BOCA.

The maximum daily output by the three dredges of the La Boca dredging division for the week ending December 28, scow measurement, was as follows: December 27, dredge A 2, 6,772 cubic yards; December 28, dredge 14, 7,012 cubic yards; December 26, dipper dredge, 4,480 cubic yards. The total output of each of the three dredges for the same period was, dredge A 2, 29,205 cubic yards; dredge 14, 24,882 cubic yards; dipper dredge, 20,160 cubic yards. The total output from December 1 to December 28 was, dredge A 2, 143,024 cubic yards; dredge 14, 130,797 cubic yards; dipper dredge, 59,590 cubic yards.

TAMPERING WITH FIRE OR WATER SUPPLIES.

The special attention of employees and all other persons concerned is called to the following section of the "Rates, rules, and regulations governing the use of water on the Canal Zone," which were adopted by the Isthmian Canal Commission on October 28, 1907:

"No person, or persons, shall remove, obstruct, injure, molest or otherwise tamper with any fire hydrant, standpipe, fire plug, tank, hand-grenade, fire extinguisher, hose, hose reel, cart, engine, harness, valve, box or cover, stop cock, stop box or cover, or any other tool, fixture, apparatus, pump, machinery, or building of any kind whatsoever connected with or necessary to the proper and efficient operation of the water systems, or for fire protection within the Canal Zone; nor shall any person, or persons, willfully or otherwise, misuse or waste, or cause to be misused or wasted, water supplied from the water mains owned and operated by the Isthmian Canal Commission and the government of the Canal Zone. Any person, or persons, violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be punishable by a fine of not less than $5 nor more than $25, or by imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment: *Provided, however,* That the provisions of this section shall not apply to firemen in the regular discharge

of their duties and duly authorized representatives of the Division of Municipal Engineering."

"CONTRACTOR" INSTRUCTED.

To the Editor of the New York Herald:

In reply to an article signed "Contractor," dated November 8, 1907, criticising the amount of earth and rock excavated during October, 1907, from the Isthmian Canal as ridiculously enormous, I would like to inform him that steam shovel No. 103, located at Mindi, Canal Zone, October 8 (the month he mentions), excavated 1,419 cubic yards of rock and earth, and on October 23 excavated 1,950 cubic yards of rock and earth. The bank this shovel was working in contained 17 feet of rock and 7 feet of earth.

Shovel No. 103 is of the 70-ton class with a dipper capacity of 2½ cubic yards. I personally saw this shovel perform the above work on both days, and I know that it was done in a working day of eight hours.

We cordially invite Mr. Contractor to come down on the Isthmus and spend a week with us and we will show him how to make the dirt fly and also convince him that we are earning all Uncle Sam pays us and have no place for drones here. The boys can grumble here, like Contractor does, but it is because they can not get more dirt out, and that would be almost an impossibility, but we will try to overcome impossibilities and keep up the old American record for activity during the dry season.

Contractor must also remember and take into consideration that this work was performed during the height of the rainy season. We would be thankful if Contractor would give us credit for what we do instead of trying to hold us up to ridicule. We are away from home, but still Americans, and the laugh is on him.

EMPLOYEE MINDI.

GATUN, C. Z., *December 6, 1907.*

ONE HUNDRED DOLLARS (GOLD) REWARD.

The above reward will be paid by the Isthmian Canal Commission for the arrest or apprehension, or for information that will lead to the arrest or apprehension of Blas Martinez, who is wanted by the Canal Zone police authorities for the crimes of murder and rape, committed in Las Savannas, Canal Zone, on December 19, 1907. The description of Martinez is as follows:

Nationality, Colombian; age, 44 years; color, dark brown; eyes, dark brown; hair, black and curly; height, 5 feet 6½ inches; weight, about 140 pounds; nose, very flat; speaks Spanish and some English.

Marks, scars, etc.: Scar 1½ inches long on left center of forehead; scar 1½ inches long, left of left eye; circular scar above left cheek; scar one-half inch long right of right eye; circular scar 1½ inches below right eye; part of right ear missing.

Tattoo marks: Anchor 1½ by 2 inches and letter "M" on left breast; scar 1½ inches in diameter, with letter "B" on right breast; letters "L. M." and a fish on left forearm; inverted letter "M" and star 1½ inches in diameter, and a heart with a sword through it tattooed on left forearm.

Information relating to Martinez should be immediately communicated to the chief of police, Ancon, Canal Zone.

GEO. R. SHANTON,
Chief of Police.

Approved: D. D. GAILLARD,
Acting Chairman Isthmian Canal Commission.

ANCON, *December 28, 1907.*

TWO HUNDRED DOLLARS REWARD.

On December 23, 1906, Paul Chung, a Chinaman, was murdered at Paraiso, by being struck on the head with some blunt weapon. The perpetrator of the crime has never been discovered. Some of the circumstances surrounding the murder are similar to those connected with Philip F. Kramer, at Paraiso on December 16, 1907, for which $500 reward has been offered. Relatives of Paul Chung offered a reward of $200 for information leading to the arrest and conviction of the murderer, which reward is in the hands of the chief of police and still remains good.

ESCAPED MURDERER CAPTURED.

Prisoner John Hughes, who on December 20 escaped from his guard while being taken from his cell to the mess hall at Ancon police station, was recaptured by the police in Las Sabanas on December 27. Hughes is a prisoner who is wanted on the charge of murder in the State of Florida. He is a large, powerful man, and was captured only after a long run and rough-and-tumble fight.

Hughes will be sent at once to New York in charge of a Zone police officer. Upon the arrival of the boat he will be turned over to the proper authorities, who will take him to Florida to stand trial for the murder of which he is accused.

WESLEYAN METHODIST MISSION.

WORK DONE AMONG THE NEGROES IN THE ZONE AND AT PANAMA AND COLON.

[By the Rev. M. Britton King, Superintendent.]

The Wesleyan Methodist Church on the Isthmus of Panama is a branch of that church in the West Indies and is included in the Jamaica district, which is under the direction of the missionary committee of the English conference.

This church, together with the Methodist Episcopal Church, owes much to the zeal and ability of the great missionary bishop, Dr. Thomas Coke. Doctor Coke was a gentleman commoner of Jesus College, Oxford, who was associated with the Rev. John Wesley in his evangelistic work and who in 1784 was appointed superintendent of the Methodist Church in America. On one of his voyages to the United States, accompanied by three ministers, they were driven so far out of their course by a gale that when land was sighted it proved to be the island of Antigua, one of the British West Indies, where they landed on Christmas Day, 1786. Here they found a warm welcome, for although there was no resident minister, Methodism had already taken root there. A wealthy planter of the island while on a visit to England several years previously had come under the influence of Wesley's preaching, as had also several of his slaves, and as a result of the missionary work done by them after their return home about 2,000 people had embraced the Methodist faith. It was early in the morning when Doctor Coke and party landed, and he met many of the people going to the 5 o'clock Christmas service. This custom is still maintained, and the early service Christmas morning is one of the best attended of the year throughout the West Indies. Doctor Coke was much impressed with the congregation and said in his letters that it was "one of the cleanest audiences I ever saw. All the negro women were dressed in white gowns, petticoats, kerchiefs, and caps, and the men as neatly."

When Doctor Coke left the island to resume his voyage to the United States an illustration was given of the generosity of the people toward their ministers. "Seed cakes, sweet biscuits, oranges, and bottles of jelly were brought in such abundance," said Doctor Coke, "that although I shared them freely with my fellow passengers, we had not disposed of half their store when the eighteen days' voyage ended." So impressed had Doctor Coke been with the conditions there that he left the three ministers who had accompanied him in the West Indies. One was stationed at Antigua, another at St. Vincent, and the third at St. Christopher. The work spread rapidly to the other island colonies of Great Britain and to those of France, Holland, and Denmark, and in course of time to the republics of Spanish Honduras, Haiti, Santo Domingo, Nicaragua, Costa Rica, and Panama.

Organized work on the Isthmus of Panama by the Wesleyan Methodist Church was started in 1882, the year of the earthquake, and the twenty-fifth anniversary of the founding of the mission was recently held.

A line of mission stations was established, including Colon, Gatun, Lion Hill, Bohio, Frijoles, Empire, Pedro Miguel, and Panama. The mission at Colon was originally known as the Taylor mission, so named because it owed its inception to Bishop Taylor, whose missionary labors were attended with great success in many lands. Day schools were opened; but these, with the exception of those at Panama and Colon, have since been closed on account of the formation of the Canal Zone government schools. Sunday schools at the mission station are still continued and there are about 30 teachers and 550 scholars enrolled, with an average total attendance of about 400. There are at present two ministers of this church on the Isthmus, one residing at Panama and the other at Colon, who make frequent visits to the mission stations in the Zone, and a staff of sixteen lay preachers, all negroes, who hold services regularly at these places. There are young people's societies at Panama, Colon, and Empire that are doing much good At Cana, where the Darien Gold Mining Company's operations are located, a catechist cares for the religious and educational needs of the people. The buildings at Panama, Colon, Frijoles, Lion Hill, and Gatun are the property of the church; those at Pedro Miguel, Empire, and Bohio were loaned by the French company, which courtesy has been continued under the present Isthmian Canal Commission. A few months ago the schoolroom at Colon was destroyed by fire, and unfortunately the loss was not covered by insurance, but an effort is being made to rebuild it. In Panama the foundation of a new church was laid about nine years ago, but adverse circumstances caused a cessation of the work. Building operations have again been started, and a stone church 70 by 40 feet is in course of erection, the corner stone of which was laid on New Year's Day, 1908. A plan for a new church at Colon is also under consideration.

A large majority of the members of this church on the Isthmus are natives of Jamaica and other islands of the West Indies, and are employed by the Isthmian Canal Commission or the Panama Railroad Company. There are about 750 communicants on the church registers and about 3,000 adherents over whom the ministers have pastoral charge. Frequent visits are made to the various hospitals of the Commission, and there are numerous letters that come from anxious relatives and friends in regard to persons on the Isthmus that require much attention and time. Practically all the work in connection with these mission stations is financially self-supporting, as it has always been the policy of this church to inculcate among its members the duty and privilege of self-help in regard to supporting its various benevolent enterprises. In this way the interest in and concern for the progress of the work has been maintained.

A few years ago the then existing political conditions nearly brought about the suspension of the work. Services could only be held occasionally and at great personal risk, as several of the ministers were under fire at various times. Now, under the blessings of a more settled form of government, services are regularly held and the work is carried on with no interruption from political causes.

PERSONAL.

Owing to the recent change in plan for the locks and dams at the Pacific end of the canal, Mr. Sydney B. Williamson, division engineer, has moved his office from La Boca to Corozal, and all communications should be addressed to him there.

Mr. F. H. Newell, Director of the United States Reclamation Service, who has spent several days in visiting different parts of the work on the canal, returned to New York on the *Dunottar Castle,* which sailed from Cristobal on December 26.

Miss Edith Slifer, daughter of the general manager of the Panama Railroad, who came to the Isthmus to spend Christmas at Colon with her parents, sailed for New York on December 26 on the *Dunottar Castle,* accompanied by her friends, Miss N. Stull and Miss Vera Bergman. The Misses Margaret and Mary Slifer, who have also been spending Christmas at Colon, returned to New York on the *Finance,* which sailed from Cristobal on December 31.

Dr. and Mrs. T. C. Lyster, of Ancon Hospital, returned to the Isthmus on the *Finance,* which arrived at Cristobal on December 26.

Mr. M. J. Stickel, secretary of the Y. M. C. A., at Cristobal, sailed on the *Dunottar Castle* on December 26 for a six weeks' leave of absence in the States. During his absence Mr. F. C. Freeman, traveling secretary of the Y. M. C. A., will have charge of the clubhouse at Cristobal.

Mr. Paul Stanley Erricson, of the office force of the Hotel Tivoli, and Miss J. Irene Trau were married in Ancon on the afternoon of December 24. Mr. and Mrs. Erricson will reside at the Hotel Tivoli.

CIRCUS ON THE ISTHMUS.

Shipp's Great American Circus, which has come to the Isthmus by the way of New Orleans, opened at Colon on December 28, with its "old-fashioned circus" performance, remaining there three days. It opens in Panama on the evening of January 1, continuing for eight nights and a Sunday matinee. It will go next to Empire for two or three performances, and then go to Gorgona for one or two.

COMMISSION CLUBHOUSES.

The bowling match at Culebra on Christmas Day resulted in a victory for Lamster and Vogel, of Culebra, in the two-men team contests, they having a total pin fall for the three games rolled of 1,202. Winters and Roberts, also of Culebra, were second, with a pin fall of 1,131. The individual event was won by Durand, of Empire, with a score of 580 for the three games, with Vogel, of Culebra, second, with 588. Lamster, of Culebra, scored 243, thus winning the high-score prize. Contestants were entered from Cristobal, Empire, Gorgona, and Culebra.

A new class in Spanish will be started Wednesday, January 8, under the instruction of Mr. Bernard Beckerlegge. The last three terms have been very successful.

Both chess and pool tournaments are advancing rapidly and are bringing forth some admirable latent talent and many surprises.

Saturday, December 21, the Cristobal Y. M. C. A. basket ball team was defeated by the Y. M. C. A. team from Gorgona by a score of 33 to 29. The game was clean-cut and snappy from start to finish. A debating club, recently organized and known as the Senate, is creating a considerable interest among the Y. M. C. A. members. Judge Thomas H. Brown, jr., is acting president, and under his leadership the men expect to settle many weighty questions.

SOCIAL LIFE OF THE ZONE.

THE BEST CHRISTMAS CELEBRATIONS SINCE AMERICAN OCCUPATION.

Christmas, 1907, will be remembered on the Zone as the merriest Christmas since American occupation. Social and domestic life are so well developed and organized that the community Christmas entertainments were successfully carried out, and great satisfaction is felt by those who had them in charge. Especial attention was paid to the children, and the entertainments in which they took part were appropriate and interesting, while gifts were numerous. A generous Christmas spirit was manifested, everyone contributing in one way or another to their success. Nearly all the celebrations took place on Christmas eve, though some were deferred until later, thus making the holiday week one of pleasurable anticipation and excitement for the little ones.

At Christobal on Christmas eve, the Union church, the woman's club, the day school, and the Y. M. C. A. joined together in giving an old-fashioned Christmas party in the Commission clubhouse to the children of Cristobal. Santa Claus was there in all his glory and gave presents to the children from a genuine Christmas tree brought from the States. About 500 people were present, and after the exercises were completed popcorn, candy, nuts, and orangeade were served in the reading room, and music was furnished by the Canal Zone band. It was a Christmas eve long to be remembered.

The community of Gorgona celebrated Christmas enthusiastically, the united efforts of the Y. M. C. A., the Sunday school, and the woman's club having been put forth to make it memorable. The entertainment was given in the Commission clubhouse. The committee in charge was L. F. De Montrency, Henry E. Daly, and John J. Easton, of the Y. M. C. A., assisted by a committee of the woman's club and teachers in the public schools. The program committee of members of the woman's club, consisting of Mrs. Jack Fogerty, Mrs. C. Pierson, Mrs. R. C. Goodale, Miss Laura Faxon, and Mrs. Ralph Wolf, had charge of the drilling of the children. The decorating committee, Mrs. Jack Eason, Mrs. Bergstrom, and Mrs. Johnson, had charge of the tree and the decorations of the room. The tree was beautifully trimmed with the usual Christmas decorations and, in addition, a number of small colored electric lights. The children gave the entire program of 29 numbers, lasting an hour and thirty minutes, which wound up with a tableau, composed of six children watching for Santa Claus before an open fireplace, through which came Santa Claus (Mr. Frank Morrison) with a jingle of bells. After a short speech the presents were distributed. Each child received a toy, a tarlton stocking filled with apples, oranges, nuts, and raisins, and a house box filled with candy. There were about four hundred people present. The Christmas tree was afterwards turned over by the committee to the people of the colored church. On Christmas night the committee finished distributing presents by giving out two barrels of apples and a half barrel of oranges from the steps of the Commission clubhouse to the native children of the town. The work of the woman's club had much to do with the success of the entertainment. The purchasing committee in the States was composed of Miss Helen Varick Boswell, of the National Civic Federation, and Mr. John M. Glover, international secretary of the Y. M. C. A.

The Christmas entertainment at Empire, given by the Y. M. C. A. at the Commission clubhouse on the evening of December 24, was a decided success from every point of view. There was an excellent program rendered by the Ernest Gamble Concert Party and the school children. The portion rendered by the children consisted of the following: March and drill, led by the master of ceremonies, Master Bun Davies; vocal selection, Miss Eva Harris; address of welcome, Miss Lucy Stuntz; piano solo, Master Cleland McDevit; recitation, Miss Elizabeth Pickens; choral selection. The most exciting part of the program was the arrival of Santa Claus and his distribution of the hundred Christmas stockings to the children present. Many other presents were also distributed.

On Christmas eve, at Culebra, the Sunday school, assisted by the woman's club and Y. M. C. A., gave a very enjoyable entertainment for all the children of Culebra. A tree sent from the States, and appropriately decorated, was the center of attraction, and added materially to the enjoyment of the evening. A program of songs, recitations, and drills by the children was presented, together with a visit from Santa Claus and the distribution of gifts.

The tree and entertainment at Pedro Miguel was held on Christmas eve, being arranged under the auspices of the Pedro Miguel Social and Recreative Club. A committee, consisting of Mesdames Barnes, Waters, Hobby, and Henderson, of the women's club, and Messrs. Henderson, Palmer, Pendry, Hobby, Bergeman, and Oldfield of the social club, was in charge of the arrangements. The center of interest was the Christmas tree, the gift of Mr. and Mrs. W. Henderson, which was attractively festooned with the usual Christmas decorations. About thirty children took part in the program and sang school songs and carols. The tree was lighted early in the evening and the gifts distributed, after which supper was served. Later in the evening a dance was given by the club, which lasted until a late hour. Special trains were run from Paraiso and Corozal. The club rooms were beautifully decorated. An elaborate supper was served at midnight and a delightful evening was enjoyed by all present. On the same evening a smoker was given by the bachelors at Paraiso.

The Sunday school of St. Luke's Church, Ancon, held its celebration, December 29, in the Protestant chapel in the hospital grounds. The celebration consisted of a short service and a short address by the chaplain, Archdeacon Bryan, the singing of carols by the children, and the distribution of gifts. All the children of Ancon, La Boca and Corozal were invited, and the attendance was good. There will be a service at this chapel on New Year's morning at 10 o'clock.

The Cristobal Club held its regular business meeting December 27, the president, Mrs. Lorin C. Collins being in the chair.

The club is making preparations for the Federation meeting on January 4 and will entertain the officers and delegates of the visiting clubs at luncheon at the Commission Hotel. In order to make the recognition of delegates more simple, it is desired that each delegate wear a badge upon entering the hall.

The Gorgona Woman's Club held its regular meeting December 26. In the absence of the president, Mrs. D. E. Hayes, secretary, presided. The meeting in the regular order should have been for the quarterly election of officers, but in the absence of several members and officers the elections did not take place.

The Las Cascadas Club held its regular meeting in the club room December 26. The entertainment committee served refreshments, and as a surprise, presented each member of the club with a little plate as a Christmas remembrance. The club has been actively preparing for the bazaar, which was held December 31. A general invitation to attend this entertainment had been extended and the attendance was satisfactory. The club did not have a share in the Christmas celebration, as trees were given by two other local organizations, both occasions being much enjoyed by the school children and others of the community. Members elected to attend the Federation meeting at Cristobal are the president, Mrs. Randall, Mrs. Lynn, Mrs. Drysdale, and Mrs. Boregard. It will be remembered that this club was not formed until after the organization of the Zone Federation of Women's Clubs, and it is not, therefore, a member of that body. Application for membership will be made at the coming meeting.

The Empire Woman's Club held its regular meeting December 19 with an unusually large attendance. The president, Mrs. F. W. Miracle, was in the chair, and the business proceeded in regular order. The application of ten resident women for admission to the club raises the membership list to nearly sixty. The meeting was a social one and the afternoon was spent informally. Refreshments were served by the committee under the chairmanship of Mrs. George T. Burnett. Mrs. E. Beck, the vice-president of the club, has returned to Empire after a short visit to Cristobal.

The Pedro Miguel Woman's Club has resumed activity and is enrolling new members at every meeting. A "clipping" social was given by the club December 21, which was very successful. After the sale of the "clippings," which netted a good sum for the benefit of the organization, supper and dancing were enjoyed by those present. The club will give a Japanese tea in honor of the Paraiso Woman's Club January 8. In the list of the club officers given by request in the last issue of the Canal Record, the name of the secretary of this club was not included. Mrs. H. W. Shick has been elected to that office.

The Ancon club held its business meeting on New Year's morning at 8.30 in the sun parlor of Hotel Tivoli. The committee on the dance to be given by the club announced that the only available date for the Tivoli ballroom is February 29. The ball will be a flower dance, and the ladies will appear in costume, each representing a flower. Invitations will be extended to other clubs in the Zone. The committee will have the arrangements completed in a short time.

ANCON AMUSEMENT ASSOCIATION.

FIRST STEP IN THE FORMATION OF A NEW ORGANIZATION.

The following invitation was circulated among all the residents of Ancon and Ancon Hospital:

You are invited to attend a mass meeting in the parlor of the Hotel Tivoli on Friday evening the 27th instant, at 8 o'clock, for the purpose of forming an amusement and improvement association for the benefit of the I. C. C. employees, and their families. It is earnestly hoped that all the employees of the I. C. C. quartered at Ancon, and Ancon Hospital, whether bachelor or married, will attend.

TOM. M. COOKE,
JOSEPH BUCKLIN BISHOP,
GEO. R. SHANTON,
H. D. REED,
W. C. GORGAS,
J. G. HOLCOMBE,
W. E. DEEKS,
Committee.

Pursuant to this call, about a hundred persons assembled in the parlor of the Hotel Tivoli on Friday evening. Col. Tom M. Cooke was unanimously chosen chairman of the meeting, and Mr. J. P. Avis, secretary. A prepared statement was read setting forth the purpose of the meeting, which in substance was, that as there was no association or club in the vicinity to procure amusement for the employees stationed there, it was considered advisable to form an association of the broadest scope possible, which could secure any and every form of entertainment which could amuse or improve the conditions of living. Such an association should arrange not only for indoor but outdoor entertainments, and all employees of the Isthmian Canal Commission and the Panama Railroad on the gold roll should be eligible to membership.

The chairman announced that in order to bring the subject properly before the meeting for discussion, a motion should be made.

Accordingly Mr. H. D. Reed moved that an Ancon Amusement and Improvement Association be formed. Several gentlemen spoke very enthusiastically in favor of it, among them Doctor Gruver and Mr. Lipsett, both stating that they thought such an association necessary, and that its scope should be of the broadest kind possible.

Judge Gudger favored an association so broad that it could provide any and every kind of amusement not forbidden by law. After further speeches, the motion was unanimously carried. It was then moved and seconded that the chair appoint a committee of nine, to include the chair, to draft a constitution and by-laws for the association, and that an adjourned meeting should be held on Saturday, January 4, at 8 p. m., in the parlor of the Hotel Tivoli, for the purpose of receiving the report of said committee and forming a permanent organization.

This motion having been carried, the chair announced that he would nominate the members of said committee later, as he considered it such an important thing that he desired to carefully consider the men selected.

A motion was then made and carried that the chair appoint a small committee to act as canvassers for the purpose of securing additional members who were not present at the meeting. In accordance with this motion the following gentlemen were appointed: Capt. George R. Shanton and Mr. J. M. Maguire, for Ancon and Panama; Mr. A. C. Harper and Mr. J. St. C. Hunt, for La Boca and East La Boca, and Mr. C. G. Haskel for Corozal.

Papers were then circulated to secure the signatures of those persons present who desired to join this association. The following signatures were secured:

Joseph Bucklin Bishop, W. E. Deeks, J. M. Maguire, J. A. Le Prince, E. C. McFarland, Fleetwood Gruver, W. T. Dozier, John Freeland, H. T. Summersgill, A. M. Colegrove, John S. Walker, Emil J. Rall, James O. Meadows, W. E. Russell, B. D. Radcliffe, W. B. Ruggles, E. J. Lewis, Edward Fitzpatrick, J. W. Belt, L. M. Lipsett, R. G. Baldwin, C. C.

Jackson, A. C. Harper, William W. Ruggles, M. L. Duff, Tom M. Cooke, H. R. Carter, K. K. Kramer, William E. Murtogh, A. E. Mayner, H. A. Gudger, J. W. Barrett, C. G. Haskell, J. L. Storla, W. Krugel, Harry M. Payne, J. P. Avis, Jere Turpin, Charles G. Thompson, H. B. May, R. A. Conard, Charles F. Runck, jr., L. R. Brown, H. E. Bovay, J. M. Shady, E. E. Price, F. E. Delano, D. H. Moffat, W. R. Woods, Hugh S. Hunter, George R. Shanton, J. G. Holcombe, R. G. Castel, William H. MacFarlane, S. E. Blackburn, G. M. Shontz, H. D. Reed, George H. Bartholomew, Kenneth Bovay, Thomas Crozier, E. F. O'Neill, Robert R. Van Horn, J. M. Sinclair, J. E. Siler, Andrew W. Dewling, O. M. Ewing, C. A. Merritt, J. Saville, H. Bortin, C. B. McCormick, Benjamin D. Wileng, B. W. Payne, E. A. Deems, James Bowdry, E. M. Arbuckle, C. F. Cretors, P. de Obarrio, C. E. Guyant, Jacob Cohen, C. H. Jewett, T. C. Lyster, Walter H. Stevens, Clem S. Leftwich, S. A. Higgins, George F. Halsey, P. J. Mahoney, J. St. C. Hunt, Frederick A. Feld, William E. Maxon, Robert Coe, and W. C. Haskins.

Colonel Cooke subsequently announced the following committee on constitution and by-laws, stating that it was his endeavor to, so far as possible, represent each locality and all branches of the service:

Tom M. Cook, chairman; T. C. Lyster, Ancon Hospital; W. E. Grant, municipal engineering; A. C. Harper, engineer; W. E. Russell, building and construction; William Krugel, material and supplies; J. M. Maguire, labor, quarters, and subsistence; J. Kyte, Corozal; J. St. C. Hunt, Panama Railroad and La Boca.

The movement appears to have met with hearty approval, and a successful organization seems to be assured.

It is the desire of all concerned that at the meeting on January 4, at 8 p. m., in the parlor of the Hotel Tivoli, every employee of the Commission and Panama Railroad stationed in Ancon, Ancon Hospital, Panama, La Boca, East La Boca, and Corozal shall be present.

CRISTOBAL GARRISON, REGULAR ARMY AND NAVY UNION.

The Canal Record: The third garrison of the Regular Army and Navy Union of the United States of America was installed at Cristobal, Canal Zone, Wednesday evening, the 18th instant, by Mr. Lester E. Herman, the assistant inspector-general of the national corps for the Canal Zone. The laws governing the installation of a new garrison were complied with, the election of officers resulting as follows:

Grover C. Bradford, commander; Herman Kehm, senior vice-commander; Frank L. Cornish, junior vice-commander; Charles D. Mitchell, chaplain; William M. Ridpath, adjutant and quartermaster; H. V. H. Monk, paymaster; Paul Wollenburger, surgeon; Fred. M. Kaulbach, officer of the day; Lewis B. Mickle, officer of the watch; Joseph J. Marek, officer of the guard.

It is the intention of Mr. Herman to have three garrisons on the Isthmus. One has been installed at Culebra, covering the district between that place and Panama, including La Boca. The garrison now located at Empire (Admiral Asa Walker, No. 40) will be transferred to Gorgona, taking in all towns between Gatun and Culebra. The Cristobal garrison will cover the territory between Gatun and Colon.

Men who have served in the Regular Army, Navy, or Marine Corps of the United States are eligible to enrollment. Application blanks for Cristobal garrison can be obtained by applying to Mr. H. V. H. Monk, Gatun, or the undersigned. The next regular meeting has been ordered for Friday, December 27, 1907, at 7.30 p. m., in the court room, No. 1 Building, Cristobal, Canal Zone.

Very respectfully,

WM. M. RIDPATH,
Adjutant and Quartermaster.

CRISTOBAL, *December 20.*

IMPROVED ORDER OF RED MEN.

The Canal Record: To all members of the Improved Order of Red Men residing in the Canal Zone. There are at present in the Zone seven tribes and one Council Degree of Pocahontas, I. O. R. M., that are organized and in full working order, and that are in constant communication with the various great chiefs throughout the United States. Their name and location is as follows:

Chiriqui Tribe No. 1, Culebra—Instituted January 3, 1906. Meets every Saturday evening.

San Blas Tribe No. 2, Cristobal—Instituted March 16, 1906. Meets every Tuesday evening.

Cecle Tribe No. 3, Empire—Instituted March 29, 1906. Meets every Friday evening.

Aztec Tribe No. 4, Pedro Miguel—Instituted June 16, 1906. Meets every Thursday evening.

Cholo Tribe No. 5, Gorgona—Instituted December 3, 1906. Meets every Monday evening.

Incas Tribe No. 6, Gatun—Instituted February 16, 1907. Meets every Thursday evening.

Caribb Tribe No. 7, Las Cascadas—Instituted March 16, 1907. Meets every Wednesday evening.

Alfaretta Council No. 1, D. of P., Culebra—Instituted March 26, 1906. Meets every Tuesday evening.

Members are always welcome at any of these council fires. Members resident at a village, near a tribe to which they are not on its rolls, should register with said tribe. This applies in like manner to those who are members of the organization and affiliated with some tribe in the States. In case of accident or sickness, these members would be known as such, and could have the additional assistance of the nearest tribe and its members. Do this at the next meeting of a tribe near whom you are resident—attend; show your credentials and receipts; register your name, occupation, and address; give any additional information thought necessary. Your attendance will be appreciated. The good will and benefit you receive will be shown by your future attendance.

Fraternally, yours, in F. F. & C.,

JOHN E. BURNS,
C. of R., Chiriqui Tribe No. 1.

CULEBRA, C. Z., *December 15.*

HOTEL TIVOLI.

SCHEDULE OF RATES EFFECTIVE JANUARY 1, 1908.

To heads of departments and divisions: The schedule of rates at Hotel Tivoli, as given below, are effective January 1, 1908.

Please note that no credit will be extended to employees, as the purpose of our system of coupon books is intended to provide for such accommodation. Bills of employees unpaid at the time of departure will not be subject to the discount, and will be made out at the regular nonemployee transient rate and forwarded immediately to the disbursing officer. Will you kindly advise your gold employees accordingly?

JACKSON SMITH, *Manager.*

Daily rates—nonemployees.

Meals.		Rooms. Grade.	1 in room.	2 in room.
Breakfast	$0.50	1	$1.50	$2.25
Luncheon	1.00	2	2.50	3.50
Dinner	1.25	2	3.50	5.00
		3a	4.00	5.50
		[a]3	4.50	6.50
		[a]3a	5.00	7.50

Employees—transient.

Meals.		Rooms. Grade.	1 in room.	2 in room.
Breakfast	$0.50	1	$1.00	$1.50
Luncheon	.50	2	1.50	2.00
Dinner	1.00	3	2.00	3.00
		3a	2.50	3.50
		[a]3	2.75	4.00
		[a]3a	3.00	4.50

Bills must be paid in coupons only, and at time of leaving, except on special order from the manager of the department of labor, quarters, and subsistence.

Employees—monthly.

Grade.	Room only. 1 in room.	Room only. 2 in room.	Room and board. 1 in room.	Room and board. 2 in room.
1	$12.50	$15.00	$17.50	$85.00
2	20.00	25.00	55.00	95.00
3	25.00	35.00	60.00	105.00
3 [a]	40.00	50.00	75.00	120.00

Monthly rate for meals without room, $35.

These rates are for employees regularly assigned to quarters or authorized by special order of the Manager of the Department of Labor, Quarters and Subsistence, and may be paid in cash or coupons.

Nonemployees—monthly.

Grade.	Room only. 1 in room.	Room only. 2 in room.	Room and board. 1 in room.	Room and board. 2 in room.
1	$30.00	$55.00	$75.00	$145.00
2	45.00	75.00	90.00	165.00
3	60.00	100.00	105.00	190.00
3 [a]	75.00	135.00	120.00	225.00

[a] With bath.

Monthly rate for meals without room, $45.

Open accounts will not be permitted. Guests must be required to pay their bills upon leaving.

Accounts of transient employees unpaid at time of leaving will be made up at the nonemployees' transient rate, and sent immediately to the Disbursing Officer.

Bills of guests remaining a week or over must be collected weekly, unless by special order of the Manager of the Department of Labor, Quarters and Subsistence.

A charge of 50 cents extra must be made for all meals sent to rooms.

Rate for Grade 3 rooms en suite (two rooms), with bath, occupied by two persons, nonemployees, will be $8 per day. When occupied by more than two, the charge will be on the basis of $6.50 per day for two, and $3.50 per day for the others.

Grade 3a rooms en suite (two rooms), with bath, occupied by two persons, nonemployees, will be at the rate of $9 per day. When occupied by more than two, the charge will be on the basis of $7.50 per day for two, and $4 per day for the others.

Employees will be charged $4.75 for Grade 3 rooms en suite (two rooms), with bath, when two persons occupy a suite. When more than two persons occupy one suite, the charge to employees will be $4 for two, and $2 each for the others.

Employees will be charged $5.50 for Grade 3a rooms en suite (two rooms), with bath, when two persons occupy a suite. When more than two occupy one suite, the charge to employees will be $4.50 for two, and $2.50 each for the others.

Two in a room is the full capacity of same, but in cases where it is necessary temporarily for more than two persons to occupy a room, the charge for the additional person or persons will be at the rate per person of 75 cents for Grade 1, $1 for Grade 2, $1.50 for Grade 3, and $2 for the two grades of Grade 3 and 3a, with bath. This applies to employees and nonemployees.

Rate for "President" suite will be $30 per day when occupied by four or less, including sitting room. Without the sitting room, the rate will be $20 per day.

Persons registering on American plan must pay for all meals unless one day's meals or more are missed consecutively, in which case notice must be given to the clerk in advance in order to secure credit.

Rates for servants: When occupying room, regular rate for room; half rate for meals. Occupying cot in room or bathroom, or room in regular servants' quarters, half usual room rate for first-grade room.

Rates for children: Under 12, occupying room with parents (requiring no extra bed), no charge for room; half rate for meals where occupying seat at table. Over 12 years of age, full rates will be charged.

JACKSON SMITH, *Manager.*

NEW YEAR'S DAY ATHLETIC MEET.

The athletic meet to be held under the auspices of the Y. M. C. A. at Ancon Park on New Year's Day will begin at 9.30 a. m. The events to be decided will consist of 100-yard dash, 220-yard dash, 440-yard run, 800-yard run, one-mile relay race, pole vault, running broad jump, running high jump, shot put, throwing baseball, and circling the bases. The two last events are for members of organized baseball teams only. Prizes, consisting of a gold medal for first place, silver medal for second, and a bronze medal for third, will be awarded in each event. Music will be furnished by the I. C. C. band. A special train will leave Colon at 6.25 a. m., due at Panama at 8.50 a. m. It will stop at all intermediate stations one hour later than regular passenger train No. 3. Transportation on this train will be free to holders of athletic meet tickets, which are on sale at 50 cents each at the ticket offices of the Panama Railroad and at all Commission clubhouses. The return trip can be made on any passenger train by the regular train transportation. The entries for the meet are as follows:

100-yard dash—D. Shannon, R. Gamble, J. Murray, R. Coulter, J. King, I. Catlin, W. Holstead, J. Harding, Culebra Y. M. C. A.; H. Ham, R. Kennedy, M. P. and M.; H. Simms, G. Gustavson, Empire Y. M. C. A.; B. Culbertson, Cristobal Y. M. C. A.; J. Huff, Culebra Baseball Club; L. Levvy, G. Ferris, D. Kenney, W. H. Starr, Gorgona Y. M. C. A.

220-yard dash—D. J. Shannon, R. Gamble, J. Murray, J. King, I. Catlin, J. Harding, Culebra Y. M. C. A.; M. Rupp, M. P. and M.; A. Heinrich, H. Simms, G. Gustavson, Empire Y. M. C. A.; B. Culbertson, Cristobal Y. M. C. A.; J. Huff, Culebra Baseball Club; G. Ferris, D. Kenney, W. H. Starr, Gorgona Y. M. C. A.

440-yard dash—J. Murray, W. Starrin, G. Yingling, A. MacNeill, C. Roper, R. Booth, Culebra Y. M. C. A.; H. Bergert, M. Rupp, M. P. and M.; H. Simms, Empire Y. M. C. A.; C. Davis, Gorgona Y. M. C. A.

880-yard run—W. Starrin, C. Roper, Culebra Y. M. C. A.; H. Bergert, Q. A. Hall, M. Rupp, R. Kennedy, W. Brown, M. P. and M.; H. Simms, Empire Y. M. C. A.; C. Porter, A. Loane, D. Fletcher, Cristobal Y. M. C. A.; H. McKeowen, C. Davis, L. Hennen, H. Tiernen, Gorgona Y. M. C. A.

Pole vault—R. Oliver, Culebra Y. M. C. A.; H. Simms, Empire Y. M. C. A.; A. Loane, D. Fletcher, R. Loague, Cristobal Y. M. C. A.; G. Ferris, H. McKeowen, S. Lasker, G. Jenkins, Gorgona Y. M. C. A.

12-pound shot put—C. Harrington, R. Oliver, R. Booth, J. Harding, Culebra Y. M. C. A.; D. Fletcher, Cristobal Y. M. C. A.; G. Ferris, S. Lasker, G. Jenkins, Gorgona Y. M. C. A.

Running broad jump—D. Shannon, C. Harrington, R. Oliver, R. Booth, I. Catlin, Culebra Y. M. C. A.; R. Chapple, M. P. and M.; A. Heinrich, H. Simms, Empire Y. M. C. A.; B. Culbertson, Cristobal Y. M. C. A.; L. Levvy, G. Ferris, Gorgona Y. M. C. A.

Running high jump—D. Shannon, R. Booth, I. Catlin, Culebra Y. M. C. A.; A. Heinrich, Empire Y. M. C. A.; D. Fletcher, Cristobal Y. M. C. A.; G. Ferris, Gorgona Y. M. C. A.

Baseball throw—G. Yingling, F. Roberts, A. Richards, I. Fleichman, I. C. C. Baseball Club; J. King, Empire Baseball Club; R. Booth, J. Calvit, Gorgona Baseball Club; R. Chapple, M. P. and M.; B. Culbertson, Cristobal Baseball Club.

Circling the bases—R. Gamble, I. Fleichman, I. C. C. Baseball Club; J. King, Empire Baseball Club; F. Manusch, R. Kennedy, M. P. and M. Baseball Club; B. Culbertson, Cristobal Baseball Club; J. Huff, Culebra Baseball Club.

One-mile relay—Shannon, King, Yingling, MacNeill, Catlin, Hard, Culebra Y. M. C. A.; Bergert, Hall, Ham, Rupp, Kennedy, Brown M. P. and M.; Supple, Porter, Culbertson, Fletcher, Loague, Cristobal Y. M. C. A.; Davis, Ebdon, Jenkins, Kenney, Tiernan, Gorgona Y. M. C. A.

There will also be a game of baseball at Ancon Park at 2.30 p. m. between the Empire and M. P. and M. teams.

INFORMATION WANTED.

Information is desired in the States regarding the whereabouts of Edward Bergen, plumber, who is the only son of a widow living in Boston, and was last heard from by his mother in June, 1906. He left the Isthmian Canal service on April 21, 1906. Information is also wanted concerning the whereabouts of E. W. Rodeman, steam engineer, who left the Isthmian Canal service on November 20, 1907. His wife and one child died recently at Coney Island, N. Y. He has two children still living, aged 4 and 6 years.

Any information which may be sent to the Canal Record about either of the above-named persons will be forwarded to the inquiring relatives in the States.

OFFICIAL CIRCULARS.

SIXTY-TRIP TICKETS.

Circular No. 150:

Commencing January 1 a new form of Sixty-Trip Ticket will be used for the transportation of employees on official business. The following rules will govern the issuance of this form of transportation:

(1) All Sixty-Trip Tickets will be issued direct from the Chairman's office.

(2) Requests for Sixty-Trip Tickets will be made in duplicate on form No. 147 C. E., a copy of which is attached. The Stationer and Printer will furnish a supply of these forms on regular requisition.

(3) No tickets will be issued unless the detailed information called for is furnished, and the actual necessity for issuance is apparent.

(4) Requests for this form of transportation should not be made unless the employee's duties require him to travel along the line at least three times a week.

(5) No employee should have more than one ticket in his possession, and the cover or partially used book previously issued should be returned to this office immediately upon receipt of new ticket.

(6) The instructions for use printed on the ticket must be strictly adhered to.

(7) Employees holding Sixty-Trip Tickets should be instructed to turn them in for cancellation on the day the new form of ticket goes into effect, as conductors will not honor any old form tickets after that date.

(8) In the event of an employee leaving the service, or being transferred to another Division any Sixty-Trip Ticket which may have been issued to him must be taken up and returned to this office for cancellation.

(9) A supply of "Requests for Sixty-Trip Tickets" will be forwarded you under separate cover. Kindly fill out requests for those employees in your department whose duties necessitate the use of Sixty-Trip Tickets and forward to this office at once, in order that no confusion may result through the inauguration of this system.

D. D. GAILLARD,
Acting Chairman and Chief Engineer.

CULEBRA, *December 23.*

DEDUCTIONS FROM PAY OF CONTRACT LABORERS.

Circular No. 151:

Deductions from the pay of contract laborers should be made in the following order:

1. Commissary books.
2. Subsistence.
3. Transportation.

After the charges for Commissary books and Subsistence have been deducted, if the amount remaining due to the employee is not sufficient to cover monthly charge for Transportation, the entire balance due shall be deducted for this account, and the balance uncared for during that month shall be deducted from his pay the next month in *addition* to the regular monthly deduction.

D. D. GAILLARD,
Acting Chairman.

CULEBRA, *December 24.*

MISDIRECTED LETTERS.

DIVISION OF DEAD LETTERS,
Ancon, Station A, January 1, 1908.

The following insufficiently addressed letters, originating in the United States and its possessions, have been received in the office of the Director of Posts and may be secured on request of addressee:

Busch, E. W.	Johnston, J. W.
Carter, Miss Elizabeth	King, Fred Jos.
Cohn, Bernard	Lawton, John M.
Davenport, L. S.	Loveless, Harold
Duhaney, Simeon	Lynch, Michael
Duncan, Miss Jessie	Malmo, Robt.
Edmiston, J. S.	Noble, Chas. E.
Ellis, G.	Oncent, Joseph
Ely, A. L.	Perry, Ralph W.
Greenwood, Arthur	Rowlan, Miss Laura
Hall, James A.	Rendy, Wm. T.
Hansen, Chris	Sehr, Mike
Homan, H.	Speir, A. G.
Hogan, Guy E.	Strong, Miss Ruth
Johnson, Jul.	Weber, Harry

The steamship *Eastlands* sailed from Gulfport, Miss., on December 21, with a cargo of lumber and piling for the Commission and should arrive at Cristobal about January 1.

COMMISSARY DEPARTMENT.

COMMISSARY PRICES FOR WEEK ENDING DECEMBER 26.

		Cents.
Fresh meats.		
Beef, sirloin roast	per lb	22
Beef, rump, roast	do	18
Beef, Porterhouse	do	18
Beef, rib-roast, short-cut (not under 3½ pounds)	do	16
Beef, rib-roast, second-cut	do	14
Beef, chuck-roast	do	11
Beef, soup	do	6
Beef, stew	do	8
Beef, corned	do	10, 12
Steaks, sirloin	do	22
Steaks, Porterhouse	do	25
Steaks, rump	do	25
Steaks, tenderloin	do	20
Steaks, round	do	12½
Veal, cutlets	do	21
Veal, short-cut chops	do	21
Veal, loin	do	13
Veal, entire forequarters	do	9
Veal, for stewing	do	9
Mutton, entire forequarters	do	9
Mutton, short-cut chops	do	18
Mutton, leg	do	14
Lamb, for stewing	do	10
Lamb, entire forequarters	do	10
Lamb, short-cut chops	do	22
Lamb, legs	do	18
Pork, cuts	do	20
Miscellaneous.		
Liver, beef	per lb	9
Sausage, pork	do	16
Sausage, Bologna	do	15
Sausage, Frankfurter	do	15
Sweet bread, veal	each	120
Sweet bread, beef	per lb	25
Tripe, pickled, Honeycomb	do	12
Oysters, ½-gallon kegs	each	70
Oysters, 1-qt. tins, square	do	45
Oysters, 1-qt. tins, round	do	55
Pigs' tongues	per lb	12
Poultry and game.		
Chickens, dressed (milk-fed)	each	*115
Ducks, fatted	do	85
Turkeys	per lb	25
Broilers (chicken frys)	each	75
Squabs	do	30
Eggs, fresh	per dozen	*45
Geese (about 10-lb)	each	200
Fresh fish (3 to 6 lbs.)	per lb	14
Cured meats and lard.		
Bacon, strips	per lb	23
Bacon, English breakfast, sliced	do	†26
Ham, sugar-cured, sliced	do	†25
Ham, one-half (for boiling)	do	†20
Hams, Yorkshire (imported)	do	25
Hams, Westphalia	do	45

* Indicates advance on last list.
† Sold only from cold storage and not from commissaries.

		Cents.
Dairy products.		
Butter, prints, prime quality	per lb	38
Cheese, cream, Phila	each	22
Cheese, Neufchatel		6
Cheese, Roquefort	per lb	45
Cheese, Young America	do	22
Cheese, Swiss	do	30
Cheese, Gouda	do	30
Cheese, Edam	each	90
Milk	quart	15
Fruits and vegetables.		
Apples	per lb	5½
Apples, fancy table	do	8
Bananas	per dozen	5
Cabbage	per lb	*2
Carrots	do	3½
Cauliflower	do	†7
Cranberries	do	10
Celery	bunch	18
Cucumbers	per lb	*28
Eggplant	do	10
Grapes	do	*14
Grape fruit	each	3
Lettuce	per lb	14
Limes	per hun	30
Onions	per lb	2
Oranges	per dozen	12
Pineapples	each	20
Plantains	dozen	12
Pumpkins	per lb	5
Radishes	do	6
Sauerkraut	do	3½
Squash	do	*2
Squash, Hubbard	each	5
Sweet potatoes, American	per lb	3½
Turnips, yellow and white	do	3
White potatoes	do	*2½
New articles.		
Knives, stag, pocket, stock No. 38,519	each	90
Knives, bone, table, stock No. 38,521	set	415
Knives, ivory, table, stock No. 38,522	do	28.70
Knives, ebonite, French cook, stock No. 38,523	each	90
Knives, ebonite, French cook, stock No. 38,524	do	1.35
Knives, ebonite, French cook, stock No. 38525	do	1.75
Scissors, stock No. 38,526	do	25
Scissors, stock No. 38,527	do	65
Scissors, stock No. 38,528	do	45
Scissors, stock No. 38,531	do	50
Scissors, stock No. 38,529	do	70
Razors, stock No. 38,534	do	80
Razors, stock No. 38,535	case	23.75
Razors, stock No. 38,536	do	6.00
Chairs, golden oak, stock No. 38,444	each	2.50
Chairs, desk, stock No. 38,448	do	5.55
Rockers, golden oak, stock No. 38,445	do	4.30
Rockers, golden oak, stock No. 38,446	do	4.30
Stools, camp, stock No. 38,447	do	90
Biggins, coffee, No. 030, stock No. 38,432	do	45
Measures, enamel, No. 6, stock No. 38,543	do	38
Measures, enamel, No. 4, stock No. 38,544	do	20
Measures, enameled, No. 5, stock No. 38,545	do	26
Measures, enameled, No. 3, stock No. 38,546	do	15
Measures, enameled, No. 2, stock No. 38,547	do	12
Measures, enameled, No. 1, stock No. 38,548	do	10
Buckets, covered, 1½-qt., stock No. 38,549	do	16
Pails, dinner, No. 040, stock No. 38,551	do	50
Moulds, round, cake, No. 43, stock No. 38,552	do	18
Ladles, deep, No. 10, stock No. 38,553	do	9
Plates, pie, No. 10, stock No. 38,554	do	10
Pans, milk, ½-qt., stock No. 38,555	do	8
Pans, milk, 1-qt., stock No. 38,556	each	8
Pans, milk, 1½-qt., stock No. 38,557	do	9
Pans, milk, 5-qt., stock No. 38,558	do	16
Pans, deep dish, No. 30, stock No. 38,559	do	90
Pans, stove, oblong, No. 13, stock No. 38,561	do	30
Pans, stove, oblong, No. 14, stock No. 38,562	do	33
Pans, stove, oblong, No. 15, stock No. 38,563	do	35
Pans, stove, oblong, No. 16, stock No. 38,564	do	40
Pans, stove, oblong, No. 17, stock No. 38,565	do	45
Chairs, reception, No. 7745, stock No. 38,566	do	10.75
Chairs, large arm, No. 6844, stock No. 38,567	do	10.75
Rockers, ladies', No. 104b, stock No. 38,568	do	4.30
Rockers, ladies', No. 6820b, stock No. 38,569	do	6.80
Rockers, ladies', No. 6821b, stock No. 38,571	do	7.50
Rockers, comfort, No. 6838b, stock No. 38,572	do	7.15
Rockers, comfort, No. 7687b, stock No. 38,573	do	17.20
Sofas, No. 6232f, stock No. 38,574	do	31.50
Tables, No. 67011, stock No. 38,575	do	5.40
Tables, No. 6385s, stock No. 38,576	do	5.40
Tables, oblong, No. 6384, stock No. 38,577	do	4.65
Rockers, ladies', No. 6830b, stock No. 38,578	do	11.10
Rockers, ladies', No. 6830a, stock No. 38,579	do	11.10
Chairs, reception, No. 6831a, stock No. 38,581	do	8.60
Sofas, No. 6830f, stock No. 38,582	do	18.90
Suits, wash, No. s1835, stock No. 37,937	suit	2.95
Pants, wash, No. s1835, stock No. 37,038	pair	1.25
Suits, wash, No. s2045, stock No. 37,939	suit	2.95
Trunks, orient leather, No. 167, 36-inch, stock No. 38,122	each	24.75
Kits, stitched, hunting, No. 539, 22-inch, stock No. 38,123	do	11.30
Leggins, leather, No. 2, stock No. 38,124	pair	2.30
Leggins, leather, No. 1, stock No. 38,125	do	3.15
Leggins, leather, No. 3, stock No. 38,126	do	2.40
Kits, stitched, hunting, No. 640, 16-inch, stock No. 38,128	each	4.00
Trunks, orient leather, No. 165, 36-inch, stock No. 38,144	do	18.50
Cases, gents', fitted with E. P. tops, stock No. 38,145	case	17.50
Brushes and combs, military, in case, stock No. 38,146	set	1.40

* Indicates advance on last list.
† Indicates reductions from last list.

CANAL DIRECTORY.

ISTHMIAN CANAL COMMISSION.

Lieut. Col. Geo. W. Goethals, U. S. A., Chairman and Chief Engineer, Culebra; Maj. D. D. Gaillard, U. S. A., Culebra; Maj. Wm. L. Sibert, U. S. A., Culebra; Civil Engineer H. H. Rousseau, U. S. N., Culebra; Mr. Jo C. S. Blackburn, Ancon; Col. W. C. Gorgas, U. S. A., Ancon; Mr. Jackson Smith, Culebra; Mr. Joseph Bucklin Bishop, Secretary, Ancon.

DEPARTMENTS.

Construction and Engineering: Lieut. Col. Geo. W. Goethals, U. S. A., Chairman and Chief Engineer, Culebra; Wm Howard May, Secretary; M. B. De-Putron, Chief Clerk; A B. Nichols, Office Engineer.

Department of Excavation and Dredging: Maj. D. D. Gaillard, U. S. A., Culebra; W. T. Haynie, Secretary; Maj. Edgar Jadwin, U. S. A., Division Engineer, Gorgona; D W. Bolich, Division Engineer, Empire; S. J. Kennedy, Chief Clerk; Louis K. Rourke, Assistant Division Engineer, Empire; Wm. Gerig, Division Engineer, Gatun; Mrs. C. L. MacPherson, Chief Clerk; W. G. Comber, Division Engineer, La Boca; David V. Stratton, Chief Clerk.

Department of Lock and Dam Construction: Maj. Wm. L. Sibert, U. S. A., Culebra; R. M Sands, Secretary; Maj. Chester Harding, U. S. A., Division Engineer, Gatun; Capt. Horton W. Stickle, U. S. A., Assistant Division Engineer; E. P. Thompson, Chief Clerk; Wm. Gerig, Division Engineer, Cristobal; Caleb M. Saville, Assistant Division Engineer, Gatun; Sydney B. Williamson, Division Engineer, Corozal; E. A. Le May, Chief Clerk; W. G. Comber, Division Engineer, La Boca; Edward Schildhauer, Electrical and Mechanical Engineer, Culebra; Henry Goldmark, David Molitor, Designing Engineers, Structural Work Design; L. D. Cornish, H. F. Tucker, Designing Engineers, Masonry Design, Culebra; R. M. Arango, Division Engineer (Division of Meteorology and River Hydraulics), Ancon; D. W. MacCormack, Chief Clerk.

Department of Municipal Engineering, Motive Power and Machinery, and Building Construction: Civil Engineer H. H. Rousseau, U. S. N., Culebra; J. C. Parsons, Secretary; J. G. Holcombe, Division Engineer (Division of Municipal Engineering), Ancon; E. C. McFarland, Chief Clerk; George D. Brooke, Superintendent, Motive Power and Machinery, Culebra; F. W. Doty, Chief Clerk; Earl J. Banta, Mechanical Engineer; A. L. Robinson, Electrical Engineer; W. M. Belding, Master Builder (Division of Building Construction), Culebra; P. O. Wright, jr., Architect, Culebra; J. H. Barbour, Chief Clerk.

Division of Material and Supplies: W. G. Tubby, Chief, Cristobal; Max Dyer, Chief Clerk, Cristobal; W. C. Haskins, Chief Clerk, Ancon; Wm. Krugel, Stationer and Printer, Ancon.

Division of Map-Making and Lithography: Charles F. Bertoncini, Chief, Ancon.

CIVIL ADMINISTRATION.

Hon. Jo C. S. Blackburn, Head of the Department, Ancon; H. D. Reed, Executive Secretary, Ancon; J. K. Baxter, Chief Clerk, Ancon; Tom M. Cooke, Chief, Division of Posts, Customs and Revenues, Ancon; E. Lewis Baker, Deputy Collector, Cristobal; Herman A. Gudger, Deputy Collector, Ancon; George R. Shanton, Chief of Police, Ancon; D. E. McDonald, Chief Clerk; C. E. Weidman, Chief, Fire Department, Cristobal; Charles F. Koerner, Asst. Chief, Cristobal; Addison Blight, Chief Clerk; Geo. L. Campen, Superintendent of Public Works, Ancon; Inocencio Galindo, Legal Adviser, Ancon; David C. O'Connor, Supt. of Schools, Ancon.

CANAL ZONE JUDICIARY.

Supreme Court: Dr. F. Mutis Durán, Chief Justice, Ancon; H. A. Gudger, Associate Justice, Empire; Lorin C. Collins, Associate Justice, Cristobal; Walter Emery, Clerk of Court, Ancon; Circuit Court, First circuit: Dr. F. Mutis Durán, Judge, Ancon; Walter Emery, Circuit Court Clerk, Ancon; Circuit Court, Second circuit: H. A. Gudger, Judge, Empire; Elbert M. Goolsby, Circuit Court Clerk, Empire; Circuit Court, Third circuit: Lorin C. Collins, Judge, Cristobal; Nelson R. Johnson, Circuit Court Clerk, Cristobal; Geo. H. Bartholomew, Asst. Attorney for Isthmian Canal Commission and Panama Railroad, Ancon; Prosecuting Attorney: George M. Shontz, Ancon; Translators: F. H. Sheibley and Charles M. Brown; M. C. Rerdell, Senior District Judge, Cristobal; Thomas E. Brown, jr., District Judge, Cristobal; S. E. Blackburn, District Judge, La Boca; Edgar S. Garrison, District Judge, Empire; R. C. Goodale, District Judge, Gorgona.

SANITATION.

Col. W. C. Gorgas, U. S. A., Chief Sanitary Officer, Ancon; Maj. C. C. McCulloch, jr., U. S. A., Executive Officer, Ancon; Harry C. Bovay, Chief Clerk; H. R. Carter, Director of Hospitals, Ancon; Surg. J. C. Perry, P. H. and M. H. S., Chief Quarantine Officer, Ancon; Maj. John L. Phillips, U. S. A., Superintendent, Ancon Hospital, Ancon; J. F. Leys, U. S. N., Superintendent Colon Hospital, Colon; Capt. Robert E. Noble, U. S. A., General Inspector, Ancon; Surg. Claude C. Pierce, P. H. and M. H. S., Quarantine Officer, Colon; Dr. John H. Purnell, Health Officer, Panama; Joseph A. Le Prince, Chief Sanitary Inspector, Ancon.

LABOR, QUARTERS, AND SUBSISTENCE.

Jackson Smith, Manager, Culebra; R. E. Wood, Assistant Manager, Culebra; S. C. Klauber, Chief Clerk; J. M. Maguire, Ancon; C. C. McColley, Empire; Charles L. Parker, Gorgona; Edgar Lowe, Cristobal, Division Superintendent.

DISBURSEMENTS.

Edward J. Williams, Disbursing Officer, Empire; William M. Wood, Chief Clerk.

EXAMINER OF ACCOUNTS.

H. L. Stuntz, Empire; W. D. Mabry, Chief Clerk.

PANAMA RAILROAD COMPANY.

H. J. Slifer, Assistant to the President and General Manager, Colon; W. G. Tucker, Secretary, Colon.

COMMISSARY DEPARTMENT.

John Burke, Manager, Cristobal; W. F. Shipley, Sales Manager, Cristobal; S. M. White, General Storekeeper, Cold Storage Department, Cristobal.

Rainfall from December 1 to 28, 1907, inclusive.
(Midnight to midnight.)

Stations.	Total.	Maximum in one day.
Atlantic Slope.		
Cristobal	9.25	2.28
Brazos Brook	5.48	1.75
Gatun	5.38	1.57
Bohio	2.87	.99
Tabernilla	4.77	1.56
San Pablo	3.66	.99
Central Section.		
Bas Obispo	2.20	.89
Gamboa	2.93	.93
Empire	1.47	.54
Camacho Dam	2.18	1.03
Culebra	2.30	.80
Rio Grande	2.51	.75
Pacific Slope.		
La Boca	4.55	.95
Ancon	3.46	1.41
Naos	1.08	.31
Chagres Valley.		
Alhajuela	1.51	.95

MOVEMENT OF OCEAN VESSELS.

The following is a list of the sailings of the Panama Railroad Steamship Company, of the Royal Mail Steam Packet Company, and of the Hamburg-American Line, the Panama Railroad Company's dates being subject to change:

FROM NEW YORK.

Prinz Eitel Friedrich	H.-A	Saturday	Dec. 28
La Plata	R. M	Saturday	Dec. 28
Advance	P. RR	Monday	Dec. 30
Panama	P. R. R	Saturday	Jan. 4
Prinz Aug. Wilhelm	H.-A	Saturday	Jan. 4
Dunottar Castle	P. R. R	Thursday	Jan. 9
Tagus	R.-M	Saturday	Jan. 11
Siberia	H.-A	Saturday	Jan. 11
Finance	P. R. R	Tuesday	Jan. 14
Prinz Joachim	H.-A	Saturday	Jan. 18
Colon	P. R. R	Monday	Jan. 20
Advance	P. R. R	Saturday	Jan. 25
Prinz Eitel Friedrich	H.-A	Saturday	Jan. 25
Magdalena	R. M	Saturday	Jan. 25
Panama	P. R. R	Thursday	Jan. 30

All the steamers of the Hamburg-American and Royal Mail lines call at Kingston en route to Colon.

FROM COLON.

Dunottar Castle	P. RR	Thursday	Dec. 26
Finance	P. R. R	Tuesday	Dec. 31
Prinz Sigismund	H.-A	Tuesday	Dec. 31
Tagus	R. M	Wednesday	Jan. 1
Altai	H.-A	Saturday	Jan. 4
Colon	P. R. R	Monday	Jan. 6
Advance	P. R. R	Saturday	Jan. 11
Prinz Eitel Friedrich	H.-A	Tuesday	Jan. 14
Magdalena	R. M	Wednesday	Jan. 15
Panama	P. R. R	Friday	Jan. 17
Venetia	H.-A	Saturday	Jan. 18
Prinz Aug. Wilhelm	H.-A	Tuesday	Jan. 21
Dunottar Castle	P. R. R	Wednesday	Jan. 22
Finance	P. R. R	Monday	Jan. 27
Prinz Sigismund	H.-A	Tuesday	Jan. 28
Atrato	R. M	Wednesday	Jan. 29

SAILINGS FROM COLON FOR BARBADOS, CALLING AT TRINIDAD.

La Plata	R. M	Tuesday	Jan. 7
Tagus	R. M	Tuesday	Jan. 21
Magdalena	R. M	Tuesday	Feb. 4
Atrato	R. M	Tuesday	Feb. 18
Trent	R. M	Tuesday	Mch. 3

The Panama Railroad steamships sail at 3 p. m. from dock at Cristobal direct to New York.

The *Prince Eitel Friedrich* and *Prinz Sigismund* sail from Colon at 1 p. m. via Kingston, Jamaica, for New York.

All Royal Mail steamers mentioned above leave early in the morning from Colon via Kingston, Jamaica, for New York. All mail and passengers should be on board Tuesday evening.

The United Fruit Company dispatches a steamer from New Orleans for Colon every Saturday, due to arrive the following Thursday. Sailings by this line from Colon to New Orleans every Tuesday.

Sailings of the French line (Cie. Générale Transatlantique) for Venezuelan points, Martinique, and Guadeloupe on the 3d and 20th of each month.

The Leyland Line steamer *Mexican* will sail for New Orleans, via Kingston, Jamaica, about January 14, 1908.

VACCINATION.

To all concerned:

In order to properly enforce the vaccination ordinance and at the same time to accommodate employees returning from their vacation and in order to prevent unnecessary vaccination and friction resulting therefrom, this circular is to inform such employees that only a vaccination that has taken in recent years is required, and all persons who have been successfully vaccinated, in the opinion of the quarantine officer, can secure a certificate to that effect, which will remain effective and be accepted as evidence in this particular for a period of three years. This certificate will be accepted by the surgeons on the Panama Railroad steamers as evidence of immunity, and it will not be necessary to revaccinate persons having such certificate.

This certificate of vaccination can be secured from the quarantine officer of Colon, and the quarantine officer at Panama, but applicants for the same will be required to show such scars of vaccination before this certificate is granted.

C. C. McCULLOCH, Jr.,
Acting Chief Sanitary Officer.

ANCON, CANAL ZONE, *November 23.*

Mr. HOPKINS. Mr. President, the statement read by the Senator from Texas is misleading as to the character of this newspaper, and he is wandering entirely from the subject that was raised as to the salary of Mr. Bishop and his duties upon the Isthmus. His duties were made entirely clear to the committee by Colonel Goethals in his testimony before that committee. He said that Mr. Bishop was brought there for the purpose of taking charge of the bureau of complaints, so as to relieve him of the burden of listening to the complaints that are constantly being made.

Colonel Goethals also stated that a Miss Beeks, who was the representative of the Civic Federation, came there representing the Christian people of this country to learn of the condition of the employees there and see if proper care was being given them. It was her suggestion that some method should be provided for the purpose of giving forth the information which is contained in this paper that is criticised by the Senator from Texas.

Colonel Goethals says that instead of assigning Mr. Bishop to this duty he found a young man on the Isthmus who had newspaper experience and suggested to him to start this paper.

Mr. President, it appears from the statements made not only by this witness but by several others that the information which is contained in the periodical or newspaper is of great benefit not only to the employees upon the Isthmus but, as was stated by ex-Senator Blackburn, of great benefit to the people in the United States.

There is no evidence that there is any material added expense by the publication of this paper. No extra salary is paid to Mr. Bishop. There is no other expense than purely the cost of the paper.

I certainly hope that the amendment offered by the Senator from Texas will be voted down.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 43, line 14, after the word "dollars" strike out the semicolon, insert a colon and the following proviso:

Provided, That no part of this appropriation shall be used for the purpose of the publication of a newspaper in the Canal Zone.

The amendment was rejected.

The Secretary resumed the reading of the bill on page 43, line 15, and read to line 21.

Mr. BACON. Mr. President, as we have passed over the portion of the bill which relates to the Executive Departments I desire to ask the Senator from Maine a question. I am not on the Appropriations Committee, as is known, of course, to Senators, and I may be mistaken in my recollection, but if I am not mistaken, in the last Congress an amendment was put upon an appropriation bill prohibiting Executive Departments from incurring any liability in their several Departments for which an appropriation was not previously made. Of course we understand that a deficiency bill is one which makes provision for the payment of liabilities incurred, for the payment of which the regular appropriation bill has been found to be insufficient.

I simply desire to ask the Senator from Maine (and I have no information on the subject, certainly nothing more than general rumor) whether any of the items of appropriations which we have already passed over are appropriations for liabilities incurred by any of the Departments in violation of that provision of law.

Mr. HALE. Mr. President, there are two very important provisions of the law, one passed in 1905 and the other in 1906, known as the Hemenway and the Tawney provisions. The occasion for their passage was the piling up of immense deficiencies. It was the object of these statutes to prevent the Departments from exceeding the authority given to them for the expenditure of money by appropriations. They are found in the general deficiency act and in the urgent deficiency act of those years. The first provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or obligation for the future payment of money in excess of such appropriations—

With this exception—

unless such contract or obligation is authorized by law.

I think I may say that I wish that provision had not been put in, but it is in, and it is in the subsequent act. There this provision was keyed up and made a little stronger, but there is the same exception, that no Department shall involve the Government in expenditures beyond appropriations made in the

annual bills, unless such contract or obligation is authorized by law.

When the other branch of the legislature——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HALE. I ask that the unfinished business be informally laid aside.

Mr. HEYBURN. Until the disposition of the bill now under consideration.

Mr. HALE. Yes, until the disposition of the appropriation bill.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. HALE. When the other branch of Congress was confronted with the deficiencies which are incorporated in this bill it was also confronted with a provision in the Revised Statutes which I am bound to say escaped my consideration when these acts were passed, and it probably escaped the observation of the framers of the acts. It is found in the Revised Statutes, and is as follows:

> No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment.

If it stopped there we should be all right; neither the Army nor the Navy could make deficiencies; but there is this exception, which is the law:

> Except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

That is the existing law, and it authorizes the expenditure of money for these excepted purposes in these two Departments. It is under that exception of the different classes of expenditures in the Army and Navy that are found the provisions in this deficiency appropriation bill.

The original provision dates back very far in the past. It was first passed in 1861.

Mr. CLAY. Will the Senator from Maine permit me to ask him a question?

Mr. HALE. Certainly.

Mr. CLAY. Suppose Congress in 1861 passed a law providing that these expenditures should not be made except when authorized by an act of Congress and excepted the Navy and War Departments, and Congress in 1896 passed another statute providing how expenditures shall be made, is it not true that the provision inserted in the appropriation act of 1896 repeals the old statute, the law of 1861?

Mr. HALE. I doubt it.

Mr. CLAY. I do not think there is any doubt about it.

Mr. HALE. At any rate, the House took the other view. I should have been glad to take the view suggested by the Senator, but here was an old statute passed in 1861, which is embodied and incorporated to-day in the body of the Revised Statutes that are the existing law.

Mr. CLAY. With the Senator's permission, I will state that I do not intend to oppose these appropriations. I understand that already nearly $4,000,000 has been expended by the Secretary of War and the Secretary of the Navy, most of it for the purpose of equipping our fleet for the Pacific coast. Now, I am in favor of paying it, but it is clear to me that the statute has been strained in order to authorize the War and the Navy Departments to spend $4,000,000 when the expenditure was not authorized by an act of Congress. I believe it to be a dangerous practice to let the War Department, the Navy Department, or any other Department of the Government expend four or five million dollars when no provision has been made by Congress for its expenditure.

I will say to the Senator if there is any doubt in regard to the law I believe Congress ought to change it and provide that the same rule shall apply to the War Department and the Navy Department that applies to other Departments. I believe myself that the old statute has been repealed by reason of recent legislation enacted by Congress in 1896, contained in an appropriation act.

Mr. HALE. The provision in the bill, made by the House of Representatives, which originates all these bills, proceeds upon the other assumption. I may say that when the next deficiency bill is reported by the body that originates it—the provisions that I have read having originated in that body—I should hope and I believe provision will be made that will cure the difficulty we are under now. At any rate, as the Senator knows, we went upon the assumption in the Committee on Appropriations that we had to pay these bills. A good deal of money has already been expended. We can not hold it up. It is a doubtful question whether the provisions do repeal in terms the exceptions applicable to these two Departments. I shall hope that this Congress will not pass without a provision being incorporated upon the deficiency appropriation bill by the body that originated the original propositions which will take care of the trouble that we find ourselves in now.

Mr. CLAY. I desire to call the Senator's attention to another practice that I believe to be a bad one. Certainly the Departments ought not to be allowed to appropriate money for the purpose of carrying on the business of the Government. That is a business which belongs to Congress.

As a member of the Committee on Post-Offices and Post-Roads, I remember that we appropriated during the last session of Congress about $112,000,000 to pay the expenses of the Post-Office Department, and now in this bill we have one item of $750,000 for compensation to clerks at first and second class offices, and the item of that Department for the First Assistant's office in this bill amounts to over $1,000,000.

My recollection is that when the Committee on Post-Offices and Post-Roads was making a careful study of the amount of money necessary to run the Post-Office Department through the last fiscal year the question came up before our committee, How many extra clerks will be needed and what compensation will be needed? And the estimates of the amount of money needed by that Department were appropriated by Congress and passed upon by the Senate and became a law.

The practice of going before a special committee where a bill belongs and securing apparently all that is needed for the purpose of running the Department and then afterwards going before the Appropriations Committee and securing much more without the special committee to which the subject belongs knowing anything about it, in my judgment, is a bad practice. I am frank to confess that I was surprised when the Appropriations Committee was called upon to give $750,000 for this item when the identical question was discussed by the Committee on Post-Offices and Post-Roads and the entire request of the Department granted.

Mr. HALE. Mr. President, I agree with a great deal that the Senator from Georgia has said. If no money was spent on contracts made or obligations entered into outside of the estimates and appropriations, there never would be any deficiencies, but the working of an immense Goverment like this is not so exact as that. Just as the Senator says, representatives of the Department appeared before the Committee on Post-Offices and Post-Roads, and the committee recommended the appropriation of the money they asked for. They did not anticipate the calls that would be made on the Department. They did not look ahead far enough. This was all thrashed out in the hearings on the pending bill before the House committee, and it was explained there. It was said:

> The deficit has been increased since then to $450,000. It will be increased on April 1 by the promotion of clerks who have served a year in a grade. Under the new salary law they were advanced a hundred dollars each in salary. Then we will be compelled to appoint some additional clerks between now and the close of the fiscal year, which will bring the deficit up somewhere to the neighborhood of $750,000.

Mr. CLAY. With the Senator's permission, I will state that the very question discussed before the committee in the House was discussed before the Committee on Post-Offices and Post-Roads, and the appropriation was made for the increase, just as was stated in the hearings. I am frank to confess that I can not understand why the proper amount was not included in the Post-Office appropriation bill at that time, and it is a matter that is worthy the attention of the Senate.

Mr. HOPKINS. Before the Senator from Georgia takes his seat I wish to ask him a question. Does not the Senator remember that when the appropriations were being considered before the Committee on Post-Offices and Post-Roads the First Assistant Postmaster-General could not make a definite estimate as to the extra amount of money that would be needed for additional clerk hire, carriers, rural carriers, and matters of that kind? It is only an estimate. The increased postal service accounts for every dollar that is provided for in this bill.

Mr. CLAY. I wish to say to the Senator——

Mr. HOPKINS. One moment. Take the city of Chicago alone. In order to facilitate the transmission of the mails through that city and over the city the Post-Office Department was required to allow more than 300 additional clerks over what was had at the time the First Assistant Postmaster-General was before the committee.

Mr. CLAY. I was upon the subcommittee of the Committee on Post-Offices and Post-Roads and we went to the Post-Office Department to hear the story of the First Assistant Postmaster-General. I remember well not only an original estimate was made of the amount of increases, but a supplementary report was filed, and I feel sure that we gave to the First Assistant

Postmaster-General and the Department practically everything that he asked. I am unable, and I have thus far been unable, to find any good reason why this deficiency occurred.

Mr. HOPKINS. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. CLAY. Certainly.

Mr. HOPKINS. The Senator will remember it was only an estimate on his part, and experience has demonstrated that his estimate was not large enough; that he did not appreciate at the time the development in our postal service and the needs of such great cities as Chicago, San Francisco, and the cities of the East, like Philadelphia, Boston, and New York.

Mr. CLAY. I am aware of the fact that the Senator from Illinois has asked a good deal for the city of Chicago before that committee, and he has always gotten it. I never knew him to ask anything yet that he did not get. I do not say he ever asked for anything that he did not deserve to get, but I say that every appropriation for maintaining the Post-Office Department for the last ten years has more than doubled, and the Post-Office Department in a period of ten more years, the way we are going, will cost the people of the United States $225,000,000 per year. I would not be surprised to see the Navy Department cost the people of the United States in less than half a dozen years $175,000,000 per year Unless we guard the public Treasury and unless we scrutinize every single estimate made by the Department with a view of cutting down expenses, there is no telling where our expenditures will reach.

Mr. WARREN. Mr. President, I think no one can be overconcerned as to the direction deficiency bills may sometimes take and the danger of allowing them to grow in size or expand in latitude and authority; but I think it is a fact that we have always had deficiency bills; furthermore, that we shall always have them, and that the different Departments of the Government could not properly transact their great business unless there were some elasticity permitted in these matters.

I think I ought to say, however, before we pass from this deficiency bill, which is one of the largest we have had, that so far as the Army shortage is concerned the Senate ought to take its part of the blame, and the House of Representatives ought to take its part of the blame. We provide by law what pay the soldier shall get. We provide by law for his clothing and his subsistence, etc. They are regular annual or monthly allowances. The soldier has enlisted for a term of years, and therefore has a contract with the Government.

Now, turning to the statement made by the Senator from Georgia [Mr. CLAY], I think we will all have to admit that when we provide by law that the soldier shall be enlisted for a three-years' term of service and during that time shall receive so many dollars per month pay, that he shall receive so much for his rations and clothing——

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. Certainly.

Mr. CLAY. I do not want the Senator from Wyoming to understand from anything that I have said that I am against increasing to some extent the pay of our soldiers.

Mr. WARREN. I do not understand that. It was to another point I was addressing myself.

Mr. CLAY. There is much merit in that feature of the legislation, and I am not prepared to say that I shall oppose it.

Mr. WARREN. Mr. President, I want to give my idea of the law, with all due deference to the Senator from Georgia. I think that the courts will always find that contracts by the Government for the pay and subsistence of the soldier shall be paid, whether this or that Congress shall fail to appropriate the money or not. That is my judgment upon that point. We provide for a certain number of soldiers, that they shall have a certain amount of pay, a certain amount of subsistence, and a certain amount of clothing. We have the estimates coming here. The House of Representatives, on the other side, fails to allow the amount; the bill comes here, and if we fail to allow it, there is a shortage. Of course, under the law which the Senator from Maine [Mr. HALE] has quoted, the Department proceeds to pay the troops and to furnish the subsistence and supplies.

Last year, I may say in extenuation of this large deficit, which I am sorry to see, the Army bill did not carry any appropriation for the extra transportation and extra expense of the Army caused by the Cuban occupation. At that time it was thought possible that by the commencement of the present fiscal year, or before we were far along in it, the cause of that expense might be removed or lessened. So the entire matter of providing extra expense for the Cuban occupation was left out of the appropriation for the Army. That amount in a year is nearly $2,000,000; and, of course, it constitutes a large portion of the present Army deficiency.

Another cause of the deficiency is that last year we passed an act enlarging the Army in its artillery branch. When we asked for estimates of what it would cost in clothing, supplies, etc., they were rendered to the Senate, and we failed to supply the necessary appropriation by nearly $1,400,000. The deficiency bill of last year, in which we were called upon to furnish over a million and a quarter dollars for regular supplies, was cut $500,000, and the appropriation for clothing and equipage was cut over $870,500. In entering upon this fiscal year, take forage, for instance: The cutting down of the appropriation for that item last year cut down, and in fact completely exhausted, the amount of forage in stock. We had to go upon the market on the 1st of July, when the crops were not grown, when farmers were not able to say what the prices would be at the time for making contracts, which made necessary their placing the risks of contracts at higher figures. So the Army was compelled to pay higher prices. Had we appropriated more liberally in time, as desired by the Department, we would have saved much money. In the matter of prices for supplies furnished, we are under obligation to furnish to our animals a certain amount of forage and to furnish our men a certain amount of subsistence. The rise in price in these commodities is often unforeseen, and I think that as to these commodities we all will freely admit that during the last year the increase in price has been exceptionally large. For instance, in the matter of coal for the Army, it costs over $870,000 more for the same amount of coal than it cost the year before and would have cost at the time the estimate was made, the price per hundredweight having increased from $0.2523 to $0.3113, or nearly 25 per cent.

In the matter of clothing the amount to be appropriated is frequently cut in the regular appropriation bill upon the ground that there is clothing in stock. When it comes in as a matter of deficiency it is not really a deficiency, because it is clothing in stock; but when we come to the 1st of July without having any clothing in stock, we are at a great disadvantage and lose much money, because in order to buy clothing cheaply the Government regulation cloth for the clothing and the clothing itself must be manufactured under contract, and that can not be done unless the funds are provided.

The rise in forage during the year and since the estimates for the year were made was even greater than in fuel, i. e., from $0.7768 to $1.0843, or nearly 40 per cent.

I do not believe the amount allowed for forage in this bill is enough to take the Army through to July 1, 1908, and more will quite likely have to be provided in a later deficiency bill.

I admit that the last year's deficiency for the Army has been largely enhanced by our own fault in not appropriating sufficient money to provide for a supply of subsistence and clothing and a supply of fuel and forage on hand.

In the matter of the expense in Cuba, it was understood by the Committee on Military Affairs that there would be a deficiency.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Legislative," on page 43, after line 22, to insert:

SENATE.

To pay to Mary E. and Cornelia I. Morgan, daughters of the Hon. John T. Morgan, late a Senator from the State of Alabama, $7,500.

The amendment was agreed to.

The next amendment was, at the top of page 44, to insert:

To pay to Lucy T. Roberts, Mary N. Lacy, Alice Pettus, and Edmund W. Pettus, jr., grandchildren of the Hon. Edmund W. Pettus, late a Senator from the State of Alabama, $7,500.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

The Secretary of the Senate is hereby authorized and directed to pay William B. Bankhead, clerk to the Hon. John H. Bankhead, of Alabama, from July 1, 1907, to January 13, 1908; and to Edward Douglas Johnston, clerk to the Hon. Joseph F. Johnston, of Alabama, from August 9, 1907, to December 1, 1907; and to Amos E. Lewis, clerk to the Hon. William J. Bryan, of Florida, from December 26, 1907, to January 8, 1908, for clerical services rendered, from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate for the fiscal year 1908.

The amendment was agreed to.

The next amendment was, on page 44, after line 18, to insert:

For superintendent of the document room, at $2,500 per annum, to be payable from the balance appropriated for said office under the act making appropriations for the legislative, executive, and judicial expenses of the Government, approved March 3, 1907.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

For postage stamps for the office of the Sergeant-at-Arms, $75.

The amendment was agreed to.

The next amendment was, on page 45, after line 2, to insert:

For fuel, oil, cotton waste, and advertising, for heating and electrical apparatus, $12,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 4, to insert:

For miscellaneous items, exclusive of labor, $75,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 6, to insert:

The accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of the Secretary of the Senate of the United States for the quarter ending June 30, 1907, and allow in said settlement all the salaries paid by said Secretary to additional clerks to Senators not chairmen of committees, therein disallowed.

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in Senate document No. 195, and which have not been appealed, namely:

Under the Treasury Department, $1,233.36;
Under the War Department, $4,368.11;
Under the Navy Department, $800; in all, $6,401.47.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert:

To pay balance of interest on judgment in favor of the Atlanta Machine Works against The United States, rendered February 10, 1902, by Judge W. T. Newman in the circuit court of the northern district of Georgia, $428.02.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," at the top of page 48, line 1, to insert "and Senate Document No. 196," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 345, and Senate Document No. 196, namely, etc.

The amendment was agreed to.

The next amendment was, on page 48, line 7, before the word "cents," to strike out "thirty-eight thousand three hundred and forty-eight dollars and sixty-four" and insert "forty-two thousand six hundred and seven dollars and nine;" so as to make the clause read:

Under War Department, $42,607.09.

The amendment was agreed to.

The next amendment was, on page 48, line 10, before the word "cents," to strike out "three hundred and eighty-one dollars and twenty-nine" and insert "one thousand eight hundred and twenty-three dollars and seventy-one;" so as to make the clause read:

Under Navy Department, $1,823.71.

The amendment was agreed to.

The next amendment was, on page 48, line 17, to increase the total appropriation for payment of judgments rendered by the Court of Claims from $187,569.35 to $193,270.22.

The amendment was agreed to.

The next amendment was, on page 48, after line 22, to insert:

AWARDS SPANISH TREATY CLAIMS COMMISSION.

To pay the awards made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, certified to Congress in Senate Document No. 184, of the present session, $52,237.75.

The amendment was agreed to.

The next amendment was, on page 58, after line 6, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1905 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 197, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting the revenue from customs, $1,388.34.
For contingent expenses, mint at San Francisco, $1,600.
For refunding taxes illegally collected, $281.29.
For payment of judgments against internal-revenue officers, $20,692.23.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $588.44.
For subsistence of the Army, $681.
For incidental expenses, Quartermaster's Department, $4.90.
For transportation of the Army and its supplies, $751.98.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $1,050.39.
For pay, miscellaneous, $40.20.
For pay, Marine Corps, $508.23.
For transportation and recruiting, Marine Corps, 80 cents.
For contingent, Bureau of Ordnance, $26.45.
For contingent, Bureau of Supplies and Accounts, 82 cents.
For construction and repair, Bureau of Construction and Repair, $19.92.
For indemnity for lost property, naval service, act March 2, 1895, $250.25.
For destruction of clothing and bedding for sanitary reasons, $15.70.
For enlistment bounties to seamen, $306.69.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For salaries and commissions of registers and receivers, $25.50
For surveying of public lands, $1,865.73.
For Geological Survey, $5.70.
For Indian school, Grand Junction, Colo., $202.52.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For public printing and binding, $49.68.
For salaries of interpreters to legations, $3.25.
For transportation of diplomatic and consular officers, fiscal year 1907, $408.35 cents.
For relief and protection of American seaman, fiscal year 1907, $408.35.
For general expenses, Bureau of Animal Industry, $3.68.
For botanical investigations and experiments, $6.20.
For forestry investigations, $4.12.
For purchase and distribution of valuable seeds, $83.20.
For general expenses, Weather Bureau, $17.77.
For fees of clerks, United States courts, $163.30.
For support of prisoners, United States courts, $4.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. On page 22, line 3, before the name "Copenhaver," I move to insert the initials "W. A."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, line 3, before the name "Copenhaver," it is proposed to insert the initials "W. A.," so as to read:

The Secretary of the Navy is hereby authorized to pay voucher in favor of W. A. Copenhaver, Washington, D. C., for embossing 2,000 sheets of note paper and 2,000 envelopes, $11.25, from the appropriation for contingent expenses, Navy Department, for the fiscal year ended June 30, 1907.

The amendment was agreed to.

Mr. HALE. On page 23, after line 11, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, after line 11, it is proposed to insert:

Bureau of Supplies and Accounts: For the following for the balance of the fiscal year 1908, namely, two chief bookkeepers at the rate of $2,000 each per annum; two clerks of class 2; in all $2,833.35, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HALE. That is all, Mr. President.

Mr. KNOX. Mr. President, I rise to make the point of order against the amendment which has been inserted on page 8, from line 3 to line 16, inclusive, that it proposes general legislation. This amendment, Mr. President, directs the Secretary of the Treasury not to do a thing which the sundry civil appropriation act of 1907 directed him to do. It also proposes that the Committee on the Library shall have powers which by law they do not now possess, and the amendment is not germane to anything contained in the bill.

I might say in elucidation of this point, Mr. President, that in the last appropriation bill, as this amendment upon its face recites——

The VICE-PRESIDENT. The Chair will suggest to the Senator that he reserve his point of order until the bill shall have been reported to the Senate.

Mr. KNOX. Very well.

Mr. PILES. Mr. President, I have an amendment which I desire to offer to be inserted in line 16, page 13.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, after line 16, it is proposed to insert:

For an additional amount to enable the Secretary of War to complete the improvement of Grays Harbor and Chehalis River, Washington, with a view to securing a channel 200 feet wide and 18 feet deep at mean low water, as contemplated by the act approved March 2, 1907, covering this project, $60,000.

Mr. PILES. Mr. President, I should like to say a word on the amendment.

Mr. HALE. Mr. President, I am constrained to make the point of order against the amendment.

Mr. PILES. I can explain the proposition briefly, if the Senator will permit me.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Washington?

Mr. HALE. I withhold the point of order for the moment.

Mr. PILES. Mr. President, I would not ask that this amendment be inserted in this bill, because I recognize the character of the bill, if it were not for a very urgent necessity. At the last session some $177,000 was appropriated for the purpose of straightening and deepening the channel of Grays Harbor, in connection with the Chehalis River, making it 200

feet wide and 18 feet deep. After the preliminary estimate and survey had been made, the channel was filled up to a certain extent, and the amount appropriated was found insufficient to keep the channel on the lines provided for by existing law. The work is being done under the continuing contract system. The dredge and all the appliances are engaged on this waterway, and are at work at the present time, but by reason of the insufficiency of the appropriation, the waterway, instead of being made 200 feet wide, is now being constructed with a width along part of its course of 170 feet and along other parts with a width of 100 feet, and the depth is being considerably shoaled.

This is one of the greatest shipping points we have on the Pacific coast. The largest lumber mills on the coast are located there, and it will necessitate the expenditure of a larger sum of money hereafter if the Government does not provide in this bill for the appropriation which I now seek. The dredges and other appliances now at work will be withdrawn about the 1st of March, and if this appropriation can not be provided for on this bill, the Government will later on, in order to make the improvements which have been provided for, with the width and depth of channel proposed, will be compelled to expend from $30,000 to $60,000 more than it would now cost if the work should proceed on the present plan. For that reason I hope the Senator from Maine will not make the point of order against the amendment.

Mr. HALE. Mr. President, I wish I could yield to the suggestion of the Senator, but I am trying to keep the bill as closely as possible to its purpose. The amendment is clearly subject to the point of order, as it proposes an entirely new plan for expending money.

The VICE-PRESIDENT. The Chair sustains the point of order.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. In the absence of objection, the amendments made to the bill as in Committee of the Whole will be considered as agreed to, with the exception of the amendment on page 8, which has been reserved by the Senator from Pennsylvania [Mr. KNOX]. The Chair hears no objection, and the amendments made as in Committee of the Whole, with the exception of the one noted, are agreed to.

Mr. KNOX. Mr. President, I now renew the point of order that I made while the bill was before the Senate as in Committee of the Whole, and for the reasons then assigned.

The VICE-PRESIDENT. The question is on the point of order raised by the Senator from Pennsylvania, which will be stated by the Secretary.

The SECRETARY. The point of order is:

That the amendment proposes general legislation:
First. Because it directs the Secretary of the Treasury not to do that which the law says he shall do.
Second. Because it confers a power on the Committee on the Library that under the law does not exist.
Third. It is not germane to anything in the bill.

The VICE-PRESIDENT. The Chair is clearly of the opinion——

Mr. HALE. Mr. President, I hope this provision will not go out; but of course it is subject to the ruling of the Chair. It is a provision which was inserted in the other House by the committee having charge of the bill and, so far as I can discover from the debate, was not contested on its merits, but went out on a point of order. The managers of the bill on the part of the House were very desirous that the amendment should be put in the bill, in order that it might go into conference, and the Senate committee has put it in. I am satisfied the facts are such that it ought to remain in the bill.

Mr. DOLLIVER. Mr. President, I think a plain statement of the facts connected with this item will indicate that it is properly in the bill. The Senator from Pennsylvania [Mr. KNOX] is of the impression that it undertakes to require the Secretary of the Treasury not to do a thing which the law requires him to do. In point of fact, this little appropriation reveals a very quaint situation.

A learned professor, I think in Pennsylvania, proposed to Congress to collect the authentic manuscripts of certain ancient charters and constitutions. Afterwards, as I understand, he took in with him in the enterprise a very learned student of history in the State University of my own State, with mutual contracts and agreements as to the labor of compiling these documents. The two disagreed because the character of the material collected was not satisfactory to the Iowa professor. This publication, which has now, as I understand, been printed, purports to be a collection of these old charters and documents. In point of fact, it is a reprint of a book issued many years ago by Ben: Perley Poore, and this printing has been done not from certified copies of original manuscripts, but from the printed pages of a work already in existence. I am informed that it is not an accurate reprint of the documents at all; that it is full of errors and omissions, and is of no earthly value either as a legal or as a historical work. The Treasury Department, finding no authority authorized by law to pass upon the authenticity of the documents, holds it is not required by law to pay for it, but has refused altogether to pay and, as I understand, will continue to so refuse until evidence is produced that the printed matter is the thing Congress agreed to pay for or is passed upon by some authorized person.

Now, it appears to me there ought to be an immediate provision made for the correction of the errors in these ancient documents and some authority created to pass upon their authenticity. When that is done the money ought to be paid. But it certainly is a bad situation to be paying $10,000 for a publication which is in no sense an authentic reprint of any ancient constitutions or charters such as Congress intended to have printed. This work is worthless unless its accuracy is unquestionable. Neither the Pennsylvania professor nor the Government can afford to put their names on a defective and incomplete publication of this sort. It not only throws away the money, but puts all parties in a bad light. It is an unnecessary situation, since the certified transcripts of these documents are now in the hands of the Iowa expert, to whose connection with this work I have alluded.

Mr. KNOX. Mr. President, I do not exactly see the relevancy of the suggestions upon the merits to the parliamentary question raised by my point of order. Neither do I intend to enter into a discussion as to the merits between a distinguished professor in Iowa and a distinguished professor in Pennsylvania.

Mr. DOLLIVER. If the Senator will pardon me, I understood his point of order to be based upon the fact that the amendment requires the Treasury Department not to do what the law now requires it to do.

Mr. KNOX. That is one of the reasons assigned. The point of order is that it is general legislation.

But, Mr. President, I think I would be remiss, probably, if I did not state that the situation is not quite so difficult as my friend, the Senator from Iowa, has suggested. The Congress in 1907 passed an act appropriating $10,000 for payment to the compiler of this work. There was no condition at all imposed in that act. The work was not to be subjected to the supervision of the Committee on the Library, nor was the Secretary of the Treasury authorized to withhold payment until anyone passed upon the quality of the work. However, the Secretary of the Treasury having ascertained what my friend, the Senator from Iowa, has stated to the Senate, that there was some difficulty about this work, that probably it was not so thorough or so accurate as it might be, made a law unto himself. He overlooked entirely the fact that the appropriation was unconditional, and he absolutely declined to pay this bill; and I am not criticising him for it at all.

But Professor Thorpe, with a law of Congress at his back and a stubborn Treasurer in front of him, did the only thing that he could have done under the circumstances. He took advantage of the position in which Congress placed him, and he went into the courts, and by an appropriate proceeding in mandamus he asked that the Secretary of the Treasury be compelled to pay him for his work, in accordance with the provisions of the law. The Secretary of the Treasury filed an answer to the petition for mandamus, and in the answer he set up the defects in this work, whereupon Professor Thorpe demurred to the answer, which to all lawyers means simply that Professor Thorpe said by that demurrer, "notwithstanding the defects in this work, I am entitled to my $10,000." Upon that demurrer the court overruled Professor Thorpe, and the whole question is now before the court on its merits, where it should be, under the circumstances.

Mr. FRYE. Mr. President, I doubt whether the Senator from Pennsylvania can make his point in the form in which it appears. The third point made is that it is not germane. If that point is insisted upon, under the rules the Senate must decide it. The first point is that it is general legislation. The last is that it is not germane. The rule says that where the point that an amendment is not germane is raised, it must be referred by the Presiding Officer to the Senate.

Mr. KNOX. I am entirely willing to reply upon the first ground suggested in the point of order.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation, and is therefore obnoxious to the rule. The Chair therefore sustains the point of order for the first reason assigned by the Senator from Pennsylvania.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OTIS C. MOONEY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 39) to correct the military record of Otis C. Mooney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to correct the military record of Otis C. Mooney, late private of Company K, Eighth Vermont Infantry Volunteers, and grant him an honorable discharge as of date May 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. Mr. President, the bill has been read, and read the second time by section, and considered except as to twenty-eight sections of one class, which were passed over for further consideration at the request of Senators. Then there are eight sections which were passed over that carry with them a single feature of legislation. Then chapter 10, which relates to slavery, was passed over, with the understanding that the sections which were passed over would be taken up for independent consideration.

I will say to the Senators that the sections passed over have been printed separately; and if they are not already on their desks, the officers of the floor are preparing to hand them to each Senator. I will ask that these sections be taken up now in their order.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I want to recall to the attention of the Senator the fact that the understanding was not simply that these particular sections which are now brought to the attention of the Senate by him should be subject to be called up for action, but the statement was made by the Senator, or I think made by the Chair and concurred in by the Senator, that the understanding was that each section which had been passed would still be open for any criticism or objection that might be made thereto.

Mr. HEYBURN. That was the understanding.

Mr. BACON. I state that, because there are some sections to which I shall ask the attention of the Senate which are not included in the republished bill.

Mr. HEYBURN. The Senator from Georgia correctly states the understanding, but I think also the understanding was that we would first take up those that were passed with the more express understanding that they would be considered first.

Mr. BACON. Yes.

Mr. HEYBURN. Section 5 is the first.

The VICE-PRESIDENT. The Secretary will read the first section passed over.

Mr. HEYBURN. Those sections have all been read. Is it the desire that they be read again?

The VICE-PRESIDENT. The Senate recurs to the section, which the Chair understands has heretofore been read, in order that it may be passed upon for purposes of amendment or such other action as the Senate desires to take.

The SECRETARY. Section 5, on page 3, is the first section that was passed over.

The VICE-PRESIDENT. If there is no amendment proposed, the Secretary will proceed to the next section.

Mr. BACON. I do not like to make any suggestion which will cause delay in the proceedings, but it is impossible for any Senator to carry in his mind a correct understanding of each one of these sections. There are a great many of them. Here is a pamphlet of probably a hundred pages. A great many of them are long sections, and some of them are sections that were possibly passed over at the suggestion of one Senator and some at the suggestion of another, and at the time they were passed over there was no consideration given to them at all, at least as to some of them, and unless the sections are read again it will be impossible for me—I speak for no one but myself——

Mr. HEYBURN. I did not ask that they be not read. I was merely endeavoring to start off with an explicit understanding.

Mr. BACON. I understood from the direction the Presiding Officer gave that in the absence of some objection they would not be read.

Mr. HEYBURN. I did not so understand.

Mr. BACON. I may have misunderstood the Chair.

Mr. HEYBURN. I supposed they would be read as they are reached.

The VICE-PRESIDENT. It is all within the control of the Senate. The Secretary will read the section now under consideration.

The Secretary read as follows:

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, *or in any place subject to the jurisdiction thereof*, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States *or in any place subject to the jurisdiction thereof*, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be *fined* not more than $5,000 and *imprisoned* not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Mr. HEYBURN. Mr. President, this section is enlarged so as to apply to jurisdiction added since the enactment of the original law, and I think it may be fairly said that there is no other change of existing law than the addition of the words "or in any place subject to the jurisdiction thereof." It was passed over before Senators, I think, really comprehended the plan under which this work was presented to the Senate, and I do not remember that any special objection was made further than the inquiry as to the meaning of those words and the purpose of their adoption by the committee.

It must be obvious that the provisions of this law should extend to any place under the jurisdiction of the United States. Otherwise we would permit this kind of an offense in one portion of our jurisdiction and not permit it in another. So, unless there is some special objection other than that interposed before, the section seems to me to be existing law.

Mr. BACON. I do not know at whose instance the section was passed over. I was not present in the Senate when it was done. Can the Senator inform me?

Mr. HEYBURN. My recollection is that it was passed over at the suggestion of the Senator from Texas [Mr. CULBERSON]. But it was done in rather a casual way because it was a new provision, and at that time considerable discussion was had as to whether or not every section containing any italics was not new legislation because of the fact that it was a change of existing law. We had not, as I say, arrived at so complete an understanding as to the plan upon which the work of the committee was presented.

Mr. BACON. I want to make a suggestion to the Senator. This is properly denominated a revision of the law, and where there is no change made, of course, we in no manner, by failing to take action in regard thereto, commit ourselves to the propriety of the law and in no manner do we reenact it. But wherever any change is made at all, even an immaterial change, if we adopt it we practically reenact the statute. So it is before us for challenge necessarily. We reenact it if we make the change of a word.

This is a question to which I have not had my attention directed before the reading of the section at this particular moment, but it strikes me as being a section that I would not be willing to give my consent to as a part of the law of the United States; and I think that wherever we find a section that we are not willing to give our consent to or our approval of, we ought to be slow to pass it in that shape. I note by looking at the original law that it is a statute passed in 1799, during the Administration of the elder Adams. While it is not a part of the alien and sedition law, it appears to me to be very close kin to legislation of that kind, which, as we know, created a tremendous furore in this country and fell under the condemnation of the people of the United States. The terms of this law, it seems to me, are such that a citizen in the pursuit of the protection of his own interest might incur a very heavy penalty, to say nothing of the trouble and expense of a prosecution. If I read it aright, if the Government of the United States was in correspondence or negotiation with the British Government about a matter between the United States and Canada—treaties having been made, of course, with the parent Government, the British Government—although the treaty might relate to a business matter in which a citizen of the United States was very closely interested, it would be a felony, punishable by a grievous penalty, if that citizen were to communi-

cate in any way with any of the authorities of the British Government looking to an adjustment, which, while it might not be the adjustment desired by the United States Government, might be an adjustment which was to his business interest. Do I misconstrue the law, I will ask the Senator from Idaho, because I have had to read it very hastily, of course?

Mr. HEYBURN. This provision, adopted at the very beginning of our Government, was to prevent just such happenings as occurred with reference to a certain diplomatic officer representing France in the United States at that time.

Mr. BACON. I recollect it.

Mr. HEYBURN. Perhaps the Senator will recall the circumstances.

Mr. BACON. I do.

Mr. HEYBURN. The necessity arose out of the embarrassments, I think, that surrounded the situation in that case. I merely use it as an instance. His presence in this country was declared throughout our Department of State to be against the best interests of the Government. He retired in his diplomatic capacity and returned in his individual capacity to keep up the same agitation.

Mr. President, this is the existing law, and the committee, whether they approve of its measures or not, did not stop to consider. The only change made by the committee was the adaptation of that law of long standing to existing conditions. No change was made in the law. The additional words simply go to the territorial limits of the jurisdiction. I think there is no change at all that goes to the purpose or effect of the law. Under these circumstances I suggest to the Senator from Georgia that it would not be wise for us to enter upon a consideration of the wisdom of legislation represented by existing law. Otherwise we would have to consider the reenactment of all the law before us in this report.

Mr. BACON. Mr. President, I do not entirely agree with the Senator from Idaho in regard to that, because I have some other sections in my mind which I think ought to be eliminated instead of getting the renewed approval of the Congress of the United States—sections which were passed in the heat of great political excitement and which ought no longer to be upon the statute book.

But, recurring to this particular section, if there is a law that is grossly unjust and liable to work great hardship upon a citizen of the United States, and we so find it, we ought not to reenact it. If it is a section that has no change in it, we have it within our proper jurisdiction at this time, it seems to me, to elminate it from the law if we find it to be an objectionable one.

Let us look at this particular statute and see how very harsh it is. It does not simply make it a felony for a citizen of this country to communicate in any way with the officers of a foreign government for the purpose of defeating the measures of the United States, but it makes it a felony for him to communicate upon the subject-matter which is in process of negotiation between the two countries. Let me read it. But before reading it I want to say another word in regard to the suggestion of the Senator as to the cause which first gave rise to this statute. The party to whom he referred was a citizen of France, and this statute is leveled against citizens of the United States. Am I correct in that?

Mr. HEYBURN. I am not accurately advised as to the facts, but my recollection is that he came back here with the declared intention in that very early day when the intention was all practically that was necessary of becoming a citizen of this country. However, I merely cite it as an instance of the probable cause for this legislation.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. As I recall the circumstances under which this act was passed, it was passed in 1799, and it was at that time called the "Logan Act." It was passed because a citizen of this country, Dr. George Logan, at the time when the relations between France and this country were somewhat strained, went to France ostensibly upon some other business and meddled in the question of the relations between this country and France, to the very great embarrassment of this Government, and because of the embarrassment which resulted from that, this act was passed.

Mr. BACON. I misunderstood the reference of the Senator from Idaho. The incident I had in mind was the case of the representative of the French Government, who about that time became persona non grata on account of similar interference here. But I did not have in mind the instance to which the Senator from Utah now alludes, which would put it directly in the line of this legislation.

Mr. SUTHERLAND. That was the direct cause of the legislation, and at that time it was called the "Logan Act."

Mr. BACON. Now, to recur to the terms of this statute—

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, *or in any place subject to the jurisdiction thereof*, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States—

That is complete in itself. Then it goes on to say—

or to defeat the measures of the Government of the United States.

So this statute makes it a felony, with a grave penalty, for any citizen of the United States to get into communication with any officer of a foreign government as to any matter between this Government and that government then in negotiation between them.

I do not know how we are to proceed with the consideration of this matter with simply—I will not say how many Senators present—but certainly not two-thirds of the Senate present. I do not know how we are to proceed in the discussion and determination of these grave matters without the consensus of a sufficient number of the Senate to show that it is having proper attention. So long as we were going on as we have heretofore in the consideration of sections of the Revised Statutes to which there was no particular objection, that was one thing, but when the matters which are controverted and which were left over come up to be decided it seems to me we should have some little better understanding than we have now as to the method under which we are to proceed.

I have endeavored to make myself understood without putting myself in a position to embarrass the Senator from Idaho and his colleague, the Senator from Utah.

Mr. HEYBURN. Mr. President, I know to what the Senator from Georgia refers, of course. I would be glad to have the presence of a larger number of Senators when these controverted sections are under consideration. I also realize the embarrassment that would follow from making a suggestion. If the statutes of the United States are to be revised at all, it can only be done by a general consent on the part of Senators either to be present or else to take no advantage of the fact that they are not present. That is evident. Under the rules of this body it is possible absolutely to defeat the revision of the laws, as that measure has been defeated and postponed for so long a period. A resort to any form of parliamentary tactics that would delay this bill simply means to abandon the work of many, many years, and I am quite confident that no Senator would want to render nugatory the work that is before the Senate in the shape of this bill.

So I will have to appeal to Senators to waive objections that go only to existing law. It would not be possible to revise and codify these laws in any length of time that would be at our disposal if we are to enter upon the consideration of the wisdom of the legislation of those who have gone before us. That must be evident, because this bill contains the result of the legislation of a century and more and an amount of discussion and consideration that could not be stated.

So it is evident that unless the Senate is of the temper and in the mind to allow existing law to take its chances for reformation in the nature of original legislation under the rules of this body through the standing committees of the body we might just as well abandon any attempt to revise these laws.

I should like to consider this question fully at this time and settle upon a policy, because we are expending a great deal of labor and a considerable amount of public moneys in preparing other titles of the law for consideration in this body with a view of revising and codifying it. If we are to meet with the objections that might be urged against existing law because Senators differ in their opinion with the wisdom which enacted that law, we might just as well at the beginning know it and cease all of this work, because in a few days we will be ready to report the Title of the Judiciary, which involves more controverted questions than are involved in this criminal code, and which involves a class of questions which will appeal more closely to the members of this body than do those pertaining to the criminal law.

If we start in to revise the laws of the United States with the understanding that we will not attempt original legislation, that our efforts shall be confined to the readjustment of the language so as to weld together existing law without in any way changing the meaning or purpose of the law, I think we can revise and codify it; but I am quite sure if we are to consider, as in this case, the wisdom of the Congress of 1799, we will enter upon a hopeless task.

So I appeal to Senators if it is not best at this time to have

an understanding that we will deal only with the use that is made of existing law in welding it into a convenient form under the provisions for codification and revision and will not attempt either to incorporate new legislation or to repeal existing legislation. Technically speaking, the change of a word in a statute is new legislation. But let us waive that technicality and deal only with the substance. Let us take existing law, using such apt words as are necessary to weld it together into concise and intelligent form, and content ourselves with that. Then we may hope to accomplish the purpose for which the Commission was created and for which your committee was appointed. I appeal to Senators if that is not the only possible hope of ever accomplishing the purpose upon which we have entered.

Mr. BACON. Mr. President, one trouble about the suggestion of the Senator from Idaho is that the work of the committee does not consist merely of a revision for the purpose of improving the style and of abridging or making more concise the various provisions of law, blending together things which are widely separated in some instances. The very next two sections ahead of us I understand are new sections entirely, and if new sections are to be added, of course the door which opens the possibility of that admits also the entertainment of the question of subtraction.

Mr. HEYBURN. If we may deal with section 5, now under consideration, I promise the Senator from Georgia that when we reach those next sections, so far as I am concerned as chairman of the committee, there will be very little ground for controversy.

Mr. BACON. Of course I realize the extreme difficulty of the Senator's task. The question is not simply one of the consideration of the measure as we go through with it, but putting it in a shape where it will ultimately receive the vote of Senators. It seems to me that where there are grave objections to provisions of law, in order to gather the support of Senators it is very important that the objectionable features should be eliminated.

Mr. HEYBURN. Mr. President, I realize that what the Senator from Georgia says is true, and it is a question to be considered at this time seriously and I hope finally, so far as the consideration of the pending bill is concerned. But I would inquire of the Senator from Georgia whether or not in his judgment, from an inspection of section 5, there is any new legislation in it.

Mr. BACON. I do not think there is anything material except the extension over additional territory.

Mr. HEYBURN. The change there is geographical.

Mr. BACON. Yes. My objection is as to the law as it stands.

Mr. HEYBURN. Is the Senator willing to waive his objection to the existing law for the purposes of considering this bill, because if Senators are not willing to accept existing law for the purposes of the consideration of the bill, I see before me nothing but a hopeless task, and I see behind me a lot of futile work extending over many months?

Mr. BACON. Mr. President, I do not know what to say to the Senator. If the Senate were present it would be a very easy matter. But I submit to the Senator now, where there is an issue beween the committee and any Member of the Senate as to whether a proposed change should be adopted, how does the Senator propose to have it settled? By a vote?

Mr. HEYBURN. I presume that every section will have to be determined by a vote where a vote is called for; but I also hope that a vote will only be called for where there is some real, live principle of law involved, that is either new or in the nature of new law, or a new application of existing law. The committee has tried to avoid reporting either new law or a new application of existing law. I think there are eleven new sections. In one sense they are new, but as a fact they are sections rendered necessary because of the rearrangement of existing law.

Should the Senate determine that we are wrong in the conclusion that these new sections are rendered necessary, of course we will be compelled to yield them, because it is not the purpose or the intention of the committee to insist upon new legislation in connection with the consideration of the bill. They realized from the very start the difficulty of the task, not only the difficulty involved in the intellectual process of evolving the law from an admixture of statutes, many of which were overlapping and inconsistent and one passed without the knowledge even of the existence of another, but the difficulty that must necessarily arise from determining the method of consideration. We are face to face with that now, and no more serious period has been reached in the process of revising and codifying the laws than that which now presents itself to us.

The VICE-PRESIDENT. The Chair will suggest that it is his understanding that action is not necessary upon the section now under consideration; that the entire bill will be open to amendment as in Committee of the Whole until the bill is reported to the Senate; and that a section passed over is merely brought again to the attention of the Senate for consideration and amendment, if thought necessary, and no vote is required upon the section.

Mr. HEYBURN. I so understand, and I merely wanted the RECORD to show that when we pass over these sections they are passed over with the same purpose as the sections not included in this reprint.

The VICE-PRESIDENT. Precisely. That is quite correct. The Secretary will read the next section passed over.

The Secretary read the next section passed over, as follows:

SEC. 33. *Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation, or with respect to the financial standing of any pricipal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than $2,000 or imprisoned not more than two years, or both.*

Mr. HEYBURN. Mr. President, this section is new legislation at the suggestion of the administrative branch of the Government. It was my opinion at the time that it was not within the province, or if it was within the power it was not appropriate for the committee to propose new legislation either upon their own initiative or at the instance of any person or branch of the Government. But the committee have reported this section. It is new, and it is with the Senate to say what they will do with it. An amendment was suggested to strike out the words "or regulation."

Mr. SUTHERLAND. I understood the objection which the Senator from Colorado [Mr. TELLER] made to the section was that it made it a criminal offense to violate a regulation made by an administrative officer of the Government.

Mr. TELLER. What section is that?

Mr. SUTHERLAND. It is section 33. It makes it a criminal offense to make a false certificate in a matter concerning which an oath or affirmation is required by law or regulation. I understood that the objection of the Senator from Colorado was to the word "regulation."

Mr. TELLER. That was the objection I had. I do not believe we can authorize any head of a Department to make a regulation the violation of which shall become a criminal offense, and I want to strike out the word "regulation."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Colorado.

The SECRETARY. On page 19, line 19, section 33, after the word "law," strike out the words "or regulation."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. SUTHERLAND. If the section is to remain, I am not in favor of striking out the word "regulation."

Mr. TELLER. I do not intend that the bill shall pass with that word in it. I shall oppose it even if it defeats the whole bill. The Supreme Court of the United States have said that Congress can not authorize the head of a Department to so make a regulation the violation of which shall be a crime, and it ought to be apparent to every lawyer in this country that that can not be done. It is enough for the Department to enforce the law, and it is enough to punish men for a violation of the law and not for a violation of the will of some clerk or subordinate who may draft regulations.

Mr. President, I have some feeling about this matter. I propose that the word "regulaton" shall go out if I can get it out. If not, I want to say that I shall start in with a fight on the bill, and there will be a quorum here every time there is a vote taken.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. I yield to the Senator.

Mr. McLAURIN. I will state to the Senator that I do not understand it authorizes a Department to make a regulation that shall be law, but only that the false certificate of an officer to an affidavit that is required by law or an affidavit required by the regulation of a Department shall be a criminal offense.

Mr. TELLER. Mr. President, I do not think it is worth while to discuss it. I have gone over it and I believe this will be one of the things which will be held to be an offense under the law. Nineteen of my constituents were recently indicted for violating the regulations made by the head of a Department under authority to make regulations to carry out the statute,

Instead of doing that the Department went to enacting laws by way of regulations. The court, of course, knocked it out; but I do not desire to give an opportunity for any more of that kind of business.

Mr. SUTHERLAND. I do not object to the entire section going out, if that is the desire of the Senate, but I have suggested that there is a distinction between the provision of the section and the provisions of law which the Supreme Court has held to be invalid. I think the distinction is a very clear one, and it has been recognized by the Supreme Court repeatedly.

Mr. TELLER. I have examined the question, and I am very confident we shall have the same trouble with this provision that we have had with some others. I think it had better go out. I do not agree with the Senator from Utah on this proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. SUTHERLAND. That is to strike out the words "or regulation."

Mr. TELLER. "Or regulation." That is all I ask shall be stricken out.

Mr. KEAN. I thought the Senator from Colorado proposed to move to strike out the whole section.

Mr. TELLER. No; I only moved to strike out the words "or regulation."

Mr. SUTHERLAND. Mr. President, I dislike very much to persist in this matter, but I do not think I ought to permit a vote to be taken without calling attention to one or two decisions of the Supreme Court upon this precise question. If the section is to be enacted at all, I think it ought to retain the language which the Senator from Colorado moves to strike out.

I call attention to the decision of the Supreme Court in 165 United States, which is a very recent decision, at page 533, where the court very clearly lays down the line of distinction between the case which we are now considering and a case where the violation of a regulation can not be made a criminal offense. At page 533 the court uses the following language:

> We agree that the courts of the United States, in determining what constitutes an offense against the United States, must resort to the statutes of the United States, enacted in pursuance of the Constitution. But here the law required the packages to be marked and branded, prohibited the sale of packages that were not, and perscribed the punishment for sales in violation of its provisions, while the regulations simply described the particular marks, stamps, and brands to be used. The criminal offense is fully and completely defined by the act, and the designation of the Commissioner of the particular marks and brands to be used was a mere matter of detail. The regulation was in execution of, or supplementary to, but not in conflict with, the law itself, and was specifically authorized thereby in effectuation of the legislation which created the offense. We think the act not open to the objection urged, and that it is disposed of by previous decisions. (United States *v.* Bailey, 9 Pet., 238; United States *v.* Eaton, 144 U. S., 677; Caha *v.* United States, 152 U. S., 211; In re Kollock, 565 U. S. Reports, p. 533.)

And again, on page 534, referring to the case in 152 United States, and quoting from that case, the court says:

> This is not a case in which the violation of a mere regulation of a Department is adjudged a crime. United States *v.* Bailey (9 Pet., 238) is in point. There was an act of Congress making false testimony in support of a claim against the United States perjury, and the defendant in that case was indicted for making a false affidavit before a justice of the peace of the Commonwealth of Kentucky in support of a claim against the United States. It was contended that the justice of the peace, an officer of the State, had no authority under the acts of Congress to administer oaths, and that, therefore, perjury could not be laid in respect to a false affidavit before such officer. It appeared, however, that the Secretary of the Treasury had established, as a regulation for the government of his Department and its officers in their action upon claims, that affidavits taken before any justice of the peace of any of the States should be received and considered in support of such claims. And upon this the conviction of perjury was sustained, Mr. Justice McLean alone dissenting. It was held that the Secretary had power to establish the regulation, and that the effect of it was to make the false affidavit before the justice of the peace perjury within the scope of the statute, and this notwithstanding the fact that such justice of the peace was not an officer of the United States. Much stronger is the case at bar, for the tribunal was composed of officers of the Government of the United States; it was created by the Land Department in pursuance of express authority from the acts of Congress. This perjury was not merely a wrong against that tribunal or a violation of its rules or requirements; the tribunal and the contest only furnished the opportunity and the occasion for the crime, which was a crime defined in and denounced by the statute.

So in this statute, providing that it shall be an offense for an officer to certify falsely in a matter concerning which an oath or affirmation is required by law or regulation, the provision for the regulation simply furnishes the occasion for the commission of the offense, but the offense is the violation of the statute—not the violation of the regulation. Let me repeat what the Supreme Court says:

> The tribunal——

Mr. TELLER. If the Senator from Utah will permit me, I have read that opinion several times. The Senator need not read it for my benefit. He may read it if he wants to convince the Senate, but he need not read it on my account.

Mr. SUTHERLAND (reading):

> The tribunal and the contest only furnished the opportunity and the occasion for the crime, which was a crime defined in and denounced by the statute.

There is much more to the same effect, but I will content myself by reading simply the concluding clause. After referring to other cases, the Supreme Court says:

> This, it will be observed, is very different from the case at bar, where no violation is charged of any regulation made by the Department. All that can be said is that a place and an occasion and an opportunity were provided by the regulations of the Department, at which the defendant committed the crime of perjury in violation of section 5392. We have no doubt that false swearing in a land contest before the local land office in respect to a homestead entry is perjury within the scope of said section.

Mr. President, it is of no particular importance perhaps in this one section, but there are other sections—sections of existing law—which make exactly the same provision, and under which many cases have been prosecuted. So it is a matter which goes to a very large part of the bill. If it were not for that, I should not have said what I have said with reference to it. I do not think the word "regulation" ought to be stricken out of the section. If the section is to remain at all, I think it is essential that that part should remain in it.

Mr. TELLER. If the Senator who has charge of the bill will agree to strike out the section, of course that will save any question about the word "regulation."

Mr. HEYBURN. Mr. President, I do not think it would be appropriate for me to move to strike out sections from this bill, even though I had reserved the right to express an independent or differing opinion when they were under discussion. I think that any motion to strike out a section should come from some Senator other than myself, representing, as I do, the will of the committee who reported this bill, and the sections so reported were reported pursuant to the wishes of the majority of the committee.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will resume the reading of the sections of the bill heretofore passed over.

The Secretary read the next section passed over, as follows:

> SEC. 47. *Whoever shall go upon any military reservation, Army post, fort, or arsenal, for any purpose prohibited by law or military regulation; or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than $500 or imprisoned not more than six months, or both.*

The Secretary read the next section passed over, as follows:

> SEC. 49. [Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States shall be *fined* not more than $5,000 or *imprisoned* not more than five years, or both.]

Mr. BACON. Mr. President, there is a change made in the existing law by that section, the policy of which I very gravely doubt. Under the law as it now stands, the perpetrator of either of the crimes mentioned in this section may be tried and punished in the district in which the crime is committed or in the district into which he may carry the property. The section proposes to eliminate the latter feature of the law and to make the perpetrator punishable only in the district where he originally perpetrated the crime.

Mr. HEYBURN. Mr. President, this is the section over which we had a great deal of discussion on a recent occasion.

Mr. BACON. Yes.

Mr. HEYBURN. The States have widely differing laws in regard to this subject. It has been held competent for the legislatures in some States to enact a similar law and in others it has been held that they could not. I have asked for a list of the States having laws upon this subject, so that I anticipated when the section came up I would be prepared to give that information; but it has not yet come to me. However, it would be competent for Congress, in fixing the jurisdiction of the United States court for the trial of the class of offenses covered by this section, where the property follows the party taking it, or the party is found in possession of it in a jurisdiction different from that in which he took it, to give jurisdiction in both places; that is to say, that the party might be apprehended and tried where he was found with the property he had stolen or embezzled, or he might be taken back to the place where he committed the offense. That is a matter of policy.

The section as reported by the committee is in harmony with the majority of the decisions upon this question, and is in harmony with the best thought, if I may use that term, of our own Supreme Court of the United States, but the Supreme Court of the United States, of course, would be governed by the action of Congress in determining the question of jurisdiction.

Mr. BACON. I do not know that I care to interrupt the

Senator right at this point, but I will call his attention to what I understood to be the contention of his colleague, the Senator from Utah [Mr. SUTHERLAND], when this matter was first before the Senate some days since. I understood the suggestion of the Senator from Utah to be that the principle under which one who has committed larceny could be punished in any jurisdiction into which he carried the stolen property could not apply to a case of embezzlement, and that therefore the law was incongruous. I think in that he was mistaken, although I myself may be in error, because, as I said the other day, I do not profess to be a criminal lawyer. While I have had some practice in that line, most of my practice has been on the civil side of the court.

Mr. SUTHERLAND. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. With pleasure.

Mr. SUTHERLAND. If I made that statement—and I have no doubt I did if the Senator from Georgia says I did—it was an inadvertence. I think the Senator is correct, that the two offenses of embezzlement and larceny are affected in that respect by the same rule. I think that is correct.

Mr. BACON. Yes, because the only difference between embezzlement and larceny is that in the one case it is the felonious taking of the goods or property with which a party was intrusted, and in the other case where he was not so intrusted. If I recollect aright—and I think if the Senator will refer to the RECORD he will so find—that was the reason given why the change was made. In the absence of that, I know of no reason why there should be any change.

In response to the suggestion of the Senator from Idaho [Mr. HEYBURN] as to the decisions of the court, I do not think it depends in the administration of the criminal law upon the statute as to whether that principle should be invoked. If I am not mistaken in my recollection, it is a principle of common law that a party is liable to be indicted, tried, and punished in any jurisdiction into which the stolen article is carried. I may be mistaken about that, but I do not think so.

Mr. HEYBURN. Mr. President, I have no doubt at all that the Senator is correct in that, but were this confined to offenses that imply necessarily the possession of the property at the time of the arrest, then there would be no embezzlement. The Senator will see that this is a little broader than seems to have occurred to him.

SEC. 49. [Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be *fined* not more than $5,000 or *imprisoned* not more than five years, or both.]

If a party had embezzled property, but had long since parted with it, and at the time he was arrested in a foreign jurisdiction—that is, in some other State—he would not have the property with him, then the offense for which he would be apprehended would in noway be connected with the possession or the recoupment or recovery of the property, but would be strictly an offense directed against the person for a violation of the law. It would have no element of property in it. All charges for larceny carry with them the element of property, because larceny can only be committed in connection with property. All embezzlements carry with them the element of property, provided that at the time of the apprehension of the party charged with embezzlement, he still has all or a part of the things embezzled; but where he has parted with it and the apprehension and trial of the party would not result in any way in the recovery of the property, then he is a naked criminal, to be tried with reference to his own moral obliquity.

Mr. BACON. Mr. President, I am not seeking to amend the law. I am now siding with the Senator from Idaho [Mr. HEYBURN] in his contention that the law as it now stands should be allowed to remain. I am simply contending that the law as it is now on the statute book is in better shape in its provisions than the one which it is proposed to substitute for it.

The proposed statute, as read by the Senator, down to the words "United States" is exactly the same as the law now, and the change is thereafter. Now, in order that that may be seen, I will read the entire section as the law now stands:

That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States—

The change begins there. The existing law goes on as follows:

shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years or by a fine not exceeding $5,000, or both, at the discretion of the court before which he shall be convicted.

I quite agree with the Senator that where the existing law is not radically objectionable, it should be maintained in its present form, unless it might possibly be in the matter of phraseology. But there is there a radical change denying to the court jurisdiction. I am of the opinion that if nothing was said in the original law on the subject of jurisdiction, and there was no particular jurisdiction specified here, the court would have jurisdiction in the district where the offense was originally committed, and also in every district into which the party might carry the stolen property, but with the law as it now stands on the book, to change it and limit the jurisdiction to the place where the offense was originally committed, would be construed by the court as an intention on the part of Congress to deny jurisdiction in any other district except the one specified district in which the offense was originally committed. Unless there is a good reason for doing so, why change it?

Mr. HEYBURN. I would call the Senator's attention to the language of the existing law as to whether it is not open to the element of uncertainty and ambiguity in that it provides:

That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years or by a fine not exceeding $5,000, or both, at the discretion of the court before which he shall be convicted.

Mr. BACON. Mr. President——

Mr. HEYBURN. If the Senator will pardon me for a moment, there is an ambiguity about that language that might lead to some embarrassment. There is the alternative element in the statement of the jurisdiction; there is the alternative element in the statement of the offense. Two offenses are stated, one the stealing or embezzlement and carrying the property into another jurisdiction, in which case either jurisdiction may try and punish, or the other of stealing or embezzlement and not carrying it into another jurisdiction. The question arises whether or not in that case the party can be punished where apprehended. I am of the opinion, from such attention as I have given to it, that he could only be punished in the place where he was apprehended, provided he had the goods or some part of them with him. If the Senator will give close attention to that language he will see that there is no other reason for stating it in the alternative, except for the use of the language "or into which he shall carry or have in possession said property so embezzled"—that is, the jurisdiction into which he shall carry it or have in possession the property.

Mr. BACON. It is possible for a party to embezzle or steal property in one jurisdiction and himself go to another jurisdiction and have some one else to bring it to him? That is one of the extreme cases, but that illustrates it.

Mr. HEYBURN. Under this section he may be apprehended in any jurisdiction if he has the goods on him. He may be tried where apprehended, because the statute says if he shall take such goods or have them with him in that jurisdiction he may be tried there, but if he shall be arrested naked of the goods he must be taken back where he committed the offense.

Mr. BACON. Mr. President, I think this is a matter of some importance, or I would not detain the Senate with a discussion of it. I can conceive of circumstances in which the Government might be unable to bring parties to justice if the law were changed, as is proposed by the committee.

There are a great many officials of the Government intrusted with public property who are constantly moving from one jurisdiction to another, and why should we put it in the power of a party who has committed an embezzlement to set up the question of jurisdiction, when it can be shown that in a certain jurisdiction he had the property in his possession? We may not be able to show where it was that he originally embezzled it, but why should there be any change when, in a matter of substance of that kind, justice may be defeated?

This is a matter of grave importance, Mr. President, in view of the fact of the wide extent of this country, the facilities for rapid intercommunication, and the large number of officers of the Government in various Departments who are intrusted with money and other valuable things, who are constantly passing from one end of this country to the other. When one has undoubtedly, and possibly beyond dispute, embezzled property, why should the court be put to the necessity of establishing the fact as to where he originally embezzled it, if he be found in possession of it? That is only one illustration, and there are a great many others which might be made.

It is true of the law now, Mr. President, as it was in the day of Blackstone, that the reason for the law frequently is not seen until the law itself is abandoned or repealed, when the

reason which caused its original enactment is brought forcibly to the realization of parties by the failure of justice or by the accomplishment of injustice in consequence of the repeal of the law.

Mr. HEYBURN. Mr. President, I am far from disagreeing with the views expressed by the Senator from Georgia [Mr. BACON]. I am here only to present the opinion of the majority of the committee as to the wisdom of this change. This is a larger committee than that consisting of ten members which passed upon this subject, and it seems to me that the suggestions made by the Senator have all of the weight and force that were given to the law as it was enacted by those who did enact it in 1875. I am not inclined to continue the discussion further than is necessary to a clear understanding of the difference between the existing and the proposed law, and then to submit it. I would suggest to the Senator that, in order to insert the words he proposes, certain other words would have to be changed in the section; and if the Senator desires to insist upon the change, we might pass this section until it can be redrafted.

Mr. BACON. I realize the fact that there are some verbal changes which could be made to advantage in the section in order to harmonize it with the language which has been adopted by the committee as to other sections. I think the suggestion of the Senator is a very good one, and I hope the section will be redrafted so as to retain that feature of the law.

Mr. SUTHERLAND. Mr. President, I want to suggest to the Senator from Georgia, before that matter is finally disposed of, one or two other matters for consideration in connection with this provision. While I think it is open to the objection that it is invalid as opposed to the provision of the Constitution which requires that an accused person shall be tried in the State and district where the offense is committed, there are also objections to the policy of such a provision.

Mr. BACON. Mr. President, in order that the Senator may complete the argument, right upon that particular point I want to suggest that I think in contemplation of the law it would not be a violation of the Constitution in that regard, because the construction of the law is that it is a fresh commission of the crime in every jurisdiction into which the stolen goods are carried.

Mr. SUTHERLAND. Yes.

Mr. BACON. That is a well-recognized principle.

Mr. SUTHERLAND. The theory of the common law and statute law, which announces the rule for which the Senator contends, as I understand, is that where a man carries stolen property into another State and has it in his possession, if he continues to retain possession of it with intent to deprive the owner of the property of it, that is a fresh larceny in that jurisdiction. That I understand to be the reason of the rule. But let me put a case to the Senator——

Mr. BACON. I do not think the Senator has stated it exactly correct, if I may be pardoned.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Certainly.

Mr. BACON. The Senator says if the party carries the property into a new jurisdiction and retains the possession. It is not necessary that he should retain it.

Mr. SUTHERLAND. That he has possession of it.

Mr. BACON. When he carries it there he has perpetrated a crime. That is the asportation.

Mr. SUTHERLAND. I do not mean that he should retain possession of it all the time, but that he has had possession of it in that new jurisdiction. If he parts with it afterwards, he has not altered the fact that he has committed an offense, for the offense has already been committed.

But the case I wanted to put to the Senator is this: Suppose a person in the State of California steals an article of personal property under circumstances that would make it a case of larceny in California, that after he has possession of the property in California he learns that the property belongs to somebody in Nevada, and with intent, made manifest to the jury beyond any question whatever, of carrying that property into Nevada and delivering it to the owner, he does so carry it into the State of Nevada, and delivers it to the owner of the property, could it be said in that sort of a case that he had committed in Nevada the offense of larceny? It seems to me not, because the intent to steal the property would be wanting.

Now I call the attention of the Senator to the language of this statute:

> Shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed—

"Wherein said offense may have been committed"—meaning the offense of larceny or embezzlement and that the judge of the district shall have jurisdiction of such offenses committed in his district—

> or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined—

Clearly indicating that in the other district it is not contemplated that the offense shall have been committed at all; but only that the one charged with the offense shall have carried or have in his possession the goods. Otherwise, there would be no reason for making the distinction indicated by the language, "wherein said offense may have been committed, or into which he shall carry or have in possession," either where the offense is committed or where the goods are carried and the offense is not committed.

Mr. BACON. That manifestly means "or into which, after having purloined it, he shall carry it." Any court in the world would construe it in that way. It does not mean that it shall be a crime to carry what has not been stolen.

Mr. SUTHERLAND. But it would not be necessary to prove in the other State into which he had carried the goods that the offense of larceny had been committed there. Either the district where the offense has been committed has jurisdiction, or the other district where it has not been committed, but into which the goods are carried and where he has them in his possession, has jurisdiction.

Mr. BACON. The carrying of the thing stolen itself constitutes the commission of the crime afresh.

Mr. SUTHERLAND. But the statute does not so contemplate, I submit to the Senator, because the statute considers two things, and says either in the district where the offense is committed or where, the offense not being committed, simply the goods are carried, or where he has them in his possession.

I should not feel very free to criticise this provision of the law if I did not find that the framers of it had inserted at the end an unmistakably unconstitutional provision, namely, the provision which states:

> And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver, etc.

That is manifestly unconstitutional and has been so held by the Supreme Court of the United States in 174 U. S., page 47. The whole thing, to my mind, indicates that the section was drawn without any very clear comprehension of just what the framers of the law were driving at.

I was going to suggest one other thought to the Senator as to the policy of the law. In this kind of a case of course the defendant is entitled to a jury trial. That means a trial by a common-law jury, which means a jury of the vicinage. The courts of the United States have held that that principle of the common law applies. If that is so, then where the party is tried in some other State he can not be tried by a jury of the vicinage. In addition to that, we have a provision of the law—section 878 of the Revised Statutes, which reads as follows—and I call the Senator's attention to this:

> SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within 100 miles of the place of trial, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpœnaed, if found within the limits aforesaid, etc.

Then the witnesses may be subpœnaed at the expense of the Government. Suppose under this statute a man originally steals property in California and carries it to the State of New York. Under this law, if it be valid, he may be tried in the State of New York. Suppose he happens to be an indigent defendant and makes affidavit to that effect. All of the witnesses who know anything about the ownership of the property, who know anything about the circumstances of the original taking in California live in California, and under this law not a single witness can be produced, because the law requires that he shall show that the witnesses sought to be subpœnaed are within the district, or, if outside of the district, within 100 miles of the place where the trial is had.

Mr. KEAN. I will say to the Senator from Utah——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SUTHERLAND. Yes.

Mr. KEAN. I will say to the Senator from Utah that an amendment has been offered to a bill pending before the Judiciary Committee to change that statute. I myself offered the amendment.

Mr. SUTHERLAND. I am speaking of existing law.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. I will conclude in a moment.

Mr. BACON. If the Senator will pardon me——

The VICE-PRESIDENT. The Senator from Utah declines to yield.

Mr. SUTHERLAND. No; I will yield to the Senator.

Mr. BACON. I simply want to suggest to the Senator that under the present law you can send to California for a witness by order of the court. What the Senator refers to is the right of the party to have a witness by subpœna, which is a very different thing.

Mr. SUTHERLAND. Ah, the right I am referring to is the right of an indigent defendant to have witnesses brought at the expense of the Government.

Mr. BACON. That is not limited to the district. Of course he can not have them brought at the expense of the Government by subpœna, but by an order of the court he can have a witness brought from the uttermost parts of the country.

Mr. SUTHERLAND. If he is prepared to pay the bill.

Mr. BACON. No, sir; at the expense of the Government by an attachment. I do not think there is any possible doubt on that question. It would be the grossest injustice if we had a law of that kind, under which a man could be put on trial and not be allowed the benefit of witnesses in his defense. The right to have a witness by subpœna and the right to have one by order of the court are two very different things.

Mr. SUTHERLAND. Let me read to the Senator the section. I do not think I can be mistaken about it.

Mr. BACON. What section is the Senator reading?

Mr. SUTHERLAND. Section 878 of the Revised Statutes:

SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within 100 miles of the place of trial, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpœnaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpœnaed in behalf of the United States.

I understand under that provision of law, where the defendant is indigent, when he is unable to pay the costs, he can only procure an order of court to subpœna the witnesses provided they are found within the district or, if outside the district, within a hundred miles of the place where the trial is had. It seems to me that even if that were not so it is unjust to compel a defendant, who is able to pay the way of his witnesses, to bring witnesses from California to New York when all of the essential facts of the case have transpired in California, when everything that occurred in California must be proved upon the case in his defense. It seems to me that the operation of the law is unjust, and both for the reason that I believe it to be of doubtful validity, to say the least, and because I believe it to be unjust and oppressive in its operations, I think it ought to be stricken out of existing law.

Mr. BACON. I presume the question as to the hardship of the law is best illustrated by experience. I do not suppose the Senator can refer to any instance in which the law as it now stands upon the statute books has worked any of the hardships to which he has referred. They are imaginary so far as practical experience would demonstrate their existence.

Mr. KEAN. I ask the Senator from Idaho if he is willing now to have the pending bill laid aside.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 5, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1908.

AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Merritt O. Chance, of Illinois, to be Auditor for the Post-Office Department, in place of Ernst G. Timme, resigned.

RECEIVER OF PUBLIC MONEYS.

William H. Houston, of Missoula, Mont., to be receiver of public moneys at Missoula, Mont., vice Harry O. Collins, deceased.

POSTMASTERS.

ARKANSAS.

Joel M. McClintock to be postmaster at Devall Bluff, Prairie County, Ark., in place of Joel M. McClintock. Incumbent's commission expired December 16, 1907.

John H. Thompson to be postmaster at Yellville, Marion County, Ark. Office became Presidential October 1, 1907. Postmaster removed.

COLORADO.

John F. Morgan to be postmaster at Colorado City, El Paso County, Colo., in place of John F. Morgan. Incumbent's commission expired January 4, 1908.

Jennie Ross to be postmaster at Cheyenne Wells, Cheyenne County, Colo. Office became Presidential January 1, 1908.

CONNECTICUT.

R. Clifford Tyler to be postmaster at Chester, Middlesex County, Conn., in place of R. Clifford Tyler. Incumbent's commission expires February 9, 1908.

FLORIDA.

Lawrence Brown to be postmaster at Milton, Santa Rosa County, Fla., in place of Lawrence Brown. Incumbent's commission expires April 28, 1908.

Harry C. Budge to be postmaster at Miami, Dade County, Fla., in place of Harry C. Budge. Incumbent's commission expires April 28, 1908.

Simeon C. Dell to be postmaster at Alachua, Alachua County, Fla. Office became Presidential January 1, 1908.

George Glass to be postmaster at High Springs, Alachua County, Fla., in place of George Glass. Incumbent's commission expires March 2, 1908.

Charles J. Schoonmaker to be postmaster at Cocoa, Brevard County, Fla. Office became Presidential January 1, 1908.

John F. Stunkel to be postmaster at Leesburg, Lake County, Fla., in place of John F. Stunkel. Incumbent's commission expires April 28, 1908.

GEORGIA.

William J. Campbell to be postmaster at Fairburn, Campbell County, Ga. Office became Presidential January 1, 1908.

Mattie H. Hanson to be postmaster at Forsyth, Monroe County, Ga., in place of Mattie H. Hanson. Incumbent's commission expired February 3, 1908.

Mary E. Hinton to be postmaster at Woodbury, Meriwether County, Ga. Office became Presidential January 1, 1908.

Mattie Mitchell to be postmaster at Acworth, Cobb County, Ga. Office became Presidential January 1, 1908.

Thomas E. Oden to be postmaster at Blackshear, Pierce County, Ga., in place of Jane A. McKinney, resigned.

Gordon G. Ridgway to be postmaster at Royston, Franklin County, Ga. Office became Presidential January 1, 1907.

INDIANA.

Samuel H. Grim to be postmaster at Roanoke, Huntington County, Ind. Office became Presidential January 1, 1908.

James E. Zook to be postmaster at Lima, Lagrange County, Ind., in place of James E. Zook. Incumbent's commission expires February 22, 1908.

IOWA.

Louis F. Bousquet to be postmaster at Pella, Marion County, Iowa, in place of Benjamin F. Keables. Incumbent's commission expired January 14, 1908.

James B. Martin to be postmaster at West Bend, Palo Alto County, Iowa. Office became Presidential January 1, 1908.

John W. Reed to be postmaster at Waucoma, Fayette County, Iowa. Office became Presidential January 1, 1908.

KENTUCKY.

John E. Butler to be postmaster at Stearns, Whitley County, Ky. Office became Presidential April 1, 1907.

Terry T. Hanberry to be postmaster at Eddyville, Lyon County, Ky. Office became Presidential January 1, 1907.

LOUISIANA.

Joseph R. Domengeaux to be postmaster at La Fayette, La Fayette Parish, La., in place of Joseph R. Domengeaux. Incumbent's commission expires February 18, 1908.

Stephen F. Steere to be postmaster at Shreveport, Caddo Parish, La., in place of Stephen F. Steere. Incumbent's commission expires February 18, 1908.

MICHIGAN.

Hiram E. Hardy to be postmaster at Big Rapids, Mecosta County, Mich., in place of Hiram E. Hardy. Incumbent's commission expired February 11, 1907.

John N. McCall to be postmaster at Ithaca, Gratiot County, Mich., in place of John N. McCall. Incumbent's commission expired February 11, 1907.

Charles H. Stannard to be postmaster at Dexter, Washtenaw County, Mich. Office became Presidential January 1, 1908.

MINNESOTA.

Clarendon B. Boody to be postmaster at North St. Paul, Ramsey County, Minn. Office became Presidential October 1, 1907.

Joseph C. Chamberlain to be postmaster at International Falls, Koochiching County, Minn. Office became Presidential January 1, 1908.

MISSISSIPPI.

John W. Lockhart to be postmaster at Durant, Holmes County, Miss., in place of John W. Lockhart. Incumbent's commission expired February 3, 1907.

George K. Smith, jr., to be postmaster at Indianola, Sunflower County, Miss., in place of William B. Martin, resigned.

MISSOURI.

Benjamin C. Klusmeier to be postmaster at La Grange, Lewis County, Mo., in place of Benjamin C. Klusmeier. Incumbent's commission expires February 29, 1908.

William E. Osterwald to be postmaster at Festus, Jefferson County, Mo., in place of William E. Osterwald. Incumbent's commission expires February 21, 1908.

NEBRASKA.

Horace G. Lyon to be postmaster at Gordon, Sheridan County, Nebr., in place of John H. Crowder, resigned.

Benjamin F. Thomas to be postmaster at Omaha, Douglas County, Nebr., in place of Henry E. Palmer. Incumbent's commission expires February 4, 1908.

NEW HAMPSHIRE.

Horace E. Hurlbutt to be postmaster at Hanover, Grafton County, N. H., in place of Leon F. Sampson, removed.

NEW JERSEY.

Leslie I. Cooke to be postmaster at Hackettstown, Warren County, N. J., in place of Leslie I. Cooke. Incumbent's commission expired January 14, 1908.

Charles F. Hopkins to be postmaster at Boonton, Morris County, N. J., in place of Charles F. Hopkins. Incumbent's commission expires February 22, 1908.

Daniel M. Merchant to be postmaster at Morris Plains, Morris County, N. J., in place of Daniel M. Merchant. Incumbent's commission expired January 25, 1908.

NEW YORK.

Mortimer N. Cole to be postmaster at Castile, Wyoming County, N. Y., in place of Mortimer N. Cole. Incumbent's commission expired March 2, 1907.

Frank E. Colburn to be postmaster at Medina, Orleans County, N. Y., in place of Frank E. Colburn. Incumbent's commission expired December 9, 1906.

George D. Davis to be postmaster at Mount Kisco, Westchester County, N. Y., in place of George D. Davis. Incumbent's commission expired December 17, 1907.

Charles T. Jackson to be postmaster at Goshen, Orange County, N. Y., in place of Charles T. Jackson. Incumbent's commission expires March 3, 1908.

Dudley S. Mersereau to be postmaster at Union, Broome County, N. Y., in place of Dudley S. Mersereau. Incumbent's commission expired January 25, 1908.

Eugene P. Strong to be postmaster at Bay Shore, Suffolk County, N. Y., in place of Eugene P. Strong. Incumbent's commission expires February 5, 1908.

NORTH CAROLINA.

Roy C. Flanagan to be postmaster at Greenville, Pitt County, N. C., in place of Roy C. Flanagan. Incumbent's commission expires March 1, 1908.

Lossing L. Wrenn to be postmaster at Siler City, Chatham County, N. C. Office became Presidential January 1, 1908.

NORTH DAKOTA.

Frederick C. Walther to be postmaster at Berthold, Ward County, N. Dak. Office became Presidential January 1, 1907.

OHIO.

George E. Flora to be postmaster at Mount Healthy, Hamilton County, Ohio. Office became Presidential January 1, 1908.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, Caddo County, Okla., in place of Charles D. Campbell. Incumbent's commission expired January 25, 1908.

Charles F. Hartronft to be postmaster at Foss, Washita County, Okla., in place of Charles F. Hartronft. Incumbent's commission expired January 18, 1908.

John M. Lapham to be postmaster at Cement, Caddo County, Okla., in place of Aloise Hopkins, removed.

William E. McGuire to be postmaster at Pawhuska, Osage County, Okla., in place of William E. McGuire. Incumbent's commission expired January 18, 1908.

J. S. Thompson to be postmaster at Wellston, Lincoln County, Okla., in place of Thomas D. Craddock, resigned.

John B. Willeford to be postmaster at Olustee, Greer County, Okla. Office became Presidential October 1, 1907.

Charles W. Young to be postmaster at Carnegie, Caddo County, Okla. Office became Presidential January 1, 1908.

OREGON.

Ione McColl to be postmaster at Gresham, Multnomah County, Oreg. Office became Presidential January 1, 1908.

George W. Spring to be postmaster at Lents, Multnomah County, Oreg. Office became Presidential January 1, 1908.

William E. Tate to be postmaster at Wasco, Sherman County, Oreg., in place of William E. Tate. Incumbent's commission expired January 11, 1908.

William M. Yates to be postmaster at Hood River, Wasco County, Oreg., in place of William M. Yates. Incumbent's commission expired January 4, 1908.

PENNSYLVANIA.

N. K. Coller to be postmaster at Leechburg, Armstrong County, Pa., in place of Isaac T. Klingensmith, deceased.

George B. Frankenfield to be postmaster at Clifton Heights, Delaware County, Pa., in place of William B. Palmer, removed.

John P. Wilson to be postmaster at Manor, Westmoreland County, Pa., in place of John P. Wilson. Incumbent's commission expired January 18, 1908.

SOUTH CAROLINA.

Joshua E. Wilson to be postmaster at Florence, Florence County, S. C., in place of Joshua E. Wilson. Incumbent's commission expired January 19, 1908.

VIRGINIA.

William M. Adams to be postmaster at Norton, Wise County, Va., in place of William M. Adams. Incumbent's commission expired November 24, 1907.

Beverly A. Davis to be postmaster at Rockymount, Franklin County, Va., in place of Beverly A. Davis. Incumbent's commission expires April 19, 1908.

J. R. Elder to be postmaster at Berryville, Clarke County, Va., in place of Alexander McCormick, deceased.

Richard R. Farr to be postmaster at Fairfax, Fairfax County, Va. Office became Presidential October 1, 1907.

Benjamin P. Gay to be postmaster at Smithfield, Isle of Wight County, Va., in place of Benjamin P. Gay. Incumbent's commission expired January 4, 1908.

WASHINGTON.

William H. Shoemaker to be postmaster at Hillyard, Spokane County, Wash., in place of Nelson J. Bostwick, resigned.

WISCONSIN.

Frank C. Brown to be postmaster at Brandon, Fond du Lac County, Wis. Office became Presidential January 1, 1908.

Walter Kleinpell to be postmaster at Cassville, Grant County, Wis. Office became Presidential January 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1908.

ASSISTANT COMMISSIONER OF GENERAL LAND OFFICE.

Samuel V. Proudfit, of Glenwood, Iowa, to be Assistant Commissioner of the General Land Office.

RECEIVER OF PUBLIC MONEYS.

William H. Houston to be receiver of public moneys at Missoula, Mont.

POSTMASTERS.

CALIFORNIA.

Alonzo Bradford to be postmaster at Haywards, Alameda County, Cal.

Leonard S. Calkins to be postmaster at Nevada City, Nevada County, Cal.

James L. Matthews to be postmaster at Covina, Los Angeles County, Cal.

James E. Olmsted to be postmaster at Petaluma, Sonoma County, Cal.

Howard A. Preston to be postmaster at Jamestown, Tuolumne County, Cal.

COLORADO.

Frank E. Baker to be postmaster at Fort Morgan, Morgan County, Colo.

ILLINOIS.

Thomas E. Ballinger to be postmaster at Chenoa, McLean County, Ill.

Hugh Bennett to be postmaster at Coal City, Grundy County, Ill.
Charles E. Healey to be postmaster at Loda, Iroquois County, Ill.
Henry C. Paradis to be postmaster at Momence, Kankakee, County, Ill.
T. B. Williams to be postmaster at Sidell, Vermilion County, Ill.

IOWA.

Cornelius C. Platter to be postmaster at Red Oak, Montgomery County, Iowa.
H. E. Wyatt to be postmaster at Rockford, Floyd County, Iowa.

KANSAS.

George E. Grimes to be postmaster at Severy, Greenwood County, Kans.
Frank A. Jewell to be postmaster at Arcadia, Crawford County, Kans.
Charles H. Kurtz to be postmaster at Mulberry, Crawford County, Kans.
James H. Large to be postmaster at Belle Plaine, Sumner County, Kans.
Charles J. Nordstrom to be postmaster at Marquette, McPherson County, Kans.

MAINE.

Jonathan F. Jefferds to be postmaster at Livermore Falls, Androscoggin County, Me.

MASSACHUSETTS.

William L. Nickerson to be postmaster at Chatham, Barnstable County, Mass.

MICHIGAN.

Leander D. Chapple to be postmaster at Wayland, Allegan County, Mich.
Lewis E. Churchill to be postmaster at Gobleville, Van Buren County, Mich.
Volney W. Olds to be postmaster at Hartford, Van Buren County, Mich.
Edwin P. Radford to be postmaster at Hermansville, Menominee County, Mich.
Albert Schell to be postmaster at North Branch, Lapeer County, Mich.

MINNESOTA.

Clarence J. Buckley to be postmaster at Delano, Wright County, Minn.
Charles Canfield to be postmaster at Winnebago, Faribault County, Minn.
Fred N. Corey to be postmaster at Elk River, Sherburne County, Minn.
Ole C. Enge to be postmaster at Elmore, Faribault County, Minn.
E. E. Lane to be postmaster at Sherburn, Martin County, Minn.

MISSISSIPPI.

Nevan C. Hathorn to be postmaster at Columbia, Marion County, Miss.

NEBRASKA.

Benjamin F. Thomas to be postmaster at Omaha, Nebr.

NEW JERSEY.

William H. Beatty to be postmaster at Alpha, Warren County, N. J.
Frank A. Esty to be postmaster at Clinton, Hunterdon County, N. J.
J. W. Danser to be postmaster at Freehold, Monmouth County, N. J.
William C. Howell to be postmaster at Blairstown, Warren County, N. J.
Andrew Mercer to be postmaster at Lodi, Bergen County, N. J.
Lawrence W. Sickler to be postmaster at Glassboro, Gloucester County, N. J.

NEW MEXICO.

Arthur A. Matheny to be postmaster at Melrose, Roosevelt County, N. Mex.

NEW YORK.

John Hopkins to be postmaster at Hyde Park, Dutchess County, N. Y.

NORTH DAKOTA.

Edmund K. Cavileer to be postmaster at Pembina, Pembina County, N. Dak.
M. C. Knudsen to be postmaster at Esmond, Benson County, N. Dak.
James Power to be postmaster at Portland, Traill County, N. Dak.

OREGON.

John Boswell to be postmaster at Vale, Malheur County, Oreg.
John Dorn to be postmaster at Echo, Umatilla County, Oreg.
D. M. C. Gault to be postmaster at Cottage Grove, Lane County, Oreg.
Albert R. Martin to be postmaster at Junction City, Lane County, Oreg.
Michor E. Page to be postmaster at Clatskanie, Columbia County, Oreg.

UTAH.

Orrice F. McShane to be postmaster at Beaver, Beaver County, Utah.
Joseph Odell to be postmaster at Logan, Cache County, Utah.

VIRGINIA.

Samuel R. Gault to be postmaster at Scottsville, Albemarle County, Va.
Charles E. Welch to be postmaster at Phoebus, Elizabeth City County, Va.

WEST VIRGINIA.

Napoleon B. Arbogast to be postmaster at Durbin, Pocahontas County, W. Va.
E. E. Deitz to be postmaster at Richwood, Nicholas County, W. Va.
William R. Miller to be postmaster at Wellsburg, Brooke County, W. Va.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 4, 1908.*

The House met at 12 o'clock noon.
Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of the proceedings of yesterday was read and approved.

ASSASSINATION OF KING CARLOS, OF PORTUGAL.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolutions which I send to the Clerk's desk.
The Clerk read as follows:

Resolved, That the House of Representatives of the United States of America has heard with profound sorrow of the assassination of King Carlos and Crown Prince Luiz, and tender the people of Portugal sincere sympathy in their national bereavement.
Resolved, That a copy of these resolutions be delivered to the President of the United States, with the request that he communicate the same to the Government of Portugal.

The resolutions were unanimously agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:
S. 206. An act to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River;
S. 129. An act to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office;
S. 1931. An act to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village;
S. 2876. An act to correct the military record of Talton T. Davis;
S. 522. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892;"
S. 4633. An act making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador;
S. 4634. An act making an appropriation for the representation of the United States at the First Pan-American Scientific Congress;
S. 390. An act to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon;
S. 558. An act to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described;
S. 553. An act for the relief of certain homestead entrymen;

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska;

S. 4377. An act to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels;

S. 2873. An act for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof;

S. 2495. An act restoring certain tracts of public land in the State of Minnesota to the public domain; and

S. 4024. An act for the relief of John H. Hamiter.

The message also announced that the Senate had passed without amendment bills of the following title:

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 7694: An act to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa.; and

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3344) extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2873. An act for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof—to the Committee on Claims.

S. 129. An act to validate the location of mineral claims heretofore made by deputy mineral surveyors during their incumbency in office—to the Committee on Mines and Mining.

S. 2876. An act to correct the military record of Talton T. Davis—to the Committee on Military Affairs.

S. 1931. An act to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village—to the Committee on Military Affairs.

S. 4633. An act making an appropriation for the participation by the United States in an exposition to be held at Quito, Ecuador—to the Committee on Appropriations.

S. 4634. An act making an appropriation for the representation of the United States at the First Pan-American Scientific Congress—to the Committee on Appropriations.

S. 390. An act to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon—to the Committee on the Judiciary.

S. 558. An act to authorize a patent to be issued to Annie Ward, formerly Annie Brown, for certain lands therein described—to the Committee on Private Land Claims.

S. 553. An act for the relief of certain homestead entrymen—to the Committee on the Public Lands.

S. 206. An act to extend the provisions of the mining laws of the United States to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River—to the Committee on Mines and Mining.

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska—to the Committee on Claims.

S. 4377. An act to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels—to the Committee on Foreign Affairs.

S. 522. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892"—to the Committee on Pensions.

S. 2495. An act restoring certain tracts of public land in the State of Minnesota to the public domain—to the Committee on the Public Lands.

RESIDENT COMMISSIONERS OF THE PHILIPPINE ISLANDS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 190, have had the same under consideration, and in lieu thereof report the following:

"*Resolved*, That the privileges of the floor, with the right of debate, be extended to the two Resident Commissioners appointed by the Philippine assembly in accordance with the provisons of the act approved July 1, 1902."

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The previous question was ordered.

Mr. DALZELL. Mr. Speaker, this resolution is simply intended to admit to the privileges of the floor, with the right of debate, the Commisioners from the Philippine Islands. In the organic act creating a civil government in the Philippine Islands, passed the 1st of July, 1902, it was provided that the assembly on its first meeting and every two years thereafter should elect a Resident Commissioner, who should be entitled to official recognition by all Departments of the Government. The Senate has already passed a resolution substantially the same in terms as this one, and I can not see that there is any room for considerable debate.

Mr. MANN. Will the gentleman yield to me?

Mr. DALZELL. I will yield to the gentleman from Illinois for a question.

Mr. MANN. Under the resolution passed by the House for the allotment of rooms in the Office Building it was provided that when Resident Commissioners should be given seats on the floor they should be allowed rooms in the Office Building. I notice that the present resolution does not in terms give them seats, and I ask whether it is intended that the Resident Commissioners, having the privileges of the floor and the right of debate, shall have seats on the floor of the House?

Mr. DALZELL. I should think that followed necessarily. What is the practice with reference to the Commissioner of Porto Rico?

Mr. MANN. We covered the question in this way, not knowing what the House might do, by saying that when the Commissioners of the Philippine Islands were given seats on the floor in the House they should be entitled to the same privileges as Members as to office rooms.

Mr. DALZELL. There is no provision in the resolution admitting the Commissioner from Porto Rico, but under the practice he has been awarded a seat.

Mr. MANN. The gentleman from Pennsylvania is mistaken with reference to that matter. I looked it up with the Clerk at the Speaker's desk, who was under the same impression that I was, and we found a provision giving to the Resident Commissioner of Porto Rico a seat in the House.

Mr. DALZELL. In terms?

Mr. MANN. Either in terms or by giving him the same right as Delegates in the House. I do not remember which; it was apart from the original provision.

Mr. DALZELL. I think this is broad enough to cover it.

Mr. MANN. That is the intention.

Mr. DALZELL. That is the intention. I now yield to the gentleman from Mississippi five minutes.

Mr. WILLIAMS. Mr. Speaker, for the information of this side of the House, I desire to say that this is a unanimous report from the Committee on Rules. The intent is to merely extend a courtesy to the Commissioners from the Philippines which has been already extended to the Commissioner Resident from Porto Rico—the right to a seat on the floor and the right of debate. The only way in which the Philippine people can reach the American people in any authoritative way is by giving to their Commissioners here the right of speech, although, of course, they have not the right of vote. Among these oriental people, especially, an act of courtesy goes further even than a favor, and an act of discourtesy makes an impression more hurtful than actual injury. I merely make that statement to express the hope that the resolution may pass unanimously.

The resolution was agreed to.

EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 122, have had the same under consideration, and in lieu thereof report the following:

"*Resolved*, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to send for persons and papers in any inquiry within its jurisdiction."

Mr. DALZELL. Mr. Speaker, on that I ask the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, for the information of the House, I would like to say that this permits the Committee on Investigation of Expenditures in the Department of Agriculture to administer oaths and enforce the attendance of witnesses in making investigations concerning the expenditures of that Department. It goes without saying that we on this side would like to see the same thing done with regard to all of the Departments of the Government, and we have no objection to a resolution to investigate any one of them at any one time.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. FITZGERALD. What happened to the investigation that committee made in the last Congress?

Mr. WILLIAMS. I really am sorry to confess that I do not know.

Mr. TAWNEY. I will say to the gentleman from New York that the testimony taken by the committee was very voluminous and was reported, together with a report upon it, to the last Congress, but the investigation, as I am informed by the chairman of the committee, is being carried on now and going into other branches of the service under the jurisdiction of the Agricultural Department.

Mr. FITZGERALD. I saw a very thick volume of testimony, and my impression was that the investigation had disclosed some flagrant violations of law. I was anxious to ascertain what action, if any, had been taken as the result of the investigation.

Mr. TAWNEY. I will say to the gentleman from New York that I have not examined the testimony or the report, and I do not know what it contains, but I know that the testimony is very voluminous and the investigation is now going on.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PENSION APPROPRIATION BILL.

Mr. KEIFER, from the Committee on Appropriations, reported the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

Mr. KEIFER. Mr. Speaker, I desire to give notice that I will endeavor to call this bill up on the conclusion of the consideration of the Indian appropriation bill, which is now before the House.

EXTENDING PAYMENTS ON HOMESTEAD ENTRIES IN OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10577), to extend the time of payments on certain homestead entries in Oklahoma, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time within which all payments required by the act entitled "An act to open to settlement 505,000 acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June 5, 1906, and the act entitled "An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made.

The SPEAKER. Is there objection?

Mr. SHERMAN. Mr. Speaker, reserving the right to object, I desire to say, first, that in my judgment this bill was erroneously referred to the Committee on the Public Lands. I think it should have gone to the Committee on Indian Affairs, but it is here and favorably reported. If the gentleman from Oklahoma [Mr. McGUIRE] is willing to accept an amendment which protects the right of the Indians, I am entirely willing the bill should now be acted upon, provided there may be an understanding that if this amendment is stricken out in the Senate when the bill comes to conference the Indian Committee may be represented on that conference. The amendment which I propose is this:

At the end of line 14, on page 1, add:

Provided, That as a condition precedent to such extension, in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indians entitled thereto, 4 per cent on the amount of the deferred payments.

Mr. McGUIRE. Mr. Speaker. I accept the amendment.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what is the reason for this in the first place?

Mr. McGUIRE. The reason is this: This land, 520,000 acres, is known as the "pasture reserve" in Oklahoma, and was sold to the highest bidder by the Government. After the parties purchased the land they were required to make entry under the general homestead law. Entry was made. Those people were coming in from the different States in the Union, and they were given six months to make their entry. Many of them were late, practically all of them were late, too late to make a crop last season, and many of them are left penniless. They have made now the first payment, and unless this bill passes many of them will be left homeless.

Mr. STEPHENS of Texas. If the gentleman will permit me to state there—is it not a fact the general condition of the banks in that country would make it certainly hard for these people to raise money at the present time?

Mr. McGUIRE. That is the fact.

Mr. STEPHENS of Texas. And that it would cost something like $400,000, that being the second fifth, the second payment on the land?

Mr. McGUIRE. The depression which exists at this time in that country would make it very hard on them and many would lose their homes, possibly one-third of them.

Mr. MANN. Is it not a fact the reason given for this bill in the report was that the banks were not paying currency over their counters?

Mr. McGUIRE. I think perhaps that is one of the reasons.

Mr. MANN. Is not that the reason given in the report on this bill for its passage, that at the time the bill was introduced the banks were not paying currency over their counters?

Mr. McGUIRE. I do not understand that is the only reason, but that is one.

Mr. SHERMAN. If I may be permitted to make this suggestion to the gentleman from Illinois, the better reason, however, is this: That these settlers obtained possession of their land at such a late period in the season that many of them were unable to obtain a crop last year and therefore have no resources from which to make these payments. The deferred payments of settlers is a proposition which has passed this House over and over again and I have not any objection at all to that extension, but what I am contending for is, if that extension be granted, it be granted upon terms which will protect the rights of the Indians, so that they shall receive interest on the deferred payments.

Mr. MANN. The gentleman will remember the last time such a bill passed this House I gave notice in the House I should object to the bill unless some special reasons were given, because it follows that those people who have already obtained land are in better condition than people who have not obtained land. It gives preference to a man after obtaining something instead of giving everybody an equal opportunity before they have acquired the land.

Mr. SHERMAN. Let me suggest to the gentleman from Illinois this fact, however. In this case the settlers have obtained these lands after a competitive bid, and the price paid per acre is on an average of $10.54, an exceptionally good price.

Mr. MANN. And which competitive bid provided how the payment should be made?

Mr. SHERMAN. Oh, certainly.

Mr. MANN. Now, the proposition is to give them a preference over those who competed with them and who were not successful and did not know what good, favorable terms might be asked from Congress.

Mr. SHERMAN. It gives them a preference, if you please, which they did not anticipate asking for at the time and which it is contended would not have been asked for provided they had been located upon the land in time to have produced upon it during the last season an ordinary crop.

Mr. MANN. Is that the fault of the law that provided for the opening of the land or the fault of the Department, or what is it?

Mr. SHERMAN. It is contended it is largely the fault of the Department; that is what these people contended.

Mr. McGUIRE. That is the contention.

Mr. MANN. Then I think it ought to require very careful

consideration from the Committee on Indian Affairs, which has jurisdiction of the subject.

Mr. SHERMAN. Certainly, and that is why——

Mr. MANN. It can be easily sent to the Committee on Indian Affairs now, and therefore I object.

The SPEAKER. The gentleman from Illinois objects.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

And pending the putting of that motion I ask unanimous consent to modify the order heretofore made in reference to general debate, so that we will close general debate at the conclusion of to-day's session, and that on to-morrow the bill be taken up under the five-minute rule. Application has been made to the gentleman from Texas [Mr. STEPHENS] and to me for additional time to the amount of better than four hours. I presume that other applications will be made during the day, probably, and it is more than likely that the entire day will be taken.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent to modify the order of the House so that debate on the Indian appropriation bill may proceed to-day, and that in to-morrow's session the consideration of the bill shall be under the five-minute rule. Is there objection?

There was no objection.

SUBPORT OF KNIGHTS KEY, FLA.

Pending the consideration of the motion of the gentleman from New York [Mr. SHERMAN], the Speaker laid before the House the following request from the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3344) extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

INDIAN APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. SHERMAN], that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15219—the Indian appropriation bill—with Mr. PERKINS in the chair.

Mr. HEPBURN. Mr. Chairman, I neglected yesterday to ask permission to extend my remarks in the RECORD. I now make that request.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] asks permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ascertain how much time has been used on the respective sides.

The CHAIRMAN. There has been three hours and thirty-six minutes used on the Republican side and two hours and fifty minutes on the Democratic side.

Mr. SHERMAN. Mr. Chairman, I am willing that the gentleman from Texas [Mr. STEPHENS] should occupy some of his time now.

Mr. STEPHENS of Texas. I will yield one hour to the gentleman from Mississippi [Mr. WILLIAMS]. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Chairman, I desire to address a few words to the committee this morning upon yesterday's debate, the commissions and omissions of the President's last message, and what I regard as the Democratic legislative programme in this House in as far as a minority without power to legislate may have or can be said to have a legislative programme.

I was glad, Mr. Chairman, to hear the debate of yesterday, and if the gentleman from Iowa [Mr. HEPBURN] can draw any more consolation from it than I can he will draw a great deal. It showed that there is life in the old party yet. The Democratic ship of state is being driven on by the sails of renewed hope and enthusiasm. All that is necessary is to keep her on an even keel. A sufficient guaranty of party success is that we confine ourselves to actual and practical issues and not attempt to wage the approaching campaign on any questions of a purely academic character. I was especially glad to hear one utterance that fell from the lips of the gentleman from Iowa himself. He said that this last message "in its every part met with the approval of the American people." With regard to that utterance I differ with him. I think there are some things in it which are centralizing, federalistic, and dangerous to the American Republic. But the gentleman from Iowa went on to say that "the principles of that message would be enacted into legislation," and that there "were those who were saying that this House would do nothing this session;" but that he served notice that it would do something, and that "whoever stood in the way" of the legislation proposed in that message would be "run over and badly disfigured in the struggle." Now, Mr. Chairman, this threat made by the gentleman from Iowa [Mr. HEPBURN] against the "Big Four" who manage this House, consisting of the Speaker, the gentleman from Pennsylvania [Mr. DALZELL], and the gentleman from New York [Mr. PAYNE] and of his colleague from New York [Mr. SHERMAN], the captains of the old guard of the "stand pat" army, delighted my heart. I hope the standard of rebellion raised by the gentleman from Iowa will not be ingloriously lowered by him, and I hope to see some of the things in this message, though not by any means all of them, legislated into law. [Applause on Democratic side.]

I am going to consider this message, not from the standpoint of a hero-worshipper, for I am none. I have never been a worshipper of men. Burns was right when he said:

"A mon's a mon for a' that."

But the converse of the proposition is also true.

A mon is nought but a mon for a' that.

I shall consider the positions taken upon the issues with which we are confronted, mentioned in the message, and shall consider them impersonally without any regard to the personality of the Honorable Theodore Roosevelt, from whom the message emanates. I shall consider them just as if they had constituted a message emanating in the past from Grover Cleveland or William McKinley, or a message, which it more nearly resembles in its substance, to emanate in the future from the Honorable William Jennings Bryan, of Nebraska. [Loud applause on Democratic side.]

Before I do that, however, a few words about the debate. The gentleman from Michigan [Mr. TOWNSEND] denied that the rate law, or the central principle that it represented, was of Democratic origin or conception, and he inquired if the President had departed from Republican policy when he advocated it, and then he challenged anybody to go to the history of rate legislation and to deny the insinuated assertion that it was a policy of Republican origin.

Mr. Chairman, months before the Republican party nominated the present occupant of the White House as President, and before the Democratic party nominated Alton B. Parker of New York as its nominee in that contest, the leader of the Democratic minority on this floor, in the name of that minority, introduced and made an argument in behalf of a bill for rate legislation to give to the Interstate Commerce Commission the power to set aside an unjust, unreasonable, or discriminatory rate, and to substitute in lieu of it a rate which should be just, reasonable, and not discriminatory. That was the first bill ever introduced in this House so far as I know for that purpose. It was succeeded about 30 days later by another bill, covering that and a very much broader field of railroad legislation, by a then Democratic Representative from the State of New York. When the first bill referred to was introduced it was thought wise to confine our efforts and to concentrate it upon the one central salient point of fixing rates. The temporary chairman of the Democratic National Convention in the succeeding summer spent about 15 minutes of his time in his address to that convention dwelling upon the importance of this very legislation, and arraigning the Republican Congress and Administration for not having taken it up in committee and passed it, although the bill was pending, and pledging the Democratic party to take it up if it succeeded in the ensuing election. [Applause on the Democratic side.]

The Democratic platform reiterated the demand. The Republican platform, to quote the language of the gentleman from Ohio, General SHERWOOD, was on this question "as silent as the 'oysters in Oyster Bay.'"

It was not until after the President was inaugurated and sent his first message to Congress that a single voice had ever been heard from the Republican party in favor of giving the Interstate Commerce Commission this additional power of fixing a just, reasonable, and nondiscriminatory and not excessive rate. [Renewed applause on the Democratic side.] When that message came, the very language of it was placed by me in deadly parallel in the Congressional Record with the language of the bill which had been introduced as the voice of this side of the House. [Renewed applause on the Democratic side.]

Mr. Chairman, there are those who say that they are

afraid of a radical in the White House. I am not one of them. I am afraid of a man who is less progressive than my party, because by the veto power he can defeat its action, but I know the inertia of American political machinery so well that I know no man can well push legislation beyond the average sense of the party to which he belongs. [Applause on the Democratic side.] Consider this administration of Theodore Roosevelt. How many and what of the many things which are vaunted as "my policies," coming from the White House, have ever seen the full noonday of legislative enactment except where in addition to his own party—he going far beyond it—he struck into a Democratic pathway so that he obtained the full and unanimous vote of the Democratic party. [Applause on the Democratic side.]

Mr. Chairman, it is not written on the pages of history, but it is an open secret—in my opinion beyond all doubt and all controversy—that had we on this side been willing, when the President came out with his message favoring rate legislation, to "rebuke the President," as we were appealed to to rebuke him, simply because he was a Republican President, had we been willing, I say, we could have found enough Republican votes coming from New England and Pennsylvania and New York and New Jersey, and from California, added to our own to have laid his message in the shade forever. [Applause on the Democratic side.] Now I will yield to the gentleman from Iowa.

Mr. HEPBURN. I simply wanted to ask——

Mr. WILLIAMS. I yield to the gentleman to ask me this question, and after yielding to him I will ask that nobody interrupt me for three-quarters of an hour afterwards, because I want to make a consecutive talk.

Mr. HEPBURN. I simply wanted to ask the gentleman, who had referred to language that was in the bill introduced by himself, if in his discussion of this subject in a former Congress he did not insist that that very legislation was inserted in the Republican act of 1887, but that was taken out of it by construction of the Supreme Court, and that that legislation was a Republican measure introduced in the Senate by Senator CULLOM? [Applause on the Republican side.]

Mr. WILLIAMS. Not that very legislation, but legislation that for ten years' practice was considered to reach that end. Ah, Mr. Chairman, the voice was the voice of Jacob and the hand was the hand of Esau. [Laughter.] That bill referred to by the gentleman as the "Republican act of 1887" was the joint product of a Democratic House and a Republican Senate. The legislation as finally placed upon the statute book was a conference compromise between the two Houses. The Democratic House originated the attempt to meet and overcome the evil of railway abuses, the Republican Senate amended by substitute, and a conference report recommended the actual legislation. The precise language which gave rise to the practice of the Commission of fixing rates, until the courts held that that language conferred no such power, may have emanated from the Senate. But that language, under judicial construction, failed of its purpose, if that was its purpose.

If my memory serves me right, and unless my statement is historically inaccurate, that bill as it left the conference committee, after finally receiving the approbation of John H. Reagan, contained the language under which for ten years it was admitted in practice that the Commission had this power, though later on, about ten years afterwards, I believe, the courts construed that it did not have it.

Now that matter has been threshed over and over upon this floor——

Mr. HEPBURN. Mr. Chairman, just one moment. I will ask the gentleman to find any bill introduced in this House by Mr. Reagan in which there is a sentence that in any event looked to an Interstate Commerce Commission. On the contrary, there is no provision in any bill introduced by him excepting those of requirements and denunciations, and the remanding of the complainant to the courts. He was a bitter opponent of the Commission, and he held the matter up during one Congressional interval after the bill was in conference before he would agree to that feature of the bill. I make that statement because I was a member of the committee, and I know that he was bitterly opposed to the Commission. [Applause on the Republican side.]

Mr. WILLIAMS. I may be inaccurate in my recollections. The gentleman from Iowa may be more accurate. He is an older Member, was here at the time and I was not; but I do know that the idea of meeting railroad abuses by Federal legislation emanated from the Democrats in a Democratic House, and I do know that whatever be strictly the history in detail of the case, when we took this matter up later on, in the Fifty-seventh and Fifty-eighth Congresses, after the courts had construed that practice out of existence, we could not get a report from the Republican Committee on Interstate and Foreign Commerce in favor of that single, solitary principle of giving the Commission power to fix a new rate in lieu of an old one set aside, enunciated in a bill. I was afraid to put anything else except that single principle in a bill at that time, but I hoped that we might legislate that single theory, that single idea into law, and the Democrats on the committee and I hammered it as hard and as far as we could, but we could not get a report from that committee until a voice from the White House came, something like fourteen months afterwards, I believe, in a message recommending the legislation.

Now the gentleman from Iowa [Mr. HEPBURN] finds much consolation in the fact that on yesterday one Democratic speaker, as he says, "denounced the President's message," and another "eulogized it" and "the Democrats applauded both." The truth is that one called attention to what he called some suppressions in the President's conduct with regard to labor matters, thereby rather impeaching the consistency and sincerity of his recently uttered views, and the other praised the recently uttered views. There is no great inconsistency in those two positions. But what I want to see is the great day that is coming when the gentleman from Iowa [Mr. HEPBURN] puts on the full panoply of his armor and stands out in front and says to the honorable Speaker of this House, to the two members of the Committee on Rules, and to the Republican floor leader, "You must enact this message into legislation, and if you do not, we are going to 'run over you,' and you are going to 'get badly disfigured in the struggle.'" [Applause on the Democratic side.]

Now let us turn to a little of it. This message is not deserving of an all round eulogy upon the part of any man who loves democratic institutions, but there are many good things in it. In the first place I do not think this side of the House will indorse that part of the message which wants to take a step backward and restore to the railroads the power of pooling.

In the second place I can conceive of nothing more revolutionary and destructive of American institutions than the President's advocacy of the incorporation by the Federal authorities, and their absolute control, of all corporations doing an interstate commerce business. [Applause on the Democratic side.]

In the third place I take it that nobody upon this side of the Chamber is of the President's opinion when he says that it is useless to attempt to punish the men—the flesh and blood beings—who violate the law in the name of corporate authority, and under the cover of corporate authority. The President uses this language:

> One of the favorite methods of this class of assailants is to attack the Administration for not procuring the imprisonment instead of the fine of offenders under these antitrust laws.

In the first place nobody has attacked him for not procuring imprisonment "instead of" fine. He has been attacked for not procuring imprisonment *in addition* to fine. [Applause on the Democratic side.]

I say now that wherever the evidence is sufficient in a court to make a judge fine a corporation, as was the case in the Standard Oil case, or to secure an injunction, as was the case in the Northern Securities case, that that same evidence is sufficient for the prosecuting attorney to go before the grand jury and bring in an indictment. [Applause on the Democratic side.] The evidence which established the violation of law identified the men who used the corporate authority to violate it. Then the President, with one of his favorite methods—and his favorite method of arguing is to put everybody in the Ananias Club, or in some other sort of a bad smelling club that does not agree with him—goes on to attack everybody that belongs to the class contending that flesh and blood criminals should be punished. He says:

> The man making this assault is usually either a prominent lawyer or an editor who takes his policy from the financiers and his argument from their attorney.

Oh, what a woeful blow at that great reform governor of the State of New York, Governor Hughes! [Laughter on the Democratic side.] I do not belong to either of these classes I know, and I am of the opinion that you will never stop the violation of law by great corporations until you visit the punishment upon the sentient flesh and blood beings from whose brain and by whose act the violation takes place. The President further says:

> If the former, he has defended and advised many wealthy malefactors, and he knows that, thanks to the advice of lawyers like himself, a certain kind of modern corporation has been turned into an

admirable instrument by which to render it well-nigh impossible to get at the head of the corporation, at the man who is really most guilty. When we—

When the President says "we" he means "I," i. e., himself—

When we are able to put the real wrongdoer in prison, this is what we strive to do; this is what we have actually done with some very wealthy criminals.

I have been cudgeling my memory to see if Rockefeller or Rogers or any of the people who entered into the combine in the case presented by the Standard Oil case or by the Northern Securities case, where they were adjudged by the Supreme Court to have effected a combine and to have violated the laws, are behind any of the prison bars. I do not find them there. But, let us take the first part of the utterance—"when we are able to put the real wrongdoer in prison," we put him there.

Is that historically accurate? Did Paul Morton go out of the Cabinet to prison after a confession of long-continued and conscious violation of these very laws? [Laughter on the Democratic side.]

He went out of the Cabinet to a highly lucrative position in private life with a letter of commendation from the President of the United States. [Laughter and applause on the Democratic side.]

The President in this very message furnishes documentary testimony of the violation of the very law to which he particularly calls attention, by certain parties. Is there any indictment of them, is there any promise to bring them to justice?

Now, Mr. Chairman, I do not wish to be misunderstood. I am not like the President. I do not conceive it necessary personally to denounce men who differ with me in opinion. I am willing to accord to him all meed of sincerity and all honest purpose, just as I would demand of him that he accord the same meed to me, but I do contend that a corporation as such can not commit a crime. I contend that there never was a crime committed upon the surface of this earth that was not committed by some man or some woman—flesh and blood—possessing a conscience and a knowledge of good and evil, some sentient being morally responsible, and just as long as you attempt to punish the real evil doers by getting at the corporations alone in whose name they speak and whose authority they abuse, just that long is the punishment going to fall off of them as innocuous as water from a duck's back, while the violations of law go smoothly on. [Laughter.] There is not a case where these men agree to a rebate, there is not a case where they violate the trust law, there is not a case where they fail to comply with the orders of the Interstate Commerce Commission to adjust safety appliances but that the crime can be traced back, if it can be proven at all, to the *man* by whose instrumentality the wrong took place. [Applause on the Democratic side.] Individual responsibility for wrongdoing and an equal opportunity for individual right doing is the underlying principle of all just and democratic as well as Democratic government. You can find the directors who vote for the wrong, you can find the officer who commanded it to be perpetrated, you can find the agent who perpetrated it. Right there an appeal is frequently made to a false and maudlin sentiment. It is said frequently that you must strike a subordinate; it is asked are you going to punish him? Here is a railroad agent, for example, who grants a rebate to the clerk or shipper, and you are appealed to not to punish him because he did it under the order of his superior, or under the rules and regulations as sent him "by the company." Those rules and regulations were voted by somebody (directors), distributed by somebody (officers).

The poor man who takes the order and executes it is a subordinate. "Punish him?" "Shame on you!" "He only obeyed his 'Boss.'" Such is the appeal.

None of that Oily Gammon sentiment appeals to me. I will tell you one of the most important lessons that you have got to teach the American people, if you are to save a government of law, especially to teach the agents of corporations, and that is that their "boss" in America is not an officer of a corporation, but is the law of the state and of the United States. [Applause on the Democratic side.] And when you punish one of them, you will not have to punish any more, because a man will not, after one punishment of himself or another, continue violating the laws of his country with a plea upon his lips that he did it "by the orders" of another man, himself not superior to the law. And that is not all. When he finds he must be punished or else somebody higher up, who is the principal criminal, must be punished, he will tell who the somebody higher up is.

Now, in so far as this message runs along lines parallel to Democratic policies, it is worthy of all praise. In so far as it does not, we have no words of praise for it. It is perfectly natural that the gentleman from New York [Mr. COCKRAN] should have praised a part of it, and in the beginning of his remarks he distinctly said that he praised only a part of it—the part announcing the determination to continue to wage war on predatory wealth and crime in high finance. The gentleman from Iowa [Mr. HEPBURN] misunderstood him, because later on the gentleman from Iowa said that he [Mr. COCKRAN] had praised the whole message. It was only natural that the gentleman from Ohio [Mr. SHERWOOD] should call attention to certain discrepancies and inconsistencies between the President's present words and the President's past action. It was equally natural that the gentleman from New York should praise those of his present words which are brave and true and democratic. [Applause on the Democratic side.]

Mr. Chairman, in so far as lies in my ability, I am going give some idea of what, in my opinion, a Democratic programme of legislation would be, and I am going to invite the assistance of the gentleman from Iowa [Mr. HEPBURN], at the head of the Indians who are later on to get off the reservation on that side of the House, while we carry some of the elements of this programme out, those of them at least which are indorsed and subscribed to by the President and included in this message of which the gentleman from Iowa [Mr. HEPBURN] said all, "every bit of it," must be molded into legislation. Mr. Chairman, it is right hard to resist the temptation to go back to the discussions of the Fifty-third and Fifty-fourth Congresses, where gentlemen on that side referred to what they called "the Democratic panic." I was glad to hear the gentleman from Iowa [Mr. HEPBURN] yesterday say that panics came from natural causes, and that panics always would come as long as men were constituted as they now are, actuated by greed, over-speculative in times of prosperity, careless about debts, reckless about investments. I am not quoting his exact language, but if you had been here in the Fifty-third and Fifty-fourth Congresses and had heard him and all of them on that side of the Chamber, you would realize what new doctrine this is from a Republican's lips. [Applause and laughter on the Democratic side.] That is not all. They, the Republicans, went before the country and got all they wanted. They first stole Grover Cleveland's gold standard platform and enacted it partially into law, though not altogether, and then they said that with that behind them the country was comparatively safe. They then enacted the Dingley law, and then they said, "With this behind us the country is altogether safe."

Then they went ahead a little bit later and reformed the banking and currency laws. They increased the amount that the banks could contract the currency from three millions to nine millions, and we were assured we were on "a safe footing." Then they allowed the Secretary of the Treasury, subsequently approving it by a twist of a sentence in a Senate bill, to turn an "and" into an "or," and deposit other than United States bonds as security for money loaned without interest to favorite banks, those of them that were national depositories—extending the basis of security, receiving in lieu of United States bonds such securities as were included in the requirements of the savings bank laws of New York and Massachusetts and New Jersey, and, thus another special class being benefited by construction, they said, "We are safe now." They had already amended the banking laws by allowing banks with $25,000 to issue notes and then they had said, "Lo! we are safe again." Then prosperity continuing, because men were at work, prosperity having recurred after depression because prosperity always is bred by hard times and is the outgrowth of panics, and natural reaction, just as panic itself is the reaction from over prosperity or too long continued prosperity—prosperity continuing, they spoke all over the country about Republican prosperity and the divinely ordained partnership between the Republican party and God. There had been a Democratic panic, according to them, in 1893, although the legislation that preceded and accompanied the panic had been every bit of it Republican. But this they now say is not a Republican panic, although the legislation preceding the panic has been every bit of it Republican, and if legislation could have prevented it they alone had preventive power. [Applause and laughter on the Democratic side.] My friends, you can not eat your cake and keep your cake also. If it be true that the Republican party has been responsible for the great prosperity that has been enjoyed for the last nine years, not only in the United States but all over the world—Canada and the Argentine being very much more prosperous than we, growing more rapidly in every respect by larger percentages—if that be true, if you have succeeded in finding enough fools in the United States to believe that—and you have—if you have carried every election upon it—and you have—what are you going to do with these same fools when they are faced with the converse of the proposition? You added to the number of fools nature had created by that false pretense and you have been buttressing their folly and disseminating it. How unteach what

you have taught? You happened to be in power, there happened to be prosperity, ergo Republican prosperity.

You happen now to be in power, there happens to be a panic, ergo, Republican panic—I don't care whether you call it a Roosevelt panic or not; that does not concern me. The lie that panics never come with Republican Administrations is nailed, even for the poor fools who could read the history of the past record—nearly nailed over for those who can not read—nailed here and now. [Applause on the Democratic side.]

The present legislative conditions are Republican conditions. You made them and you are coming now confessedly to amend them in order to prevent the recurrence of panics just like the one we are now passing through. By the very fact of introducing the Aldrich bill and introducing the Fowler bill, and all of the various other schemes you are resorting to, to amend existing financial legislation, you confess that although you have been in full legislative control for a decade you have not done your duty; that you have fallen short of it. By the way, what sort of measures are you now offering a great country with all of its financial instrumentalities paralyzed from New York to San Francisco? What do you offer? On the Senate side the Aldrich bill. What is it? A railroad-bond-credit-strengthening bill. [Applause on the Democratic side.] That is all. The railroads have already borrowed more money than they ought to have borrowed in justice to the shippers who must in the long run pay their debts, in justice to the stockholders who get but little benefit—the benefits mainly accruing to the ring within the ring, who manipulate and float and gamble in the stocks and bonds. They have already inflated too much the debts of the railroads. They had just about reached the point where they had to stop because the natural law was operating which prevents persons who have borrowed enough from borrowing more at less than ruinous rates. Men were beginning to doubt the goodness as investment of the bonds they were issuing. Then there sprang into the arena the great Senator from the State of Rhode Island, and, under the guise of introducing a banking bill, he wants to make railroad bonds a basis for a national note issue so as to increase the demand for railroad bonds, thereby increasing their price and the premium which they will have on the market, thereby decreasing interest charge on them, thereby increasing the ability of railroad magnates to issue more bonds, thereby increasing in turn the number of notes based on bonds, thereby increasing at still another turn the number of new bonds that can be issued; an endless chain of senseless inflation—note following bond and bond following note. For the purpose of strengthening the credit of the railroads you say? Oh, yes; in a certain sense, but in a more real sense of the officers and directors of the railroads who somehow or other manage to be possessors of the proceeds of bond manipulation. Then what proposed remedial measure do you meet with in this House?

A proposition for a banking law, "of bankers, for bankers, by a banker," fathered by the gentleman from New Jersey [Mr. FOWLER]. There is not a thing in that bill that seems to be drawn from the standpoint of the American people and those who are to be served by banks. It is all drawn with a view of enabling the banks to make more profit and with a view of saving the present investments of the banks. Just let me refer to one little thing in the bill as I go along. The bill is to enable the banks to deposit their portfolios as a basis for currency. One of the natural results will be a decrease in the demand for United States bonds and a fall in the premium at which those bonds are selling, but the favored class must not be neglected, although the new system will enable them to make much more profit out of banking than the present system. They must not even suffer a little loss in a fall in the price of the bonds consequent upon their recourse to a more profitable banking system, and therefore a skillfully inserted sentence is found to the effect that when a certain contingency is reached the money shall be invested by the Government in United States bonds—2 per cent bonds, the class that is held by the banks. Then comes this little skillful dodger to the effect that the Government in buying these bonds shall pay for them, where they are now in the Treasury deposited as a basis of note issue, *the price which the owners paid for them*, whatever that may be, or may be alleged by them to be, with none to gainsay. So that the bankers, and the bankers alone, are to be guaranteed against any fall in the price of bonds that results from the portfolio-asset banking, whereby the bankers are to gain profits immeasurably greater than any loss upon the bonds could offset.

Now, Mr. Chairman, we are in a time of profound peace, prosperity, and perfervid patriotic pride in our President and pervading panic—all together. Yours be the task to explain how political creators of prosperity become the noncreators of adversity. Let me tell you one thing and it will be well for legislators to take it to heart. No man in the world, whether in a schoolhouse, on farm, behind banker's counter, or in legislative halls can teach fools and the ignorant or unthinking a pernicious false doctrine without having it recur some time to plague the inventor. [Applause on the Democratic side.] Even-handed justice will always recommend the poisoned chalice to your own lips. You belong to a party which has taught the doctrine through protectionism and in every other way that a people's prosperity depends upon legislation, instead of teaching the doctrine that men's properity depends upon their industry and foresight and frugality and self-control, and upon the natural resources which they have and the freedom which political institutions leave them. [Applause on the Democratic side.]

The President's omissions in this message as in other messages are more significant than his commissions. He is talking all the time about predatory wealth and rich and powerful criminals, and how important it is to shackle cunning as in the past we have shackled force, and yet with the exception of a little insignificant utterance about putting works of art upon the free list, and wood pulp and paper upon the free list, he has never raised his voice in this or any other message against the very poison that lies at the heart of your entire system—marrying corrupt business to corrupt politics. [Applause on the Democratic side.]

You talk to me about rotten business methods! You can not live in a country without rotten business methods if the central system of legislation in that country be an admission, an adherence, an advocacy even, of the theory that it is permissible for government to enter into partnership with individuals by legislation in order to make them prosperous at the expense of burdening everybody else. [Applause on Democratic side.] The minute you admit the rightfulness of so molding legislation as to enrich a man or a set of men, whether capitalists or laborers, by enhancing to others the price of what the favored classes produce above what it would be without legislation, that moment you have broken down the barrier that should separate politics from private enrichment, and that moment you have turned all the fiends of hell and corruption loose, because it is not a far cry from the man who would build up his own special business by burdening all of his countrymen through legislation, by tariff taxation, to the man who would build up by ship subsidy another class and by other legislation still other classes, and it is not a far cry from the man who stands in national legislative halls pleading for those so-called principles to the man who stands in a board of aldermen enriching his friends by contracts or by public utilities franchises. [Applause on Democratic side.] If it is allowable ever to enrich an individual by legislation, then there is no line of clear demarcation where you can say, "Thus far shalt thou go and no farther." [Applause on Democratic side.]

Ah, the President comes now and reads us a good lesson upon some needed reforms. Not only does he leave out the central corrupt and corrupting and state socialistic influence of it all, but that is not all; he forgets to tell us why with regard to the things he does mention that he did not mention them in 1901 and 1902 and 1903 and 1904, and why he waits until he is just going out of the White House to leave a legacy of glory behind him in the shape of recommendations destined never to be carried into fulfillment by a Republican House and a Republican Senate. It is said he did not think of them sooner. How happens it that Democrats thought of them sooner?

My friend from Iowa [Mr. HEPBURN] has been sitting here in the House with me for these many years. Democratic bills have been for years before the committees to do very many of these things recommended in this message. This is the first time that my good friend ever raised his voice in zealous and crusading zeal to carry out these reforms. [Applause on the Democratic side.]

Under Republican legislative and administrative conditions we have got this country into this fix; I read a magazine article not long ago entitled "Morgan the Magnificent," in imitation of "Lorenzo the Magnificent," the chief of the family of Medici which made Florence so great; in which it was stated and I believe it is generally admitted—and many people regard it as a sort of eulogy of American citizenship—that Mr. Morgan put his hands upon the machinery and saved the country from a great, devastating industrial panic.

If you have a state of affairs where one man's hand upon the financial machinery of this country can save it from industrial destruction, you have a state of affairs where one man's hand can give it industrial destruction. [Applause.] Under whose legislation? Not ours. The banking laws are yours. The failures and omissions and shortcomings in the trust laws are yours. The omissions in the law are yours as well as the commissions in it.

Now, Mr. Chairman, I do not believe in assuming a schoolmaster's tone and making of myself a scold. I do not believe that the Democratic party has a right to be a mere censor and a mere critic of legislation. It ought to be able to tell the country what it proposes to do, and that I propose to do now to the best of my feeble ability. The Democratic party is a constructive party, or, if it be not, it deserves to die. [Laughter on Republican side.] The history of the United States shows how greatly and superbly constructive and upbuilding it has been in the past. And to prove that it is yet a constructive party, whenever a Democrat is sufficiently prominent to get the ears of the people for a great reform, it is not long before the Republican party, forced to it by public sentiment and being in power, takes it up and says, "You proposed it, but we did it." [Applause on Democratic side.] Now, of course, to a certain extent a party in minority for forty-seven years less two can not have a legislative programme, because it can not legislate.

But it has things it wants to do. Now in the first place about this currency question; and when I speak this morning I speak not for myself alone, but I have the best reasons for believing that what I am going to say upon the currency question, the labor question, and in the main upon the tariff and trust questions—so far as it goes—meets with the approbation of the Democratic leadership at the other end of this Capitol and with the approbation of the Democratic leader in the country who is a member of neither House, but whose nomination for the Presidency by our party seems a foregone conclusion.

In the first place, this last panic was a depositors' panic. There were no men in line with bank notes seeking their collection; and yet every Republican remedy offered is bank-note legislation of some sort. Why was it a depositors' panic? It was because the depositors had lost confidence in the class of collateral that was being received by the banks as security for the loans that the banks were making of the depositors' money. [Applause on the Democratic side]. To some extent they had lost confidence in the character of this collateral because its rottenness had been exposed in investigations in the States; to some extent they had lost confidence in it because the President was attacking this security, and to some extent they had lost confidence in those securities because they came to the conclusion that so much of the stocks and bonds as proceeded from unlawful combinations and trusts that were being received as security for depositors' money would be attacked by the Government later on. It began to be believed among the people that instead of the antitrust laws and railroad laws being a dead letter on the statute books, they were going to be enforced, and men said to themselves: "If that be true, there is no telling how low these stocks and bonds may fall."

Now just that far the President had something to do with the panic. He had created in the public mind, whether properly or not, whether justifiedly or not, the idea that he was going to execute the laws against the trusts and combinations, and that created a distrust of their bonds and stocks. Rich malefactors no longer lived in fancied security. Other people no longer fancied *their* securities. But outside of that there had been immense overspeculation, which always follows a period of great prosperity. Away back of that, at the basis and beginning of it all, there had been a gradually ascending scale of prices for many years growing out of the unparalleled increase in the volume of the basic or self-redeeming money of the world. Gold was increasing every year, and the percentage of increase each year from the last year's increase was much of a surprise. So that prices kept ascending, and as prices ascended men made money, and as men made money they became extravagant in living, careless about debt and reckless in investment, until after a while overstimulated business caught up with the increase of money volume, stimulating it, and found in comparison with the supply of loanable funds decrease in loanable funds at a reasonable and profitable rate of interest, and liquidation had to set in. I do not believe in being partisanly unjust about anything. I think the President's action in "turning on the light" probably brought the crisis about earlier than it otherwise would have come. There may have been unnecessary blare of trumpets. But if a rotten condition of things necessitates a crisis which is to come, the earlier the better, for the longer you put it off the worse it will be. [Applause.] A prosperity founded on rottenness is a prosperity that you had better liquidate out of or legislate out of—one or the other—just as soon as you can. Get down to rock bottom and start toward healthy prosperity.

Then, my friends, if I have correctly outlined the causes, remote and immediate of the panic, and correctly diagnosed it as a depositors' panic, what strikes you at first blush as a remedy or rather as a preventive of recurrence or continuance of the condition is that the banks shall be made to protect their depositors. I do not mean that the Government should protect them. No. No government has the right to pay the debts or guarantee the debts of a private institution. [Applause on the Democratic side.] Not only has no government the right to guarantee the deposits of the bank, but no government has the right to guarantee the note of a bank [Renewed applause on the Democratic side]; and the Aldrich bill does that, and the Fowler bill, though not in haec verba, does substantially the same thing.

Mr. FOWLER. Oh, no. Now will the gentleman——

Mr. WILLIAMS. I asked not to be interrupted for three-quarters of an hour. I have admitted that your bill does not expressly guarantee bank debts. It does in spirit. Now, the objection to these schemes, which they say are perfectly safe, is that as a matter of superabundance of caution they make the bank debts a Government debt. But you should make them safe enough to stand for themselves and by themselves.

Now, then, the difference between the Government guaranteeing the debts due from a private corporation to individuals and having the corporation guarantee its own debts to its own depositors or other creditors by an adquate insurance fund is as wide as the difference between one pole and another; so that, unless I am mistaken, and I hope I am not, the first thing that the Democrats will want to do to prevent a return of panic of this sort is to build up in the Treasury by a voluntary assessment upon the deposits in banks a redemption or insurance fund of about fifteen millions of dollars. It will require no great assessment. In my opinion, one-eighth of 1 per cent will do it, but certainly one-fifth of 1 per cent will do it. Let that tax continue until the fund reaches the size of fifteen millions of dollars, and let it automatically, under a prescribed law, cease to operate when that amount is reached, and then, when it becomes necessary by depletion of the fund, let it equally automatically begin to build it up again until it again reaches that amount. It is not legally a tax upon the deposits in the bank, because it is voluntary and is paid only by deposits in such banks as voluntarily submit to the assessment in order that their depositors may be beneficiaries of the protective fund. The advantages to a bank's business as a receiver of deposits would be so great that none would stay out.

It would be merely a bank regulation; the Government a mere trustee of a mutual-protection fund obtained under regulations prescribed by law.

I would not make it a forced tax, but a voluntary assessment; because if you attempt to make it a forced tax there is a doubt as to whether you could constitutionally make it apply to State banking institutions. If you did not, then the advantage, as depositaries, of national banks would be so great as to drive State banks out of existence, and I do not want to drive State banks out of existence. In my section of the country they enjoy a larger measure of public confidence than the national banks, and they do a great deal more business. If voluntary, then State banks can come in, pay the assessment and share the benefit. But let the tax apply only to such banks as are willing to come in and be taxed, and then they will have the right to put upon their bank notes, and a right to put upon the window glass of their places of business the legend, "This bank is a member of the association of banks protected by the $15,000,000 mutual-insurance fund to depositors, lying in the United States Treasury." Then the State banks can join, on condition that they comply with the law, by paying the tax and submitting themselves to inspection. Now understand me. Let us get this right; not that they submit themselves to the penalties of the national banking law upon unfavorable examiner's report, but that the moment the national examiner gives an unfavorable report in connection with a State banking institution, that moment that State bank ceases for the future to pay into, or subsequent owners of deposits to enjoy any protection from this fund, unless and until it puts its affairs in proper shape. That is one way to increase confidence with the depositors. I am giving the plan rudely and rapidly. It will be reduced to writing in a bill later on.

One of the things that did more than any other to disseminate the panicky feeling throughout this entire country was the fact that under the present national banking law a country bank is permitted to keep three-fifths of its reserve in a reserve city bank and the reserve city bank is permitted to keep one-half of its reserve in a central reserve city bank. Out of this there grew the abominable abuse of not only keeping the reserve money at home to be available at any minute but of actually loaning it at interest to the banks in the reserve and in the central reserve cities.

So a Democrat, attempting to restore confidence amongst depositors, attempting to create a psychological condition with the public that would prevent unreasonable panics (you can not

prevent all panics any more than you can prevent a fever from following a chill) would next I think provide that all of the reserves required by law—the reserves which in the opinion of the law are requisite and necessary to protect the credit of the bank—should be kept in the vaults of the bank. [Applause on the Democratic side.]

Now to that the objection is made that it would keep in normal and natural times too much money out of circulation. That can be avoided in the easiest possible manner. The law can prescribe certain interconvertible bonds to consist of United States bonds and of State bonds. I am not certain that the law ought to go any further than that. I know it ought not to go to railroad bonds or the bonds of any private corporation. [Applause on the Democratic side]. It might possibly go to municipal bonds of certain descriptions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. I yield to the gentleman such time as he may desire to conclude his remarks. [Applause.]

Mr. WILLIAMS. Mr. Chairman, I do not know how sufficiently to express my thanks.

Now, let the law designate these funds as "interconvertible bonds." Let the banks keep 50 per cent of their reserve in these interconvertible bonds, and let the law provide that when an emergency has arisen or is about to arise, any bank may deposit those bonds, previously inspected and prescribed by law, in the nearest subtreasury and shall receive for them what I would call "United States emergency Treasury notes." Thus in normal times the bonds would be in the reserve, constituting 50 per cent of the reserve, and the money they represented would be out doing its work. When a run started upon a bank, or when for any reason a prudent banker thought it wise to have his whole reserve fund immediately available, the entire 50 per cent of the entire banking reserves of this country kept normally in bonds could be at once reconverted into money, and that money used to meet the runs upon the banks, or whatsoever business emergency must be faced. The conversion could be effected by telegram from the nearest subtreasury to Washington, and an answering telegram to let the bank have so much money.

What 50 per cent of the entire banking reserve of the country at the present time is I confess I do not remember, although I hunted it up but afterwards forgot it. But it is very much more than the amount anybody has stated would have been sufficient in the way of emergency currency to have tided over the present difficulty.

What shall be the character of the note? Shall it be a bank note? No. Why not? First, for the physical reason—the difficulty of getting it out in time; secondly, for a psychological reason—the minute that it came with a different appearance from other paper it would scare the people to death and expedite and emphasize the panic without a Government guaranty; third, the Government could not consistently with sound principle guarantee a bank note. Without it, it would not meet complete confidence. It ought to be a United States note. [Applause on the Democratic side.] There is no man further removed than I am from fiat money; but the note here described would have behind it the "intercontrovertible bonds" deposited in the subtreasury to meet the note; it would therefore be not a fiat but a secured and protected note, and the only difference between it and the ordinary greenback would be this legend on the face of the United States emergency currency note:

This note is secured by intercontrovertible bonds deposited in the Treasury of the United States.

[Applause on the Democratic side.]

Upon what terms would the note go out? Ought it to go out so as to form an addition to the ordinary normal circulating medium of the country? No. We have money enough. The volume is not the trouble; the trouble is to prevent the panic, to prevent the scare that makes people take money out of circulation and hoard it up, and therefore this money ought to go out under a tax, and a tax sufficient to drive it back after its work had been done.

Now, then, what about the character of the tax? Ought it to be a fixed tax? No; because the rate of interest that would carry money back at one time or in one section would not be the rate of interest that would carry it back at another time or in another section. It ought to be a flexible rate of taxation.

The tax ought to be a flexible tax, and I think that idea will be adopted on this side of the Chamber at any rate. The idea which I think is a good one is this: That the tax ought to be at the rate of one-eighth of 1 per cent per month for the first four months that the bank had it out; one-half of 1 per cent per month for the next four months or any fraction thereof, and 1 per centum per month thereafter. Thus it would gradually mount to a 12 per cent per annum tax, which would bring the money back even from the wildest and most speculative market in the country and away out from the Southwest, where the highest degree of prosperity exists.

An emergency currency ought to be an emergency currency; it ought to be carefully prevented from being anything else. You do not want to change the normal and natural currency so much as to provide something in a time of strain and stress to do the work, and afterwards come back in time of redundancy. Why do you want it to come back? Because, if it does not come back, then when the same contingency arises again you will have to have another addition to the normal currency, and by and by you have inflation piled on saturation, and that means overstimulation of production and enterprise, always followed sooner or later by exactly a commensurate swing of the pendulum in the other direction.

Now, what next would a Democrat recommend? He would recommend in the first place that this Government cease its present iniquitous system of lending money to national banks without interest. [Applause on the Democratic side.]

That this results notoriously in personal, geographical, and political favoritism, "you all do know."

It will be remembered that when a banking bill was presented here during the last Congress I succeeded in securing an amendment to it for a rate of interest to be fixed by competitive bids in the market, and that that bank bill, amended to that extent by the vote of this side of the House and by the votes of enough of that side of the House to succeed in carrying the amendment, was never heard of any more. The national banks were anxious to reform the national bank laws, but not at the expense of themselves—not by doing what they require everybody else to do, to wit, paying interest upon loan.

Now, what ought to be the character of that interest? That interest ought, in my opinion, to be a flexible interest. Just as the rate of taxation upon emergency currency ought to be flexible, so the rate of interest upon these deposits ought to be flexible. I at one time was possessed of the idea that a competitive rate was the best way. I frankly confess that I do not now think so without a restriction of the limitations within which the competition shall play. My idea now is that the law prescribe a maximum and minimum rate, say, 2 per cent and 10 per cent, and leave the Secretary of the Treasury, within those limits and subject to competitive bid, free to deposit the Government surplus moneys, with this condition, that thirty days before the first of each quarter he should give notice of deposits to be made, and in that way our Government rate could take to a certain extent the place of the Bank of England discount rate in England, the Bank of France discount rate there, and the Reichs-bank rate in Germany, and in that way maybe to some extent influence international exchanges, and through that means only influence the flow of gold.

You are in this fix, gentlemen, and it is your fault, Republicans, that you are there. You have tried to stop in the middle, between two things, and you never can stop in the middle between two things of this sort. You must in the long run be logical, or else in the long run logic will punish you. You have a so-called gold standard without a gold circulation, and the consequence is that you throw upon the Government, at present without a dollar of expense to anybody who wants to avail himself of the service of the gold, the burden of maintaining your gold standard by furnishing always the actual gold. The banks do not even keep any part of their reserves in gold. They get all the profit out of the gold standard and make the Government bear all the burden of finding the gold. [Applause on the Democratic side.] Whenever gold export ought to be made it is the Government that must furnish the gold free instead of profiting by it—that must go out and pay for it, if they have been improvident enough not already to have provided themselves with it. Other means of making the rate of interest flexible have been suggested which would be better than nothing and better than a fixed rate. One suggestion is that for the latter half of the year the rate be a low rate, at crop-moving time, and that at the first half of the year the rate be a high rate, so as to drive the deposits back into the National Treasury and out of the depositories, to be available for another harvesting. Another is a scheme similar to that of the tax upon emergency currency, to wit, a flexible rate of interest gradually rising with the length of time that the bank keeps the money, with some provisions doing away with the present ability of the Secretary of the Treasury to select whatever bank he pleases.

Now, I do not want to talk pessimism and I am not a muck raker, but there is not a single one of you on that side who does not know I tell the truth when I say—and I am not confining myself to Republican Secretaries of the Treasury either, for I suppose it was true under Democratic Secretaries—

that the power left in the Secretary of the Treasury without any condition of any sort to select the bank that he shall make a depositary has been used for political purposes, and has probably been used in some cases by some Secretaries for the purpose of "making friends of the mammon of unrighteousness," like the unjust steward while in with his master, so that when his master discharged him he could find an easy place of making a living. [Applause and laughter on the Democratic side.] But let me go on. We Democrats would oppose the deposit of bonds of any sort of a private corporation as a basis either of note issue or of security for deposit in banks. [Democratic applause.] Another thing I think we ought to have, and the gentlemen with whom I have consulted think we ought to have; to wit: some sort of proportion fixed between the amounts of loans that the bank can make and the amount of its capitalization plus its unimpaired surplus. Here is, for example, a bank, let us say with $100,000 of capital and $100,000 of surplus, and say two millions of dollars of deposits, and that bank will lend out that two million dollars of deposits, all except 15 per cent, which is its reserve. Yea! it lends out all of it except two-fifths of 15 per cent, because it lends out three-fifths of the 15 per cent itself to a bank in a central reserve city. Of course, a deposit is an asset, but it is equally a liability. There ought to be some proportion between real assets and loans made.

Now, the case I have illustrated is unsafe. There ought to be some sort of proportion fixed. The State of Oklahoma has fixed eight times the paid-up capital stock plus the surplus. That is perhaps too much. The new State of Oklahoma is engaged in some rather dangerous experiments in order to invite capital, and perhaps eight times is too much, but say you fix the multiple at five or six, or whatever in the judgment of the committee it ought to be. At present the average amount is five and a half times, I think. What is it, Mr. Fowler?

Mr. FOWLER. I can not tell you offhand. You mean through all the commercial banks?

Mr. WILLIAMS. I have a poor head for carrying figures, but my recollection is the average loans of the entire national and State banks of the United States are five and a half times the capital plus the surplus. If I am mistaken in that I would like to be corrected, but whatever the figure is there ought to be a legal proportion fixed. One other thing; there is at present upon the statute books a law forbidding the national banks to loan over 10 per cent to anyone——

Mr. FOWLER. We changed that law last year.

Mr. WILLIAMS. What is it now? It is 10 per cent of the capital plus the surplus?

Mr. FOWLER. Yes.

Mr. WILLIAMS. That is what I meant to say. I had just got to the words "ten per cent" and had not gone any further when you stopped me. Now there is no penalty behind that law. The law has no sense. It is a mere brutum fulmen. It is a mere set of words upon the statute books and the law is constantly violated. Now, then, we think that there ought to be a penalty fixed wherever a man as a director votes to lend to one person, natural or artificial, over 10 per cent, or where an officer of a bank actually lends over 10 per cent. These loans undergo the scrutiny of the president of the bank and the directors—they violate these laws—and there I recur to what I have said several times, it is the flesh-and-blood man, who violates the law in the name of the corporation under the pretense of corporate authority, who ought to be punished. Now, the corporation ought to be punished by a fine equal to at least the amount of money in excess of 10 per cent the corporation had loaned, and the director who voted for it or the president who O. K.'ed it ought to be punished by a fine and imprisonment, or both. Now, with a safe relationship between the paid-in capital plus unimpaired surplus on one hand and the amount of loans upon the other, with a penalty behind the present very wise provision that banks should not lend to one person any more than 10 per cent, we think you would increase the degree of confidence in the minds of depositors very much indeed, and in just that far prevent recurrence of cause less or unreasonable depositors' panics.

Now I am going to take up another part of the Democratic programme. In the next place, the Democratic party is going to insist, and here I call upon the gentleman from Iowa, because the idea is in one of the President's messages, and he says:

All of his message shall be enacted into law;

The Democratic party is going to insist upon a law which will give publicity to the names and post-offices of the men who furnish money for campaign purposes. [Applause on the Democratic side.] I hope the gentleman from Iowa will lead his cohorts to the overturning of the "Big Four" upon that proposition.

Now, when we come to the labor programme the Democratic party is going to insist that except where danger to property or to life and limb is immediately threatened an injunction shall not be sued out without at least five days' notice and an opportunity for the other side to be heard. [Applause on the Democratic side.] Do not misunderstand me. In a case where riot is threatened, where life, limb and property are immediately threatened (not so-called judicially construed "property rights," but property), the man who is enjoined ought to have at least five days' notice of the hearing and an opportunity to be heard before the injunction is issuable.

Another thing: This does not come from the White House but it comes from the White House legatee, and as it is old Democratic doctrine we are going to insist upon it; where a judge has to pass upon whether a man has committed contempt outside of the view of the court, a constructive contempt, in order to avoid the partiality of trial which comes from the same judge acting as judge of the offense who issued the order violated, or whose pride of opinion is at stake in the matter, we contend that the man tried shall have the right to call for another judge, somebody who shall be impartial, somebody whose pride of opinion and whose vanity of position shall not be concerned in the decision of the issue. [Applause on the Democratic side.]

Mr. Taft has come to that position finally, thank the Almighty Molder, Renovator, and Revolutionizer of human hearts!

Another thing; in cases of constructive contempt, technical contempt, away back in the Fifty-fourth Congress David Bennett Hill offered in the United States Senate, and the Democratic Senate passed, a bill, which was buried in a Republican House, that the man standing in constructive contempt, before he should be deprived of his liberty or of his property by fine, should have the right to be tried before a jury of his peers. [Applause on Democratic side.] How far that may have received Republican Presidential approbation I do not recall. The legatee seems in a recent speech to approve of it, too. Give it to us.

The Democratic party is going to insist upon election of Senators by the people. Already in Mississippi and many States we virtually have it. We have it so far as party nominees are concerned, but it would be better to have it so far as the struggle between nominees later on is concerned.

The Democratic party welcomed the Washington Post interview from the gentleman from Tennessee [Mr. HULL] this morning, to the effect that the Government had better "try it over again" on the income tax, to see if some change of opinion amongst the judges upon the present Supreme Bench can not give us a favorable decision upon that question. Some years ago, by a majority of one, and one of those suddenly changed, that court set aside the decisions of a hundred years and declared an income tax a direct tax, and therefore unconstitutional. The subsequent change in personnel of judges may result in a state of opinion by the judges, which may result in a sound opinion of the court, i. e., an opinion favorable to the constitutionality of the tax. But if we can not get that, we want a joint resolution passed, which we have introduced every session since I have been a floor leader upon this side of the House, to submit to the people a constitutional amendment declaring that nothing in the Constitution shall be so construed as to render an income tax a direct tax and in contravention of it.

One other thing to which I did not call attention in connection with the banking and currency question—and I think this side is thoroughly agreed upon it—is that bank examiners, in order to secure safe and cautious and thoroughly complete examinations, ought to be paid salaries and not fees for examinations. When paid a fee for each examination the ordinary man, of course, has a temptation to make very many examinations so as to make very many dollars.

Now, some resolutions and bills touching the great central fundamental difference between the two parties—the tariff; I hope that this Democratic resolution, No. 4, will pass, providing a thorough investigation of the paper trust, so that we can find out which one of us was right and which one was wrong here the other day, when the gentleman from Nebraska and I on one side and the gentleman from California on the other had our disputation.

I hope that the bill (H. R. 97) against overcapitalization of combinations, may pass; and, by the way, the President in one of his numerous messages—I have forgotten whether it was the last or not—is an adherent to that idea.

I hope that H. R. 100, which is taken from the Massachusetts statutes, and which is precisely in line with a part of the President's last recommendation, and which was introduced on December 2, 1907, and in the Congress before this as well, may pass. That provides a penalty against any person

engaged in interstate commerce who shall in a sale to anybody else make it a condition of the sale that the party sold to shall not buy from anybody else except him or shall not sell to anybody else except him.

I hope that H. R. 106 will pass. Those gentlemen who are anxious about a merchant marine I hope will go this far at any rate. It admits free of duty under a statute that means it, and not under the present statute, which does not operate to that effect, all materials used in the construction of ships.

I hope also that H. R. 9149 will meet with the approbation of those gentlemen who are going to rise in rebellion against the "Big Four." That bill provides that anybody can purchase anywhere a ship, provided it is bought for use and is used exclusively in the trade between the mainland of the United States and the Philippines, or between the mainland and Hawaii, or between the mainland and Porto Rico. Every year you are forced to extend the period at which the navigation laws, the coastwise laws, shall take effect with regard to the Philippines and Hawaii. You are complaining now that there is no American marine to carry American freights to the Philippines. Let anybody buy a ship where he pleases. Do not break up your present monopoly of continental coastwise trade. I do not ask that much from you—I know you too well; but let the ships to be used in the trade between the United States and Hawaii and the Philippines and between the United States and Porto Rico be "free ships," bought anywhere and entitled to American registry.

I hope that gentlemen will pass resolution No. 5, asking a reconvening of the Joint High Commission for the consideration of reciprocal trade relations between the United States and Canada. The Democratic party wants that.

I hope that a bill may be passed which will enact into law the reciprocity treaty between the United States and France which was negotiated by William McKinley, and the confirmation of which was recommended to the Senate by him and which was defeated in the Senate in the interest of knit goods and class profit. A complaint was made that if passed as a treaty that it amounted to taking away from this House the power to originate revenue bills. So I have introduced a bill in the exact language of the treaty itself, that this House should pass, admitting certain French products at certain rates whenever the French Government shall have previously passed an act to admit certain products of ours at certain other rates, the products and the rates named in the bill being those named in the treaty.

I hope that gentlemen will agree and pass a minimum tariff law so that we may have a basis of trade and barter with all nations of the earth. I have introduced a bill for that purpose. If mine does not suit you, give us another. I took a 20 per cent reduction of present rates as a minimum because that was the percentage margin for reciprocity named in the Dingley bill. We stand alone, helpless among all the nations, without the ability to concede a thing in order to get a concession for the products of our farmers and our manufacturers exported abroad.

I hope that the bill H. R. 105 will be passed, because I hope that the Republican party, having been once betrayed into virtue by passing a law removing the duty on coal for two years, will be betrayed still further by making the removal of the duty on coal permanent; and that kind of a bill has been introduced in the last two sessions.

Above all things, I hope this bill (H. R. 112) will pass, which provides that wherever the existing duty is over 100 per cent it may be reduced to 100 per cent.

Now, the President and the President's legatee both say that the entire protective tariff in so far as it is just and right rests upon the principle that there ought to be a tariff tax equal to the difference between the foreign cost of labor and the American cost of labor. Well, certainly the difference between the two costs of labor never exceeds the entire cost of labor of the product; and certainly the entire cost of labor which goes as a factor into the price is never greater than the entire cost of the product. So let us have that bill passed. When presented by me for a vote in the Ways and Means Committee of the last House after amending it so as to exclude from its provisions tobacco and spirituous, vinous, and malt liquors which pay a large internal-revenue tax and are therefore subjected to a compensatory import duty, it was voted down by a solid Republican vote. "While the lamp holds out to burn the vilest sinner may return."

I hope New England gentlemen may succeed in persuading their brethren on the Republican side to pass the bills H. R. 113 and 108, one or the other of them. One is for free hides upon a reduction of 50 per cent of duty on products made out of hides. Everybody in Texas would get more benefit from the reduction of the price in saddles and other things than they would lose of profit under the present protection on hides. The other is to reduce hides to 5 per cent and reduce the leather schedule pari passu. I give you your choice. I hope that one of the several bills pending before the Committee on Ways and Means to put crude petroleum and its products on the free list and barbed wire for fencing on the free list may pass this House. I hope the duty on agricultural implements may be at least cut half in two.

The gentleman from Illinois [Mr. RAINEY] during the last session of Congress demonstrated the wisdom of passing the bill H. R. 114, which is to reduce the duty on watches imported into the United States to 15 per cent.

I hope to God that the Republican party this session will not be deaf to the cries of the little children of the land and fail to pass H. R. 115, which puts antitoxine or diphtheria serum upon the free list.

Mr. GAINES of Tennessee. What is the price of that now?

Mr. WILLIAMS. I have forgotten the precise figure. It is all in the RECORD there; I put it in last year. [Laughter and applause on the Republican side.]

Mr. GAINES of Tennessee. I know that, gentlemen, and know you do not know. The gentleman put it in the RECORD.

Mr. WILLIAMS. I have myself forgotten what it was, but I consulted with one gentleman on that side, himself a physician, who told me, and I put that price in the RECORD.

I hope that the bill H. R. 9150 will pass. To those of you who love the memory of James G. Blaine I will state that it is but an embodiment, a rewriting, of the proposition of James G. Blaine which was turned down, as I understand it, by the Committee on Ways and Means at the time it was offered. I shall put this in the RECORD in full, that you gentlemen may understand it. It is—

to declare the ports of the United States free to all products of any nation of the American hemisphere upon which no export duties are imposed whenever and so long as such nation shall admit to its ports free of all national, provincial, municipal, and other taxes our flour, corn meal, and other breadstuffs, preserved meats, fish, vegetables, fruits, cotton and cotton goods, cotton-seed oil, sugar, rice, and other provisions, including all articles of food, lumber, furniture, and other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street cars, refined petroleum, coal, and electrical apparatus.

This bill would admit these various things produced by our farmers free to South and Central American markets. We ought to admit their products therein designated free to our ports if we could get this immense concession. I especially call the attention of gentlemen from Kansas, gentlemen from Nebraska and from Iowa, Wisconsin, and Michigan to the provisions of this bill, and to the fact that the real father of it does not "come out of Nazareth," as I do, but was James G. Blaine himself.

I hope that a recommendation (I believe made by the President, though I am not certain; at any rate in line with the spirit of a recommendation of his) contained in H. R. 7656 will pass. That requires a railroad that wants to raise a rate, either eo nomine or by putting an article into a different classification, to submit the proposition to the Interstate Commerce Commission and give notice of it a certain time in advance, for the contention of shippers, before the raise can take effect.

I have introduced a resolution for the independence and neutralization of the Philippine Islands, as being in accord with all time-honored policies of the Democratic party. It is indorsed by the Anti-imperialist League, it is indorsed by William Jennings Bryan, and will, at some time in the future, be signed by him, I hope. [Applause on the Democratic side.]

The present President's legatee has been for a long time in favor of free trade with the Philippine Islands. The Democracy has introduced here, at every term of Congress, a bill for that purpose. I express the hope that it may pass.

Now, gentlemen, at the risk of boring you I have run through these bills, because I do not like to stand here or anywhere else as the mere mouthpiece of a heterogenous collection of all elements of opposition, of censure, and of criticism. I believe a public scold is the least useful of all legislative contrivances and I have no mind to be one. I believe that the greatest constructive party that this country has ever seen, which ruled it for forty or fifty years in glory and in justice and in honesty, is capable of ruling it in glory and justice and honesty again. [Applause on the Democratic side.] If I believed that it could not do anything and was incapable of government, and had no ideas of its own and had a policy amounting to nothing but criticism of "the other fellow," I should not want to get out of it, so dear is it to my heart, but I should want to retire to private life and let my connection with it be noticed as little as possible.

In laying down these propositions of our programme upon the labor and currency and income questions, I have every reason to believe that I am at one with the best record of the

Democratic party, with the Democratic bills that are now pending before the committees on Labor and the Judiciary; with the record in the public and private utterances of our proposed candidate, and with the views of the leadership of the Democracy upon the other side.

In laying down my views upon the currency question there are one or two points of difference between some of us in the House yet, which, however, will I think be accommodated; but in the main, in so far as everything except the upbuilding of the insurance or redemption fund in the Treasury in order to make the banks secure their debts to their depositors is concerned—with the exception of that concerning which some of the members of the House committee are not yet altogether in agreement, everything else that I have mentioned is substantially a matter of agreement. Of course, these tariff revision bills are not the expression of a complete tariff revision policy upon the part of our party. They for the most part undertake to designate things that even a Republican, if not a hide-bound "stand patter," could afford to vote for in the general interest. Free art, free wood pulp and print paper, free petroleum and products of petroleum, etc., even Republicans are crying aloud for these! Let us have them now. Later we will give you a general revision.

Now I have declined two or three times to answer questions until my general line of argument was completed; I will answer any now.

Mr. FOWLER. Mr. Chairman, I understood the gentleman to say that the proposition that I have before the Banking and Currency Committee implies a Government guaranty?

Mr. WILLIAMS. Yes.

Mr. FOWLER. In what way?

Mr. WILLIAMS. Well, substantially in the way of putting the Government right behind those debts by making the notes receivable by the Government.

Mr. FOWLER. In what way does the Government become liable to pay the direct obligations of the banks?

Mr. WILLIAMS. Have you a copy of your bill with you?

Mr. FOWLER. No.

Mr. WILLIAMS. Have you your provision for the building up of your insurance or guaranty fund?

Mr. FOWLER. The only thing that they do is to transfer——

Mr. WILLIAMS. It is in the clause of your bill which provides for building up your guaranty fund for depositors, and it is a matter of inference and construction as far as notes are concerned from their Government receivability. I admit, as I said in my main speech, you do not expressly guarantee the notes.

Mr. FOWLER. Nor indirectly.

Later on I shall argue the Fowler bill, and shall undertake to show the House that it does indirectly do it.

Mr. WILLIAMS. Later on I shall argue the Fowler bill, and shall undertake to show the House that it does indirectly do it.

Mr. FOWLER. I want to state right here——

Mr. WILLIAMS. It would require quite a long argument to do it now.

Mr. FOWLER. I want to state the facts. The guaranty fund is established by transferring from a reserve city a part of the money now held there——

Mr. WILLIAMS. I do not think it will pay us to enter into a debate now. Later on I will take that matter up with you, and we will discuss it.

Mr. FOWLER. Then I will not ask these other questions now. I wish to state that there is absolutely nothing in it except inference on the gentleman's side.

Mr. WILLIAMS. I said it was an inference; it is my inference, my construction, and I will undertake later on to show that it is sound, too.

Mr. HARDWICK. Just now the gentleman from Mississippi said something about favoring a recommendation from the President in regard to conferring certain increased powers upon the Interstate Commerce Commission. I have not heard all of his remarks, but I desire to inquire of him if his programme includes favoring that recommendation of the President which asks us to confer upon the Interstate Commerce Commission the power to initiate a rate on its own motion.

Mr. WILLIAMS. Yes, as far as I am individually concerned; but this morning I have been trying to give as nearly as I could what I judged to be the consensus of opinion upon this side. I do not know that that is the opinion on this side, but as far as I am concerned, I am prepared now, after the experience of the execution of the law in the last two or three years, to do that. Two years ago, when the law was passed, I was with the President then, or he with me, rather, and was not in favor of it. I thought, as he then thought, that we could get along with power to fix rates only on complaint made.

Mr. HARDWICK. Now the gentleman favors it?

Mr. WILLIAMS. Yes, my observation of the working of the Interstate Commerce Commission convinces me that we can not accomplish the ends aimed at without going that far.

Mr. HARDWICK. I will say to the gentleman from Mississippi that I have always favored that, and two years ago offered an amendment to that effect on the floor.

Mr. WILLIAMS. Yes, the gentleman did offer an amendment, but at that time it was voted down because Democratic members of the committee and I had agreed upon this side that all amendments, even if we were in favor of them, should be voted down in order to secure certain amendments to the bill which had been agreed upon, as concessions to the Democrats.

Mr. HARDWICK. But that agreement was not binding on this side.

Mr. WILLIAMS. Judging by the votes it was held binding by all Democrats save twelve or fifteen. I suppose the object of the gentleman's question was to show that I voted against the amendment. Not only I, but the minority members of the committee and the entire Democratic membership of the House, except about fifteen men, voted against it and other amendments because of the agreement that had been made with the other side.

Mr. HILL of Connecticut. I would like to ask the gentleman from Mississippi a question.

Mr. WILLIAMS. I will yield to the gentleman.

Mr. HILL of Connecticut. Did I understand the gentleman to say that the Republican party will be held responsible for the remedies that are proposed by the members of the party in the House and in the Senate?

Mr. WILLIAMS. Oh, no.

Mr. HILL of Connecticut. I understood the gentleman to make that statement.

Mr. WILLIAMS. No; I merely said that the various remedies proposed constituted an admission to the effect that the Republican party had failed to make perfect the laws.

Mr. HILL of Connecticut. The gentleman did cite the Fowler bill and the Aldrich bill and proceeded to condemn the Republican party because of these propositions.

Mr. WILLIAMS. I proceeded to condemn the Aldrich bill, and I proceeded to condemn the Fowler bill, but the Republican party will not be responsible for the Aldrich bill unless it passes it, and the Republican party never will be responsible for the Fowler bill. [Laughter on the Democratic side.]

Mr. HILL of Connecticut. I was going to ask the gentleman how, if he held the Republican party responsible for the Aldrich bill, he did not hold the Democratic party responsible for the Democratic minority proposition of the Senate which adopts the same form of security.

Mr. WILLIAMS. Mr. Chairman, there is a difference as wide as that from Mars to the earth between offering a measure as a remedy for existing trouble and offering something as an amendment to the measure which you do not want, the object of the amendment being to render the original measure less noxious and less objectionable. There is an immense difference between these two things.

Mr. HILL of Connecticut. Does the gentleman think it renders it less objectionable to double the amount of the issue and reduce the value of the bond by reducing the security?

Mr. WILLIAMS. I have not seen the amendment offered, but I have seen in the Washington Post what purports to be the substance of it; and if that synopsis is correct, it consists in these two cardinal ideas; first, to make the note a Government note instead of a bank note, as the Aldrich bill not amended would make it, and, secondly, to strike out railroad bonds as a basis underlying the notes. If that be true, and that is my recollection of it, then, so far from widening the note circulation, it limits it and restricts it in just the proportion that notes would be issued under the Aldrich bill upon railroad bonds. For the same reason it increases the value of the security.

Upon the other proposition I have this to say. The Aldrich bill makes the Government expressly and directly, in so many words, the guarantor of the payment of these emergency bank notes. Now, then, I say that if the Government is to be a payer of a note or the indorser on a note, the express guarantor of a note, then the Government ought to issue the note—it ought to be the Government's own note and not the note of a private corporation.

There is no excuse under the sun for making the Government guarantee the debt of the private corporation unless the Gov-

ernment gets some profit out of the deal. Now, as I understand the Bailey amendment, merely trying to make a great evil a less evil, provides that the notes to be issued under the Aldrich bill which are guaranteed by the Government, shall be issued by the Government and that the bonds of railroads or other private corporations proposed by the Aldrich bill shall not be taken as a basis for the currency issue. Why, Mr. Chairman, at present when a Harriman manipulates the bonds of a great railroad system, he hurts public morality, he injures public ethics, he damages the stockholders of the railroads, he victimizes a few lambs that buy the stock which is put upon the market, but after all nobody is injured except those who put their hands into the fire. It is bad enough as it is. But if railroad bonds are to be received as the basis for a Government currency in the shape of bank notes guaranteed by the Government or notes directly issued by the Government, either one, then every bond and stock manipulation of a Harriman decreasing the solvency of a railroad system is a manipulation of the people's currency affecting everybody, instead of a manipulation merely affecting those who voluntarily put their hands into the fire. I absolutely indorse the Bailey amendment if I understand it, as I have explained it, in so far as it is merely an amendment to a bad bill. I would not indorse it, if the bill as amended by it were proposed as an original and sufficient measure. [Applause on the Democratic side.]

Mr. HILL of Connecticut. Mr. Chairman, for a clearer understanding of the gentleman's proposition, which, I understand he says officially as the leader of the House on the Democratic side, will be the policy of the Democratic party in the coming campaign——

Mr. WILLIAMS. Oh, I have said nothing about the Democratic campaign. I was outlining a legislative programme.

Mr. HILL of Connecticut. The gentleman stated certain propositions which should be put forth, which should be advocated in the campaign, I understand.

Mr. WILLIAMS. Advocated in this House. I do not make a Democratic platform.

Mr. HILL of Connecticut. The gentleman proposed to issue currency interchangeable with bonds.

Mr. WILLIAMS. Yes.

Mr. HILL of Connecticut. Will the gentleman kindly tell me where the Treasury has any gold reserve or legal-tender reserve to redeem that currency from time to time and where they would get it?

Mr. WILLIAMS. I tried to explain that I would drive that currency back by a constantly growing rate of interest upon it.

Mr. HILL of Connecticut. I lay down the broad proposition here now that after a note has left the Treasury Department, the public not paying the tax, the tax has no effect whatever on driving it back. Will the gentleman tell me how it could be brought back by a tax?

Mr. WILLIAMS. Right there I can explain to the gentleman thoroughly my proposition. As the gentleman will see, although the charge upon the note is called by him a tax, it is really an interest rate—a lending by the Government to the bank of an emergency note on deposit of emergency security. Now, the Government says, while that note is out the bank is always responsible for it. The bank has taken it out. The bank has borrowed it. The Government says, If you keep that note not longer than four months you will pay so much; if longer so much more—ultimately at the rate of 12 per cent per annum.

Mr. HILL of Connecticut. Who will pay?

Mr. WILLIAMS. Why, the bank which took it out. And so the rate goes up to 12 per cent finally, and the bank meanwhile can pay the note back either by surrendering the identical note or by surrendering any other lawful money of the United States which the bank has. In other words, the emergency currency that I would supply would be an emergency loan upon security with interest paid by the bank. Does the gentleman see how I could get it back now?

Mr. HILL of Connecticut. I would like to inquire if I could have an hour's time? I would like to answer that very proposition.

Mr. WILLIAMS. Before the gentleman takes his seat, let me ask if he sees now how the money would have to get back?

Mr. HILL of Connecticut. I see now that the tax has absolutely no effect upon driving back the circulation, and that it never was laid in any other country or ever proposed in any other country for any such purpose. The only reason the tax is laid is to raise the rate of discount and keep it from going out——

Mr. WILLIAMS. Oh, I do not yield for a speech. I yield for an answer to a question. Whether it would work by preventing a redundant currency from going out or by driving it back is all one. The tax would drive back an equal amount of currency, and as this note would be a Government note, just like any other Government note, except that it would have upon it the words "Secured by bonds deposited in the United States Treasury," it would make no difference to the Government whether that identical note or another greenback or gold of equal amount were restored to the Treasury. The redundancy in the currency called for by an emergency, and not demanded by normal circumstances, would be cured by the retirement of an equal amount of circulating medium, whether that was identical in form with that issued or not. [Applause on the Democratic side.]

Mr. SHERMAN. Mr. Chairman, will you be good enough to inform me how the time that has been used has been divided?

The CHAIRMAN. Four hours and forty-five minutes have been used by the Democratic side and three hours and thirty-six minutes have been used by the Republican side.

Mr. STEPHENS of Texas. Will the gentleman from New York yield one minute more?

The CHAIRMAN. The time is in the control of the committee.

Mr. SHERMAN. Yes; if it is but one minute more.

Mr. STEPHENS of Texas. Then I yield to the gentleman from New York [Mr. HARRISON] one minute.

Mr. HARRISON. Mr. Chairman, in the interest of the preservation of certain facts of great importance in the political history of the State of New York and of the United States, I append the following editorial from this morning's issue of the New York Sun:

[New York Sun, February 4, 1908.]

THE NEW ATTITUDE TOWARD (HARRIMAN'S) PROPERTY.

The first reference of the Hon. Alton B. Parker to Mr. Roosevelt's now celebrated "change of attitude" toward the property of certain malefactors of great wealth was contained in a speech delivered at Esopus on October 24 of that year, two weeks before the Presidential election. Judge Parker said:

"Gradually and effectively, but surely and permanently, has all this been changed. * * * The scheme of our Government opposes favoritism, but in its administration there has been much of it. Indeed, it has been growing with such rapidity in recent years that these few that have enjoyed favors, contributed either directly by statute or indirectly by the nonprosecution of violations of law, represent control and are possessed of many hundreds of millions of dollars. * * * The trusts are not now opposed to the continuance of the present Administration. On the contrary, it is common knowledge that they have determined to furnish such a sum of money to the Republican national committee as it is hoped will secure the 'floaters' in the doubtful States for the Republican ticket."

True or false, warranted or unwarranted by what he actually knew at that time, the conviction thus expressed by Mr. Roosevelt's opponent in the Presidential contest grew more positive and was by him more boldly proclaimed. Follow now the sequence of subsequent utterances and events. Four days later, also at Esopus, Judge Parker addressed a visiting delegation of Democrats, and said to them:

"This interview [with Senator KNOX] was intended to create a cloud of dust behind which he hoped to hide the charge he did not answer. That charge is that vast sums of money have been contributed for the control of this election in aid of the Administration by corporations and trusts."

Three days after that Judge Parker came down to New York and spoke in the Madison Square Garden. It was then that he gave such form to the charge against the President of the United States as to excite that exalted person's rage. Mr. Parker said on October 31:

"In an earlier utterance I have referred in detail to what is notoriously going on in the matter of the collection of funds by the Republican party for the campaign. * * * The spectacle of demanding campaign funds now presented to this country is, when rightly regarded, of a character to shock the moral sense. * * * Congress creates a new Department of Commerce and Labor. Of that Department the President of the United States appoints a Secretary. That Secretary was his private secretary. Within that Department provision is made for the collection from large corporations, including the so-called "trusts," of information which, it is to be borne in mind, is to be submitted to the President for public or private use, as he may direct. By grace of the same Executive this Secretary, through whose Department this information is collected, becomes the chairman of the national Republican committee. His chief duty it has been, and still is, to collect funds for the purpose of securing the election of the President. And it is more notorious that there has resulted from this organized importunity—whatever may be the precise way in which it is made effective—an overflowing treasury to the committee, of which boast is openly and frequently made."

And then came the comparison with the ways and morals of Abraham Lincoln:

"It is said by Mr. Hay that the character of Mr. Lincoln furnishes the standard for Mr. Roosevelt in his conduct as President. I do not have to pause to hear your thundering 'No!' when I ask, Would Lincoln have done or permitted this to be done?"

Once more during the brief remainder of the campaign, Mr. Parker returned to the subject. In Jersey City, on Tuesday, November 1, he said:

"As I have taken occasion to say before, and I deem it my duty to say again, the trusts are furnishing the money with which they hope to control the election. I am sorry to be obliged to say it. If it were not true I would not say it to gain the Presidency or any other earthly reward. But it is true, and that being so, it became my duty to warn the people against it."

It will be observed that Mr. Roosevelt waited until Saturday, November 5, three days before the election day, and then delivered his fierce denunciation of the charge as a falsehood and of Judge Alton B. Parker as a deliberate and malicious falsifier. The honest indignation, the manly resentment, the righteous vigor of that memorable statement by Mr. Roosevelt must still abide undimmed in the memory of every his-

torically inclined mind. It is almost unnecessary to quote here a few of the phrases:

"Slanderous accusations, repeated time and again by Judge Parker."

"He has neither produced nor can produce any proof of their truth."

"I speak lest the silence of self-respect be misunderstood."

"The gravamen of these charges lies in the assertion that the corporations have been blackmailed into contributing, and in the implication, which in one or two of Mr. Parker's speeches has the form practically of an assertion, that they have been promised certain immunities or favors or have been assured that they would receive some kind of improper consideration in view of their contributions."

"Mr. Parker's accusations against Mr. Cortelyou and me are inventions. If true, they would brand both of us with infamy; and inasmuch as they are false, heavy must be the responsibility of the man making them."

"The assertion that there has been any blackmail, direct or indirect, by Mr. Cortelyou or me is a falsehood."

"I can not understand how any honorable man, a candidate for the highest office in the gift of the people, can take refuge not merely in personalities, but in such base and unworthy personalities."

"The statements made by Mr. Parker are unqualifiedly and atrociously false."

Let us turn from this explosion of indignant virtue, this strenuous denial to all the people of Judge Parker's repeated charge that money had been extorted from vulnerable wealth for Mr. Roosevelt's political benefit by a process which the alleged beneficiary unflinchingly described three days before election as "blackmail, direct or indirect, by Mr. Cortelyou or me"—let us turn to the letter written twelve or fourteen months afterwards by Edward H. Harriman to Sidney Webster. Whatever may have been the mechanism of its final publication a year and more later, in April of 1907, there can be no reasonable doubt that when written by Harriman the statement was intended for no other eyes than those of his sagacious and trusted correspondent. The things alleged in the Harriman-Webster letter, therefore, either represented Mr. Harriman's honest recollection of his intercourse with Mr. Roosevelt preliminary to the raising of the $260,000 of "corruption money," or they constituted the version which Mr. Harriman desired for one reason or another to impress upon Mr. Sidney Webster's mind; and ingenuity would be severely taxed, we think, to suggest a motive on Mr. Harriman's part for communicating to his experienced and honorable friend in this confidential manner anything but the exact facts as he remembered them. This is what Mr. Harriman, twelve or fourteen months after the election, told Mr. Sidney Webster:

"About a week before the election in the autumn of 1904, when it looked certain that the State ticket would go Democratic, and was doubtful as to Roosevelt himself, he, the President, sent me a request to go to Washington to confer upon the political conditions in New York State. I complied, and he told me he understood the campaign could not be successfully carried on without sufficient money, and asked if I could help them in raising the necessary funds, as the national committee, under control of Chairman Cortelyou, had utterly failed of obtaining them, and there was a large amount due from them to the New York State committee. * * * We talked over what could be done for DEPEW, and finally he agreed that if found necessary he would appoint him as ambassador to Paris.

"With full belief that he, the President, would keep this agreement, I came back to New York, sent for Treasurer Bliss, who told me that I was their last hope, and that they had exhausted every other resource. In his presence I called up an intimate friend of Senator DEPEW, told him that it was necessary in order to carry New York State that $200,000 should be raised at once, and if he would help I would subscribe $50,000. After a few words over the telephone the gentleman said he would let me know, which he did probably in three or four hours, with the result that the whole amount, including my subscription, had been raised.

"The checks were given to Treasurer Bliss, who took them to Chairman Cortelyou. If there were any among them of life insurance companies, or any other like organizations, of course Cortelyou must have informed the President. I do not know who the subscribers were other than the friend of DEPEW, who was an individual. This amount enabled the New York State committee to continue its work, with the result that at least 50,000 votes were turned in the city of New York alone, making a difference of 100,000 votes in the general result."

It would be to impart but an inadequate idea of the significance of the circumstances here so candidly related to Mr. Sidney Webster by Mr. Harriman if we were to ignore the fact that this discussion of sordid financial details "about a week before election" followed an invitation to Washington written by Mr. Roosevelt as early as October 10, when the President beckoned thus to the railroad financier:

"In view of the trouble over the State ticket in New York, I should much like to have a few words with you. Do you think you can get down here within a few days and take either lunch or dinner with me?"

A little more than a fortnight earlier, on September 23, the President had written to Mr. Harriman a note which seems to have been paraphrased by the President afterwards for use in his defensive, protective, and antiseptic statement to Representative JIM SHERMAN:

"At present there is nothing for me to see you about, that [sic] there were one or two points in my letter of acceptance which I should have liked to discuss with you before putting it out."

And on October 14, four days after the invitation to dinner or lunch:

"Now, my dear sir, you and I are practical men, and you are on the ground and know the conditions better than I do. If you think there is any danger of your visit to me causing trouble, or if you think there is nothing special I should be informed about, or no matter in which I could give aid, why, of course, give up the visit for the time being, and then a few weeks hence, before I write my message, I shall get you to come down to discuss certain Government matters not connected with the campaign."

Thus it appears that when Mr. Harriman went to Washington, at a date identified only vaguely in the letter to Sidney Webster as "about a week before the election," he was sure of a friendly reception, sure of being treated by Mr. Roosevelt as one "practical man" treats another practical man, and, further, he was notified in advance that his assistance would probably be required later in the preparation of the President's annual message to Congress.

We are not undertaking just now to settle the salient discrepancy that distinguishes Mr. Harriman's version from Judge Parker's version of Mr. Roosevelt's fructiferous efforts to extract campaign money from the coffers of predatory wealth. The Judge knew what was going on, but thought that Cortelyou was the extractor. Harriman told Sidney Webster that Cortelyou's efforts were a dead failure, and that consequently Mr. Roosevelt took the business into his own hands. It would be a delicate matter to discuss this question of comparative credibility, particularly as Mr. Roosevelt has denounced both Judge Parker and Mr. Harriman, with about an equal ictus, as malicious and deliberate falsifiers.

What interests us at present, as we have intimated, is the hard, mechanical, crystalline chronology of the incident. When Mr. Roosevelt's wrath was growing hotter and hotter under the reiterated accusations of Judge Parker, when he finally burst forth, three days before election, in the impassioned denials quoted above, is it possible that he, as a "practical man," had already practically deposited the $260,000 of Harriman and his malefactor friends in the Presidential trousers pocket? "About a week before election," says Mr. Harriman to Mr. Webster. That is indefinite. Fortunately, in Mr. Harriman's statement of April 2, 1907, we have a more exact determination of the date of the plucking of the $260,000. Mr. Harriman says:

"A funeral in my family prevented a prompt response to the President's repeated invitation, but finally, about October 20, I was able to go to Washington and see him."

October 20? If that date is accurate, the actual rape of the $260,000 from the bank accounts of the malefactors must have occurred the next day, on October 21, for Mr. Harriman's promptness in such matters is beyond reproach. October 21 was the corruption day. Why, that was three whole days before Judge Parker began his malicious insinuations. The $260,000 had been absorbed and assimilated fifteen days before Mr. Roosevelt's terrible denunciation of his eminent calumniator!

And the question remains: Would Abraham Lincoln have permitted it to be done?

Mr. SHERMAN. Mr. Chairman, does the gentleman from Connecticut desire time now?

Mr. HILL of Connecticut. I would like some time now.

Mr. SHERMAN. How much time does the gentleman desire?

Mr. HILL of Connecticut. I do not know. I would like to finish my remarks the same as the gentleman from Mississippi did.

Mr. SHERMAN. I do not think I will yield quite as much time to the gentleman from Connecticut as the gentleman from Mississippi had.

Mr. HILL of Connecticut. I do not know how long——

Mr. SHERMAN. I will not yield unlimited time to the gentleman. If the gentleman will state how much time he desires——

Mr. HILL of Connecticut. I would like an hour and a half.

Mr. SHERMAN. I will not yield the gentleman an hour and a half, but I will yield one hour to the gentleman.

Mr. HILL of Connecticut. Mr. Chairman and Gentlemen of the Committee, I wish to express my thanks to the gentleman from New York [Mr. SHERMAN], for so generously providing time for me to reply to some of the propositions advanced by the gentleman from Mississippi [Mr. WILLIAMS]. Of course, it is apparent that I did not intend to make any remarks on the currency question at this time. At the very beginning I want to call the attention of the House to this fact, that there is a striking difference between the panic of 1907 and that of 1893. The panic of 1893 was the result of a profound distrust of Government money, and was manifested, in the first place, by a withdrawal of gold from the Treasury by the presentation of greenbacks for redemption. That withdrawal and hoarding of gold made a shortage in the total volume of money, and even the silver dollar, which had caused the distrust of the greenbacks, speedily went to a premium of from 3 to 4 per cent. Then we had a condition similar to that of last October and November, and the banks began to take out new circulation.

Immediately there was a redundancy of currency, and in December of 1893 the bank notes were going back into the Treasury in bales with the strings uncut, and money on call in New York was at 1 per cent. We have been through a similar experience this past year—not from the same cause, however, but resulting in like conditions. The panic of 1907 began with a distrust of individual credit and a profound suspicion of the banks managed by the men whose credit was so distrusted. The causes lay deeper, but they were first manifested in the weakest spot. What were the conditions which brought the panic about? They were world-wide and not confined to the United States. I have seen no more comprehensive statement of them than that found on page 62 of the last report of the Comptroller of the Currency. He says:

THE CRISIS OF 1907.

Certainly since as long ago as the date of the San Francisco catastrophe there has been no lack of warning indications of financial troubles and possible business disaster. For at least ten or twelve years there has been an era of advancing prices and great industrial, commercial, and speculative activity in all the countries of the world. Credits have increased and multiplied until the limit has been reached in the amount of reserve money on which they must be based.

For at least two or three years, however, it has been becoming more and more evident that there must soon be a slackening of pace if we were to avoid a general and universal crisis in financial and commercial affairs. These conditions have been world-wide and not by *any means confined* to the United States. Crises of more or less severity have arisen in several important countries. *As is always the case when there is a demand for liquidation, it first manifested itself in the stock market.*

On October last I was in Cairo, Egypt. I was not here during any part of the continuance of the panic and I only saw it from abroad. I started for home with the profound convic-

tion that my duty was here, to vote "No" on almost every proposition that, from former experience, I judged would be likely to come up for consideration. Now, let me tell you what I saw coming home. In Egypt I found a paralysis of trade. Egypt had taken its medicine six months before and was slowly convalescing. I found that prices had advanced so that the buyer and seller stood facing each other unable to transact any business whatever. Land values had gone from a few cents per square meter to a hundred dollars per square meter and lands were unsalable. Why? Because the sellers could not get the incumbrances which they had placed on them and buyers would not pay the prices demanded. The gold of Europe had been poured into Egypt and there they stood and stand to-day paralyzed. I got over into Europe and found the bankers in Italy wondering why everybody came and demanded gold. My own courier started back to Paris to draw from a bank there every dollar that he had in the world—$3,000—and nothing that I could say as to the folly of such action seemed to have any effect upon him.

I found in Europe the official bank rates ranging from 7 to 10 per cent—9 per cent in Russia, 8 per cent in Germany, 7 per cent in the Scandinavian States, 7 per cent in Great Britain, the highest there that they had been in thirty-four years, and the only place where reasonable rates of discount were being maintained was in France, and there the old Bank of France, in addition to making a loan to the Bank of England of $15,000,000 in gold, held out its hands and said to the merchants and business men of France, "Come on; we will discount your paper at 4 per cent." Oh, no, gentlemen; the conditions of a panic were not all confined to the United States.

I arrived in England the last of November. I met a friend there who showed me a letter, and I am going to tell you just what was in it in order that you may understand the situation. He had a bank account in Berlin, but had transferred his office to London during the year. Fearing that he would also transfer his bank balance, the Berlin bank had written him, offering 4½ per cent interest on such amount as he would leave subject to check at sight, 6 per cent on any portion that he would guarantee to leave three months, and 7½ per cent on such portion as he would leave six months. Conditions in Hamburg were worse than in New York or any city in the United States in the month of October. I could go on and demonstrate that to you by actual facts which came under my personal observation. But I want to read to you a few words from a speech made by Sir Felix Schuster, the president of the English Bankers' Association, and published in the London Times the latter part of November, during the time that I was in London. Speaking of their own conditions, he says:

It would be too much to say that the American crisis was entirely to blame for the pessimistic situation as regarded values on the stock exchange. Other causes had contributed to the value of money having been for some time past maintained at a fairly high level and to the low prices of investment securities. Remarkable activity in trade and high prices for commodities, such as had prevailed all over the world, could not be without their effect. The consequences to our manufacturers had been of great importance. Working expenses had so increased that many had been compelled to put all available profits into their business, or to sell investments, or had been forced to borrow heavily.

DEMAND FOR MONEY.

There had been such a demand for money from the manufacturing and industrial classes that the amount available for investment purposes had been much smaller than in normal times, while the creation of new investment securities had been on an abnormal scale, although this country last year had witnessed a considerable diminution in this respect. If there was a reaction in trade, and the general indications pointed to it, the demands on the money market would be lessened, but he did not think for a little time to come, at all events, they could expect low rates, as there were too many borrowers having good enough security to offer who were only waiting for favorable opportunities.

And then he calls attention to the fact that British consols had fallen 26 per cent in the last six years. Gentlemen, just suppose for a moment that our Government bonds had dropped 26 per cent in the last six years, as British bonds have. What would have been the effect on our bond-secured bank-note system? And yet a protracted war such as the South African Boer war, with a corresponding increase of our bonded indebtedness, would in all probability cause just such a result.

Then he refers to the American crisis:

As to the American crisis, that had arisen out of overconfidence, brought about by an abnormally prosperous state of affairs. Americans had an unbounded belief in the future of their country; they had also a way of discounting the future somewhat too rapidly. Legitimate enterprise was followed by speculation, and speculation based on credit. Vast undertakings were embarked upon in the expectation that cash in any quantity was always at hand and lenders willing to provide it; and then suddenly it was discovered that the strain had become too great. It was very difficult, indeed, to estimate the effects which would be produced by the measures devised within the last few days by the American Government. Some good judges seemed to think that they might lead, before many months were over, to the reexport to this country of large amounts of gold just imported, especially if some of the short-dated investment securities held by Europe were not renewed. This would, of course, have important results to our money market. Be this as it might, the best opinions were that the worst of the crisis was now over and that the drain of gold from this country would be considerably lessened.

And yet, gentlemen, when I came home the first thing I learned was that Theodore Roosevelt was solely responsible for conditions here, conditions which I had found to be world-wide. Was Theodore Roosevelt responsible for the New York Life Insurance scandal? Was he responsible for the infernal robbery of the Chicago and Alton Railroad? Was he responsible for the steal that took the very life out of the New York street railroad system? Was he responsible for the speculations in copper, and for other syndicates and combinations which have been plundering the people by prices artificially raised beyond the point of possible consumption? And yet thousands of men, some of whom would not know the difference between the progressive ledger of a modern bank and the Rosetta stone in the British Museum (for both would be hieroglyphics to them), are attributing the financial situation here in America solely to the honest efforts of one honest man to attempt to enforce the law in the United States of America. [Applause.]

Let me quote from the speech of a man who by reason of his position can not help but know whereof he speaks.

I refer to Alexander Gilbert, president of the New York Clearing House Association:

ALEXANDER GILBERT CHARGES ALSO, IN AFTER-DINNER SPEECH, THAT WEALTHY MEN HAVE BETRAYED THEIR TRUSTS.

Alexander Gilbert, president of the New York Clearing House Association, used plain language last night in regard to the financial situation, speaking at Plainfield, N. J., at the fortieth annual banquet of the Plainfield Young Men's Christian Association, of which he was the first president.

Turning a pale and haggard face to the cheering banqueters, he said: "I am desperately tired, gentlemen. I have been through the most trying week of my life and am absolutely worn out.

"You know what stirring events have taken place. Large institutions have crumbled to pieces or threatened to crumble at a touch.

"When I say a touch, I mean just that—a touch—a corrupt touch—a touch of corruption.

"You know it has been the custom of recent years for rich men to get control of financial institutions and from that control work on to the establishment of a chain of banks, using the collateral of the larger institutions to gain control of smaller banks.

"When the main bank goes," he continued, "every one in the chain goes with it. That is what we have been witnessing."

Mr. Gilbert was thoroughly aroused. His voice rang as he added:

"Men of wealth—all the more shame that it should be men of wealth with no need of it—enter into these enterprises and instead of administering the affairs in their hands with conservatism and integrity use them to further their own interests and betray their trust."

Interrupted by an outburst of applause, Mr. Gilbert paused for a moment, adding when his voice could be heard:

"I ought perhaps not to speak of it on such an occasion as this; but the greed for gain and the love of wealth and extravagance have so honeycombed society and business life that men should cry out from the housetops and in the market places."

Mr. Gilbert in closing paid tribute to President Roosevelt in these words:

"Many believe that the financial troubles and the contraction of the volume of business are owing to the utterances of our honored President. But I want to say, though he may be impetuous—all great men have peculiarities and do and say things for which they might be criticised—it is my earnest conviction that four years of Roosevelt will do more to elevate and purify the moral and business sense of this country than anything that has been brought to bear upon it through the last decade."

So much for Mr. Gilbert's view of the situation. If any man understands it, he does. What about the English view of our future? I quote from the London Daily Mail of November 20:

THE OUTLOOK—IS THE CRISIS OVER?

Though it is always an ungrateful task to throw cold water upon roseate hopes and anticipations, the British public would do well to receive with caution and restraint the reports that the American crisis is over. It is a story which has been repeated at intervals of about forty-eight hours ever since the moment when that crisis first made its existence felt in so unpleasant a manner. The action taken by the American Government may have checked the feeling of absolute panic, but it can not undo the effects of the past two months or instantly repair the profound organic injury to finance and to business.

And then, referring to the issues of Panama bonds and 3 per cent certificates, the writer adds:

There are, however, two risks which must be considered. The fact is that the public, having seen paper money lose part of its value and a frantic demand for gold spring up, may still prefer the good red metal. In that case the new paper money will at once depreciate in value. A second risk is that if the paper money is readily taken gold may be exported from the United States. The foreign merchant or trader or investor does not want to be paid in American paper, however good. He prefers gold, which commands its value anywhere. It must further be remembered that the financial crisis has already affected every American industry. It is no longer true to say that American business conditions are thoroughly prosperous. All want money and credit for extensions or the prosecution of current business, yet credit is no longer to be obtained. This damage and injury can not be repaired by the wave of a wand or a Government issue of notes. A prolonged period of convalescence is required.

These were the conditions as I found them. I am glad to say that they have since greatly improved. What are the legislative remedies which are now proposed?

Gentlemen, during the last two weeks I have been studying banking bills. I have taken all that I could find in the Committee on Finance in the Senate and the Committee on Banking and Currency in the House, and I have found seventy-nine panaceas for the existing condition, every one of them, in the honest belief of the author, guaranteed to cure the situation.

Now, my friend from Mississippi [Mr. WILLIAMS] certainly did hold out the idea that the Republican party is responsible for the propositions that are put in here by men on this side. I will admit it if he will concede that the Democratic party is responsible for the bills that are put in on his side. What have we got? Every conceivable financial notion that it is possible for the human mind to invent. The gentleman from Mississippi talks about the Aldrich bill, authorizing the issue of bank notes based on the pledge of bonds of States, towns, cities, school districts, and railroads as security for them. Why, that is nothing. A Democratic Member of Congress has introduced a bill here authorizing cotton as a substitute for bonds. [Laughter.] Others propose land, practically going back to the old French system of assignats.

Mr. HEFLIN. Does not the gentleman think that cotton is just as good to issue bonds on as railroads?

Mr. HILL of Connecticut. Neither of them is good for anything as the basis of an honest currency, redeemable in gold. [Applause on the Republican side.] The underlying principle is bad. A bank of discount and issue is chartered as a commercial institution, to provide for the business requirements of the community in which it is located. If it locks up its funds in bonds or long-time permanent investments, it nullifies the purpose for which it was created and at the same time trenches upon the prerogatives of the savings bank, trust company, or other financial institutions which pay interest on deposits on which time can be called and hence can make such investments with safety to themselves and the depositor, also. But let me give you something of an idea of what is here awaiting your decision, gentlemen. The remedies are like the devil in Scriptures. Their name is legion. They cover every conceivable thing you can think of. Why, gentlemen, you remember, some of you, that back ten years or more ago, when the chairman of the Banking and Currency Committee had a dinner one night down at the Shoreham Hotel and put the question squarely to the then Speaker of the House whether a financial proposition could receive consideration on the floor of this House. Mr. Reed rose, and with that inimitable drawl which characterized him, said:

If the chairman of the Banking and Currency Committee will find six reputable householders in the United States who will agree upon a financial proposition, I will agree to recognize him.

[Laughter.]

Now, then, what have we got? Greenbacks, I am not criticising you.

Mr. FITZGERALD. Don't. [Laughter.]

Mr. HILL of Connecticut. I am not criticising that side of the House. I have never in the thirteen years I have been in Congress discussed the currency question or the money question from a partisan standpoint, and I do not propose to do so now. I say that Republican inflation is just as dangerous as Democratic inflation. [Applause.] It is the character of the proposition that I propose to criticise, not the source from which it comes. But, gentlemen, if you study what your committees have before them, every man of you will see that there is to-day as great a danger of inflation by paper money as there was in 1896 by silver money; and it is a good time to stop and think.

Greenbacks, interconvertible bonds; we have just had the latter announced by the gentleman from Mississippi as his remedy; and his colleague on the other side of the Capitol proposes to supplement that by issuing legal tender greenbacks or bank notes based on cotton bales. Asset currency; guaranty of bank deposits, which the gentleman from Mississippi stood sponsor for. Clearing-house currency and currency secured by miscellaneous bonds, cotton, real estate, and central reserve banks, and a miscellaneous assortment of others, but all of them, or most of them, based on the theory that one debt can be paid with another, and ignoring the fact that gold is the only international money with which debts can be paid.

Let us see for a moment about this guaranteeing bank deposits. Among these seventy-nine panaceas, there are twenty-seven of them looking to the guaranteeing of bank deposits as the remedy for this situation. Now, there can be but two kinds of guaranty; either a tax laid by the Government or mutual cooperation of the banks. I take the ground here squarely, and I think the gentleman from Mississippi will agree with me, that the Federal Government has no right to lay a tax upon deposits, the proceeds to constitute a fund, not for its own use, but to pay the losses of somebody else. I think the Constitution, which some of us forget is in existence, stands squarely in the way and across the path of my Democratic friends, as well as my Republican friends, who would venture on that line of legislation. [Applause.] What is the difficulty with reference to a mutual guaranty by the banks? I think it could be done by mutual agreement, if you could get the banks to do it. But they will not. No man, on the merits of this proposition, can give me a reason why you should guarantee a bank deposit and not guarantee a life insurance policy. One is for the benefit of the widow and the orphan, the other for the well-to-do man doing business. Savings-bank deposits are not covered by this proposition. It is not proposed to include these. Your guaranty simply covers commercial bank deposits. If the Government is going to begin guaranteeing all these deposits we will have entered upon a very dangerous experiment, for they aggregate $16,000,000,000.

Now, in the first place, who owns the deposit? Does the bank? Not at all. It is a liability of the bank. The depositor voluntarily, of his own free will, and generally acting intelligently, and for his own convenience and accommodation, places his money in a bank, where it is subject to his check at any time, and you propose, either by a Government tax or by a forced assessment upon that money, to compel these depositors to guarantee each other and then make the stockholders of the bank pay the bill. That is a good way to have a tax paid; and if you can have it paid by the other fellow, do it every time.

Now another thing. Seventy-five per cent—in my judgment nearer 90 per cent—of the commercial deposits of the country are the result of discounts of commercial paper, accommodation paper, and collateral paper, entered upon the books of the bank to the credit of the men who present the notes. For example, I take my note to the bank for $100, and say I want it discounted. The bank discounts it and puts the proceeds to my credit. What have I done? I have exchanged my credit on time for the bank's credit on demand. That is all there is of the transaction, and it is a business transaction for which a full consideration has been mutually given.

Now then, who would say that the Government should step in and guarantee one party to the transaction and not the other? Why protect the book credit to me and leave the note credit to the bank unprotected? If the notes are all paid, there will be no trouble about paying the deposits. I can conceive of conditions where a Government guaranty of such deposits, after the notes were discounted, would be practically equivalent to a Government indorsement of the note before it was discounted.

And I say to you that a Government guaranty of bank deposits in this country will open an era of the wildest speculation that the country has ever seen. [Applause on the Republican side.]

Why enter upon such an experiment when any depositor can insure his own deposit in existing insurance companies as he insures his life and property; and may insure even his ledger accounts in his other business transactions?

Now, let us take up another proposition. I have hesitated very much, indeed, to consider, or, in open session of the House, to refer to what is known as the Aldrich bill. I should not do so at this time if it had not just now been discussed by the gentleman from Mississippi, and I feel that it is my duty, because of that reference, to speak of it now as related to the general subject of financial legislation.

Mr. HARDY. Will the gentleman allow just one question?

Mr. HILL of Connecticut. Certainly.

Mr. HARDY. I understand you to maintain that a law which would make deposits absolutely safe in national banks would open a field of the wildest speculation?

Mr. HILL of Connecticut. I do not maintain any such thing. I wish that every mercantile credit, every merchant's accounts on his books, every life insurance policy, every fire insurance policy could be made absolutely good; but the only way I know of by which you can guarantee those things is by the voluntary act of intelligent men and by universal honesty.

Mr. HARDY. Then, the question is simply this: I understand you to maintain that if a guaranty policy under a voluntary assessment is effectual, it will open a field of wild speculation?

Mr. HILL of Connecticut. The only man who has yet realized the impossibility of doing it in any other way in all these twenty-seven bills that have been introduced is Senator CULBERSON, of Texas, who has introduced a bill covering a mutual proposition where banks can come in or not come in, as they see fit.

Mr. HARDY. The gentleman from Mississippi [Mr. WILLIAMS] presented the same idea here this morning.

Mr. HILL of Connecticut. Probably he took it from Senator CULBERSON.

Mr. HARDY. I do not know where he got the idea, but that is what he said.

Mr. WILLIAMS. Senator CULBERSON and I had a conference together.

Mr. HILL of Connecticut. We on this side have been held up as responsible for the Aldrich bill, and yet, according to newspaper reports, the Democratic minority have succeeded in doubling the amount of the notes to be issued, in reducing the value of the securities to be pledged, and increasing the percentage of issues against such securities.

What is the proposition? That we may issue $500,000,000 of bank notes against $555,000,000 of promiscuous bonds, such notes bearing a tax of 6 per cent annual interest charge. Now, if a bond is good security, I concede with Senator MCLAURIN that cotton is better. It is more liquid. It will find a market quicker; it will always be for sale. I concede that iron ore is better, that copper is better, than the promiscuous bonds which it is proposed to take as security for these notes. All of these things have an international market, but town and school district bonds do not. I concede that. But do we want any more money? Is that our crying need? Why, gentlemen, we had money enough last year to do 50 per cent more business than we are doing this year. I refer to 1906 as against 1907; and we have about two hundred millions more now than we had six months ago, and more than half of that increase is real money—gold. Our per capita circulation on February 1 was $35.61, as against $21.48 in the panic of 1893. The volume has steadily increased since that time, and compared with our commercial rivals, the talk of an insufficient circulation or medium of trade seems ridiculous. The last report of the Director of the Mint gives as the per capita of Great Britain $16.33; Germany, $25.03; Canada, $24.41; Austria, $10.74; France, $40.88; Belgium, $25.22; Denmark, $15.15; Japan, $4.35; Mexico, $10.88; Russia, $7.09; Norway, $8; Spain, $19.35. So that if the quantative theory is worth a cent in actual practice France and the United States should at this moment be reveling in prosperity, while most of the remainder of the commercial world should be in a state of paralysis. I leave that problem with you to solve. But there was no trouble about money in 1906. You waked up to the fact in 1907 that there was a scarcity. Why?

Because people began to get distrustful and scared of certain men and certain so-called "business transactions" and fearful of the results of stock-gambling methods in New York and began to hoard their money. I challenge anybody to offer any legislation here that will stand in the face of the scare of 85,000,000 people and their desire to hoard money. It is perfectly useless to attempt to do that.

I went down to the Treasury Department the other day, and I said to the gentleman in charge of the Comptroller's Office: "Please give me the amount of withdrawals that are being asked for." What were they? Twenty-seven million three hundred thousand dollars was the aggregate of note issues for which the banks were applying for withdrawals on January 17, 1908. Money is now being loaned on call in New York at 1¼ per cent, and you can borrow all you want on time at 4 per cent. Where is the necessity for hasty, ill-considered legislation now? [Applause on the Republican side.] Furthermore, I am greatly afraid that between now and next January we are not going to need nearly as much money as we thought we would to do business. I see one of my Democratic friends nudging his Democratic friend as if that was a fatal admission. No; I say, be honest about these things. If we have hard times, admit it, and let us try to get at the bottom of it and see what the causes are.

Mr. HEFLIN. What the Democratic Member meant by nudging his fellow-Democratic Member was that by that time the Democratic party will have been elected to power, and the people will not hoard their money, as they do now under Republican power in this country. [Laughter and applause.]

Mr. HILL of Connecticut. I do not believe—well, I will not get into any partisan politics on this question. I never have, and I will not now. If I can not discuss the money question on economic principles, I will not try to discuss it at all. It ought not to be a partisan question.

Now, I say that any bill that provides for the issue of emergency currency based on promiscuous bonds and redeemable by the Treasury of the United States is vicious in principle, and I will demonstrate to you if you will give me time that it can not help but result in a wild inflation.

Mr. OLLIE M. JAMES. Will the gentleman permit a question?

Mr. HILL of Connecticut. I would rather not now; I would rather go on. In the first place, I want to say to the Members of this House, most of whom come from country districts, that this bill or any other, no matter by whom brought forward, if based on that kind of security is utterly useless to country banks, for the cost of it is prohibitive, except in speculative centers. Take out your pencils, for I want to give you a little figuring right now. What is that circulation going to cost? As a fair proposition, in normal times, a good first-class 4 per cent bond of New York City, of the city of Columbus, Ohio, or Yazoo City, Miss., or any other good, bright, smart town in this country, is worth $110, and that in a time of emergency, when banks would need to issue this circulation because of the exhaustion of their loanable capital, money throughout the United States will average to be worth 6 per cent. Isn't that a fair proposition? Let us take it on that basis. I buy, in order to avail myself of this circulation, a $100 bond and pay $110 for it. I lose $6.60 interest on it, because the money is worth that and I could loan it at that without buying any bond at all. I get back $4, the interest on the bond. My loss is $2.60. I take my bond and go to the Treasury and deposit it and get 75 per cent circulation.

Mr. FOWLER. Ninety per cent.

Mr. HILL of Connecticut. Ninety per cent in some cases and 75 per cent in some. I get 75 per cent of circulation, and what is the rate of interest? I have lost $2.60. It is 3.46 per cent. That is not all the loss. I have to keep a 5 per cent redemption fund, on which I shall lose 6 per cent, and that adds three-tenths of 1 per cent, and then, in addition, I pay 6 per cent tax, and that circulation is costing me 9¾ per cent before I lend it. Now, gentlemen, is that a good proposition to put up to the manufacturers of New England or to the cotton growers of the South and to the farmers of the West, that when they want year by year to move their crops the banks will have to pay from 9 to 9¾ per cent for the circulation. You can't get away from it. The utter absurdity of a proposition of that kind is such that it only needs to be stated to intelligent men to convince them of it.

Now, my friend from Mississippi [Mr. WILLIAMS] said the tax was necessary to get it back when the emergency was over. I will come to that directly.

Mr. WILLIAMS. The gentleman will do me the justice to remember that my proposition began with a very low rate of interest.

Mr. HILL of Connecticut. I don't care where it begins nor where it ends. I simply say that in every case it adds to the rate of discount, and while paid but once a year by the bank it is paid over and over and over again by every borrower, every farmer, every manufacturer who goes to the bank to borrow money.

Mr. WILLIAMS. That would be true if that was the only bank lending money, but as they are all lending it and competing with each other it would not follow.

Mr. HILL of Connecticut. Stop and think where panics start; think over the panics that you remember in the history of this country. Every one of them starts in the great money centers, and so far as our experience is concerned every single one of them has started in the city of New York. What would this bill do for New York City? If you will take the statement from the Comptroller's report of December 3 and figure the extent to which the different localities of the country could avail themselves of the provisions of this bill, you will find that New York City could take out $161,000,000 of this emergency currency, and that it would require about thirty States in the South and West and on the Pacific coast to secure a like amount. These are approximate figures only. But consider another feature of this proposition.

I read in the Washington Post this morning a statement of what would have happened in case this bill had been in operation on the 24th day of last October. It was pure theory. This is what would have probably happened. Let me see if I state it correctly: The country banks all over the United States had hundreds of millions of dollars on deposit in New York as a reserve center. There came a panic. Every bank in the United States called for its reserves. They were reserves as they stood in New York. Now, with the Aldrich bill in operation, what would have happened? The New York banks, with a margin of one hundred and sixty-one millions which they could have taken out, would have taken it out, whether it cost 8, 9, or 10 per cent to send you the money. You in New England, you in the West, you in the South would have got those bills, wouldn't you? That is emergency currency. That is the purpose for which it is issued. Well, gentlemen, let me tell you when you got it you would have been worse off than if you had left your money in New York. Why? Because your money on deposit in New York was reserve

against your deposits, but the minute they paid you their emergency circulation and sent it to you, it is not reserve money, and it only counted for a dollar, but you would have been compelled to accept it, for those notes are legal tender between banks, although not a legal tender to individuals. And of course they would send it to you and keep their legal tender themselves, and when you got it you would have three-fifths less reserve than you had before you got your reserve deposits cashed. Is not that right? [Applause.] Absolutely.

I read last Sunday in the New York Herald a long statement of the reasons why this bill should be passed, and it was written by one N. W. Harris, of the firm of N. W. Harris & Co., one of the great bond dealers and brokers in this country. As I read it I thought of an incident that occurred in Hartford, Conn., one day at the board meeting of the old Hartford Bank, of which Mr. Boulter was the president. He brought in a list of notes one day and presented them for discount, and he read off one note after the other and told what kind of responsibility attached to the makers and indorsers. Finally he came to a note of $200, and he said:

Gentlemen, this is a good note; it was given in payment of a horse. I have inquired in regard to the maker, and I am told that he is good; I am told so by responsible men, and especially by a gentleman whom I met just outside of the bank and who seems to be standing there and waiting for some purpose or other. He says that this note is good beyond question. I therefore recommend that it be discounted.

Just then one of the directors who had been lying back in his chair apparently asleep during the meeting of the board woke up and said:

Boulter, that is the man that sold the horse, and he is waiting for his money.

[Laughter.]

I am afraid that Mr. Harris is the man who wants to sell the horse, and is waiting for his money. [Renewed laughter.]

Now, let me tell you what could be done under this bill.

Mr. GAINES of Tennessee. Is the gentleman talking about the Aldrich bill now?

Mr. HILL of Connecticut. I am talking about the bill that my friend from Mississippi [Mr. WILLIAMS] talked about. Let me tell you what can be done. Last year we redeemed 40 per cent of the bank notes of the United States through the redemption bureau. That means that it takes two years and a half to redeem the entire circulation. That means that the average life of a national bank note is fifteen months. Now, then, along comes next fall and you want to move your crop of cotton. What happens under the terms of this bill? They take out the emergency circulation and send it to you, and you buy your cotton and ship it to market. The next fall the same thing can be done again before the fifteen months expire and possibly some squeeze of the shorts on stock or grain exchanges may cause another emergency and justify another issue between the crop-moving periods, so that at least two and possibly more issues of the entire volume may be outstanding at the same time. Oh, but you say there is a 6 per cent tax on it and that will bring it back. I want to tell my friend from Mississippi that he is mistaken, that the tax has no effect on bringing back that circulation and can never have any effect, and I will show him why.

Mr. WILLIAMS. But the gentleman's friend never said that the tax would drive back that circulation. The gentleman is talking about the Aldrich bill. A 6 per cent tax would never drive it back in Mississippi, because money is worth 10 per cent there.

Mr. HILL of Connecticut. I am talking about the operation of a tax. Why? The moment the bank note passes out over the counter of the bank, the bank paying the tax and the people not, the people who have got it in their pockets have no interest or care whether there is a tax on it or not, and they are not going to hasten it back, and it will have no effect upon it whatever. "Oh," but says my friend, "the bank, being penalized by the tax, will pay into the Treasury an equal amount of legal tender against the time of the return of the notes, thus reducing the total circulation in the country." The gentleman shakes his head affirmatively. I shake mine negatively. It has no effect whatever. Why? Because that money is not kept there. Under the law of the United States it goes into the general fund and is put out for the expenses of the Government, and under the present law redeposited back in the banks, and the volume of outstanding money is not changed one iota, not one penny.

Mr. WILLIAMS. I hope the gentleman did not think that in drawing up a bill to enable this emergency currency to go out under this tax that I was going to neglect to provide when the money came back into the Treasury it should not be canceled.

Mr. HILL of Connecticut. The gentleman forgets his history. Just what he proposes to do was done from 1864 up to 1890, and then we were compelled by the condition of things to repeal that law. Why? Because it was locking up the legal tender of the country. At this very moment there is credited on the books of the Treasury and carried as "Debt without interest" the sum of $52,000,000 paid in by banks to retire circulation. The money itself was paid out long ago. If held or impounded, as the gentleman proposes, it would necessitate the banks reducing their discounts to the extent of from two to three hundred million dollars, against which it is now held as a reserve in accordance with law. The gentleman is figuring that the bank note for a dollar and the legal-tender note for a dollar both stand on an even footing. They do not for reserve purposes.

Mr. WILLIAMS. My emergency currency is not a bank note at all, but a Government note.

Mr. HILL of Connecticut. Full legal tender?

Mr. WILLIAMS. Yes. The present law requires these three hundred and forty-odd million dollars not to be destroyed, but any amount above that could be destroyed without any interference——

Mr. HILL of Connecticut. And you propose to allow the banks to use that for a reserve, do you?

Mr. WILLIAMS. I do not propose that——

Mr. HILL of Connecticut. But if it is full legal tender they have the right to do it.

Mr. WILLIAMS. They would have if the law enacting it did not prevent them——

Mr. HILL of Connecticut. Payable in what? Payable in another promise to pay; that is all.

Mr. WILLIAMS. Oh, no; it is payable just like the bank note now.

Mr. HILL of Connecticut. Oh, yes.

Mr. WILLIAMS. Ultimately all of your paper is payable in gold. As a matter of daily purchase and sale it is redeemable every day in dollars and in commodities, and when it came back it would be kept as emergency currency, or an amount equivalent to it paid by the banks would be kept as emergency currency and reissued only in case of another emergency.

Mr. HILL of Connecticut. No piece of paper issued as currency, either by the Government or by a bank, should be allowed to pass into circulation that had not a sufficient gold reserve behind it to guarantee its redemption in gold on presentation. [Applause on the Republican side.] It is no satisfaction to me and it will be no satisfaction to the people of this country to walk up to the Treasury Department with their promise to pay and have the United States Government give them a bond for it. Now, let me show you what could be done under this bill. The city of New York, I think, proposes to issue forty or fifty million dollars of bonds within a short time——

Mr. FITZGERALD. Fifty million dollars.

Mr. HILL of Connecticut. Fifty million dollars the gentleman from New York tells me. Suppose that he and I want to buy those bonds. We go in and make a bid on them and they are awarded to us—$50,000,000. We can take these bonds and bring them down to the Treasury Department and deposit them as a basis for emergency circulation and we have to pay $5,000,000 and the United States Government issues $45,000,000 of circulation, in effect carrying them for us on a 10 per cent margin. Now, a gentleman on the other side comes in a week afterwards and wants to buy $10,000,000 of those bonds. Can we sell them? Oh, yes. When can we deliver them? To-morrow, and we send a man to Washington to take them up, and all that we have done is to pay 10 per cent of the value of the bonds and the Treasury has carried them on the margin of 10 per cent, as the bill provides that with the approval of the Secretary of the Treasury you can issue and withdraw your circulation at will. And what have you done? You have simply made a cold-storage warehouse of the United States Treasury to carry bonds waiting for a market. [Applause on the Republican side.]

There is no question about it. Now, then, I want to call your attention to this fact. The panic of 1893 taught this country a lesson. What was it? That $100,000,000 was not margin enough of gold reserve to carry $346,000,000 of greenbacks and we increased it to $150,000,000 and we——

Mr. UNDERWOOD. May I ask the gentleman a question? Is it not a fact you reduced the gold reserve instead of increasing it by requiring that the Secretary of the Treasury could sell bonds whenever that gold reserve——

Mr. HILL of Connecticut. I do not care for the cause; I am simply stating the case as we found it.

Mr. UNDERWOOD. Has not the gentleman himself on the floor of this House stated that you reduced the gold reserve instead of increasing it?

Mr. HILL of Connecticut. I do not know whether I have or not. I am simply citing this case to show that the lesson of the panic of 1893 was, that we had to carry $150,000,000 of gold as against $346,000,000 of greenbacks. But what is the situation now? We have to-day $695,000,000 of bank notes and $600,000,000 of silver outstanding, every dollar of which is as much a gold drawer on the Treasury of the United States, with only one intervening step, as greenbacks are. So you have got thirteen hundred millions of bank notes and silver and $346,000,000 of greenbacks, making about seventeen hundred millions of money which we are obliged to redeem in gold or its equivalent; and you now propose by one stroke of the pen to add $500,000,000, and you have not got a penny in the Treasury, as a reserve fund for it.

Mr. WILLIAMS. That is the Aldrich bill that the gentleman is talking about?

Mr. HILL of Connecticut. Any number of bills scattered all through here [indicating the Republican side] and through here [indicating the Democratic side]. [Laughter.] There are any number of them. Add $500,000,000 more, and not a penny of reserve anywhere for their redemption, for in their final redemption the banks are not required to deposit legal tender, but can substitute other bank notes, while the Treasury itself must redeem them in legal tender. I tell you we are treading on dangerous ground, gentlemen—very dangerous ground.

Mr. PRINCE. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Connecticut [Mr. HILL] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. HILL of Connecticut. Certainly; of course.

Mr. PRINCE. Does not the proposed Fowler bill mean to have the notes redeemable in gold over the counter of the bank issuing the notes?

Mr. HILL of Connecticut. Absolutely; and if it was not for one or two of the provisions of that bill I would support it.

Mr. PRINCE. All the trouble with the Fowler bill, from the gentleman's point of view, is the guaranty of the deposits?

Mr. HILL of Connecticut. I will come to that in a minute. I am going to take up the Fowler bill, if I have time. I want to call the attention of the gentlemen of the House to this proposition which has been advanced by the gentleman from Mississippi [Mr. WILLIAMS], that a tax in some way or other will drive notes back into the Treasury. I have proven that it would not. But let me show you the disadvantage that the United States would be under by paying such a tax on circulation. We have to compete with England, Germany, France, Italy, and Canada. I want to say to you, gentlemen, even if the wages of labor were on an equality here and there the competition with them would be a very unequal one if our farmers, manufacturers, and producers generally are always to be compelled to pay twice as much as they do for the use of the money with which that labor is paid. Now, what is the situation? England has no tax, absolutely no tax, on currency. In France no tax, in Canada no tax, in Germany no tax when covered by gold. Seventy-five millions of dollars besides that of uncovered paper has no tax, and then a tax—to get a further issue back? No; to keep it from going out in too great a volume. Italy has a limit of circulation of three times its bank capital, and no tax. What then? After that the banks have to pay all the money received for discounts—all or part of it—to the Government, and of course that stops its going out too freely. It does not help it to come back. In all these countries the outflow of circulation is controlled by the interest rate, and the inflow takes care of itself, for there is only one issuing power, and there is nowhere else for it to go. There is the situation, and do you say that we are going to organize a new currency system and deliberately put ourselves under a handicap by a tax, in competition with every other nation in the world? I do not think you mean to do that, if you will stop and think.

Now, gentlemen, I want to say to you that in my judgment if we are going to continue the bond-secured circulation and perpetuate the practice of paying one debt with another, if we want to do something right now to meet an emergency and tide over until we can think about this matter, my friend, the leader of the Republican side of this House [Mr. PAYNE], makes the best suggestion that I have heard. It is this, and I want you to think it over. I have no authority from him to make the suggestion. I am making it because it has been made to me in the course of conversation. The national banks are now limited to the amount of capital in their note issue. Nobody disputes but that the notes are perfectly safe so long as they do not come in too freely and all call for gold or its equivalent at once. I do not think they will do it if the volume is not increased very much. But the New York banks and many of the large city banks won't take out notes. Did you ever stop to think why? There is a profit of nearly 1 per cent in it. Why do they not take them out? Simply for this reason: They stand in the center of things, and 50 per cent of all the redemptions of the country go through New York City, and under the present law the bank note is redeemable in legal tender, and legal tender is required to maintain reserve.

Now, a New York bank would be foolish to put out a lot of bank notes to-day that would be coming back to-morrow or next week and take the legal tender out of its reserve to redeem them. So that to-day there is a margin of about $250,000,000 which could be taken out if it were not for the limit of the capital of the issuing bank. The country banks are not in that danger, because redemption rarely if ever is called for over the counter of the country bank. Strike out that limit and, without changing another word of the law, the country bank can take out the circulation which the city banks refuse to take and the aggregate limit instead of being the capital would be the limit of the bonded debt of the United States.

Mr. WILLIAMS. I did not catch that.

Mr. HILL of Connecticut. Take off the limit of capital.

Mr. WILLIAMS. Let them issue any amount, regardless of the capital, supposing they had deposited the security in bonds?

Mr. HILL of Connecticut. Just as they are doing to-day. There would be no risk; the note would be perfectly safe; it would be the safest kind of inflation you could have. Of course it would involve the Treasury in an increased liability for redemptions. The bank would have to meet that liability, so far as it could, for furnishing that legal tender.

In some of the bills—well, we may as well have it out—in the Aldrich bill, if you will read it carefully, there is this—that these notes can be withdrawn by paying them in other bank notes, instead of legal tender, and the burden is absolutely thrown on the Treasury to furnish the legal tender for them. The bill seems to overlook the fact that a bank lends money and from its maturing loans has a constantly inflowing stream of assets with which to redeem its notes, and that though a government borrows, it does not lend and has no constant inflow except from taxation to meet expenditures. Redemption of bank notes is burdening the Treasury with a banking function which, in the utter absence of the banking principle in the Treasury system, it is not qualified to perform. It has carried the burden thus far in an ineffective way, but if that burden is to be enormously increased by a great addition to our paper money the danger is that the next panic will come from a distrust of Government credit, as in 1893, instead of distrust of individuals and banks, as in 1907.

So far I have considered bond-secured currency and its increase as an emergency circulation, and to it in any form for that purpose I am opposed, whether coming from Republican or Democratic sources.

Now, about the asset currency, or the Fowler bill. As I have said, there are two propositions in that bill that I can not concur in. First, the guarantee of bank deposits; second, interest charged on Government deposits in banks or on any other deposits in commercial banks. I do not believe that a bank should be allowed to pay interest on deposits subject to check at sight; nor do I believe that the taxing power of the United States should be used in collecting the money of the people and loaning it out to banks at any time. [Applause.]

With these two things out, in my judgment, the bill is a step in the right direction and worthy the careful and serious consideration and profound thought of the American people. So far as the safety of the asset note is concerned and the certainty of its redemption in gold coin or its equivalent, there is not the slightest doubt; but the cost of the redemption process, in my judgment, will be great. It will cost at least 1 per cent, I think, on the entire circulation, annually, and probably more than that, if the redemption is made effective in controlling the volume of notes. I have told you of the tax in other countries, or freedom from tax, and the competition we would have to meet in that. The trouble is not in the details of our system, gentlemen, but in the system itself. Each independent bank looks out solely for itself and never for the general good. In troublous times it builds up its own reserve at the expense of its neighbors. In all times it issues or retires its circulation without any other thought but that of profit or loss to itself. The experience of the world ought to be of some value to us, and that all points to a central reserve bank as the sole note-issuing bank, with the reserves of all other banks either held in their own vaults or massed in the central institution. I have said that there ought to be but one note-issuing power. I agree with the gentleman from Mississippi in that proposition, that there should be but one note-issuing power, but I will ask him to go back over every Democratic platform that has been made from the beginning of the country down to the time that he came to Congress and see if they do not show that the Democratic party

has invariably declared that all the banking business of the country should be absolutely disassociated from the Treasury Department, and you can not have that if it is engaged in issuing notes.

Mr. WILLIAMS. Does the gentleman want me to answer that?

Mr. HILL of Connecticut. I do; I ask him to go back to his own party platforms and see if that is not so.

Mr. WILLIAMS. Undoubtedly, Mr. Chairman, the Democratic position would be to divorce the Government from the banking business and the banks from the Government business, but we are confronted with a condition of things that we can not revolutionize. I agree with the gentleman that a bond-secured currency is in itself vicious, and if we could revolutionize it all, and originate a new system, I certainly should not subscribe to a bond-secured currency, if for no other reason than this, that it prevents a country from paying its debts.

Mr. HILL of Connecticut. That is right. [Applause.]

Mr. WILLIAMS. But I am not in that condition. I am dealing with the actual situation. I am trying to amend a bad and vicious Republican banking system, and in doing that I have offered these suggestions. [Applause on the Democratic side.]

Mr. HILL of Connecticut. Now, Mr. Chairman, I will illustrate what I mean as to the necessity of having but one note-issuing power. I look around on this floor and I see bank presidents and bank directors, and I am going to propose a question: Did any of you gentlemen, in your connection with the banking system of the United States, when you proposed to issue some notes, or to withdraw them, ever take into consideration the general good, or did you do it merely with reference to the profit or loss of your own bank? Let somebody stand up and show me a patriot who has done it for the general good. [Laughter.] I say, as a bank officer of a number of years' experience, that it never entered into my thought to do it. I always felt that I should be derelict in my duty to our stockholders if I did not consider first the question of profit and loss to our own bank. And you can not get 6,500 independent banks in this country to act in harmony with reference to note issues or with reference to withdrawals, except on the question of profit and loss.

We may as well face that proposition. Now, at the risk of wearying you, I am going to give you the kind of bank that would do it. I do not want to impose on your patience.

Several MEMBERS. Go ahead.

Mr. HILL of Connecticut. A few days ago I clipped from the Wall Street Journal—a paper that belies its name, for it is one of the ablest financial papers in the country—this editorial:

THE IDEAL CENTRAL BANK.

While a central bank of issue and reserve would strengthen the financial position of the United States, care should be taken to prevent such an institution from falling under the control either of political influences or of one or the other of the great groups of capital.

You know what that means. It means the Standard Oil Company on one side, Morgan, etc., on the other, the alignment of rival financial institutions in New York City.

Such a bank ought not to be the instrument of destroying the independence of the 6,000 national banks of the country, or of promoting this or that business interest to the exclusion or hurt of some other interest, nor should it become any agency of partisan politics.

That refers to the old times when Members of Congress and other politicians of high degrees thought that the United States bank ought to loan them money without interest and without collateral. [Laughter.] The people said this ought not to be, and I agree to that proposition.

The ideal is that of a bank of banks, so organized that the banks of every section of the country would be adequately represented in its management, owned by private capital, and yet the Government represented, not to the extent of giving it control, but to the extent of preventing the institution from ever being used to the public wrong.

Now, I think you will all concede that if a bank could be organized on that basis, it would be all right, whether it was central or not. I propose to organize a bank on that basis right now. See if I can do it. The thought came to me in this way: In looking over the statements which we receive every day of the condition of the Treasury, I have noticed for a great many years that from $25,000,000 to $30,000,000 has been lying there idle, belonging to the national banks. It is the 5 per cent redemption fund. The banks get absolutely no profit from it whatever. It is counted as a part of their reserve, and that is all. I said, why can we not utilize that for the capital of a central reserve bank? I have started on that proposition. The capital to be secured by a contribution of 5 per cent of the capital of the national banks. I do not think we could compel them to do it under their existing charters, but as the charters mature and lapse from time to time—and they are maturing all the time—we could make that a condition of their renewal, that they should take 5 per cent of their stock in the capital stock of a central reserve bank, as we now require them to buy a certain amount of Government bonds. Then what? Why, I would take in our State banks. There is no reason to-day, and nobody can give one except selfishness, why the national banks should have the right of note issue now and the State banks should not. [Applause on the Democratic side.]

Oh, but you say they are examined. There is no trouble about that. So are the State banks examined. I will come to that in a moment. I would give the State banks the equal option of taking 5 per cent of their capital stock in the stock of the central reserve bank, and so sharing equally or proportionately in the profits of the note circulation. That would give us a capital of $70,000,000. That stock should not be transferable nor assignable. In case of the failure of the bank the money should be refunded and the capital of the central bank reduced proportionately.

The next thing would be to provide for the immediate optional transfer of the circulation from all of the national banks over to the central reserve bank, and all that would be required would be to pay the premium on the bonds. The bonds would be transferred and with it would go the liability for the note issue. There would be no trouble about it, and you could make it compulsory on the expiration of the charters and make it optional now, and then the State banks would come in and share equally in the profits of the circulation. I would stop the payment of the interest of the reserves, and I heartily agree with the gentleman from Mississippi [Mr. WILLIAMS] in that proposition to stop the payment of the interest on the reserve and require that so much of the bank's reserve as it kept outside of its own vaults should be kept in the central reserve national banks or in some one of the branches which I would have for each subtreasury city.

Napoleon Bonaparte always made it an axiom in military operations that the general who could bring the greatest amount of artillery to bear on any one given point at any one time, was sure of winning the battle, and I say that the weakest feature of our banking system is found in the distribution and peddling out of the reserve money of the United States upon which is based all of our credit, and its distribution among a large number of $25,000 banks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Connecticut. Mr. Chairman, I would like five or ten minutes more.

Mr. SHERMAN. I would gladly yield to the gentleman five or ten minutes.

Mr. HILL of Connecticut. I would stop the payment of the interest on the reserves and require that so much of the bank's reserve as it kept outside of its own vaults should be kept in the central reserve national bank. I would provide that the central reserve bank should be a financial agent of the General Government, as the Bank of England and the Bank of France are in their respective countries, and that it should be the sole depositary of the public money outside of the Treasury, and that it should perform all reasonable duties as such agent free of charge to the General Government; that it should transact no commercial business whatever in competition with the existing banks except through duly organized national and State banks, trust companies, and savings banks, which are under either State or national inspection, with the right to supplement that inspection by an inspection of its own; and always having the indorsement of these institutions or proper collaterals for loans and discounts made to them, and with a limit of ninety-day paper. That is the German system—gold reserve and the balance of the notes covered by commercial paper.

I would relieve the Treasury of the burden of bank note redemption by providing that all notes should be redeemed in gold or its equivalent in legal tender, at the central bank in Washington, and be legal tender to the central reserve bank and to all of its branches, and then give the central reserve bank the right of unlimited issue of notes, as the Bank of France practically has, for it has never reached its limit. Unlimited? Ah, but only as supplementary to the amount of the present bond-secured circulation, which would not be disturbed except as the Government bonds were paid off; such new issues to be free of tax, but to be based on the maintenance of not less than 33⅓ per cent of the issue, in gold in its own vaults, and the balance fully covered by commercial paper of the character which I have already described. We should then have a central reserve bank with seventy millions of capital, and seven hundred millions of deposits. I am speaking on the basis of to-day's figures. Seventy millions of capital and seven hundred millions of deposits and seven hundred millions of bond-secured note circulation—the largest, strongest, most concen-

trated banking power in the world—outrivaling any other institution in the world.

Ah, but you say people would be afraid of it. Why? It is not because of the power. It was not because of the power of the United States Bank in Jackson's time that its charter was repealed. It was because of the way that power was used. How would I meet that criticism? With an absolutely concentrated banking power, I would absolutely diffuse the control of that power equally among the States of this Union. How? By diffusing or distributing the control of that power equally among the States based on the principle of the present equal representation of States in the United States Senate. First, by a governing board chosen by the stockholders of State and national banks, the banks of each State electing one member, without the interference of any other State, such governing board to include the Secretary of the Treasury, the Treasurer of the United States, and the Comptroller of the Currency as additional ex officio members. This board should meet at least once each month, each of its members receiving, say, $1,200 per annum and necessary traveling expenses.

Now, understand me, the contributing banks of each State, State and national, would meet just as the stockholders of the banks are meeting this month throughout the United States generally and elect a director or member of the governing board, New York to have no voice in choosing Mississippi's member and Mississippi to have nothing to say about New York's member of the governing board. Each bank to vote according to the amount of stock it owns, each State electing its own director. Oh, but said a gentleman from New York, whom I met the other day, "Do you think that would be fair, that a great State like New York, with its enormous banking capital, should have no more control in this institution than the little State of Connecticut?" I said, "Yes; I think it would be perfectly fair. You are meeting now to elect your directors in New York. Do you know of a bank where its directors all own an equal amount of stock?" I do not; and I don't know why it is not just as good a principle in a central reserve bank, putting the States on an equal footing. We trust every franchise, every privilege we have, every privilege of liberty and freedom we have to-day to the veto power of that body over there, the United States Senate. Why should we not be willing to trust the control of a financial system to a governing board chosen equally from each State in the Union? And when that is done, where is there any place where politics could touch it? It is a commercial institution from start to finish, purely a commercial proposition from beginning to end.

Mr. STANLEY. Will the gentleman answer me a question?

Mr. HILL of Connecticut. Yes.

Mr. STANLEY. In the event that a political question should arise in which the bankers as a class were on the one side and the people as a class were on the other, would not politics touch it then?

Mr. HILL of Connecticut. I do not see how. You have a director from each State in the Union, chosen by the banks in the State, State and national. They are chosen every year. There is no place where politics could touch it.

Mr. STANLEY. Would not these directors all be bankers?

Mr. HILL of Connecticut. Possibly, but not necessarily so.

Mr. SHERLEY. Will the gentleman yield?

Mr. HILL of Connecticut. In a moment. Second, from this governing board of forty-nine men should be chosen a board of fifteen directors, from an equal number of geographical districts, or equal geographical districts, the fifteen chosen out of the forty-nine, who during their term of office should reside in Washington and meet daily. They should each receive a compensation of not less than $10,000 per year. Third, monthly reports should be made to the governing board by directors and full detailed reports of the bank's condition and changes in its rates of discount published weekly.

Gentlemen, I believe with such an organization of such an institution that the bank discount rate of the United States can become practically not in excess of 4 per cent as against the 2½ per cent rate of the Bank of France throughout the Republic of France.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. HILL of Connecticut. Yes.

Mr. SHERLEY. If I understand the gentleman, this bank is not to discount commercial paper except as it is offered by the savings banks, commercial banks, and trust companies.

Mr. HILL of Connecticut. Yes; rediscounts.

Mr. SHERLEY. Might not there be a tremendous pressure for preference that could be given by a central bank in regard to the rediscounts of the banks in the various sections of the country?

Mr. HILL of Connecticut. In the demand for the use of the money, you mean?

Mr. SHERLEY. Unquestionably.

Mr. HILL of Connecticut. Undoubtedly that is a fair suggestion. I will offset it by this one. In a discussion with a distinguished ex-Secretary of the Treasury the other night on the same question he took the directly opposite ground, that there would not be business enough to justify the establishment of the bank. The gentleman thinks trouble would arise on account of the eagerness to get the funds of the central bank, and the other gentleman took the position that they would have difficulty in loaning the funds.

Mr. SHERLEY. If the gentleman will permit, unless there were these discounts by the central bank it would not live very long as a profitable institution. Of course the gentleman knows that.

Mr. HILL of Connecticut. I will call the gentleman's attention to the fact that an organization such as I have proposed calls for no additional bank capital, or rather loanable capital, and consequently no increase or decrease in the demand for discounts which now exists, except as such demand may naturally increase by increase of business and consequent increase of circulation in the future.

Mr. SHERLEY. But the gentleman also knows the only possible way in which the central bank would have any profit aside from its circulation would be through its discounts. Now, that being true, for that bank to continue there must be large discounts through these other banks. That being true, a political pressure might come in the way of having special favors for certain banks, State or national, or trust companies——

Mr. HILL of Connecticut. I do not see how it is possible for political influence to touch this institution anywhere. I can say this——

Mr. COCKRAN rose.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from New York?

Mr. HILL of Connecticut. Certainly.

Mr. COCKRAN. Mr. Chairman, in the spirit of the utmost friendliness to the gentleman's argument, I would like to ask this question to make plain his meaning to some of us over here. This bank which he proposes, I understand——

Mr. HILL of Connecticut. I do not propose, I simply suggest; I have introduced no bill.

Mr. COCKRAN. This bank which the gentleman suggests would start fundamentally with a capital to be contributed by the banks of the country.

Mr. HILL of Connecticut. Yes.

Mr. COCKRAN. Then when it came to exercising ownership over this property, instead of having it controlled by a proportionate ownership of all the contributors he would have it exercised according to geographical distribution, as I understand it.

Mr. HILL of Connecticut. No; my proposition is to have an equal representation on the governing board from each State in the Union and they choose from among themselves the fifteen who——

Mr. COCKRAN. Then he would not have the property, which, after all, constitutes this bank, managed by the owners in proportion to the degree of their ownership, but according to their geographical residence?

Mr. HILL of Connecticut. I would have the fifteen chosen by geographical location. I think there is no more reason for requiring equal ownership by the banks of each State in an institution of this kind than there would be in insisting that the directors of a national bank in the city of New York should be equal owners in the bank which they control and administer now. Mr. Chairman, do not put that gavel down yet. I want to say to you that such an institution located here in Washington, with a board of directors from every State in the Union, familiar with and recognizing the wants and necessities of every State in the Union, would bring the vast resources of the United States to bear on the movement of the cotton crop in Texas, to meet now the unfortunate difficulties of the tobacco growers in Kentucky, and supply the manufacturers of New England and the Central West with funds at a low rate of interest when the crops were not being moved. They could bring the vast resources of the United States to bear as they might see the necessity for them in any particular spot.

Now, gentlemen, do not make any mistake about this matter. I have not proposed any bill; I do not intend to. I stand here asking that this Congress shall apoint a commission to consider this question and to report at the next session of Congress. We do not need any more money this year. [Applause.] We have to-day to meet and conquer the troubles which are upon us as the result of our own actions in the past. We can

not go on exercising our own sweet will and stretch our credit to the last degree and not expect to pay the penalty.

I want to tell them a story, Mr. Chairman. [Laughter.]

Up in the State of Maine there was a Quaker farmer who had a rich neighbor, and his rich neighbor always worked his men on the Sabbath day. One day one of the men who worked for the Quaker said to him: "I do not see that your ideas of probity, of honesty, and observance of the Lord's day help you any. That man is prospering far better than you are." The Quaker turned to the man and said: "My son, the Almighty does not always pay off Saturday night—but he always pays." [Laughter.] Now, we can not go on stretching our credit, ignoring rascality in high places, ignoring thieves and scoundrels anywhere [applause] and expect that the Lord will bless us in every way. He always pays. [Loud applause.]

Mr. SHERMAN. Mr. Chairman, in addition to the hour and ten minutes how much time did the gentleman from Connecticut [Mr. HILL] occupy?

The CHAIRMAN. The gentleman from Connecticut occupied one hour and seventeen minutes.

Mr. SHERMAN. Then, Mr. Chairman, I have it figured that my friend from Texas [Mr. STEPHENS] has occupied four hours and forty-seven minutes, and that on this side we have occupied four hours and nine minutes. Is that correct?

The CHAIRMAN. That is correct.

Mr. SHERMAN. Very well, then. We know where we are at. I yield to the gentleman from Colorado [Mr. BONYNGE] fifteen minutes. [Applause.]

Mr. BONYNGE. Mr. Chairman, I feel that the members of this committee are indebted to the gentleman from Mississippi [Mr. WILLIAMS] for having precipitated a debate that has led to the very able, exhaustive, and instructive speech that we have just listened to, delivered by the gentleman from Connecticut [Mr. HILL]. [Applause.]

It is with considerable hesitancy, Mr. Chairman, after listening to a speech of that character that I claim the attention of the Members of the House even for a few moments while I endeavor to direct their thoughts back to the questions that in the first instance led to this general debate. They were in their nature, Mr. Chairman, political and not economical. Yesterday afternoon the distinguished and veteran statesman from the State of Iowa [Mr. HEPBURN] called attention to the remarkable versatility displayed by our Democratic friends in the equal applause with which they greeted the ridicule and condemnation by the gentleman from Ohio [Mr. SHERWOOD] of the President's message and of the President's course and the almost unstinted approval with which his course and his recent message were commended by the distinguished orator from the State of New York [Mr. COCKRAN].

This morning, after our Democratic friends have had a good night's rest and an opportunity to recover somewhat their equilibrium, and get over the effects of the exhiliration that they experienced when they listened to the eloquence of the gentleman from New York, the leader on the Democratic side [Mr. WILLIAMS] attempts to reconcile the differences between the gentleman from Ohio [Mr. SHERWOOD] and the gentleman from New York [Mr. COCKRAN.]

I have taken the floor at this time, Mr. Chairman, for a few moments, and I think they will be ample for my purpose to demonstrate, not by what I shall say myself, but from Democratic authority, the absolute insincerity and hypocrisy of the Democratic party, as an organization, in its present attitude toward the President of the United States. I want to quote, Mr. Chairman, from a book issued by Democratic authority.

During the last Congressional campaign, when the President of the United States, in a letter to Congressman Watson, called upon the people of the United States to elect a Republican majority in the Sixtieth Congress in order that the policies of the Republican party, inaugurated under the Administrations of William McKinley and Theodore Roosevelt, might be carried to a conclusion, the Democratic party, in common with the Republican party, issued what was known as a campaign text-book. The Democratic campaign text-book was intended as the source from which Democratic orators should draw their inspiration for the speeches that they should make during the campaign in the effort to secure Democratic support at the polls. In that document, that was issued by the Democratic Congressional committee, known as the Democratic Campaign Text-book, at page 136, appears an article headed "Some of President Roosevelt's inconsistencies—Matters affecting the President." Quotations are given from various works of the President, and after those quotations we find this expression (referring to President Roosevelt):

Even when he tells the truth, he does so in order to disguise an evil purpose or to justify by precedent a wicked policy.

How does that accord, Mr. Chairman, with the utterances that we now hear from our Democratic friends in commendation of the course of the President? Let me read a little further:

Surely—

Says this Democratic campaign text-book—

no one who values sincerity will be influenced by the utterances of Mr. Roosevelt.

And I am going to read a list of the charges which, if I did not give you the authority from which I take them, you might suppose were taken from some of the so-called "subsidized press"

The President—

Says the Democratic campaign text-book—

favors certain railroads and accepts gifts from them, violates the interstate commerce law, demands and receives money for junketing expenses, authorizes deposits of public money in favorite banks without interest, and diverts funds appropriated for one purpose to another, appropriates public money to pay for a literary bureau to boom his policies.

And a little further on we find this—

Mr. Roosevelt has shown a greater regard for the interests of—

Whom—of the people? When the Democratic party was in a political campaign is that what they said? Oh, no; Mr. Chairman, what they then said was:

Mr. Roosevelt has shown a greater regard for the interests of corporations and less regard for the law than any other Executive the country has ever had.

Now, Mr. Chairman, in view of these utterances and many others that I might quote that have come from Democratic sources from time to time, is it any wonder that we should have raised in our minds the query whether or not the Democratic party is not seeking to prove the truth of the old maxim that "hypocrisy is the homage that vice pays to virtue?" I submit to you, Mr. Chairman, that these utterances made by the Democrats at this time are made solely for political purposes, and the whole conduct of the Democratic party shows that that is its only object. It is hypocrisy pure and simple, It is not uncommon, and has not been in the past, for the Democratic party to indorse Republican Administrations when those Administrations have been concluded and their policies carried into effect. They usually indorse Republican policies after the Republican party has successfully enacted them into law. Many of you no doubt, as I have, have heard Democrats who boast in this day that they are "Lincoln Democrats."

How often have we heard Democrats upon the floor of this House and elsewhere extol the virtues of Abraham Lincoln, of Ulysses S. Grant, James G. Blaine, James A. Garfield, and William McKinley? Ordinarily our Democratic friends have at least shown the discretion to withhold their commendations and encomiums of the virtues of Republican statesmen and Republican Administrations until the statesmen have passed to the great beyond and the Administrations have been written into history. This time, however, they are catching up with the procession and are indorsing, while the Administration is still in power and while the statesman still lives, the Administration and the virtues of a living Republican.

Mr. OLLIE M. JAMES. Will the gentleman allow me to ask him a question?

Mr. BONYNGE. Certainly.

Mr. OLLIE M. JAMES. Do you mean by the argument that you have now presented, relative to our lauding the statesmen who have died, that we should wait until Roosevelt is dead before we say anything about him? [Laughter on the Democratic side.]

Mr. BONYNGE. If you desire to be consistent and to follow the course that you have always heretofore followed, you would certainly do so. Now, let me call your attention to the fact that even when you indorse the present Administration you are always very careful to couple such indorsement, as was done yesterday, with the statement, for fear that it might be used against you in the future, that the President has placed himself, by his own statement, beyond the possibility of accepting a renomination. I think the gentleman from New York [Mr. COCKRAN] said yesterday that the President could not again become a candidate "without perfidy and dishonor to himself."

Our Democratic friends seem also to be disturbed over the fact that we have so many statesmen in the Republican ranks of Presidential caliber and fitted to occupy the Presidential office. They taunt us because we have not yet selected our candidate for President. It is true, Mr. Chairman, that we have not the same paucity of material in the Republican party for a Presidential candidate that the other side of the House are suffering under. [Laughter and applause on the Republican side.]

But, Mr. Chairman, whether the standard bearer of the Re-

publican party in the next Presidential campaign shall be Secretary Taft or Governor Hughes, Vice-President FAIRBANKS or Senator KNOX, or that stalwart of the stalwarts, whose thirty-four years of experience upon this floor has fitted him for the highest office in the gift of the American people, Hon. JOSEPH G. CANNON [loud applause on the Republican side], it matters not. Under the banner of either of these leaders whom I have mentioned or any other who may be selected by the next national Republican convention, the Republican party will march on to victory at the polls next November and will continue to do what the gentleman from Michigan [Mr. TOWNSEND] demonstrated yesterday it has done in the past, write the statutes upon the statute books that will put into effect the policies of the Republican party. [Loud applause on the Republican side.]

Mr. COCKRAN. Will the gentleman allow me a question?

Mr. BONYNGE. Yes.

Mr. COCKRAN. The gentleman referred to me. I did not wish to interrupt the flow of his eloquence——

Mr. BONYNGE. I am sorry the gentleman did not. It would have added very much, I am sure, to my remarks if he had done so.

Mr. COCKRAN. No; I thought it would be better to give an addition to it rather than an interruption, and that is the reason I ask my question now. I ask the gentleman where he heard anything on this side from anyone, indorsing this Administration, as distinguished from a single message? [Applause on the Democratic side.]

Mr. BONYNGE. I realize, as I said a moment ago, that after our Democratic friends had had a night's rest and a chance to sober down they would desire to amend their speeches of yesterday.

Mr. COCKRAN. I ask the gentleman where he heard anything yesterday to justify his statement?

Mr. BONYNGE. It is in the RECORD, and the gentleman can read it just as well as I can.

Mr. SHERLEY. Does the gentleman mean to intimate that we on this side can only find anything to commend in the President's utterances by taking them on the spur of the moment and without sober reflection?

Mr. BONYNGE. Not at all.

Mr. SHERLEY. Does the gentleman mean to intimate that anybody who soberly reflects can not commend the President?

Mr. BONYNGE. Not at all. What I said was that after you had had a chance to sober down, you would desire to amend the commendations that your side of the House yesterday bestowed upon the President.

Mr. SHERLEY. Let me ask the gentleman to answer one question frankly. Will he say to this House that there is not as much division on his own side in regard to the President's message and in regard to his policies as there is on our side—now, honestly?

Mr. BONYNGE. I have no hesitancy in saying that there never has been on this side of the House anything like the disagreement and the inability to agree upon any policy that there has been on your side. [Applause on the Republican side.]

Mr. SHERLEY. Answer the question.

Mr. BONYNGE. I am delighted that that disagreement exists——

Mr. SHERLEY. Answer the question, though.

Mr. BONYNGE. I am delighted that upon the Democratic side there is so much difference of opinion. I am glad that you are coming out to my city to hold your national convention next summer. We expect to entertain you for six months, if you are going to carry out Mr. Williams's programme and in that way to recoup ourselves on the $100,000 we have contributed to defray your expenses. [Laughter.]

Mr. SHERLEY. Will the gentleman now answer the question?

Mr. BONYNGE. I submit, Mr. Chairman, that I have already answered it; that there never has been and is not now the disagreement on this side of the House, either as to the policies outlined by the President or any other policies, that there is upon the Democratic side.

Mr. SHERLEY. My answer to the gentleman is that his public statement does not accord with the private remarks of gentlemen on that side.

Mr. SHERMAN rose and was recognized by the Chair.

Mr. HENRY of Texas. I want to ask the gentleman from Colorado one question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. SHERMAN. No, Mr. Chairman; I do not. I desire to yield to the gentleman from Minnesota [Mr. NYE] thirty minutes.

Mr. NYE. Mr. Chairman, I believe that an indorsement of the spirit and pith of President Roosevelt's message is an indorsement of his Administration and of the Administration of the Republican party. [Applause on the Republican side.]

I have not risen to indulge in any partisan spirit of debate. I am concerned as a citizen and as a Republican as to the carrying out and the execution of the spirit and principles so emphatically, and to my mind so patriotically, expressed in this message.

Mr. Chairman, I believe that the thought of the American people is, more than it ever was before, directed to a study of the ethical foundations of government. As we study the procession of events that pass before us and attempt to comprehend their significance, as we attempt to understand in a measure the forces that are at work in our national life, we are inevitably driven to a recognition of the fact that the foundation of all that is good and enduring is moral rather than material. The criticisms, it would seem, upon the President and his Administration, I regret to say, come largely from business interests, from men whose brain and genius and ability have contributed mightily to the development of this country, but I want to offer a suggestion or two here concerning the matter of business interests in this country.

I am not a business man, but I apprehend that in spite of all the evils that exist there are sound, wholesome, and healthy business interests in this country, and that that sound and wholesome business interest rests on the honor and integrity of the American people and its representatives. [Applause.] Emerson, that great modern Plato, once said "The world is upheld by the veracity of good men; they make the earth wholesome." By this I have no doubt he meant the business world, the social world, the industrial world, for it all rests in the last analysis upon national and individual character and honesty. [Applause.]

Never before, sir, in the history of this Republic has a greater question arisen than this to-day, and, for my part I am glad to see evidences that there are men on both sides of this House that rise above party and proclaim their allegiance to the principles of any leader who believes that the moral forces of this Republic are mightier than the mere forces of money and the money-making power. [Applause.]

It is strange to me that in all the learned discussions upon finance no one has recurred to the deeply written law of the universe, the law of intrinsic value and worth. Why, the measure of value of everything must be according to its real worth, what it earns. Money is worth what it earns. Bonds are worth what they earn. Stocks are worth what they earn. All property is worth what it earns, and I might go a step further and say, Mr. Chairman, that man himself is worth what he earns.

In the industrial world, in the social world, in the great financial world, in the world of business activity, the great primary law is that men are worth what they earn, just as property is. I apprehend, sir, that when the greatest Teacher who ever trod this earth said that "the laborer is worthy of his hire," He announced a law which rightly interpreted means that every honest and well-directed effort of hand or brain has an intrinsic worth which should receive in the great equitable and moral markets of the world its just due. The laborer is worth what he earns, and the dollar is worth what it will bring in the legitimate and healthy currents of trade and investment, and stocks and bonds the same.

But it is the history of frail human nature, it seems to me, to be constantly violating this law, and the great panic which one gentleman on the other side said some weeks ago was due to President Roosevelt, and which is attributed to one cause and to another, that panic, to my mind, finds its cause primarily in the violation of that moral law and precept; in other words, the panic is a financial debauch rather than the use and exercise of the nation's wealth in the legitimate and healthy channels of commerce, or trade, or investment. I am here to say to you and to the nation that I believe in spirit, in purpose, and in motive the Administration of the President of the United States has been a righteous rebuke to all this profligacy of the financial and business world. [Applause.]

The substance of the country was diverted. The healthy blood of the nation congested in schemes of feverish speculation and gambling, and it was the result of the departure from the great moral rules of health that the President of the United States has constantly warned the country and the people against. In spite of the faults he may have—and he has them, as we all have—I regard it as providential that the last six years of the history of this country has placed its national leadership in the hands of a man who has constantly brought home to the American people the necessity of honesty in business and honesty in politics. [Applause.] It is undoubtedly true

that an administrative policy which reveals disease in the body politic and which discloses evils in the business world must have some tendency to disturb existing conditions. But he is a poor student, it seems to me, of human history who does not see that everywhere every forward step in wholesome reform from the dawn of civilization has been accompanied by disturbance of existing conditions.

It was because mankind lagged in the march of true progress and because they became indifferent to the primary law that rests underneath all business, all industry, and all progress that it of necessity does disturb what is called business.

Every reformer who went down in his day, obscure and persecuted and perhaps crucified, has lived for good in the generations following, because he advanced in the march and did disturb the evils of his day. Paul disturbed the sinking civilization of his day. He disturbed in a measure the business men who wrought in metals and the men who constructed the silver shrines that were to be used in the worship at the temple of Diana, the goddess. These men said, "This is a pestilent fellow, and he is injuring our craft." I speak to-day for the thousands of honest business men, as well as the honest toiling men of this country, and I ask you leaders of this House if you are willing to flinch from the doctrine of this message of the President of the United States? [Applause.] I am not.

Several weeks ago when the committee was engaged in general debate a gentleman, I think from Georgia [Mr. HARDWICK], read some extracts from speeches of some of the eloquent Republican gentlemen in 1904, commendatory of the Administration and policies of Mr. Roosevelt. And I take it from the general course of his remarks that he was somewhat curious to know what we were going to say next campaign. I am not authorized to answer for this great party in which I was born and in which I have worked during my life, but I can answer for myself. I shall stand, if I live in 1908, on the same principles and advocate the same doctrine that I did in 1904. [Applause on the Republican side.]

And I tell you, Mr. Chairman, that this great American people will not be deceived. If the issue and the real issue of 1908 is the merit or demerit of this Administration—if that is the issue—if personality and passion and prejudice shall be laid aside and this great party of liberty and Lincoln shall go to victory or defeat according as the American people shall approve or disapprove of this Administration, then I say it needs no prophet to read the verdict of next November. [Applause on the Republican side.] But whatever that verdict or whatever the verdict of any single election, there will be a general verdict of the future and it will place the leader of this day in my judgment among the foremost builders of that which is best and truest and noblest in our American life. [Applause on the Republican side.]

At the center and as the soul of this message and other messages which have come from the President of the United States is the thought which is uppermost in the advanced thinking minds of to-day, and that is the unity of human society, the unity of this nation. He used the expression in his message at the opening of Congress, "This nation must go up or down together." So delicate and so sensitive is the vast system of business, of commerce, of trade, and of industry that no permanent injury can occur to one part of it without a permanent injury to all.

The real prosperity, gentlemen, of one is the real prosperity of all. The real prosperity of the business man is the prosperity of the workingman, and the merchant, and the professional man. We are to-day to counsel together for general good. In other words, whether we would or not, we are our brother's keeper. The thought that is uppermost in this day and age of the world—call it sentimental, or call it what you will—is the brotherhood of man. We are one. Nature and civilization, industry, commerce, everything to-day teaches that our interests are one and that our destiny is one. We must suffer and rejoice together, and that is the spirit of this message. It is an easy thing for men to find fault. I was much touched by one strain of eloquence in the speech of the gentleman from New York [Mr. COCKRAN] yesterday when he referred to the reformer, or the crusader. Alas, but few of us have got the stuff of the crusader. Legislation is too much talk. Too few men there are willing to remove the beam from their own eye in order that they may see clearly to remove the mote that is in their brother's eye. The fact is that the great criticism upon this mighty, patriotic, advancing, and leading people of the world is its love of money.

Human nature seems not to have changed since the days of the great, wise man, and the love of money is still the root of all evil, and the disease is not always local. It has a local manifestation, perhaps. It may break out in great commercial centers, but the love of money, too prevalent generally in our day, seems to be the root of the evil. We are studying the great lesson of the pursuit of happiness. Life, liberty, and the pursuit of happiness, spoken of in the Declaration of Independence, had a sort of history in the nation itself. First, life—a nation born, born out of revolution. Second, liberty; we came out of the great struggle and agony of 1861–1865 and emerged purer and became what we had boasted of being, but what we were not, the land of the free and the home of the brave. And when that was done, when we emerged from the thick darkness of that terrible distress for which we as a nation were responsible, then we began to study the third great principle, the pursuit of happiness.

Thank God, there are thinking and advanced men of to-day who can see that the pursuit of happiness is not synonymous with the pursuit of wealth. Wealth is but incidental to this other pursuit. We are beginning to learn that the pursuit of happiness recognizes side by side with us our neighbor as ourself. [Applause.] In the spirit of this message to-day, in spite of the feeling which possibly might have promoted it, of the exasperating circumstances which may have provoked it, I read at the heart of it the mighty words:

Whatsoever ye would that men should do unto you, do ye even so unto them.

[Applause.]

That is the spirit of it, and it seems providential that our leader—and, I thank God, the leader of my own party—has stood forth in this bright morning of the twentieth century to proclaim and voice this spirit of brotherhood of mankind and the unity of all real and enduring interests. [Applause.] The wise men of to-day will follow this light, as did the wise men of the East the star till it stood over the cradle of the infant Christ.

Mr. Roosevelt stands for the conservation of our great national resources from the spoliation and plunder of avaricious and unscrupulous men; for the reclamation of the barren lands within our great domain; for the permanent improvement of our great waterways under a comprehensive system which shall benefit all parts of our land and arm the commerce of the country with a power commensurate with the nation's productive capacity.

He stands for the Panama Canal, which opens an ocean highway to all the world, and he is large enough to see that the healthy development of railway transportation is included in this system of improvement. His plan and policy carried out will cause the streams of national wealth to flow abundantly and normally from all the springs of our mighty resources.

But he stands for more than our material development. When the great coal strike menaced the country with a fuel famine and thousands of toilers in ceaseless night plead for justice at the hands of the mine owners, by a courageous and humane innovation upon former precedent he established a plan of arbitration which relieved the country and averted untold suffering and distress.

At the right moment he took the initiative in the establishment of peace between Russia and Japan, and did more than any other force to bring to an end that cruel and selfish war. And to-day he is doing more than any living sovereign to establish a permanent court at The Hague for the establishment of the world's peace. He is a living prophecy of the day when men shall learn war no more.

Can these things be forgotten in moments of ill temper, and shall we shrink from the application of these principles because it hurts wrongdoers? Never! Let the good work go on, and let us follow a leader who would build the temple of our industrial liberty upon the rock of righteousness and justice.

I say again, let the verdict of 1908, Mr. Chairman, be what it may, there will be a verdict of the future. That verdict will be written by an impartial and nonpartisan historian. Posterity will read it after the faults of Theodore Roosevelt are forgotten, as are the faults of the mighty Washington, of the rugged and heroic Jackson, and of the immortal Lincoln, and I believe that verdict will place this man, for clearness of perception, for fidelity to duty, courage of conviction, for a wise comprehension of public affairs and of his time, among the most illustrious and patriotic leaders our beloved country has ever had. [Prolonged applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield twenty minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, we have heard this afternoon some able speeches upon the financial questions of our country, and along the line of the gentleman from Iowa, who has just taken his seat, I desire to offer a few remarks upon the question of the fundamental principles of our Government and the question of the brotherhood of man.

Six thousand years ago the sun of civilization dawned upon the banks of the Nile in Egypt and on the plains of old Chaldea. Since then nations have risen, flourished, and decayed. The storms of time have beaten upon them and they have fallen, because they were not built upon the rocks. Along the shore of the centuries is the wreckage of Babylon, Thebes, Jerusalem, Carthage, Greece, and Rome. In the olden days humanity was divided into two classes—those who ruled and those who served. From time immemorial there have been kings among men. There was an idea that kings ruled by divine right; that it was the function of some men to rule over their brothers, and the mission of others to bow down to those kings. But bye and bye a feeling of human equality began to creep over the hearts of men, and we may see the footprints of Democracy as he has marched through the ages. The magnificent fabric of the feudal system which characterized the Middle Ages crumbled before his increasing breath. Out yonder at Runnymede, a green stretch of meadow along the Thames, six centuries and three days before the fall of the great Napoleon at Waterloo, our English fathers wrested from King John the Magna Charta, the foundation and bulwark of our English liberties. According to this great document, justice could no longer be sold, denied, or delayed; the rights of life, liberty, and property were recognized and specifically secured; no one was to be condemned on rumors, but by the testimony only of witnesses; fines were to be proportionate to the offense; the poorest rustic was not to be deprived of his property arbitrarily, and the property owner was given the right to bequeath the earnings of his toil to his widow and children.

Yonder at Sempach, a small town in Switzerland on the shore of the beautiful lake by the same name, is a band of Austrians, under the command of Duke Leopold. A little band of freedom-loving Swiss, numbering less than half the force of the Austrians, is combating for their rights. Not an Austrian has fallen. Arnold von Winkelried, a knight of Unterwalden, seized with the noble inspiration of freedom, rushes forward, grasps with outstretched hands as many Austrian pikes as he can reach, buries them in his bosom, and bears them to the earth. His companions rush over his body into the breach, slaughter the armor-encumbered Austrian knights, win the battle, and establish the independence of the Swiss.

For fifteen centuries the common man had no rights in France. There in the dark dungeons of Paris, knee deep in the filth and ooze of those unmentionable holes, with their necks in iron bands, eating the mouldy crusts of bread that have been flung to them in scorn, stand some Frenchmen, condemned to that foul imprisonment because they have dared shoot a hare belonging to the King. But look! What is that smoke that is curling over France? What is that rumbling heard in the heart of the nation? It is the awful volcano of the people's wrath; it is the unspeakable French Revolution. But this Revolution taught France, and Europe, and the world the value of a man, and pointed out the swift oncoming of universal democracy. [Applause on the Democratic side.]

Three centuries ago Democracy leaped the Atlantic and pitched his tents in these wild, western wastes of ours. Nobler blood has never stirred in the veins of mankind than that which pulsated through the veins and arteries of our American ancestors, the men who settled Jamestown and the Pilgrims who founded Plymouth. With the fear of God in their hearts, and without, every known danger of untried seas, sickly climate, savage treachery, and family hardship, they carved out the greatest Government that the sun has ever shone upon. In the undying words of our Declaration of Independence, the corner stone of American democracy, written by one of the greatest Democrats of world-wide history, Thomas Jefferson, is this fundamental principle of democracy that has been marching so swiftly through the centuries:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Perhaps no great statement of a great and indisputable fact has been so often misunderstood as this great theorem of Jefferson. Even the great scientist Huxley, in commenting upon this statement, said:

> The doctrine that all men are in any sense, or have been at any time, free and equal is an utterly base fiction.

And men even in these latter times have denied the truth of Jefferson's great dictum. It does not mean that all men are endowed with equal physical qualities, intellectual endowments, or moral virtues. In this sense there is no human equality. No two things in nature are exactly alike. Nor did Jefferson mean to imply any such thing as this. What he did mean is this, that in all just and proper government, that in any true democracy, all men are, and must be, equal before the law. In republican forms of government no man must have legal rights that another man does not enjoy. When he does there is no democracy, there is no natural justice, and there is an end to free government.

A few days ago one of the most distinguished professors in the largest institution of learning in America delivered a speech in Chicago in which he is said to have attacked the laboring classes of America. The newspapers of the country report his address under such headlines as these: "Lecturer assails working classes;" "Harvard professor says tyrant privileged classes are country's laborers." Here is a reported extract from his speech:

> The upper classes are absolutely the superiors of the people they have surpassed, and one is disposed to say that God made the reason. The cry which once roused this country was "Taxation without representation." The privileged laboring class of to-day demands representation without taxation. They are now trying to drag us into war with Japan in order to safeguard their own selfish interests. If it were not for the behavior of the labor unions on the Pacific coast, in excluding Asiatic laborers, the fleet would never have had to be sent around Cape Horn.

I do not see the justice of the distinguished professor's remarks. I do not see why he should seek to stir up class strife and class feeling in our country. I do not see why he should seek to discriminate against the great toiling masses of this country, the backbone and sinew of the nation's strength in time of war, and the source of its prosperity in time of peace. I deny that there ought to be any classes in this country. I hold that we are members of a common brotherhood; that the man who works with his pick and the man who works with his pen are common members of a common family, fellow-laborers in the great field of humanity. [Applause on the Democratic side.] And I hold that any system of education that teaches me to look with disdain upon the honest toiler and causes me to forget that all men are my brothers is a false and narrow system of education. [Applause on the Democratic side.] The ability to dig a bushel of coal or to raise a bushel of corn is as important a work as the parsing of a Hebrew verb or the criticism of an English sonnet. So long as work be honorable and necessary, I think it little matters what particular thing we do. But it does matter whether we do that thing faithfully and well.

I do not believe that war with Japan is imminent. I believe that the days of the future are to bring us peace and not the sword, but I want to ask my friend from Harvard, in the event of war with Japan, which he seems to think possible, upon whom would this nation rely for the defense of the Stars and Stripes? I answer, upon this same "despotic class" that he mentions—the laboring men of the country. [Applause on the Democratic side.] Since the Lord said to Adam in the far-off Garden of Eden, "In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it wast thou taken; for dust thou art, and unto dust shalt thou return," labor has been honorable. The stamp of divine commandment is thereby put upon toil, and since that time work has been the keynote of progress and worth. Better than the assaults of this professor upon the laboring men of America, and this stirring up of class strife, I like this little poem from Denis Florence MacCarthy:

> But blessed that child of humanity, happiest man among men,
> Who with hammer, or chisel, or pencil, with rudder, or plowshare, or pen,
> Laboreth ever and ever with hope through the morning of life,
> Winning home and its darling divinities, love-worshipped children and wife.
> Round swings the hammer of industry, quickly the sharp chisel rings,
> And the heart of the toiler has throbbings that stir not the bosom of kings.
> He the true ruler and conqueror, he the true king of his race,
> Who nerveth his arm for life's combat, and looks the strong world in the face.

The great danger, if there be a danger, menacing our Government, the great danger that confronts democracy in general, is that this fundamental principle of the legal equality of men be forgotten. There is no danger that foreign nations will invade our domains with their hostile armies, to burn our cities and lay waste our fields; none that we shall prey upon one another again, for the bloody days and the sleepless nights of terrible civil strife are forever gone; none that ignorance may bandage our eyes to what is right and best, for the incessant clang of our printing presses, the church spires, and the school bells of the nation are guarantors of our intelligence and our sense of right. But, Mr. Chairman, the chief danger that confronts the American nation, looking far down the vista of the years to come, the chief danger that hangs over democracy everywhere is that this same legal equality of our citizenship shall be lost sight of. Woe to the fabric of Americanism, most splendid ever woven in the governmental loom of the ages,

when one man shall not be equal to any other man in this country before the law. There should be no classes in America; there must be none. The corporation is indispensable to our civilization. We welcome it; we must protect its every right. Great railroad systems spanning the continent with their steel girders of commerce, giving employment to thousands and thousands of men, scattering towns overnight in waste places, making the desert blossom and bloom as the rose, are mighty forces of civilization. We must protect them; we must safeguard their interests. But, Mr. Chairman, before the law this great corporation is not, and must not be, a whit better than the poorest son of toil who drives a spike in that railroad, thereby making it possible. [Applause.]

The growth of the democratic spirit in government was the characteristic feature of the nineteenth century. Lecky in Democracy and Liberty, says:

> The most remarkable political characteristic of the latter part of the nineteenth century has unquestionably been the complete displacement of the center of power in free governments, and the accompanying changes in the prevailing theories about the principles on which representative government should be based. It has extended over a great part of the civilized world, and, although it has had all the effects of a profound and far-reaching revolution, it has, in some of the most conspicuous instances, been effected without any act of violence or any change in the external framework of government.

Slavery had existed among men from the earliest times; serfs were sold as chattels with the land upon which they lived; but the sun dawned this morning upon a practically slaveless world. There is no more imprisonment for debt; no more arbitrary confiscation of property; no more imprisonment for fancied offenses. Things are getting better for the common man all the time. The state of human society is improving as the years go by. Tennyson sings:

> For I doubt not through the ages, one increasing purpose runs,
> And the thoughts of men are widened with the process of the suns.

Through the midnight of despotism in Russia come glimmerings of the star of hope. Democracy now reigns over the most of the earth, and it can not be long, I think, until his rule shall be extended over all places where there are governments among men. Let those of us who believe in democracy, in the blessedness of human freedom, hold as our ideal the prayer of "Bobby" Burns:

> Then let us pray that come it may,
> As come it will for a' that,
> That sense and worth o'er all the earth
> May bear the gree and a' that.
> For a' that and a' that,
> It's coming yet for a' that,
> When man to man the warld o'er
> Shall brothers be for a' that.

[Applause.]

A few days ago the President of the United States sent to this House a special message, dealing with equal enforcement of the law and with the rights of the common masses of the country. He said, in substance, that the just business interests of the country must be protected, but that the unfair encroachments of predatory wealth must be met and stopped by the strong right arm of the law. This side of the House gave unstinted applause to these utterances of the Chief Executive, because we recognized in them the spirit of democracy, the vital breath of the things for which the Democratic party has always stood. We join hands with him in these sentiments and believe with all our hearts that they are right. [Applause on the Democratic side.]

In our system of government the individual States have supreme power over their own internal affairs, and it should be the function of the Federal Government to protect and safeguard them and their people within the scope of their rights. Among these matters over which the States have jurisdiction is the fixing of rates that shall be charged by railroad and other transportation companies. To assist the States in their legal right to fix such charges and to assist in securing to the people the rights bestowed upon them by State enactment, I have introduced into this session of Congress a bill to amend the interstate-commerce act in the matter of railroad and other transportation rates, which I wish to incorporate into these remarks.

> A bill (H. R. 11732) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof.
>
> *Be it enacted, etc.*, That two new sections be added to said act, at the end thereof, to be numbered as sections 25 and 26, as follows:
>
> "SEC. 25. That no common carrier, railroad, or transportation company, subject to the provisions of this act, receiving property for transportation from a point in one State to a point in another State, or conveying passengers from a point in one State to a point in another State, shall charge a greater rate for the transportation of such property or passengers than the sum of the local rates for such property or passengers between said points.
>
> "SEC. 26. That any common carrier, railroad, or transportation company, subject to the provisions of this act, violating the provisions of the above section shall be fined not less than $1,000 nor more than $5,000 for each offense. And any officer, agent, or employee of such common carrier, railroad, or transportation company, collecting, or offering to collect, a rate higher than the rates defined in the above section, shall be fined not less than $500 nor more than $1,000 for each separate offense, or shall be imprisoned for a term of not less than six months nor more than twelve months for each separate offense, or shall be both fined and imprisoned, in the discretion of the court. And the charge on each shipment of freight, and for each passenger, that shall be in excess of the rates defined in the above section, shall be considered a separate offense."

It will be seen that this bill does not seek to create any new rates; it only seeks to protect existing rates as they have been made by the various States through their legislatures. If two contiguous States have enacted laws providing for the same rates, and freight is to be shipped or passengers conveyed from a point in one of these States to a point in the other, it does not seem just to me that a higher rate should be charged simply because such a passenger or such freight is conveyed across a State line. I have, therefore, provided in this bill that upon such shipment of freight or the conveyance of passengers the sum of the local rates only shall be charged by railroad or transportation companies. It must be remembered that this bill does not seek to create any new rates. It seeks only to prevent transportation companies from exceeding those rates that have already been fixed by the various States, through their properly constituted legislative bodies. I believe that the bill is just, that it merely secures the rights of passengers and the shippers of freight, while at the same time it is not unfair to the transportation companies. It seems to me, Mr. Chairman, that this bill should become a law. There is no desire to work discrimination or injustice to the railroad companies. Their value is fully recognized; the rights of capital in general are realized; but, at the same time, so has the shipper of freight and the passenger rights that must be safeguarded by law. This bill does not raise the question of whether or not the rates enacted by the various State legislatures are or are not equitable.

But whenever States have enacted railroad rates, as they have the legal power to do, then in interstate traffic the fair rate to be charged, it seems to me, should be found by computing the sum of the local rates as existing between the point of departure and the point of destination. Let us take an example to illustrate the meaning of this bill: Suppose a passenger desires to travel by rail from a point in Illinois 10 miles west of the eastern boundary of the State to a point in Indiana 10 miles east of the western boundary thereof. Each of these States has a 2-cent fare law. If this ride were to be wholly either in Illinois or in Indiana, his ticket would cost 2 cents per mile, or 40 cents. The conditions of railroading in Illinois are not essentially different from those that prevail in Indiana, but as the law now stands, merely because a State line intervenes, railroad companies could charge 3 cents a mile, or 60 cents, for a ride that they only get 40 cents for if the same be wholly in a State. If the railroad companies can afford to convey passengers within the State of Indiana or Illinois for 2 cents per mile they can also afford to convey passengers from one State to the other, across the State line, at the same rate. The same reasoning applies also to the shipment of freight and to interstate passenger and freight traffic in all the States in general.

Our Republican friends have very forcefully demonstrated to us how a panic can come in times of prosperity, with an overwhelming Republican majority in this House, a Republican Senate, and a Republican President, in the full blush and bloom of Republican policies. They have shown us how, like a bolt out of the blue, hard times can come and close the avenues of employment, put out the fires of industry, and check the wheels of commercial prosperity; they have shown us how in times like these, in an era of profound peace, bonds must be quickly issued to restore public confidence, and even money itself must be bought in the open market. The employers of labor told us in the compaigns of 1896 and 1900 that the election of Bryan meant business depression. They said the election of the Republican ticket would result in an era of universal prosperity. This prediction has not worked out as they said it would. We are at the threshold of another Presidential election. As a greater than I once said:

> You can fool all the people a part of the time, a part of the people all the time, but you can not fool all the people all the time.

[Applause.]

The people of this country, the farmer, the miner, the toiler everywhere, the ones who make this nation great and prosperous, the producers of its wealth and the perpetuators of its greatness, are going to have their day in court, and when the verdict of the jury shall be read in the open court of the Republic, after the Presidential election next November, it will be found that there has been elected to the great office of Presi-

dent of the United States a man who stands for the great toiling masses of the nation, a man who believes in the rights of the people, and who has an abiding faith in the fundamental principle of our National Government, the legal equality of all men before the law. I refer to the greatest commoner of modern times—William J. Bryan. [Loud applause.]

Mr. NYE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Arkansas [Mr. MACON].

The CHAIRMAN. For how long?

Mr. STEPHENS of Texas. Until the committee shall rise.

Mr. MACON. Mr. Chairman, I made a resolve long since that I would never allow a Congress of which I happened to be a Member to hide itself in the mysterious realms of the past without having urged the passage of the bill which I now send to the Clerk's desk to be read.

The CHAIRMAN. The gentleman from Arkansas sends to the Clerk's desk a bill which he asks to be read. Is there objection? [After a pause.] The Chair hears none. The bill will be read in the time of the gentleman from Arkansas.

The Clerk read as follows:

A bill (H. R. 189) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with or furtherance of any project or transaction concerning the interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities, and to prohibit the interstate or foreign buying or selling or otherwise dealing in futures in said products and commodities.

Be it enacted, etc., That the term "dealing in futures" as used in this act shall include all transactions which in anywise depend upon margins as a basis of settlement or which do not in good faith contemplate the actual delivery by the seller to the buyer of the thing or things represented or contracted to be sold, and the failure of the seller to make actual delivery to the buyer of, or the failure of the buyer to in good faith make legal demand of the seller for the thing or things represented or contracted to be sold shall be sufficient proof to establish the character of the transaction.

SEC. 2. That it shall be unlawful for any telegraph or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association, or any person or persons within the jurisdiction of the United States of America to receive, deliver, transmit, or convey any interstate or foreign message or other information of any character or description to be used in any manner connected with or in furtherance of any project or transaction concerning or pertaining to the interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities of any quantity or description. Any telegraph or telephone company, corporation, organization, or association or any other company, corporation, organization, or association violating any of the provisions of this act shall be deemed guilty of a misdemeanor for each and every violation of the same, and, upon conviction, shall pay to the United States a penalty of not less than $5,000 for each offense, and any person violating any of the provisions of this act shall be deemed guilty of a felony for each and every violation thereof, and, upon conviction, shall be punished by a fine of not less than $1,000 and imprisonment in the penitentiary for some period of time not less than one year.

SEC. 3. That interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities of any kind whatsoever is hereby declared to be unlawful. Whoever shall so engage in buying or selling or otherwise dealing in futures in agricultural products or commodities in the United States of America shall be guilty of a felony, and, upon conviction, shall be fined in any sum not less than $1,000 and imprisoned in the penitentiary for some period of time not less than one year.

SEC. 4. That no letter, postal card, circular, newspaper, pamphlet, or writing or publication of any other kind containing money or any other representative of value or information of any character to be used in any manner connected with or in furtherance of any project or transaction concerning or pertaining to the interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities shall be carried in the mail or delivered at or through any post-office or branch thereof or by any letter carrier or other postal agent or authority. Whoever shall knowingly deposit or cause to be deposited or who shall knowingly send or cause to be sent anything to be conveyed or delivered in violation of this section, or who shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be deemed guilty of a felony, and, upon conviction, shall be punished by a fine of not less than $500 and by imprisonment for not less than six months.

SEC. 5. That the judges of the district courts of the United States are hereby directed to give this act in charge to the grand jury at each sitting of the court, and the evidence of either party to a transaction prohibited herein shall be deemed to be sufficient proof to warrant an indictment and sustain a conviction hereunder.

SEC. 6. That all laws in conflict with this act be, and they are hereby, repealed.

[Applause.]

Mr. MACON. Mr. Chairman, this bill is in the interest of the bread makers of the world, and its passage would be of more material worth to the American people than all the political measures that could be crowded through this House during the entire Sixtieth Congress. I have no patience with legislation that rests entirely upon political whims and prejudices, and hence I am in a sense intolerant as to measures and arguments presented by Members of the House which have politics as their foundation; politics as the chief corner stone of the structure.

I enjoyed the speech of the gentleman from Minnesota [Mr. NYE] as well as the one by the gentleman from Illinois [Mr. FOSTER]. They were nonpolitical, but spoke the simple truth that ought to be sincerely considered by everyone who heard them or shall read them. Such speeches will do more good here than a thousand political speeches, for political speeches only breed passion and can never have the happy, wholesome effect that utterances upon this floor ought to have upon the membership of this body. I regretted very much to hear the gentleman from one of the great States of the West, from the city in which the Democratic convention will convene in June for the purpose of nominating the next President of the United States, engage in a partisan speech, for he is a man that is ordinarily possessed of good judgment and ought to have known that his political remarks would not accomplish anything here. A man who can not rise above partisan politics when it comes to enacting laws for all the people, regardless of their religious creed or political faith, is not large enough to represent 191,000 freeborn American citizens. [Applause.]

The sooner we learn that partisan speeches ought to be made upon "the stump" instead of upon the floor of the greatest legislative body on earth, the better off will we be, and the better off will be the noble constituency that we have the honor of representing. It has been said during the debate of this bill by Members upon the other side of the House that we upon this side are not consistent in our attitude toward the President of the United States; that we applauded a sentiment that condemns him, and at the next moment applauded a sentiment in his favor. While I do not propose to dwell upon the subject and thereby attempt to answer such arguments at length, I will state that members of the party that I represent are broad enough, honest enough, and intelligent enough to recognize and appreciate right thinking and correct utterances, no matter when or by whom thought or uttered. Therefore if the President of the United States is so constituted as that he can say something good in a message delivered to this body, or upon the hustings, it makes no difference whether he be a Democrat or Republican, we ought to be allowed to applaud him. [Applause on the Democratic side.]

Upon the other hand, Mr. Chairman, if that same President, whether a Democrat or a Republican, utters or writes a thing that we believe to be detrimental to the best interests of our country, we ought to be allowed to condemn his course by applauding those who criticise his actions. [Applause on the Democratic side.]

Hence, Mr, Chairman, I can see no sense or reason for bringing politics into the discussions upon the floor of the House, when we know that every Member of it is a free agent, and has a perfect right to think and act as he pleases upon political questions, and is not bound by anything that is said here, and is not answerable for anything that he does or says, except to those who sent him here to represent them. [Applause.]

We ought to do our level best to legislate along business lines, and when we enact laws such as is set forth in the bill that I have just had read, we are proceeding along business lines of the highest sense, for the farmers' interest is the greatest business interest that has ever, or will ever, confront a civilized people.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman from Arkansas did not introduce this bill in this Congress for the first time, did he? As well as I remember, he introduced it in the Fifty-ninth Congress, and I would like to know if that is not a fact?

Mr. MACON. Yes, sir; I introduced it in the Fifty-ninth Congress and made a speech in its behalf at that time, which was sent broadcast over the country through the medium of the CONGRESSIONAL RECORD, and I received many telegrams and letters commending the measure, as well as the feeble utterances that I put forth in support of it, some of which came from such important sources and are of such significance as to call for their incorporation in my remarks at this time, and I will now submit them.

The first of which will disclose the practice pursued by "bucket-shop" gamblers, that my bill seeks to exterminate, and suggests the havoc that is, or will be wrought by them to the people of the great grain-growing section, as well as the cotton-growing section, of our country, if some measure similar to mine is not passed by the Congress of the United States that will cause them to halt where they are. This letter is from Mr. W. H. Avery, of Eldorado, Kans., in which was inclosed one to W. S. Avery from a firm of "bucket shop" operators in Chicago, who signed themselves J. K. Comstock & Co. I now present them both in order that they may explain themselves, and in order that all persons who happen to read them may know the practices of the "future" gamblers of the country

and will be fortified to resist their temptations, just as the Christian ought to be fortified to enable him to resist the wiles and temptations of the devil. [Applause.]

Hon. Mr. MACON, M. C.,
Washington, D. C.

DEAR SIR: I notice that you have introduced a bill to do away with "bucket shops." I inclose a letter from one of these concerns. Such letters are received about twice each month, and are usually sent to young men working on salary, and this man has in some instances gotten all their wages. I hope your bill will become a law at this session of Congress.

Very respectfully, W. H. AVERY.

CHICAGO, *December 3, 1906.*

Mr. W. S. AVERY, *Eldorado, Kans.*

DEAR SIR: There is certainly going to be something "doing" in this wheat market, and it may be this coming week, and if you will only take a risk of $6.25 or $12.50 you will stand an excellent chance of getting 5,000 or 10,000 bushels of wheat for this small amount of money. On Friday, December 7, you can buy ups on May wheat 1¼ cents away from the closing price of market on that day for eight days and 2¼ cents away for fifteen days, and if the advance comes as we expect it will be for 4 or 5 cents, and you can figure your profit as well as we can. Each 1 cent advance above your up price means $50 profit for each $6.25 invested.

Wheat is cheap, and here is your opportunity. If market closes lower than 79 cents on Friday, so much the better for you and your purchase. If above 79 cents, it shows advance has started sooner than we expected. Everything is in your favor.

Don't delay. Send order by return mail so we can book it. If far away "wire it" at our expense and let funds follow by first mail. Orders mailed Friday, December 7, accepted. Six dollars and twenty-five cents buys five ups on 5,000 bushels for seven or fifteen days; $12.50 buys five ups on 10,000 bushels for seven or fifteen days.

Very truly, yours,

J. K. COMSTOCK & Co.

The reading of Mr. Avery's letter indicates that these "bucket-shop" gamblers are peculiarly anxious to catch the young and unsophisticated citizens of our country, and the reading of the Comstock letter indicates that they want to catch them quick. They do not seem to be willing to wait to have them send in their orders by mail, but are encouraged to wire them in at the expense of the gamblers. I suppose their reason for that is that they fear that those who are contemplating placing their orders might have time to think while writing a letter, and decide not to engage in the nefarious "future dealing" business.

I have incorporated the Avery and Comstock letters in my remarks for the purpose of showing that the people of the country are being filched out of their hard earnings by these unscrupulous speculators in every quarter of it, and to show the wily, seductive practices resorted to by these "bucket-shop" satellites to impale the innocent members of society upon "the barbed hook with which they fish for suckers."

One would judge from reading the Comstock letter that that concern is engaged in the buying and selling of grain and provisions along legitimate lines, but a glance at the right-hand corner of the page on which is printed "ups and downs a specialty" readily discloses to an experienced business man that they are conducting an illegitimate business. Mr. Avery insists that the Comstock communications are nearly always sent to young men who are working on salaries, and they, being without experience, do not comprehend that they are falling into the hands of speculative sharks, and hence are robbed of the fruits of their toil before they know it.

These "bucket-shop" concerns seem to send out their invitations to the young men of the country about twice a month in which they employ most optimistic language in their efforts to encourage them to take stock in their very questionable business, and they are urged to be quick about it, to write at once, and if they are far away to wire at the expense of the faking concern. An idea of the infamy and danger of the business engaged in by Comstock & Co. will be readily understood by all sane persons the moment they read the first clause of their letter. Here it is:

DEAR SIRS: There is certainly going to be something "doing" in this wheat market, and it may be this coming week, and if you will only take a risk of $6.25 or $12.50, you stand an excellent chance of getting 5,000 to 10,000 bushels of wheat for this small amount of money.

Mr. Chairman, a man of half sense can see that the hand of a robber penned that letter, for wheat is worth about a dollar a bushel, and when it is said that if one were to put up $6.25 and were to get $5,000 worth of wheat in return therefor, it suggests nothing more nor less than that some one, somewhere, and in some way must necessarily be robbed of $4,993.75 in order for the man who puts up the $6.25 to receive that great sum upon so small an investment.

I can not conceive of a more reprehensible business than that of attempting to control the price of the products of the toiling masses of the country by speculative practices at the expense of pilfering the pockets and debauching the characters of the splendid young men of this country. They are taught the gambling habit at the expense of the impoverishment of themselves and their families.

Mr. HUMPHREYS of Mississippi. Your bill has never been reported, has it?

Mr. MACON. It has not, but I understand from many Members of the House that it is the best bill of the kind that was ever presented to this body, and that it is contemplated that it will be reported to the House at this session of Congress, but not in my name, it being intended to report it in the name of a Member of the majority party, so that that party will have the credit for the important legislation. That fact, however, does not concern me, for I have never yet been so narrow as to want to have important legislation enacted in order that I might have the credit therefor. Results are what I want in behalf of this and every other great question, and it makes no material difference with me whether measures bear the name of MACON, HEPBURN, or SCOTT, if they only accomplish the purposes that are intended to be reached. [Applause.]

In addition to having urged this measure in a speech in the first session of the Fifty-ninth Congress, I attempted to have it incorporated in the agricultural appropriation bill of the last session of that Congress, and have insisted at all times that it was a question far and above politics, and far and above any name that might be connected with it. [Applause.]

I now offer a few other indorsements of this bill, which were spread upon the RECORD in connection with the proceedings had on the 26th day of January, 1907, when I offered it as an amendment to the agricultural appropriation bill, and in order that the public may have the full benefit of what was done and said at that time, as well as to show the technical tactics employed in this House when it comes to legislating in behalf of the farmers, I will also incorporate what was said upon the subject by the chairman of the Agricultural Committee and myself, thus presenting the matter in a connected form. I will omit setting out at this time the amendment that I offered to the agricultural bill, it being the same as the bill I am now addressing myself to:

Mr. MACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Insert after the enacting clause the following:"

Mr. WADSWORTH. I raise the point of order on that, Mr. Chairman. It is not germane, and it is new legislation.

Mr. MACON. Mr. Chairman, I would ask the gentleman to be courteous enough to withhold his point of order.

Mr. WADSWORTH. I think we have passed a good deal of time in general debate, and this is not germane to the bill, and I can not withdraw it. I would like to accommodate the gentleman.

Mr. MACON. It is not fair for you to try to bring this bill up, with new matter in it, and yet deny me the right to be heard on the floor on an amendment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MACON. Mr. Chairman, the amendment that I offer, and to which the gentleman from New York seems to seriously object, is certainly germane to the matter before the House for consideration. The agricultural appropriation bill is supposed to deal with agricultural matters exclusively, and my amendment is in the interest of agriculture in the highest sense, and I can not understand how anyone could get his consent to make a point of order against it. The gentleman claims that it is new legislation, and hence objectionable under the rules of the House. I think he must object to it upon other grounds than that, for there are many new pieces of legislation embodied in this very bill that he as chairman of the committee presented to and is now attempting to conduct through the House just as he presented it. Certainly this amendment is no more offensive to the rules of the House than is the new legislation that he has in the bill to increase salaries. I notice that one of the arguments used by the gentleman in his report sustaining the committee's action in taking the free garden seed from the farmers is that the agricultural organizations of the country were against the proposition. I do not believe that is true, but if it is true and is good argument upon which to take free seed from the farmers, then I desire to offer the approval and indorsement of my amendment by the farmers' organizations of the country as a reason why it should be allowed to become a part of this bill.

I have received telegrams, letters, petitions, and resolutions from farmers and farmers' organizations from all over the Union urging the kind of legislation set forth in my amendment. In fact, the amendment is taken from a bill that I introduced in the House at a former day of this session, which called forth the indorsements just mentioned. If the gentleman can show more agricultural indorsements of his action of striking down the farmers' seed than I can show indorsing my course in introducing the bill that I now offer as an amendment to the pending bill, I will not complain of the point of order that he makes against it; but I insist that if it is the farmers he is trying to benefit and please he will withdraw his point of order, for I have here on my desk a telegram informing me that the national convention of the Farmers' Educational and Cooperative Union of America, a farmers' organization representing more than a million tillers of the soil, assembled at Atlanta, Ga., on the 24th instant, had unanimously indorsed my bill to prohibit dealing in futures in agricultural products, and had extended me a vote of thanks for having introduced it. I also have a resolution adopted by the Southern Cotton Growers' Association of the State of Mississippi unanimously indorsing it, and many other resolutions adopted by county and local agricultural organizations indorsing it.

Yet, sir, when I present the measure here for the consideration of the Representatives of these people who support the world the chairman of the Committee on Agriculture rises in his place and throttles their efforts to carry out the will of the people who sent them here by interposing the technical parliamentary obstruction of a point of order.

Ah, Mr. Chairman, is it possible that the gentleman will interpose so flimsy an obstruction to prevent the people's Representatives from voting upon a proposition that means so much to them? [Applause.]

Mr. Chairman, I ask to be allowed to extend my remarks in the RECORD by incorporating as a part of my remarks the telegram and a few of the resolutions to which I have referred. I will only burden the RECORD with a few of them.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The following is the matter referred to:

"ATLANTA, GA., *January 24, 1907.*

"Hon. R. B. MACON,
"House of Representatives, Washington, D. C.:

"The national convention of the Farmers' Educational and Cooperative Union of America assembled at Atlanta, Ga., January 24, 1907, unanimously extend to you a vote of thanks for your earnest and persistent efforts in behalf of the American farmer, especially your introduction of the antibucket-shop bill of December 10, 1906.

"R. H. MCCULLOCH, *Secretary.*

"HEADQUARTERS MISSISSIPPI DIVISION
"SOUTHERN COTTON ASSOCIATION,
"Jackson, Miss., January 3, 1907.

"Hon. ROBERT B. MACON, M. C.,
"Washington, D. C.

"DEAR SIR: By direction of the Mississippi Division of the Southern Cotton Association, in convention assembled in the city of Jackson, on January 2, I am inclosing you a resolution which is self-explanatory. This resolution was unanimously adopted by the convention.

"With esteem and regards, I am,

"Yours, very truly,

"WILL H. WOODS, M. D.,
"Secretary Mississippi Division Southern Cotton Association.

"Resolved by the Mississippi Division of the Southern Cotton Association, That we approve and indorse the bill introduced by Representative MACON, of Arkansas, in the Congress of the United States, to make the dealing in future contracts for the sale and purchase of agricultural products felonious; and also the application of Representative LIVINGSTON, of Georgia, for a fraud order against the New York Cotton Exchange; and that the Senators and Representatives from Mississippi are directed to cooperate with Messrs. LIVINGSTON and MACON in their efforts to benefit the cotton interests of the South, and to secure justice for our section.

"Resolved further, That the president of the division is authorized and directed to wire Representative LIVINGSTON our support and thanks on this question, and also that the secretary be instructed to have copies of same sent to Representative MACON, of Arkansas, and to the Mississippi Senators and Representatives."

"OFFICE OF SECRETARY-TREASURER,
"POINSETT COUNTY UNION, No. 71, F. E. AND C. U. OF A.,
"Harrisburg, Ark.

"RESOLUTIONS.

"Whereas a system of speculation exists, known as 'gambling in futures,' whereby a certain class of people control and manipulate the price of cotton and other farm products; and

"Whereas were it not for the unfair operations of these professional gamblers the prices of farm products would be governed by the law of supply and demand, thus insuring to the producers a fair and just share of the value of his products instead of suffering the losses incurred by fictitious prices fixed months before the said products are marketed; and

"Whereas the Hon. ROBERT B. MACON, Representative from the First Congressional District of Arkansas, has introduced in the Congress of the United States a bill which seeks to abolish and prohibit so-called 'bucket shops' and gambling in futures: Therefore, be it

"Resolved by Poinsett County Union, No. 71 of the Farmers' Educational and Cooperative Union of America, in convention assembled in Harrisburg, Ark., on January 5, 1907:

"1. That we condemn in severe terms the system and practice of gambling in futures as being unfair, unjust, immoral, and a privilege that should not be permitted by the laws of government and State.

"2. That we heartily indorse the bill introduced by Congressman MACON to prohibit gambling in futures, and commend him for the loyal efforts he is exerting in behalf of the farmers' cause.

"3. That we earnestly call upon all Senators and Congressmen who favor protecting the rights and interests of the producing classes of America to assist in the passage of this most wholesome and just law.

"Resolved further, That we call upon farmers' organizations everywhere to adopt resolutions indorsing the aforementioned bill, and that a copy of these resolutions be spread upon the minutes of the union, also a copy transmitted to Hon. R. B. MACON, at Washington, D. C., and that a copy be furnished the Poinsett County Times and the Arkansas Union Tribune for publication.

"Read and adopted this 5th day of January, 1907.

"I. D. WALTER, *Secretary.*"

The CHAIRMAN. The matter included in the amendment offered by the gentleman from Arkansas is clearly new legislation and the point of order is sustained.

It will be observed, Mr. Chairman, that one of the above indorsements was the act of the national convention of the Farmers' Educational and Cooperative Union of America, one of the greatest and most patriotic organizations on the face of the earth to-day. Another of said indorsements represents the act of the Mississippi Division of the Southern Cotton Growers' Association, another splendid organization, made up of the same kind of worthy material that constitutes the membership of the Farmers' Educational and Cooperative Union; and the third is the act of a county union that is as important a part of the national organization as any other part that goes to make up the grand whole. To receive the thanks of these splendid organizations is enough glory for me in connection with the passage of this bill. Therefore, I renew the sentiment uttered a few moments ago and say that I will applaud the passage of the measure in the name of some one else. The result will be the same, if the measure passes, though it bear the name of a Republican, that it would be if it bore that of a Democrat; and results are all any patriotic citizen ought to want in connection with any species of legislation.

A Congressman who would advocate legislation simply because it was presented by a member of his party, and oppose it because presented by a member of the opposing party is as much too small to stay here, as a candidate who will urge sectionalism as a reason for his election to Congress, is too small to come here. The Congressman nor the candidate will not resort to such sorry tactics to accomplish their end, unless they are so weak and inferior themselves that they feel that partisanship and sectionalism must be used as a substitute for sense and patriotism, two things that are highly necessary in the make-up of a Representative of the people, and of which they are destitute. [Applause.]

Congress ought to legislate on broad-gauge business principles and for the best interest of all the interests of our country, and hence I present this bill to-day for its consideration, because I believe it to be in the interest of the most important of all the interests of our country, the farmer. [Applause.]

I am opposed to class legislation, and do not think we ought to attempt to divide the American people into classes, but that we ought to consider them in matters of legislation as occupying planes of actual equality, but if they are ever to be divided into classes, then the most important class ought to be considered first, and all persons know that the farming class is the most important of all, and yet every one knows that they are the last people to be considered when it comes to matters of legislation. When has the farming interest of the country been given the same consideration by national or State legislatures that has been given to railroads and other interests of the country? And yet, the farming interest in the United States at this time represents in round numbers about $30,000,000,000 in value, while the railroads represent a little more than $13,000,000,000 in value.

The money question has agitated the country from time to time to the extent of dividing parties, as well as homes, in twain, and yet the farming interest in the United States represents about ten times as much in value as all of the money of every kind in circulation in the United States at this time. And, sir, our principal farm products for the last fiscal year were worth $3,500,000,000, and I do not include in that estimate the dairy and horticultural interests of the country, which are practically a part of the products of the farm. The farmers of the country keep the balance of the trade with the rest of the world in our favor by the exportation of their products, cotton being greatly in the lead of all other exports.

Notwithstanding the great interest that the farmers represent, I would like for some one to tell me when they have been given any considerable thought in the matter of legislation. They more than any other class pay the high tariff that is imposed upon us, and they get none of the benefits that accrue therefrom, and hence they were not considered in the enactment of that law. Nor do I believe anyone can point to a single piece of legislation that has been enacted in fifty long years that placed the farmers first in any of its provisions.

They have, through their national organization, asked for the passage of this very character of legislation that I now urge, for many years, and yet their importunity has gone unheard, certainly unheeded. Their resolutions have been treated like they were so much chaff, not worthy of the consideration of a man who thought he was large enough to represent a district in Congress or a county in a State legislature.

The farmer is not even allowed to control the price of the product of his toil. The law permits "bucket-shop" gamblers to fix the prices for him, and we know that in fixing them they often bring havoc to the farming communities. Their wildcat speculations demand all of the money of the country to carry on their illegitimate business, and hence when the farmer has his product ready for the market he finds all of the money tied up in speculative transactions, and that there is none left to buy his products with.

The present panic, in my judgment, was brought on by wild speculations, such as dealing in "futures" in agricultural products, and in stocks and bonds, when there was no intention on the part of either party to any speculative contract that was entered into to ever carry out a single one of them in good faith, and when there was no intention to ever deliver or receive a single one of the many millions of bales of cotton that were sold that were never raised, or the many billions of bushels of corn or wheat and pounds of meat that were never produced, nor a single stock nor bond that was sold.

Last year the farmers of the South agreed to hold their cotton for 15 cents per pound, and they would have received that price for every pound of it, had not the "bucket-shop" gamblers consumed the money of the country by their wild trading in "futures" in stocks and bonds. And, sir, if they are permitted to pursue the course that they have heretofore pursued, we may expect panic after panic to overtake us, and there will be no way of reckoning as to when they will put in their appearance.

This bill, if enacted into law, will do away with their illegitimate transactions in so far as they affect the sales of agricultural products, and will allow the farmers to enjoy a real substantial prosperity, such as alone can be produced by the God-given law of supply and demand. They can then say that they demand so much per pound for their cotton and meat, so much per bushel for their corn and wheat, and they can get it, because the money will be in the country to buy what they raise, instead of being tied up in speculative transactions.

It will in no way affect legitimate sales for future delivery where such sales are entered into in good faith. Therefore, no one who wants to engage in legitimate trade can possibly fear any evil results coming to his business by reason of the enactment of such law.

The question of dealing in "futures" in agricultural products, stocks, and bonds has become so serious that the President of the United States has seen fit to incorporate it in a special message that he recently sent to Congress, in which he, among other things, said:

> There should be measures taken to prevent, at least, the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and cornering the market. Illegitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards, or lottery, or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other. In kind and in degree the evil worked is far greater.

Again, he says in his message:

> That the great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business, in doing away with the "bucket-shop" type of operation.

My bill only seeks to destroy the "bucket-shop" type of operation, and will not in any sense interfere with any legitimate trade of any kind.

Again, the President says:

> It would seem that the Federal Government could at least act by forbidding the use of the mails, telegraph and telephone wires for mere gambling in stocks and "futures," just as in lottery transactions.

Mr. Chairman, this bill, if enacted into law, will do just what the President recommends the Federal Government to do. While this particular bill would only stop that part of the "bucket-shop" business that applies to dealing in "futures" in agricultural products, I have a bill pending in this body that will do the very same thing for illegitimate stock and bond transactions. That bill is numbered 10474, and was referred to the Committee on Interstate and Foreign Commerce, over which the distinguished gentleman from Iowa [Mr. HEPBURN] so ably presides, on the 19th day of last December, but I am frank to confess that I am not as much interested in preventing illegitimate stock and bond transactions as I am those that affect the price of the products of the toiling masses of the country. This illegitimate business ought to be stopped, for in the language of Mr. Bryan, "The commandment 'Thou shalt not steal' is violated in the stock market and in the grain pit by those who profess to believe in the Bible."

The stock exchanges of this country are aggressive and unscrupulous, and no power, other than the National Government, can cope with them. No matter how great the burden they impose, how grievous the wrong done, no State can properly deal with them, because the States can not go beyond their boundaries to exercise the sovereign right to protect their citizens from tyranny and injustice. Even within their own boundaries the States are seriously handicapped by the constitutional limitations respecting State and interstate commerce. Therefore, it is necessary that the National Government should step in and prevent "bucket-shop" transactions, and unless it does there is no way on earth to stop the practice.

Any kind of a transaction that will make a bale of cotton worth $10 more or $10 less than it was at a different time and hour on the same day, is wrong and exceedingly dangerous to the prosperity of every community in which it is grown or handled. It can not be legitimate and ought not to be tolerated any more than any other illegitimate happening, no matter of what character or description. Let's pass this bill, gentlemen, and stop the infamous practice of dealing in "futures" in agricultural products. [Applause.]

Mr. GARRETT. Will the gentleman yield?

Mr. MACON. Of course.

Mr. GARRETT The gentleman is a member, is he not, of the Committee on the Revision of the Laws?

Mr. MACON. Yes, sir.

Mr. GARRETT. I want to ask the gentleman if he has heard the rumor that the codification bill, which is now within two sections of an amendment upon the line of the gentleman's bill, notice of which was given some days ago, is not to be before this House any more? Has the gentleman heard that rumor?

Mr. MACON. I have not, sir; notwithstanding I am a member of the committee I have not heard the rumor.

Mr. GARRETT. I desire to inform the gentleman that that is not only a rumor, but, if I understand, it is an absolute fact, and that amendment in line with the bill of the gentleman is pending with notice given that it was to be introduced, and immediately after that notice was given the bill was withdrawn from the consideration of this House.

Mr. MACON. Mr. Chairman, notwithstanding what the gentleman from Tennessee says, I can not believe that the membership of this body can possibly be so hostile to this character of legislation as that it would refuse to proceed with the consideration of the codification code of our criminal law just because it would have to consider an amendment dealing with the "bucket-shop" business. I am sure the gentleman has heard what he says, but I can't help but think that his informant was somewhat in error.

Mr. Chairman, I might proceed to discuss this question for hours, for there is much to be said in its favor and nothing of a legitimate character to be said against it, but time will not permit me to do so; so I will conclude by saying, as I have been pleased to say time and time again, that it is known of all men that the farmers sustain the world, and that they have done so since its creation. Therefore, if any class of people on earth are entitled to recognition by way of legislation, they are entitled to it.

Without the fruits of the farmers' toil lawyers, doctors, bankers, merchants, mechanics, miners, and office holders would have to go to tilling the soil, or else become cannibals, feasting upon their fellows, or wild men, living upon herbs and berries, or be driven to their graves in a short period of time by the pangs of starvation. In addition to producing every morsel of food that sustains human life, they produce the product that furnishes every rag of apparel that shelters mankind from the freezing blasts of winter's storms, or the scorching rays of a burning sun. In addition to feeding and clothing the world he has maintained its independence during all of its stages of progress and development. He fought the battles that won for us the independence that we now enjoy. It was the farmers that drove Packingham into the sea at New Orleans, and it was the farmers that won for us the splendid western territory out of which was carved the queen of all our southwestern States, and it was the farmers in the struggle between the States, the most momentous war of all the ages, that established a degree of courage and chivalry that surpasses that of the warriors of any other country on earth.

The farmer having done so much for the world, Mr. Chairman, let us do something for him by passing this bill. He has asked us to do so; he wants it, and by every reason of right and justice he ought to have it. [Applause.]

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15219, the Indian appropriation bill, and had come to no resolution thereon.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to further modify the order made on Friday and modified this morning, so as to provide for four hours general debate to-morrow, the time to be equally divided between the gentleman from Texas and myself, the division to be made so that with what we have already occupied, the gentleman from Texas having occupied a little more time than we have, that when completed it will be equal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7694. An act to provide for the purchase of ground for

and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9210. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala.

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas.

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

ADJOURNMENT.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a detailed statement of the expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1907—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriations for salaries in Howard University—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the superintendent of the State, War, and Navy building submitting an estimate of appropriation for new heating apparatus—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of Lieut. Edward N. Johnston, United States Army—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of Lieut. Mark Brooke, United States Army—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for enforcement of the act to prevent cruelty to animals while in transit by railroads or other means of transportation—to the Committee on Agriculture and ordered to be printed.

A letter from the Secretary of the Treasury, recommending legislation to authorize the sale of real estate not needed for public use and to authorize transfers of public property from one Department of the Government to another in certain cases—to the Committee on Public Buildings and Grounds and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Humphreys, independent administratrix of estate of Enoch Humphreys, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for reimbursement of Lieut. Charles E. Morton, U. S. Army, for certain funds stolen while in his custody—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site, reported the same with amendment, accompanied by a report (No. 635), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho, reported the same without amendment, accompanied by a report (No. 636), which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, reported the same with amendment, accompanied by a report (No. 639), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1424) to increase the efficiency of the Medical Department of the United States Army, reported the same with amendments, accompanied by a report (No. 641), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3622) for the relief of John D. McLain, reported the same without amendment, accompanied by a report (No. 626), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7029) for the relief of C. L. Huey, reported the same without amendment, accompanied by a report (No. 627), which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8050) for the relief of James R. Wyrick, reported the same without amendment, accompanied by a report (No. 628), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1072) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased, reported the same with amendments, accompanied by a report (No. 629), which said bill and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13712) for the relief of the legal representatives of Sarah J. Montgomery, of Charles S. Blood, reported the same with amendments, accompanied by a report (No. 631), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13809) for the relief of Charles S. Blood, reported the same with amendments, accompanied by a report (No. 631), which said bill and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14733) for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga., reported the same with amendment, accompanied by a report (No. 632), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15737) for the relief of the heirs at law of James E. Wilson, deceased, reported the same with amendment, accompanied by a report (No. 633), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 6515) for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, reported the same without amendment, accom-

panied by a report (No. 637), which said bill and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, reported the same without amendment, accompanied by a report (No. 638), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 13875) for the relief of John V. Johnson, reported the same with amendment, accompanied by a report (No. 640), which said bill and report were referred to the Private Calendar.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers, reported the same without amendment, accompanied by a report (No. 642), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, of Rule XIII,

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7007) for the relief of John H. McBrayer, reported the same adversely, accompanied by a report (No. 634), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 1399) granting a pension to William R. Phillips—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9594) granting a pension to Elizabeth P. Gates—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12119) granting a pension to Francis M. Comba—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15353) for the relief of the China and Japan Trading Company (Limited), of New York City—Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 15953) for the relief of James Evans—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 15981) granting a pension to J. R. Rainey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KEIFER, from the Committee on Appropriations: A bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. SMITH of Michigan: A bill (H. R. 16269) authorizing the extension of Ninth street NW.—to the Committee on the District of Columbia.

By Mr. SMITH of Texas: A bill (H. R. 16270) making appropriation for the construction and equipment of a weather bureau observatory at Abilene, Tex.—to the Committee on Agriculture.

Also, a bill (H. R. 16271) making appropriation for experimental work in eradicating southern cattle fever ticks—to the Committee on Agriculture.

By Mr. DAVENPORT: A bill (H. R. 16272) to pay the deficiency expenses of the elections provided for in the enabling act of Oklahoma, the constitutional convention held in pursuance and by virtue thereof, and for other purposes—to the Committee on Appropriations.

By Mr. HUMPHREY of Washington: A bill (H. R. 16273) to provide for compulsory education of the native children of Alaska, and for other purposes—to the Committee on Education.

By Mr. ALLEN: A bill (H. R. 16274) to amend section 10 of chapter 252, volume 29, of public Statutes at Large—to the Committee on the Judiciary.

By Mr. LINDBERGH: A bill (H. R. 16275) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. LEGARE: A bill (H. R. 16276) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 16277) to provide for the sale of large-growth and matured timber on lands heretofore granted to the Territory of New Mexico, and for other purposes—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 16278) for the erection of a Federal building for the United States at Menomonie, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 16279) to prohibit the Post-Office Department from making regulations which limit the number of subscribers of any legitimate publication to those who have paid subscriptions in advance or have made their subscriptions in writing—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: A bill (H. R. 16280) to establish a light-house and fog-signal station in Rondout Creek, Hudson River, State of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: A bill (H. R. 16281) regulating the appointment of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: A bill (H. R. 16282) authorizing corporations doing interstate or foreign commerce to be registered in the Bureau of Corporations in the Department of Commerce and Labor, and for other purposes—to the Committee on the Judiciary.

By Mr. FAVROT: A bill (H. R. 16283) for the erection of a Federal building at Donaldsonville, La.—to the Committee on Public Buildings and Grounds.

By Mr. AIKEN: A bill (H. R. 16358) providing for delivery of mails in towns, and so forth.—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: A bill (H. R. 16359) providing for a survey at or near the sites selected for Locks and Dams Nos. 12, 14, and 15 on the Coosa River, in Alabama—to the Committee on Rivers and Harbors.

By Mr. GORDON: Joint resolution (H. J. Res. 129) for the relief of the enrolled militia of Memphis and the western district of Tennessee—to the Committee on Military Affairs.

By Mr. ROBINSON: Resolution (H. Res. 218) authorizing the Committee on the Public Lands of the House to investigate the government of the Hot Springs Reservation in Arkansas—to the Committee on Rules.

By Mr. WANGER: Resolution (H. Res. 222) authorizing the Committee on Expenditures in the Post-Office Department to send for persons and papers in certain cases that may come before said committee for examination—to the Committee on Rules.

By Mr. GOLDFOGLE: Resolution (H. Res. 223) requesting information concerning negotiations with Russia relating to American passports—to the Committee on Foreign Affairs.

By Mr. FULTON: Memorial of the legislature of Oklahoma, concerning legislation relative to the tributaries of the Mississippi and Arkansas rivers—to the Committee on Rivers and Harbors.

Also, memorial of the legislature of Oklahoma, concerning the navigation of the Arkansas River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 16284) granting an increase of pension to Simon Benner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16285) granting an increase of pension to John Albright—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 16286) for the relief of William B. Werner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16287) for the relief of John Keys—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16288) granting a pension to Harvy Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16289) granting a pension to Thomas M. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16290) granting an increase of pension to Elmadorus P. Cochrane—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 16291) granting a pension to Mary L. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16292) granting an increase of pension to Stephen J. Lansdown—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16293) for the relief of the dependent mother, heirs, and legal representative of Henry Sloat, civilian employee of the Government, who died from injuries received while in the discharge of his duties at the United States naval magazine at Iona Island, New York—to the Committee on Claims.

Also, a bill (H. R. 16294) granting an increase of pension to Samuel Hamilton—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16295) granting a pension to John R. Kissinger—to the Committee on Pensions.

By Mr. BRODHEAD: A bill (H. R. 16296) granting an increase of pension to Irwin Reich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16297) granting an increase of pension to Emanuel Kresge—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 16298) to complete the military record of Elijah M. Beraud—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 16299) granting an increase of pension to William B. Deckert—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 16300) granting an increase of pension to William H. Merryweather—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 16301) to remove the charge of desertion from the military record of Charles Philips—to the Committee on Military Affairs.

By Mr. DOUGLAS: A bill (H. R. 16302) granting an increase of pension to Presley Jenkins—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 16303) granting an increase of pension to Calvin F. Walker—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 16304) granting a pension to Mary C. Lanier—to the Committee on Pensions.

By Mr. GILLESPIE: A bill (H. R. 16305) granting an increase of pension to Elizabeth D. Capps—to the Committee on Pensions.

Also, a bill (H. R. 16306) for the relief of the estate of Johnson Miller, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16307) for the relief of A. J. Bryson—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 16308) granting an increase of pension to Daniel C. Foster—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 16309) for the relief of A. Portwood—to the Committee on War Claims.

Also, a bill (H. R. 16310) for the relief of Van Foreman—to the Committee on War Claims.

Also, a bill (H. R. 16311) granting a pension to Lou Brown—to the Committee on Invalid Pensions.

By Mr. HUBBARD of Iowa: A bill (H. R. 16312) granting an increase of pension to Stephen A. Reed—to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. B. 16313) granting a pension to Thomas H. Emory—to the Committee on Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 16314) to remove the charge of desertion from the military record of Marion Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 16315) to remove the charge of desertion from the military record of T. J. Caskey—to the Committee on Military Affairs.

Also, a bill (H. R. 16316) to remove the charge of desertion from the military record of W. L. Townsend—to the Committee on Military Affairs.

Also, a bill (H. R. 16317) for the relief of H. Z. Taylor, administrator of the estate of H. R. M. Taylor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16318) granting a pension to John Wesley Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting a pension to Mariah E. Orange—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16320) granting a pension to Elijah F. Hocker—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 16321) for the relief of the estate of T. J. Pritchett, deceased—to the Committee on War Claims.

By Mr. KIPP: A bill (H. R. 16322) granting an increase of pension to Hiram W. Russell—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 16323) for the relief of the heirs of Miles Busbee—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 16324) granting an increase of pension to F. L. Bayliss—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 16325) granting an increase of pension to Nicholas Becker—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 16326) granting a pension to George Washington Kemp—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 16327) granting an increase of pension to Dora Raine Willcoxon—to the Committee on Pensions.

By Mr. McGUIRE: A bill (H. R. 16328) granting an increase of pension to Alexander L. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16329) granting an increase of pension to Theodore A. Calvert—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 16330) for the relief of James H. Shannon—to the Committee on Military Affairs.

Also, a bill (H. R. 16331) granting an increase of pension to Annie Ricks—to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 16332) granting an increase of pension to Robert Hyson—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 16333) granting an increase of pension to Albert H. Brown—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 16334) granting an increase of pension to George W. Boggs—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 16335) granting an increase of pension to Henry F. Tomlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16336) granting an increase of pension to William H. Magee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16337) granting an increase of pension to George C. Barthelman—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 16338) granting a pension to Paul Madison—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 16339) for the relief of Henry Harris—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 16340) granting a pension to Arthur A. Piens—to the Committee on Pensions.

Also, a bill (H. R. 16341) granting an increase of pension to Jacob Hess—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 16342) granting an increase of pension to Thomas M. Reeder—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 16343) for the relief of L. M. Northcutt—to the Committee on Claims.

By Mr. RUSSELL of Missouri: A bill (H. R. 16344) granting a pension to William J. Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16345) granting a pension to George A. Deitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16346) granting an honorable discharge to Ezekiel J. Robinson—to the Committee on Military Affairs.

Also, a bill (H. R. 16347) granting an honorable discharge to John W. Bradburn—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 16348) to correct the military record of Lieut. Sylvester W. Barnes—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 16349) granting an increase of pension to Frank Upchurch—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 16350) granting an increase of pension to William I. Allen—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 16351) granting an increase of pension to William Boldt—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 16352) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 16353) granting a pension to D. G. Harrison—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16354) to correct the military record of John P. Fox—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 16355) for the relief of Mrs. Bathsheba Gordon—to the Committee on War Claims.

Also, a bill (H. R. 16356) for the relief of Salina E. Lauderdale—to the Committee on War Claims.

Also, a bill (H. R. 16357) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Charles D. Linskill, of Wilkes-Barre, Pa., for restoration of motto to the coins, "In God we trust"—to the Committee on Coinage, Weights, and Measures.

Also, a petition of George Lemist Clarke, of Boston, Mass., for forest reservation in Appalachian Mountains—to the Committee on Agriculture.

Also, petitions, of Hazlett Post, of the Grand Army Republic, of Ohio, I. P. Rumsey, of Chicago, Ill.; Dutley C. Smith, of Normal, Ill.; F. S. Hays, of Decatur, Ill., and the Illinois Volunteer Retired List Committee, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Naval Veterans' Association, of Chicago, Ill., for legislation relating to pensioning of naval officers who served through the civil war—to the Committee on Invalid Pensions.

Also, petitions of E. Sherman and Joseph Deutsch, of Chicago, Ill., for prompt legislation on the currency—to the Committee on Banking and Currency.

Also, petition of legislature of Virginia, for liberal appropriation for an inland waterway along the Atlantic coast—to the Committee on Rivers and Harbors.

Also, petition of Independent Citizens' Union of Maryland, for repeal of canteen law—to the Committee on Military Affairs.

Also, petitions of Charles Frederick Bradley, of Boston, Mass., and Eugene M. Berard, of New York City, for Appalachian Forest Reserve—to the Committee on Agriculture.

Also, petition of National German-American Alliance of Missouri and Southern Illinois, for repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of municipal officers of Grass Valley, Cal., for appropriation for erection of a public building at Grass Valley, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. ADAIR: Paper to accompany bill for relief of William W. Angel—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Adam P. Leighton and 29 other citizens of Maine, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ANSBERRY: Papers to accompany bills for relief of Ransom McGaw and Simon Benner—to the Committee on Invalid Pensions.

By Mr. BURKE: Paper to accompany bill for relief of Francis Gault—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of National Slack Cooperage Manufacturers' Association, of Sebewaing, Mich., for a census of standing timber in the United States—to the Committee on Agriculture.

By Mr. CHAPMAN: Petition of Rev. M. P. Wall and 80 others, of Fairfield, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of Loyal Union, No. 7, International Typographical Union, of Pittsburg, Pa., for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. DARRAGH: Papers to accompany bills for relief of Horatio Webster (H. R. 4193), Edwin D. Childs (H. R. 13521), and Stephen Bashaw (H. R. 5369)—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Papers to accompany bills for relief of Robert Hannum and James A. McCoy—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of National Association of Box Manufacturers, for a census of standing timber in the United States—to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of California Fruit Growers' Convention, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Modoc County Stock Association and Western Stock Association, for retention of already established pastures on the public lands—to the Committee on the Public Lands.

By Mr. FLOYD: Papers to accompany bills for relief of Wilbur F. Kellogg (H. R. 16166) and John A. Cockrum (H. R. 16167)—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Government Protective Township Association, for legislation protecting Government town sites—to the Committee on the Public Lands.

Also, petition of Sanford Manufacturing Company, of Chicago, urging currency legislation—to the Committee on Banking and Currency.

Also, petition of R. H. Pooler, of Seneca, Ill., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of 50 citizens of Yorkville, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Mary C. Lanier—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Franklin D. R. Furman and J. E. Sague, for H. R. 11562 restoring collateral inheritance tax of $45,750 to Stevens Institute of Technology—to the Committee on Claims.

By Mr. HACKNEY: Petition of St. Joseph's Council, No. 25, United Commercial Travelers of America, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of D. N. Page and other old soldiers, R. Mollencott and others, Louis Benecke and others, and D. W. Pollock and others, all of Joplin, Mo.; H. Baxter and others, of Lancaster, Wis.; and George W. Snell and others, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of College Springs (Iowa) Presbytery, for legislation on the subject of marriage and divorce, for uniform marriage and divorce laws by amendment of the Federal Constitution—to the Committee on the Judiciary.

By Mr. HINSHAW: Paper to accompany bill for relief of H. H. Martin—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of Reas Perkins—to the Committee on Invalid Pensions.

Also, petition of Durall Post No. 64, for the McCumber pension bill ("age pension bill")—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John W. Newman and T. J. Caskey—to the Committee on Invalid Pensions.

Also, papers in support of bill to pension Kentucky State militia—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. L. Townsend—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of E. F. Hocker—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of F. H. Bristow—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Paper to accompany bill for relief of Nicholas Becker—to the Committee on Invalid Pensions.

Also, petition of Allied Board of Trade and Tax Payers' Association of Brooklyn, N. Y., for a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, against interstate liquor legislation—to the Committee on the Judiciary.

Also, petition of North Side Board of Trade of New York City, for annual appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. LOVERING: Petition of Local Union No. 224, International Typographical Union, of Brockton, Mass., and Local Union No. 319, of Taunton, Mass., for removal of duty on wood pulp, etc.—to the Committee on Ways and Means.

By Mr. MADDEN: Paper to accompany bill for relief of George F. Dewey—to the Committee on Military Affairs.

By Mr. McGUIRE: Paper to accompany bill for relief of Alexander S. Leach—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of Omaha Council, No. 118, Commercial Travelers of America, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of legal voters of Clay Center and Upland, Fifth Congressional District of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumbermen's Convention, favoring an equitable reciprocal demurrage law against arbitrary change of freight rates by railways, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of Local Union No. 67, International Printing Pressmen and Assistants, of Boston, Mass., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of Mount Olivet Methodist Episcopal Church, of Nolensville, Tenn.—to the Committee on War Claims.

By Mr. PARSONS: Petition of North Side Board of Trade, of New York, for an annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petitions of George G. Hopkins and others, Elba Reynolds and 168 others, George G. Hopkins and others, and A. H. Curtis and 49 others, all of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. REEDER: Petition of Kansas State Retail Merchants' Association, for enlargement of powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of National German-American Alliance of Missouri and Southern Illinois, for repeal of canteen law—to the Committee on Military Affairs.

Also, petition of National German-American Alliance, against interstate liquor legislation—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of McCook Post, Grand Army of the Republic, for a pension of $1 per day for all honorably discharged soldiers—to the Committee on Invalid Pensions.

Also, petition of McCook Post, Grand Army of the Republic, of Iola, Kans., for the Sherwood bill, granting $1 per day for all honorably discharged Union soldiers—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of Typographical Union No. 62, of Utica, N. Y., for removal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of Company K, of Wallingford, Company I and Company F, Second Infantry, Connecticut National Guard, favoring the militia bill—to the Committee on Militia.

Also, petition of Business Men's Association of New London, Conn., for bill equalizing and fixing the pay of Army, Navy, and Marine Corps—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of legal voters of Sixth Congressional District of Wisconsin, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edward S. Bragg and 5 other volunteer officers of the civil war, of Wisconsin, for a volunteer officers' retired list—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *February 5, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

JUDGMENTS IN INDIAN DEPREDATION CASES.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 3d instant, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, requiring an appropriation from Congress, not heretofore reported, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate in compliance with its request the bill (S. 3344) extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill H. R. 7694, an act to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa., and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of East Chicago and of the Indiana Harbor Manufacturers' Association, of Indiana Harbor, Ind., praying that an appropriation be made for the improvement of the harbor and canal at that place, which was referred to the Committee on Commerce.

Mr. ALLISON presented a petition of sundry citizens of Brighton, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Tri-State Mining Association, of Galena, Ill., praying for the enactment of legislation to establish a Bureau of Mines, which was referred to the Committee on Mines and Mining.

He also presented a petition of Washington Post, No. 135, Department of Iowa, Grand Army of the Republic, of Adair, Iowa, praying for the enactment of legislation making $20 per month the maximum pension at the age of 65 years, which was referred to the Committee on Pensions.

He also presented the memorial of Charles W. Challed and 13 other citizens of Norway, Iowa, and the memorial of J. F. Fox and 54 other citizens of Fremont, Iowa, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John M. O'Brien, jr., and sundry other citizens of Muscatine, Iowa, praying for the enactment of legislation providing for the issuance of $10 or $15 per capita of legal-tender paper money to be used to pay national obligations, which was referred to the Committee on Finance.

He also presented petitions of Local Union No. 68, of Keokuk; of Local Union No. 118, of Des Moines; of Local Union No. 180, of Sioux City, and of Local Union No. 22, of Dubuque, all of the International Typographical Union; of Tri-City Union, No. 89, Stereotypers and Electrotypers' Union, of Davenport, and of sundry citizens of Des Moines, all in the State of Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war in the State of Iowa, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented the petition of Rev. Charles S. Booard, pastor of the First Methodist Episcopal Church of Oxford, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Sixteenth Street Improvement Association of the District of Columbia, praying that an appropriation be made for the purchase of the park on Sixteenth street, Meridian Hill, which was referred to the Committee on Public Buildings and Grounds.

Mr. ANKENY presented a petition of Local Union No. 355, Typographical Union, of Bellingham, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. CULBERSON presented resolutions adopted by the American National Live Stock Association, which were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

AMERICAN LIVE STOCK ASSOCIATION,
OFFICE OF THE SECRETARY,
Denver, Colo., February 1, 1908.

Hon. CHARLES A. CULBERSON,
United States Senator, Washington, D. C.

DEAR SIR: I have the honor of inclosing herewith duly certified copies of the following resolutions:

Resolution No. 1, relative to furnishing cars for the transportation of live stock and other perishable freight, which indorses Senate bill No. 3644 introduced by you.

Resolution No. 2, opposing advances in interstate rates, fares, and charges except on approval of the Interstate Commerce Commission.

Resolution No. 8, regulating the speed limit of live stock trains.

I am directed by our executive committee to ask you to have these resolutions read in the Senate and referred to the proper committees.

Yours, respectfully,

T. W. TOMLINSON, *Secretary.*

AMERICAN NATIONAL LIVE STOCK ASSOCIATION.

[Adopted at Denver, Colo., January 21 and 22, 1908.]

Resolution No. 1, relative to furnishing cars to transport live stock and other perishable freight and to give prompt and efficient service.

Whereas many of the railroads have failed to supply themselves with sufficient facilities to perform their duties as common carriers in receiving and transporting freight throughout the western half of the United States, where live-stock raising and feeding and shipping is a most extensive and important industry, and have failed to furnish cars in which live stock could be shipped to market to such an extent that tens of thousands of cattle and sheep could not during the past season be marketed, and have failed to supply cars for such great length of time after orders have been given therefor that a large proportion of the live stock marketed were so much delayed—generally for weeks and in many instances for months—that they lost seriously in flesh and condition, and after cars were supplied and live stock loaded have moved the same at such slow rate of speed and otherwise delayed shipments as to seriously damage such live stock; and

Whereas this treatment of the live-stock industry of the country has been growing worse year by year and has cost the producers millions of dollars, reaching the appalling condition during the past season of forcing many shippers practically out of business, probably bankrupting some and seriously injuring and demoralizing the entire live-stock business, particularly in the Southwest; and

Whereas there are, as a whole, more stock cars and have been fewer shipments the past season than heretofore, and it is our belief, from observation, experience, and from what we can ascertain, that there has been a reckless indifference of the railroad management in the localities where this disastrous condition has existed in supplying

themselves with stock cars or in utilizing what they have been able to obtain to transport live stock, either permitting the cars to stand idle, as has often been the case, or using them in transporting other traffic at a time when live stock was being held for shipment and fast depreciating in value, thereby producing a wanton destruction of property; and

Whereas there exists no adequate means of compelling the railroads to perform their duty to furnish cars and perform the transportation service in reasonable time, if at all, and no means of securing adequate redress for failure of the railroads to perform those duties where they fail to do so; and

Whereas there is no way by which one railroad can compel its connections to exchange empty cars for loaded cars of live stock or to receive and forward live stock in the cars in which they are loaded; and

Whereas the refusal of railroads to permit cars to go off their own line and to deliver cars to other lines has to a great extent impaired the efficiency of the cars which should be available and placed it beyond the power of many railroads to secure cars or a return of cars or exchange of cars, and in this way demoralized the railroad service; and

Whereas it is our earnest belief, concurred in by all those who investigate the subject, that the free exchange of cars and the through and rapid transportation of live stock is the only way in which this unbearable condition can be relieved; and

Whereas we believe that if left to themselves the railroads will not better conditions, at least not relieve them, in absence of some law which compels a free exchange and interchange of cars to enable each road to get back empty cars for loaded cars delivered to its connections and a law which fixes penalties to compel the furnishing of cars to shippers and the exchange and interchange as between railroads; and

Whereas there has been introduced in the Senate of the United States by the Hon. C. A. CULBERSON, United States Senator from Texas, a bill, numbered S. 3044, declaring it to be the duty of railroads, subject to the act to regulate commerce, to provide sufficient facilities to perform with dispatch their duties as common carriers in furnishing cars and transporting all freight, including live stock, and to promptly transport same and to exchange loaded and empty cars and otherwise to provide sufficient facilities, fixing penalties for failure of such duties and giving to the shipper the right to recover in any court of any State or Territory having jurisdiction his damages and attorney's fees, and in case of failure to furnish cars for shipping live stock double the damages sustained, and also empowering the Interstate Commerce Commission to enforce penalties for violation of the act and to make rules and regulations with respect to the time and manner of giving notice for cars, furnishing cars, exchange and interchange of cars, and all needful rules and regulations in the administration of such law and to compel its observance and providing rules applicable to the different classes and kind of freight and the varying circumstances and conditions of shipment; and

Whereas we believe that the enactment of said bill into law will speedily remedy the deplorable conditions herein set forth and that some such measure is imperatively necessary: Now, therefore, be it

Resolved by the American National Live Stock Association, in convention assembled in Denver, Colo., January 21 and 22, 1908, That we heartily indorse said bill and recommend to our Senators and Congressmen from all of the Western States from which this association draws it membership that the same be passed; and be it further

Resolved, That copies of this resolution be promptly printed and sent to each of the Western Senators and Congressmen, with the request that the same be read in both the Senate and the House of Representatives as the expression of this convention; and be it further

Resolved, That a copy thereof be sent to President Roosevelt as the expression of this convention, with the request he submit to Congress a special message urging an enactment of such a law; and be it further

Resolved, That said bill be printed by the secretary of this association and furnished the members thereof, with the request that they write their respective Senators and Members of Congress urging the enactment thereof.

A true copy.

T. W. TOMLINSON, *Secretary.*

AMERICAN NATIONAL LIVE STOCK ASSOCIATION.

[Adopted at Denver, Colo., January 21 and 22, 1908.]

Committee resolution No. 2, opposing advances in interstate rates, fares, and charges except upon approval of Interstate Commerce Commission.

Be it resolved by the American National Live Stock Association, in annual convention assembled in Denver, Colo., January 21 and 22, 1908, That the Congress of the United States be, and the same is hereby, memorialized to enact a law which shall prohibit any railroad company from advancing interstate rates, fares, and charges, except upon approval of the Interstate Commerce Commission after notice thereof to interested parties in such cases as the Commission shall deem necessary; and

That all parties having the right under present laws to complain of unlawful rates shall have the right to complain of any proposed advance in the rates, whereupon it shall be the duty of the Interstate Commerce Commission to suspend the taking effect of such proposed advances until an opportunity shall be afforded the interested party to be heard; and

That the Interstate Commerce Commission shall be authorized to suspend in all cases any changes in the tariffs covering rates, fares, and charges, or rules and regulations respecting the same, pending any investigation which the Commission deem necessary to determine whether the same is just and reasonable.

A true copy.

T. W. TOMLINSON, *Secretary.*

AMERICAN NATIONAL LIVE STOCK ASSOCIATION.

[Adopted at Denver, Colo., January 21 and 22, 1908.]

Committee resolution No. 8, regulating speed limit of live-stock trains.

Be it resolved by the American National Live Stock Association in annual convention assembled in Denver, Colo., January 21 and 22, 1908, That the Congress of the United States be, and the same is hereby, memorialized to enact a law to provide for a minimum speed limit for the transportation of live stock, which minimum speed limit for stock trains shall not be less than 20 miles per hour from the place of loading to the first division point of the road, and between division points and the place of destination, with such exceptions as should be made over mountain divisions and under other exceptional cases, as to make the same reasonable, as circumstances may require; and

That the time limit for stoppage of live stock at division points does not exceed a reasonable time. That the law fix appropriate penalties against railroad companies for failing to observe such speed limit in the transportation of live stock, and for failure to observe such rules as may be prescribed by the Commission, subject to such exceptions as are fair and reasonable for accidents and causes beyond the reasonable foresight and control of such railroad companies; *Provided,* That the burden shall be on the railroad company to show in all such cases the facts of such accident preventing the observance of said mentioned speed limit; and be it further

Resolved, That the Interstate Commerce Commission be vested with the power to prescribe the speed limit, so as to make it applicable to the various circumstances and conditions of transportation.

A true copy.

T. W. TOMLINSON, *Secretary.*

Mr. GAMBLE presented a memorial of Cement City Council, No. 304, United Commercial Travelers, of Yankton, S. Dak., remonstrating against the passage of the so-called "parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented petitions of sundry volunteer officers of the civil war in the State of Massachusetts, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. LONG presented a petition of the State Retail Merchants' Association, of Topeka, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the State Retail Merchants' Association, of Topeka, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Retail Merchants' Association, of Topeka, Kans., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Automobile Association, of Kansas City, Mo., praying for the enactment of legislation providing for the regulation, identification, and registration of motor vehicles engaged in interstate travel, which was referred to the Committee on Interstate Commerce.

Mr. STEPHENSON presented a petition of Local Union No. 23, International Typographical Union, of Milwaukee, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the adoption of a certain amendment to the so-called "Crumpacker bill," relating to the employment of additional clerks for taking the Thirteenth Census, which was referred to the Committee on the Census.

CHINA AND JAPAN TRADING COMPANY (LIMITED).

Mr. KEAN. I present a memorial of the China and Japan Trading Company (Limited), of New York, in support of Senate bill No. 4449 and House bill No. 15353 for their relief. I move that the memorial be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

ACTION OF NEW YORK CITY BANKS.

Mr. CULBERSON. Mr. President, I desire to state that tomorrow morning, immediately after the routine business, I shall call up the resolution I introduced two or three days ago asking for certain information from the Secretary of the Treasury, in order to dispose of the resolution.

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (S. 2027) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, reported it with an amendment and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 4734) to provide for the transfer of a certain fund from "depredations upon public lands" to the credit of the White Earth bands of Chippewa Indians in Minnesota, reported it without amendment.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, reported it with amendments.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 4132) granting an additional land district in the State of South Dakota, reported it without amendment and submitted a report thereon.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885, reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 4986) granting an increase of pension to Lucretia L. Flick, which was read twice by its title and referred to the Committee on Pensions.

Mr. McLAURIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4987) for the relief of Martha S. Carmichael;

A bill (S. 4988) to carry into effect the findings of the Court of Claims in the matter of the claim of Elizabeth Johnson;

A bill (S. 4989) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. N. Clark, deceased;

A bill (S. 4990) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Charles Baker, deceased; and

A bill (S. 4991) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of James A. Foard, deceased.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4992) for the relief of the estate of Thomas W. Abney, deceased;

A bill (S. 4993) for the relief of the estates of Gustav Mayronne, Alfred Mayronne, and Fergus Mayronne;

A bill (S. 4994) for the relief of the estate of E. W. Sewell, deceased; and

A bill (S. 4995) for the relief of the estate of Leandre Campo & Co., deceased.

Mr. BORAH introduced a bill (S. 4996) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4997) for the relief of the estate of John R. Poplin, deceased;

A bill (S. 4998) for the relief of the estate of Mrs. Mary F. Sims, deceased;

A bill (S. 4999) for the relief of the estate of Alexander Williams, deceased;

A bill (S. 5000) for the relief of the estate of William McCracken, deceased;

A bill (S. 5001) for the relief of Van Foreman;

A bill (S. 5002) for the relief of the estate of Mary Rudy Cammack, deceased;

A bill (S. 5003) for the relief of David B. Dowdell;

A bill (S. 5004) for the relief of Robert L. Langston, administrator of Robert Langston, deceased;

A bill (S. 5005) for the relief of L. M. Northcutt;

A bill (S. 5006) for the relief of D. W. Price; and

A bill (S. 5007) for the relief of the estate of James S. Clark, deceased.

Mr. NELSON introduced a bill (S. 5008) granting an increase of pension to Jerome B. Crandell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BULKELEY introduced a bill (S. 5009) to reimburse John G. Foster and Horace M. Sanford, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. SMOOT introduced a bill (S. 5010) to enlarge the Grand Canyon game refuge, which was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5011) granting an increase of pension to Lewis L. Bell;

A bill (S. 5012) granting an increase of pension to Catherine A. S. Davis;

A bill (S. 5013) granting an increase of pension to Michael Stagg (with accompanying papers); and

A bill (S. 5014) granting an increase of pension to F. B. Fritz (with accompanying papers).

Mr. CURTIS introduced a bill (S. 5015) for the relief of the estate of Charles Goody, which was read twice by its title and referred to the Committee on Claims.

Mr. BORAH introduced a bill (S. 5016) granting an increase of pension to Maggie Greenly, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5017) to provide for the erection of a public building at Shawnee, Okla.; and

A bill (S. 5018) to provide for the erection of a public building at Bartlesville, Okla.

He also introduced a bill (S. 5019) to make the United States jail at Vinita, Okla., the property of Craig County, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5020) to reimburse Smith-Courtney Company, of Richmond, Va., for penalties incurred under Government contracts (with the accompanying papers); and

A bill (S. 5021) for the relief of William Corcoran (with an accompanying paper).

Mr. BURKETT introduced a bill (S. 5022) granting an increase of pension to August Ihringer, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5023) granting a pension to Harriette M. Maxwell, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5024) for the relief of Morey Mulliken, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 5025) for the relief of the Baptist Church of Dardanelle, Ark., which was read twice by its title and referred to the Committee on Claims.

THE PHILLIPINE ISLANDS.

Mr. STONE. I introduce a joint resolution and ask that it may be read and lie on the table subject to call.

The joint resolution (S. R. 52) requesting the President, on a day named in the future, to deliver the control and possession of the Philippine Islands to the authorities representing the people thereof, was read the first time by its title and the second time at length, as follows:

Whereas by virtue of the treaty between the United States and Spain, December 10, 1898, the United States established its control over the Philippine Islands; and

Whereas as a step toward their ultimate independence there was first established by acts of the Philippine Commission in 1901, and thereafter a scheme of provincial and municipal governments, which governments in the hands of the Filipinos themselves under an elective system have achieved and maintained order and stability; and

Whereas as a further step in the same direction and two years after a proclamation of the complete pacification of the islands, the United States provided for an election of a Philippine assembly, which assembly inaugurated last October is now, as appears from the reports of the Secretary of War, in full and satisfactory operation; and

Whereas the steps heretofore successfully taken have demonstrated and are demonstrating the justice of the claim of the Filipinos for speedy independence and their capacity for self-government; and

Whereas it is frequently urged as a reason for refusing independence to the Philippine Islands, that some other nation would seize the islands if the United States abandoned them; and

Whereas this danger can be removed by an agreement between the United States and the great nations of Europe and Asia whereby the independence of the Philippine Islands shall be assured, and they shall be regarded as neutral territory not open to the occupation of any other nation, as the independence of Switzerland has long been secured in Europe; and

Whereas fidelity to the fundamental principles of the American Government requires that said Government should aim to secure and safeguard the independence of said islands: Therefore be it

Resolved, etc., That the President is requested on the 10th day of December, 1913, that is to say, fifteen years after the date of the Treaty of Paris, to deliver the control and possession of said islands to the authorities representing the people thereof, including also all government property therein pertaining to the administration of such government, and withdraw therefrom immediately thereafter the Army and Navy of the United States: *Provided, however*, That the United States shall retain on such date and thereafter such suitable coaling and naval stations as in the judgment of the President may seem necessary, and that the delivery of said islands to such native government shall in itself imply the assumption by it of the obligations then existing and incumbent upon the Government of the United States and consequent upon the granting of any franchise, as well as the assumption of all outstanding obligations of the Government at that time existing in said islands; and be it further

Resolved, That the President is requested to open negotiations with other nations for the purpose of securing an agreement with them for the neutralization of the Philippine Islands and the recognition of their independence whenever the same shall be granted by the United States.

The VICE-PRESIDENT. The joint resolution will lie on the table.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. DIXON submitted an amendment proposing to increase the appropriation for the pay of the Indian agent at the Flathead Agency, Mont., from $1,500 to $1,800, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT TO NATIONAL BANKING LAWS.

Mr. HEYBURN submitted sundry amendments intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which were ordered to lie on the table and be printed.

LIGHT-HOUSE ESTABLISHMENT.

Mr. PERKINS submitted the following concurrent resolution, which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the balances of the appropriations for the construction of vessels for the Light-House Establishment appropriated for in the acts of Congress approved April 28, 1904 (33 Stat., 468), March 3, 1905 (33 Stat., 1171), June 30, 1906 (34 Stat., 659, 660, 710, and 711), and March 4, 1907 (34 Stat., 1317, 1318, and 1319), are hereby made available for the pay of officers and crews, the payment of consular fees, port dues, and exchange, the purchase of provisions, rations, fuel, engineer stores and supplies, pilotage, water, laundry, and all other necessary incidental expenses in the transfer of the following-named vessels of the Light-House Establishment from Tompkinsville, N. Y., where they are to be delivered when completed to their respective stations: Tenders for the twelfth light-house district; for the thirteenth light-house district; for the Pacific Ocean; for Lake Superior; relief light-vessel for the Pacific coast; Columbia River light-vessel, Oregon; Swiftsure Bank light vessel, Washington.

STREET CLEANING IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia are hereby directed to inform the Senate what, if any, increase is necessary in the appropriation for the coming fiscal year for sprinkling, sweeping, and cleaning streets, in order to avoid further dumping of street sweepings and ashes along the banks of Rock Creek.

PROPOSED TARIFF COMMISSION.

Mr. BEVERIDGE. Mr. President, I send to the Clerk's desk and ask to have read the following paper.

The VICE-PRESIDENT. The Secretary will read the paper in the absence of objection.

The Secretary proceeded to read the paper and read the resolution of the Baltimore Chamber of Commerce of December 9, 1907.

Mr. BEVERIDGE. I ask that the remainder of the resolutions may be printed in the RECORD as a part of my remarks, without further reading. I will state that the very large number that have not been read at the desk are equally emphatic, from bodies of American producers equally important as the resolutions of those that have been read.

The VICE-PRESIDENT. Without objection, permission is granted, and the entire paper will be printed.

The entire paper is as follows:

Resolutions from prominent organizations favoring tariff commission.

THE NATIONAL ASSOCIATION OF MANUFACTURERS.

[With a membership of 3,000 firms.]

FEBRUARY 4, 1908.

That for the promotion of the best interests of American industry this conference advocates the immediate creation of a nonpartisan permanent tariff commission, for the following purposes and ends, through Congressional action, viz:

First. The intelligent, thorough, and unprejudiced study of facts.

Second. The development and enlargement of our foreign trade.

Third. The accomplishment of this by reciprocal trade agreements, based on maximum and minimum schedules.

Fourth. The adjustment of the tariff schedules so that they shall affect all interests favorably and equitably, without excessive or needless protection to any.

NATIONAL GRANGE.

[Representing 1,000,000 farmers.]

[Resolution adopted at Annual Session, Hartford, Conn., November, 1907.]

We recommend to the Congress of the United States the appointment of a permanent nonpartisan tariff commission, composed of representatives of the agricultural, labor, manufacturing, transportation, and commercial interest of the country, whose duty it shall be to examine into all phases of the subject and secure exact information concerning all disputed points, and report their finding to Congress at the earliest possible date.

NATIONAL LIVE STOCK ASSOCIATION.

[Resolutions adopted at annual convention at Denver, Colo., January, 1908.]

Resolved, That, with a view toward securing all necessary data and adequate advices relating to the revision of tariff and other matters touching international trade, we urge the immediate creation of a nonpartisan tariff commission along the lines of the Beveridge bill recently introduced in the United States Senate, with instructions to investigate thoroughly existing conditions and promptly report, for the information of the Chief Executive, of Congress, and the people.

AMERICAN MEAT PACKERS' ASSOCIATION.

The American Meat Packers' Association, whose membership comprises 95 per cent of the meat packers of America, at their last annual convention unanimously adopted the following resolution:

"Be it resolved, That the American Meat Packers' Association formally declares itself in favor of establishing a nonpartisan tariff commission with semijudicial powers, as, for example, to summon witnesses; this commission to investigate thoroughly and scientifically the various schedules, and from time to time submit their conclusions in the form of recommendations to the Executive and to Congress."

NATIONAL ASSOCIATION OF AGRICULTURAL IMPLEMENT AND VEHICLE MANUFACTURERS.

[With 600 firms as members.]

Resolved, That the National Association of Agricultural Implement and Vehicle Manufacturers hereby instructs its officers to make every reasonable endeavor to secure the appointment of a permanent tariff commission at the forthcoming session of Congress.

INDIANA REPUBLICAN EDITORIAL ASSOCIATION.

INDIANAPOLIS, IND., *January 17, 1908.*

Resolved, That we enthusiastically indorse the bill introduced by Senator BEVERIDGE providing for a commission of tariff experts, whose duty it shall be to study the tariff in all its varying phases and applications and report to the next Congress. We believe that in this way the true condition of the tariff situation will be disclosed and the needed revisions of the schedules suggested.

MASSACHUSETTS STATE BOARD OF TRADE.

[Resolution adopted January 24, 1908.]

Resolved, That the Massachusetts State Board of Trade, believing that the changes in the tariff should be made in accordance with business requirements, and not because of political considerations, favors legislation by Congress which shall provide for the appointment by the President of a permanent nonpartisan tariff commission, to whom proposed changes in the laws relating to the tariff shall be submitted for consideration and report before being acted upon by Congress.

MERCHANTS' ASSOCIATION OF NEW YORK.

[With a membership of 1,200.]

Resolved, That the board of directors of the Merchants' Association of New York heartily indorses the proposal to create a permanent tariff commission, which shall take the tariff out of politics and politics out of the tariff; which shall include in its membership men qualified by training and experience to deal with the problems which would come before the commission; which would command the confidence and respect of the country, and which would be competent to obtain and compile statistical information needed by Congress and to formulate proposed legislation relating to the tariff in a manner which would simplify and facilitate action thereon by the legislative department of the Government.

CHICAGO ASSOCIATION OF COMMERCE.

We believe that the appointment of a permanent nonpartisan tariff commission, to make an unbiased investigation and report to Congress, would result in legislation adopting the broad commercial principle of reciprocity.

THE AMERICAN RECIPROCAL TARIFF LEAGUE AND 200 CONSTITUENT ORGANIZATIONS.

[National Reciprocity Conference, Chicago, unanimously adopted August 16–17, 1905.]

Resolved, That eventually the question of schedules and items to be considered in reciprocal concessions preferably be suggested by a permanent tariff commission, to be created by Congress and appointed by the President, which shall consist of economic, industrial, and commercial experts: That we urge upon Congress such action at the earliest time possible.

AMERICAN HARDWARE MANUFACTURERS' ASSOCIATION.

PHILADELPHIA, *December 9, 1907.*

Resolved, That this association is definitely opposed to the revision of the existing tariff laws except through the instrumentality of a nonpartisan commission with powers similar to the power now possessed by the Interstate Commerce Commission.

BALTIMORE CHAMBER OF COMMERCE.

DECEMBER 9, 1907.

Resolved, That the Baltimore Chamber of Commerce unites with other commercial organizations in urging the enactment of a law which shall create a tariff commission, thus affording ample opportunity to study the tariff thoroughly, in all its bearings, and report a definite and conclusive recommendation by 1909, when such changes in our tariff laws can be considered.

CHATTANOOGA MANUFACTURING ASSOCIATION.

CHATTANOOGA, TENN., *January, 1908.*

We are in favor of an early readjustment of our present tariffs, and of a permanent nonpartisan tariff commission. Also that the same commission be empowered to keep it revised to suit the changing business conditions of our country, so that equal justice may be done to all our people. The question of tariff, as we view it, should be outside of political parties, because it is a question of economics, and not one of policy or preference.

DAYTON CHAMBER OF COMMERCE.

DAYTON, OHIO, *January 28, 1908.*

Resolved, That the Dayton Chamber of Commerce approves the proposition to establish a national permanent nonpartisan expert tariff commission, as provided by Senate bill No. 3163, and that both our United States Senators be notified of this action and requested to support this bill.

NATIONAL CONVENTION FOR THE EXTENSION OF FOREIGN COMMERCE OF THE UNITED STATES.

[Resolutions adopted, Washington, D. C., January 16, 1907.]

Be it resolved, That in addition to the granting of discretionary powers to the Executive, we urge the establishment of a permanent nonpartisan advisory board or commission, charged with the duty of studying at all times our trade relations with foreign countries, with a view toward recommending, from time to time, such modifications in customs duties or regulations as may, in their judgment, be necessary or desirable.

MILLERS' NATIONAL FEDERATION.

CHICAGO, *January 24, 1908.*

The Millers' National Federation are in favor of a tariff readjustment entirely along the lines of reciprocal arrangements which will enable us to regain certain foreign markets which we are convinced are closed to us due to the lack of reciprocity. Our people are opposed to anything of a political nature, although believing in a tariff commission, and feeling that a commission of experts can do much good in securing the needed readjustment.

MERCHANTS' EXCHANGE OF ST. LOUIS.

DECEMBER 11, 1907.

The board of directors of the Merchants' Exchange of St. Louis indorses the sentiment as expressed in the letter of the American Reciprocal Tariff League and will cooperate in calling upon Congress to create a permanent nonpartisan tariff commission to make unbiased investigations and report to the President and Congress from time to time such modifications of the tariff as in their judgment may safely and properly be made, in keeping with the interests of the general welfare of the country.

NATIONAL PIANO MANUFACTURERS' ASSOCIATION OF AMERICA.

JANUARY 28, 1908.

Resolved, That we heartily approve of Senate bill No. 3163, for the creation of a tariff commission, and urge its passage.

WESTERN ASSOCIATION OF SHOE WHOLESALERS.

CHICAGO, ILL., *December 14, 1907.*

Resolved, That in the judgment of the members of the Western Association of Shoe Wholesalers in annual meeting assembled that Congress should be called upon to create a permanent nonpartisan tariff commission with semijudicial functions, such as the power to summon witnesses, which shall make an unbiased investigation of our customs duties, regulation and classification, hear complaints, study domestic and foreign market conditions, and to report to the Executive and to Congress from time to time such modifications of the tariff schedules as in their judgment may safely and properly be made in the interests of the general welfare.

MISSOURI MANUFACTURERS' ASSOCIATION.

[Adopted January 9, 1908.]

That the Missouri Manufacturers' Association indorses the position of the American Reciprocal Tariff League, and that this association will cooperate in requesting Congress to create a permanent nonpartisan tariff commission to make thorough and unbiased investigation and report to the President and Congress at stated intervals such changes in the tariff laws as in their judgment should be made to promote the interests and general welfare of the country and the nation's commerce.

NATIONAL BOOT AND SHOE MANUFACTURERS' ASSOCIATION.

ROCHESTER, N. Y., *January, 1908.*

We favor the taking of all tariff matters out of politics. We favor the passage of the bill now pending before the Senate providing for the appointment of a tariff commission to investigate and make recommendations from time to time for the revision of the tariff schedules to the President of the United States to be transmitted to Congress.

BOARD OF TRADE OF CHICAGO.

JANUARY 14, 1908.

The executive committee recommends the creation of a nonpartisan tariff commission which shall make unbiased investigations and report to the President and Congress from time to time as to such modifications of the tariff as in their judgment may safely and properly be made in promoting the general welfare of the country.

ST. LOUIS COTTON EXCHANGE.

The St. Louis Cotton Exchange, by its board of directors, approves the plan of a permanent nonpartisan tariff commission.

EAST BUFFALO LIVE STOCK ASSOCIATION.

EAST BUFFALO, N. Y., *January 2, 1908.*

Resolved, That the East Buffalo Live Stock Association approves the proposition that Congress create a permanent nonpartisan tariff commission to act in an advisory capacity, substantially as provided in the second section of said resolutions.

COMMERCIAL CLUB OF TOPEKA, KANS.

[Adopted December 13, 1907.]

Resolved by the Commercial Club of Topeka, Kans., That we are in favor of the creation by the present Congress of a permanent tariff commission as recommended by the National Association of Manufacturers, the National Foreign Commerce Convention, and the American Reciprocal Tariff League.

CARRIAGE BUILDERS' NATIONAL ASSOCIATION.

WILMINGTON, DEL., *December 5, 1907.*

Whereas the resolution adopted at the convention of the Carriage Builders' Association, Atlanta, Ga., in 1906, favoring the prompt revision of the tariff and the governmental commission to assist in removing the questions of tariff from active partisanship:

Resolved, That we reaffirm our views as set forth in our Atlanta resolutions and earnestly request prompt consideration by our national representatives at the incoming session of Congress.

THE MERCHANTS' ASSOCIATION OF NEW YORK.

Resolved, That the board of directors of the Merchants' Association of New York heartily indorse the proposal to create a permanent tariff commission, which shall take the tariff out of politics and politics out of the tariff, which shall include in its membership men qualified by training and experience to deal with the problems which would come before the commission, which would command the confidence and respect of the country.

BOSTON CHAMBER OF COMMERCE.

[Resolutions adopted July 26, 1906.]

Resolved, That the Congress of the United States should, as speedily as possible, take such measures as may be necessary to safeguard our markets in foreign countries, either by lessening those duties that will surely lead, if continued, to reprisal by foreign Governments at our expense.

MERCHANT TAILORS' NATIONAL PROTECTIVE ASSOCIATION.

This association is in favor of the establishment, at the earliest practicable moment, of a tariff commission, expert, impartial, and thoroughly competent, which shall investigate the tariff schedules, one by one, and present their findings in the shape of recommendations to Congress and the Executive, this commission having power to summon witnesses and compel the submission of testimony.

THE MANUFACTURERS' ASSOCIATION OF NEW YORK.

We heartily commend the proposition for the establishment of a standing national expert commission, whose duty it should be to investigate all matter bearing on tariff, and to report to Congress such recommendations as would be deemed wise as the basis for legislation to promote the commercial interests of the country as a whole.

Mr. BEVERIDGE. Since I have been sitting in my seat I have received a telegram, which I will ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read as requested, without objection.

The Secretary read as follows:

PORTLAND, OREG., *February 4, 1908.*

Hon. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.:

Portland Chamber of Commerce urges passage S. 3163 to create a tariff commission.

PORTLAND CHAMBER OF COMMERCE.

Mr. BEVERIDGE. I may say for the information of the Senate that these resolutions of these important bodies of American producers of every kind are located in every portion of this country, and as this discussion proceeds others of a similar nature will be produced from every State in the Union.

I send to the desk, and ask that it may be read for the information of the Senate, Senate bill 3163.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the bill.

The Secretary read the first three sections of the bill (S. 3163) to create a tariff commission, introduced by Mr. BEVERIDGE, January 7, 1908.

Mr. BEVERIDGE. I will not ask that the reading of the bill shall further proceed. Each Senator has it on his desk. I have had this much of the bill read so that the Senate may now know, as I am about to address it, just what the bill proposes.

Mr. FRYE. The whole bill will be printed?

Mr. BEVERIDGE. The whole bill will be printed as a part of my remarks. I thank the Senator from Maine.

The bill is as follows:

A bill (S. 3163) to create a tariff commission.

Be it enacted, etc., That there is hereby created a Commission which shall be known as the tariff commission.

SEC. 2. That said Commission shall consist of seven members, appointed by the President of the United States, by and with the advice the consent of the Senate, the members of said Commission to be appointed solely with a view to their qualifications as specified in this act and without regard to political affiliations. The composition of the Commission shall be as nearly as possible as follows: First, three members identified with the producing interests; second, one member a lawyer who has made a special study of the customs and tariff laws of the United States; third, one member who has had special experience in connection with the administration of customs and tariff laws of the United States; fourth, one member familiar with industrial and commercial conditions in foreign countries affecting competition of foreign products with products of the United States and thoroughly conversant with the customs and tariff laws of those countries; fifth, one economist and statistician who has given special attention to the subject of prices and cost of production as affecting the tariff. No member shall belong to either branch of Congress. The members of said Commission shall be appointed for terms of seven years, but any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The Commissioner first named shall be the chairman of the Commission. Each Commissioner shall receive an annual salary of $7,500. The Commission shall appoint a secretary, who shall receive a salary of $3,600. The Commission shall have the power to employ and fix the compensation of such other employees as it may find necessary to the proper performance of its duties.

SEC. 3. That it shall be the duty of said Commission to investigate immediately the cost of production of all articles covered by the tariff, with special reference to the prices paid American labor in comparison with the prices paid foreign labor, the prices of raw materials, whether domestic or imported, entering into manufactured articles, the condition of domestic and foreign markets as affecting American products, and all other facts which, in the judgment of said Commission, may be necessary or helpful to Congress in providing equitable rates of duties on any article; and, in general, to thoroughly investigate all the various questions relating to the manufacturing, agricultural, commercial, and mining interests of the United States so far as the same may be necessary or helpful to Congress in enacting customs tariffs laws.

SEC. 4. That said Commission shall tabulate the results of said investigation and submit the same to Congress, together with an explanatory report of said facts so ascertained; and said tabulation of said facts and report in explanation of the same shall be laid before Congress at the earliest possible moment for the use, information, and guidance of Congress; and at the request of the Ways and Means Committee of the House and the Finance Committee of the Senate, or by the direction of Congress by resolution, said Commission shall sit with said above-named committees of the House and of the Senate during the sessions of said committees when said committees are drafting or considering any bill affecting the customs tariff laws of the United States.

SEC. 5. That it shall be the duty of said Commission to study and investigate all rulings and classifications of the Treasury Department by which new articles not specifically provided for in the customs tariff law

are now included in the operation of said law; and also make a study of the classifications recently adopted in the customs tariff laws of the leading commercial nations of the world; and to submit to Congress the result of said investigations, together with a draft of a scheme for the scientific classification of tariff schedules.

SEC. 6. That said Commission shall have the power to sit and hold hearings in any part of the country, and it shall be the duty of said Commission, through one or more members thereof, to personally visit every section of the country and personally investigate the conditions of each section with reference to the tariff; it shall also have the power to visit, through one or more of its members or employees, such foreign countries as may be found necessary in the prosecution of its work. Said Commission in pursuing its investigations, as above provided, shall have the power to take testimony, administer oaths, and require the production of books and papers for the purpose of the accurate ascertainment of the facts which it shall be the duty of said Commission to investigate and report to Congress, as hereinbefore provided. The principal offices of said Commission shall be in the city of Washington, and said Commission may hire suitable offices for its use and procure all necessary office supplies. Should said Commission require the attendance of any witness, either in Washington or at any other place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses by the courts of the United States.

All of the expenses of the Commission, including all necessary expenses for transportation incurred by the Commissioners, or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be paid on the presentation of itemized vouchers, approved by the chairman of the Commission. The sum of $100,000 is hereby appropriated for the salaries and expenses of the Commission authorized by this act.

A TARIFF COMMMISSION TO FIND FACTS AND MAKE CLASSIFICATIONS.

Mr. BEVERIDGE. Mr. President, this bill seeks to create a commission of tariff experts to find out the facts upon which Congress builds a tariff and to make a classification of articles to which Congress can plainly and accurately fix customs duties.

By this bill the commission itself is not allowed to fix duties or even to suggest any rate. By this bill the fixing of duties is left to Congress and to Congress alone. Congress parts with no legislative power.

The commission is kept strictly to the task of gathering facts and making clear classifications; the first is expert investigating work, the second, expert clerical work. Neither is properly legislative work.

In short, by this bill the commission is an assistant of Congress, a servant and clerk of Congress. It is to Congress as a whole what his secretary is to each Member of Congress; it is necessary to Congress for the same reason that the secretary is necessary to each Member.

Personally I am not wedded to this or any other bill. I am determined only upon the idea. If a wiser plan can be thought of than the one which this bill proposes, I shall work and vote for it as heartily as for this plan. But some plan to get the facts and to classify articles must be made and made at once, for Congress itself can not get these facts or make these classifications.

The tariff is fixed by facts; how to get at these facts is the first question in the whole tariff problem.

If any man needs the facts more than another it is the protectionist, like myself; because we can not wisely protect any business unless you know the facts about that business. In a purely revenue tariff some duties can be fixed without any facts, such as duties on coffee, tea, chocolate, tropical fruits, and other food necessities; for such a *revenue tariff must include all of these because they are consumed by all of our people, not produced by any of our people, and therefore would be the best revenue producers of all imports.*

Still the facts are also necessary to the advocate of a purely revenue tariff; for even such a tariff must sweep through thousands of articles because our needed revenue is so great. So the man who is for a purely revenue tariff should know the facts, and a man who is for a protective tariff must know the facts.

PLAN FOLLOWED IN BUSINESS.

How, then, can we best find out these facts? Common sense and experience answer the question. We should create a body of experts to find out these facts for us. These men should be the fittest men that can be found for this work; they should give their whole time to this work and lay before us the result of their investigations.

This plan is followed in business. Our largest industries keep experts at work all the time finding out the facts on which every branch of their trade depends. They send such men to all parts of the country and world to learn about new resources, trade conditions, and everything which helps them to do their business wisely.

Again, when a court of equity must hear a cause where large and varied accounts are to be examined or where masses of testimony are to be taken and sifted, the chancellor appoints a special commissioner to find out these widespread and mixed-up facts and lay them before the court classified and summarized.

Conditions have compelled us to do the same thing in government. For example, Congress created the Bureau of Corporations for this purpose. After years of thorough work by this Bureau no man in any party proposes to destroy it or stop its labors. The same is equally true of the Bureau of Labor.

EXPERTS FOR SIMPLER THINGS THAN THE TARIFF.

Again, the Senate some months ago ordered an investigation by these experts of a certain great trust. The other day, when it was proposed to stop this investigation, the Senate, after full debate, refused to do so. Again, a few weeks ago the President sent a commission to Goldfield, Nev., to find out the facts about the strike at that place, so that he could know whether to keep the nation's soldiers there or not; and everybody agreed that this was wise and necessary.

Again, Congress created the Industrial Commission to find out certain facts. The report of this Commission and those of the Interstate Commerce Commission resulted in the law for the Department of Commerce and Labor, the Bureau of Corporations, the Elkins law, the rate law, the immigration law, and most of the reform laws of the last six years.

Again, Congress created the Merchant Marine Commission, to find out the facts about our shipping and carrying trade; and while nothing has been done, yet we have the facts. Whether upon those facts we think it wise to do nothing or to do something, still we have no longer the excuse of ignorance.

Again, more than twenty years ago the Senator from Illinois [Mr. CULLOM], whose work in this body has been so invaluable to the Republic, introduced and had passed the bill establishing the Interstate Commerce Commission. During most of its existence its duties have been chiefly and still largely are the finding of facts which Congress could not find—facts about rates, discriminations, and the like. No man in any party now proposes to abolish that Commission or curtail its powers.

IF THESE EXPERTS NECESSARY, TARIFF EXPERTS INDISPENSABLE.

But if we thought it wise for the President to send a commission to find out the facts in so simple a matter as a strike at Goldfield; if it is wise for a chancellor to appoint special examiners and commissioners to find out and report the facts in single cases; if the Senate directs the Bureau of Corporations to find out the facts about the doings of a single trust in a single branch of its activities; if Congress creates a body of men to find out the facts about any great business which the President thinks should be investigated, and if its work is so wise that no man in any party asks that that work be stopped, how much more should we create a body of men, specially fitted for the work, to find out the facts about our tariff, which is more important, more intricate, more difficult than all these other things put together.

If we provide experts to find out the facts about things which have to do with comparatively few of the people, how much more should we provide experts to find out the facts about a thing which has to do with all of the people. If we take such measures to learn the truth about matters which are easy to learn, how much more should we take similar measures to find out the truth about a matter that is hard to learn.

If it be said that we have no right to know the facts about any business, the answer is that when that business asks for protective duties we can fix those duties only by knowing the facts about that business. If we fix duties only by what that business says it wants, its managers would be fixing its own tariff instead of our fixing its tariff. *It would be making a tariff law for itself instead of Congress making a tariff law for the people.* Would it not seem that any business or any man who is against the plan of having experts with plenty of time find out the facts, that he does not want the facts found out?

WHAT CONGRESSIONAL COMMITTEES HAVE TO DO WHEN MAKING A TARIFF.

Our tariff covers thousands of items. Whether duties should be placed upon these articles is a question of fact. The amount of the duty is an even harder question of fact. Heretofore we have forced committees of the House and the Senate to find out these facts. These committees do not work at the task all of the time. They work at it only when the tariff is being revised, which is about once in every ten years. Even then these committees work but for a few months, and only part of the time during these few months. That part of the time during these few months is not given wholly to the task of finding out the facts, but also to the fixing of duties upon these facts, considering how each of these duties affects the others, how each of them taken alone and all of them taken together affect our foreign and domestic trade, and all the other things that must be thought of in making a tariff.

TIME ACTUALLY SPENT ON TARIFF BILLS HERETOFORE.

For example, the Committee on Ways and Means of the House that framed the Dingley bill reported that bill the 19th day of March, 1897, so they did all the above work in *less than four months*. The Committee on Finance of the Senate took this bill and reported it back the 4th of May, 1897, so the Finance Committee did all this work *in six weeks*.

Again, the Committee on Ways and Means of the House that framed the McKinley bill reported that bill the 16th day of April, 1890, doing the work in *less than five months*. The Committee on Finance of the Senate took this bill and reported it back the 17th day of June, 1890, so the Finance Committee did all this work *in two months*.

Again, the Committee on Ways and Means that framed the Wilson bill reported that bill the 19th of December, 1893, so they did all the work *in a little over four months*. The Committee on Finance took this bill and reported it back the 20th day of March, 1894, so the Finance Committee of the Senate did all this work *in three months*.

TIME TAKEN BY SENATE COMMITTEE IN SMOOT CASE.

Compare this with the work of other Senate committees. On January 27, 1904, the Senate instructed the Committee on Privileges and Elections (one of the ablest committees of the Senate) to investigate the case of REED SMOOT, a Senator from Utah. Two years and six months later that committee made its report. Of these thirty months some members of the committee were at work all the time; and the full committee worked in actual session six solid months. The committee was aided by associations and persons who employed attorneys, detectives, etc., to look up facts and find witnesses.

If it took a Senate committee two years and six months working in some form all the time, and working steadily as a full committee six solid months to find out the facts in a single phase of the life of a single Senator, as was true in the Smoot case, how could a House committee, working part of the time for a few months and a Senate committee working part of the time for a few weeks, find out all the facts about all the articles in our tariff on which that committee fixes duties?

IS THIS FAIR TO ANYBODY?

Is it not plain that these committees, no matter how able, wise, and industrious, were overworked? Doubtless they did their work thoroughly, carefully, accurately as men could do it in such scanty time; but is it not asking too much of any man to crowd so much labor into so short a space? Is it fair to those committees? Is it fair to Congress? Is it fair to the thousands of American industries which, in their business, are affected by the tariff? Is it fair to the millions of farmers, wage-earners, and manufacturers who, as producers, are affected by the tariff? Is it fair to the 90,000,000 of the American people, who, as consumers, are affected by a tariff?

But not only are these committees forced to do this vast work in this brief time, but the members of these committees must do other heavy work at the same time.

OTHER WORK THAT MUST BE DONE BY MEMBERS OF THOSE COMMITTEES AT THE SAME TIME.

For example, the present committee of the Senate which must do the Senate work of tariff revision is ably presided over by Senator ALDRICH, but he is also a member of the Committees on Interstate Commerce, Rules, Cuban Relations, etc. The other members of the Senate Committee are—

The Senator from Maine [Mr. HALE], but he is also chairman of the Committee on Naval Affairs, a member of the Committees on Appropriations, Philippines, Census, Canadian Relations, etc.

The Senator from New York [Mr. PLATT], but he is also chairman of the Committee on Printing and a member of the Committees on Naval Affairs, Interoceanic Canals, Civil Service, etc.

The Senator from Iowa [Mr. ALLISON], but he is also chairman of the Committee on Appropriations, etc.

The Senator from Michigan [Mr. BURROWS], but he is also chairman of the Committee on Privileges and Elections, a member of the Committees on Naval Affairs, Philippines, Post-Offices and Post-Roads, etc.

The Senator from North Dakota [Mr. HANSBROUGH], but he is also chairman of the Committee on Public Lands and a member of the Committees on the District of Columbia, Agriculture and Forestry, Irrigation, Library, etc.

The Senator from Pennsylvania [Mr. PENROSE], but he is also chairman of the Committee on Post-Offices and Post-Roads and a member of the Committees on Commerce, Education and Labor, Immigration, Naval Affairs, etc.

The Senator from Illinois [Mr. HOPKINS], but he is also chairman of the Committee on Enrolled Bills and a member of the Committees on Commerce, the Census, and Interoceanic Canals.

The Senator from Virginia [Mr. DANIEL], but he is also a member of the Committee on Appropriations, Education and Labor and is chairman of the Committee on Public Health.

The Senator from Colorado [Mr. TELLER], but he is also a member of the Committees on Appropriations, Philippines, Pensions, Mines and Mining, Geological Survey and is chairman of the Committee on Private Land Claims.

The Senator from Mississippi [Mr. MONEY], but he is also a member of the Committees on Foreign Relations, Railroads, Agriculture and Forestry, etc.

The Senator from Texas [Mr. BAILEY], but he is also a member of the Committees on Rules, Census, Irrigation, etc.

The Senator from Florida [Mr. TALIAFERRO], but he is also a member of the Committees on Military Affairs, Coast Defenses, Interoceanic Canals, Cuban Relations, Post-Offices and Post-Roads, Pensions, and the Census.

Each of these Senators attends to the work of every committee on which he is a member. They are among the most industrious of our Senators. They neglect no duty on any committee to which they are assigned. The same is true of the members of the Ways and Means Committee of the House.

OCCUPATIONS OF MEMBERS OF COMMITTEES.

The same thing is true, Mr. President, in reference to the members of the Ways and Means Committee of the House of Representatives, in their ability, in their patriotism, and in their devotion to duty. But it may further be said that an examination of their occupations does not show that the Ways and Means Committee of the House or the Finance Committee of the Senate are especially fitted by their occupations and life work to act as experts in finding out the facts or arranging the classifications.

For instance, I have a list here of the members of the Ways and Means Committee of the House of Representatives who framed the Dingley bill.

Mr. President, every member of that committee at that time, with two exceptions, was a lawyer; one was an editor and one was a wood manufacturer.

Take the present Ways and Means Committee of the other House. A mere reading of their names and their occupations in the Congressional Directory will disclose to the Senate what admirable men they are as legislators; but it does not disclose that they are especially fitted by their life work for economic investigation, because all of them but two are lawyers, one is a lumberman, and one has no occupation at all.

SUPPOSE THESE COMMITTEES HAD ONLY THE TARIFF FOR THEIR WORK.

But, Mr. President, this is not all. Each one of these Senators and Representatives is busy with politics in his own State. Some of them are leaders of their party. Some of them are lawyers in active practice. Some of them are managers of great business interests. But suppose that not a man of them did anything in politics, business, or law. Suppose every one of them were to quit all his work in the Senate and in the House except the work of the Finance Committee of the Senate and of the Committee on Ways and Means of the House. Suppose, for example, the Senator from Iowa [Mr. ALLISON]—the loved and honored leader of this body; a man whose work for nearly a half century has so enriched his country, which in return so much reveres him; a man whom every member of this body, without regard to party, fervently prays may remain with us as our leader for many and many a long year to come—suppose the Senator from Iowa were to leave his tremendous duties as chairman of the Appropriations Committee; suppose the Senator from Maine [Mr. HALE], who commands the respect and confidence of the entire Congress, whose words are always so carefully weighed, and whose wisdom we so frequently follow, were to leave his duties, so delicate and so complex, as chairman of the Naval Affairs Committee, duties that are bound to grow from this day on in a manner that few of us now suspect; suppose that every member of this committee were to abandon every duty to which he is assigned on the other committees of this Senate and were to devote his entire time for the few months during the short period when the tariff is revised to the sole work of finding out the facts concerning thousands and thousands of articles, of fixing the duties on those articles, of considering their effect on domestic and foreign trade, on the producer and consumer, and all the other things, would it not be difficult for them to do that?

WHAT HAPPENS AT COMMITTEE "HEARINGS."

These committees have hearings, sometimes private, sometimes public. At the public hearings the committee rooms overflow with representatives of various interests. The private hearings are equally congested. Both are rushed and confused. At these hearings there is no time, no opportunity, to go into

any one subject thoroughly; no time, no opportunity, to test the statements there made; no time, no opportunity, to verify a single supposed fact.

If any interest wishes to get an unjust rate of duty, the hurry, confusion, incompleteness of these hearings give that interest the chance; and the still greater hurry and difficulty of fixing the duties themselves adds to that chance—all this, of course, without any member of the committee knowing or intending to aid such an interest in such a way.

The most honest and alert man could not possibly prevent or even know about incorrect statements; and the best of men might be excused from making a tariff rate which they did not intend to make and which, had they known all the facts, they never would have made. I do not suggest that this has occurred, but only that, by the present method, it might occur without any member of the committee knowing of it.

I repeat that the whole work of these committees is rushed. They must hurry. Business waits to know the new duties; and so the committees are driven at greatest possible speed. How easy in this necessary haste for certain interests to get unjust rates without the committees knowing that they are unjust, as well as for the committees themselves to make mistakes both of fact and judgment.

DIRECT TESTIMONY ON THE WORK OF FRAMING A TARIFF.

Senator Vest, of Missouri, has told what this work means. In a signed article in the Saturday Evening Post two or three years ago he gives a shocking account of the work of the Senate committee on the Wilson-Gorman bill; and he concludes as follows:

I look back now upon what occurred during the debate and conference on the Wilson-Gorman bill as a nightmare, from the effects of which I have never recovered.

Before the conference ended three of the conferees had broken down under the constant strain to which we were subjected. Wilson was attacked by facial erysipelas, and in a few days afterwards I became a victim of the same malady. We sat opposite to each other, our faces discolored by iodine and looking like two Indians painted for a war dance.

In a short time afterwards Senator Harris also went upon the sick list and told me subsequently that *he dated the failure of his health from the effects of overwork and constant anxiety incident to the struggle over the Wilson-Gorman bill of 1894.*

Senator Jones was also stricken down with angina pectoris and was compelled to go abroad in order to obtain relief. I have myself *never been able to recover from the exhaustive labor to which I was subjected during that terrible struggle.*

DIFFERENCES IN HOUSE AND SENATE BILLS.

If it is said that, no matter how hard the work, nevertheless these committees actually have done it in the past, one answer is suggested in the bills which these two committes reported when the tariff was last revised. I have carefully gone over the bill that Mr. Dingley reported to the House and which the House passed, also the bill which Mr. ALDRICH reported to the Senate, and have tabulated the duties which these two bills fixed on the same articles—as you can see, this research has meant months of work. The duties fixed on most of them by the House bill differ widely from those fixed by the Senate bill, and in many cases the differences are so wide apart that they are startling. I shall not give the whole list—it embraces thousands of articles. But here are a few samples:

DINGLEY BILL IN HOUSE AND SENATE.

Article.	Duty fixed by House committee.	Duty fixed by Senate committee.	Difference.
			Per cent.
Borax	2 cents per pound	5 cents per pound	150
Borate of lime	ditto	4 cents per pound	100
Boracic acid	3 cents per pound	5 cents per pound	66⅔
Fusel oil	½ cent per pound	¼ cent per pound	100
Opium	$6 per pound	$8 per pound	33⅓
Nitrate of lead	2½ cents per pound	1½ cents per pound	66⅔
Phosphorus	20 cents per pound	10 cents per pound	100
Soda ash	½ cent per pound	¾ cent per pound	50
Sea moss	Free list	10 per cent	.....
Unmanufactured pumice stone.	20 per cent	ditto	100
Spectacles, eyeglasses, etc., of a certain value, but not over 75 cents a dozen.	25 cents per dozen and 20 per cent.	40 cents per dozen and 20 per cent.	a60
Coral and spar	25 per cent	50 per cent	100
Railway fish plates or splice bars, iron or steel.	¼ cent per pound	.4 cent per pound	25
On certain knives	50 cents per dozen	Duty omitted	.....
On other knives	75 cents per dozen	ditto	.....
Razors and razor blades of a certain value.	$1 per dozen and 15 per cent.	50 cents per dozen and 15 per cent.	a100
On razors and razor blades of a different value.	ditto	$1.75 per dozen and 20 per cent.	a75
Scissors and shears of a certain value.	50 cents per dozen and 15 per cent.	15 cents per dozen and 15 per cent.	ba333⅓
Files of a certain length	30 cents per dozen	50 cents per dozen	66⅔
Files of a different length	60 cents per dozen	$1 per dozen	66⅔
Planed or finished lumber	50 cents per M feet	35 cents per M feet	42⅞

a In the specific part of the duty.

DINGLEY BILL IN HOUSE AND SENATE—continued.

Article.	Duty fixed by House committee.	Duty fixed by Senate committee.	Difference.
			Per cent.
On the same, if planed on one side and tongued and grooved.	$1 per M feet	70 cents per M feet.	42⅞
Toothpicks	2 cents per M and 15 per cent.	1 cent per M and 15 per cent.	a100
Sugar cane, unmanufactured.	20 per cent	10 per cent	100
Saccharine	$2 per pound and 15 per cent.	$1 per pound and 10 per cent.	aa100
Chicory root	1 cent per pound	Free list	.....
Cocoa butter	6 cents per pound	3¼ cents per pound	71⅜
Substitutes for coffee	1½ cents per pound	2 cents per pound	33⅓
Still wines	60 cents per gallon	30 cents per gallon.	100
Certain cotton cloth	8 cents per square yard.	6½ cents per square yard.	23$\frac{1}{13}$
Stockings, hose, etc., of a certain value.	50 cents per dozen pairs and 15 per cent.	60 cents per dozen pairs and 15 per cent.	a20
Tow of flax, retted	$22.40 per ton	$11.20 per ton	100
Floor mattings	8 cents per square yard.	4 cents per square yard.	100
Carpets of a certain value	6 cents per square yard and 35 per cent.	10 cents per square yard and 35 per cent.	a66⅔

a In the specific part of the duty.

These are only examples. There are hundreds like them. In the cotton and woolen schedule, the steel and iron schedule, and the glass schedule the House and Senate differ on numerous items. Frequently the House fixed specific duties, the Senate ad valorem duties. Sometimes the House and Senate put articles on the "free list" and the conference committee put heavy duties on those very articles. Sometimes the conference committee disregarded the duties of both Senate and House and fixed different duties and *on a different basis; yet the conference committee was in session only five days.*

COULD SENATE AND HOUSE HAVE HAD THE SAME FACTS.

Could the Senate and House committees have had the same information? If so, why these wide differences? If they had the same facts, how could the divergence in their judgment as to what duties ought to be fixed on those facts have been so great as the examples I have given? Remember that the members of these committees were experienced, able, careful men, and *a majority of each committee were high protectionists, as I am myself.* What explanation can there be except that these two committees were differently informed, or insufficiently informed, or both? Had these facts been carefully gotten up by a body of expert men, specially fitted for that work and with plenty of time to do the work, could there have been these astounding differences?

Mr. NEWLANDS. Would it interrupt the course of the Senator's argument if I were to ask him a few questions now?

Mr. BEVERIDGE. It depends upon what the questions are, I will say frankly to the Senator. He can then determine whether he would like to ask the questions now. I am very willing, as the Senator knows, not only to answer all questions, but I invite them. But I want to make this presentation, this being the opening of the debate, in as clear and concise a manner as I possibly can, and in the order in which it is arranged. If the Senator wishes to ask me a question which will not break the chain of the argument, which I wish to preserve, I will answer it. However, I will say to the Senator and every other Senator that, as is my custom, at least I shall give him and every other Senator ample opportunity to ask any possible question as the debate proceeds. Now, then, the Senator can judge for himself whether he wishes to ask the question.

Mr. NEWLANDS. I will be very brief, I will say to the Senator. My purpose is to put the question to him so that in the course of his argument he may answer it.

I understand the purpose of the Senator in presenting the bill is to treat the tariff as an economic and not simply as a partisan question.

Mr. BEVERIDGE. Yes; absolutely.

Mr. NEWLANDS. And in doing that he has provided that the commissioners shall be appointed solely with a view to their qualifications and without regard to political affiliations.

Mr. BEVERIDGE. Yes.

Mr. NEWLANDS. I would ask the Senator if he would not strengthen that view of the case by providing in the bill that no more than four of the seven commissioners shall be members of one party.

Mr. BEVERIDGE. I do not know. It might strengthen it. I will say to the Senator, if, in the judgment of the Senate or of Congress, that would strengthen that feature—of its being

absolutely nonpartisan—I should be delighted to incorporate it in the bill. That it a matter of detail in the bill.

Mr. NEWLANDS. I will ask the Senator, further, whether he has properly made up the commission? He provides that three of the members shall be identified with the producing interest, and one member shall be a lawyer, and so forth. I observe that in the bill no provision is made for the appointment of an agriculturist.

Mr. BEVERIDGE. Yes; the producing interest. The Senator is mistaken. I will say in answer to the Senator's question—then I want to say something to him—that he is mistaken. It is provided that three shall be from the producing classes. My own thought when I drafted it was that one should be an agriculturist, one should be a cattleman, and the other should be a manufacturer.

Mr. NEWLANDS. I suggest to the Senator it might be well to make the bill more explicit in that particular.

Mr. BEVERIDGE. It may be. Those are matters of detail. What I am now arguing is the theory of the bill, the necessity of the commission; and if it is just the same to the Senator I would be pleased if he would point out those matters at some later time in the debate, in view of the fact that they do not go to the general idea of the commission, to which I am now confining myself. I will gladly accept any suggestion that will strengthen this bill or make it more reasonable.

Mr. NEWLANDS. I did not expect the Senator to make an answer to these questions now. I am trying to put them briefly, and the Senator may reply to them in the course of his argument. I have one other inquiry to make.

Mr. BEVERIDGE. I would not, of course, undertake to reply to questions which concern the detail of the bill during the course of this argument. If what the Senator is driving at, which is exactly the same thing that I wish to attain, is the best way, I should be very glad indeed to incorporate it in the bill. I will say this further thing right now and in that connection, that I am not, personally speaking, wedded to this bill or any particular bill. I am determined only on the idea of a commission to find out facts and make the classifications, and a plan of doing that must be made and made at once, because as I am demonstrating here Congress can not do it itself. I would be obliged to the Senator if he would withhold his suggestions while I am addressing the Senate on the details of the bill. I want now to speak on the theory of a commission.

Mr. NEWLANDS. Mr. President, I will defer any further questions.

WANT OF CLASSIFICATION EVEN MORE SERIOUS.

Mr. BEVERIDGE. But a more serious matter than all this is the matter of classifications. Most of the classifications of the present law are over a generation old. Any Senator will find that out by examining the language. Very few of them are modern and up to date. The reason of this is that when the committees come to revising the tariff in the great hurry I have shown has always existed and must exist, they were engrossed with the question of fixing duties, and so they took the language of the old classifications.

The result of this is that the importer very frequently does not know in what classification his import falls or what duty he pays. He must go first to the appraiser, who decides the question for him, and then, if dissatisfied, to the Board of Appraisers, and, if still dissatisfied, to the courts.

Mr. President, in the last ten years since this law was enacted there have been 300,000 such cases. I will send to the desk a clipping from this morning's Post which illustrates this, and I ask that it be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Special to the Washington Post.]

NEW YORK, *February 4, 1908.*

A test case to determine the duty on certain valuable ores, imported by steel manufacturers, was under consideration to-day by the United States Board of General Appraisers. As it involves large sums, the case will go to the courts for a final decision.

The complaint is against the Midvale Steel Company, which, like other steel manufacturers, imports considerable quantities of ores known as ferrotungsten, ferrochrome, ferrovanadium, and ferromanganese, all of which contain a combination of the iron with another metal, and are desirable in producing special kinds of steel. This ore has been imported heretofore under a duty of $4 a ton. The Treasury Department contends that these should be dutiable at 20 per cent ad valorem.

Ferrovanadium in a pure form is valued at $10,000 a ton, and the duty at 20 per cent would be $2,000 instead of $4 a ton. Invoices show an importers' value of $5 a pound. Combined with iron, as common ferrovanadium ore, the value is $3,500 a ton. Ferrotungsten, on which this action is based, is valued at $1,000 a ton, and it is contended that it is dutiable at $200 a ton, not $4.

Mr. BEVERIDGE. Mr. President and Senators, this is one of the cases immediately at hand this day where there is no classification for a most important article. This is one example of the 300,000 cases that have occurred in ten years, and this is because neither the importer nor the authorities know under what classification an import falls.

APPRAISERS AND COURTS LEGISLATING.

I call the attention of Senators, and especially the veteran Senators in this body, to the fact that these boards of appraisers and the courts, by deciding a classification to which any import belongs, *are legislating every day*, just as much as Congress legislates when it fixes the duties.

And worse than this, these contests have literally cost the Government and the importers millions of dollars; worse than this, this fact has lost to the importing industries many more millions of dollars; and far worse than all this, the industries thus affected have been confused, disturbed, and uncertain; and far worse than all this, the whole cost must fall upon the entire body of the American people from whom the revenue is raised to pay the expenses of the Government.

MOST IMPORTS FOR USE OF AMERICAN MANUFACTURERS.

I should not myself care, if the imports were merely used by people who prefer foreign goods to American goods, how much they paid; but remember that *more than two-thirds of all of our imports are for the use of American manufacturers, who work those imports up into finished products and then sell them here or abroad.*

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. BEVERIDGE. Yes.

Mr. NEWLANDS. I was struck by one statement made by the Senator from Indiana, that the customs authorities in dealing with such duties as those covered by the newspaper clipping he has just had read were legislating just as much as Congress itself legislates regarding the tariff.

Mr. BEVERIDGE. That is exactly true.

Mr. NEWLANDS. I am inclined to agree with him in that view, and I am also inclined to agree with him in the view that it is an impossible task for Congress to undertake to fix all the duties by original investigation and inquiry here. Now, right in this connection I would ask the Senator whether it would not improve this bill to provide a rule according to which the customs authorities may reduce certain excessive duties upon imports, duties which are admittedly excessive upon any theory, whether of a protective or a revenue tariff?

Mr. BEVERIDGE. No; I can answer the Senator without——

Mr. NEWLANDS. The Senator has not yet got my entire question.

Mr. BEVERIDGE. I think I have, but go ahead.

Mr. NEWLANDS. The Senator recognizes the fact that any radical change in the tariff would, of course, produce disturbances in the industries of the country, and that whatever is done in the future should be done gradually and progressively. Now, I ask the Senator whether it would not be possible in this bill, in addition to giving the commission power to make these inquiries and to make these reports, to give them the power to act (fixing the limitation of that power) as follows, for instance: To authorize the commission to reduce the duties at the rate of a certain percentage per annum for a certain number of years, such reduction to end when the total duty reached a minimum, we will say, of 40 per cent, or perhaps less, of the value of the imported products?

Mr. BEVERIDGE. Is the Senator through with his question?

Mr. NEWLANDS. I simply wish to suggest to the Senator that at present no one knows what is the average percentage of duty imposed by this act. There has been in the past a comparison——

Mr. BEVERIDGE. I can not yield for a speech, Mr. President. If the Senator wants to ask a question, there is no man on this floor more welcome to do so; but I want to conclude my remarks. If the Senator wants to make a speech, I can not yield for that purpose. I will try to answer any question he may ask.

Mr. NEWLANDS. It is not my intention to amplify. I supposed the Senator would extend to me the same courtesy that he required of me and which I readily yielded when I recently made a speech upon the development of our inland waterways.

Mr. BEVERIDGE. That is true. And if the Senator puts it on that ground, of courst I will yield. I was merely trying to explain to him that I was proceeding to develop a theory. I beg the Senator's pardon.

Mr. NEWLANDS. And I supposed the Senator would be as eager to receive suggestions as I was.

The VICE-PRESIDENT. Does the Senator from Indiana yield further to the Senator from Nevada?

Mr. BEVERIDGE. I yield.

Mr. NEWLANDS. I will not proceed further.

Mr. BEVERIDGE. I am sorry the Senator takes that view of it. The Senator was asking a very long question, involving two or three questions, which I am trying to remember and will try to reply to. Then the Senator started out to make some remarks. It was pretty difficult to keep the whole thing in my mind. I will say to the Senator—not only personally, but in every other way—that I am not only willing to answer questions, but I invite questions at any time. The Senator knows my custom in this body in that regard, especially with reference to himself.

Now, with reference to the question which the Senator suggests. No; I must say frankly that I do not think that suggestion would improve the bill. If it should be thought that it would improve the bill, very well. But I call the attention of the Senator to two or three facts. The Senator spoke about giving the commission power to reduce ad valorem duties. We have no fixed rate, neither specific nor ad valorem. So the Senator will see at once that his question would need to be reframed on a little bit further examination of the facts. I would not give the commission any power with reference to the tariff.

Further, I agree with the Senator that the tariff in any event should not be revised in any radical way. What I am trying to do is to get at the facts. The theory of the commission, according to this bill, is not to give the commission such power as that.

I will say to the Senator, too, that I think it is impossible to indicate a rule to the appraisers or the courts either or to any body of men by which they can determine more easily in which classification an article belongs that is not classified. That is a question of judgment. To do that would be a greater work than to classify. The only remedy for that thing is to accurately classify the articles, and that is something that we have not done and something that Congress can not do for the reasons I have given. I think the Senator will see, as I read some of the illustrations of this, that upon a further examination of the facts, with the curious mixed duties and everything else, he will have to reframe his question for want of this classification, which very few men I find understand or have paid any attention to. In fact I will stop right here now and ask a question which will test it in a very striking way.

Now, I will ask two questions. I will ask whether there is any Senator present—I will narrow it—whether there is any member of the Finance Committee present *who can now tell this body out of the thousands of duties* A SINGLE SCORE OF THEM, with the facts upon which they are based, and the reasons for it? Is there any Senator or even any member of the Finance Committee who can name twenty classifications? I will pause for a reply. Give it, if there is.

PROOF OF CLOUDED CLASSIFICATIONS.

I will follow up that question by the statement that the German expert commission can offhand answer that question concerning our own tariff.

Now, for want of this classification there have been the most amazing varieties of articles arbitrarily classified by board and courts which in doing it are legislating in the most astonishing way, under a single head. I will give the Senate a single illustration—I could read illustrations all the afternoon and all tomorrow. Section 193 of the Dingley law reads as follows:

Articles or wares not especially provided for in this act, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 45 per cent ad valorem.

Under that paragraph our customs officers have subjected to the 45 per cent ad valorem the following articles: Stoves, implements, electrical apparatus, andirons, gold and silver boxes, tin or brass boxes, brass ball chains, brass buckles, brass tubes for bedsteads, brass wire, brass sheets, brick trowels, britannia metal ware, bronze crosses for churches, bullets, bull's-eye lanterns, buttons with metal shanks, cabs, carriages, carts, buggies, trucks, railway cars, automobiles, candelabra, cannon, metal capsules, iron castings, cast-steel tools, chafing dishes, chisels, church bells, coal scuttles, currycombs, compasses, nails, copper spikes, copper wire, cranks and shafts, curriers' knives, daguerreotype plates, drawing instruments, dress trimmings in which metal is the material of chief value, embossing dies, engravers' tools, enameled portraits, metal eyelets, pistols and other firearms, fluoroscopes, and metal foil.

These are only a few instances taken from an alphabetical arrangement of the tariff decisions, and I only got through letter F. It can be easily imagined to what extent these instances can be multiplied by going through the entire alphabet for the decisions under that paragraph alone.

BUTTONS AND STOVES CLASSED TOGETHER!

Will anyone contend that a simple article like nails or wire requires the same amount of protection as so complex a mechanism as a revolver or an electric dynamo?

Is there any logic in classing buttons and stoves together?

Should bullets and buggies, should automobiles and bull's-eye lanterns pay the same duty?

Are farm implements and gold boxes in the same class?

Is there any connection between carriages and dress trimmings?

Why classify railway cars and enameled portraits together?

Why should cannon for war and crosses for churches be put in the same class?

Yet all these are in the same classification and pay the same rates.

But more absurd than this is the fact that they are put in the same classification by the appraisers and the courts, passing on each article because Congress did not classify them at all.

And as outrageous as it is absurd is the fact that nobody knew what duties these articles would have to pay until the guess of the appraisers and the courts filled up the holes in the law.

THE GERMAN CLASSIFICATION.

Compared with the scientific, clear, accurate classification of the German schedules, for instance, our classifications are confused, uncertain, chaotic. The German tariff which I hold in my hand—any Senator can examine it—places each article exactly where it belongs, plainly specifies it and fixes the duty to be paid on it in a marginal column so that every nation who sells goods to German producers and every German producer that buys goods from other nations knows precisely the duty that must be paid on almost every article. Of course, cases arise in Germany where the classifications of some articles are open to dispute; but such cases are rare compared with like cases in our tariff. In short, the German classification reduces confusion and doubt to the minimum; our classification raises confusion and doubt to the maximum.

THE GERMAN COMMISSION.

How did Germany make her tariff classifications so much clearer, simpler, and more accurate than ours? By the commonsense plan of having an expert commission arrange these classifications. But that was only a part of the work of the German commission. Years ago Germany saw that only a body of experts could get the facts and arrange the schedules for her tariff; she saw that the only work which the Reichstag could do was the fixing of duties to the items which the expert commission found out and laid before the Reichstag. So Germany selected for this work thirty of the best fitted men to be found in the Empire.

This commission consulted more than 2,000 trade and industrial experts. It investigated every phase of every industry in the Empire which might bear upon the tariff. It considered all these industries both separately and in relation to the others. It carefully studied the tariffs of other countries. It gave due weight to Germany's export trade. In short, everything that goes into the making of a tariff was worked out to the smallest detail by this German expert commission. *It spent almost six years at this work*, although it would not be necessary for our commission to work so long. For the German commission framed the bill; the general government then sent it to each state forming the German Empire, those states took a year to consider it, and then it was returned and a copy of the revised bill sent to every productive industry in the empire. It may be said that the German commission worked perhaps two years and a half on the labor which I am proposing our Commission shall do. They laid the results of this work before the Reichstag, and upon that work Germany built her present tariff.

OUR EXPORTS COMPARED WITH GERMANY'S.

Japan, France, and other up-to-date countries follow the same plan. They came to see, as we are coming to see, that in no other way could a tariff be builded with knowledge and wisdom. By this plan and by maximum and minimum tariff the foreign trade of Germany has passed every other country, comparatively speaking.

The German Empire, with an area nineteen times smaller than the United States, and most of its land poor and unproductive, and with a population less than two-thirds as great as ours, nevertheless exports more than one and a half billion dollars' worth of German products, *more than two-thirds of which are manufactured articles*, whereas we export $1,717,953,000 worth of products, *most of which are raw material.*

Only $460,000,000, or 27 per cent, of our exports are manufactured articles, and $226,000,000, or 13 per cent, are semi-manufactured articles, and *of these, nearly all are steel, copper, and petroleum, requiring so little skilled labor that they are nearly raw material.*

So we see that German exports of manufactured products are far greater than our own, and if our superior advantage in population and resources are considered their lead is astonishing, humiliating. It is her foreign markets that give Germany her industrial prosperity. Indeed, it is her foreign markets which enable Germany to live. The time is here when foreign markets for our manufactures are becoming almost as important to American industry as they are to German industry. This one fact alone commands us to take the same up-to-date, scientific steps with our tariff that Germany has taken with her tariff.

COMMISSION NECESSARY, REGARDLESS OF THEORY ON WHICH TARIFF REVISED.

I shall not go into the tariff question as such. Whether any man favors a purely revenue tariff, a straight protective tariff, or any other kind of a tariff, Congress can not do without this body of experts to help it with facts and classifications. Yet one brief word should be said at this moment about our tariff policy. We must have more foreign trade. We must open foreign markets to our live cattle, which are now kept out of those markets.

Our Government should get the same advantages for American manufacturers in foreign trade that the German Government gets for German manufacturers in foreign trade.

American producers demand that the doors of other nations which are open to their rivals shall no longer be closed to them.

We can not open these doors by a purely revenue tariff, because such a tariff gives other nations trade advantages with us without getting from those other nations any trade advantages in return.

A straight-out protective tariff gives other nations no trade advantages with us, but neither does it get any trade advantages from them.

MAXIMUM AND MINIMUM TARIFFS OUR TRUE POLICY.

We must have a system that gives us the same weapons that our rivals have, by which we can get for our producers the same favors that our rivals get for their producers. We must have a double tariff, the first to apply to such nations as will not give our producers special favors in their markets, and the last to apply to such nations as will give our producers special favors in their markets. By this plan German producers, comparatively speaking, are selling more German goods abroad than any other nation.

Every up-to-date nation, except Great Britain and ourselves, has now adopted the maximum and minimum tariff plan; and the agitation for this plan has begun in Great Britain. Canada has just enacted a triple tariff; by this she has gotten a practical monopoly for her live stock in the markets of France. Only Great Britain, Persia, Abyssinia, and China now have purely revenue tariffs; only the United States and a few South American countries now have straight-out protective tariffs.

Our rivals followed our plan of a single protective tariff and then logically developed that plan into a double protective plan. We must be as wise now as they were then; and just as they took the single protective plan from us, so now we must take the double protective plan from them. Our manufacturers, our cattlemen, our agriculturalists, our miners, our whole producing classes ask only the same advantages that their rivals have in the markets of the world. They demand no more than this; they will accept no less. Tariff for protection! Yes, but also tariff for trade; trade for prosperity; common-sense method for both—these must henceforth be the American watchwords in the world-wide contest for commerce.

Mr. CULBERSON. Mr. President, necessarily it is not my purpose to enter into a discussion of the tariff question at this time or to discuss the bill which has been introduced by the Senator from Indiana. The occasion seems appropriate, however, for me to say that the Senator from Indiana is to be congratulated that to some degree at least he has joined the army of tariff revisionists. It is true the Senator has expressed no opinion of any schedule of the tariff, but the very fact that he deems an inquiry into these schedules necessary is to my mind an indication at least that the Senator believes there ought to be a revision.

It is unfortunate, however, as it occurs to me, that the Senator and the Senate and the country, according to the newspapers of yesterday and to-day, have been advised by another authority on the other side of the Chamber that even an inquiry into the tariff system shall not be made now by a commission or otherwise. The rules of the Senate forbid any more specific reference to the veto upon this proposed legislation, which has been announced.

I do not agree with the Senator as to the necessity for a commission to make this inquiry, and I do not agree with several suggestions he has made. I want to advise him that there are four great facts already established with reference to the tariff, needing no further inquiry and upon which the Members of the Senate and of the House of Representatives are now competent to legislate.

The first is that the average ad valorem tariff tax is 45 per cent, as I understand it.

The second fact is that the average tariff which we have now is far greater than the difference between the cost of labor in foreign countries and in this country. So whatever a man may be, whether he be a protectionist, or a revenue reformer, like myself, the fact stares him in the face that we have schedules now which go far beyond the difference between the cost of labor in foreign countries and in the United States.

The third fact, which is indisputable, is that manufactured articles in the United States in a number of instances are sold in foreign countries under the present tariff at a lower rate than in America.

The fourth fact, which is already established and in the minds of the American people, is that a protective tariff fosters and encourages the creation of trusts.

Now, I want to have printed in the RECORD, following what I have said, an article on the question of the tariff, largely written by a member of the Industrial Commission, the creation of which has been extolled by the Senator from Indiana.

Mr. BEVERIDGE. May I ask the Senator in what book the article appears?

Mr. CULBERSON. It is a book which I am sure will appeal to the confidence of the Senator from Indiana, because it is the Democratic Campign Book——

Mr. BEVERIDGE. I thought it was.

Mr. CULBERSON. For the Congressional elections of 1902.

Mr. BEVERIDGE. I thought so.

Mr. CULBERSON. This article was written by Mr. Byron W. Holt, a member of the Industrial Commission of 1901, and it treats of tariff and trusts, and particularly of the selling prices in this country and in foreign countries in certain cases of protected articles.

Mr. President, I have thought proper to say this much in the interest of the general move which the Senator from Indiana has made for tariff revision, and I ask that the article may be printed in the CONGRESSIONAL RECORD following what I have said.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

THE TARIFF AND TRUSTS.[a]

A theoretical discussion of the tariff question is unnecessary at the present time in this book. It is unnecessary, because we have before us in concrete form the results of a high protective tariff, and no one who has eyes, ears, a conscience, and an average supply of gray matter, can, with these object lessons before him, longer doubt the bad effects of protective tariffs.

TRUST OBJECT LESSONS.

The trusts have made the tariff a very practical question to ordinary business men, farmers, and laborers. Protected from outside competition by high tariff walls, we have hundreds of trusts which charge as high prices for their products as the tariff will permit, and squeeze the last penny out of our home consumers, while selling hundreds of millions of dollars' worth of their products in foreign countries on the lower level of prices which prevails outside of our tariff walls. This outrage on our long-suffering consumers has been carried on so long that the trusts are now assuming that the people rather like to pay two prices for their goods, and are boasting of the prosperity that they say always accompanies high prices.

GOOD CROP AND NOT HIGH TARIFF PROSPERITY.

It can not be denied that after a succession of five or six good crops in our great grain-growing sections, and, with a like number of crop failures in many foreign countries, there is a considerable measure of prosperity in certain sections and with certain classes. But good crops are not the result of a high tariff. On the contrary, what prosperity we have is in spite of the tariff, and would be far greater and more general if we had no protective duties at all. Only the trusts, our hundreds of million and billion dollar "infants," would enjoy less prosperity and go into decline if "protection" were dumped in the world's rubbish heap of worn-out theories.

ERA OF TRUSTS AND HIGH PRICES.

The era of trusts really began shortly after the passage of the Dingley bill in 1897. Since then prices have advanced to the highest point ever recorded, and the cost of living is 40 per cent higher than in 1897, while wages are little or no higher, and, in fact, are lower in some industries. Of course, wage-earners, even when steadily employed, are finding it extremely difficult to live and support, or half

[a] Unless otherwise specified, the matter under the general head "Tariff and trusts" has been prepared by Mr. Byron W. Holt. Much of the matter on the window glass, tin plate, steel and wire, and borax trusts, and on the "Evils of protected trusts," is from Mr. Holt's testimony before the Industrial Commission, May 10, 1901.

support, their families, and it is galling to them to be constantly told by Republicans of our "wonderful prosperity"—for trusts. Tens of thousands of workers are now on strike, and are asking that their share of their rapidly increasing output be not allowed to diminish so rapidly. The trusts turn a deaf ear to labor, and are bringing in, on their railroads and steamships, immigrants (labor being on the free list) to fill the strikers' places in the protected mines and mills.

The farmers in the Eastern and Middle States are reading about prosperity, but are not, as a rule, experiencing it. It costs them far more to live now than formerly, and as they do not and can not raise stock and grain for export in competition with the West, they do not share in the benefits of high prices for grains and meats. Hence it is not strange that, as reliable and well-informed real estate men tell us, the farms of the Eastern and Middle States, including Ohio and West Virginia, would not now sell for the amount of the mortgages on them.

BULLDOZING METHODS OF GREAT TRUSTS.

The ordinary business man, manufacturer, or trader is enjoying only a small measure of reflected prosperity, and often he is permitted to exist at all only at the option and mercy of the great trusts which bulldoze and coerce him, until he wonders if he lives in a free republic or in Russia. The autocratic, arbitrary, domineering, high-handed tactics of the great steel trust, the Standard Oil, tobacco, plate glass, and other trusts are but little known outside of the trade circles in each line of business. Thousands of manufacturers and dealers must buy of the trusts, and only of the trusts, or they can not get any trust goods at all, and may be driven out of business. They must ship over the railroads designated by the trusts; must finance their accounts in the banks designated, and often must give credits and sell their goods at prices, or in restricted territory, dictated by the meddlesome but all-powerful trusts. A large dealer in steel goods says:

"In our business, which, as you know, consists of a pool of the companies in this line of business, we are not allowed to buy a ton of material outside of the trust. The trust also dictates the prices at which our goods must be sold. We do business entirely at the mercy of the trust. We are not free men, and there are very few free men left in the iron and steel industry. Many of the employees of the steel trust tell me that they must either do as they are told or give up their positions. The policy of the company is to sandbag every industry with which it comes in contact. We do not dare to complain publicly or we would be driven out of business. If any of us would appear before an investigating committee, our business would vanish."

TARIFF TIES CONSUMERS' HANDS WHILE TRUSTS PICK HIS POCKETS.

While the tariff is only one of the special privileges which breed trusts, it is, or at least has been, in this country, the most important and the most conspicuous of these special privileges. It is not only responsible for the birth of many of our trusts, but it is responsible for most of the harm done by them during the last fifteen years. It ties the hands of the American consumer while the trusts pick his pockets. It is because of the excessively high protective duties that this country led the way in the formation of trusts and that it to-day has twice as many trusts as any other country. The only other countries which have trusts comparable to ours are the protected countries of continental Europe—notably Germany and Austria.

It is certainly easier, in most industries, to form a trust in one country than to form a world-wide trust. Tariff duties, such as this country levies, practically alienate us from the rest of the world, so far as concerns many industries, and make it easier for our producers in any one line to combine, formally or informally, and to put prices up to the import level of the duty-paid prices of foreign goods. This our protected trusts have done extensively. If they have not at any time collected from the American consumers all the tariff has permitted them to collect, it is either because they have not fully appreciated the situation and have not gotten together sufficiently to stop all internal competition, or because the full-limit price would greatly lessen consumption and would not yield as great a net profit as will lower prices.

These oversights and limitations are being rapidly considered and corrected by the formation of larger and larger trusts. Not only does the modern trust include all competitors in one industry, as in tin plate, wire, nails, steel hoops, tubes, pressed steel, etc., but it includes all the allied industries whose plants could be easily turned from the production of one to another of these products. Not only this, it includes some of the industries which produce different but competing products, such as coal, oil, gas, and electricity, for heating and lighting purposes.

TARIFF CONCENTRATES WEALTH AND THUS HASTENS GREAT TRUSTS.

But for our absurdly high tariff there would not have been, at least at present, that great accumulation of wealth in the hands of a few which makes easy the formation of great industrial and transportation combinations. It is the unjustly, though perhaps legally, acquired wealth of the protected interests, concentrated in the hands of a comparatively few, which is now being employed to buy up and control the natural sources of production and routes of transportation.

In many industries internal competition has become so great that the tariff can not be utilized unless it is accompanied by a monopoly of natural sources. Thus, not only was the tariff responsible for many of the earlier and smaller trusts, but it has hastened and has been instrumental in the formation of the gigantic trusts of to-day, buttressed by tariffs, patents, and natural monopolies. We are now in the stage of trust development where the tariff is being combined with other special privileges in order that trusts may do their worst in oppressing consumers. It is not yet too late to prevent, by abolishing protective tariff duties, the formation of many great trusts now in the chrysalis stage, or to prevent the exaction by existing trusts of the monopoly profits which the tariff now permits them to extort from our consumers.

Only a dozen or so of the trusts have been written up in detail in this book. These will serve simply as samples. The list of 287 corporate trusts in the appendix contains, as indicated, nearly 200 trusts more or less benefited by the tariff. Many of those not written up are just as bad and some, perhaps, worse than those chosen as samples.

A list of prices of trust commodities is printed in the appendix. Also Dun's "Index numbers," showing the comparative cost of living for fourteen years. Other information on this subject is contained in the article entitled "Wages and prices." An article on "Export prices" and extracts from Mr. Schwab's testimony before the Industrial Commission make interesting reading on a subject which both the trusts and the Republicans are loath to discuss.

EXPORT PRICES.

PROTECTED TRUSTS AND MANUFACTURERS GET ALL THE TARIFF WILL ALLOW IN OUR MARKETS AND SELL IN FOREIGN MARKETS AT KNOCK-DOWN PRICES—DIFFICULT TO OBTAIN EXACT EXPORT PRICES—ONLY A FEW SAMPLES ARE GIVEN IN THIS BOOK—EVIDENCE IS INCONTROVERTIBLE THAT PRACTICALLY ALL MANUFACTURED GOODS ARE SOLD FOR EXPORT MUCH BELOW HOME-MARKET PRICES—PHOTOGRAPHIC REPRODUCTIONS OF PARTS OF EXPORT JOURNALS AND OF "PRICES CURRENT DISCOUNT SHEET," WHICH HAS BEEN OBTAINED FROM A FOREIGN COUNTRY BY A REWARD OF $100.

In his speech of April 16, 1902, Congressman Malcolm R. Patterson, of Tennessee, discussed the evils of the protective tariff system and dwelt at length upon the evil of protection in permitting and encouraging manufacturers to form trusts and sustain prices at home while favoring foreigners with low prices, to which we, who have paid tariff taxes during the "coddling" stage, ought now to be fairly entitled. On this subject Congressman Patterson said:

"The third and most intolerable condition of all came when allied wealth, in the form of trusts, demanded and received still greater protection and then, holding the home consumer at their mercy, began to export and sell their manufactured products to foreigners at less cost than to Americans.

"This odious condition of affairs has been made possible by the system of misnamed protection, which fleeces the home consumer, who pays the tariff duties, and gives to the alien a benefit denied to our own people. A system so constructed as to demand and receive the highest price at home and the lowest price abroad for its manufactured products is one which can neither be approved in fair business dealings nor in sound morals.

"REFORM CLUB EXPOSÉ IN 1890.

"The first time that the attention of the public was called to the enormity of this evil was in 1890, when the tariff-reform committee of the Reform Club published a pamphlet entitled 'Protection's home market.' In this pamphlet we find quoted the domestic and export prices of numerous agricultural implements and tools, of kitchen utensils and household goods, carpenters' tools, hardware, etc. The domestic prices usually exceed the foreign prices from 10 to 25 per cent, but the difference reached 100 per cent in certain cases. A few of the articles and prices are found in the following table:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes, per dozen	8.24	7.20
Kettles	1.40	.85
Wire nails, per 100 pounds	2.25	1.35
Table knives, per gross	15.00	12.00
Horse nails, per pound	.17	.14
Barbed wire, per 100 pounds	3.00	2.00
Rivets, per 100 pounds	10.00	5.55
Typewriters	100.00	60.00
Sewing machines:		
Fine	27.50	20.75
Medium	22.00	17.50
Cheap	18.00	12.00

"In some cases our sewing machines have been sold as low as $5 in the South American market."

ADMISSIONS FROM REPUBLICAN PAPERS.

There are many quotations available from Republican sources, admitting, explaining, or attempting to justify the custom of charging lower prices for export. Thus the New York Press of October 22, 1889, said:

"It is sometimes looked upon as wise to ship goods out of the country at cost, rather than break the regular price for which such articles sell in the country in which they are produced."

The American Machinist of September 26, 1889, said:

"Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do that. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him."

The Engineering and Mining Journal of March 15, 1890, complained of the system, as follows:

"As soon as an industry has obtained a position where it can more than supply our home market and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do our own people or that they are able to get along at home without any protection from foreign manufacturers. It is not fair that our own people should be made to pay more than foreigners for the products of our own land."

A LARGE MANUFACTURER'S FRANK STATEMENT.

A letter from Mr. A. B. Farquhar, the head of the great Pennsylvania Agricultural Works, to the Farmer's Call, of Quincy, Ill., may be quoted here. In answer to the Call's questions, Mr. Farquhar said:

"JULY 30, 1890.

"The fact is that our protective laws are a monstrous swindle upon the agricultural community. As a manufacturer, I was inclined to say nothing on the subject, for the reason that it was natural to suppose if anybody was benefited it was the manufacturing class, to which I belong. But, as I have explained, the farmer is being destroyed. We are killing the goose for the golden egg. And I honestly believe now that it is to the interest of the manufacturers themselves to eliminate the protective feature from our tariff laws.

"Certainly, as our manufactures are sold much lower abroad, we could only need protection to get better prices from our customers at home. We do manufacture and sell in Canada, South America, and Europe many agricultural implements and machines, and could we have free raw material and the commercial advantages which free trade would give us, America would become the great manufacturing emporium of the world, and the farmer, of course, would share the prosperity, since he would have less to pay for everything and get better

prices for all he sold. Go on with your good work. When the farmer begins to think and rise up against this swindle it is doomed."

EXPORT PRICES ARE RETAIL PRICES.

In answer to a claim made by the Australasian and South American (an export journal) that the lower prices quoted foreigners were for the wholesale trade only, the New York World publishes the following letter from the Engineering and Mining Journal of New York:

ENGINEERING AND MINING JOURNAL,
New York, August 26, 1890.

DEAR SIR: I am obliged to you for the letter of August 25, respecting proceedings taken in the Senate regarding our "prices current."

Prices quoted by us are, as you will notice at the head of the first column, "for export only," and the prices therein given are the prices at which every foreign subscriber can buy in this market. It stands to reason that orders for farm implements are frequently given for one only. If to buy one machine is retail trade, then these foreign prices are retail prices.

Our domestic subscribers are debarred from the prices quoted in these columns. These special discounts are "for export only," and in more than one instance we have lost our advertiser through publishing these prices.

I inclose an invoice from S. Allen & Co., which you will see is for one of the machines quoted by us, and you will notice that it conforms exactly with our prices as reprinted by you in the World, and that the net price on the bill is exactly as stated by you in the World.

Your statement that the foreigner can buy at retail in this market cheaper than the domestic consumer is as indisputable as the daily revolution of the earth. We can enumerate any number of instances where houses have written us: "Prices furnished are for export only, and it would be most injurious to us if these figures were circulated in the home market."

In going through our letters this morning we counted no less than fifty-eight received during the month of July, thanking us for publishing the "prices current," as it enabled our subscribers to keep a check on the prices charged them on their indents.

Yours, very truly,

ENGINEERING AND MINING JOURNAL.

After examining the facts, Mr. J. Alex. Lindquist, the author of the tariff-reform pamphlet, concludes:

"That our manufacturers take advantage of our tariff to keep the price of their goods in our home market not merely much higher than they could do if there were no tariff, but much higher than they themselves would be able and willing to produce and sell the same goods for if they were not protected at all."

And asks the following pertinent question:

"Why should our manufacturers be aided by our laws to charge our citizens more for the same goods than they do foreigners?"

ADMISSIONS FROM GOVERNMENT PUBLICATIONS IN 1900.

We find in a Government publication—the Report of the Bureau of Statistics, Commerce, and Finance—for August, 1900, under undoubted Republican auspices, a large number of valuable statements and confessions. We are informed, for instance, that "the progress of work on shipbuilding in the United States has been retarded because makers of steel materials require a higher price from the American consumers than from the foreign consumers for substantially similar products." Also, in addition to this, that "American export plate makers are interested in preventing the establishment of plate manufacturing in their customer nations abroad, and to that end bid low enough in foreign markets to discourage foreign nations from entering the field for producing their own plate at home." The same authority contends that this policy is "short sighted," and shows how it has resulted in curtailing the home demand. Up to April, 1900, it "had resulted in a very positive shrinkage in domestic consumption. Farmers had ceased to purchase barbed wire for wire fences. Retail hardware dealers had complained for months of diminished business in nails and wires. Jobbers had gotten in the way of doing a hand-to-mouth business on prices that had advanced from $1.35 to $3.20 in the course of a year." The writer goes on to say:

"If steel rails, for example, sell at Pittsburg for $35 per ton for months in succession for home consumption, while the foreign consumer is purchasing them for $22 to $24 per ton, the domestic market is sure to order no more than it is obliged to have for the time being. In the long run such a policy is shortsighted, because it puts an embargo on the expansion of investments in enterprises requiring iron and steel. It arrests constructive projects at home, while it stimulates construction abroad."

SMALL MANUFACTURERS SQUEEZED AND KICKING.

Those of our manufacturing interests that are outside of the trusts desire most earnestly that this condition of affairs should not continue. A good illustration of the way in which they regard the matter is afforded by a recent letter to the editor of the Iron Age, of New York, from Mr. F. A. Wilmot, president of the Wilmot & Hobbs Manufacturing Company, of Bridgeport, Conn., a portion of which reads as follows:

"We would suggest that you give due prominence to the position which the manufacturing associations in the various cities, particularly along the Atlantic seaboard and Canadian border, and especially in New England, are taking as regards their present handicap in the cost of raw material—such as coal, coke, iron ore, pig iron, steel ingots, and billets—and their desire to have these commodities placed by Congress immediately on the free list. They believe that as these materials are produced cheaper in this country than in any other portion of the world and are sold abroad at lower prices than along the seaboard and Canadian border, the industries which produce them are no longer infant and do not need protection. They believe that protection, so called, is but another term for Government assistance to monopolies and trusts. This position the Government, as it now exists, can ill afford to assume, nor can it allow the people to feel that it is drifting into such a position where it is so working hand in hand with gigantic trusts, for when the people realize such to be the condition they will undoubtedly rise in their might and by their votes change the conditions and the Government which permits such conditions. * * * It is to be hoped that the Government of the United States will appreciate the position and make such changes in tariff regulations or duties from time to time as will result in putting upon the free list such commodities as do not further need protection on the score of their being infant industries."

This letter and other similar testimony does not indicate that the smaller manufacturers would be injured by a reduction of tariff duties.

EVERYTHING LOWER FOR EXPORT, SAYS CHARLES M. SCHWAB.

In May, 1901, less than a year ago, Mr. Charles M. Schwab, the president of the steel trust, testifying before the Industrial Commission startled the country by declaring that all kinds of American goods were usually sold much lower for export than in the home market. In fact, he said that the prices of everything for export were less than for domestic use and consumption, and that supplies and materials to be used in products for export were usually furnished to manufacturers at special prices, while goods to be exported were carried by the railroads at reduced rates. Here are some extracts from Mr. Schwab's testimony:

"It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can safely say this, that where large export business is done—for example, in the line of iron and steel—nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export; railroads will, in most instances, carry them a little cheaper for you, and so on all down the line."

Q. "Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?"—A. "That is true, perfectly true."

STEEL RAILS FOR EXPORT.

The New York World of April 9, 1901, contains the following:

"Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading steel trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35, plus freight here, sold the rails at $24 a ton delivered in England to the English subcontractor." * * *

WIRE ROPE AT LESS THAN HALF PRICE TO FOREIGNERS.

The record in regard to the prices, foreign and domestic, of wire and wire rope is instructive and illustrative of the rapacity of the trust and the fraud practiced on the American consumer. The trust controlling these articles have put prices at home up to the tariff limit, while lowering prices to foreigners, so that our wire rope is exported to every foreign country, with the possible exception of England. As the duty on imported wire rope averages about 100 per cent, the trust charges domestic consumers about twice as much as it charges foreigners for its goods—often more than twice as much. For example, the domestic price of wire rope is about $5, $6, and $7.50 per 100 pounds, according to the different sizes, but the export prices for these sizes, respectively, are $2.34, $3.23, and $3.88. The prices of wire vary also according to the size. For the largest size the domestic price is about $4.25 per 100 pound, and the export price about $2.62, or about 65 per cent in favor of the foreigner.

OIL MACHINERY CHEAPER IN RUSSIA.

Our oil machinery manufactured in this country follows the same rule as our agricultural machinery. The farmers of Mexico, South America, and Canada can obtain our agricultural implements for half the money that our own farmers have to pay for them, and our oil machinery is sold at lower figure to the Russians than to our own oil producers in Texas.

HAWAIIANS AND PORTO RICANS PAYING FOR "OLD GLORY."

This favoritism to foreigners has been extended more or less to those nondescript peoples, half foreigners and half domestic, who inhabit our colonial possessions, such as Hawaii and Porto Rico. Some of our manufacturers treat these people as foreigners and sell them our goods at reduced rates, and some treat them as people of our own country, and charge them accordingly.

An instance is cited where goods had been sold in Honolulu at such low prices that great quantities of them were brought back to California and sold there at profit in competition with similar goods in the domestic market which have never been out of the country. One of the aggrieved manufacturers registered his complaint in a letter to the Iron Age of June 27, 1901, in which he said:

"It so happens that at present the price of our goods is about 25 per cent higher for domestic consumption than the export prices. We had an inquiry for export prices, which we quoted. The order now comes in to be shipped to Honolulu. Is it fair to consider the Hawaiian Islands entitled to export prices?

"Our own opinion is that they have become a part of the United States, and should be considered domestic territory as much as Alaska. Also, we understand our tariff applies to this territory, so that they are prohibited from buying outside, and we are thus enabled to get domestic prices."

This manufacturer's reasoning appears to be sound, but it does not appear to have had the desired effect on the other faction, which, judging from the following letter in the Iron Age of December 5, 1901, is still continuing its pernicious practice of treating Hawaiians as foreigners:

"Your journal has from time to time called attention to the demoralizing practice of many American manufacturers of still continuing 'export prices' in the Hawaiian Islands, notwithstanding the fact that these islands are now a part and parcel of the United States.

"There are no custom-house restrictions between the two countries to prevent goods sold at the export price being reentered in the United States, which has been and is being done, to the great detriment of many of your readers.

"It would be the proper thing if all manufacturers would take the same view of it as a leading manufacturer, who recently wrote a letter as follows:

"'We discontinued the use of export prices for the Hawaiian Islands some time ago, as we now consider that this united country is a part of the great Republic. We do not see any logical reason why its inhabitants, in consideration of the great privilege of flying the Stars and Stripes, should not pay the present high American values on the commodities they consume.'"

The Iron Age says that "this hits the nail on the head, and we hope the publication of this letter will enlighten some American manufacturers who do not seem to know that the Hawaiian Islands are no longer export, but domestic trade."

Under the title "Export Notes," the Iron Age of January 16, 1902, says:

"Business with Porto Rico has been better right along since the tariff was taken off, giving the merchants free trade with the United States. American gold is in circulation altogether, and the stable character of the currency has greatly improved the situation. While Porto Rico has ceased to be foreign, there is still some diversity in the

range of prices made by American manufacturers, some of which make no difference in quotations, although not putting purchases for that country on an export basis. Others have made their prices uniform with those for the domestic trade."

REPUBLICANS NOT SINCERE.

When the Republican party and a Republican President announce their opposition to the trusts, as a proof of sincerity we ask for a recommendation from the Executive that all or some of the articles selling abroad cheaper than at home be forthwith put upon the free list, and that a bill be reported from the Ways and Means Committee to this effect. And when this Congress shall have adjourned, and not one of these articles shall have been put upon the free list, and not one tariff schedule reduced, then the American people will understand and rightly value these specious pretensions.

The wife of the American farmer is compelled to use a sewing machine in her home, produced by an American factory, which costs nearly twice as much as the same machine sold the housewife of Mexico or South America. The blue rim of the mountain from which the sleeping ore is extracted may shadow the very lintels of his door; the smoke of the foundry where the crude material is fashioned into shape may float over and rest upon the furrows in his field, yet he must pay more for the plow which came from the mountain and the factory than the Russian peasant on the banks of the Danube or the German burgher on the banks of the Rhine.

$100 REWARD FOR EXPORT PRICE LISTS.

A man in the employ of the Democratic Congressional committee spent many months trying to get hold of some of the special discount sheets of leading export houses. By having friendly manufacturers write to agents in foreign countries, and under various other pretexts, he succeeded in obtaining the export price lists of half a dozen of the 200 exporting houses in New York.

Being told by friends in exporting houses that the prices quoted in the export price lists were usually not bottom prices and that special discount sheets gave the lowest quotations, this employee of the Democratic committee made many vain attempts to obtain one of these sheets. He employed manufacturers and others well acquainted with exporters, to visit their offices and to obtain, if possible, one or more of these special discount sheets. Time and again he was told, "Oh, yes, I can get it for you; I have known those people for years. I'm certain they will let me have it." But, although he would concoct a plausible reason for asking for the sheet and would strain his friendship almost to the breaking point, yet in every instance this friend of the employee would have to admit defeat, though he might get a squint at the coveted sheet. He would be told, "Yes, we know you are all right and will not make improper use of the sheet, but it is a rule, rigidly enforced, not to let one of these sheets go out of our office, except to mail to certain trusted foreign agents. We wouldn't let it go out of this office for love or money. It might make endless trouble for us." Or he might be told, "I should be very glad to accommodate you, but those sheets are under lock and key and I have not the key."

Failing to obtain the sheet in ordinary ways, the committee's agent got permission to advertise offering a reward for it. But, to his astonishment, five of the leading papers of New York refused to print the advertisement. The managers admitted that it was a perfectly legitimate advertisement, but said they did not care to publish it. In one case the manager figured on the amount of advertising space used by the exporting houses and which might be lost should he "slap them in the face" by printing the advertisement.

Finally the publication of the following advertisement was secured in the New York World of July 11, 1902:

$100 REWARD!

"One hundred dollars will be paid for the special discount sheet (any month in 1902) to accompany Henry W. Peabody's export price list. Twenty-five dollars will be paid for similar sheet of other leading export houses. Foreign correspondence solicited; answers will be considered strictly confidential. The Democratic Congressional committee wishes these sheets to demonstrate the very great difference between the home market and export prices charged by our protected manufacturers. Address Literary Bureau, Democratic Congressional Committee, Bliss Building, Washington, D. C."

A month later the Democratic Congressional committee received from a foreign country a copy of the special discount sheet advertised for and also a copy of Peabody's Export Journal to match it. The following are photographic reproductions of this sheet and of small parts of the Export Journal, both dated May 17, 1902:

Production of mines.

[From Bureau of Statistics, Treasury Department.]

Years.	Production of—						
	Gold.	Silver.	Coal.	Petroleum.	Pig iron.	Steel.	Copper.
			Tons.	*Gallons.*	*Tons.*	*Tons.*	*Tons.*
1880	$33,000,000	$39,200,000	63,822,830	1,104,017,186	3,835,191	1,247,335	27,000
1881	34,700,000	43,000,000	76,835,357	1,161,771,993	4,144,254	1,588,314	32,000
1882	32,500,000	46,800,000	92,219,454	1,281,454,860	4,623,323	1,736,692	40,457
1883	30,000,000	46,200,000	102,837,959	984,884,583	4,595,510	1,673,535	51,574
1884	30,800,000	48,800,000	106,906,295	1,017,174,396	4,097,808	1,550,879	64,708
1885	31,800,000	51,600,000	99,039,216	918,038,970	4,044,526	1,711,920	74,052
1886	35,000,000	51,000,000	101,500,024	1,178,723,322	5,683,329	2,562,503	70,430
1887	33,000,000	53,350,000	116,651,974	1,187,906,283	6,417,148	3,339,071	81,017
1888	33,167,500	59,293,700	132,731,613	1,159,705,050	6,489,738	2,899,440	101,054
1889	32,967,000	61,768,730	126,077,839	1,476,837,556	7,603,642	3,385,732	101,239
1890	32,845,000	70,485,714	140,836,931	1,924,552,224	9,202,703	4,277,071	115,965
1891	33,175,000	75,416,565	150,505,954	2,280,291,510	8,279,870	3,904,240	126,839
1892	33,014,981	82,101,019	160,115,242	2,121,495,594	9,157,000	4,927,581	154,018
1893	35,955,000	77,575,757	162,814,977	2,034,104,772	7,124,502	4,019,995	147,033
1894	39,509,000	61,000,000	152,447,791	2,072,489,672	6,657,383	4,412,032	158,120
1895	45,610,000	72,051,000	172,426,363	2,221,475,592	6,443,308	6,114,834	169,917
1896	53,088,300	76,039,236	171,416,399	2,560,335,162	8,623,127	5,281,689	205,381
1897	57,363,000	69,637,172	178,769,344	2,539,971,672	9,652,689	7,156,957	220,571
1898	64,463,000	70,381,485	193,405,953	2,325,297,783	11,773,934	8,932,857	235,050
1899	71,053,400	70,803,626	228,553,564	2,398,975,709	13,620,703	10,639,857	253,870
1900	79,171,000	74,533,495	240,965,917	2,661,233,568	13,789,242	10,188,329	270,588
1901			285,850,209		15,878,354		266,716

American Price Current, revised and corrected to date for the Exporters and Importers' Journal from exchange quotations and ruling export cash prices supplied by manufacturers.

This Price Current of American and foreign products and manufactures is published in behalf of exporters, importers and manufacturers. By reference to its columns American manufacturers can compare their goods with those illustrated and priced and adapted to and sold in foreign countries. Importers will find it of great service in making up their indents for American merchandise. Its discount sheet is exclusively for the use of foreign buyers, and only accompanies the foreign edition of this journal. All others desiring discounts from list prices printed can secure same from exporters, importers, jobbers, or direct from the manufacturers.

[Prices quoted are for goods delivered at New York, unless otherwise specified. For discounts see discount sheet, in foreign edition only, dated May 17, 1902.]

VOL. XI. NEW YORK, BOSTON, AND CHICAGO, U. S. A., MAY 17, 1902. No. 2.

Wires.—Barb wire is unchanged, but plain galvanized and black fencing wires are lower than last. We quote:

Barb wire—12-gauge reels of 112 pounds net, per 100 pounds, $2.35; 12-gauge reels of 56 pounds net, per 100 pounds, $2.40; 14-gauge reels of 112 pounds net, per 100 pounds, $2.60; 14-gauge reels of 56 pounds net, per 100 pounds, $2.65.

Plain galvanized wire—6.9 gauge, catchweight coils, per 100 pounds, $1.70.

Black fencing wire—6.9 gauge catchweight coils, per 100 pounds, $1.37½.

An extra charge of 5 cents per 100 pounds is made for varnishing.

An extra charge of 2½ cents per 100 pounds is made for exact weights.

An extra charge of 2½ cents per 100 pounds is made for nesting.

All of the above prices are of 30,000 pounds or over, and are subject to a discount of 2 per cent. For smaller quantities an advance of 10 cents per 100 pounds is made over above figures.

PHOTOGRAPHIC REPRODUCTION OF EXPORT DISCOUNT SHEET.

This sheet was obtained from a foreign country in answer to the advertisement of the Democratic Congressional committee, offering $100 reward for it. It accompanied the Exporters and Importers' Journal of May 17, 1902.

Price Current discount sheet for Exporters and Importers' Journal, dated May 17, 1902, Volume XI, No. 2.

NOTE.—The discounts below printed apply to general orders as ordinarily given by the purchaser to the manufacturer, and are those ruling for such business on date of publication of this journal. For carload orders, or large regular orders for shipment to special markets, special extra discounts might in some instances be secured, and in such instances the purchaser should write for further information.

No.	Per cent.
1	30
2	50 and 7½
3	½
4	2
5	50
6	33⅓
7	net
8	25
9	2
10	20
11	50
12	on application
13	25 and 2
14	33⅓
15	20
16	1
17	1
18	50
19	1
20	1
21	1
22	25
23	1
24	1
25	1
26	1
27	1
28	20 and 5
29	1
30	10
31	10
32	20
33	2
34	20 and 2
35	50
36	20
37	on application
38	35
39	50 and 2
40	50
41	2
42	10, 5, and 2
43	50 and 25
44	20 and 1
45	40
46	2
47	20
48	15
49	10
50	on application
51	25
52	35, 10, and 5
53	25, 10, and 2
54	25
55	60 and 10
56	25
57	25, 10, and 10
58	40 and 5
59	1½
60	10
61	10
62	net
63	40 and 10
64	5
65	33⅓ and 5
66	33⅓, 5, and 5
67	net
68	25 and 2
69	50 and 2
70	50
71	2
72	5
73	50, 5, and 2
74	10 and 5
75	40
76	45
77	52
78	20
79	net
80	60 and 5
81	20
82	50 and 2
84	10
85	net
86	40 and 10
87	65
88	2
89	65
90	40 and 2
91	50
92	net
93	10 and 2½
94	10
95	15
96	20 and 2
97	20
98	20
99	6
101	10
104	25 and 2
107	20
109	10
110	10 and 10
130	on application
131	60 and 20
132	20
133	net
134	50 and 5
135	5
137	70
138	70 and 10
140	60, 10, 10, and 5
141	1
142	20 and 1
143	60, 10, and 5
144	25 and 2
145	60, 10, and 5
147	$3.30 each net
149	2
150	$4.30 complete wheel
151	50 and 1
164	75
168	25
169	80 and 12½
170	80
177	35, 10, 5, and 1

No.	Per cent.
181	50 and 1
182	net
183	75 and 5
184	$4.00 per dozen net
188	60, 5 and 5
189	80 and 7½
190	$6.00 per dozen net
191	40
192	80 and 5
193	10 and 5
198	net
200	40
201	2
203	50 and 1
204	20 and 10
211	10
217	50
218	50
219	40
220	50 and 1
221	33⅓
222	20
223	10 and 2
225	10, 5, and 2
227	40, 10, and 2
228	60
229	40
233	1–3
234	10
236	20
237	7½ and 2
238	15
239	15
240	20
243	25, 10 and 10
244	25
245	50 and 5
246	20
250	50
253	net
255	40, 10, 5, 5, 7½, and 3
256	75, 10, and 5
258	10, 2½, and 2
260	50 and 2
261	2
265	60
269	2
273	net
276	20
287	30, 10, and 1
289	net
295	60 and 5
301	75
307	50, 10, and 2
317	75
322	33⅓
328	50 and 2
331	20
337	50 and 1
338	50 and 1
339	10
346	25 and 2
360	40
361	70, 10, and 10
363	70 and 10
365	5 and 2
366	50 and 2
368	75, 10, and 5
375	75, 5, and 2
376	net
377	75 and 2
378	20 and 2
382	75, 10, and 2
386	75, 5, 10, and 2
387	50, 10, 10, and 2
396	20
397	45
398	40 and 5
399	20 and 5
400	20
401	25, 10, and 5
402	60, 10, and 5
403	60, 10, and 2
404	40, 5, and 2
407	30
409	50
412	2
413	25 and 2
415	40 and 2½
417	net
420	40
422	2
424	10 and 2
443	50 and 2
445	net
471	1
472	net
476	10 and 2
482	60 and 10
483	33⅓ and 10
484	33⅓, 10, and 10
485	25
486	60
502	50 and 10
503	50 and 20
505	60
506	60 and 5
507	60 and 10
513	60, 10, and 5
516	10
517	40
521	50 and 2
522	42½, 10 and 2½
523	20
524	80
526	70 and 5
527	40
528	40 and 2
529	50 and 2½
530	50, 10, 2½
531	45 and 2½
532	40 and 2½
533	40, 5 and 2½
535	50 and 2½
537	net
538	25
540	40 and 2½
541	45 and 2½
542	40, 5 and 2½
543	40 and 2½
544	6 and 2
545	25
546	50, 5 and 2½
548	40, 5 and 2½
549	15 and 2½
550	50 and 10
551	50 and 5
552	60
558	50, 5 and 2
566	37½ and 2½
567	45, 10 and 2½
568	75 and 2
570	50
575	40, 5 and 2½
581	17 and 1
582	20 and 2½
585	2½
589	20
592	20
594	40
596	50 and 5
597	55
598	50
599	60 and 5
605	10
620	15
621	net
624	8
625	20 and 5
626	10 and 2½
628	20 and 10
629	30 and 2½
630	20, 5 and 2
639	15
646	25
647	15
648	33⅓
649	net
650	15
651	40
655	net
662	10
663	10, 5 and 2
669	17½
672	50, 10 and 10
673	25 and 2
675	50
676	20
677	33⅓ and 25
678	35 and 5
679	net
680	net
683	25
684	50 and 10
693	net
695	50
697	20
699	50
701	40 and 2
702	25 and 2
703	2
704	20 and 2
705	20
706	60
707	50
708	55 and 10
709	60
710	70
711	70 and 5
712	60 and 10
713	5
714	65 and 5
715	80 and 5
717	2
718	33⅓ and 2
720, f. o. b. Boston	5
725, f. o. b. Boston	net
730	65 and 10
732	$3.50 per doz. net
733	80
734	80, 10 and 5
736	$18 per gross net
737	33⅓
739	40 and 5
740	10
754	5
756	33⅓
757	50 and 5
758	25 and 5
760	10 and 5
761	45 and 5
763	20
768	50 and 10
769	$18 per gross net
770	$6.50 net
771	net
772	20
773	net
774	net
775	15
776	net
782	40
783	50
788	33⅓ and 10
789	25 and 10
791	50, 10, and 2
792	40
793	60
795	65
796	25, 10, 10, and 2
797	40
798	25, 10, and 2
799	on application
800	net
801	25
802	33⅓
803	20
804	50 and 10
815	20
818	33⅓ and 10
819	33⅓
820	50 and 10
821	70
823	2
826	33⅓, 10, and 5
833	30
834	25
840	on application
841	25, 5, 20, and 5
842	50
857	60, 10, 10, and 5
858	$2.50 net
860	5 and 2
876	20
879	1
880	50
881	33⅓
882	30 and 10
883	40 and 5
885	30
890	25, 10, and 5
973	50, 10, and 2
981	50, 10, 10, 10, and 5
987	net
988	35
990	20
999	50 and 10
1002	40, 10, 10, 10, and 5
1003	40, 10, 10, and 10
1004	40, 10, 10, 10, and 2½
1010	40
1011	70 and 10
1012	80
1013	50
1014	75
1015	60
1018	10 and 2
1020	10 and 2
1025	70, 10, 5, and 2
1036	50, 10, 5, and 2
1037	60 and 2
1038	52 and 2
1039	57 and 2
1040	45 and 2
1057	on application
1060	70, 10, 10, and 2½
1061	70, 10, and 10
1062	60 and 10
1066	50
1067	5 and 2
1077	net
1103	33⅓ and 10
1104	50 and 5
1105	net
1106	10
1107	80
1108	85
1109	75
1110	50 and 2
1111	10
1112	60 and 10
1113	15
1114	60 and 5
1115	20 and 10
1116	25 and 10
1117	33⅓ and 10
1118	45 and 10
1119	60 and 15
1120	70 and 5
1121	47½
1126	5
1127	50, 10, and 1
1128	60 and 10
1129	net
1131	45
1152	33
1216	50 and 10
1217	50
1218	50 and 5
1219	20
1220	net
1221	30
1222	50 and 2
1223	50 and 20
1224	net
1225	30
1226	Less 10c. each
1227	Less 20c. each
1228	55 and 2
1229	Less 30c. each
1230	25
1231	20
1232	$3.50 per 1,000
1233	5,000 lots, $4 per 1,000
1234	on application
1235	3,000 lots, 25c. per 1,000
1236	5,000 lots, 50c. per 10,000
1238	50, 10, and 2
1239	10,000 lots, 65c. per 1,000
1240	25,000 lots, 75c. per 1,000
1249	30
1255	40
1256	20
1431	12½, 2½, 2¾, and 1
1432	50, 10, 5, and 2
1433	40 and 2
1434	50, 10, and 2
1437	50, 10, 10, and 2
1440	55 and 2
1526	10
1549	65 and 10
1558	20
1631	40 and 2
1632	30
1633	35
1634	50
1655	60 and 2
1668	40
1669	20 and 2½
1670	45
1728	75, 10, and 2
1772	15 and 2
1773	25 and 2
1790	80, 10, and 5
1791	$6 per gross net
1792	$4.25 per gross net
1793	50
1794	66⅔
1795	$16.50 per gross net
1798	50 and 5
1813	60 and 10
1869	70 and 2
1870	50, 10, and 2
1872	80 and 10
1873	60
1876	20
1928	60
1930	15
2017	1 and 2
2018	3 and 2
2019	5 and 2
2020	80, 5, and 2½
2116	80, 10, 10, and 10
2146	85 and 10
2234	net
2290	50 and 10
2301	25
2307	50, 10, 10, and 10
2308	35 and 10
2309	35
2310	40, 10, and 10
2312	on application
2313	10 and 5
2355	25, 20, 10, and 2
2356	25, 20, and 2
2357	70 and 2
2358	45
2359	20, 10, and 5
2360	25
2361	50
2362	40
2367	net
2368	20
2369	20
2370	15
2371	42
2372	30 and 10
2373	50
2374	60
2376	75
2377	35
2382	25
2383	$50
2384	40
2385	33⅓
2386	10
2387	33⅓, 20, 20, and 5
2388	33⅓ and 20
2389	20 and 2
2390	5
2391	80 and 10
2404	net
2434	30
2493	5
2494	7½
2495	10
2510	60 and 10
2511	40 and 10
2513	33⅓
2538	25
2551	5 and 2
2603	40
2610	net
2620	50
2622	50 and 10
2623	40
2662	30, 5, and 2
2663	40, 10, and 2

No.	Per cent.
2681	50
2734	net
2741	10
2745	net
2752	30 and 10
2757	45 and 2
2770	33⅓ and 2
2771	15 and 2
2773	33⅓
2775	30
2778	40
2795	60 and 2
2800	55, 5, and 2
2822	60
2824	60
2829	50
2831	40
2832	60 and 10
2834	55
2835	45
2836	20
2838	25, 20, 10, 10, 10, and 2
2841	80, 10, and 10
2861	40, 10, and 2½
2862	45, 5, and 2½
2876	20
2877	30
2886	net
2899	50 and 2½
2933	40
2938	2
2939	25
2961	25 and 10
2962	25, 10, 10, 10, and 5
2970	
2983	10
2986	40
2997	20
2998	50
2999	60
3008	70
3011	75
3024	50
3026	5
3069	70
3083	2
3086	5
3182	50 and 2
4006	50 and 2
4012	35 and 2
4014	50 and 7½
4052	25
4065	70, 10, 5, 5, and 2
4067	75, 5, and 2
4068	72½, 5, and 2
4071	25
4073	25
4074	50
4075	net
4078	25
4080	net
4086	30 and 2
4093	15 and 2
4094	1
4116	40
4131	50 and 10
4137	net
4140	60, 10, 10, and 2
4141	50, 10, and 2
4142	net
4146	10, 10, and 2
4152	60, 10, 2½
4153	60 and 10
4155	40
4166	60 and 10
4170	45 and 5
4171	45
4173	70 and 5
4185	40 and 7
4188	60, 10, and 10
4194	70, 10, and 10
4195	60
4207	50
4213	80 and 20
4214	80 and 5
4215	70 and 10
4216	70, 10, 10, and 10
4242	75 and 5
4261	70, 10, and 5
4262	75
4265	50
4274	30
4275	50
4277	20, 5, and 7½
4300	25
4316	25
4317	15
4359	50
4366	5
4371	50 and 10
5000	50, 10, and 5
5001	50
5002	70 and 10
5003	60, 10, and 5
5004	50
5006	40, 20, and 5
5008	40
5009	30
5029	20
5040	10 and 2
5041	60, 10, and 5
5045	60 and 10
5050	55, 5, 20, and 5
5051	65, 20, and 5
5052	62, 20, and 5
5053	60, 20, and 5
5055	50
5056	60
5057	50
5077	$15 net per gross
5078	50
5079	50 and 10
5080	50 and 5
5081	$4.50 net
5082	50, 10, and 10
5083	80, 10, and 10
5084	10 and 10
5085	75, 5, 5, and 2
5086	33⅓, 5, and 2
5087	60, 10, 5, 5, and 2

AMMUNITION.

All Peters's metallic cartridges are loaded with King's semismokeless powder.

Caliber.	Per 1,000.	Number in box.	Number in case, 1,000.	Primed shells. Per 1,000.
0.22 short	$5.00	50	10	$2.00
.22 long	6.00	50	10	2.50
.22 long, rifle	6.00	50	10	2.50
.22 extra long	9.00	50	10	3.00
.22 Winchester	9.00	50	5	3.00
.25 short, Stevens	10.00	50	4	3.50
.25 Stevens	14.00	50	2	5.00
.32 extra short	10.00	50	5	3.00
.32 short	10.00	50	5	3.60
.32 long	11.50	50	5	4.00
.38 short	16.00	50	3	5.00
.38 long	18.00	50	3	6.00

Discount No. 55.

Discount No. 55, central-fire pistol and rifle cartridges, loaded with King's semismokeless powder.

GUNPOWDER.

(Hazard Powder Company.)

CANISTER POWDER.

	Each.
Indian rifle powder, FFFg, FFg, Fg, in 1-pound oval canisters	$0.23
In half-pound oval canisters	.14
In quarter-pound oval canisters	.09½
A case contains 25 pounds in any size of canister. (Discount No. 4093.)	
Electric, Nos. 1 to 7 grain, in 1-pound square canisters	.75
Duck shooting, Nos. 1 to 6 grain, in 1-pound oval canisters	.45
Duck shooting, Nos. 1 to 6 grain, in half-pound oval canisters	.30
Kentucky rifle, FFFg, FFg, and "sea-shooting," Fg, in 1-pound oval canisters	.25
Kentucky rifle, FFFg, FFg, and "sea-shooting," Fg, in half-pound oval canisters	.15
Kentucky rifle, FFFg, FFg, and "sea-shooting," Fg, in quarter-pound oval canisters	.12

Twenty-five 1-pound, or 50 half-pound, or 100 quarter-pound canisters in case.
(Discount No. 4093.)

KEG POWDER.

	Each.
Duck shooting, Nos. 1, 2, 3, 4, 5, and 6 grain, 25-pound kegs	$8.00
Duck shooting, Nos. 1, 2, 3, 4, 5, and 6 grain, 12½-pound kegs	4.25
Duck shooting, Nos. 1, 2, 3, 4, 5, and 6 grain, 6¼-pound kegs	2.25
Kentucky rifle, FFFg, FFg, and "sea-shooting," FG, 25-pound kegs	4.00
Kentucky rifle, coarser grains, FG duck size and FG duck size No. 1, 25-pound kegs	4.00
Kentucky rifle, coarser grains, FG duck size and FG duck size No. 1, 12½-pound kegs	2.25
Kentucky rifle, coarser grains, FG duck size and FG duck size No. 1, 6¼-pound kegs	1.25
Indian rifle, FFFg, FFg, Fg, 25-pound kegs	3.50
Indian rifle, FFFg, FFg, Fg, 12½-pound kegs	2.00
Indian rifle, FFFg, FFg, Fg, 6¼-pound kegs	1.15
Trap powder, Nos. 1, 2, and 3, for "club shooting," 25-pound kegs	5.00
Trap powder, Nos. 1, 2, and 3, for "club shooting," 12½-pound kegs	2.75
Trap powder, Nos. 1, 2, and 3, for "club shooting, 6¼-pound kegs	1.50
Teal powder, 25-pound kegs	4.00
Cannon and musket powder, U. S. Gov't. strength, 25-pound kegs. (Discount No. 4093.)	4.00
Shipping powder, FFF, FF, F, C, CC, CCC, 25-pound kegs:	
In quantities less than 100 kegs	1.90
In quantities 100 kegs and over	1.75
Mining and blasting powder, FFF, FF, F, C, CC, and CCC, 25-pound kegs:	
In quantities less than 100 kegs	1.15
In quantities 100 kegs and over	1.00

(Discount No. 2745.)

HAZARD SMOKELESS POWDER.

For shotguns only. Equal in bulk to black powder.

Drums, each	$43.00
Kegs, each	22.00
Half kegs	11.25
Quarter kegs, each	5.75
Canisters, each	1.00

(Discount No. 2838.)

AXLE AND CARRIAGE GREASE.

FRAZER AXLE GREASE.

(Frazer Lubricator Company.)

Small wood boxes, 3, 4, and 6 dozen in case, per gross	$12.00

(Discount No. 758.)

Wood pails, 15, 25, and 32 pounds	per pound	.08
Tubs, 38 and 68 pounds	do	.06
Kegs, half barrels, and barrels	do	.06

(Discount No. 3024.)

DIAMOND X IN BULK.

28-pound kegs, 56-pound kegs, 112-pound kegs, 224-pound half barrels, per 112 pounds	$3.52
Packages, extra, as follows: 28-pound, 36 cents; 56-pound, 72 cents; 112-pound, 96 cents; 224-pound, $1.60. (Discount No. 3024.)	
Diamond X, small wood boxes, 3, 4, and 6 dozen in cases, per gross	$8.00
Diamond X, small tins, with balls, 2 and 3 dozen in cases, per gross	12.00

(Discount No. 758.)

HOES.

Handled planters', polished, heavy, per dozen.

(Withington & Cooley Manufacturing Company's.)

Blade.	Handle.	Solid shank.	Socket shank.
6 inches	4½ feet	$9.50	$11.00
6½ inches	5 feet	10.00	11.50
7 inches	5 feet	10.50	12.00
7½ inches	5½ feet	11.50	13.00
8 inches	5½ feet	12.00	13.50
8½ inches	5½ feet	12.50	14.00
9 inches	5½ feet	13.00	14.50

(Discount No. 4262.)

RIVETED HOES.

No. 8. Polished, riveted shank	per dozen	$5.75
No. 13. Polished, riveted socket	do	6.00

(Discount No. 361.)

GARDEN HOES.

(The Iowa Farming Tool Company's.)

KRETSINGER CUT-EASY HOES.

Kretsinger "cut easy," socket, 7½ inches	$16.75
Garden, socket, 6, 6½, 7, 7½, and 8 inches, assorted	14.75
Garden, shank, 6, 6½, 7, 7½, and 8 inches, assorted	13.25
Riveted garden, shank, 7 and 7½ inches, assorted	9.00
Riveted garden, socket, 7 and 7½ inches, assorted	9.50

Handles on these hoes are 4½ feet long.
(Discount No. 189.)

MORTAR HOES.

No. 50. Shank, 10-inch blade, 6 feet	$23.50
No. 60. Socket, 10-inch blade, 6 feet	20.00

(Discount No. 169.)

"DIXIE" HEAVY PLANTER HOES.

No. P. 6. Shank, 6-inch blade, 5 feet	$17.25
No. P. 6½. Shank, 6½-inch blade, 5 feet	17.25
No. P. 7. Shank, 7-inch blade, 5 feet	18.00
No. P. 7½. Shank, 7½-inch blade, 5½ feet	19.50

"DIXIE" HEAVY PLANTER HOES—continued.

No. P. 8. Shank, 8-inch blade, 5½ feet	$20.25
No. P. 8½. Shank, 8½-inch blade, 5½ feet	21.25
No. P. 9. Shank, 9-inch blade, 5½ feet	22.00

(Discount No. 4213.)

RAISIN AND GRAPE SEEDERS.

ENTERPRISE SEEDERS, TINNED.

(Enterprise Manufacturing Company's.)

No. 36, family size, per dozen (will seed a pound in five minutes)	$12.00
No. 38, hotel and baker's size, per dozen (will seed a pound in one minute)	30.00

(Discount No. 2778.)

MEAT AND FOOD CHOPPERS.

(Screw to table, tinned.)

No. 12, chops 2 pounds per minute	$1.06
No. 22, chops 3 pounds per minute	1.54
No. 32, chops 4 pounds per minute	2.31
No. 42, chops 5 pounds per minute	6.08
No. 43, with fly wheel	18.23
No. 33, bait chopper	2.31

(Discount No. 422.)

MEAT AND FOOD CHOPPERS.

(Clamp to table, tinned.)

No. 5, chops 1 pound per minute	$0.77
No. 10, chops 2 pounds per minute	1.16
No. 20, chops 3 pounds per minute	1.98

(Discount No. 422.)

NEW MEAT AND FOOD CHOPPERS, TINNED.

No. 2, chops 1 pound per minute	$0.67
No. 4, chops 1½ pounds per minute	.88
No. 6, chops 2 pounds per minute	1.25
No. 8, chops 3 pounds per minute	1.75

(Discount No. 422.)

SAUSAGE STUFFERS.

No. 5, 2-quart, rack, japanned	$3.75
No. 15, 2-quart, screw, japanned	4.50
No. 25, 4-quart, screw, japanned	5.50
No. 35, 8-quart, screw, japanned	7.00
No. 10, 2-quart, rack, tinned	4.25
No. 20, 2-quart, screw, tinned	5.00
No. 30, 4-quart, screw, tinned	6.50
No. 40, 8-quart, screw, tinned	8.00

(Discount No. 528.)

SNOWFLAKE AXLE GREASE.

Quart cans, 1 doz. in crate, per dozen	$2.00
Half-gallon cans, 1 doz. in crate, do	3.20
Gallon cans, ½ doz. in crate, do	6.00
Half barrels, per gallon	.40
Barrels, do	.35

(Discount No. 683.)

SNOWFLAKE COACH OIL.

Pints, 1 or 2 doz. in case, per dozen	$3.00
Quarts, 1 doz. in case, do	4.80
Gallons, ½ doz. in case, do	15.00
Five gallons, one only in case (swinging faucet cans), do	66.00
Half barrels, per gallon	1.00
Barrels, do	.90

(Discount No. 677.)

EDISON GEM PHONOGRAPH.

Size 7¾ by 9⅝ inches, weight 10¼ pounds, price, each, complete, $10.00

Discount: On five machines, No. 5009; on ten machines, 5009; on twenty-five machines, 5009; on fifty machines, 5009; on one hundred machines, 5008.

EDISON STANDARD PHONOGRAPH.

Weight 17 pounds, size 9 by 12 by 9½ inches high, price, each, complete, $20.00

(Discount No. 5008.)

POLISHING IRONS.

(Enterprise Manufacturing Company's.)

No. 82, nickeled, per dozen	$7.00
No. 87, polished, per dozen	6.75

(Discount No. 4277.)

COLD-HANDLE SAD IRONS.

	Per set.
No. E 50, nickeled, dbl. pointed	$0.72
No. E 55, polished, dbl. pointed	.69
No. E 60, nickeled, square back	.82
No. E 65, polished, square back	.79

(Discount No. 2886.)

The following reproductions are from other leading export journals for which the committee has no discount sheets. The prices quoted are lower than the home prices for these same goods, but are not the real export prices. According to statements made by editors of export journals and by those in the business, the quoted prices are seldom or never as low as are actual export prices.

[From El Mundo y Heraldo de la Exportacion, 23 de Enero de 1902. Published by Flint Eddy and American Trading Co., New York.]

ALAMBRE CON PUAS PARA CERCAS.

Galvanizado en rollos de 100 pounds.

En lotes de 30,000 libras ó carretadas	$2.35
Menos de carretada	2.45

Precios para Puerto Rico, 30c. más.

GRAMPAS PARA IDEM.

Galvanizadas, en lotes de 30,000 libras ó carretadas	$2.35
Menos de carretada	2.45

Precios para Puerto Rico, 30c. más.

TIRADOR DE ALAMBRES.

Little Giant	$3.75 doc	*Neto*
Little Giant, Jr	3.25 doc	*Neto*

The few days intervening between the receipt of the special discount sheet and the publication of this campaign book and the very great difficulty in obtaining the exact American wholesale prices on the identical articles to match the export prices makes it impossible to publish a long list of comparative export and domestic prices. The following list is based largely upon the prices quoted in these export journals and sheets and also partly upon other data, some of which is contained in this book:

Export and home prices.

Article and description.	Export price.	Home price.	Per cent of difference.
Acetylene gas generator—Colt, 10 light, each	$40.00	$55.00	37
Ammunition caps:			
BB round, 1,000	1.03	1.49	43
Central fire, 32 long, Colt's, 1,000	6.48	9.00	40
Rim fire, 22 long, 1,000	2.16	3.00	39
Primed shells, 22 short, 1,000	.72	1.53	112
Axle grease—Snow Flake (gal. cans), 1 dozen	4.50	5.40	20
Borax, city refined, pound	.02½	.07½	210
Carbide, lump, ton	55.00	70.00	27
Chucks:			
Skinner's standard drill, No. 100	3.09	4.90	58
Skinner's ind. lathe, F. 12 in., each	15.88	24.00	51
Union Mfg. Co., ind., No. 18, 10 in., do	10.20	16.60	63
Union Mfg. Co., face-plate jaws, No. 48, 8 in, 4 set	23.52	39.00	66
Coffee and spice mills, Enterprise, each	40 & 2%	25 to 30%	20
Fruit dresses—Enterprise, No. 46, do	8.82	11.00	25
Harness snaps, Covert's:			
"Trojan" loop, 1½ in., gross	2.40	3.23	35
"Derby" loop, 1 in., do	1.68	2.24	33
"Yankee" roller, 1½ in. XC breast strap, gross	1.00	1.37	37
Lead, pig, 100 pounds	2.00–2.50	3.97½	58–98
Meat choppers:			
Enterprise, No. 5, each	.75	1.04	39
Enterprise, No. 10, do	1.14	1.56	37
Enterprise, No. 22, do	1.51	2.08	38
Enterprise, No. 32, do	2.25	3.12	38
Nails, cut, 20d. to 60d, 100 pounds	1.80	2.05	13
Nails, wire, base price, do	1.30	2.05	58
Oil-well supplies. Cheaper in Russia than in United States.			
Piano:			
Bradbury, each	300.00	375.00	25
Bradbury, do	275.00	325.00	18
Playing cards, United States Playing Card Company, Bicycle, gross	12.35	25.65	108
Powder:			
Duck, in canister, 1 pound	37½	45	20
Duck, in 25-pound kegs, do	24⅝	32	30
Indian rifle, in 25-pound kegs, FFFg, etc, 1 pound	11⅝	16	37
Smokeless, in 25-pound kegs, do	37½	48	27
Rakes, malleable iron shanks:			
10-inch, dozen	1.18	1.50	27
12-inch, do	1.28	1.60	25
14-inch, do	1.39	1.75	26
16-inch, do	1.50	1.85	23
Sad irons, BB, in cases, per pound	2¾–3⅛	3¼ to 4	25
Sausage stuffers—Enterprise	40 & 2%	25 to 25 & 7½	20
Saws, Disston & Sons:			
Band—			
2½ in. gauge 18, foot	.21	.34	62
10 in. gauge 18, do	1.25	1.54	23
Butchers' No. 7, 24 in, dozen	8.50	10.22	20
Hand—			
No. 12, 24 in., do	14.82	18.04	22
No. 16, 24 in., do	11.97	14.57	22
No. 107, 24 in., do	10.83	12.30	13
Seeders, raisin and grape, Enterprise	40 & 5%	25 to 30%	30
Sewing machines:			
Domestic, No. 1, each	13.25	20.00	59
Domestic, No. 4 or 9, do	17.48	25.00	43
Shovels:			
Barter, socket strap, dozen	5.83–6.52	7.50–8.40	29
Rowland, plain back, do	5.12–5.83	6.75–7.00	29
Thomas, cast-steel back straps, do	4.19–4.95	5.40–6.30	29
Tin plates, Bessemer, 100 pounds	3.19	4.19	31
Typewriters, Remington and others, each	55.00–65.00	100.00	54–82
Wire, barb:			
Galvanized, 100 pounds	2.25	2.90	29
Painted or varnished, do	1.86	2.60	40
Wire, plain fencing, do	1.37½	2.00	45
Wire, plain galvanized:			
Gauge 4 to 9, do	1.54	2.70	75
Gauge 10 to 11, do	1.62	2.97	83
Gauge 12, do	1.76	3.10	76
Gauge 13 to 14, do	1.81	3.37	85
Gauge 15 to 16, do	2.08	3.78	81
Gauge 17, do	2.46	4.05	65
Gauge 18, do	2.63	4.32	64
Rubber insulated	(a)		
Steel armor for cables, pound	3.75	4.15	11
Wire rope:			
Galvanized, 2½ inches circumference, 100 feet	3.12	9.70	211
1 inch circumference, 100 feet	.72	2.60	261

[a] 25 per cent off for export.

In explanation of a few items in the above table it may be said that some of the American prices are taken from the Iron Age of May 22, 1902. Not all of the prices quoted are for May, but all or nearly all are for the year 1902, and there is every reason for supposing that similar prices and differences existed in May.

The export prices on heavy steel goods like rails, billets, structural materials, etc., are not contained in the table, partly for the reason that exact prices are not known and partly for the reason that the present home demand in these lines is such that our manufacturers

are not just now bidding for export business. They are, however, filling orders at prices from 20 to 40 per cent below home prices and are undoubtedly securing some new orders, especially in bridge material. It should be remembered that the pools and price agreements on rails, billets, sheets, plates, structural work, etc., are not in force on export goods and our manufacturers usually compete freely in foreign countries The blessings of competition are still enjoyed by foreigners even when dealing with protected manufacturers.

Facts in regard to the export prices of lead were given in the Oil, Paint and Drug Reporter of December 30, 1901, and in the testimony of Mr. John M. Peters before the Ways and Means Committee on April 2, 1902.

On the same day Mr. A. G. Webster, president of the New England Shoe Association, testified that leather was sold for export 5 to 10 per cent below domestic prices.

Letters in the CONGRESSIONAL RECORD of June 23, 1902, page 7763, give the prices of steel armor wire.

The price of rubber insulated wire for export is from a letter from a Providence firm to a New York firm.

The prices of carbide were those prevailing last February. It is probable that the carbide trust (the Union Carbide Company) is exported at $43 a ton, the export price of the Canadian manufacturers, who are also charging $70 at home.

The prices on typewriting machines are obtained from a reliable man in New York City, who says the cost of manufacturing the Remington machine is only $14, although the office and selling expenses add about $25, making a total of $40 for all costs and leaving $60 as the profits on each machine sold to an American customer.

An employee in a big exporting house says that nearly all kinds of clocks are sold for export at one-half the price charged here. He specified certain of the Ansonia clocks.

The following from Arkell & Douglas's South African market report of February 1, 1902, is authority for some export prices:

BARB AND PLAIN WIRES.

"* * * Present price on barb wire, 12 gauge regular, is $2.30, with usual discount of 2 per cent. * * * The price for annealed varnished wire is $1.35 for 6 to 9 gauge, and galvanized $1.65 per 100 pounds, both exact weights, nested in carload lots."

SUGAR.

"The market is steady and we quote to-day cut loaf or crushed 5.10 cents, granulated 5.60 cents, cube 4.85 cents per pound. Prices are subject to a discount of 1 and 1 per cent, and also drawback of about 1⅛ cents per pound. The refiners are now taking off the drawback themselves and invoicing the sugar at a special price, which is more than equivalent to a reduction of 1⅛ cents. They appear to object to giving us the details as to how the special prices are made when placing orders, but it is lower than formerly."

NAILS.

"The price of nails is easier, and we quote to-day $1.80 per keg in carload lots of 300 kegs or more, this price being for the basis sizes of 20 to 60 pennyweight. Wire nails are now $1.40 per 100 pounds."

BORAX 7¾ CENTS IN AMERICA, 2⅛ IN ENGLAND; DUTY 5 CENTS.

The present price of American borax in England is obtained from Mr. Ernest L. Fleming, an importing manufacturer and exporter of borax, soda, etc., of Weaverham, Cheshire, England. Mr. Fleming was accused of attempting to defraud the Government by importing borax (duty 5 cents per pound) as "washing crystal" (duty 25 per cent or about one-quarter cent per pound). He came to this country to test the matter, and in July, 1902, was arrested, tried, and exonerated of the charge. He was greatly astonished to see the close connection here between the Government and the trusts. In fact, he could scarcely distinguish between the two. In his letter of August 15, 1902, to the Democratic Congressional committee, he says:

"The present price of borax (refined) in England is 2⅛ cents a pound. In America it is 7¾ cents per pound—just the difference of the tariff, 5 cents per pound. Hundreds of carloads in the United States are used every week, no less than sixty-six different trades being dependent, more or less, on this one article. The trust makes $1,250,000 profit per annum out of the people of the United States. * * * The trust controls millions of tons of borax and borate material in the United States, although the consumption in the United States is only 10,000 tons per annum, and if competition were allowed by the Government, the people could have the stuff at 2 cents per pound. In their frantic efforts to preserve the profit, the trust resorted to the arrest of myself. On Wednesday, the 16th of July, 1902, I was arrested at the Federal Building, New York, in the office of the United States assistant district attorney, Baldwin, immediately after a conference between Zabriskie & Anderson, representatives of the borax trust, with the assistant district attorney. I have a letter to my brother showing that the arrest was made in accordance with orders direct from Washington by the borax trust. The United States district attorney, Baldwin, said he was acting under instructions from Washington. At the examination of the case at the appraisers' stores on Thursday, the 10th of July, Doctor Jacobi and his assistant, borax trust's chemists, were present. During the three days' trial, Zabriskie, the borax trust representative, sat at the elbow of the United States assistant district attorney constantly prompting him and egging him on to do his best to convict."

EXPORT PRICES ON BARBED WIRE.

The export prices of barbed wire are contained in a letter printed in the Iron Age of June 12, 1902, signed "C.," and dated May 30, 1902, at Warrington, England. It is in part as follows:

"It is quite true that markets which were entirely possessed by us until the last few years have now been taken from us by your countrymen and by Germany. But there is no ignorance of the causes which, in the majority of instances, have brought this about. To give a concrete example, which is worth reams of explanation, the following market reports will tell their own tale:

"Melbourne, April 12th ult.—American quotations f. o. b. New York. Annealed drawn varnished fence wire £6 10s. 8d. per ton (clearly a long ton to suit that market).

"Pittsburg, April 11.—Shortage of steel still continues. Wire rods $36 per (short) ton. (This is equal to £8 7s. 3d. per long ton.)

"Your issue under notice reports the continued shortage of steel in the United States. Thus rods have advanced another $1 a ton since April 12, and all wire has advanced so that, e. g., barb fence galvanized is being sold in carloads at the high figure of $2.90 per 100 pounds, Pittsburg, and in smaller than car lots at $3.10 per 100 pounds. Translate the former into long tons and sterling, and it equals 13s. 6d. per hundredweight, or £13 10s. per long ton, which your home consumers are called upon to pay for galvanized barb wire.

"I have before me, however, a quotation from your great company, dated May 26, of £10 7s. 6d. for a parcel of 90 tons f. o. b. New York, to be shipped abroad. You will perceive that your citizens subscribe through your tariff to give the foreigner his fence wire at $9 per ton less than the price of the raw material, and his barb wire for 30 per cent less than they can buy it themselves, at the same time that they secure to the manufacturer his home profit on the transaction."

Although Mr. C. was mistaken in thinking that wire rods are quoted here in short tons, yet his quotations on barb wire are undoubtedly correct.

ALL KINDS OF EXPORT PRICES.

Of course, there is no reason for supposing that the export prices quoted in the above table are bottom export prices. As stated in the article on the steel and wire trust, there are all kinds of export prices. While Canadians get lower prices on our goods than our own countrymen, yet they do not get as low prices as are quoted to more remote foreigners. From statements in the export journals (see under Sewing Machines on cover of this book, for example) it appears that the Australian and South African markets get lower prices than the West Indies, and that consumers in Mexico and Canada are less favored than are the Australasians. In fact, some of our trusts have different prices to customers in different States. Thus window glass is sold cheaper to go to New England or to the Pacific coast than at the factories in Pittsburg for delivery on the next block. Salt and other articles are similarly sold.

In certain instances our manufacturers give an extra discount, over ordinary export prices, equal to the tariff duty in the country to which the exported goods are to go. This discount, however, does not appear to be general, and is usually limited to 25 per cent or less.

Wool production, imports, consumption, and manufacture in the United States; also price of wool and value of sheep on farms, 1880 to 1901.

[From the Statistical Abstract of the United States, 1901.]

Year ending June 30—*	Production.	Imports.	Per cent of consumption, foreign.	Value of imports of wool and manufactures of.		Price of fine washed clothing, Ohio fleece, per pound.	Sheep on farms in the United States.‡	
				Wool, raw.	Manufactures of wool.		Number.	Value.
	Pounds.	*Pounds.*				*Cents.*		
1880	232,500,000	128,131,747	34.9	23,727,650	33,911,093	46	40,765,900	90,230,537
1881	240,000,000	55,964,236	17.3	9,703,968	31,156,426	43	43,569,899	104,070,759
1882	272,000,000	67,861,744	19.0	11,096,050	37,361,520	42	45,016,224	106,595,954
1883	290,000,000	70,575,478	18.7	10,949,331	44,274,952	39	49,237,291	124,366,335
1884	300,000,000	78,350,651	20.6	12,384,709	41,151,583	35	50,626,626	119,902,706
1885	308,000,000	70,596,170	18.0	8,879,923	35,776,559	33	50,360,243	107,960,650
1886	302,000,000	129,084,958	28.9	16,746,081	41,421,319	35	48,322,331	92,443,867
1887	285,000,000	114,038,030	27.4	16,424,479	44,902,718	32	44,759,314	89,872,839
1888	269,000,000	113,558,753	28.9	15,887,217	47,719,393	31	44,544,755	89,279,926
1889	265,000,000	126,487,729	31.8	17,974,515	52,564,942	33	42,599,079	90,640,369
1890	276,000,000	105,431,285	27.0	15,264,083	56,582,432	33	44,336,072	100,659,761
1891	285,000,000	129,303,648	30.8	18,231,372	41,060,080	31	43,421,136	108,397,447
1892	294,000,000	148,670,652	33.1	19,688,108	35,565,879	29	44,938,365	116,121,290
1893	303,153,000	172,433,838	35.7	21,064,180	38,048,515	23	47,273,553	125,909,264
1894§	298,057,384	55,152,585	14.2	6,107,438	19,439,372	19	45,048,017	89,186,110
1895§	309,748,000	206,033,906	40.0	25,556,421	38,539,890	18	42,294,064	66,685,767
1896§	272,474,708	230,911,473	45.9	32,451,242	53,494,400	18	38,298,783	65,167,735
1897§	259,153,251	350,852,026	57.8	53,243,191	49,162,992	27	36,818,643	67,020,042
1898	266,720,684	132,795,202	32.8	16,783,692	14,823,771	28½	37,656,960	92,721,153
1899	272,191,330	76,736,209	19.2	8,322,345	13,832,621	31	39,114,453	107,607,530
1900	288,636,621	155,928,455	34.4	20,260,930	16,164,446	.....	41,883,065	102,665,913
1901	302,502,328	103,583,505	24.9	12,529,881	14,585,306	.....	.....	.....

* Except in number and value of sheep on farms and prices of wool.
† On October 1 of each year.
‡ On January 1 of year named.
§ Democratic and low-tariff years.

GOODS FOR EXPORT DIVERTED TO THE HOME MARKET.

All kinds of attempts are made by Americans to obtain as low prices on our manufactured goods as are obtained habitually by foreigners. The Iron Age of January 9, 1902, contains a letter, signed "Manufacturer," which explains one of the devices for defrauding (?) our manufacturers. He says:

"There is a practice more or less prevalent among a certain class of exporters, to which I have seen no reference in your columns, but which, for the interests of your manufacturing subscribers, should be thoroughly exploited. I refer to the practice of purchasing goods for export, but actually intended for sale and consumption in the United States.

"There is a class of morally irresponsible exporters who take advantage of such a condition to purchase for export, and divert their purchases to the domestic market at cut prices, thus disturbing market conditions and inflicting injury upon the manufacturer. The methods adopted in securing the goods are many and devious, the latest of which, I have been informed, would do credit to the childlike innocence of the proverbial Chinaman.

"A street broker, with no standing in the trade, solicits and takes orders from jobbers at cut prices. These orders are turned over to an exporter of questionable standing, who in turn hands them to an exporter of fair standing, to be passed by him to the manufacturer. Of course, the form of adopting marks and names of port of destination is preserved between the exporters, and they appear on the orders and cases, these marks indicating a destination which will pass the scrutiny of the manufacturer when he receives the order.

"I am informed that additional precautions against discovery are taken when high-priced goods are desired, even to the extent of actually having them shipped to a European free port and returned duty free by an agent in the free port.

"I am also informed that in the event of a manufacturer tracing the irregularities, a cloak is used by his customer to hide his interest in

the scheme, the claim being made that he simply financed the middle exporter in the transaction, having no knowledge of the irregularity.

"I should like to see a full discussion on this subject, believing the evil to be greater than commonly supposed."

As bearing further upon this point, the following is from a pamphlet, entitled "Some Export Trade Humbugs," published by the American Exporter, New York:

"It is by no means unusual for goods turned over to the publishers with the understanding that they are to be 'for export only,' and even after being delivered to steamship companies, to subsequently turn up in the domestic market, much to the annoyance and prejudice of the manufacturer. Sometimes the advertiser finds that these goods have been sold to his own consumers in competition with himself, and at greatly less than his regular prices."

As a rule, however, the Americans, or at least that part of them who do not prefer high prices, have not been successful in defeating the ends of the trusts and in obtaining goods at reduced or foreign prices. While a majority of our citizens believe in high prices, and keep a high tariff wall around us, all of us are at the mercy of our protected trusts and must pay, as gracefully as possible, whatever prices they may care to charge us.

THE UNITED STATES STEEL CORPORATION.

BOTH A PRINCE AND A PAUPER—THE STEEL TRUST—ITS COLOSSAL PROPORTIONS—IT TERRORIZES FOREIGNERS WHILE CRYING FOR THE MILK OF PROTECTION AT HOME—OF ITS NET PROFITS OF $111,000,000 OVER $73,000,000 ARE TARIFF PROFITS—ITS PRODUCTS SOLD IN FOREIGN MARKETS AT TWO-THIRDS OF HOME-MARKET PRICES—WIRE ROPE SOLD FOR EXPORT AT LESS THAN HALF THE DOMESTIC PRICE—THE TARIFF ON STEEL GOODS A HANDICAP TO MANY STEEL-CONSUMING INDUSTRIES—ITS REMOVAL WOULD SQUEEZE THE WATER OUT OF THE TRUST'S CAPITAL AND LIFT A GREAT BURDEN FROM MANY SMALL MANUFACTURERS.

Andrew Carnegie has said that steel is either a prince or a pauper. He might well have said that the United States Steel Corporation is at one and the same time the greatest prince of industries and the greatest of paupers.

Unquestionably our billion-dollar steel trust is the prince of industries. Not only is its capitalization ($1,450,000,000) higher than is that of any other single industry, but it controls, through ownership of stock and "community of interest," many other important iron and steel industries, which add about $250,000,000 to the capital controlled. Through its pooling and price-fixing agreements with competing concerns manufacturing rails, structural steel, steel plates, steel sheets, steel billets, steel bars, wire rope, etc., perhaps $200,000,000 more capital is brought under control, making almost a $2,000,000,000 steel trust.

Disregarding its alliances and affiliations, the value of the trust's yearly product of steel is about $410,000,000, its first year's profits over $111,000,000, and its yearly wage roll about $113,000,000, or $712 each for its 158,263 employees. In many lines, such as wire, tin plate, and bridges, the trust is at present practically the only producer. According to the testimony of its president, it owns 80 per cent of the iron-ore mines of the Lake Superior region, nearly all of the 60,000 acres of Connellsville coking-coal mines, 1,000 miles of railroads, transports its ore on its own vessels, and produces about 75 per cent of our entire output of steel. Besides, it is by far the largest body of financial water in the world. The estimates on the amount of water vary from $500,000,000 to $1,100,000,000, it being difficult to distinguish between the water of the preferred and the fog of the common stock.

These facts, with its reputed million-dollar-a-year president, make it easily the prince of industries. That it is a dictatorial, domineering prince appears to be the opinion of those in charge of the thousands of manufacturing industries in which steel is a raw material, and which exist only at the mercy of the great trust, which dictates prices, terms, and conditions under which these industries may do business. In the language of one of the men in the industry, "The steel trust is 'it' in the steel world just at present."

Like most real princes, this steel trust disregards and defies laws that it does not see fit to make over. It was formed openly and by the concerted action of the shareholders of the selling companies with the intent, effect, power, and tendency to restrain and suppress competition and to create a monopoly. Hence it is clearly illegal under the Sherman antitrust law and under the laws of many of the States in which it does business. It is also, as Prof. H. L. Wilgus, of the University of Michigan, has clearly shown, a trust in the original sense of the word, because it holds, as a trustee, the shares of the various constituent companies and votes for directors of the constituent concerns. Such trusts have been declared illegal in the nation and in some States.

That this price of industries is also the greatest pauper on earth is an "easy proposition." Surely an industry that receives governmental aid to the extent of $70,000,000, or $80,000,000 a year has no equal as a pauper. This seems to be a fair estimate of the amount of tariff benefits which it is now obtaining from this country. For, as the Portland Oregonian says, "Abroad it is a colossus striking terror to the hearts of British, German, and Russian manufacturers; at home it is an infant industry crying for the milk of protection."

An idea of the extent of the benefit of the tariff to this great trust can be formed from a comparison of the domestic and export prices of its goods, as well as from importations of competing goods.

President Charles M. Schwab admitted to the Industrial Commission last May that steel rails were exported at an average price of about $23 a ton, when the domestic price was $26 and $28. If he had been able to recall exact figures on specific foreign sales, he would undoubtedly have realized, what others say confidentially, that the export price during the previous four years averaged $7 or $8 below the domestic price.

As the average difference between the domestic and export prices of steel rails is $7 to $8 per ton, it is evident that practically all of the duty of $7.84 per ton is utilized by the trust and affords it so much extra profit. The duty enables the steel-rail pool to hold up American railroads, and through them the whole American people who use the roads, and compel them to put about $18,000,000 a year into the trust's pockets. The United States Steel Corporation produced 1,675,628 tons of rails for the year ending March 31, 1902, and its share of the tariff "swag" at $7 per ton is $11,729,396. As the actual cost of producing steel rails is now estimated by experts to be about $14 per ton, the absurdity of any duty on steel rails, except to enable the trust to extort from us, is apparent.

About 600,000 tons of structural steel were produced last year, nearly all of which was sold at home at prices fixed by the beam pool. These prices averaged about $12 per ton above the prices at which considerable quantities of beams were exported. Thus the duty of $11.20 per ton on beams mulcts us about $6,000,000 a year. At $10 per ton $4,895,060 goes to the Steel Corporation.

The trust produced 9,066,000 boxes, or 404,746 tons, of tin plate last year. As the trust sells tin plate to exporting manufacturers at $1 below its domestic price of $4.19 per box at New York, it is clear that at least two-thirds of the duty of 1¼ cents per pound yielded profits, and surplus tariff profits, to the trust. At $25 per ton the tariff gives $10,118,625 to our great 1-year-old infant.

The average domestic price of wire nails in 1901 was $2.41 per keg. About one-tenth of our output of 9,000,000 kegs was exported at an average price of about $1.45 per keg of 100 pounds. The duty of one-half cent per pound all goes to increase trust profits, which would be large even under free trade. As the steel trust makes about 400,000 tons of our wire nails, this foolish duty adds $4,000,000 a year to this trust's profits.

The average domestic price of barb wire was $3.04 and the export price about $2.20 per 100 pounds in 1901. The duty of 1¼ cents per pound is at least half "velvet" to the steel trust, which produces all of our 300,000 tons of barb wire. This tariff "velvet" amounts to $4,200,000 a year.

The trust produced 378,838 tons of other wire and wire products, which sold for at least $20 per ton more because of the duties of from 1¼ to 2 cents per pound. Here are $7,576,760 more of gratis tariff profits to our giant steel pauper.

It is worthy of note that the great steel trust (as a part of the wire-rope pool) sells wire rope for export at considerably less than half what it charges home consumers. Although the duty on wire rope varies from $2.40 to $3.50 per 100 pounds, which amounts to about 100 per cent on the price of American rope in Europe, yet we import large quantities of English rope and sell it here at a profit, after paying duties, freight, and other charges.

The trust produced 693,655 tons of tubular goods. These sold for $5,549,240 more in our markets because of the duty of two-fifths of a cent per pound. This is only one-third of the net profits of the National Tube Company, which are said to have averaged over $1,000,000 a month.

The following table shows the estimates of the effective duties on the products of the trust:

Tariff profits of the United States Steel Corporation.

[Statistics of production are for the year ending March 31, 1902, as officially reported.]

Finished products.	Production.	Duty rate.	Tariff profit.
	Tons.		
Steel rails	1,675,628	$7.84	$11,729,396
Blooms, billets, and slabs	2,481,227	8.40 up	19,949,816
Plates	742,558	11.20 up	7,425,089
Merchant steel shapes, bars, and hoops	1,236,343	11.20 up	12,363,430
Sheets	415,229	15.68 up	4,982,748
Tin plate	404,746	33.60	10,118,625
Wire nails	400,000	11.20 up	4,000,000
Barbed wire	300,000	28.00	4,200,000
Other wire and products	378,838	33.60	7,576,760
Tubes and pipes	693,655	8.96	5,549,240
Axles and forgings	90,659	22.40 up	903,590
Angle bars and joints	127,582	7.84 up	893,074
Structural work (Bridge Co.)	489,596	11.20	4,895,060
Miscellaneous	50,877	11.20+	508,770
	9,486,798		95,098,589
Deduct as probably shipped to constituent companies	2,000,000	11.20	20,000,000
	7,486,798		75,098,589

That these estimates are conservative is evident from the fact that we were importing and exporting many kinds of iron and steel goods last year and that generally domestic prices were near the import point. The tariff, therefore, is responsible for about two-thirds of the first year's profits of our greatest trust. The tariff then burdens smaller industries with taxes amounting to over $70,000,000 a year, and turns the proceeds over to this giant monopoly. Not only this, but because this trust's products are sold cheaper to foreigners, this tariff tax puts all our steel-consuming industries at a disadvantage with foreign competitors. Hundreds of small industries, handicapped in this way, are having the life crushed out of them by this tariff juggernaut. They are dying hard, and are forming manufacturers' free-trade and reciprocity leagues, and are yelling desperately at Congress to take the duties off steel goods and to stop the progress of the tariff monster. Meantime the wise men at Washington are saying, "Statesmen, spare the tariff; touch not a single schedule."

Without this tariff profit the trust's earnings, even in good years, would not exceed $40,000,000. As the interest on the first bonds ($301,000,000) makes a fixed charge of $15,000,000 a year, there would be left but $25,000,000 for dividends on the stock, all of which is water. After the second bonds ($250,000,000) are issued, there would be left but $12,500,000 for dividends. In ordinary years there would be nothing for dividends, and in bad years the holders of the second issue of bonds would probably have to reorganize the trust. But for the patent and mining monopolies, which would still be left, Mr. Carnegie, as holder of the first bonds, might reasonably expect to find himself again a steel manufacturer.

That the tariff does nothing for the laborers is evident. The total wages paid was $112,829,198, or $713 per earner per year. The net profits were $111,067,195, or $702 per earner per year. Thus the earner produced $4 a day and got only $2. Had there been no tariff, prices would have been lower at home, more goods would have been sold, more labor would have been employed to make them, and, as demand for labor usually fixes wages, the average wages would have been higher. The only important effect of the removal of the tariff duties, then, would be in reduced dividends on the watered stock and perhaps in the more modest demeanor of some of our steel magnates in American and European gaming resorts.

If tariff duties remain unchanged, this trust will continue to plunder the people of millions of dollars every month, though it may be compelled to absorb several more companies to hold its monopoly. The great profits in most lines of steel manufacture are tempting outside capital to build competing plants wherever competition is possible. This is especially true of structural material and of tin plates. Expert tin-plate men say that by next fall there will be sufficient mills outside of the trust to produce half of the tin plates consumed in this country. Independent mills would now be producing considerable quantities of tin plate if they could obtain steel bars. They have sent a man to Europe to buy bars there. They expect to be able to obtain bars of outside concerns next summer; and as the trust has recently stopped subsidizing the makers of tin-plate mills, and has left them free to sell to outsiders, the tin-plate monopoly is not as strong as it has been. The Engineering News of March 27 thus sums up the situation as regards this great trust:

"Very likely the steel trust and its competitors will form pools to restrict production and maintain prices as long as possible, and further consolidations may take place. So long as these abnormal prices and profits continue, however, so long will there be found men ready to build works which can either be run so as to pay for themselves in a very few years, or else can be sold to the trust at a large advance on their cost. The trust can not indefinitely pursue the plan of buying out its competitors at an abnormal price and watering its securities to pay the bill. Some time the process of dilution must come to an end.

"Even if it were possible, moreover, for the United States Steel Corporation to maintain an absolute monopoly, it is not believable that the public would long endure such a condition. The public opposition to the huge consolidation has by no means been removed. It has only been temporarily disarmed, partly by the fact that the monopoly has not yet made use of its power to interfere with the natural course of prices, as determined by the law of supply and demand, and partly by the knowledge that outside competition has by no means been eliminated from the steel industry. If these conditions change, the public will certainly find means to protect itself."

Will the unprotected worm ever turn?

(For full details of concerns in and out of this trust; for testimony of Charles M. Schwab; for discussion on the illegality of the trust, by Prof. H. L. Wilgus, etc., see following pages.)

PRESIDENT SCHWAB'S TESTIMONY—VALUE OF ASSETS OF THE UNITED STATES STEEL CORPORATION.

[From affidavit of Charles M. Schwab, July 15, 1902, in suit in Newark, N. J., to prevent the proposed retirement of $200,000,000 of preferred stock and the issuance of bonds instead.]

The net earnings during the first three months of second year, viz, from April 1, 1902, were $37,691,700, or at the rate of $150,766,000 per year.

In my opinion, the net earnings of the second year of the steel corporation's business, ending April 1, 1903, will greatly exceed those of the first year, and will equal and will probably exceed $1,400,000,000.

During the second year the properties are earning at the rate of over 14 per cent upon the common stock, after deducting 7 per cent cumulative dividend upon its preferred stock.

The properties owned and represented by the United States Steel Corporation are of enormous value, and many of them are indispensable for the successful conduct of the business and could not be duplicated in the United States or elsewhere at any price.

The following items of value are, in my opinion, substantially below the actual value of the properties to the United States Steel Corporation: [a]

Iron and Bessemer ore properties	$700,000,000
Plants, mill fixtures, machinery equipment, tools, and real estate	300,000,000
Coal and coke fields (87,589 acres)	100,000,000
Transportation properties, including railroads (1,467 miles), terminals, docks, ships (112), equipment (23,185 cars and 428 locomotives), etc	80,000,000
Blast furnaces	48,000,000
Natural-gas fields	20,000,000
Limestone properties	4,000,000
Cash and cash assets, as of June 1, 1902	148,291,000
Total	1,400,291,000

The foregoing items of value do not include any allowance for the value of the good will and established business of the various plants and properties, nor do they include anything for the very valuable patents, trade-marks, and processes owned or controlled, or anything for the large amount of orders for manufactured goods which have been actually received and are in process of filling. These orders amount in the aggregate to about $150,000,000, and will keep the various producing mills and plants fully occupied until after the 1st of January, 1903, and now assure a net profit of over $60,000,000.

In explanation of the items of valuation, Mr. Schwab goes into details. He declares that it is his opinion that the iron and Bessemer ore properties are practically inexhaustible, and that the valuation of $700,000,000 is conservative and must increase very materially with the exhaustion of the known Bessemer ore deposits. As to the plants, etc., valued at $300,000,000, in Mr. Schwab's estimate, his affidavit goes on to say that the corporation includes 400 producing mills, many of them the most valuable in the world.

The coal and coke properties, valued by Mr. Schwab at $100,000,000, he says have that value, although not yet fully developed.

"These properties comprise 54,269 acres of coking coal and 33,320 acres of steam coal, making a total of 87,589 acres, situated in the best coal regions of the United States and within easy access by economical transportation facilities to the producing mills."

Mr. Schwab further declares that his valuation of the transportation properties is made after deducting the bonded indebtedness of $40,340,000 held against the various properties, and he avers that the properties could not be duplicated for less than $120,000,000.

[a] It would be interesting to learn on how much value the steel trust pays taxes. The little information at hand indicates that the assessed value of the coking-coal lands is less than $5,000,000, and probably less than $3,000,000. The assessed value of its iron-ore properties is probably less than one-seventh of Mr. Schwab's sworn value.

The blast furnaces, natural-gas fields, and limestone properties, Mr. Schwab declares, are estimated in his table at considerably less than the amount for which they could be duplicated. The cash assets, Mr. Schwab declares further, can not be duplicated at less than $200,000,000.

RELATION BETWEEN EXPORT AND DOMESTIC PRICES.

Extracts from the testimony of Mr. Charles M. Schwab, president of the United States Steel Corporation, before the Industrial Commission, May 11, 1901. (See XIII, pp. 448-487 of Reports.)

Q. Will you take up the question for a moment of the relation between export prices and the prices in this country? You have, perhaps, heard some of the discussion.—A. I heard some of the discussion of the gentleman who just preceded me. I do not quite agree with him, of course. It is quite true, as he says, that export prices are made at a very much lower rate than those here; but there is no one who has been a manufacturer for any length of time who will not tell you that the reason he sold, even at a loss, was to run his works full and steady. That has been the chief thing regarding all these companies in their export business.

I think you may safely say this, that where large export business is done, for example in the line of iron and steel, nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export. Railroads will in most instances carry them a little cheaper for you, and so on all down the line. But labor, within my knowledge, at least, has never been asked to work for a lower price for export material, so that labor benefits more by it than almost any other interest. As this book goes to press, the numerus lodges of the Amalgamated Iron and Steel Workers are voting on a proposition from the American Tin Plate Company (a part of the great steel trust, of which Mr. Schwab is president). This trust asks the workingmen to accept a reduction of 25 per cent in their wages when working on tin plate for export. It is stated that this reduction in wages will enable the trust to meet the prices of the Welsh tin-plate manufacturers (about $1.40 per box below the ordinary price of $4.19 charged by the trust), and to fill a big order for 1,500,000 boxes from the Standard Oil Company.

Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?—A. That is true, perfectly true. I just want to interrupt you and say that American steel has been sold in the American market at as low prices in times of extreme depression as it has been in foreign markets, but it has been sold without profit. You know we do run for a space of time at a loss.

Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?—A. Oh, yes; always.

Q. (By Mr. JENKS.) I should like to go back for a moment to the question of export prices. You said that during last year the export price was considerably lower than the price in the United States. Would you mind giving us definite figures?—A. I have not them at hand, but it would vary with each article.

Q. Suppose you take the case of steel rails. Could you give us about the difference between the export and domestic prices?—A. I would have to make a guess; I do not know definitely. The export price was about $23 a ton.

Q. And the price here?—A. Was $26 and $28.

Q. At the same time?—A. At the same time.

Q. In making these export prices are the export prices at all uniform or do they vary?—A. They vary with the competition we may have.

PERCENTAGE OF STEEL INDUSTRY CONTROLLED BY THE UNITED STATES STEEL CORPORATION.

Q. You spoke of the per cent of the steel industry that the Carnegie Company controlled. Could you give the Commission about the per cent of the whole steel industry that the United States Steel Company controls?—A. Well, yes; I think it is between 65 and 75 per cent. It will vary with times. I think in very prosperous times the percentage will be smaller; in very dull times it will be very much larger.

Q. Would you consider that per cent sufficient to make what would be called a monopoly of the business?—A. No; I do not think so.

PROTECTIVE TARIFF DESIRABLE ON HIGHLY FINISHED STEEL PRODUCTS.

Q. Now, will you take up for a moment the relation of the tariff to the export price?—A. Yes, if you would like, if you will ask me the questions.

Q. You are exporting at the present time large quantities of steel?—A. Yes.

Q. Do you think that the protective tariff on steel is any longer desirable?—A. I do, especially in certain lines. You take the lines of steel manufacture in which labor forms the larger part of the cost, and you must have a protective tariff or reduce your labor. Now, on lines of steel in which labor does not form an important part, it is perhaps safe to say we have reached a point where we do not need the tariff. Let us take the question of billets, for example. The cost of billets over pig iron or over ore, whichever you choose, as far as labor is concerned, is very slight. But you take the question of rails or tin plate and the highly finished articles in which labor forms a very important element of cost and remove the tariff and you lose the trade or you reduce your labor. That is such a simple proposition to me. Now, what do we export? We are not exporting tin plate to-day. Why? Because we simply have not the advantages of manufacture. Our labor is too highly paid to enable us to do that. But we do export largely rails and billets, because labor does not form the important part there that it does in the higher forms of manufacture.

Q. (By Mr. LITCHMAN.) Your opinion is that a reduction of the tariff means a reduction in labor?—A. It does where labor forms the important part of the cost. It has been a singular thing that the lines in which we have exported have been the lines in which the least labor is expended.

Q. Does that statement apply to skilled or unskilled labor?—A. Oh, all classes, but especially skilled labor; but I could safely say all classes of labor. This is what has been rather remarkable. You have seen in most discussions of this question that Americans have been able to export largely by reason of their superior facilities for manufacturing; but if you will stop to think of it, the large export has been done chiefly in those lines in which labor has not played an important part, like rails, billets, and things of that sort. [Not only is Mr. Schwab clearly mistaken as to manufactured exports in general, but he is greatly mistaken as to his own industry.]

The following figures are from the Statistical Abstract of 1901:

Value of articles of domestic merchandise exported.

Article.	1899.	1900.	1901.	1902.
Billets, ingots, and blooms	$869,544	$441,605	$3,158,239	$78,355
Iron and steel rails	5,439,831	9,356,448	10,873,756	4,837,096
Wire	3,891,180	5,982,400	4,104,563	5,278,456
Builders' hardware	7,582,372	9,648,924	9,204,513	9,840,102
Firearms	681,440	1,403,915	958,324	
Machinery—electrical, sewing, locomotives, typewriters, etc.	44,285,383	55,485,495	49,814,489	47,562,578
Pipe and fittings	5,875,748	7,024,888	5,139,895	5,153,080
Nails and spikes	1,863,076	3,050,948	1,815,298	1,524,486
Total manufactures, iron and steel	93,716,031	121,913,548	117,319,320	98,552,562

EFFECT OF THE REMOVAL OF THE TARIFF ON ORE.

Q. (By Mr. C. J. HARRIS.) Would it injure your business at all if iron ores were admitted free of duty here?—A. I think not.

Q. (By Mr. JENKS.) You have no objections to the removal of the duty on ore?—A. I think that is practically the case now. I think that is practically the case for this reason, that materials imported for finishing that are ultimately exported have the tariff rebated on them. Any manufacturer of steel will probably export enough finished steel to get his rebate on the imported ores, so there is practically that condition now.

PRESENT AND FORMER LABOR CONDITIONS AT THE CARNEGIE PLANT.

Q. Can you go somewhat into detail and contrast the present with the preceding conditions, in order to explain the significance of that statement?—A. Well, up to 1892 we had labor organizations. Since 1892 we have had none.

Q. Before 1892 about what proportion of your workingmen were union men?—A. Well, it varied each year; I should say along about 1899, 80 per cent. Oh, nearly all our work was under the control of organized labor, but just what percentage of the workingmen were not in the organization I am unable to say. It was not a very large percentage, probably not over 20 per cent of the total.

ORGANIZATION OF LABOR SOMETIMES A DETRIMENT TO INDUSTRY.

Q. Did you find that the rules of the organization limited the output of the individual men?—A. Yes.

Q. To a detrimental extent?—A. Yes. In speaking before the British Iron and Steel Institute a few years ago, I said that I thought one of the two chief reasons why England could not compete with America was because of the unreasonable rules followed by their organized labor, primarily. I remember a comparison at that time showed that the output of the same machines there was only about one-third of what it was in America.

Q. And that lesser output, you think, was due to the influence of organized labor?—A. Of course; the fact that the capital in your plant is producing one-third of what it could produce adds very much more to the cost of production, although not much to the wages of the men.

Q. You thought the lessening of the output was due to the rules of the union?—A. That was due to the rules of the union.

LABOR ORGANIZATIONS ARE DETRIMENTAL TO THE LABORERS.

Q. (By Mr. LITCHMAN.) Are you not likely to have an acquaintance with organized labor in the immediate future?—A. Quite probably. But still, I do not think I shall. I think that will fall to the lot of the presidents of the subsidiary concerns.—A. If I were a workingman, now, in one of these mills, especially if managed under the broad policy under which I hope the steel manufacture is administered, I would not want to belong to a labor organization. It puts all men, no matter what their ability, in the same class of work on exactly the same level. If I were a better workman—quicker, smarter—than the other men I would want to reap the benefit. I would not want to be put in the same class as the poorer man, which they must do. If we have 500 men employed at the same class of labor, the wages paid will be the same—must be the same paid to the same class. The level is that of the poorest man in that department. As a workingman I would not advance, and I would not be able to show superior ability over another if I were in an organization. That is my own personal view.

CAPITALIZATION—PROPORTION OF TANGIBLE ASSETS.

Q. (By Mr. JENKS.) I should like to go back to the question of capitalization for a moment. In the case of the United States Steel Corporation, about what proportion of the capitalization could be counted as tangible assets?—A. It is entirely a question of what you put in your raw materials at. If I were valuing the raw materials in this capitalization, it would not be big enough.

Q. Do you refer to the ore mines?—A. To ore, coking coals, and things like that. I claim that they are of much more value than people as a rule have ever given to them. This company, for example, has over 500,000,000 tons of ore in sight in the Northwest. Now, it does not take many dollars per ton on that ore alone to equal the capitalization of these concerns. We own something like 60,000 acres of Connellsville coal. There is no more Connellsville coal. You could not buy it for $60,000 an acre. Now, it depends altogether upon the value you put on that raw material as to what your capital ought to be.

THE PROBABLE DURATION OF THE CONNELLSVILLE COAL SUPPLY.

Q. (By Mr. PHILLIPS.) How long do you think, at the present rate, will be required to use up the Connellsville coal?—A. If manufacture increases in the future—if the consumption of steel increases in the future like it has in the past, I believe the Connellsville coal will be exhausted in thirty years. If the consumption of iron ore in the Northwest goes on as it has in the past, the ore now known will not last very long—some sixty years.

Q. (By Mr. C. J. HARRIS.) The amount of Connellsville coal you have in sight would probably be largely increased by future developments.—A. There is none to develop. Of course, there are other coals; but it is a well-known fact that the Connellsville coking coal is an ideal coking coal for manufacturing purposes. Now, the Connellsville coal field is very clearly defined and every acre of it is highly prized, and that is owned by all the companies in toto. Now, there must be developments of coal in other directions, but nothing like this coal. Hence, very much depends on the value you put on the raw materials.

PROPOSED REPEAL OF THE TARIFF ON CERTAIN STEEL PRODUCTS WOULD INJURE LABOR.

Q. Has your attention been called to the bill introduced in Congress by Mr. Babcock, of Wisconsin?—A. What was that? I do not recall it now.

Q. That was a bill to repeal all duties on steel goods produced by the trust, as commonly called.—A. Oh, yes; I know in a general way. I do not see that that would do anybody any good. It would not hurt anybody in those lines where we do not need a tariff, and the only persons it would hurt in those lines where we do are the working people.

Q. (By Mr. PHILLIPS.) Still there is not so much labor employed on steel rails or billets as on finer products?—A. No; and, therefore, the reason for a duty on the finer products is so apparent.

Q. (By Mr. CLARKE.) Do you know of any reason why the duties should be taken from the finished products of steel mills and not from the ore?—A. As I explained before, that is an impracticable problem, for the reason that the ores—speaking as a broad question—are not imported. They are all domestic. Hence, the taking of the duties off the ores cuts no extensive figure in the cost of making steel. It is not a practical question. Those who do bring in ore get the rebate on the finished product when shipped out, and it is practically free ore.

Q. Is it your opinion that there is anything in the conditions of business in this country at the present time which calls for an early revision of the tariff?—A. I do not think so. I should like to see it left alone. That is my personal opinion. I think it is unwise to disturb these things when there is no necessity for doing it. The tariff on rails and billets is not enough to hurt, if you are not bringing them in. It may be inconsistent, but that is a point of view I am not prepared to discuss.

CAPITALIZATION OF THE UNITED STATES STEEL CORPORATION.

Q. How do you account for the large difference between the capitalization of the United States Steel Corporation (as it now stands capitalized) and the capitalization of the constituent companies, exclusive of the bonds issued in payment?—A. There is not a very wide difference if you come to think it all over. All of these companies have added considerably to their assets since they were organized.

Then I undoubtedly think that the coming together of all these interests, the owning of these stocks by one corporation, will undoubtedly enhance the value of them all, for the reasons I have given in the line of economies, etc. I think, furthermore, that the values placed on raw materials in the shape of ores and coal have never been excessive, and the amount of capitalization depends entirely upon the value at which you put these ores.

VALUE OF THE ORE SUPPLY AS AN ELEMENT OF CAPITALIZATION.

Q. (By Mr. JENKS.) This added value that comes from the fact that the quantity of ore is limited is, of course, a sort of monopoly value—not using the word in an invidious sense?—A. You have seen, in your own experience, how this increased value of ore comes from the limited quantity. Individuals may own a mine and they may think it is worth ten times as much as it was ten years ago; and they are probably right, because they see a wonderful development in the industry in this country. It is a natural increase in value, just as real estate will increase in value because of its scarcity and the need for it.

Q. And this high capitalization you yourself justify on the ground that owing to the limited supply of ore its value must have been greatly increased?—A. I think so. I do not say that is the only reason for the capitalization, but you can fix the capitalization at a much larger figure, dependent on the value you place on the ore in the ground. After all, it is the greatest asset of all. Works can be duplicated, but this ore can not.

VALUE OF ORE IN THE GROUND AS AN ELEMENT OF CAPITALIZATION.

Q. You said, if I remember right, that the United States Steel Corporation has 500,000,000 tons of ore in sight in the Northwest?—A. Yes.

Q. Is it fair to suppose that the 500,000,000 tons of ore might fairly go in at some considerable price per ton in the capitalization of the combination? Of course, ore may, let us say, be worth $4 a ton; and, of course, at that rate it would be worth $2,000,000,000, obviously; but I suppose you ought to take, ought you not, the net profit that can be made in mining that ore in basing its value for capital stock?—A. Yes.

Q. Now, for a good many years, don't you suppose a fair estimate on profit of ore from Lake Superior mines would be 25 cents a ton?—A. I should not like to sell ore at 25 cents profit.

Q. How much higher?—A. I should say one ought to have a profit of $2 to $2.50 a ton for every ton of ore in the Lake Superior region.

Q. (By Mr. PHILLIPS.) Who should receive the benefit of that?—A. The owners of the ore.

Q. (By Mr. STIMSON.) There are a great many mines which have been running successfully for many years at much less profit?—A. Yes.

Q. As small as 25 cents?—A. Yes; and sometimes at a loss.

Q. Are you willing to make a guess on the average rate of profit on mining land?—A. No; because no one can do it—you can put the ore in at what you like.

CONTROL WHICH THE UNITED STATES STEEL CORPORATION HAS OVER LABOR.

Q. I understand, of course, you can not go into the future of the steel combination with labor, but I should like to know whether the result of the combination of all the furnaces is not to make it possible, if the United States Steel Corporation so wishes, to suppress and labor dispute at any one furnace or mill very much more easily than it could have been done before?—A. Now, that is a question pretty difficult to answer.

Q. But does not the corporation add very much to the power of an employer as a whole against any particular class of employees?—A. I think it does.

POOLS IN STEEL AND OTHER INDUSTRIES.

Q. (By Mr. JENKS.) You spoke in reply to one of the earlier questions to the effect that there were sometimes apparently agreements between the officers of the different competing companies, so that they sold at the same rates, Pittsburg and Chicago, to certain places. Will you speak briefly with reference to previous pools as they existed before the organization of this company?—A. The steel-rail pools, as so called, were simply agreements between the managers of the various works to sell steel rails at the same price at the same point.

Q. For manufacturers, before the organization of the United States Steel Corporation, were similar agreements existing?—A. Yes; in all lines of business; not only in steel, but in everything else. There were

similar agreements, known as "joint agreements," to maintain prices. They have existed in all lines of business as long as I can remember.

Q. Without any distribution?—A. There were sometimes questions as to distribution of territory.

WATERED CAPITAL.

[From the testimony of Byron W. Holt before the Industrial Commission, May 10, 1901.]

The original capital of the United States Steel Corporation consisted of $304,000,000 of bonds, $425,000,000 common stock, and $425,000,000 preferred stock. This was issued to exchange for the stocks and bonds of the eight companies in the original combination and for $25,000,000 in cash. Since then $72,355,280 of common and $70,828,890 of preferred stock has been authorized and is in process of issue.

This makes a total of $1,297,184,170 of stocks and bonds to be exchanged for a total of $894,988,800 of stocks and bonds of the constituent companies. Thus the new capitalization exceeds the old by $402,195,370, or an increase of 45 per cent. A fair estimate of the value of the actual assets of the old companies, aside from their special privilege of monopoly powers, was that two-thirds of their capital was water. As the consolidation of these companies has added nothing except $25,000,000 cash and an increased monopoly power to the value of these consolidated companies, it is fair to say that the actual visible assets of the United States Steel Corporation are only about $300,000,000, or the amount of its bonds, and that all of both kinds of stock is what is commonly called water. That is, the visible assets constitute 25 per cent and the invisible assets 75 per cent of the value of this great corporation, according to its capitalization. That this estimate is not a wild one is probable from the statistics of the census for 1890, grossly inaccurate though they probably are. These show that the total capital then invested in the iron and steel industry was only $414,000,000. Supposing that the capital invested has since increased 46 per cent, it would now be about $600,000,000. (The actual figures since given for 1900 were $580,041,710.) The trust probably does not control more than 40 per cent of the capital invested, for there are many lines of goods which it does not touch. Add to its iron and steel holdings $60,000,000 for the actual value of its other holdings, and the sum will not much exceed $300,000,000. In this estimate no allowance is made for "good will."

GREEDY IRON AND STEEL TRUSTS REBUKED BY REPUBLICAN OFFICIAL REPORTS.

The iron and steel trusts had become so high handed by 1900 that the Republican Administration thought best (both to try to disconnect itself from the trusts in the minds of the people, and to begin the sandbagging process, later continued by Chairman Babcock, to obtain campaign funds) to read the riot act to these trusts, and to call upon them, under penalty of having their tariff support removed, to stop their vicious practices of selling goods at high prices in the home market while charging much lower prices for export. The following quotations are from a special article on iron and steel in the August, 1900, report of the Bureau of Statistics on commerce and finance:

"The progress of work on shipbuilding in the United States has likewise been retarded, because makers of steel materials required a higher price from the American consumers than they did from the foreign consumers for substantially similar products. Of course American exporters have to get foreign contracts in competition with foreign plate makers who are excluded from our domestic market. In addition to this, American export plate makers are interested in preventing the establishment of plate manufacturing in their customer nations abroad, and to that end bid low enough to discourage foreign nations from entering the field for producing their own plate at home. The progress of domestic manufactures of iron and steel goods may likewise be handicapped by the sale of iron and steel in their manufactured state at so much lower a price to foreigners than to domestic consumers as to keep the American competitor out of foreign markets generally. The natural limit to such a policy of maintaining a higher level of prices for these materials at home than abroad is found in the restriction of domestic consumption and the import duty. If restriction of consumption at home does not operate to prevent the shortsighted policy of discrimination against domestic development of manufacturing industries, the other contingency is more or less sure to rise, namely, the demand for the reduction of the tariff on unfinished iron and steel, in order to equalize the opportunity of makers of finished products in foreign markets. To this policy the domestic consumer is usually ready to lend himself, thus making a powerful combination of interests to set limits to the rise of domestic prices of iron and steel materials.

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"Of the two policies open to iron and steel makers, the farsighted one of keeping the domestic and foreign markets as near as possible on a par in the price of these materials of manufacture seems by far the wiser one to follow, both in the interest of a steadier course of prices, which means steadier consumption, and on account of the competition of manufacturers of finished goods with foreign manufacturers in the neutral markets of the world.

"The other policy of maintaining prices to manufacturers at the highest level at home leaves little margin for experiment in seeking new markets, and restricts the application of iron and steel to additional uses at home. The depressing effects of an agitation for tariff revision to remedy this inequality are sure to cause a far greater business loss, not only to the country as a whole, but to the producers of iron and steel themselves, than is to be gained by selling at low prices abroad, which they can not help, and at high prices at home, which they can help. Nor can the home-market price be sustained beyond certain limits by export sales. Certain American manufacturers of steel materials tried this policy up to April, 1900. It resulted in a very positive shrinkage in domestic consumption at the then high rates. Farmers had ceased to purchase barbed wire for wire fences, retail hardware dealers had complained for months of diminished business in nails and wire. Jobbers had gotten in the way of doing a hand-to-mouth business on prices that had advanced from $1.35 to $3.20 in the course of a year. Hence the reduction of $1 in April, 1900, became a necessity in order to keep the mills in operation.

* * * * * * *

"When new markets are to be opened abroad, the governing factor which must be made the basis of prices to consumers is the capacity to undersell competitors, regardless of the level of prices at home. The policy of many governments has been to subsidize production or distribution in some way or other, so as to enable the producer to reach the consumer in distant lands without too great a loss or risk in the initial outlay. The capital outlay being large and the income low for the first few years, the risks of changing prices, of uncertain credit, and of the cost of marketing, give the whole policy of opening foreign markets a highly experimental character. The elements of commercial expense in distribution between producers and foreign consumers are not only higher, but they are harder to ascertain in advance than in the case of domestic distribution. Hence commercial expansion arising from the necessity of disposing of a national surplus abroad has always made it necessary for domestic producers to adjust their trade to two price standards—world-market level of prices, determined primarily by international competition, and the domestic standard of prices, determined mainly by the development of internal demand. The higher profit, presumably, to the producer is made in the home market.

"The policy of premiums, bounties, and subsidies to foreign trade tends to delay economies of production and of distribution in domestic markets, to increase the difference between prices to domestic and foreign consumers, and to restrain domestic consumption, as in the case of beet sugar in Europe.

"There is something economically impossible in the policy of trade syndicates to attempt to sell as dear as possible at home and as cheap as possible abroad, and yet expect to develop a home market as the bulwark of national prosperity. Yet this is exactly the position of Germany to-day. The completeness with which the iron and steel trades are committed to this course and the results already apparent in depressing these industries there should warn those who are responsible for the policy of these industries in the United States."

If steel rails, for example, sell at Pittsburg for $35 per ton for months in succession for home consumption, while the foreign consumer is purchasing them for $22 to $24 per ton, the domestic market is sure to order no more than it is obliged to have for the time being.

ILLEGALITY OF STEEL TRUST—EXTRACTS FROM "A STUDY OF THE UNITED STATES STEEL CORPORATION IN ITS INDUSTRIAL AND LEGAL ASPECTS."

[By Horace L. Wilgus, professor of the law of torts and private corporations, University of Michigan, 1901.]

In connection with the petition of the Anti-Trust League, the attention of the Attorney-General is called to the lectures of Professor Wilgus in the volume above named, and particularly to the following extracts from the same: First, as to the legality of the United States Steel Corporation; second, as to the lawful power of the States over the subject; third, as to the jurisdiction of the National Government over the subject; fourth, State antitrust laws; fifth, the national antitrust law; sixth, as to the repeal of tariff schedules which shelter trusts.

1. "Is it an illegal trust? This depends upon two things, (1) its substance and (2) its form.

"(1) As to substance. A recent definition of a trust is, 'any combination, whether of producers or vendors of a commodity, for the purpose of controlling prices and suppressing competition.' All contracts, agreements, and schemes whereby those who are competitors combine to regulate prices are 'trusts.' A somewhat fuller definition is the one given by Mr. S. C. T. Dodd, the attorney for the Standard Oil Company (and if anybody ought to know from experience, he should). He says it 'embraces every act, agreement, or combination of persons or capital believed to be done, made, or formed with the intent, effect, power, or tendency to monopolize business, restrain or interfere with competitive trade, or to fix, influence, or increase the price of commodities.' It will be noted that neither of these definitions says anything as to form. So far as the form is concerned, that is immaterial. It is the purpose and tendency that are emphasized. It is not necessary that prices be actually increased or that competition in fact is prevented. It is the purpose and the power that are the essential elements. 'The test is whether the contract or combination in its apparent purpose or natural consequences places such restrictions upon competition as tends to create a monopoly.' From the review we have taken of the industrial side of the United States Steel Corporation, and waiving all questions of form, it is reasonably certain that it is a combination made with the intent, effect, power, and tendency to restrain competition in the iron and steel business.

"(2) Does the form of organization—the corporate form—prevent it from being illegal? As we have just said, the form is not made part of the approved definitions, and by the decisions of many of the courts it is held that the forms will be looked through and the substance considered. And although the form is corporate and apparently legal, that this will not purge the illegality of the purpose. In Illinois, where corporations can be formed for any lawful purpose, it was held that a gas company, formed for manufacturing gas and acquiring the shares and property of other gas companies, was illegal when the shares were acquired for the purpose of controlling these other companies, in order to prevent competition and create a monopoly in the business; and this, too, when the express power to acquire such shares was contained in the articles of incorporation. Substantially the same view has been taken in several of the States, and by the Supreme Court of the United States, which says: 'It is not within the general powers of a corporation to purchase the stock of corporations for the purpose of controlling their management, unless express permission be given them so to do.'

"The United States Steel Corporation is expressly given the power to acquire and hold shares of stock in other corporations, and vote upon them, as any other owner is. It is, therefore, undoubtedly legal in all particulars in New Jersey, and would be so declared by the courts of that State, and of some of the other States having a like policy. But we must remember that 'every power which a corporation exercises in another State depends for its validity upon the laws of the sovereignty in which it is exercised,' and 'subject to the laws and Constitution of the United States, full power and control over its territories, its citizens, and its business belong to the State.'

"The holding of the court by the official syllabus in the Standard Oil Company case (State *v.* Standard Oil Company, 49 Ohio State Reports, p. 137) is that—

"'An agreement by which a majority of the stockholders in several companies transfer to trustees, who are required to hold the stock in trust for the transferers and to exercise the power of controlling the affairs of the companies which the legal ownership of the majority of the stock confers, in such a manner as will be most conducive of the interests of all parties to the agreement, tends to establish a virtual monopoly of the business for which the companies were organized, and is therefore contrary to public policy and void.'

"How did it happen that the Standard Oil trust was unlawful when every single step taken in its formation was legal? The reason was clear—that the purpose was to form a monopoly and suppress competition; that the trustees understood this, and that the shareholders

did also, and that it was the same as any other contract for creating a monopoly—that is, unenforceable. But no statute then provided for punishing either the shareholders or the trustees. Can the courts come to any other conclusion as to the United States Steel Corporation? It understands why it was formed—for the purpose of preventing competition. Those who sold their shares to it understood this also; they knew it was for the same purpose. There are therefore no innocent parties here any more than in the other case, and if either party was trying to enforce this contract for the purchase of shares, the courts certainly would be bound to hold them unenforceable if the question was properly raised. How, then, does the case differ from the Standard Oil case? The answer is, that it is in the remedy. In the sugar and oil cases the companies, X, Y, and Z, had no express right to sell out their property and management to any person, or place it in the hands of trustees other than those selected in the ordinary way, and the court held that although each shareholder had the undoubted right to put his shares in trust or sell them outright, the concerted action of all the shareholders was just the same as if the corporation itself had abdicated its own powers of self-management, and that this is a corporate sin, for which the State could take the corporate life of X, Y, and Z companies, and could enjoin the further carrying out of the trust.

"But it will be said in the case of the United States Steel Corporation the corporate sin of abdicating the power of self-management by the constituent steel companies is not present, because all of them have express authority to dispose of all their shares at one time to any other corporation which wishes to become a real shareholder, and therefore such a sale and purchase is sinless, whatever the purpose may be. Such a claim can not be sustained. Even in the State that grants such power, if it is exercised for a purpose that is unlawful—I. e., to create a monopoly—its exercise will be, or ought to be, held unlawful.

"In the Standard Oil case the corporations were enjoined from carrying out the trust agreement within the State. This remedy is available in any State where the offending corporation may be doing business, and this remedy is available against anyone, trustee, shareholder, corporation, owner, or anyone else, that is a party to the offense; and furthermore no State can confer any power, by whatever form it legalizes it, upon any group of persons or any individual that will legally authorize it or him to do or continue doing in any State what the laws of that State forbid—and the forms will be swept away and the substance looked at. If these views are correct, it is not unlikely that in the States having a policy forbidding the creation of trusts and monopolies the courts will hold it to be an illegal trust within even the strict meaning of that term.

2. "It is within the lawful power of the State to prevent by any remedy it may provide the use, within its territory, by any person of any property in any way which it shall declare to be injurious to the public welfare.

3. "So far as the United States Steel Corporation buys and sells goods of any kind that are to cross the State lines, it is, so far as these transactions are concerned, beyond the jurisdiction of the States and within the exclusive jurisdiction of the National Government.

"The corporation proposes to engage in transportation also between States. This brings it within the jurisdiction of the National Government, at least so far as those persons are concerned who actually carry on this business for it.

4. "The States of New York, Ohio, Indiana, Michigan, Wisconsin, Minnesota, and the National Government have had antitrust acts.

MICHIGAN ACT.

"In Michigan the attorney-general is directed to bring quo warranto proceedings against any offending corporation organized in the State, for the forfeiture of its charter. He shall also bring proper proceedings, either quo warranto or injunction, against any offending foreign corporation 'exercising any of the powers, franchises, or functions of a corporation in this State.'

"Any violation of the law is declared to be a conspiracy against trade, and any person who may become engaged in any such conspiracy, or take part therein, or aid or advise in its commission, or shall, as principal, manager, director, agent, servant, or employee, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, or rates, shall be punished by a fine of not less than $50 nor more than $5,000, or be imprisoned not less than six months nor more than one year, or both.

THE NATIONAL ACT.

5. "The national act of 1890 created seven different crimes relating to interstate, foreign, or territorial trade or commerce, punishable by a penalty not exceding $5,000 or one year's imprisonment, or both, by providing that every person who shall make (1) a contract in restraint of such trade, or (2) engage in a combination in form of a trust or otherwise, or (3) in a conspiracy in restraint of such trade, or (4) monopolize, or (5) attempt to monopolize, or (6) combine, or (7) conspire to monopolize such trade, shall be guilty of a misdemeanor, to be punished as stated. An injured party can sue for damages, and the combination can be enjoined at the suit of the United States district attorneys. The courts give the common-law meanings to the terms used, but the statute converts the things designated into crimes."

6. As to the tariff, Professor Wilgus says:

"Great monopolies have been built up without its help; others have been fostered and sustained by it. Since a protective tariff is justifiable only to promote the general welfare, it should be withheld or withdrawn whenever it can be used to subvert that end."

As to the remedy proposed by the Republicans in the Fifty-sixth Congress, May 21, 1900 (CONGRESSIONAL RECORD, p. 6262), in a joint resolution to amend the Constitution of the United States so as to empower Congress to pass laws regulating and controlling trusts and monopolies, Professor Wilgus says:

"If it is possible to avoid this, I think it should be avoided, for such an amendment would seriously disturb the balance of power between the nation and the States, and would be a tremendous untried and unknown power in the national hands. It should be resorted to only when all others fail."

(See elsewhere "Trusts—the Record of the Two Parties on the Subject.")

THE UNITED STATES STEEL CORPORATION—FINANCIAL STATISTICS.

Incorporated under the laws of New Jersey February 25, 1901, for the purpose of acquiring and holding the capital stocks of the leading corporations covering the steel industry of the United States, it is not itself an operating company. It has acquired over 99 per cent of the capital stocks of the following-named corporations:

Name of company.	Common.	Preferred.	Bonds.
American Bridge Co	$30,527,800	$30,527,800	
American Sheet Steel Co	24,500,000	24,500,000	
American Steel Hoop Co	19,000,000	14,000,000	
American Steel and Wire Co	50,000,000	40,000,000	
American Tin Plate Co	28,000,000	18,325,000	
Carnegie Co	156,800,000		$160,000,000
Federal Steel Co	46,484,300	53,260,900	
Lake Superior Consol. Iron Mines	28,722,000		
National Steel Co	32,000,000	27,000,000	
National Tube Co	40,000,000	40,000,000	
Total	456,034,100	247,613,700	160,000,000

The properties controlled embrace 149 steel works, with an annual capacity of about 9,000,000 tons of finished material; 78 blast furnaces, with an annual capacity of over 6,500,000 tons of pig iron; over 18,000 coke ovens; 71,000 acres of coal lands; over 70 per cent of the ore mines of the Lake Superior region, which produced in 1900, 12,725,000 tons of ore; over 30,000 acres of surface lands in the coke regions; 125 lake vessels, and other property.

In addition to the properties embraced in above statement, interests allied with the United States Steel Corporation have acquired a majority of the capital stock of the Shelby Steel Tube Company, which had previously been the only formidable competitor of the National Tube Company. It is stated that other steel properties may be acquired in the near future.

Net earnings of all companies from operations for nine months, ending December 31, 1901, viz:

April	$7,356,744
May	9,612,349
June	9,394,747
July	9,580,151
August	9,810,880
September	9,272,813
October	12,205,774
November	9,795,841
December (estimated)	7,758,298
Total	84,787,596

Net earnings for the first six months of 1902:

January, 1902	8,901,016
February, 1902	7,678,583
March, 1902	10,135,858
April, 1902	12,320,766
May, 1902	13,120,930
June, 1902 (estimated)	12,250,000

Total net earnings after deducting each month the expenditures for ordinary repairs, renewals, and maintenance of plants, also interest on bonds and fixed charges of the subsidiary companies		64,407,153
Deduct amounts set aside for the following purposes, viz:		
Sinking funds on bonds of subsidiary companies	$240,428	
Depreciation and reserve funds	6,556,028	
		6,796,456
Balance of profits for six months applicable for United States Steel Corporation securities		57,610,697
Deduct:		
Interest on United States Steel Corporation bonds for six months	$7,600,000	
Sinking fund on United States Steel Corporation bonds for six months	1,520,000	
		9,120,000
Balance		48,490,697
Dividends for six months on stocks of United States Steel Corporation, viz:		
Preferred, 3½ per cent	$17,860,335	
Common, 2 per cent	10,166,633	
Dividends on outstanding stocks of subsidiary companies	106	
		28,027,074
Undivided profits for the six months applicable to increase "Depreciation and reserve fund" accounts, new construction, or surplus		20,027,074

United States Steel Corporation—Financial statistics.

[Prepared by John Moody.]

Title of security.	Amount authorized.	Amount outstanding.
Common stock	$550,000,000	$508,363,800
Preferred stock	550,000,000	510,196,400
Collateral trust and bonds	304,000,000	301,000,000
	1,404,000,000	1,319,560,200
Outstanding securities on underlying or controlled properties:		
American Steamship Co. first mortgage 5 per cents	5,630,000	5,530,000
Carnegie Company 5 per cent bonds	3,000,000	3,000,000
H. C. Frick Coke Co. bonds	1,800,000	1,800,000
Duluth and Iron Range R. R. first mortgage	6,732,000	6,732,000
Duluth and Iron Range R. R. second mortgage	5,000,000	1,000,000
Duluth, Mesaba and Nor. R. R. first mortgage	1,174,000	1,174,000
Duluth, Mesaba and Nor. R. R. first consolidated	3,500,000	1,933,000
Duluth, Mesaba and Nor. R. R. second mortgage	5,000,000	4,658,000
Elgin, Joliet, and Eastern R. R. first mortgage	10,000,000	7,852,000
Illinois Steel Co. debenture bonds	2,922,000	2,922,000
Illinois Steel Co. A. and B. debenture bonds	6,900,000	6,900,000

United States Steel Corporation—Financial statistics—Continued.

Title of security.	Amount authorized.	Amount outstanding.
Johnson Co. first mortgage bonds	$1,300,000	$1,300,000
Ohio Steel Co. first mortgage	1,000,000	1,000,000
Shenango Valley Steel Co. first mortgage	230,000	230,000
Kings, Gilbert & Warner Co., first mortgage	100,000	100,000
Ætna Standard Iron & Steel Co., first mortgage	600,000	600,000
Bellaire Steel Co. first mortgage	301,000	301,000
Buhl Steel Co., Sharon, Pa., first mortgage	200,000	200,000
Rosena Furnace Co., first mortgage	250,000	250,000
Pittsburg, Bessemer and Lake Erie R. R.:		
Common stock	10,000,000	4,500,000
Preferred stock	2,000,000	2,000,000
Pittsburg, Shenango and Lake Erie:		
First mortgage	3,000,000	3,000,000
Consolidated mortgage	4,800,000	800,000
Pittsburg, Bessemer and Lake Erie:		
Consolidated mortgage	10,000,000	6,200,000
Debenture bonds	2,000,000	1,500,000
Pittsburg and Bessemer Equipment Trust	375,000	375,000
Bessemer Equipment Trust	2,125,000	2,125,000
Meadville, Connect. Lakes and —— R. R. first mortgage	200,000	200,000
Miscellaneous mortgages	296,656	296,656
	90,435,656	68,478,656
Outstanding securities of companies controlled in the interest of the United States Steel Corporation:		
Allis Chalmers Co. common stock	20,000,000	20,000,000
Allis Chalmers Co. preferred stock	16,250,000	16,250,000
American Can Co. common stock	44,000,000	40,000,000
American Can Co. preferred stock	44,000,000	40,000,000
American Steel Foundries Co	15,000,000	15,000,000
	139,250,000	131,250,000
Outstanding securities of companies working in harmony with the United States Steel Corporation:		
Cambria Steel Co. stock	50,000,000	45,000,000
Cambria Iron Co. guaranteed stock	8,468,000	8,468,000
Cambria Iron Co. bonds	218,200	218,200
Pennsylvania Steel Co. common stock	25,000,000	10,000,000
Pennsylvania Steel Co. preferred stock	25,000,000	16,500,000
Pennsylvania Steel Co. first mortgage (old)	1,000,000	1,000,000
Pennsylvania Steel Co. first mortgage (new)	7,000,000	3,475,000
Maryland Steel Co. mortgage	2,000,000	2,000,000
	118,686,200	86,661,000
Summary.		
U. S. Steel Corporation proper	1,404,000,000	1,319,560,000
Underlying securities of controlled properties	90,435,656	68,478,656
Securities of companies controlled in the interests of the U. S. Steel Corporation	139,250,000	131,250,000
Securities of companies operated in harmony with U. S. Steel Corporation	118,686,200	86,661,000
Grand total	1,752,371,856	1,605,949,656

Steel and iron companies outside the United States Steel Corporation.

FINANCIAL STATISTICS.

[Prepared by John Moody.]

	Authorized.	Issued.
American Iron and Steel Manufacturing Co., Lebanon, Pa.:		
Common stock	$17,000,000	$17,000,000
Preferred stock	3,000,000	3,000,000
Alabama Consolidated Coal and Iron Co.:		
Common stock	2,500,000	2,500,000
Preferred stock	2,500,000	2,500,000
Carbon Steel Co. stock	5,000,000	5,000,000
Carpenter Steel Co. stock	2,000,000	2,000,000
Central Foundry Co. common stock	7,000,000	7,000,000
Central Foundry Co. preferred stock	7,000,000	7,000,000
Central Foundry Co., first mortgage	4,000,000	4,000,000
Colonial Steel Co.	1,000,000	1,000,000
Colorado Fuel and Iron Co.:		
Common stock	38,000,000	23,000,000
Preferred stock	2,000,000	2,000,000
Convertible debenture bonds	15,000,000	13,000,000
Colorado Coal and Iron Co. first mortgage	2,765,000	2,765,000
Colorado Fuel Co. general mortgage	880,000	880,000
Colorado Fuel and Iron Co. general mortgage	2,674,000	2,674,000
Grand River Coal and Coke Co. mortgage	949,000	949,000
Colorado Coal and Iron Co. first mortgage	700,000	700,000
Rocky Mountain Coal and Iron Co. first mortgage	750,000	750,000
Crucible Steel Co. common stock	25,000,000	25,000,000
Crucible Steel Co. preferred stock	25,000,000	25,000,000
St. Clair Furnace Co. first mortgage	3,000,000	3,000,000
St. Clair Steel Co. first mortgage	2,250,000	2,250,000
Diamond State Steel Co.:		
Common stock	2,000,000	2,000,000
Preferred stock	2,250,000	2,250,000
First mortgage	1,750,000	1,000,000
Empire Steel and Iron Co.:		
Common stock	5,000,000	2,841,400
Preferred stock	5,000,000	2,361,100
Firth Sterling Steel Co. stock	800,000	600,000
Jones & Laughlin's Steel Co	30,000,000	30,000,000
Lackawanna Iron and Steel Co. stock	25,000,000	20,000,000
Lackawanna Iron and Steel Co. first mortgage	1,800,000	1,800,000
Longdale Iron Co. stock	6,000,000	750,000
Phoenix Iron Co. common stock	700,000	700,000

Steel and iron companies outside the United States Steel Corporation—Continued.

FINANCIAL STATISTICS—continued.

	Authorized.	Issued.
Phoenix Iron Co. preferred stock	$800,000	$800,000
Phoenix Iron Co. first mortgage	1,200,000	1,200,000
Republic Iron and Steel Co.:		
Common stock	30,000,000	27,191,000
Preferred stock	25,000,000	20,306,900
Sharon Steel Co. stock	4,000,000	4,000,000
Sharon Steel Co. first mortgage	1,000,000	1,000,000
Shelby Iron Co. stock	1,000,000	1,000,000
Sloss-Sheffield Steel and Iron Co.:		
Common stock	10,000,000	7,500,000
Preferred stock	10,000,000	6,700,000
Sloss Iron and Steel Co. first mortgage	2,000,000	2,000,000
Sloss Iron and Steel Co. general mortgage	2,000,000	2,000,000
Standard Chain Co. common stock	1,500,000	1,267,200
Standard Chain Co. preferred stock	1,500,000	1,001,400
Standard Chain Co. first mortgage	700,000	568,000
Susquehanna Iron and Steel Co. stock	1,500,000	1,500,000
Temple Iron Co. stock	2,500,000	2,500,000
Tennessee Coal and Iron and R. R. Co. first 4s	3,080,000	3,080,000
Common	22,305,600	22,305,600
Preferred	248,000	248,000
Alabama Steel and Shipbuilding Co.:		
Guaranteed preferred stock	440,000	440,000
First mortgage	1,100,000	1,100,000
Cahaba first mortgage	1,100,000	950,000
Pratt Coal and Iron Co. first mortgage	612,000	612,000
Tennessee Coal and Iron Co. general mortgage	15,000,000	3,000,000
Tennessee Div. bonds	1,251,000	1,251,000
Birmingham Div. bonds	3,399,000	3,399,000
De Bardeleben Coal Co. bonds	2,741,000	2,741,000
Thomas Iron Co. stock	2,500,000	2,500,000
Tidewater Steel Co. stock	1,500,000	1,500,000
Union Steel Co. stock	1,000,000	1,000,000
Union Steel and Chain Co. stock	1,500,000	335,000
Union Steel and Chain Co. preferred stock	1,000,000	766,800
U. S. Cast-Iron Pipe and Foundry Co. stock	15,000,000	12,500,000
U. S. Cast-Iron Pipe and Foundry Co. preferred stock	15,000,000	12,500,000
Warwick Iron and Steel Co. stock	1,500,000	1,500,000
Washburn Wire Co. common	1,250,000	1,250,000
Washburn Wire Co. preferred	2,500,000	2,500,000
Witherbee, Sherman & Co. stock	3,000,000	3,000,000
Youngstown Iron and Steel Co. stock	2,000,000	2,000,000
Grand total	452,164,600	385,740,100

The foregoing are the larger competitors of the Steel Corporation. There are, of course, others in the field, but they are either not as large as the above or have not yet completed their plants. At present many of the large companies in the above list are working in harmony with the Steel Corporation as to prices, etc. Thus, according to capitalization (outstanding), about 77 per cent of the iron and steel industry of the United States is owned or controlled by the great Steel Corporation.

THE TIN PLATE TRUST.

Partly because the protectionists consider the tin-plate industry in this country as the product of protection, and because it is a model and well-developed tariff trust, I will begin with this branch of the great Steel Corporation. Certainly, if the protectionists have a case anywhere it is in the tin-plate industry.

TIN-PLATE INDUSTRY HAS COST US $100,000,000.

In the first place, it is instructive to inquire how much American consumers have paid in the last ten years in order that this industry should be established.

The duty on imported tin plate was 1 cent per pound previous to July 1, 1891; then 2.2 cents until October 1, 1894; then 1.2 cents until July 24, 1897; since then, 1.5 cents per pound.

I have a table here showing the total pounds of tin plate used, imported and domestic produced, the price per pound of foreign plates in bond, the New York prices of American tin plate, and a column showing the difference between these two prices.

Table showing consumption and prices of tin plate.

Year.	Total pounds used.	Price per pound (cents).			Cost of industry.
		In bond.	New York.	Difference.	
1891	1,036,489,074	3.6	5.1	1.5	$15,547,336.00
1892	435,822,921	3.0	5.2	2.2	9,583,104.00
1893	728,245,104	2.9	5.1	2.2	16,021,392.00
1894	593,384,203	2.7	4.9	2.2	13,054,453.00
1895	701,840,011	2.5	3.9	1.4	9,825,760.00
1896	692,367,604	2.4	3.5	1.1	7,616,044.00
1897	677,035,746	2.4	3.2	.8	5,416,446.00
1898	853,336,373	2.3	3.0	.7	5,973,355.00
1899	899,856,314	2.4	3.4	.9	8,998,563.00
1900	*897,933,804	3.3	4.7	1.4	12,571,493.00
1901		3.3	4.2	.9	
Total					104,612,946.00

*Domestic production estimated at 750,000,000 pounds.

The price of imported plates in bond at New York is obtained by adding one-tenth cent per pound to the foreign or invoice price, as given in the "Statistical Abstract." This amount covers transportation charges. The New York price is the actual price at which Bessemer coke 14 by 20 tin plate sold in New York in each year. The difference column shows how much more the wholesale buyer paid for tin plates in New York than he would have paid had there been no duty.

Rebates on reexported tin plates in manufactured forms (the exact figures are not attainable) reduce this total to between $90,000,000 and

$95,000,000 as the direct cost in the last ten years of "creating" the industry. This is the extra amount paid by wholesale dealers and metal workers; but by the time they were repaid by the American people, who ultimately bought the goods and footed the bills, the addition of legitimate profits swelled the amount to over $100,000,000.

Our people paid this for a competitive industry which promised to put prices down. They got for their money a monopoly which arbitrarily marks them up.

TRUST FORMED—FOUR-FIFTHS WATER.

In 1898 the industry was well on its feet and capable of existing without tariff support. In November of that year the price at the mills in Pittsburg had fallen to $2.65 per box, which was within 5 cents of the price of foreign plates in New York, without duty.

During 1898 negotiations were begun to form a company that should control all the plates of the country. These negotiations were finally successful, and in December the trust was launched under the laws of New Jersey, as the "American Tin Plate Company."

It was capitalized at $50,000,000—$20,000,000 preferred and $30,000,000 common stock. It contained about 40 plants and 280 mills. The total cost of duplicating these mills in 1898 (about $20,000 per mill) was not more than $6,000,000. The value of the real estate purchased and the cash with which the trust began business probably made the actual value of the assets of the company at its foundation between $10,000,000 and $12,000,000. The price paid for these plants is said to have been $18,000,000 of common and $18,000,000 of preferred stock.

While this company may not be legally a trust, in the original sense of the word, its executive committee is cleverly constructed to perform the work of actual trustees. The members can not be removed by the board of directors and have almost absolute control. Stockholders can not examine the books of the company.

TARIFF MONOPOLY PROFITS PROMISED.

This trust now owns practically every mill in the country making tin plates for the general trade.

To maintain its monopoly it has five-year agreements with the six or eight manufacturers of tin-plate machinery which prevent them from making mills for outsiders. It is therefore nearly impossible for outsiders to obtain the necessary equipment for tin-plate plants. Furthermore, the trust, even before the formation of the United States Steel Corporation, was so interlocked with the other trusts which produced tin-plate bars that it is doubtful if any real competitor could have obtained bars and other raw materials. Thus the National Steel Company (capital $59,000,000) was organized in the interests of the American Tin Plate Company and for the purpose of controlling the production of tin-plate bars.

When the trust was being formed, in November, 1898, what were said to be conservative and carefully prepared estimates of sales, earnings, and profits for 1898 were made public. These estimates were as follows:

The gross output of mills was stated to be 7,633,556 boxes. On the basis of the then operating expenses a profit of 35 cents a box, or $2,671,754, was made by the mills when prices of tin plates were lowest. Under the new arrangement the operating expenses were to be reduced by $1,000,000, making a total estimated profit of $3,671,754. After deducting $1,260,000 for dividends on the preferred stock, $2,441,754 would be left for dividends on the common stock.

TRUST PUT UP PRICES FROM $2.80 TO $4.84.

When these estimates were published tin plate was selling at $2.65 at the mills, or $2.80 in New York, for 100-pound boxes.

Table showing average prices of 1¼ by 20 (100) coke tin plate at New York in 1898–1901.

	Domestic price.	Foreign price.	Difference.
1898.			
June	$2.85	$2.50	$0.35
July	2.80	2.50	.30
August	2.80	2.50	.30
September	2.80	2.55	.25
October	2.80	2.50	.30
November	2.80	2.60	.20
December	2.90	2.60	.30
1899.			
January	3.20	2.60	.60
February	3.55	2.65	.90
March	4.00	2.70	1.30
April	4.07½	2.80	1.27½
May	4.07½	2.90	1.17½
June	4.07½	3.10	.97½
July	4.35	3.60	.95
August	4.60	3.70	.90
September	4.85	3.65	1.20
October	4.82½	3.65	1.17½
November	4.82½	3.70	1.12½
December	4.83½	3.62	1.21½
1900.			
January	4.84	3.70	1.14
February	4.84	3.84	1.00
March	4.84	3.81	1.03
April	4.84	3.81	1.03
May	4.84	3.72	1.12
June	4.84	3.60	1.24
July	4.84	3.57	1.27
August	4.84	3.49	1.35
September	4.62	3.43	1.19
October	4.19	3.37	.82
November	4.19	3.28	.91
December	4.19	3.14	1.05
1901.			
January	4.19	3.02	1.17
February	4.19	3.17	1.02
March	4.19	2.95	1.24
April	4.19	2.95	1.24
May	4.19	3.15	1.04
July (1902)	4.19	3.26	.93

Not only did the trust advance prices immediately, but in March, four months after the trust was formed, it had them within one-fifth of a cent a pound of the importing point, the duty being 1⅛ cents. The trust raised prices at the mills on July 14 to $4.37½, and again on August 26 to $4.65. Although this then made the price at New York 30 cents under the importing price for 100-pound plates, it was so near the importing price for 80-pound plates that the trust feared to mark prices up again at that time.

ADVANCE WAS ARBITRARY AND NOT JUSTIFIABLE.

To what extent were the advances in price justified by the increased cost of raw materials? In the first place, it is not true, as often asserted in pro-trust papers, that the advances were caused by the increased cost of raw materials. On the contrary, the advances in price of tin plates preceded the advance in billets and tin. Thus, from November 15 to January 6, 1899, tin plate advanced 35 cents a box, while the rise in raw materials was only equal to about 14 cents. From November 15 to February 17 tin plates were marked up 85 cents, while the advance in raw materials was only 30 cents a box. From November 15 to March 8 plates were marked up $1.22½, less than half of which was explained by the prices of materials. From November 15 to October 6 tin-plate prices advanced just $2, although the advance in prices of raw materials justified a raise of only $1.55 or of $1.75 if, as the trust apologists claim, labor had advanced 20 cents a box. Thus it is clear that the trust advanced prices arbitrarily, and with more regard to the price at which foreign plates could be imported under a protective tariff than to the increased cost of Bessemer bars, themselves the product of another tariff trust, which also arbitrarily advanced prices.

TARIFF PROFITS OVER $4,000,000.

From careful estimates based on the stated profits of 1898, the profits of this trust in 1899 were not less than $4,650,000, even if the trust did not, as anticipated, save $1,000,000 by the trust method of production. The statement for 1900 shows total profits of $5,857,417, from which $1,500,000 was deducted for depreciation. While I do not believe that $4,357,417 is the full amount of profits that should be fairly credited to this trust, I shall accept these figures.

The tariff was most certainly responsible for all of this profit. In fact, the tariff on tin plate is probably responsible for much of the profits made by the National Steel Company and several of the companies which produce the raw material of this industry. As the trust, at least for part of the year, was supplying plates for export at about $1 a box below the quoted prices, it certainly did not need more than a duty of one-half cent per pound to protect it from foreign competition. That it utilized about all of the duty is evident from its prices, compared with the in-bond prices of English plates. That it did not show greater profits in 1900 is probably because of juggled bookkeeping or of some other kind of juggling which I do not pretend to understand. I will suppose that the tariff profits of this trust were $4,000,000.

$1 PER BOX TO FOREIGNERS.

Since May, 1901, the price of domestic tin plate has remained unchanged. The price of foreign plates has changed but slightly. The total imports in 1901 were 117,880,312 pounds and the trust's output about 750,000,000 pounds—the output in 1900 being only 677,969,600, instead of 750,000,000, as was estimated. It thus appears that the consumption of tinplate is declining in this rapidly growing country blessed with the greatest harvest ever known, and during what the Republicans tell us are times of unprecedented prosperity for all. High trust prices is the only explanation for this decrease.

Considerable quantities of tin plate are now being sold to cotton-oil and other companies manufacturing goods for export. The prices obtained for these plates are in some cases at least $1 below the regular domestic price. The Standard Oil Company now uses about two-thirds of all imported plates. It pays a duty of $1.50 per box, but gets back $1.48½ when the plates are exported as packages. The cost of getting the drawback duty is only 8 or 10 cents per box. If, then, the oil trust could obtain plates of the tin-plate trust at $1.40 per box below the American price, or, rather, at 10 cents above the in-bond price of foreign plates, it would use American plates. This is what the oil trust has offered to do. It has agreed to take 1,500,000 boxes of American plates at the price of Welsh plates plus about 20 cents for freight and other costs.

The tin-plate trust has accepted this large order, providing the tin-plate workers would accept a reduction of 25 per cent in their wages when working on this order. The workers in various States voted on this proposition in July and August, 1902, and refused to accept the cut.

SHUTTING DOWN MILLS TO COERCE WORKERS.

The following editorial from the New York Journal of Commerce and Commercial Bulletin of August 11, 1902, describes the tactics of this $100,000,000 "infant" to beat down wages for the benefit of foreigners:

"Shutting down 129 of the 274 mills controlled by the Tin-Plate Trust looks like an attempt to coerce the men to accept a reduction of 25 per cent in their wages on the million and a half boxes it was proposed to make for the Standard Oil's foreign business, which now uses imported plates on which a drawback is allowed. The shutting down is stated to be due to a lack of trade, but it is hard to credit this. The men were assured that if they would accept a reduction of wages on this additional order there would be no reduction of wages on business for domestic consumption, and there would simply be just so much additional work for the mills. Many of the unions of tin workers voted for the reduction, but on the whole it was beaten, for the reason, it is alleged, that most of the tin workers are Welshmen and they have still some regard for their friends who did not come over, very many of whom would be thrown out of work if the Standard Oil bought those million and a half boxes in America. Probably some of the men were afraid to start a reduction of wages even on a special job. Immediately after the tin workers rejected the proposition, the shutdown of fifteen plants out of twenty-eight was ordered. Of course, the domestic demand may really be light, and the Standard Oil order may have been needed to keep all the plants open, but we have been getting very different sort of news from all branches of the iron and steel industry, and the makers are said to be offering tin plates for export at 25 per cent less than the domestic price."

If the trust had, during the last two years, been selling tin plates to Americans at the same price charged foreigners, the consumption of tin plates would probably have exceeded 1,000,000,000 pounds and the trust would have had work for all of its mills. It has held prices so very high that the profits have been about 100 per cent and have tempted capital into the business, so that by September, 1902, there will be enough mills outside of the trust to supply half of our con-

sumption. These mills were unable to procure steel bars until this summer, and in fact had difficulty in finding men to construct mills. The monopoly of the trust is now broken until a new deal can be made taking in the outside concerns at fancy prices. Before this occurs we are likely to see much lower prices. After it occurs we will see higher prices again, unless in the meantime, the people recover their senses and abolish the tariff on tin plates.

THE AMERICAN STEEL AND WIRE COMPANY.

THIS TRUST RAISED PRICES OVER 100 PER CENT IN 1899—WIRE NAILS FOUR TIMES AS HIGH AS IN 1895—TRUST'S MONOPOLY ALMOST ABSOLUTE—ITS EXPORTS AT HALF THE AMERICAN PRICE—HELD PRICES SO HIGH HERE THAT FARMERS CEASED TO CONSUME AND PRICES WERE REDUCED 1 CENT PER POUND IN APRIL, 1900—JOHN W. GATES'S MILLIONS MOSTLY TARIFF PROFITS.

The American Steel and Wire Company is another of the companies that are now a part of the United States Steel Corporation. That it is leaning heavily on its tariff crutches in this country, and uses them as clubs to beat down its rivals in all other countries, is evident from facts, some of which were stated to this Commission by Mr. John W. Gates.

POOLING AGREEMENTS IN 1895.

Going no farther back than 1895 we find the Consolidated Steel and Wire Company, an Illinois corporation of 1892, with $4,000,000 capital, as the barbed wire trust, with Mr. John W. Gates as manager. Various pooling agreements were formed in 1894, 1895, and 1896 between all of the barbed wire manufacturers, but they were only temporarily successful in producing higher prices.

The Export Barbed Wire Association, composed of four principal exporters, was in force several years previous to 1895, and did much to steady prices. It was partially revived in 1896.

In September, October, and November, 1895, "prices were fixed by agreement," as the Iron Age stated, and were $2.85 per 100 pounds for barbed wire. The previous April the price was $1.90. The average prices for previous years were: 1894, $2.18; 1893, $2.55; 1892, $2.29; 1891, $2.72; 1890, $2.97. In December, 1895, the combination broke and prices fell to $2.

Early in 1895 wire nails were selling at a "base" price of 75 to 80 cents a keg in Pittsburg. In May two associations, one for cut and one for wire nails, got together and put this price up to $1.20. These associations pooled, and the wire-nail people "contributed financially to enable the Cut Nail Association to keep control of the market, especially in the payment of subsidies to keep idle the large number of cut-nail machines," as the Iron Age of December 3, 1896, tells us. The associations regulated the amount of nails offered for sale each month and the price at which they should be sold. Understandings were had with Canadian manufacturers. Nail-machine makers were subsidized not to sell to those outside the associations. Jobbers who did not cut prices were given rebates.

Prices advanced almost steadily for one year. By May, 1896, wire nails were selling at $2.70 per keg in Chicago and $2.55 in Pittsburg. The pool held together until December, 1896, when prices broke more than 1 cent per pound.

On December 3, 1896, the Iron Age said that high prices of cut and wire nails had reduced consumption from over 9,000,000 kegs in 1891 and 1892 to less than 8,000,000 in 1895, and in 1896 to probably far less than in 1895, notwithstanding the fact that a large amount of nails had been exported into foreign countries at less than half the price that the American public paid for their nails.

EXPORT PRICE $1.30, HOME PRICE $2.70 FOR WIRE NAILS.

It is often difficult to ascertain the exact export prices. In November, 1896, however, it is a fact that the price to foreigners was $1.30, while the price to Americans was $2.70. At least one dealer bought a large quantity of nails at export prices, and, after shipping them to Amsterdam and back and paying freight and other charges both ways, made a handsome profit while underselling the trust in its own market. He, however, was boycotted by the trust, and was thereafter unable to buy nails at any price either as an American or as a foreigner. The exports for the fiscal year 1896 were 28,762,187 pounds.

TRUST, MONOPOLY, AND WATER.

Agreements were broken and patched up in 1897 and 1898. In April, 1898, the American Steel and Wire Company of Illinois was formed, with $24,000,000 capital. It contained fourteen mills, seven of which constituted the Consolidated Steel Wire Company, formed in 1892 with $4,000,000 capital. This trust was not large enough to fully regulate production and prices. It was swallowed up by the new American Steel and Wire Company, a New Jersey corporation, formed on January 13, 1899, with $90,000,000 capital, $40,000,000 of which is 7 per cent cumulative preferred stock. This trust includes practically all of the wire, wire rod and wire nail mills of the country. The value of the twenty-six plants and other property absorbed is about $20,000,000, which, even admitting the $18,000,000 other capital claimed, would leave over $50,000,000 of water. It owns its own sources of supply. Its monopoly conditions and advantages were thus set forth in March, 1899, by its president, Mr. John Lambert:

"It will not be necessary to make any further purchases, for the reason that we have all the producing capacity that we need. It has been our policy to so fortify ourselves that we are practically independent, or, if you please, to put ourselves in a position to take the ore from our mines, transport it in our vessels, convert it into pig iron in our own furnaces, roll it into steel billets in our own steel mills, roll it into iron rods in our own rod mills, and finish it in our mills into plain and barbed wire and all the different kinds of wire used, not only in the United States, but all other countries where wire is used. In this way we have succeeded, as we own one of the best ore mines in the Mesaba range. We have our own coke mines and coke furnaces, so that you will see that we start at the bottom and have all the profits that there are, from ore to finished material. Our business is entirely satisfactory and the company is doing very well."

The trust has a monopoly of the drawn and barbed wire business, but has considerable competition in woven fence wire. It also does a large business in copper wire and electrical goods and in fencing, poultry netting, baling wire, and bale tires.

The actual output in 1898 of all the plants now in the trust was:

Wire rods	net tons	826,840
Drawn wire	do	1,130,124
Barbed wire	do	275,918
Wire nails	kegs	6,551,737
Woven-wire fencing	miles	10,000

EFFECT UPON PRICES OF THE FORMATION OF THE TRUST.

The effect of this trust upon prices has been almost marvelous. The following tables of average monthly prices are from the Iron Age of January 4, 1901:

Tables showing Chicago (and New York) "base" prices of wire nails and barbed wire.

WIRE NAILS PER KEG.

Month.	1901.	1900.	1899.	1898.	1897.	1896.	1895.	1894.	1893.
January	$2.35	$3.53	$1.50	$1.35	$1.50	$2.42	$0.95	$1.17	$1.57
February	2.45	3.53	1.73	1.57	1.45	2.42	.95	1.20	1.55
March	2.45	3.53	2.09	1.55	1.50	2.57	1.00	1.15	1.65
April	2.45	3.28	2.25	1.47	1.45	2.55	.95	1.00	1.65
May	2.45	2.53	2.35	1.45	1.42	2.20	1.10	1.07	1.60
June	2.45	2.48	2.60	1.43	1.42	2.70	1.50	1.20	1.50
July	2.45	2.43	2.70	1.38	1.35	2.70	1.20	1.20	1.47
August	2.45	2.43	2.80	1.36	1.37	2.70	2.20	1.15	1.47
September	2.45	2.35	3.10	1.45	1.50	2.70	2.40	1.10	1.47
October	2.42	2.35	3.20	1.47	1.52	2.70	2.40	1.05	1.40
November	2.35	2.35	3.28	1.40	1.50	2.70	2.42	1.05	1.30
December	2.35	2.35	3.53	1.37	1.50	1.60	2.42	1.00	1.27
Average for year	2.41	2.76	2.60	1.45	1.46	2.54	1.68	1.11	1.50

BARBED WIRE PER HUNDRED POUNDS.

January	$2.95	$4.13	$2.05	$1.90	$1.90	$2.02	$1.90	$2.25	$2.65
February	3.05	4.13	2.25	1.90	1.85	1.97	1.90	2.25	2.60
March	3.05	4.13	2.62	1.90	1.90	1.95	1.95	2.30	2.60
April	3.05	3.88	2.80	1.87	1.80	2.00	1.90	2.20	2.60
May	3.05	3.13	2.95	1.80	1.80	2.15	1.95	2.15	2.60
June	3.05	3.13	3.20	1.80	1.75	2.00	2.10	2.20	2.55
July	3.05	3.10	3.30	1.80	1.75	2.00	2.15	2.25	2.52
August	3.05	3.10	3.40	1.80	1.65	1.90	2.55	2.25	2.50
September	3.05	3.00	3.67	1.80	1.80	1.85	2.85	2.20	2.45
October	3.05	3.00	3.77	1.82	1.80	1.85	2.85	2.15	2.40
November	3.05	3.00	3.88	1.82	1.80	1.85	2.85	2.00	2.40
December	3.00	3.00	4.13	1.82	1.80	1.95	2.00	1.90	2.35
Average for year	3.04	3.39	3.17	1.85	1.80	1.96	2.25	2.18	2.55

It should be noticed that these are the base prices of wire nails in carload lots. Because of "extras," due to sizes, the average price per keg is fully 60 cents more than those quoted above. Of course, the prices of small lots are still higher, and the retail prices, especially in remote districts, very much higher than for carload lots. The base price is fixed at Pittsburg and freights are added to all points of delivery. The Pittsburg price is now 33 cents lower than Chicago and New York prices, which are 5 cents below St. Louis prices. Wire nails have almost entirely replaced cut nails, which now sell for about 70 cents per keg less than wire nails.

PRICES TOO HIGH FOR FARMERS.

It may be noted that when this trust was first formed we heard a great deal from the trust theorists about the economic advantages and savings of great combinations. Thus Mr. Garrit H. Ten Broek, of St. Louis, as counsel for the company, announced that "the only effect on the market that I can see will be a possible slight lowering of prices because of this economy, and also a steadiness of prices for the future." There are still numerous pro-trust theorists prating about the blessings of trusts as if nearly all of the trusts had not, in practice, actually demonstrated that they are, under present conditions, all-around curses. The blessings so far are enjoyed only by those who got into the trusts on the "ground floor."

If the wire trust lowers prices it will do so only because of the removal or threatened removal of tariff duties, or because prices are too high to yield maximum profits. The Iron Age of November 30, 1899, contains six columns of interviews with hardware men in twenty-five States on "the effect of high prices on the demand for goods." Many dealers say that they expect to sell 25 or 30 per cent less goods in 1900 because of advanced prices. Many farmers are refusing to build fences with wire at high prices. A Maryland farmer said: "The price of wire is prohibitive. I shall go home and put the hands to work and make rail fence." The farmers are deferring the building of houses because of the increased prices of lumber, nails, glass, etc. They are buying nails by the pound instead of by the keg.

Finding from experience that prices were out of reach of the farmers, the trust in April reduced prices of all goods 1 cent per pound. Another 1 or 2 cents off would make prices reasonable.

MOST FAVORED FOREIGNERS ARE THOSE FARTHEST AWAY.

The duty on wire nails from 1890 to 1894 was from 2 to 4 cents per pound; from 1894 to 1897, 25 per cent; since 1897, one-half to 1 cent per pound.

The duty on barbed wire from 1890 to 1894 was six-tenths of a cent per pound; from 1894 to 1897, four-tenths of a cent per pound; since 1897, one and nine-twentieths of a cent per pound on galvanized wire.

The duties on other products of this trust are generally higher than those on wire nails.

Table showing exports of wire nails and wire.

Fiscal year.	Wire nails.	Wire.
	Pounds.	*Pounds.*
1893	2,300,501	42,798,043
1894	3,233,776	44,778,268
1895	4,387,267	61,093,717
1896	8,031,927	70,928,766
1897	9,941,714	107,729,155
1898	22,894,089	137,054,694
1899	51,233,212	215,194,475
1900	84,635,468	236,772,805
1902	46,416,697	223,195,550
1901	44,612,619	164,883,419

Mr. Gates told your Commission that goods were sold lower to foreigners, but he failed to state the difference between the home and export prices. Late in 1899, when wire nails were being sold at from $3.10 to $3.53 per keg to Americans, large quantities were being exported at from $2.14 to $2.20. At the same time, when barbed wire was being sold to Americans at $3.67 to $4.13 per hundred pounds, it was sold to Canadians for $3.25 and to more remote foreigners at $2.20 per hundred.

On December 2, 1899, Canadian Hardware, a Montreal publication, said:

"Retail dealers in the United States pay $3.70 f. o. b. Cleveland for car lots for barbed wire and $3.80 for less than car lots, while the figures quoted to the retail trade in Canada is $3.25 f. o. b. Cleveland for car lots and $3.35 for less quantities. * * *

"Plain wire is quoted to the Canadian dealer $11 per ton lower than to the home dealer.

"The explanation of these differences in prices is that in the home market, on account of the high customs tariff, the United States manufacturer has a monopoly, while in catering for the Canadian trade he has to bring his prices down to a point that will keep out the product of British and German manufacturers."

PROFITS OF THE STEEL AND WIRE TRUST IN 1899 AND 1900.

The balance sheet of the steel and wire trust for 1899 shows net profits of $12,162,530. What part of this amount is due to the tariff it is impossible to say. Only a rough estimate is possible. About 700,000,000 pounds of wire nails were sold in 1899 in our home market. Perhaps at no time was the export price within 50 cents per hundred pounds of the American price. The average differences probably considerably exceeded one-half cent per pound, the minimum duty on wire nails. All of the duty, therefore, is utilized by the trust, and we paid $3,500,000 more for our wire nails in 1899 than we would have paid had there been no duty. Perhaps 400,000 tons of barbed wire were sold in 1899 at an advance over the export price of one-half of a cent per pound. The tariff on barbed wire then put $4,500,000 net profits into the pockets of Mr. John W. Gates and his business partners. On 400,000 net tons of drawn wire in various forms sold to Americans the duty of from 1¼ to 2 cents per pound was probably one-fourth utilized. Thus our bill for this wire was about $3,000,000 greater because of the tariff. Putting these items together, we get a total of about $11,000,000 as the cost to us and the profits to the trust of this needless protection.

CHUNKS OF WISDOM FROM STATESMAN GATES.

These profits in steel and wire now make up a part of the $140,000,000 a year profits of the great steel trust. It was these profits that are responsible for the rise and development of that dazzling financier and statesman, Mr. John W. Gates, whose career is evidently just begun. When this tariff-nurtured statesman was before the Industrial Commission on November 14, 1899, he stated without a blush:

That prices of wire nails, etc., had been doubled;
That he deprecated the necessity for such high prices;
That they were due to the high price of raw materials;
That his company exported 700 tons of wire a day;
That it furnished England with 60 per cent of her supply;
That goods were sold lower to foreigners;
That such prices were necessary "to hold outside trade;"
That not infrequently new plants were shut up and dismantled;
That this was done for "various reasons;"
That five plants had been closed;
That his company had a monopoly of the barbed-wire business;
That, therefore, higher prices were charged for these products;
That his company was making big profits;
That his company did not recognize labor unions as such;
That subsidies should be paid to steamship lines and to corporations with $5,000,000 or more capital;
That the Government should supervise all such corporations;
That he went to Europe to form a world trust;
That he proposed to increase prices $10 a ton if such a trust were formed;
That the Germans contemplated a $20 increase;
That the Germans wanted too big a share of business;
That Germany's bounty system was excellent;
That if it were applied here we should soon be doing 90 per cent of the iron and steel business of the world;
That the protective tariff had had much to do with building up the industry; and
That the continuance of the policy was necessary to the future prosperity of the industry.

Surely no patriotic American will think of abolishing a protective tariff that has fostered such a genius. Is it not clear that he is a product of our American system, and that the Government now owes him a living, and not a scrimpy one either?

THE WIRE ROPE TRUST.

SELLS GOODS ALL OVER THE REST OF THE WORLD FOR ONE-HALF OR ONE-THIRD THE PRICES CHARGED HERE—THIS TRUST PAID THE REPUBLICANS $100,000 IN 1896—FIXED THE DINGLEY TARIFF BILL TO SUIT IT—HAS BEEN ROBBING THE PEOPLE AND ENJOYING GREAT PROSPERITY EVER SINCE—BULLDOZES COMPETITORS AND CUSTOMERS—ITS ORDERS ARE OBEYED BY THE TREASURY DEPARTMENT—COPIES OF STEEL TRUST LETTERS SHOWING PRICES OF STEEL WIRE IN ENGLAND.

The almost criminal folly of the protective tariffs of to-day, and especially of the inexcusable tariff on iron and steel goods, is well illustrated by the wire rope trust.

The manufacturers of wire rope have for years had a "gentlemen's agreement" on prices, an agreement similar to that of the manufacturers of steel rails or of structural steel or of sheets or of most of the other products of the steel mills. The principal parties to this agreement, pool, or trust are John A. Roebling's Sons Company, Trenton, N. J.; Hazard Manufacturing Company, Wilkes-Barre, Pa.; Washburn & Moen Manufacturing Company, St. Louis, Mo.; Roderick & Bascom Rope Company, St. Louis, and the Williamsport Wire Company, Williamsport, Pa.

Realizing that the prices which can be got for wire rope depend largely upon the duty on wire rope, the members of this trust began in 1896 to sow seed for the big harvest of profits which they have been reaping since 1897. According to the statements of some of the members, they contributed $100,000 to the Republican campaign fund in 1896. At least if all contributed their pro rata shares, as did some of the members, the Republican Administration of 1897 was indebted to this trust in the sum of $100,000.

As the better grades of wire rope have always been and still are made largely from imported rods or wire (larger than No. 6), the trust wanted no increase on the duty on wire rods. None was made in the Dingley bill. The duty on wire rope, however, was increased by the amount of the increased duty on coated or galvanized wire. The trust was also permitted to continue to benefit by the unreasonable tariff which compelled importers of wire rope to pay the same rate of duty per pound on the central core of the rope as upon the wire of which the rope is composed. This central core usually consists of tarred jute or hemp, and is used only as a "former" around which to twist the ends. It has little or no value, but adds 5 to 10 per cent to the weight on which duty is assessed.

Having fixed up the Dingley bill to suit their tastes, they proceeded to reap their profits by putting prices at home up to the tariff limit, while lowering prices to foreigners, so that our rope is exported to every important foreign country, with the possible exception of England. As the duty on imported wire rope will average nearly 100 per cent, the trust charges domestic consumers more than twice what is charged foreigners for its goods.

The following table gives the prices in England of American wire and wire rope and the price of English wire and wire rope, and the American duty on it:

Prices and duties on wire and wire rope.

[English money.]

Gauge of wire.	Price per ton at Liverpool, American Steel & Wire Co., for galvanized wire.	Present price per ton at Liverpool for galvanized wire (English wire).	American tariff rates.								Price per ton in England for American wire rope.
			On bright wire.		Extra for galvanizing.		Total on galvanized wire.		Extra for rope.		Total on galvanized wire rope.	
No.	Per ton.	Per ton.	Per lb.	Per ton.	Per lb.	Per ton.	Per ton.	Per lb.	Per ton.	Per ton.	Per ton.
	£ s.	£ s.		£ s. d.		£ s.	£ s. d.		£ s. d.	£ s.	£ s.
0 to 8	8 5	9 10	1¼c.	5 16 8	2c.	18 8	6 15 4	1c.	4 13 4	11 88	12 0
14	9 15	12 10	1¼c.	7 0 0	2c.	18 8	7 18 8	1c.	4 13 4	12 180	16 0
17	12 10	16 0	2c	9 6 8	2c.	18 8	10 5 4	1c.	4 13 4	14 188	19 0

[Per 100 pounds in United States money.]

0 to 8	$1.79	$2.06	$1.25	$0.20	$1.40	$1.00	$2.40	$2.59
14	2.11	2.70	1.50	.20	1.70	1.00	2.70	3.48
17	2.71	3.48	2.00	.20	2.20	1.00	3.20	4.13

Thus the price of American wire rope c. i. f. at Liverpool is but little more than the duty on English wire rope which is brought into America. As the products of English and American mills compete in England, at least potentially, and are quoted at practically the same prices, we see that the duty on the imported wire rope averages about 85 per cent. To get the cost of English wire rope in America we must add to the foreign cost the amount of the duty on the wire in the rope and add 10 per cent to the duty because of the weight of the central core. Adding 35 cents per hundred for freight, insurance, and other charges, and 10 per cent for profits, we have:

The cost per 100 pounds of English wire rope in the United States.

Gauge of wire.	Cost price Liverpool.	Duty on wire.	Duty on core.	Freight, etc.	Total and 10 per cent.
0 to 8	$2.59	$2.40	$0.24	$0.35	$3.14
14	3.48	2.70	.27	.35	7.48
17	4.13	3.20	.32	.35	8.80

As English wire rope competes freely in this country with American rope, the price of the American rope at the mills can not be less than the above cost of the English rope. Deducting 25 cents per 100 pounds from the price in England of American wire, as the cost for charges, insurance, and freight, we find the price for export of American rope, at the mills, to be $2.34, $3.23, and $3.88 per 100 pounds for the rope made of the above-mentioned sizes of wire. Putting these export prices alongside of the domestic price, we have:

Prices per 100 pounds American wire rope.

Gauge.	Export.	Domestic.	Difference.
0 to 8	$2.34	$6.14	$3.80
14	3.23	7.48	4.25
17	3.88	8.80	4.92

These figures make it certain that the trust can, by virtue of the protective tariff, charge its American customers considerably more than twice what it charges its foreign customers.

We shall now see that for reasons only partly accounted for by the tariff duties, the actual selling prices of American wire rope average two or three times as much to the home or domestic consumer as to the foreigner.

From the price list of John A. Roebling's Sons Company, we get the following prices for "transmission" or haulage rope, composed of six strands and a hemp center, seven wires to the strand. The prices are for Siemens-Martin steel rope. Ten per cent is added to

these prices to get the prices of galvanized wire; 60 per cent is then deducted to get the lowest wholesale cash price to domestic consumers; although 45 and 12½ per cent is the recently reduced price to agents.

Roebling trade numbers.	Approximate circumference.	Weight per foot.	Roebling list per foot.	Less 60 per cent.
	Inches.	*Pounds.*	*Cents.*	*Cents.*
12	4¼	3.00	43	18.92
13	4	2.45	36	15.84
14	3½	2.00	29	12.76
15	2⅞	1.56	23	10.12
16	2½	1.20	17⅛	7.30
17	2	.99	14	6.16
19	1⅝	.62	10	4.40
20	1½	.50	08	3.52
21	1¼	.39	06½	2.86
22	1	.30	05½	2.42
24	.....	.15	03¾	1.65

Compare these prices with those quoted on April 10, 1902, by a leading British manufacturer to a big dealer in the United States. The prices are for galvanized BB wire rope, six strands each seven wires, and are f. o. b. in England, and are reduced from pounds to feet and from English to United States money.

Approximate circumference.	Weight. per foot.	Price per cwt. (112).	United States money.	Per 100 pounds.	Per foot.	Less 5 per cent for cash.
	Pounds.				*Cents.*	
4½	3.00	12s	$2.92	$2.61	7.83	7.44
4	2.45	12–6	3.04	2.71	6.64	6.31
3½	2	13	3.16	2.82	5.64	5.36
3	1.58	14–6	3.52	3.14	4.96	4.71
2⅞	1.20	14–6	3.52	3.14	3.77	3.53
2½	.89	16	3.89	3.47	3.11	2.96
2	.62	17	4.13	3.69	2.29	2.18
1⅝	.50	18	4.37	3.90	1.95	1.85
1½	.39	19	4.62	4.12	1.61	1.53
1¼	.30	20	4.86	4.34	1.30	1.23
1	.15	22	5.35	4.78	.72	.68

Bringing the English and American prices together in the following table, we can compare net cash prices in America and England. The American prices are obtained by deducting 60 per cent from the price list of John A. Roebling's Sons Company for galvanized transmission or haulage rope composed of six strands and a hemp center, seven wires to the strand. The ordinary discount to agents for this class of rope is only 40 and 12½ per cent. But as some agents get special discounts on some kinds of goods, which amount to 60 per cent net, I have taken this lowest possible price. The English prices are those quoted in a letter written April 10, 1902, by a leading English manufacturer to a New York dealer. They are for galvanized BB wire rope, six strands, each seven wires, and are f. o. b. Liverpool:

Prices of galvanized steel wire rope.

[Cents per foot.]

Approximate circumference.	England.	America.	Difference.	Higher in America.	American times English price.
				Per cent.	
4½	7.44	18.92	11.48	154	2½
4	6.31	15.84	9.53	151	2½
3½	5.36	12.76	7.40	138	2⅜
3	4.71	10.12	5.61	119	2⅛
2⅞	3.53	7.30	3.77	107	2
2½	2.96	6.16	3.20	108	2
2	2.18	4.40	2.22	102	2
1⅝	1.85	3.52	1.67	90	1⅞
1½	1.53	2.86	1.33	87	1⅞
1¼	1.23	2.42	1.19	97	2
1	.68	1.65	.97	143	2⅜

Here we see that even after the reductions made last spring the prices of ordinary galvanized steel wire rope are from 1.9 to 2½ times as high in America as in England, and yet American and English rope compete in both countries. If we deduct from the English price 25 cents per 100 pounds at the cost of getting American rope to foreign markets, we find that the actual export price of American rope must average only about one-third of the price charged our own consumers.

How much of the difference is accounted for by the tariff?

The duty on rope 4½ inches in circumference is not less than 2.4 cents per pound. As a foot of this rope weighs 3 pounds, the duty per foot is at least 7.2 cents. Adding this to the foreign price (7.44 cents) and allowing one-fourth of a cent per pound for freight, insurance, etc., we get the cost of 1 foot of this English rope in our American market as 15.39 cents. But the actual price of American rope of this kind and size is 18.92 cents, or 30 per cent more than the cost of laying down English rope in our markets, even after paying an import duty of over 90 per cent on the English price. In a similar way the cost, duty paid, of English rope 2½ inches in circumference in our markets is 5.58 cents, while the trust actually sells this rope at 6.16 per foot. The cost of English rope 2½ inches in circumference in our markets is 2.88, while the trust price here is 2.86 per foot.

Thus, apparently, our importers of English rope are, at present prices, making profits of from 10 to 30 per cent on the rope handled. Why do they not sell for somewhat smaller profits and soon either get the most of the orders or compel the trust to reduce its prices? There are numerous answers to this question, some of which can be fully appreciated only by our manufacturers and dealers in iron and steel goods.

CUSTOMS OFFICIALS TOOLS OF THE TRUST.

In the first place something must be deducted from the apparent profits, because the importers did not contribute $100,000 to elect the present Administration and are persona non grata to our customs officials.

According to the statements of importers of wire rope, the customs officials invariably advance the foreign cost price of goods imported, on which ad valorem duties are assessed, although the prices entered are actual purchase prices. Moreover, the United States Government sent a detective to England to learn the price paid by American importers. Although this detective had free access to the books of at least one English manufacturer, and found nothing that did not verify the invoice prices, yet the customs officials here continue to advance the invoice prices on goods imported by Americans.

In some cases the importers say that they make their invoice prices out higher than the actual prices paid, so that they will not be penalized, as they would be should the customs officials add more than 10 per cent to their invoice prices. Probably one-fourth of the importers' apparent profits are wiped out by the overzealousness of the customs department in serving the wire-rope trust.

In this unfair way the present Administration is increasing the protection of the wire-rope trust and rendering, for the second time, a quid pro quo for the campaign fund of the trust. The wire-rope trust appears to be getting a great deal for its money. It made a good investment of its $100,000 in 1896.

BULLDOZING TACTICS OF STEEL TRUST.

In the next place, it is not easy for the importers to find customers. Wire rope is usually only one of the materials or products, and a minor one, required in some construction job of work. It is important that the contractors obtain, when desired, all of the other and more important products. These they can be certain of obtaining only of very large dealers in all kinds of iron and steel goods, and at present practically only of the steel trust. The extent to which the steel trust is now putting the screws on manufacturers, merchants, and contractors who consume steel goods is not realized by the general public. If a manufacturer is dependent upon the steel trust for any one important material he can not obtain it unless he buys all of his materials of the trust, at least all that the trust can supply. Not only this, but in many instances the trust will prescribe the maximum prices at which, and the territory in which, this dependent manufacturer can sell his finished product, and the railroads over which his materials must be shipped; also, if he does not pay cash the trust will inform him through what bank he must finance his accounts, and give him other similar details of procedure to remind him of the new order of things and of his loss of independence.

Similar treatment is accorded to merchants and contractors. Practically, if not exactly, the steel trust says to its consumers: "Buy of us and only of us if you wish to continue to do business in this country." As the trust is practically the only producer of many important products, like wire, tin plate, etc., nearly all manufacturers, dealers, and contractors are at the mercy of the trust. Even if a contractor could get all of his materials for any one job outside of the trust, he does not dare offend it, for he has other contracts which require steel-trust products. The result is that he reluctantly submits to the trust's dictation. As a matter of fact, many manufacturers, dealers, and big contractors now look only to the trust for materials, and have ceased to obtain quotations from outsiders and foreigners. Thousands of such manufacturers and dealers are cursing the trust in an undertone, while openly submitting to its terms and exactions.

It is this state of affairs, due to the bulldozing tactics of the steel trust in the business world, that makes it possible for wire rope to sell in this country for two or three times the price in England, and for nearly twice the cost, duty paid, of English wire rope in this country. The wire-rope pool, it should be remembered, is now a part of the great steel trust, and gets the benefit of the power of the trust to dictate terms and hold up most of the steel-consuming industries. Its power comes largely from the tariff, not on any one article, but on all. If all other steel goods were on the free list the duty on wire rope would undoubtedly limit the power of the wire-rope combine to extort from the consumer. But all steel goods being protected by high tariff duties, the wire-rope trust can exact from its victims much more than the amount of the duty on wire rope—which illustrates the beauties of high tariffs on goods which we are exporting to all parts of the world.

WHY FOREIGNERS SHOULD BUILD OUR CABLES.

These differences in prices, for the home market and for export, charged by our highly protected wire-rope trust, furnish one of the best arguments in favor of a privately constructed as against a Government-built cable under the Pacific Ocean. The pretended patriots and friends of the Government, but who are actually the representatives of the trust, tell us that they "want an American cable, built by American capital, in American shops, by American wage-earners, laid by American ships, under the American flag." If these representatives of the trusts would say exactly what they mean, they would tell us that they "want our protected trusts to have no possible competitors in building the Pacific cable, in order that they can charge two or three prices for the cable, the same as they now charge ordinary Americans."

It is obvious that if our Government is to lay cables and to have them built in American mills, they will cost several times what would have to be paid for them in England by an ordinary company.

TRUST LETTERS GIVING EXPORT PRICES ON WIRE.

To show the extra cost of making wire rope in America from American wire, the following quotations are made from recent letters of the American Steel and Wire Company. These letters were written from the trust's London office and to an English manufacturer of wire rope:

"We have much pleasure in quoting you the following prices on lots of say 40 or 50 tons, our ordinary quality of galvanized plain wire and plain annealed core wire. We give you a full range of extras up to 36 gauge.

"Plain annealed coil wire, in catchweight coils, no wrapping, c. i. f. Liverpool, No. 0 to 8 gauge, £7 5 0, with the following extras over base for thinner sizes:

Gauge.	Extra.	Gauge.	Extra.	Gauge.	Extra.	Gauge.	Extra.
	£ s. d.		£ s. d.		£ s. d.		£ s. d.
9	5 0 0	16	2 2 6	23	6 5 0	30	12 15 0
10	7 6 0	17	2 10 0	24	7 0 0	31	14 5 0
11	10 0 0	18	3 0 0	25	7 15 0	32	15 10 0
12	12 6 0	19	3 10 0	26	8 15 0	33	17 10 0
13	17 6 0	20	4 0 0	27	9 15 0	34	20 0 0
14	22 6 0	21	4 15 0	28	10 15 0	35	22 5 0
15	32 6 0	22	5 10 0	29	11 15 0	36	27 0 0

"On our ordinary quality of plain galvanized wire, we quote you a base price of from 5 to 8 gauge of £8 5 0, catchweight, coils, no wrapping, c. i. f. Liverpool with the following extras for thinner gauges:

Gauge.	Extra.	Gauge.	Extra.	Gauge.	Extra.	Gauge.	Extra.
	£ s. d.		£ s. d.		£ s. d.		£ s. d.
9	5 0 0	16	3 0 0	23	13 10 0	30	25 5 0
10	7 5 0	17	4 5 0	24	15 10 0	31	27 10 0
11	12 6 0	18	5 0 0	25	17 0 0	32	28 15 0
12	20 0 0	19	6 0 0	26	18 15 0	33	30 15 0
13	25 0 0	20	7 10 0	27	20 0 0	34	33 7 6
14	30 0 0	21	9 0 0	28	22 10 0	35	38 10 0
15	50 0 0	22	10 5 0	29	24 0 0	36	45 0 0

"Of course, on any sizes thinner than, say, 16-gauge, we would recommend some to be packed in paper and canvas, our extra charge for same being 14s. per ton, or if wrapped only in paper, our extra charge is 5s. per ton.

"We are in the habit of supplying both these qualities of wire to the decimal of an inch, and we have quite a reputation for supplying this material true to gauge.

"Our prices are on standard wire gauges—¼-gauges to take the price of the next thinner gauge.

"Terms: Two and one-half per cent discount, 30 days sight draft, with documents attached, on a London bank.

"We make you these quotations for prompt shipment and subject to your prompt reply, and hope to be favored with your valued order.

"For heavy galvanized wire we should require an extra of £1 1 10 per ton; therefore, this would make our base price, 5 to 8 gauge, £5 5 0 per ton, and the extras for finer gauges would be the same as quoted you on the 1st instant.

"Yours, faithfully,

"AMERICAN STEEL AND WIRE COMPANY,
"THOS. J. FARRALL, *Manager.*"

Reducing these prices to American money, we get the following prices:

Price American Wire c. i. f. Liverpool.

PLAIN ANNEALED CORE WIRE.

Gauge.	Price 100 lbs.	Gauge.	Price 100 lbs.	Gauge.	Price 100 lbs.	Gauge.	Price 100 lbs.
0-8	$1.58	15	$1.88	23	$2.98	30	$4.35
9	1.63	16	2.04	24	3.10	31	4.68
10	1.66	17	2.12	25	3.26	32	4.94
11	1.69	19	2.33	26	3.48	33	5.33
12	1.71	20	2.45	27	3.70	34	5.92
13	1.76	21	2.53	28	3.91	35	6.41
14	1.81	22	2.77	29	4.13	36	7.45

PLAIN ANNEALED WIRE—ORDINARY QUALITY.

5-8	$1.79	16	$2.45	24	$5.15	32	$8.04
9	1.85	17	2.71	25	5.44	33	8.48
10	1.87	18	2.88	26	5.87	34	7.06
11	1.93	19	3.09	27	6.14	35	10.16
12	2.01	20	3.42	28	6.88	36	11.59
13	2.06	21	3.75	29	7.01		
14	2.11	22	4.02	30	6.27		
15	2.33	23	4.72	31	7.77		

These prices do not include the discount of 2½ per cent for cash. Deducting 25 cents per 100 pounds from the Liverpool price as the cost of delivering the goods in Liverpool, and taking the prices to domestic consumers on these same goods at the same date, we have the following prices on plain galvanized wire:

Gauge.	Export.	Domestic.	Difference.	Per cent.
4 to 9	$1.54	$2.70	$1.16	75
10 to 11	1.62	2.97	1.35	83
12	1.76	3.10	1.34	76
13 to 14	1.87	3.37	1.56	85
15 to 16	2.08	3.78	1.70	81
17	2.46	4.05	1.59	65
18	2.65	4.32	1.69	64

Thus the domestic prices exceed the export price by from 64 to 86 per cent. This is the handicap placed upon the American manufac- It is also the handicap placed by our tariff-protected trusts upon our consumers of wire and wire rope as against foreign consumers of these same goods.

THE WINDOW GLASS TRUST.

ONLY BAD RESULTS FROM THE TAX ON SUNLIGHT.

The history of our glass industries for the last twenty years has been a succession of combinations, pools, lockouts, price-list committees, and agreements fixing prices and wages and limiting production. Wages and prices change often and radically, and nearly all of these tariff-nursed industries are always in an unsettled, unstable, and unhealthy condition.

The result is that we usually pay double price for our glass; and the industry is in a backward state of development.

Instead of making the best and cheapest glass and of dominating the world's markets, as our unrivaled opportunities for production would warrant—cheapest and best silica, coal, gas, and lumber—we are, thanks to our tariff system, only partially supplying our own market, and even that with inferior goods which sell at double the price of better goods in Europe.

The glass trusts, with their tariff clubs, hold up the American consumer, and make him pay $2 for one dollar's worth of glass.

The evils of such methods are not only apparent throughout the glass industry and in the glass-consuming industries, but they extend into State and national politics, and form a part of the "boss" system of government.

Under such conditions and circumstances it is a national sin to continue this tax on sunlight. Some of the leading manufacturers do not hesitate to say that if there had never been any tariff on glass, our glass industry would now be twice as large as it is, and would be employing twice as many men and using twice as much coal, gas, lumber, etc.

EARLY TRUSTS.

As in most other branches of the glass industry, trusts in some form have existed in window glass for twenty years.

The American Window Glass Manufacturers' Association, with its "price-list committee," its "board of control," its "district" and "national wage" committees, and its "tariff committee," was running full blast from about 1880 to 1888, and was deciding how many and what works should be closed and what wages should be paid and prices charged. It worked hard to prevent the passage of the Mills bill in 1888. In 1884, when there was a shortage of glass caused by a lockout and a long fight over wage scales, the manufacturers themselves became importers to supply the trade.

There have been since 1880 periods of comparative competition and low prices, but during such periods the "trust" people have been playing for a new deal and a new grip on the industry. Since 1890 the United Glass Company, a corporation owning 17 of the 108 plants then in existence, has formed the backbone of the window glass trust. From 1893 to 1895 the trust was not in good working order, and prices were comparatively low.

THE PRESENT TRUST.

In 1895 the American Glass Company, selling pool for 85 per cent of the factories, was formed. This pool soon had prices up to the importing point, where it held them firmly until succeeded by the American Window Glass Company, a corporation with $17,000,000 capital, formed in October, 1899. This owns factories with a capacity of about 1,900 pots out of a total capacity of about 2,600 pots. It has not lowered prices, which are about double what they were four years ago.

The estimated value of the 48 or 50 plants absorbed is said to have been put at $6,190,000 by one of the organizers.

VERY HIGH PRICES AND GREAT PROFITS.

There are so many sizes and grades of window glass, the schedules of prices and discounts are so complex, and the prices change so often and differ so much in different districts that it is difficult to compare prices. In general, prices for the last three years have been nearly double what they were for the previous three years; and, the duty averaging nearly 100 per cent, prices are about double what they are in Belgium or England. The following summary of prices is from the Commoner and Glassworker of October 21, 1899:

"From an average price of about $1.50 per box for single and $2 per box for double strength in 1893, the value of glass has quite, if not more than, doubled. * * * The low price of glass was due to a low tariff, combined with the low cost of unwrought material, and reduction in cost of labor, with a poor consumptive demand. * * *

"Since the existence of the American Glass Company, the greatest advance in price has taken place. This company has managed its affairs without change practically since its formation, and has done it so well as to not only control the product, but to fix the price at the highest possible notch.

"The profits during the last three years have been enormous. The pool is said to have made $700,000 in 1896, $1,750,000 in 1897, $2,100,000 in 1898, and still larger profits are anticipated for 1900."

PRICES CAREFULLY ADJUSTED TO TARIFF.

In no other industry, perhaps, are prices adjusted to the cost of imported goods with such precision. The cost of laying down imported glass at interior points being greater than at seaboard, on account of freight, the prices at interior points are held enough higher to cover this difference. Thus customers at Pittsburg, in the shadow of the factories, must pay 14 cents per box more for ordinary window glass than the customer at Boston and 20 cents more than the Pacific coast consumer. The country is divided into six districts and the prices for each are determined by the cost of imported glass in each district after the duty is paid. Prices for the Pacific coast are lowest of all, because the cost of transportation from Belgium is the lowest in comparison with the cost of transportation on domestic plates.

Since 1861 the duty on window glass has changed but slightly, except that it was reduced about 30 per cent under the Wilson bill. The duty now, as under the McKinley and previous bills, varies from about 1⅜ to 3 cents per pound, and averages about 2 cents. This is generally equivalent to between 80 and 100 per cent, and often exceeds 100 per cent. From 1860 to 1890 prices in this country declined an average of 8 per cent, although foreign prices declined 54 per cent from 1867 to 1890. Our prices are now higher than in 1890 or in 1860 for ordinary sizes. This one fact, taken in connection with free natural gas and unrivaled opportunities for production and in view of the great progress made in most other industries, ought to be sufficient to condemn the whole protection theory. No other industry has enjoyed so much protection for so long a period, and no other important manufacturing industry has made so much progress backward. From 1880 to 1890 we imported each year about 30 per cent of our total consumption of window glass. Since 1890 the percentage of imported glass has been somewhat less. It is now about 12 per cent, our consumption amounting to about 5,000,000 boxes.

This trust, like many others, does not possess a complete monopoly. It is said to "hold the umbrella" under which new factories outside the trust have been built and made great profits. It is really the tariff which holds the umbrella. The trust and the outsiders are both secure in their excessive profits under it for a considerable time, until the number of outsiders gets too large. All that time the consumer will be forced to pay high prices, and competition will not lower them because the trust is able to restrict production to only part of the year. Up to a certain point it is profitable for the trust to pursue this policy, and even when that point is reached the margin of profit afforded by the tariff is so great that the trust can make new terms with the outsiders, many of whom, according to the Commoner and Glassworker, have been attracted to the business by the prospect of such a sale of their plants to the trust.

The bulletin of the Department of Labor for March, 1902, published the wholesale prices of American window glass in New York on the first of each month per 50 square feet of single, firsts, 6 by 8 to 10 by 15 inches. Here are some of these prices:

Window glass prices.

	1890.	1891.	1892.	1893.	1894.	1895.
January	$1.99	$2.25	$2.14	$2.14	$2.14	$1.85
April	2.25	2.14	2.14	2.14	2.14	1.59
July	2.25	2.25	1.51	2.14	2.00	1.40
October	2.25	2.25	2.14	2.14	1.85	1.62

	1896.	1897.	1898.	1899.	1900.	1901.
January	$1.62	$2.66	$2.89	$2.89	$2.10	$3.06
April	1.62	1.75	2.36	2.23	2.36	4.80
July	1.67	1.99	2.62	2.89	2.99	4.56
October	1.89	2.39	2.80	2.80	3.27	4.56

Thus, glass that sold for $1.40 per box in July, 1895, sold for $4.80 in April, 1901—the latter price being nearly 3½ times the former, or a raise of 243 per cent. The "economies of production" in trust management are certainly not conspicuous in the prices of window glass.

COMPETITION OF INDEPENDENT COMPANIES.

Of course, such extremely high prices, yielding profits of about 200 per cent on every dollar's worth of glass sold, has tempted independent manufacturers into the field. The independents now have a capacity of about 400 pots out of a total of 3,800. But as there are window glass blowers for only about 2,200 pots, and the labor union makes it next to impossible to obtain more blowers, it is certain that about 1,600 pots must remain idle. As the labor union controls the situation from its standpoint, the so-called "independents" and federation concerns are mostly owned and operated by the skilled glass workers themselves. They usually have agreements with the trust on prices and output, but there is nearly always friction because the "independents" want to work more months than the trust, and to gobble more than their share of the great profits. The trust plants usually operate but six or eight months a year, and in this way limit production and maintain prices. The following from the National Glass Budget of August 9, 1902, discusses the combinations between the trust, the independents, and the jobbers, and sheds light on the internal troubles:

THE WINDOW GLASS SITUATION—IMPORTANT MEETING OF JOBBERS AT ATLANTIC CITY ON FRIDAY OF NEXT WEEK.

"Present indications are that the strained relations which have existed between manufacturers of window glass since the beginning of 1902 will be patched up and that the trade will be controlled during the fire of 1902–3 by three combinations—the American Window Glass Company, the Independent Glass Company, and the Federation Window Glass Company—all working in harmony. In the light of information now in our hands, we feel safe in predicting that not enough new glass will be made before October 15 to disturb market conditions, and at the present rate of consumption stocks now in manufacturers' hands will be pretty well cleaned up by that time. During July the demand for window glass exceeded that of July, 1901, fully 35 per cent, and prices were well maintained. Stocks in jobbers' hands have been reduced to the lowest point ever known at this season of the year, and as soon as jobbers are convinced that the bottom will not be knocked out of prices by a September start, they will be in the market for a large quantity of glass to replenish their empty stock rooms.

"The jobbers are taking an active interest in the movement to prevent the starting of factories before October 15, and if the Independent Glass Company persists in continuing the policy which it has pursued during the past seven months, it will lose the trade of those who last year purchased most of the glass made by this company. In fact, the attitude of those in charge of the sales department of the Independent Company in trying to inflict loss on jobbers who bought their glass, has caused many of the leading distributors of window glass to state that in order for the Independent Glass Company to put itself in line for further business a reorganization of the sales department and the adoption of a new policy will be necessary. It is hoped that a change in this department will be made at the annual meeting to be held in Atlantic City on Tuesday of next week, August 12. * * *

"A meeting of the executive committee of the National Window Glass Jobbers' Association was held in this city on Tuesday last. The meeting was also attended by officers of the American Window Glass Company and the Federation Window Glass Company. Trade conditions generally were discussed, and at the close of the meeting President Gray issued a call for a general meeting of the Jobbers' Association, to be held at the Marlboro Hotel, Atlantic City, on Friday, August 15.

"The jobbers are certain that there is too much glass on hand to make a start in the factories September 1 advisable. Certain cooperative firms, whose bonus benefactors stipulated that they must operate ten months in the year for a given term, and the officers of the Independent Glass Company wish to start up because they have no glass, having sold more than they could make last fire. The American Window Glass Company, backed up by the jobbers, do not wish to start before October 15, because they realize that there is enough glass on hand to fully satisfy all demands till that time, and they know that any start before that time will have a tendency to create an overproduction and tell disastrously on prices. * * *

"The interests of manufactures and jobbers are identical. There is just so much window glass to manufacture and distribute, and the money accuring therefrom belongs, in equity to all the workmen, manufacturers, and jobbers legitimately engaged in its manufacture and distribution. * * *

HORRIBLE TO CONTEMPLATE.

"If the Independent Glass Company has a right to start September 1, all others have the same right. What would happen if all manufacturers were to start their factories on that date will be seen by the following statement:

"There will not be more than 2,200 pots put into actual operation next fire, though there are now about 3,800 pots in existence. There will not be enough skilled workmen to operate more. The product of 2,200 pots during a run of ten months will be 7,920,000 boxes, to which must be added the imports of at least 700,000 boxes, or, in other words, an available supply of 8,620,000 boxes, against which enormous supply there can be placed only a consumptive demand of 5,400,000 boxes, leaving stocks in manufacturers' and jobbers' hands, September 1, 1903, of 3,220,000 boxes, or enough glass to supply this country, exclusive of imports, until March 1, 1904.

"The question is, Is it good sense; is it either fair or honorable in any combination or organization to persist in a policy which will bring about such deplorable conditions as are indicated above?"

PRICES FURTHER ADVANCED IN 1902.

As indicating the great rise in prices which must have occurred this year (1902), the National Glass Budget mentions a suit brought by the Muscatine Sash and Door Company against the Independent Glass Company for $9,542.99. The Independent Company had agreed on March 15, 1902, to deliver 10,000 boxes of assorted glass in May and June, 1902, for $28,898.71. It failed to keep its contract, and the cost of duplicating the order on June 30, 1902, was $39,441. The Muscatine Company sued to recover the difference.

These exorbitant prices could not be charged in this country where the import duty is only 100 per cent were it not that Belgium, the window glass country of Europe, has recently experienced one of the longest strikes on record, and her production of glass is only just catching up with the foreign demand. When European prices fall, ours must also fall, unless the foreigners agree for certain considerations to stay out of our markets. Such a contract is said to have been made recently, and, in fact, is necessary, to account for our present extreme prices.

Possibly the introduction of glass-blowing machines by the trust will, in a few years, bring about sufficient competition to lower prices somewhat. The removal of the duty which fosters and protects this cormorant would give the consumers relief at once, and make it possible for common people again to buy new glass and putty up their stuffed-up windows.

SOME ELOQUENT FLASHES OF REPUBLICAN SILENCE.

[The New York American and Journal, August 5, 1902.]

The Republican campaign text-book designed to supply orators and editors with argument has just been issued. It has nothing to say on the subject of Cuban reciprocity.

Naturally. The Republican record on reciprocity with Cuba is the record of a crime. The denial by Congress of justice to the people of the island we freed from Spain can not be defended or excused. That sacrifice of the national honor was made at the behest of the beet-sugar lobby and the sugar trust. Every American who cares more for the good name of the Republic than he does for the trust-breeding and trust-shielding protective tariff feels his cheeks grow red with shame whenever he thinks of the treatment the new-born Republic of Cuba has received at the hands of the Republican party. No wonder the campaign text-book prefers to discourse of other things.

Another subject on which the Republican official guide to orators and editors is silent is tariff revision. That is not to be discussed if the managers can help it. The "protected interests" want the tariff let alone. Therefore any editor or orator who imitates the action of the Iowa Republicans and calls for such changes in the tariff as would deprive monopoly of its shelter will be guilty of party treason.

But the campaign text-book has much to say about the trusts. In effect its deliverances are these:

First, there is no danger in the trusts.

Second, the Republican party points with pride to its "efforts to execute the antitrust law."

"On June 27 last the Democratic members of the House of Representatives met and adopted a set of resolutions, among them this one:

"The Republican majority in Congress is dominated and controlled by the trusts and monopolies which have the great industries of our country in their grasp. * * * They refuse and fail to bring in any measure to suppress the trusts or to favorably report any of the numerous antitrust bills introduced by Democratic members during this session.

"We favor the immediate passage of a measure to amend the present antitrust law, so as more fully to protect trade and commerce against unlawful restraints and monopolies, and also a measure to reduce the duties on all articles and commodities manufactured and controlled or produced in the United States by a trust or trusts, so as to destroy such illegal combinations, and to reduce the rate of duty on any article or commodity manufactured in the United States and sold in a foreign country more cheaply than in the United States.

"We oppose the adjournment of Congress until the measures mentioned above have been enacted into law."

What was the response of the Republican majority, in possession of the lawmaking power of Congress, to that challenge?

Did the Republicans amend the present tariff antitrust law?

No.

Did the Republicans pass a bill reducing the duties on foreign goods coming into competition with monopolizing trusts?

No.

Did the Republicans pass a bill to discourage high prices at home and low prices abroad for trust-made articles?

No.

The Republican Congress ignored the Democratic challenge to legislate against the trusts as completely as the Republican campaign text-book ignores the dishonoring of the nation in the case of Cuba out of deference to the wishes of the beet-sugar lobby and the sugar trust.

Republican orators may rise to the most impassioned rhetoric, and editors of Republican organs may write with dutiful industry ten hours a day from now until the Congressional elections, but no platform eloquence, no industry with the pen, can alter the record of what has been done and what has not been done.

The record shows that the Republican party sets the greed of monopoly above the nation's honor, and dares not pass laws to curb the trusts in the interest of the American people.

The trusts own the Republican party.

THE BORAX TRUST.

A WORLD TRUST, BUT STILL A TARIFF TRUST—IT SELLS BORAX AT 8 CENTS IN NEW YORK AND 2½ IN LONDON—A BRIEF HISTORY OF THE BORAX INDUSTRY—ALWAYS CONTROLLED BY COMBINATIONS—SECURED INCREASED DUTIES BY MISREPRESENTING FACTS.

The borax trust is one of the best examples of the evils of tariff "protection." Unearned and undeserved profits, enhanced prices, restricted production, limited consumption, employment of foreign labor at low wages, lower prices to foreigners than to Americans, false and hypocritical plea that free borax would destroy the borax industry—these are some of the results of the unnecessary and unjust duties on borax and boracic acid.

AN ARTICLE OF GENERAL USE.

While the borax industry is not one of our great industries—the total product selling for only about $1,500,000 or $2,000,000—it is yet of considerable importance, because borax is an almost essential article in every household and is a most useful article in many industries. It is used largely in the packing of pork and other meats, butter, etc., and is most useful in the arts, manufactures, and mines. It is a flux for all metals, enabling them to melt at a lower temperature. It is used largely in the manufacture of soap and leather. It is a bleach, an emollient, an antiseptic, a cleanser and purifier, and a medicine. The extent of its use in many industries depends largely upon its price.

The principal borax mines or deposits of the world are in California and Nevada, in Asia Minor, Peru, and Chile. Mines or deposits exist in Italy, Turkey, and other countries; but the cost of producing in them is too great to make them of commercial importance.

The largest, most easily worked, and most productive mines of the world are those in California. These were discovered in 1856, but were not much worked until about 1873.

TARIFF DUTIES.

Previous to 1883 there was no duty on borate of lime and crude borate. The tariff of 1883 made the duty on refined borax and on pure boracic acid 5 cents per pound, on commercial boracic acid 4 cents, and on borate of lime and crude borax 3 cents. The tariff of 1890 made the duty on all boracic acid 5 cents. The tariff of 1894 reduced the duty on all borax to 2 cents per pound, on boracic acid to 3 cents and on borate of lime to 1½ cents. The tariff of 1897 made the duty on borax and boracic acid 5 cents, and the duty on borates containing more than 36 per cent of anhydrous boracic acid 4 cents, and less than 36 per cent of acid 3 cents. The object lesson resulting from these changes of duties is most interesting, not only to our own citizens, but to the people of the entire world.

CONTROLLED BY TRUSTS.

Because of the limited area in which the mines are found and the difficulty of reaching and of operating them, it seems but natural that these mines or deposits should fall into few hands and that the few owners should combine to prevent competition and to bring about high prices. As early as 1878 an agreement was entered into between the California producers by which production was to be curtailed. A more formal combination was formed in 1879.

In 1885 the "borax board" was organized. It included about all of the producers upon the Pacific slope. A more perfect combination was formed in 1888, and in November, 1890, the Pacific Coast Borax Company absorbed nearly all of the producers. It has always been the policy of Mr. M. F. Smith, the head of this company, to gobble up all of the new deposits which might prove of commercial value. He has usually worked but one or two of the ten or twelve mines which his company owns, and to-day is working only the Colemanite mine, at Daggett, Cal., and is holding idle such important deposits as those in Death Valley and San Bernardino, Cal., and those in Nevada. One or two small deposits, such as those in Columbus, Nev., may be worked on shares, but the product of these small properties all passes through the hands of the Pacific Coast Borax Company, and no crude borax is obtainable except through this company.

A WORLD TRUST.

Prior to the latter part of 1894 the foreign market was in the hands of a European syndicate, which had a virtual monopoly. This foreign syndicate had an understanding with the Pacific Coast company through which the latter was left to the enjoyment of the American market. Soon after the reduction of duties in 1894 and the low price at which our trust was compelled to sell, our producers began an aggressive warfare on the foreign monopoly. In June, 1896, the Pacific Borax and Redwood's Chemical Works (Limited) was incorporated in England with a capital of $2,550,000 and $500,000 of bonds. It took over the business and properties of the Pacific Coast Borax Company and of Redwood & Sons, chemical manufacturers in England. Mr. M. F. Smith became the managing director in the United States. This new English-American combination carried on such an aggressive and expensive warfare in Europe that in January, 1899, the foreign manufacturers capitulated, and sold their interests to a new combination, dictated by the California producers. This new combination is the Borax Consolidated Works (Limited) with a capital of $7,000,000. It is an amalgamation of the twelve principal borax producers and refiners of the world, namely:

The Pacific Borax and Redwood's Chemical Works (Limited); Mear & Green (Limited), Kidsgrove, Staffordshire, England; Borax Company (Limited), London; Societe Lyonnaise des Mines et Usines de Borax, of Lyon, France; Empresa de Ascotan Company, Chile; Sociedad Boratera de Carcote, near Asoctan, Chile; Boratera de Cosapilla, near Tacua, Chile; Boratera de Chilicolpa, near Tacua, Chile; Compania Boratera de Arequipa, Peru, including the deposits formerly owned by Señors Pena and Caballero; Compania Boratera de Ubinas, Arequipa, Peru; that part of the Pintados deposit formerly the property of the Products Distribution Company (Limited), Iquique, Chile, and 7,142 out of the 110,000 shares of the San Bernardino Borax Mining Company of California.

These are not all the mines and sources of production in the world; but, according to the Oil, Paint and Drug Reporter of January 13, 1899, nearly the whole supply of the world has been obtained from them.

TARIFF PRICES AND PROFITS.

Four days after the McKinley bill became effective, in October, 1890, the California trust raised the price of borax (which had been 8½ to 8¾ cents in August and September of 1890) to 9¼ to 9¾ cents per pound. The following table gives the date of some of the more important changes in prices:

Prices refined borax in New York.

[Wholesale prices per pound.]

Oct.	26,	1891	8¾	Nov.	9,	1896	5
Oct.	26,	1892	8½	Feb.	22,	1897	5½
Jan.	6,	1893	8½	Aug.	9,	1897	5¾
Oct.	26,	1893	8¼	Oct.	18,	1897	6
Jan.	6,	1894	8¼	Nov.	29,	1897	6¼
Aug.	27,	1894	8	Dec.	27,	1897	6⅜
Sept.	3,	1894	7	Jan.	3,	1898	6⅜
Oct.	29,	1894	6¾	Feb.	7,	1898	7
Jan.	6,	1895	5¼	Jan.	23,	1899	7¼
Mar.	4,	1895	6	Nov.	20,	1899	7½
June	17,	1895	5½	Jan.,		1900	7¾
Aug.	1,	1895	5¼	July,		1900	8
Jan.	6,	1896	6	July,		1901	7¾
Feb.	10,	1896	5¾	July,		1902	7¾
Oct.	19,	1896	5½				

The Wilson bill took effect on August 28, 1894. The following comment is from the Oil, Paint and Drug Reporter of December 31, 1894:

"The sweeping cut in the price of borax, which we announce in another column, to take effect January 1, 1895, will be a great surprise to the trade, as the impression has become current that no further reduction would be necessary to enable the Americans to keep out the foreign and retain complete control of the home markets. * * * The net decline in the price since the new tariff came into operation is 2¾ cents per pound on crystals and powdered, and 2½ cents per pound on refined in bags."

It closed with the following suggestive statement:

"It has been generally understood that an agreement exists between the American producers and the European syndicate, under which the former were to be left in possession of the home market, provided they agreed to keep out of the foreign markets. Outside competition abroad, however, made it possible for goods to be imported. Under the circumstances, what is to prevent the American producers exporting goods, and thus enlarging their markets and general sphere of usefulness, from a material standpoint?"

On February 4, 1895, the same journal said:

"The Pacific Coast Borax Company, finding the results of its efforts to place borax within the reach of all at reduced figures to have been so satisfactory, has issued another circular, announcing still lower prices for the current month, and which are lower than borax can be imported for or produced here, except under the most favorable conditions."

On October 1, 1895, the same authority said:

"In the years that have passed large profits were made; and it may be necessary to cut into them, if the competition now in progress is of long duration. At the same time there is reason for believing that the California producers are making money under existing conditions." * * * "There is no danger of any further competition with the foreign article. * * * The manufacturers in England have not renewed the syndicate agreement, and there does not appear to be any likelihood of their doing so."

DINGLEY BILL PRICES.

The articles on borax in the Oil, Paint and Drug Reporter tell a different story under the Dingley law, which took effect July 24, 1897.

On August 30, 1897, the Reporter said:

"The new tariff has materially altered the situation in borax in this country. * * * There is now no possibility of any competition being feared from Europe, with the duty on refined 5 cents per pound as against 2 cents under the act of 1894, and the domestic market is left entirely to the home refiners. * * *

"Under the low prices which were made necessary by the 2-cent duty in the act of 1894, the demand has been largely increased; and it is possible that any material advance would check the consumption. * * * Refiners may be trusted not to make a move that will restrict their production."

On June 17, 1898, this journal said:

"The advance in the rate of duty on borax in the act of 1897, from 2 cents per pound to 5 cents, has caused a rise in the price here from 5¼ cents in carloads, which was the market quotation when the tariff became operative, to 6¾ cents. * * *

"It is evidently the determination of refiners to raise the price by slow and easy stages until they shall reap the full increase of benefit which the new act gives them. It would not have been good policy to advance the price 3 cents per pound as soon as the tariff bill became a law, as it might have aroused the ire of consumers of borax."

BORAX EXPORTED TO EUROPE.

That no duty is necessary to preserve our borax industry is evident from the fact that our output increased greatly during the Wilson bill period, and that we have always exported borax and sold it in England, except when an agreement, offensive and defensive, between our own and foreign producers kept our product at home. A few more quotations will throw light on this subject. On November 25, 1895, after discussing the heavy imports of borate of lime (4,165,765 pounds) in 1894–95, at an import price of 2½ cents per pound, the Oil, Paint, and Drug Reporter said:

"Another feature of the situation is the exports of American borate of lime to England lately. Since October 14, 11,558 bags have been shipped, at a valuation of $22,939. The average price per pound was 2 cents."

July 13, 1896, the Reporter said:

"A foreign outlet for California crude was sought, and large quantities were exported to Liverpool last autumn. They were sold at a profit of about 2 cents per pound. The sales of the American company for the seven months ending March 21 last were at the rate of 11,000,000 pounds per annum, over 1,000,000 pounds having been exported to England. The actual exports to July 1, 1896, from last autumn amounts to 20,420 bags, valued at $40,018. Notwithstanding the fact that California borate of lime was sold in England at 2 cents per pound, there were imported into New York for the fiscal year ending June 30, 1896, 4,227,947 pounds of foreign borate, valued at $102,732, as against 4,165,765 pounds the previous year, valued at $95,734. * * *

"From a glance at the condition of affairs in the borax industry, it appears that the California producers hold the key to the situation. They have succeeded in underselling the South American and Asiatic borate of lime in the English market and have thus affected the profits

of the Borax Company (Limited), the concern which owns the Asiatic deposits. The annual report of this company stated that, had it not been for the French works (protected) of the company, no profit would have been made, owing to the competition with the California borate."

On August 30, 1897, the Oil, Paint, and Drug Reporter unintentionally illustrated the difference between trusts in protected and unprotected countries:

"The Borax Union of Great Britain collapsed some two months ago, due, possibly, to competition with borax from American borate. The price is now £14 per ton, or about 3 cents per pound, the lowest price on record. * * *

"The Societe Lyonnaise, which controls its own deposits of crude in Asia Minor and is protected on its refined in France, is also doing well; but a careful analysis of the situation can not but reveal the commanding position occupied by the California producers in the markets of the world under the new conditions, which have been partially created by the new tariff and in great measure by the development of the Pacific slope."

In September, 1897, the British and Colonial Druggist of England explained the ability of the American producers to compete in the markets of the world by saying that the "natural advantages in the matter of deposits of pure borax" was added an extremely heavy duty on borax, which "practically bars foreign product from an entry into the States." It said:

"We can put this advantage in a startling way by saying that, if American manufacturers obtained for their borax sold at home the present price of the article in this country plus the duty in America, they would be in a position to give away one and one-half times as much borax as they sold at home, and yet receive a return per pound on the whole higher than the present English price per pound."

This condition should prove more "startling" to Americans than to foreigners, however. In 1898, 46,118 bags (about 2,000 tons) of borax was exported to England out of a total production in America of about 12,000 tons.

If this was exported to England at a profit, then our protective tariff simply helped the trust to outrageous profits on the borax sold here. If it was not sold at a profit, then the tariff made Americans pay the trust two profits on the borax they consumed, while Englishmen paid no profit.

American warfare from behind protective tariff walls made the borax industry unprofitable in unprotected countries, depreciated the value of foreign plants and mines, and made it easy for our Government-supported trust to buy up its foreign competitors and to form a world trust. This it has done. Our borax tariff is, therefore, the real mother of this great world trust.

TRUST PRICES HERE AND IN ENGLAND.

But observe now the difference between trust prices in protected America and in unprotected England. On October 28, 1899, the Chemist and Druggist of England quoted refined borax at 16 shillings per hundredweight. This is less than 3½ cents per pound, as against 7¼ cents in New York. And yet the same company supplies borax from the same mines and mills to both markets. Could there be a better illustration than this of the oppressive effects of tariff-protected trusts?

It may be asked, Why, if it owns all of the profitable mines of the world, does not the trust put its prices as high in Europe as in America? It is partly because it has not got, and it is not easy to get, as complete control of the world's borax mines as those in California and Nevada, and partly because the trust has not as yet had full opportunity to test its world monopoly. Some of the companies which it took over were under contract to supply raw material at certain prices for one, two, or three years. Until these contracts expire, refined borax will be likely to remain low in England. (For 1902 export prices and other late information, see under "Export Prices.")

THE LEAD TRUST.

AMERICAN LEAD A CENT A POUND LESS IN ENGLAND THAN HERE—THE GOVERNMENT A PARTNER IN ALL TARIFF TRUSTS—DOES NOT SHARE PROFITS, BUT KEEPS OFF COMPETITORS AND IS A POWERFUL AND VALUABLE PARTNER.

[By George A. Macbeth.]

The most of the combines of to-day, created for the purpose of extortion in price, could not and would not exist if it was not for the part the United States takes in them.

Here is one example, and the same is true of several commodities managed by combines. This quotation is from the New York Commercial, March 6, 1900:

"Lead.—Was steady and unchanged at $4.70 per pound spot to March. In St. Louis the market was firm, with scant offerings at $4.57½@$4.62½, according to brands. Soft Spanish was unchanged at £16 11s. 3d. in London. Arrivals at this port were 1,000 tons bullion from Tampico; exports from this port, 650 tons to Hamburg. Imports of lead during the week ending March 2 were 2,806 tons; exports for the week, 1,794 tons."

Few see these quotations. Very few understand them. The great mass do not know anything about them whatever. Figure out the pounds, shilling, and pence, the London quotation for a long ton of 2,240 pounds, and it makes the price of lead in London $3.60 per 100 pounds, as against $4.70 in New York—$1.10 more in New York than London, or a difference of $22 per ton of 2,000 pounds.

Yet some is exported, and must go at the price in London. Please note, some is imported, also. This is brought here, and reexported without the payment of any duty.

The kernel of it all is that about twenty men are managing the matter of price of all the lead consumed in the United States, and have been doing so for some time—with the aid of the Government.

Not a pound is sold without the concurrence of these men, and it is held as firmly and nicely as could be. It is managed with consummate skill.

Most likely many will say, at first thought, "It is nothing to me if there is a duty on lead." Such people do not know how this material enters into the cost of so many things. Thousands of men are working with this material, which costs 30 per cent more than it should—30 per cent artificial value. We pay this artificial price, but the Government does not get it. (It amounts to about $5,000,000 a year extorted from the American people.) It enters into the cost of every house built, and of a thousand and one things which people do not know that lead has anything to do with.

This lead combine has arisen and is a result of the tariff on lead. It could not exist without this tariff. It is the very perfection of a trust or combine brought into existence by the Government's action.

The same may be said of lumber and of many other articles manufactured by trusts.

Truly it may be said the commercial element is predominating in affairs of Government in an unwonted degree.

Evidently there is some reward for the "fat-frying" process in the past and a keen eye on the future.

If the actual effects of protective tariff legislation were known, it would be swept out of existence quickly, and our Congress would be confined to its true constitutional functions. Its hands would then be kept off from all attempts at fixing values of commodities.

THE PRINTING PAPER TRUST.

BRIEFS OF AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION PRAYING FOR FREE PAPER AND PULP.

The briefs of the American Newspaper Publishers' Association covers the case of the printing paper trust so well that further comment is unnecessary. The following extracts are from the briefs presented to the United States and British Joint High Commission, December, 1898, and January, 1899:

ABSURDITY OF TARIFF ON PAPER AND PULP.

"The directors of the American Newspaper Publishers' Association, representing 157 daily newspapers of the United States, and representing the bulk of the total consumption of print paper, respectfully request the American members of the Joint High Commission to advocate the inclusion of free paper and free pulp in the adjustment of our relations with Canada, and in support of this request submit the following reasons therefor:

"The present tariff rates on printing paper, unsized, sized, or glued, suitable for books and newspapers, valued at not above 2 cents per pound, is three-tenths of a cent per pound, or $6 per ton. The tariff rate on mechanically ground wood pulp is one-twelfth of a cent per pound, or $1.67 per ton.

"During the year ending June 30, 1898, the paper manufacturers of the United States exported 53,718 tons of printing paper (news and book), valued at $2,702,351, an average of 1,000 tons per week. No paper for news printing is brought into the United States.

"The total importations of wood pulp in twelve months, ended June 30, 1898 (according to the Paper Mill of August 11, 1898), were 28,846 tons, valued at $601,642, against 41,707 tons in 1897, valued at $800,886.

"The entire revenue received from the importation of mechanically ground wood pulp last year was $41,842, and as no news paper was imported, therefore no serious question of national economy or threatening deficits could be urged in opposition to free pulp and free paper.

"The tariff on paper is prohibitory and the rate for wood pulp is excessive. The American paper manufacturers need no protection, because they can manufacture paper cheaper than is done in any other part of the world. The American manufacturers are protected to the extent of $1.60 per ton by reason of their proximity to their customers. The difference in the cost of transportation to market is their great guaranty of security against Canada or any foreign country. They are also protected by their ability to obtain cheaper and more convenient supplies of coal and chemicals, which as yet are not obtainable in the Canadian forests. American manufacturers are now supplying the Australian and Japanese markets, and are underselling the British, Sweden, and German manufacturers in the British market.

TRUST FORMED IN 1898.

"In January, 1898, all the big and profitable paper mills in the United States, with a few unimportant exceptions, were merged into the International Paper Company, a combination that absorbed twenty-four mills, producing about 80 per cent of the entire American output. This corporation or trust was capitalized upon a basis of $55,000,000, divided as follows:

Bonds	$10,000,000
Preferred stock	25,000,000
Common stock	20,000,000

"The organizers of the trust frankly admitted at the outset that its common stock represented only good will, yet a quarterly dividend of 1 per cent on the common stock was declared in November, payable December 31, 1898. This common stock is now selling on Wall street at 60. A circular issued by Hatch & Foote on July 15, 1898, and based upon information 'furnished by officers' of the International Paper Company, showed that it was making a profit of $10 per ton on its output. The same authority states that the trust handles 143,500 horsepower; that it owns 450,000 acres of spruce lands in New York, New Hampshire, Vermont, Maine, and Michigan, and holds Government licenses for 1,132,000 acres in Canada.

"The capital represented by the annual rentals of $196,000 per year for water power and by other fixed charges paid by the trust would increase the total capitalization represented by that combination to $65,000,000. The entire output of this corporation, representing 1,420 tons per day for theoretical capacity, could be reproduced by a present investment of $15,000,000, so that the American consumers of newspapers are forced to pay dividends upon an inflated and wholly fictitious valuation of at least $40,000,000.

MONOPOLY PRICES FOLLOWED.

"This combination of twenty-four mills, while embracing many inferior and worthless mills, also included practically all of the locations in the United States where cheap and ample water power, cheap and good spruce wood, and cheap rates to market can be obtained for a mill of 100 tons daily capacity.

"Immediately after the organization of the trust it raised the price of paper wherever possible. In three cases it raised the price $10 a ton, and has averaged an increase of $5 per ton on its daily output of 1,420 tons, equaling an increased tax of $2,130,000 per annum upon the newspapers of the country, which now pay a total exceeding $20,000,000 per annum for their paper supply.

"A reciprocal arrangement with Canada for free paper and free pulp is advisable to insure the continuance of the present supply of free logs from Canada. The threatened retaliatory export duty upon logs to be imposed by Canada would ultimately fall upon the newspaper consumer. The present consumption of pulp wood by the pulp and paper mills of the United States, including manila, book, and writing, is stated, upon authority of the Paper Maker, a paper trade journal, at 2,000,000 cords per annum, which consumption requires the entire stripping of pulp timber on 625 square miles per annum.

"Our spruce wood supply is limited. We therefore urge that the commission should take advantage of the present opportunity and immediately secure a sufficient supply of spruce freed from tariff complications.

"The trust, in furtherance of its policy of stifling competition and controlling prices, has increased its timber holdings since this Hatch & Foote statement of July 15 was issued, and that ownership is more than sufficient to give it a wood supply for a long period of years on present production. There are no considerable water powers beyond the control of the trust which can be utilized to operate large plants in competition with the trust, so that all that might be done in the United States toward the enlistment of capital, the development of new enterprises, or the conversion of manila mills to news, or the extension of pulp or sulphite mills to news production, would be inconsiderable in comparison with the wiping out of the duty on paper and the opening of Canada to our relief.

FREE TRADE IN PAPER WOULD PROTECT OUR FORESTS.

"The enlightened policy of New York and other States in protecting forests should be encouraged by putting Canadian pulp and paper on the free list. If consideration be given by the commissioners to the inflated securities issued upon the trust paper mills, then consideration should also be given to the capital invested in newspapers, which represents at least twenty times the capital actually invested in paper mills. If the commissioners feel that the labor employed in the paper mills ought to be protected, then we submit that the labor employed in the newspapers affected by this tariff, numbering forty times the force employed in the paper mills, should also be considered.

A MONOPOLY OF WOOD AND WATER POWER.

"Every increase of a quarter of a cent per pound in the price of news paper adds $34,000,000 to the value of the trust securities. While the enlistment of capital in American enterprises may exercise a slightly deterrent influence on the paper trust, the effect can not be material, because the trust owns the largest and best powers in localities where spruce wood is cheap and from which transportation is prompt and cheap. A successful and energetic competition can not be maintained within the United States. The outside mills that do or can make paper are not equipped for the economical manufacture of news paper. We must look to Canada and the foreign countries where ground wood can be produced at a cost of $7.50 per ton and where news paper can be produced for 1 cent per pound. Free paper is, therefore, the only strong and permanent assurance of protection from this combination. The commissioners should consider whether they are justified in furnishing protection to a combination organized in restraint of trade and intended to extort excessive prices from a representative industry.

"The question of protection and free trade has nothing to do with the question of free paper or free pulp. The tariff duties on these articles have been availed of by a monopoly to obtain an unfair advantage, and the issue is not one of revenue. The duties are not needed to protect any paper or pulp mill in competition with foreign rivals.

TAKE THE TAX OFF INTELLIGENCE.

"The duty on paper stops cheap books and cheap newspapers. It taxes intelligence, because the newspapers are the people's school and their library. All taxes upon paper are taxes upon reading, upon knowledge, upon the dissemination of information. Under any government such a tax would be oppressive and proscriptive. In a government based, as ours is, upon the intelligent and resultant virtue of the people, it is anomalous and monstrous. To make newspapers artificially dear is wantonly to restrict the number of readers and so increase the sum of ignorance. When this is done or proposed to simply add to the profits of a monopoly, the injury to public interests becomes a matter demanding the intervention of the Government."

TRUST PRICES.

In regard to prices, Mr. John Norris, the business manager of the New York Times, testified before the Industrial Commission on April 12, 1901, as follows:

"The news print paper mills received an average of about 1.75 cents per pound, or $35 per ton, under the old form of contract for paper prior to the consolidation, and they are now receiving, I am told, an average of $41 per ton for paper under the new form of contract. One of the officers of the International Paper Company, in a statement to the paper trade, issued November 1, 1900, said 2.25 cents per pound, or $45 per ton, was a low price for paper. The difference between the two forms of contract, equaling $2 per ton, when added to the $6 difference of average quotations, makes an increase of $8 per ton within three years on an estimated output of 600,000 tons per annum, $4,800,000 per annum, which is the additional price now paid for news print paper by American newspapers. The International Paper Company shares in this gain to the extent of about 66 per cent, or $3,500,000 per annum. I know of two newspapers that are paying an increase of $150,000 per annum for their paper supply, or $300,000 per annum for the two.

"The daily output of the various producers of news print papers may be enumerated as follows:

	Tons per day.
International Paper Company	1,300
Great Northern Paper Company, with a present output of	225
Nine outside mills in the East, average	280
Eight western companies	250
Average total	2,055

"In this computation I have omitted a few Pacific companies and southern paper mills which are not factors in this computation.

"The western paper companies are practically united in the General Paper Company, and an offer was recently made to unite all of the outside mills of the East in a scheme to maintain prices at the figure quoted by the International Paper Company. Sufficient evidence to show collusion is not forthcoming, but publishers who apply for quotations realize that in some intangible way the source of their supply has been predetermined for them, and that the price they are to pay has been prearranged for them. In each case the publisher finds that all bids but one are at a prohibitory price. He also finds that he has no remedy against the supply of inferior paper.

"You ask if the consolidation of the mills has curtailed consumption. I can say that as a result of the increased price of paper many newspapers have reduced in size. At one time the New York daily newspapers curtailed 80 tons per week in their consumption. I am told that Philadelphia newspapers took similar steps. * * *

"The present excessive price of paper was made possible by four incidents: First, the Spanish-American war, which created an extraordinary demand for news print paper; second, the South African war, which deflected the Canadian output of wood pulp to Great Britain; third, the phenomenal drought of 1899 and 1900; fourth, the adoption by the International Paper Company of the policy of attempting to check competition, and thereby marking up the price of wood upon itself and upon all other mills.

SUMMARY.

"The duties on wood pulp and paper are indefensible from any point of view.

"In the first place, the duties on pulp and paper compel the 20,000 newspapers of this country to use paper made from our limited supply of wood, instead of from Canada's practically unlimited supply. The effect is to devastate our forests, injure and destroy many industries dependent upon cheap wood and a steady rainfall and water supply, and to injure the health of millions living along our streams, which now overflow in spring and dry up in summer and fall.

"The duties produce no revenue worth considering. They simply foster a monopoly, or trust, which is not an infant, but is now exporting paper to Great Britain, Australia, and Japan, at the rate of 1,000 tons a week. To the extent that these duties enable the trust to charge American consumers higher prices for paper, they injure those consumers, who are forty times greater in number than are the producers. Because paper is used as a medium for conveying news the taxes upon pulp and paper are taxes upon knowledge, and injure the whole American people."

THE SALT TRUST

HAS RAISED PRICES ON SALT 100 PER CENT SINCE 1897—DINGLEY PUT DUTY ON SALT TO ENABLE MANUFACTURERS TO FORM A TRUST—AN ADJUNCT OF STANDARD OIL COMPANY—IT "DEAD RENTS" AND CLOSES PLANTS TO RESTRICT OUTPUT—ITS MONOPOLY ON COAST AND RIVERS IS DEPENDENT UPON TARIFF DUTY.

Salt was on the free list of the Wilson bill, in force from August 28, 1894, to July 24, 1897. Under the McKinley and Dingley bills the duty on salt in bags or barrels was 12 cents, and in bulk 8 cents per 100 pounds. These duties vary from 30 to 100 per cent and will average about 50 per cent.

Before salt was put on the free list the manufacturers appeared at Washington, declaring that such a proceeding would practically ruin the business. Thus Mr. Thomas Molloy, secretary of the Onondaga Coarse Salt Association, told the Senate Committee on Finance that "when salt shall be admitted free, * * * our even now struggling industry shall be paralyzed or destroyed in an unequal competition with the cheaper product of foreign cheaper labor. We will then soon be made to pay to the English Salt Union the price which it exacts elsewhere."

Contrary to predictions, we both produced and consumed more salt from 1895 to 1897 than ever before, as is shown by the following table of production and imports:

Consumption of salt in United States.

[In barrels of 280 pounds each.]

Year.	Domestic production.	Net imports.	Total consumption.
1890	8,876,991	1,820,427	10,697,418
1891	9,987,945	1,678,159	11,666,104
1892	11,698,890	1,614,816	13,313,706
1893	11,897,208	1,224,025	13,121,233
1894	12,968,417	1,511,792	14,480,209
1895	13,669,649	1,760,115	15,629,764
1896	13,850,726	1,796,223	15,645,949
1897	15,973,202	1,438,838	17,412,040
1898	17,612,634	1,307,972	18,920,606
1899	19,861,948	1,299,225	21,161,173
1900	20,738,729	1,467,116	22,205,845
1901	.....	1,456,874	.....
1902	.....	1,363,839	.....

SALT ASSOCIATIONS AND TRUSTS.

The salt manufacturers have always had an affinity for selling agencies and price agreements. In 1866 the Michigan manufacturers were uniting. The Michigan Salt Association began in 1876. It takes the product of all members and sells it, thus avoiding much competition. It has been renewed every five years since 1876, and has generally controlled about 90 per cent of Michigan's product, which is one-third of our total product. Since 1890 New York has produced more salt than Michigan, and the two States now produce 70 per cent of our product.

Other similar selling agencies were in operation in New York and Ohio, and each had alliances and agreements with the others. As, however, previous to 1898 but little was done to restrict production, the permanent effect upon prices was not great.

On March 18, 1899, the National Salt Company, a New Jersey concern, was incorporated with $12,000,000 capital, $5,000,000 of which is 7 per cent preferred stock. It immediately acquired fourteen plants in New York, for which its predecessor, the National Salt Company of West Virginia, was the distributing agent. Those plants were said to manufacture 90 per cent of New York's product, and to have made net profits in 1898 of "not less than $450,000." By October this company had purchased many of the best plants in Ohio, West Virginia, Michigan, and Kansas, had leased other plants for five-year periods, and had contracted for the output of other plants. Thus in the Pomeroy, Ohio, district the trust appears to have bought and closed one plant, closed three other plants, which it had "dead rented" for five years, and contracted for the output of three more plants. In Michigan it has contracted for the product of the members of the Michigan Salt Association.

The prosecuting attorney for Meigs County and the attorney-general of Ohio proceeded against this trust to test its power to own and close furnaces which have been running for thirty years.

The United Salt Company, an Ohio corporation of 1890, appears to have been the local trust which prepared the way for the National Company. Both of these organizations are said to be officered by Standard Oil people and to be practically adjuncts of the Standard Oil trust. The headquarters at New York were, until 1902, in the building of the Standard Oil Company, and Standard Oil attorneys in Ohio defended the National Salt Company.

A WORLD SALT TRUST.

In 1901 the International Salt Company of New Jersey was formed, with $30,000,000 capital and $12,000,000 bonds. This new company acquired the properties of the National Company and of the Retsof Mining Company, miners of rock salt, and has also acquired or will acquire the securities of salt properties in Great Britain and Canada. Thus this Rockefeller world trust in salt has an almost complete monopoly (begging Senator Hanna's pardon for using the word) of salt

in America and an incomplete monopoly in the rest of the world. This does not mean that the trust can charge unlimited prices for salt at the seashore, because salt can be made from sea water, if necessary. It does mean, however, that the trust can charge at the seashore what it costs, including the duty, to lay down foreign salt there, and in the interior of the country the trust can and does charge about the seashore price, plus cost of freight, although the salt mines are in Michigan, Ohio, western New York, West Virginia, Kansas, and Texas. On this point the president of the salt trust, Mr. Archibald S. White, left no doubt when he testified before the Industrial Commission, April 11, 1901. He stated freely that they got all they could for salt at all points. He said:

"We do not put a price on salt and say if we can not get that price we will quit business, but we meet competition. We make such prices as the conditions warrant, always trying to get a profit, but sometimes selling at a loss. * * *

"Q. (By Mr. PHILLIPS.) Where you have competition at one point, do you sell lower at that point in order to meet it?—A. We have to or we do not sell at all.

"Q. When in competition at that point you sell lower, do you also reduce the price at other points?—A. Not unless we have to. We are governed by the same general laws that govern all business.

"Q. That is, where there is competition you sell low, and you recoup yourselves off the general markets?—A. Certainly.

"Q. Is that fair to the competitor, do you think?—A. We are not looking out for his interests.

"Q. Is it fair to the community?—A. I think it is. It is only a teeter board, where it evens up on the average.

"Q. Doesn't the public get the worst of it?—A. No; they can not get something for nothing. * * * We do not in any one of these districts have a complete monopoly. We do not own all the salt producing capacity in Kansas. There is somebody else there, and we can not put the price up in Kansas to an extravagant point to kill off the competition that we may have in New York or make up to us for the price there."

President White's "teeter board" may average up all right for the trust, but to a bystander it looks as if the trust and the temporary small competitors were on top of the board and the consumers were under it and supporting it.

On the subject of inspection he said:

"Well, there is a fake inspection in Michigan. * * * The barrels are branded before the contents are put into them."

He said the salt was supposed to be inspected in the bin, "but the law isn't carried out."

PRICES BEFORE AND AFTER THE BIG TRUST.

President White produced figures showing that the price of salt per barrel in Michigan was 48⅞ cents in 1895, 40⅛ cents in 1896, 41 cents in 1897, 43⅞ cents in 1898, 38⅛ cents in 1899, 47 cents in 1900, and 55 cents in 1901.

Mr. Christian Klinck, a meat packer, of Buffalo, also testified on salt on May 16, 1901. On the subject of prices he said:

"Q. What has been the general course of prices of salt?—A. (Reading.) We buy all our salt by the ton. These prices are delivered at the packing houses in Buffalo: In 1891, $3.25 per ton; in 1892, $2.85 per ton; in 1893, $2.50 per ton; in 1894, $2.50 per ton; in 1895, $2.50 per ton; in 1896, $2.50 per ton; in 1897, $2.50 per ton; in 1898, $4.05 per ton; in 1899, $4 per ton; in 1900, $4.50 per ton; and in 1901, $5.70 per ton.

"Q. What, in your judgment, was the cause of this very rapid increase in the price of salt from 1898 on?—A. I presume it was on account of the trust. I do not see any other reason."

The following prices of salt were taken from Mr. Klinck's books:

PRICES OF SALT AT BUFFALO.

Year.	Coarse, per ton.	Fine, per barrel.	Year.	Coarse, per ton.	Fine, per barrel.
1891	$3.25	$1.18	1897	$2.50	$0.71½
1892	2.85	1.00	1898	4.05	1.17
1893	2.50	.76	1899	4.00	1.17
1894	2.50	.76	1900	4.50	1.20
1895	2.50	.76	1901	5.70	1.56
1896	2.50	.73			

SALT WORKS CLOSED TO RESTRICT PRODUCTION.

Mr. Klinck gave more interesting testimony:

"Q. (By Mr. PHILLIPS.) Did the National Salt Company shut down any of the works that they purchased?—A. I think they shut down a majority of them.

"Q. (By Senator KYLE.) Where are their different plants located?—A. There are some in Warsaw, some in Seneca Lake. There is the Crystal Salt Company, not far from Warsaw.

"Q. Are there some in Kansas?—A. Yes; there are some in Kansas. Why, they own salt works in California and all over the country.

"Q. All the salt works in the United States were in the National Salt Company, were they?—A. There are only one or two in New York—the Worcester and the Chauncey—outside.

"Q. (By Mr. PHILLIPS.) Is there, to your knowledge, much complaint in your city in regard to this advance by the National?—A. Oh, there is complaint all over by the dealers. There is naturally a good deal of complaining about the high price of salt.

"Q. Is the grade of salt as good as it was formerly?—A. They do not make the grade of salt as good. They sell more moisture with it than formerly.

"Q. You had to buy it just as they offered it?—A. We had to buy anything they gave us.

"Q. In that ten years did Michigan ever come into the Buffalo market to compete?—A. They would not let Michigan, or Ohio in. You could not buy a pound of salt from Michigan, or Ohio, or Canada. You either had to buy the salt of the National Company or import your salt from Europe.

"Q. Were there any attempts made by the Saginaw people or others to get into that market during the ten years or before?—A. I do not think so. I have tried frequently to buy from there. The last six months salt was sold cheaper in Cleveland than in Buffalo, and Buffalo parties ordered salt in Cleveland—barreled salt. But it was found out that they were shipping salt from Cleveland to Buffalo, and the National Company told the man who shipped the salt down that if he did not stop they would stop selling him.

"Q. (By Mr. PHILLIPS.) They actually told him that?—A. Yes; so I was told.

"Q. Is there any imported salt?—A. Not that I know of. I read in the paper that some was imported. It is very expensive. It costs a great deal more than the National salt; it is claimed to be better, but it costs a great deal more. There is a heavy duty on it."

The salt trust has, because of freight rates, a natural monopoly in salt in many inland States and an artificial tariff monopoly in many of the coast States. It controls foreign companies and, aided by the tariff, prevents big importations and competition from abroad. With due regard to the little competition it must meet in some places, and with no regard for cost of production or the wishes of the consumers, it sells salt at all points at the highest possible price, even closing up half its works to bring consumers to terms. On an average, it has probably advanced the price of salt from 55 cents per barrel to $1. This advance on a consumption of 22,000,000 barrels a year means monopoly profits of $10,000,000.

The abolition of the tariff on salt would not break this monopoly, but it would weaken it and probably reduce its profits by one-half. The freight on imported salt varies from about 75 cents to $1.60 per ton. The duty is $1.60 per ton in bulk. The duty, then, is a greater obstacle to importation than are freight rates.

The only classes that have thus far avoided the trust are our fish packers and our exporters of meats. These only enjoy the special privilege of getting their salt free and cheap. Is there any sound reason why others should be compelled to pay tribute to this trust?

SOME CHEMICAL TRUSTS.

ALL PROTECTED BY NONREVENUE-PRODUCING DUTIES—WOOD ALCOHOL EXPORTED AT PRICES FAR BELOW THOSE CHARGED TO HOME CONSUMERS—PARIS GREEN TRUST VERY PECULIAR—COMES AND GOES IRREGULARLY AND DISAPPEARS AT THE END OF POTATO-BUG SEASON—PRICES NEARLY DOUBLED DURING MAY AND JUNE OF MANY YEARS—TARIFF PREVENTS IMPORTS AND HELPS TRUST.

Although we now manufacture and supply our own market with hundreds of articles which formerly were imported, and although we obtain no revenue from the duties on these articles, yet it is a mistake to conclude, as many have done, that duties on such articles are dead letters and are not effective. It is these nonrevenue-producing duties that are most effective in protecting trusts.

Thus the duties on drugs and chemicals, with few exceptions, produce little or no revenue, yet protect hundreds of trusts. Chemical manufacturers and chemical dealers take to trusts as ducks take to water. Combinations, associations, agreements, and understandings are common throughout the entire trade. Manufacturers in similar lines sell by the same schedule of prices; jobbers practically do the same; retail dealers have uniform prices. Druggists in most cities, villages, or counties have their associations, which fix prices on most of the important articles dealt in. Free and open competition, if it ever existed, is a thing of the past in almost every branch of the chemical trade. Chemicals being mainly raw materials or medicine, protective duties upon them are almost certain to become "instruments of extortion."

Some of the "heavy" chemicals which are controlled by substantial trusts are borax, linseed oil, and white lead. Some others controlled by agreements, selling agencies, etc., are Paris green, ultramarine blue, bromine, etc. Nearly everything in the acid line is under control. Thus acetic acid (wood alcohol) is controlled by a monopoly, Manhattan Spirits Company, which sells in this country at nearly double cost prices. In March, 1900, the price was 90 cents per gallon for what was estimated to cost less than 50 cents. The trust was then exporting its surplus at prices but little above cost. Present (1902) prices are from 60 to 65 cents per gallon.

In "fine" chemicals there are numerous trusts, composed of cliques of manufacturers, which, by means of some form of agreement or understanding, control production and prices of scores of articles. Thus four of our largest manufacturers of chemicals, two in Philadelphia, one in St. Louis, and one in New York, each manufactures about 350 articles. Each firm has its own catalogue, but they might as well sell from one catalogue, for their prices are uniform.

Some of the articles manufactured by these firms are iodoform, citric acid, bismuth salts, mercurials—such as calomel, corrosive sublimate, etc.—chloroform, resublimated iodine, and iodide of potassium, bichloride of potash, bichromate of soda, santonine, strychnine, Rochelle salts, etc.

The duties on all of the above and on hundreds of similar articles are prohibitive and serve no purpose except to protect the trusts formed to take advantage of these duties. As usual, the members of these protected trusts are very wealthy, and much of their great wealth has been filched out of the pockets of the people by means of these worse than useless tariff duties. According to the New York Tribune Almanac (see "American Millionaires"), William Weightman, of Powers & Weightman, one of the four firms mentioned above, is "considered by many the richest man in Philadelphia."

Many chemicals are exported and often at prices considerably below our home prices. But for our inordinate duty and internal-revenue tax of 700 or 800 per cent on alcohol—the most necessary and costly supply in chemicals—our chemical industry would probably lead the world.

PARIS-GREEN TRUST.

The Paris-green combine will serve to illustrate many of the chemical trusts and will be of especial interest to farmers. It is a peculiar trust. It is intermittent and comes and goes so irregularly that it could never be caught by the worst trust-hating attorney-general, armed with the most severe antitrust law. It is as delusive as a will-o'-the-wisp.

While Paris green is classified as a paint, its principal use is as an insecticide for killing potato bugs, cotton worms, and various other insects and worms which prey upon vines and trees. The greatest demand for it occurs during the potato-bug season in April, May, and June. This fact is very significant and important to those who manipulate the prices; also to the farmers who pay the manipulated prices.

About January 1, 1894, the eight or nine manufacturers (all of New York) signed and sent out a circular, saying to jobbers that jobbing prices would be fixed later, and that all who would agree not to purchase elsewhere and who would then order would be given rebates of from 3 cents per pound on orders of more than 10,000 pounds to 1 cent on orders of less than 1,000 and more than 500 pounds. As prices had not in five years exceeded 14 cents per pound, nobody outside the trust supposed that prices would go much higher than formerly. To the surprise of all, prices were marked up to 20 cents about the middle of April, and a month later to 23 cents.

Judging by these prices 1894 must have been a great year for potato bugs, cotton worms, and protected Paris-green makers. The trade, however, understood that the last increase of prices was made to reward jobbers who bought large supplies from the trust and to punish those who had not done so. It was too late in the season for other chemical manufacturers to adapt their plants to make Paris green; and, besides, it would have been difficult to place the article quickly

on the market, nearly all the dealers being pledged to sell only the trust's product. These reasons and the duty of 25 per cent prevented the large importations which would otherwise have proved profitable. In fact, but for the duty, importers would carry a reasonable supply of imported Paris green, in order to benefit by sudden great demands and high prices.

The exposure of the methods of this trust in June, 1894, when the Wilson bill was being discussed in the Senate, caused the duty on Paris green to be reduced from 25 to 12½ per cent. In 1897 Dingley yielded to the behests of the manufacturers only to the extent of raising the duty to 15 per cent. This duty, however, serves the purpose of the trust almost as well as did the 25 per cent duty, for it compels importers to sell at a loss every year when prices are not raised by the trust.

The 1894 trust dissolved in the fall, and prices were greatly reduced. In the spring and summer of 1895 prices were again raised to from 17½ to 20 cents. In 1896 the trust thought it prudent not to recombine, and prices varied, mainly from 11 to 12½ cents per pound. In 1897 the Dingley bill was pending during the potato-bug season, and it was not considered advisable by the manufacturers to repeat the mistake of 1894. Hence prices ruled very low. In the East the drug jobbers sold Paris green at 11½ to 12 cents, while in the West, where, as the Oil, Paint and Drug Reporter of January 24, 1898, tells us, the jobbers "very largely operated under local agreements, * * * the price throughout the season was 13½ cents."

The Dingley rates having been settled, the manufacturers got together again in 1898. On February 28, 1898, the Oil, Paint and Drug Reporter said:

"The Paris-green situation seems to partake of much of the uncertainty that characterizes the bug to whose voracious appetite the delectable poison so successfully appeals. * * * Nobody knows when this pest may be expected by the farmer, and nobody knows what it will cost this year to do him up. After the usual annual announcement that, owing to dissensions among competitors, no combination of manufacturers was possible, the makers of green got together a fortnight ago and entered into a selling agreement, the only missing feature of the compact, so far as the public is advised, being the price. Up to date no price has been named, although orders are being booked for delivery later on. * * * Just what that will be is not very clearly foreshadowed, but it is likely to be above the figures of last year."

The trust marked prices up from 11½ to 12 cents on May 2 to 14½ to 18 cents by May 9, and to 14½ to 21 cents by May 23. On May 30 the Oil, Paint and Drug Reporter said: "Not much new business is reported, as the convention's agent is not inclined to sell freely for forward delivery at current prices, which range from 17½ to 21½ cents, according to style of packing. * * * Foreign makes do not cut any ice in this market, and may be quoted nominally at 15½ cents for kegs."

Regarding the situation in 1899, the Oil, Paint and Drug Reporter of January 16 said: "Chief makers are not inclined to sell freely at 9 to 10 cents. * * * The general impression is that when the demand comes in spring, all differences will be patched up and prices will be raised."

By March prices had been marked up to 12½ to 14 cents, where they were held until June 26. This being a bad season and "outside" makers being somewhat numerous and troublesome, the manufacturers did but little in the price-juggling line.

In 1890 prices were put up to from 13 to 15 cents. In 1902 the price was 13 to 14 cents in April and May and 17 or 18 cents in July and August.

The surest and about the only way to injure and possibly to kill this nasty little trust, which has put hundreds of thousands of illegitimate dollars into the pockets of its members, is to put Paris green on the free list.

THE PLATE GLASS TRUST.

HOW "PROTECTION" FOSTERS TYRANNICAL DICTATION AS WELL AS MONOPOLY.

[By Henry W. Lamb, president New England Free Trade League.]

The Industrial Commission has brought out some novel and striking evidence of the manner in which the protective tariff supports "trusts" in their oppression and extortion. In the case of the plate glass trust, alias the Pittsburg Plate Glass Company, the evidence presented demonstrates—

First. That this "trust" has made enormous increase in selling prices.

Second. That it is the protective tariff which makes this possible.

Third. That the trust terrorizes the customers to whom the tariff enables it to dictate.

Fourth. That the removal of protection is the only practical remedy.

Mr. John Pitcairn, president of the Pittsburg Plate Glass Company, gave the Commission an account of the organization of that company, from which it appears that it operates works at Creighton, Tarentum, Ford City, Charleroi, Elwood, Kokomo, Crystal City, and Walton, controlling nearly 80 per cent of the entire output of plate glass in this country.

PRICES RAISED 150 PER CENT.

Mr. George H. Mayer, engaged in the glass business in Philadelphia, presented figures to show that the trust had advanced prices within the last three years 150 per cent. He specified three sizes, which, he said, covered the greater part of the demand, 12 inches by 60, 24 by 60, and 24 by 84. On these the prices were now 150 per cent higher than three years ago. According to Mr. Mayer the average selling prices had been as follows:

	Cents.
From December, 1897, to April, 1898:	
1 to 5 feet per square foot	15
5 to 10 feet do	24
10 to 25 feet do	34
25 to 50 feet do	36
From August, 1898, to July 1899:	
1 to 5 feet do	30
5 to 10 feet do	48
10 to 25 feet do	68
25 to 50 feet do	72
From August, 1900, to date:	
1 to 5 feet do	37½
5 to 10 feet do	60
10 to 25 feet do	85
25 to 50 feet do	90

Mr. Pitcairn claimed that this rise of 150 per cent on the sizes which, as Mr. Mayer testified, constituted the greater part of the demand, was not a fair statement of the general rise. As well as can be made out from his testimony—for he was not definitely pinned down by cross-examination—Mr. Pitcairn admitted an average increase of 50 to 60 per cent on all sizes. He appeared to think that he justified it by claiming an "average increase" of 85 per cent in raw materials (not explaining what that expression meant) and an increase in wages paid to his labor—of what? Well, of 5 per cent; 150 per cent on standard sizes, 60 per cent on all sizes and 5 per cent increase in wages of labor.

In reply to the inquiry, "How large a proportion of the financial product is paid in wages to labor?" Mr. Pitcairn replied, "About 48 per cent." That is, out of $100 received for the goods, $48 was paid to labor. A rise of 5 per cent would amount to $2.40, so that, apparently, while the trust gets $160 for goods it formerly sold for $100, it pays only $2.40 more for labor.

Mr. Pitcairn was not asked what proportion of the cost was paid for the raw materials; yet anyone familiar with the items which go to make up the cost of manufacturing (such as selling expenses, taxes, insurance, salaries, repairs, interest, and other fixed charges) will see at once that, if 48 per cent is paid in wages, the proportion paid for materials will account for only a part of the difference between the $2.40 increase in cost of labor and the $60 increase in price squeezed out of the consumer under the protection of the tariff.

TARIFF DUTIES 50 PER CENT TO 140 PER CENT.

When asked why it was that the plate-glass manufacturers were able to make such an advantageous use of the tariff now in maintaining their selling prices, when they could not formerly under somewhat the same duties, Mr. Mayer replied:

"Because their interests are more consolidated. They have a grasp on the output; they control the output and the distribution of it to-day."

Mr. Pitcairn stated that the tariff upon plate glass comprised the following specific duties:

	Cents.
Up to 16 inches by 24 per square foot	8
16 by 24 to 24 by 30 do	10
24 by 30 to 24 by 60 do	22½
All above 24 by 60 do	35

He said that the management of his company had always favored "reasonable" tariff duties; but it appears from a schedule of Antwerp prices, presented by Mr. Fred G. Elliott, a business man of Philadelphia, that these "reasonable" duties ranged from 50 per cent on the smallest sizes to 100 and even 140 per cent ad valorem on the large sizes. In spite of this, according to the schedule, "polished plate can be imported in cut sizes from 10 to 20 per cent cheaper than the extreme selling price of the plate glass trust today."

In other words, this trust has known how to work the tariff bonus to an extent even greater than the duty. Most protected extortionists have not felt safe in advancing prices quite to the importing point, i. e., to such an extent that their prices equalled the cost of imported goods after the duty was paid. But the plate glass trust audaciously goes 10 or even 20 per cent higher than the importing point, and even then importation fails to give relief from the extortion.

TARIFF A WEAPON TO TERRORIZE DEALERS.

The explanation of this paradox was brought out quite clearly in the testimony. Mr. Mayer explained that it would not be safe to take advantage of the 10 or 20 per cent difference by importing foreign plate glass. "There is," said he, "an intimation that the plate glass trust, if they see fit, could possibly reduce the selling price here, and leave us a lot of glass that we have imported to sell at a loss. They have it within their power on account of the enormous duties." These duties, he explained, enable the trust to make such great profits that it could afford to meet occasional importations in that manner. That would, of course, be a good thing temporarily, for a few consumers, but only a few; and the price even to them would soon go up again, while it would be one out of many cases where the United States Government has put a tariff weapon into the hands of a manufacturer to enable him to drive a former customer out of business. The nature of the "intimation" to which Mr. Mayer alludes may be learned from the following letters sent to reputable and long-established houses in Philadelphia:

TRUST FORBIDS IMPORTATIONS.

PHILADELPHIA, PA., *October 27, 1900.*

GENTLEMEN: We have just been advised by our general office that any permission which has been given to the jobbers whereby they were allowed to import plate glass must be at once withdrawn; and we hereby beg to notify you to this effect.

We will ask you to send to this office at once a memorandum of any foreign glass that you may have ordered which you have not yet received. Please include in this memorandum that which may already be on the water, as well as the portion that has not yet been shipped from abroad. Kindly give this matter your prompt attention, and oblige,

Yours, truly, PITTSBURG PLATE GLASS COMPANY.

PHILADELPHIA, PA., *November 30, 1900.*

GENTLEMEN: At a meeting of the manufacturers and "A" jobbers of plate glass in Pittsburg on the 14th instant, it was resolved that no "A" or "B" buyer would be permitted to import plate glass or to purchase plate glass that had been imported into this country. The manufacturers will expect all the "A" and "B" buyers to conform strictly to this resolution.

Yours, truly, PITTSBURG PLATE GLASS COMPANY.

It should be explained that "A" buyers buy "stock sheets" just as finished in the factory, and cut them; "B" buyers purchase standard, or "cut sizes." It should be added that the Pittsburgh Plate Glass Company has gone into the jobbing business of paints, brushes, etc., in addition to glass, with offices or warehouses in fifteen or twenty large cities. It sells, apparently, to customers of the "B" buyers and to the "B" buyers themselves at the same price, allowing the latter a "preferential" or rebate of 5 per cent "if they behave themselves," as one of them expressed it.

Is this a free country, where a business man dares not import a part of his goods for fear of losing all his opportunities to sell any of his goods?

INDEPENDENT DEALERS GET UNDER THE MONOPOLY UMBRELLA.

It would take, according to Mr. Pitcairn, two years to build a new plate glass plant. But how about the three so-called "independent" plate glass companies now existing in the United States, for the trust only makes 80 per cent of the output? Mr. Mayer's evidence furnishes the answer:

Q. What is to hinder your getting your supply of glass from them?—A. As I said before, their output is limited, and all of it has been engaged.

Q. If prices are excessive, why do they not enlarge their works so as to supply the demand?—A. That is the natural course of business, but I do not know that it is the natural course of monopolies in restraint of trade. I think the natural course of monopolies is to restrict the output and put up the price.

It is, then, the old story. A gigantic trust, which does not need a complete monopoly to enable it to make exorbitant prices, because the smaller companies, for whom it "holds the umbrella," find that restricting the output is their most profitable policy—and a protective tariff furnishing the opportunity. There is no remedy but the plain, just, common-sense remedy of removing the protection.

FREE HIDES.

[By Hon. William B. Rice, Rice & Hutchins, Boots and Shoes.]

In this country no man raises cattle for their hides. A tariff tax will not increase or diminish the domestic production by one hide. We import South American hides because we need them. Twenty-five per cent of the leather manufactured in this country is made from foreign hides and skins. The tariff upon them is simply and purely a tax, burdening the people and crippling our manufacturers in foreign markets.

By the act of July 24, 1897, the Dingley tariff, a duty of 15 per cent ad valorem was placed upon hides, which had been free for twenty-five years previously. The imposition of this duty has entailed a tax upon the country amounting to not less than $2,000,000 annually, has added from 5 to 8 per cent to the cost of every American-made pair of boots or shoes, and has made it just that much harder to compete in foreign markets. By the same act a rebate of 99 per cent of the duty is given on exports of leather made of imported hides, the effect of which has been to discriminate against American and in favor of foreign manufacturers.

But ten years ago the possibilities of an export trade in shoes were not thought worth consideration. To-day no intelligent person, who studies the situation, doubts our ability to successfully compete for a share of the trade of the world, if we can have equal opportunities with our foreign competitor in the purchase of materials. We pay more for our labor, and it is worth more. We have learned that it is not the lowest-paid labor that makes the lowest-cost product. In our shoe-manufacturing towns generation after generation has studied and practiced the industry, until the great body of our workmen are not merely shoemakers, but educated, intelligent artisans.

This marvelous advance in capacity for production of quality and quantity has outstripped the power of our own country to consume. We can manufacture in nine months as many shoes as our people will purchase in twelve. We have, therefore, reached that stage of development when we should vigorously improve every opportunity to widen our market and when it would seem good policy for our Government to render every aid to a complete development of the possibilities of foreign trade.

In 1895 our export of shoes reached $1,000,000. In 1896 they were $1,500,000. Yet leather exports were $17,700,000 for the same year. Taking fiscal years ending June 30, in 1898 shoes were over $1,000,000; in 1899, $2,711,656; in 1900, $4,276,656, and for 1901 they reached $5,526,290, showing a gain of 200 per cent in the past three years. The exports of leather for the same years, however, are over $21,000,000 a year.

Our American tanneries make the best leather in the world. They use not only the vast production of the hides in our own country, but last year imported hides and skins to the amount of $33,000,000, making of leather from the foreign hides and skins alone more than fifty millions. The Englishman, the German, and other foreign manufacturers buy that American leather to take home and manufacture into shoes to compete with us, and when they take it out of the country, our Government pays them for doing it a bounty, alias rebate, of 99 per cent of the duty that may have been paid on the imported hide, amounting to from 5 to 10 per cent; and no way has yet been found for American manufacturers to get like treatment. The result is that a considerable portion of the upper and much of the sole leather made in the United States from imported hides is sold to foreign manufacturers at a lower price than we can buy it by 5 to 10 per cent.

It may be asked, Why don't you get the rebate of duty paid on the imported leather in exported shoes?

For the reason that there are from fifteen to twenty-five pieces of leather in a shoe, some of which may have been made from imported hide, and others not; and, when once a hide is tanned and cut up into innumerable pieces, and made into a shoe, it is impossible to trace those separate pieces, and prove which are made from foreign hide to the satisfaction of the United States officers.

This hide duty is a serious handicap to the American shoe manufacturer in competition with the foreigner for the export trade. As a revenue duty it is a failure, for the rapidly increasing rebate, together with the cost of collection, will soon absorb the income and the opportunities and temptation to fraud in regard to rebate are numerous. It protects the foreign manufacturer against American, and nobody else. It encourages the tanner of leather for export to buy foreign hides, whenever they can be bought for nearly the same price as the domestic, because he can get his profit in the rebate.

It has resulted in building up the tannery interests of Canada at a corresponding loss to those of the United States. It has increased the cost of footwear and other products of the hide to the people of the United States, while benefiting none, unless it be the great meat-packing establishments; and it is very doubtful if it benefits them.

The hide duty ought to be repealed, not alone in the interest of the great industry of curing and tanning hides and fashioning them into numberless things which are necessities, but in the interest of the consuming public.

THE WORLD'S SUGAR PROBLEM.

Sugar is a very important and most wholesome article of food. Partly because of its wholesomeness and partly because it is a highly condensed food, it is now furnished in large quantities to most modern armies. Soldiers provided with liberal rations of sugar are said to have great powers of endurance.

The consumption of sugar is universal, and sugar is considered almost as much an article of necessity as is bread. In fact, our sugar bill is about as large as our flour bill. Each at wholesale prices, near the place of consumption, are around $250,000,000 a year.

Because it is a necessity and a most wholesome food for all classes of people, it should be as cheap as possible. There should be no tax upon it any more than there should be a tax upon bread or meat. It probably provides more nourishment per pound, or for the same cost, than is provided by either bread or meat. It is, therefore, naturally the poor man's food.

Nature and natural laws, however, have not been left free to produce beneficent economic results. They have been interfered with by all sorts of legislation. Man has tried to improve the natural order of things in the production and distribution of sugar, as in the cases of many other articles. And what a mess he has made of things! The injurious effect of interfering, by internal and import taxes, with the production of and trade in important articles of necessity are well illustrated by the results in the case of sugar.

NATURAL COST OF SUGAR.

Were there no artificial barriers to trade, such as tariff and other taxes, the people of this round world would be eating sugar that cost them from 2 to 3 cents per pound. Like oranges and bananas, it would be produced entirely, or almost entirely, in tropical regions, because it can there be raised most cheaply. The best of raw sugar would then cost about 2 cents per pound in the Tropics. It is refined at a cost of about one-third of a cent. The cost of distribution to the principal points of consumption would vary from one-tenth to one-half of a cent per pound. The total cost of refined sugar in the principal markets of the world would then be from 2½ to 3 cents per pound. Being one of the very cheapest, most nutritious, and most wholesome of foods, almost the very poorest could then gratify the natural desire for sweets.

THE ARTIFICIAL COST.

Instead we see sugars selling in most civilized countries from 5 to 12 cents, and in exceptional countries from 1½ to 2 cents per pound. In many countries its high price makes it an article of luxury to most people, while in a few countries it is so cheap that at time it is fed to cattle and hogs to fatten them. Strange to say, it is dearest in the countries which produce it most largely and cheapest in countries which do not produce it at all. Not only this, but the very countries in which the price of sugar is so high that the people eat it but sparingly are the countries which supply the cheap sugar which is fed to stock in other countries. As Mr. Hugh Kelly, a New York sugar merchant and planter of the West Indies, told the Ways and Means Committee:

"You may eat German and Austrian sugars in England at less than 2 cents per pound, but you must pay 8 cents per pound for those sugars in Germany. You may eat French sugar in England for 2 cents per pound, but you must pay 10 cents per pound for that sugar in France.

"No such condition as that prevails in the United States. Upon an investigation, made within a day or two, I discovered that more than three-fourths of the sugar produced throughout the world is produced under conditions somewhat similar to those I have described. There is either a bounty, supplemented by a cartel, or there is a prohibitive duty, or there are other conditions or combinations which make it possible for countries to protect themselves against the outside world in the matter of sugar.

"But Cuba has nobody to look to but the United States, and Cuba asks you to take her into your economic system—to make her your ward in fact, as she is in deed to-day—because you have limited her treaty-making powers with any other country."

What are the causes of this anomalous and palpably absurd condition of affairs? Taxes, tariff duties, drawback duties, differential duties, countervailing duties, bounties, export bounties—these, with their concomitants, trusts, syndicates, and cartels, are what have upset and bedeviled the natural and beneficent order of things and are depriving the bulk of mankind of a cheap food. These taxes, duties, and trusts have so changed the economic and political face of the earth and have gotten us so far away from the natural order of things, that the greatest experts on sugar to-day admit their inability to predict what would result from the doing away with all of these artificial barriers to production and commerce. So artificial are conditions now that it is difficult to tell whether beets, which now supply two-thirds of the sugar of the world, would, under free conditions, supply any of the sugar of commerce. How much sugar, in the various forms, the people would eat if it were free and cheap, must remain a mystery until the experiment is tried. It is presumable, however, that we Americans would eat from 50 to 100 per cent more, and that most Europeans would eat two or three times what they now eat.

Let us look at the tariff duties, the selling price of refined sugar and the per capita consumption of sugar in European countries and in the United States. The following table gives the approximate prices of raw and refined sugar in the principal markets of each country, all terms being reduced to United States denominations:

Sugar duties, prices, and consumption.

[Reduced to cents and pounds, approximately.]

Country.	Sugar tax.			Approximate price Apr. 15, 1902.				Per capita consumption.
				Domestic.		Export.		
	Import duty.	Excise or surtax.	Total tax.	Raw (88° beet).	Refined.	Raw (88° beet).	Refined.	
Austria-Hungary	3.7	2.4	6.1	.....	7.6	1.8	.....	15
Belgium	5.0	4.5	5.0	.....	6.7	.....	.....	23
Denmark	1.2	.....	1.2	.....	3.0	.....	.....	55
France	1.6	5.4	7.0	.....	8.5	1.5	1.8	25
Germany	4.3	2.2	6.5	2.3	6.1	1.3	1.77	28
Italy	8.7	.....	8.7	.....	11.1	.....	.....	6
Netherlands	.....	4.9	4.9	.....	6.5	1.4	.....	25
Russia	5.7	2.5	5.7	6.5	7.3	1.6	2.0	9
Spain	2.8	4.4	7.2	.....	9.0	.....	.....	10
Sweden and Norway	4.0	4.0	.....	.....	5.8	.....	.....	38
Switzerland	.9	.9	.....	.....	2.6	.....	.....	60
United Kingdom	.9	.....	.9	2.2	2.6	1.4	1.9	90
Total Europe	.....	.....	.....	.....	.....	.....	.....	27
United States	2.3	.....	2.3	[a]3.4	4.5	.....	2.5	70

[a] Cane sugar, 96° centrifugal.

SUGAR AND POLITICS.

This innocent looking table is full of meaning to those who will study it closely. It contains volumes of history—social, industrial, and political. It illustrates the power of organized industry to in-

fluence legislation and oppress the great masses by heavily taxing an important article of food. It shows also that tariffs breed trusts, and that a protected infant industry becomes a domineering and dictatorial master as soon as it has become large enough to supply the home market. In fact, during the last quarter of a century the sugar growing and refining industries in Europe and America, petted and pampered by tariffs, bounties, and export duties, have grown and developed until to-day the sugar problem is the political Frankenstein of the western world. International sugar conventions and conferences are held to avert, if possible, the threatened political and social evils due to the legislation which has gradually been forced upon each sugar-producing country by the very sugar industries which have been fostered by tariffs and bounties. Apparently no one country is strong enough to loosen the hold of the sugar octopus.

The sugar drama, Cane vs. Beet, and Both vs. the Consumer, has the political stage in every important civilized country of Europe and America. Political parties, presidents and kings, tremble before this saccharine power.

Examining the table, we observe that there is, apparently, a close connection between the price of sugar and the tax on sugar in each country. The total consumption of each country also appears to be fairly well decided by the price or the sugar tax. Putting these countries in order, according to the effective tax, in each we have:

Sugar taxes, prices, and consumption.

Country.	Total effective tax, cents per pound.	Price of refined sugar, cents per pound.	Per capita consumption, pounds.
Italy	8.7	11.1	6
Spain	7.2	9.0	10
France	7.0	8.5	25
Austria-Hungary	6.1	7.6	15
Russia	5.7	7.3	9
Belgium	4.9	6.7	23
Netherlands	4.9	6.5	25
Germany	4.3	6.1	28
Sweden and Norway	4.0	5.8	38
United States	2.26	4.5	70
Denmark	a1.2	3.0	55
Switzerland	.9	2.6	60
United Kingdom	.9	2.6	90

[a] Including duty of 1.95 cents and countervailing duty from Germany of 31 cents per 100 pounds.

Thus in each country the tariff tax (or the tariff plus the excise or consumption tax, where the latter must be paid in addition to the tariff tax) determines very closely the selling price of sugar. In a general way the tax also determines the amount of sugar the people can afford to eat. The tariff is certainly a tax in the case of sugar, and apparently it is paid by the home consumer and not by the foreigner. It is a tax even where (as in the cases of most of the great European countries) a country produces much more sugar than it consumes. In all such cases trusts and monopolies appear on the scene and collect the full tax from the people and turn over to the Government only the amount of the excise tax. That is, the trusts absorb the surplus tariff tax, if there be any surplus over the excise tax. An unnecessary tariff tax is reasonably certain to fatten some trust. It attracts trusts as sugar does flies. A trust is as certain to appear where there is a surplus tariff as are maggots on a decaying carcass. Whenever and wherever a protected industry has made such advancement that it can produce as cheaply as its foreign competitors, a trust appears to neutralize the possible good results and to prevent the people who have for years been paying the protective taxes from reaping the supposed benefits of protection. The protected countries of Europe are cursed by these tariff-fattened trusts. They have different forms, but they accomplish their own greedy purposes in all cases.

GERMAN SUGAR TRUST OR "CARTEL."

The German sugar trust is a three-headed affair. It is very complicated, but very effective, not only in depriving the people of cheap sugar, but in strengthening itself politically. It divides its ill-gotten profits between the beet growers, the manufacturers of raw sugar, and the refiners. While the refiners get the lion's share of the profits, the manufacturers, of which there are about 400, and the beet growers of which there are thousands, get sufficient of the spoils to make them an organized political force for tariff duties and bounties. The following from the Weekly Statistical Sugar Trade Journal of February 27, 1902, is perhaps the simplest possible explanation of the complex "cartel:"

"In Germany there are two sugar syndicates and one cartel:

"1. The German Sugar Syndicate.

"2. The Syndicate of German Sugar Refiners.

"3. The 'Cartel,' or 'combination advantage.'

"1. Consists of manufacturers of raw sugar from the beet, manufacturers of refined sugar direct from the beet, and the manufacturers of refined from the raw sugar.

"2. Consists of sugar refiners from raw sugar and refiners direct from the beet, and this syndicate 2 guarantees to the members of syndicate 1 a certain minimum price whenever the market price of raw sugar falls below a certain level.

"This level, or normal price, is $2.78 per 100 pounds. The guaranty does not extend below a market price of $2.04 per 100 pounds. Below $2.04 or above $2.78, syndicate 1 gets nothing. At a market price of $2.04 or below, syndicate 1 gets the full difference between $2.04 and $2.78 per pound, or $0.74 per 100 pounds.

"Every month the members of syndicate 2 pay into syndicate 2 the amount due under arrangement 4 plus 10 per cent, which 10 per cent is to cover the expenses of conducting the Cartel (3). The entire sum thus collected forms the combination advantage or Cartel (3)."

Practically the syndicate, or "cartel," guarantees a price of $2.78 per 100 pounds to the manufacturers of raw sugar, or of 74 cents above the market price if the price is below $2.04. This guaranty greatly increases the price paid for beets. The manufacturers of raw sugar pledge themselves not to refine any sugar and are under contract not to sell a pound for home consumption or to those not in the cartel. The following extracts from the testimony of Dr. Harvey W. Wiley, chief of the Bureau of Chemistry, Department of Agriculture, before the Ways and Means Committee, January 29, 1902, explains somewhat the workings of this three-decker trust and contains estimates from high authorities of the amount extracted yearly from the German people:

"The most striking effect of the operation of the cartel is found in the relative effect it has had on the price of refined sugars in London and Magdeburg markets. For convenience the comparison is given in our currency for 110 pounds, from the time the cartel began to make itself felt in the world's markets, viz, June, 1900, to December, 1901:

Price of granulated sugar per 110 pounds.

	June 1, 1900.	December 1, 1900.
London	$2.40	$2.10
Magdeburg	6.07	6.82

"No argument could be more convincing than the above comparison. The cartel has enormously raised the price of sugar to home consumers to the extent of 12.4 per cent, and thereby has secured a corresponding reduction in the price to the English consumer, viz, 12.5 per cent.

"According to the Journal des Fabricants de Sucre for December 25, 1901, from June 1, 1900, to December 1, 1901, the total sum extracted from the German people by reason of the cartel is 150,000,000 francs, or nearly $30,000,000. Of this sum about $10,000,000 has been paid to the producers and the rest has remained with the refiners. But this journal adds:

"'But since it (the cartel) has not yet paid over all the bounty due the makers of raw sugar, the benefits are superior to that figure. In fact, the German refiner, like his brother in Austria, is the principal beneficiary of the cartel.'

"Apparently the sugar refiner the world over (and what may be said of him in one country is applicable to id omne genus) looks out for 'the main chance.'

"As a further proof that I have not placed the bounty due to the cartel too high, I will give the calculations of the Journal des Fabricants de Sucre for January 1, 1902:

"'If we consider the bounty en bloc, it can be said that since the beginning of the cartel, June 1, 1900, up to the end of November, 1901, the extraordinary levy on consumption in Germany was 158,898,750 francs. If we compare this sum with the quantity of raw sugar exported during the same period, viz, 1,560,804 tons, it is seen that the cartel has taxed German industry 10 francs for every 100 kilograms of sugar exported. To this bounty must be added the direct premium on the quantity exported, viz, 46,824,120 francs, and the total bounty on the 1,560,804 tons amounts to 205,723,000 francs.'"

Doctor Wiley says that the evil influence of the cartel bounty tends to increase and to become more oppressive, and urges the great sugar-consuming countries to "take such action as will once and forever annihilate all forms of bounty, direct and indirect." He says that:

"The application of import duties on sugar by various countries never tends to reduce the price of sugar in those countries, but always to raise it."

He quotes Sir Nevile Lubbock, the highest expert of Great Britain, as saying that "the cartel is only possible under conditions which the Government only can create, viz, an appreciable difference between the customs duty and the excise duty, or a high customs duty and no excise. The remedy is that exporting countries shall undertake that their customs duty shall not exceed their excise duty." In such countries he thinks that protective tariffs exist only to shelter cartels or trusts, and that "in such a case the Government is not only particeps criminis, but the fons et origo mali."

Because of export bounties, import duties, and cartels or trusts Dr. Wiley says, "The producer in the country whence the sugar is exported not only pays the freight, but also makes a contribution to the family expenses of the purchaser."

Thus, in the opinion of leading experts, not only is the tariff a tax, but it breeds trusts; or, in the words of President Havemeyer, of the Sugar Trust, "the mother of all trusts is the customs-tariff act."

HIGH PRICES PAID FOR CARTELS.

A similar trust exists in Austria-Hungary. In fact, it is older than the German cartel, for which it formed a model. The Austrian cartel is estimated to add $10,000,000 a year to its surplus earnings because of the tariff, besides perhaps half as much more because of export bounties.

Thus the Germans contribute about $25,000,000 and the Austrians $15,000,000 to their sugar cartels, created by their foolish and absurd sugar taxes. Besides they pay about $40,000,000 more a year for the benefit of their government treasuries. This sugar tax of about $80,000,000 a year amounts to nearly $1 per head or $5 per family for these two countries.

FRANCE'S SUGAR TRUST.

In France informal agreements between the six or eight sugar refiners regulates production and exports from month to month and controls prices and keeps them up to near the import point. An agreement to regulate prices is clearly illegal in France. Apparently the French sugar trust extorts about 1.3 cents per pound, or $12,000,000 a year, from the people. How it divides these ill-gotten or tariff profits with the sugar manufacturers or beet growers is not certain. It is certain, however, that the French sugar interests are well organized and represented in the Chambers, and that they will resent strongly any attempted legislation to reduce import duties or export bounties.

OTHER EUROPEAN TRUSTS.

In Russia the Government is in close alliance with the refiners, and regulates the output of each factory and the prices at which refined sugar shall be sold. There are many details, but the result appears to be that the 244 manufacturers licensed to sell in the home market, milk the consumers about 1 cent per pound, or $2,000,000 a year, and pocket the proceeds.

In Spain and Italy, as in Russia, and to a less extent in France and Germany, sugar refining is a semistate monopoly. Government officials are usually stationed in the refineries to supervise production, collect license and other taxes, and pay bounties.

In Belgium the twenty-five refineries in the syndicate are in perfect control of the domestic price. A similar condition probably exists in Denmark. In Holland there is no import duty, and there appears to be no refiners' trust.

CHEAP SUGAR IN NONPRODUCING COUNTRIES.

In the nonsugar-producing countries of Europe the import duty is for revenue only, and is believed to harbor no trusts. The best examples of such countries are Great Britain and Switzerland. These countries are not blessed or cursed with beet-sugar producers, and simply import the sugar, propelled by export bounties out of other European countries, and after making it pay a considerable part of their taxes, eat it at from one-third to one-fifth the cost to the consumers in the producing countries. In 1900, before England put the Boer war tax upon sugar, her people were eating refined sugar at about 2 cents per pound. But for this duty refined sugar would now be sold there at wholesale at 1¾ cents per pound. It is the very low price of sugar, aided by the cheapness of other articles (which makes the cost of living less than in any other country), which has raised the per capita consumption far above that of any other country, and has built up the canning and preserving industries and incidentally the small fruit and dairy interests. But for this duty England would probably now be using considerable quantities of raw sugar (which would sell at 1.3 to 1.4 cents per pound) to fatten stock, as she has done in past years.

STARVED AND SQUEEZED OUT OF EUROPE.

It is Europe's stupid legislation on sugar and on other products that has so increased the cost of living that "hard times" are chronic, even when crops are good, and semistarvation and great suffering prevail when crops are somewhat short, as has been the case for two or three years. Such burdensome taxes and foolish protective duties are driving millions to foreign countries and starving millions who are too poor to leave their native heaths. Why should they not go when in some foreign countries Europeans can eat their native sugar at one-fourth the cost at home?

The blessings of protection are all showered on foreigners; it is death to the stay-at-homes. And yet Europe's statesmen have for years been racking their brains to devise laws to keep their subjects at home.

"What fools these mortals be!"

It is noticed that the present unprecedented immigration into the United States is mostly from the highly protected countries of Europe, and that comparatively few come from Great Britain, although she is now heavily burdened with taxes because of her foolish and wicked war in South Africa. Her taxes are paid largely by those with big incomes, and her duties are but slightly protective, and do not burden industry and starve the people as do protective duties.

UNITED STATES AT THE MERCY OF THE SUGAR TRUSTS.

But we in the United States should not throw stones at Europe. We, too, live in a glass house. For twenty years our protected refiners of cane sugar have made our sugar schedules and have legislated money into their own pockets at every turn. Besides the cane sugar brigands, we have recently been imitating Europe and growing a crop of bounty-fed beet sugar barons. These latter have now become so strong and well intrenched politically that they assume to make our sugar legislation. Apparently the only salvation for our 77,000,000 of sugar consumers, who are not interested in producing either cane or beet sugar, lies in the fact that there is a conflict between these two interests as to what legislation to give us. The proverb that "when thieves fall out, honest men may get their dues," may save us. If the cane and beet sugar disease germs can annihilate each other, like the Kilkenny cats, and give us free sugar, we may be most thankful that we have discovered, or rather cultivated, the beet germ. If, perchance, they learn to tolerate each other's presence, then we are doomed. We will have the sugar disease in its compound and worst form. Unfortunately, the latter is most likely to be our lot.

When the invincible Havemeyer finds his match in the irresistible Oxnard, then will it suddenly dawn upon two great lawgivers that they are "up against it." A general hand shake will be proposed and accepted. Each will congratulate the other on his fighting qualities, and a compromise will be agreed upon and made law before the people have time to fully comprehend the new moves in the sugar game. The compromise will not bring relief to the people, but will be as to the division of the tariff plunder. It is not difficult to imagine a telephone talk between the two Henrys in charge of our sugar infants:

"Say, Henry, I just called you up to say that I fear the people will get onto our game and stop taxing themselves for our benefit if we don't soon stop our scrapping. I am willing to call it a draw if you are, and to meet you halfway in the division of the tariff spoils; but, for heaven's sake (or words to that effect), don't let's disgust the people so that they will stop our tariff pap. Both of our infants would perish. Let's be rational and get together, so that we can have matters fixed up in Washington before it is too late."

"Very well; I have been feeling that way myself. What are your terms?"

"Let's stop our press bureaus at once, close up our Washington offices and recall our Cuban detectives, because I'm certain we can agree on terms. A half loaf is better than none."

OUR REFINERS' PROFITS.

But few people realize how we have been held up and robbed by the sugar refiners during the last fifteen years. A few figures will shed light on this subject. In 1891 Willet & Gray's estimate of the cost of refining sugar to cover all losses and wastes was one-half cent per pound. That is, refiners could afford to sell granulated at one-half cent per pound above the cost to them of 96° raw sugar.

Another high authority, the Journal of Commerce and Commercial Bulletin, of New York, made the same estimate as to the cost of refining in 1891. Well-informed sugar experts say that the cost of refining in 1894–1897 was not over four-tenths of a cent, and that in the newest refineries it was only about three-tenths of a cent. In verification of these estimates the margin between raw and refined sugars in important European countries has been, for years, from two to seven tenths of a cent, and in late years has averaged less than four-tenths. This is for 88° beet sugar, where the percentage of loss is at least 8° greater than with 96° cane sugar. A liberal estimate for the cost of refining 96° cane sugar would be five-eighths of a cent from 1884 to 1891 and one-half cent since 1891. The present-day claims of five-eighths of a cent are unreasonable, and not in accordance with the census statistics available, which showed a cost in 1890 of less than four-tenths of a cent, as did also President Havemeyer's figures in 1894. Indeed, for the three years previous to the formation of the trust in 1887, the average difference between the prices of raw and of refined sugar was only 0.754 of a cent per pound.

The following table shows the margins between the prices of raw and refined sugar each year from the formation of the trust in 1887 to 1901; the part that represented surplus profit and the yearly estimates of the surplus profits based upon our total consumption of sugar:

Refiners' margins and profits.

Year.	Consumption (tons of 2,240 pounds).	Prices of sugar (cents per pound).			Margin for refining (cents per pound).		Refiners' surplus profits.
		Raw, 96°.	Refined granulated.	Difference.	To cover cost.	Surplus margin.	
1888	1,457,264	5.749	7.007	1.285	0.625	0.633	$20,649,531
1889	1,439,701	6.433	7.640	1.207	.625	.582	19,678,711
1890	1,522,731	5.451	6.371	.720	.625	.095	3,240,372
1891	1,872,400	3.863	4.641	.778	.500	.277	10,608,881
1892	1,853,370	3.311	4.346	1.035	.500	.535	22,203,373
1893	1,905,862	3.689	4.812	1.123	.500	.623	26,596,304
1894	2,012,714	3.240	4.120	.880	.500	.380	10,132,222
1895	1,949,744	3.270	4.152	.882	.500	.382	16,672,567
1896	1,940,086	3.624	4.532	.908	.500	.408	17,730,834
1897	2,070,978	3.557	4.503	.946	.500	.446	20,689,071
1898	2,002,902	4.233	4.965	.730	.500	.230	12,289,571
1899	2,078,068	4.419	4.919	.500	.500	.....	.....
1900	2,219,847	4.456	5.320	.754	.500	.254	11,625,941
1901	2,372,316	4.047	5.050	1.003	.500	.503	25,729,359
							224,845,677

Thus, even with these figures, the refiners' surplus profits have averaged $16,000,000 a year, or $224,845,677 in the fourteen years of trust domination. But these figures do injustice to the case. Because of reduced cost of refining the surplus margin should be increased by at least one-tenth of a cent. This would add about $5,000,000 a year to the profits. Then the yearly averages are taken from the monthly averages. This makes the yearly average too low, because much more sugar is marketed in the summer months, when the margin of profit is usually greatest. Thus in 1899, when no surplus profits are shown in the table, the margin averaged about seven-tenths of a cent from June 25 to August 20. It would be entirely safe to add $1,000,000 a year on this account to the surplus profits. Another $1,000,000 can be added because the refiners buy the great bulk of their raw sugar in the first four or five months of the year, when the price will average about one-fifth of a cent below the average for the year. In addition, the trust is estimated to have made in 1897 some $7,000,000 or $8,000 000 of extra profit on the sugar imported before the passage of the Dingley bill and sold afterwards at the higher prices. Again, the average prices are given for New York. The margin will probably average about 1 cent per pound more on the Pacific than on the Atlantic coast. In 1893 the New York Journal of Commerce and Commercial Bulletin found that the margin there was 2¼ or 2¾ cents, and estimated the trust's profits on the Pacific coast at $6,500,000 and in the whole country at $28,532,000.

The American Sugar Refining Company has probably refined an average of three-fourths of our sugar since 1887, but it has had a compact during most of this time with the more important of the outside refiners, so that it has dictated prices on nine-tenths of the product. The trust refused to comply with the census laws in 1890, and, as it made no public statements of its earnings or profits, it is a "blind pool." It is supposed to have $40,000,000 or $50,000,000 invested in outside industries—coffee mills, street railways, etc.—and is said to loan millions on call in Wall street, which may, at times, be invested on the long or short sides of the stock market.

It is this refiners' trust, or sugar leech, which has sucked about $20,000,000 a year for fourteen years from our sugar bowls, that now seeks to deceive the people and to get the duty lowered on raw sugar without any reduction of the duty on refined. Not that it would gain much directly by this change, but indirectly it would gain by getting the whip hand on the beet-sugar people, and ultimately, when the Cuban crop had increased to about double its present output, it could get its raw sugar for about 2 cents and sell its refined at from 3 to 4 cents, the lower prices being in the vicinity of the beet-sugar factories. This is the trust that has been paying for the distribution of literature telling us of suffering Cuba, when the fact is that Cuba is more prosperous now than for years, and that many sugar mills have had to stop grinding cane because labor could not be obtained, even at an advance of 50 to 100 per cent over the wages of a few years ago.

Incidentally the trust gives its case away in the following statement from the President's so-called "annual report:"

"It would seem that with an overflowing Federal Treasury there had disappeared any reason for continuing the existing high tariff upon raw sugar. It constitutes a charge upon the consumption of nearly 2 cents a pound.

"This represents an annual consumption of 2,360,000 tons—$85,000,000 a year. Of this, however, only 1,360,000 tons are imported, yielding customs revenues of $49,000,000. The balance, $36,000,000, goes into the pockets of the planters of the following States:

	Tons.	Value.
Louisiana planters	350,000	$12,600,000
Domestic beet	150,000	5,400,000
Hawaii	250,000	12,600,000
Porto Rico	150,000	5,400,000

"A removal of this duty on raw sugar would result in a saving to the consumer of $85,000,000.

"Misleading statements are constantly being made about the benefit to the company of reducing the present high rate of duty. The gain would be increased sales. The lower the prices at which refined sugar can be furnished, the larger is the number within whose reach it can be brought. To this extent there would be a gain to the company, but the substantial benefit of the remission or reduction of the duty would be to the consumer, and the practical question is, whether the public shall continue to pay the enormous amount which the duty requires

for the benefit of favored industries, which, according to published statements by those who are specially interested, do not require the protection."

At the special request of the stockholders present for further remarks on the matter of tariff legislation on sugar, Mr. Havemeyer said:

"Sugar is a necessity of life. Were the duty removed, the price would permit of it being used by the poorest people. The people are beginning to characterize the tax on sugar as a hunger tax. This, no doubt, is due to the fact that a surplus exists in the Treasury, and there is no reason for a tax on an article of food. The removal of the tax would be a great blessing to the entire community.

"As far as the beet industry is concerned, the farmers have received no more for their beets since the tax was reimposed than when sugar was free, in the years 1891, 1892, and 1893. What Mr. Oxnard says is of little account. What Mr. William Bayard Cutting attaches his signature to is of account. He has stated over his signature that the beet industry is profitable under conditions of absolute free trade, and that the United States being an agricultural country the industry has nothing to fear even from the annexation of Cuba."

It is as easy, as it must be galling, for Mr. Havemeyer to figure $36,000,000 a year of profits on sugar going to others. His estimates on the sugar crops of Louisiana, Hawaii, and Porto Rico are 160,000 tons above the estimate of Willet & Gray on January 2, 1902. This takes nearly $6,000,000 from his $36,000,000 and leaves $30,000,000, which is probably a fair estimate of the tariff profits of our home and colonial sugar growers. In other words, we present $30,000,000 a year to our sugar growers. This has made them so powerful politically that they can defy the great trust itself and vie with it in relieving us from the trouble of making our own sugar legislation.

But observe what Mr. Havemeyer asks and what is asked by his representatives. In the language of Mr. F. B. Thurber before the Ways and Means Committee, "The greatest good to the greatest number of the people of both countries will be subserved by placing Cuba, so far as our tariff relations are concerned, as nearly as possible on the same basis as Porto Rico and Hawaii, and the same may be said of the Philippine Islands." Stated baldly, this means that without any reduction of the duty on refined sugar and, therefore, without any reduction of the prices on refined sugar, as Mr. Havemeyer has repeatedly told us, the raw sugar from Cuba is to come in free of duty. Here is Mr. Robert Oxnard's estimate of the amount that such action would keep out of our treasury and donate to the Cuban sugar planters, amongst whom are Mr. Havemeyer and numerous others of our protected refiners:

"The crop on the island of Cuba for the coming year is expected to be something like 900,000 tons. If this were admitted free of duty there would still be 460,585 tons to come from other sources and on which duty would have to be paid.

"It is a well-known law of economics that the price of all sugar in this country would be fixed by the cost of these 460,585 tons plus the duty that they would have to pay to get into this country in order to compete with the duty-free sugar.

"The effect of letting Cuban sugar come in free would therefore be to present to the Cuban planters $36 per ton, or, in one year, $32,400,000, which at present goes into the Treasury of the United States. This bonus would increase year after year as the Cuban production expanded and our home production declined, and would be a heavy price to pay to foreigners in order to accomplish our own undoing.

"This sugar beet growing is to-day the most promising crop that is offered to our farmers. This fact is recognized by the continental nations of Europe, who foster and protect it by all sorts of bounties, direct and indirect, realizing that it is the corner stone of their agricultural prosperity. A great deal has been said about our protective system benefiting everyone except the farmer, and it seems a pity that the one industry which our protective system gives him to compensate for his sacrifices in its behalf in other directions should now be threatened with extinction."

THE MILK IN THE COCOANUT.

While this proposition may look like a bald-headed steal to most people, yet Havemeyer and his pals in this Cuban business see no reason—and there is none—why, if we make presents of $5,000,000 and $12,000,000, respectively, to Porto Rican and Hawaiian planters (saying nothing of our similar presents to our own cane and beet sugar growers), we should not present $30,000,000 a year to Cuban planters.

It is to get in on the ground floor with our domestic and colonial sugar growers and to participate in Uncle Sam's generous donations to sugar growers that Mr. Havemeyer began, more than a year ago, to say that "the mother of all trusts is the customs tariff," and that he last year put his press bureau (which includes F. B. Thurber's American Export Association, the Sugar Trade Journal, and numerous important newspapers in various cities) at work telling us of the awful sufferings in Cuba, and of the horrors that would follow if we did not reduce the duty on Cuban sugar at least 50 per cent and at the same time untax an important article of food. Thus, as late as January 16, 1902, the Sugar Trade Journal quoted Miguel Mendoza as saying:

"It will cost you more to feed us later than it will now to grant these concessions. Unless something is done for the relief of this island, and done at once, there will be a condition of suffering, not to say absolute starvation, that only the American people can relieve."

Mr. Louis V. Place, of Habana, pictured Cuba as on the verge of absolute ruin when he appeared before the Ways and Means Committee on January 16. He said:

"I see nothing short of free trade, because we are bound to have free trade sooner or later. We are tied to America by the Platt amendment, and perpetual commercial relations ought to be made, once and forever. * * * As things are now, we have only six weeks to live, and inside of six weeks we are busted."

This was many months ago, and although Congress has not yet opened our Treasury to the Cuban sugar planters, the average Cuban appears to be thriving on "absolute starvation," if we may judge from the following from Habana in the Sugar Trade Journal of April 10, 1902:

"Planters are bitterly complaining of the fact that, owing to the hurry of the works of the new Cuban Central Railroad, as well as in consequence of several constructions of highroads by the military government, thousands of laborers have left the customary field work in the Centrals, passing over to the said undertakings, getting from the same 25 per cent more than the wages earned at the plantations."

Plenty of testimony was adduced before the Ways and Means Committee last winter to show that wages are unusually high in Cuba now and recently, and that labor is well employed. Thus Mr. Edwin F. Atkins, of Boston, merchant, sugar planter, and chairman of the Associated American Interests of Cuba, admitted on January 15 that "labor in Cuba is not sufficient to go around." When asked by Mr. Cooper, "What is the difference in the price of wages there now and the price of wages before the war?" he answered:

"I should think they had increased 75 per cent." Mr. Miguel G. de Mendoza, another sugar planter, said: "There is plenty of work for the workmen in Cuba to-day," and that common labor was receiving $30 a month in some parts of the island. He admitted that the much-talked-of condition of hunger and starvation did not exist then, but he said, "It will exist."

It is impossible to read the testimony of numerous witnesses before the Ways and Means Committee and not reach the conclusion that times are now better in Cuba for the masses than for many years. Mr. Henry T. Oxnard stated the case fairly when, after enumerating the many things that we had done for Cuba (including giving her freedom, the wiping out of her $300,000,000 debt to Spain and the distribution of millions of dollars and rations in 1899), he said:

"And, Mr. Chairman, what has resulted from all this? Peace and prosperity; a greatly rehabilitated country, with railways built and building in every direction, that ought to guarantee a larger population, greater production, and cheaper transportation. Our sanitary work alone is worth millions to Cuba. But we are not bound to support her. We are not bound to guarantee her planters prices that the world's markets do not warrant."

$54,000,000 A YEAR COST OF SUGAR LEECH.

Now, a few more words from the beet-sugar people, who may be supposed to know about the profits of the refiners' trust, and we can get a more perfect idea of the enormous profits in sugar when you have the Government as a silent partner in the business. Mr. W. L. Churchill, president of the Bay City Beet Sugar Company, did some figuring for the Ways and Means Committee:

"Mr. Post testified before you in my hearing that his company could produce 20,000 barrels of refined sugar per day. He testified further that the profits were three-eighths of a cent a pound and the differential between raw and refined was a dollar. Mr. Atkins testifies that in his time raw sugar could be refined for less. So it is safe to say a half a cent a pound is the profit that Mr. Post in his ten refineries is making. They further testify that a barrel of sugar contains 350 pounds, and that at half a cent a pound would represent a profit of $1.75 a barrel. Now, gentlemen, figure for yourselves. These gentlemen are making $35,000 a day out of the sugar purchased from Cubans. Why do they not pay a fair price for their sugar, and not come to this committee and ask the United States to do what? To wreck, demolish, and drive out of existence the beet-sugar business of this country by reducing the tariff.

"Now, Mr. Post testified that Mr. Havemeyer can make 40,000 barrels of sugar per day, which would be a profit of $70,000, or a total of $100,000 a day for these two great trusts.

"In other words, these two institutions are making $100,000 a day, or $36,000,000 per year. Gentlemen, who is the strongest, these trusts or the people of the United States through their Representatives in this room?"

Mr. Havemeyer told us that we are contributing $36,000,000 a year to our domestic and colonial sugar growers. Mr. Oxnard proves by statistics that the two principal aggregations of refiners are robbing us of $36,000,000 a year. Thus, on the testimony of the sugar people themselves, we are donating $76,000,000 a year, or $5 per family, to our sugar infants, and yet they are dissatisfied and are quarreling because each thinks the other is getting more than his fair share of the loot.

That their estimates of our losses and their gains are about right is not difficult of proof. We consume 5,200,000,000 pounds of sugar a year. The duty on refined sugar is 1.95 cents per pound, plus a countervailing duty of 31 cents on sugar from Germany and 81 cents per 100 pounds on sugar from France. It is the sugar from Germany that competes most with domestic refined sugar. On this the effective duty is 2.26 cents. As the trusts keep the price of refined sugar up to the import point nearly every day of the year, the people actually pay a duty of 2.26 cents per pound on all sugar consumed. The duty, then, costs them $117,000,000 per year. Deducting the amount which reaches the Treasury, $63,000,000 last year, and we see that the people are out $54,000,000 a year by the duty on sugar. Undoubtedly this annual contribution from the people is divided about equally between the two rival claimants or pretenders now instructing, begging, and threatening Congress and the President.

PHILIPPINE LANDLORDS ALSO IN THE GAME.

The individuals and syndicates owning sugar, hemp, tobacco, mineral, and other lands in the Philippines are busily at work exploiting our civil and military government here and in the Philippines. Their lands would be far more valuable under free trade or greatly reduced duties with the United States than at present. Undoubtedly the probabilities of free trade with the "mother" country, as well as the establishment, through death, destruction, and fear, of comparative peace, is now rapidly increasing the value of all the lands in the Philippines.

William H. Taft, the civil governor of the Philippines, said that the planters there urged a reduction of 75 per cent in duties on goods imported into the United States. In his report he said:

"If Congress will reduce by 50 per cent the United States duty on tobacco, hemp, and sugar, and other merchandise coming from these islands, it is certain that the trade between them and the United States under the new tariff will increase by leaps and bounds. Such generosity would much strengthen the bonds between the Filipino and American people, and it is earnestly recommended."

In his testimony in January, 1902, Governor Taft, in reply to a question by Senator Patterson as to how much reduction in duty was desired, said, "We want all we can get."

As the Philippines produce about 200,000 tons of sugar a year, free trade with this country would add about $7,000,000 a year to the value of the sugar crop, or $70,000,000 to the value of the sugar lands.

THE CREAM IN THE COCOANUT.

This $54,000,000 a year to the sugar leech is not all that there is in the proposed Cuban reciprocity scheme for the Havemeyers, Posts, Hawleys, and other Cuban sugar plantation owners so anxious to have Uncle Sam display his generosity to suffering Cuba. Tens of millions of dollars have been added to the value of sugar lands in Hawaii and Porto Rico because of the favoritism given these countries in our markets. To give free entry of sugar into our markets would really be to donate $30,000,000 a year or more to the Cuban sugar growers—that is, providing they would get it all. This amount capitalized at 10 per cent would make $300,000,000 of value to be added to the value of the sugar lands. But as the sugar trust would probably

reap one-third of the benefits of the free admission of Cuban sugar into our markets, the increased value would not much exceed $200,000,000. The fact that such favoritism might not continue forever would also tend to prevent the full enhancement in value.

Strange to say, this most important consideration has hardly been mentioned by the beet sugar people, although it is an important if not the controlling influence in arousing the sugar trust's sympathy for suffering Cuba. Possibly our domestic and colonial sugar producers live in glass houses.

An inkling of the land, labor, social, financial, and political conditions which prevail in Hawaii is contained in the following, from an important document, The World's Sugar Production and Consumption, issued by the Treasury Department last January:

"On the estate the one thought is how to keep the average quality of land from going out of cultivation. How can expenses be reduced and crops enhanced so as to secure the largest dividends on stock is the object of their existence.

"Such estates are destructive of family ties and home comforts. Single men are always preferred and objection made to the encumbrance and expenses of women and children; hence adaptability of Asiatics to such work, who serve their contract time and then return to China or Japan, or rush to the cities or towns to engage in urban pursuits. Such estates are not conducive to permanent settlers—steady yeomanry, prosperous farmers—which are regarded as the pride and reliance of every nation.

"In the islands a strong antagonism prevails against such estates, and a demand is made that the large areas formerly owned by the Crown and now leased to the sugar corporations shall be divided and subdivided, at the expiration of lease, into homesteads for occupancy by permanent farmers or gardeners. * * *

"On the contrary, it may be stated that there is probably no industry besides sugar that can give such enormous acre yields in money and bear the heavy cost of expensive irrigation plants, steam plows, etc. The exports of the island were last year $22,628,741, of which over $22,000,000 were furnished by sugar. Again, those large acre yields give enormous taxable values to the lands, from which public revenues are raised for public improvements, public schools, etc."

This document informs us that "the sugar production of the Hawaiian Islands has increased over 2,000 per cent under the free admission of their sugar to the markets of the United States." As sugar is produced about as cheaply in Hawaii as anywhere on earth (the yield averaging 10 tons to the acre), the free entry into our markets means a gift of $10,000,000 to $15,000,000 a year to Hawaiian sugar producers. It is not strange that such highly favored lands have enormous value, and that their owners in Hawaii and Porto Rico are urging Congress not to let down the tariff bars and extend similar favors to other lands. And yet this Pacific Ocean $10,000,000 a year pet of Uncle Sam, although perhaps the most prosperous and most valuable spot on earth, according to its size and population, is cursed by the very favors showered upon it. Read what Delegate Robert W. Wilcox, of Hawaii, says in the Washington Times of May 7, 1902:

"I am deeply interested in the bill providing for the division of Government lands into homesteads for the farmers and middle classes, because at present we only have in Hawaii the very rich and the very poor, the poor being the laborers or coolies.

"Out of the population of 160,000 nearly 90,000 are Asiatics, 60,000 being Japanese and 30,000 Chinese. There are also several thousand Porto Ricans, but they are undesirable, as they would rather lie in jail all of the time than go to work.

"The land area of Hawaii is 4,000,000 acres. Of this area 2,000,000 acres are in the hands of seventy men engaged in sugar raising and cattle raising. The other 2,000,000 acres, which constitute the government lands, are rented and leased to the sugar corporations, the leases ranging from five to sixteen years.

"These government lands I want divided up into homesteads, to encourage American farmers to go to Hawaii.

"To give an idea how fertile the best land is, the sugar corporations produce an average of ten tons of sugar to the acre. The rice planters produce two crops a year, aggregating between 5,000 and 6,000 pounds to the acre. The same land is planted with taro, a plant akin to elephant's ears, which is the staple food of the natives, and will produce somewhere between 40,000 and 50,000 pounds per acre, and it sells at one cent a pound."

OUR NATURAL SUGAR BOWLS.

Hawaii, Cuba, Porto Rico, the Philippines, and other tropical islands are the natural sugar bowls of the United States. In these islands sugar can be produced for two cents or less per pound. There is no sound reason why the United States should not avail herself of these natural sugar supplies. She will not do so by putting any two or three of them inside her tariff wall. As long as any considerable quantity of sugar must come over the tariff wall, the price of all inside will be fixed by the price of what comes over the wall. The water above the dam will maintain about the same level whether one-tenth or nine-tenths of the running water goes under or through the dam. If you want to lower the level materially, take away the dam!

A BOON TO FRUIT GROWERS AND DAIRYMEN.

Besides giving everybody a cheap food and reducing the cost of living to every family about $7.50 a year, free sugar would revolutionize many industries now none too prosperous.

Fruit growing would be greatly stimulated by 2½-cent sugar. Canning and preserving factories would be numerous in all fruit-growing sections, and would purchase at fair prices millions of bushels of fruit, which, for want of a profitable market, now rots each year. Not only would such factories give employment to tens of thousands directly, but indirectly thousands more would be employed in growing and gathering the fruit. Millions of workingmen in all industries would be provided with cheap preserves, jams, and marmalades. These are some of the cheap foods that have reduced the cost of living in England and have made possible her wonderful commerce and prosperity during the last half century. Even we, who can raise small fruits as cheaply as they are raised anywhere, find it as cheap to eat English preserves, jellies, and marmalades, after paying 35 per cent duty on them, as to eat our own, and yet England raises no sugar; and "Dundee marmalade," known the world over, is made from imported oranges and sugar. We should be ashamed to eat these foreign goods when we produce both sugar and fruit, and when thousands of bushels of fruit rot each year because we will not permit our farmers and canners to have cheap sugar, glass, and tin. Cheap sugar would add tens of thousands of dollars each year to half the counties in nearly every State. Thousands of farms which would not now sell for the amount of the mortgages on them would become prosperous under free sugar.

Another industry which would be greatly benefited by 2½-cent sugar is that of dairying. Switzerland is one of the biggest exporters of condensed milk because it has cheap sugar. About one-third of the weight of condensed milk is sugar. Cheap sugar would greatly increase our production of condensed milk, and would add much to the value of millions of acres and millions of cows. It would be a boon to numerous other industries in which sugar is an important raw material.

To reduce the cost of the "staff of life" 50 per cent would be a result which should bring imperishable fame to any inventor or statesman. Here is an opportunity to halve the price of as important an article of food as is bread. Shall we not soon have a Congress which will not be owned and controlled by the Havemeyers, Oxnards, and Spreckels of our sugar industry, and which shall legislate for the welfare of the whole people? Shall we continue to imitate the sugar-cursed countries of Continental Europe, or shall we treat our sugar growers and refiners as impartially as we treat the producers of most other farm products and make our sugar industry bless rather than curse us?

DIFFERENTIAL AND COUNTERVAILING DUTIES.

So much has been said about differential and countervailing duties on sugar that an explanation of these terms is necessary. The following is the most important part of the sugar schedule in the Dingley tariff act of 1897:

"Sugars not above sixteen Dutch standard in color, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, ninety-five one-hundredths of one cent per pound, and for every additional degree shown by the polariscope test, thirty-five one-thousandths of one cent per pound additional, and fractions of a degree in proportion, and on sugar above number sixteen Dutch standard in color, and on all sugar which has gone through a process of refining, one cent and ninety-five one-hundredths of one cent per pound."

As the duty on 75-degree sugar is .95 of a cent per pound, and as .035 of a cent is added for each additional degree of purity, the duty on 100-degree sugar is 1.825 cents. But as 100-degree sugar is, of necessity, refined sugar, the duty on it is 1.95 cents, or one-eighth of a cent per pound more than the equivalent duty on sufficient raw to make one pound of refined sugar. This one-eighth of a cent is the "differential." It is the amount per pound the refiners can collect from consumers over and above the amount of duty which the refiners have to pay on the raw sugar used.

As a matter of fact, the net protection on refined sugar is more than 12.5 cents per 100 pounds. (1) Because refined sugar is not absolutely pure and tests only on an average about 99½ degrees. This imperfection increases the differential between raw and refined sugar to about 14 cents per 100 pounds. (2) Because of the protection hidden in the graduated scale of duties on raw sugar. With a duty of $1.825 per 100 pounds on theoretically pure raw sugar, the duty on sugar testing 90 degrees should be about $1.60, instead of $1.47, as under the bill. In other words, the graduations in the duty are greater than they should be to cover the impurities in the sugar. It is probable that the average net protection to our refiners is not less than one-fourth of a cent per pound, or $13,000,000 a year.

Countervailing duties are duties levied to offset export duties paid by foreign countries. Thus our Treasury Department estimates the export duty paid by Germany at 31 cents and that paid by France at 81 cents per 100 pounds, and assesses these additional duties on sugar imported from these two countries. As nearly all of our imports of beet sugar are from Germany, the rate of 31 cents is the effective rate. That is, if there were no countervailing duties, sugar would sell in our markets for 31 cents per 100 pounds less than at present.

The most of this countervailing duty, as well as all the duty on raw sugar, serves to protect our sugar growers. Our refiners are protected by the amount of the differential and the hidden protection in the raw-sugar duty, and probably also by a part of the countervailing duty.

THE EVILS OF PROTECTED TRUSTS.

(1) POLITICAL CORRUPTION.

The evils of tariff-protected trusts are not entirely measured by the injury inflicted by artificially high prices, as many people assume. These evils extend into political and social life, and even into our colleges.

The protective tariff is responsible for much of the corruption in politics. It is not by chance that Pennsylvania has been for thirty years the worst boss-ridden State in this country. The Camerons and Quays have political power and influence because they serve the protected trusts. It is not by chance that a large portion of the workingmen employed by the protected trusts are ignorant immigrants working under conditions of semislavery. It is not by chance that there are so many millionaires in Congress to safeguard the protected industries. It is because the protected trusts have completely corrupted politics and have sent their agents to Congress, that the protected interests have for years dictated tariff legislation at Washington. As Mr. Henry L. Nelson says: "Since 1875 Congress has not legislated on the tariff; it has simply affirmed or ratified the decrees of the beneficiaries of the tariff. These people have transformed the Government into a socialism, in which they are not merely the favored class—they constitute the only class."

(2) WATERED STOCK.

The tariff is undoubtedly responsible for a large part of the water in trust stocks. Had there been no tariff to enable prospective trusts to pay dividends on watered stocks, trust promoters could not have offered sufficient inducements to coalesce the naturally antagonistic producers in any particular industry. Not only, then, is the tariff responsible for many trusts, but it is responsible for much of the water in the trust stocks. That this is true is evident not only from the fact that the most highly protected trusts are generally the most highly capitalized, but from the fact that promoters have been unable to form trusts in many industries not actually benefited by tariff duties. Thus, though promoters are at work in the piano industry for the fourth or fifth time in the last six years, their chances of success are not flattering, because the conditions in this industry are such that the tariff has for years yielded but little actual protection, and the manufacturers are unable to see how they could by combining take sufficient advantage of the tariff or of any other special privilege to enable them to receive dividends on more than the actual capital invested; consequently, the manufacturers are inclined to laugh at the glowing promises of the promoters and to hesitate to give up control of their own business.

For similar reasons trusts have not been formed in such important industries as those of making cabinet organs, boots, shoes, stoves, some kinds of furniture and agricultural implements, and in practically all of our great agricultural products.

(3) CONCEALMENT OF EXPORT PRICES.

The concealment of export prices is probably responsible for considerable of the difference between the value of our exports and our imports, and therefore for numerous editorials on our "favorable balance of trade."

Ten years ago it was comparatively easy to get the export prices of various protected articles, even though they were then often from 10 to 30 per cent below the home market prices. To-day, when great trusts control prices on most of our exports, it is extremely difficult to obtain export prices. The editors of trade journals will no longer talk on this subject, and as a rule will not keep on file foreign exchanges which quote prices of certain American goods in foreign countries. It is only now and then that an employee of a trust or of some export house can be found who is willing to risk betrayal and almost certain decapitation if he talks on this subject.

The extent to which goods are sold cheaper for export than in the home market is not known to most people, because the trusts—and the protected trusts are the worst offenders—take pains to conceal export prices and practically pledge all parties concerned to keep all such knowledge from reaching the public. The average difference in price is probably 20 per cent, and on our really protected products above 25 per cent. Often we who pay the tariff taxes devoted to nourishing these "infant industries" must pay 50 per cent, and sometimes 100 per cent, more for the products of these coddled industries than is paid by foreigners, who do not pay our nursing taxes.

(4) JUGGLED AND MANUFACTURED STATISTICS.

Another evil is the juggling of prices and statistics, and sometimes the absolute refusal to comply with census laws, when to do so would disclose great profits or unfair or illegal transaction.

Thus the census of 1890 is grossly defective in some particulars, and probably worthless or misleading as concerns the protected trusts. In other words, protected statistics are often misleading or false, and purposely so.

It will be remembered that the sugar trust absolutely failed to comply with our census laws in 1890, and gave no information concerning its business to the Census Department. After four years of failure to compel the trust to produce statistics, the Superintendent of the Census notified the Attorney-General that further efforts would be useless, as the information, even if received, would be too late for publication. No attempt was made to punish the trust officials. Hence the census abstract of 1890 gravely informs us that the value of our product of sugar and molasses dropped from $155,000,000 in 1880 to $123,000,000 in 1890, and that the value of this product in New York State dropped from $71,000,000 in 1880 to $17,000,000 in 1890. As about one-half of the sugar refined in this country was refined in New York State, it is probable that the value of this product in New York was about $100,000,000, instead of $17,000,000, given by our census. Of course, such statistics are worse than worthless. Commenting on the "reticence of the refiners," who were then being guaranteed "profits of $12,000,000 a year" by the United States, the Journal of Commerce and Commercial Bulletin of March 23, 1894, said:

"It is about time that this foolishness was stopped. If there is any reason why the refiners are entitled to protection by the tariff, let them show it. There is little disposition anywhere to deny protection where the cost of production in America is higher than it is abroad or where there are other reasons that place the American manufacturer at a disadvantage. But it is intolerable effrontery that these people should refuse to answer the ordinary census questions that everyone else answers and demand from the Government they defy and whose laws they trample on a rate of protection that enables them to divide 22 per cent in a year on their vastly inflated common stock. Let the sugar refiners obey the law or get along without the help of the law."

A leading editorial in the New York Journal of Commerce and Commercial Bulletin of July 29, 1902, is entitled "Manufactured Government statistics." It makes serious charges against the Republican statistical bureaus at Washington. It says:

"It is greatly to be regretted when we see statistics bearing the Government stamp begin to deteriorate and show signs of improper methods of production, as is true of some of the recent publications of the Treasury Bureau of Statistics.

"There is no more serious crime against the public (to say nothing of the interests of science, which require accurate commercial returns) than the publication of statistics that have been 'doctored.'

* * * * * * *

"Now that the campaign is approaching and that much more than the ordinary use is made of the Government returns, the temptation becomes doubly strong to manipulate information gathered through Government agencies. Perhaps it does not seem very wrong for persons with an intense partisan bias so to represent the matter as to give their side the best end of the argument. If, for example, it is desired to show that under the tariff system our exports are largely increasing and that we are gaining the lead of all other countries, what more natural than to keep some unpleasant facts in the background and to throw others to the front in bold relief, altering their form, perhaps, in such wise as to make them convey to the superficial reader an entirely different impression from that which is gained by more careful study? The true partisan who really holds the ideals he works for justifies such action on the ground that his view is right, all other views are wrong, and that the true meaning of the figures in question is given only by stating them just as he has stated them. * * *

"The truth is that too much can hardly be said of the heinousness of the crime of garbling Government figures. The Government is the only all-embracing agency we have gathering accurate, trustworthy statistics on all subjects. To falsify these is as bad as to falsify the money issued by the Government, and could it be as readily detected, should be visited with penalties as severe."

That the Republicans at the head of the various bureaus in Washington occasionally suppress or distort unpleasant statistics is true. But we can never expect to have reliable statistics while protection is on the throne and can continue its rule only by deceiving the people. Our so-called "balance of trade," about which the Republicans are continually crowing, exists only on paper. Our export figures are far too high, because the trusts are ashamed to give the very low prices charged to foreigners, while our imports are far too low, because of the undervaluations and wholesale smuggling. These are only instances of our unreliable statistics. Another is found in the attempts of the protected trusts to pad their wage roll and make wage-earners feel that they are better off than they really are.

Mr. BEVERIDGE. Mr. President, I have no objection to the Senator from Texas printing a portion of the Democratic campaign book in the CONGRESSIONAL RECORD, nor to printing the entire Democratic campaign book in the CONGRESSIONAL RECORD. Nor have I any objection, because I suppose that that is considered good partisan tactics, to the Senator raising a question about tariff theories; although it is at a time when we are trying to consider this most difficult question, not as politicians who want our respective parties to win, but as Senators who want, above the prosperity of any party, the prosperity of the country.

It is in that spirit, Mr. President, that I have made my remarks, refraining studiously from any intermixture of partisan politics with a purely economic question. But I think the fact that the Senator has risen and addressed us as the leader of his side, as he has, is perhaps fortunate at this junction, because it so vividly shows one of the great defects that has crept into our system in handling the most delicate, difficult, and serious questions. The best of us, Mr. President, have been concerned not so much in solving them wisely from the view-point of the country as we have been in registering some party advantage on the floor of the Senate. We have been concerned not so much in caring for the future of the nation and the welfare of 90,000,000 of producers as we have in looking out for the next campaign.

Mr. President, it is precisely that spirit which the resolutions I had read at the desk before I began my address were meant to rebuke. The Senator from Texas knows that no man in this country admires him more than I do, and he knows I say that sincerely; but the effort to interject in a nonpartisan and businesslike settlement of this question nothing but partisan tactics, while worthy of him as a political leader of his party, is not worthy of any man as a statesman of his country.

Now, Mr. President——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the regular order be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Indiana will proceed.

Mr. BEVERIDGE. The Senator from Texas complimented me, although perhaps he did not intend to compliment me, by saying he was glad to see that I had joined the great army of tariff reformers. No, I will say to the Senator, I have not joined such an army, because I have always belonged to such an army; but I have not joined, and I never will join, any organization which makes of the American tariff the football of partisan politics, and that is precisely the difficulty over which we must get in this Congress. We have got to get away from the time that every great question which comes up in this body is considered by the leaders of either side with reference to what advantage they think there may be in it for their party in the coming campaign.

I will say this further, as an observer, not only to the Senator from Texas, who with such skill and alertness leads his side of the Chamber (and it was one of the wisest things the other side of the Chamber ever did when they selected that leader), but also I say it to the leaders upon our side, that most of the moves we make here that we consider shrewd politics, that we consider a deft playing of the cards of political advantage, and that we plume and congratulate ourselves upon when we leave this Chamber as having gotten some advantage for our party, are absolutely unheard of by the 90,000,000 of the American people. There is no particular advantage in it for your side or for our side. The people never hear of it; they are too busy. The time has come when the old and outgrown method of dealing with public questions should be abandoned, and when we in Congress should be as earnest, as up-to-date, and as nonpartisan, if I may say it, in the doing of the nation's business as the great body of the American people who have sent us here to do their business are the same with reference to their affairs.

Now, the Senator has not shown—I am sorry to say it—that he has carefully studied the tariff question in detail, because he says there is a 45 per cent average on our tariff, as though we ought to have the same tariff on all articles, when, even if he is for a tariff for revenue only——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. Certainly.

Mr. CULBERSON. The Senator does not mean to suggest that I said a tariff of 45 per cent on all articles, taking the tariff as a whole?

Mr. BEVERIDGE. The Senator means the average rate?
Mr. CULBERSON. That is what I said.
Mr. BEVERIDGE. I know; that is what the Senator said.
Mr. CULBERSON. The average is 45 per cent.
Mr. BEVERIDGE. Yes; that is what I say. Now, let me point out to the Senator that statement, which is repeated so frequently by men on both sides, who perhaps have not looked into the matter with the care the Senator would look into the matter if this were a law case. The statement was made by the Senator's next candidate for President, Mr. Bryan, in a magazine debate which he had with me on the subject, that there was an average rate of 45 per cent and he would have it cut down to 25 per cent.

Does not the Senator know, if he is really for tariff for revenue only, that we could not have a horizontal tariff; because even if nothing but revenue were to be considered there would have to be the highest duty on the best revenue-producing articles considering the amount of imports? You could not level it even for revenue producers.

There is another thing I call the attention of the Senator to, and I called it to the attention of the whole Senate in the beginning of my speech. If you speak about a purely revenue tariff, such as the Senator seems to champion, I think somewhat ill-advisedly, we must put a duty upon tea, upon coffee, upon chocolate, upon tropical fruits and every other similar food necessity of the people; because if you are raising revenue, if that is what you are doing, these articles are consumed by all of the American people, produced by none of the American people, and, therefore, you have in such articles the best revenue-producers of all imports. That is proved by the fact that Great Britain raises the most of her revenue on those articles.

I will not ask the Senator the question, but if I was going into the matter and having a partisan debate with the Senator, I would ask it, and make him answer, too, whether or not he is for a revenue tariff, and if for a revenue tariff, whether he proposes to the American people to put a tax on tea, coffee, chocolate, tropical fruits, and other similar necessities of the people. That is just what Great Britain does; and it is from such articles that she raises her tariff revenue.

Mr. GALLINGER. If the Senator will permit me, I was about to suggest that the statement the Senator has just made as to the policy of Great Britain is not very clearly understood by the people. Great Britain is said to be a free-trade country, and yet Great Britain raises her revenue largely from articles that the people must of necessity consume, while a large proportion of our revenue comes from duties on luxuries.

Mr. BEVERIDGE. Quite so. That is what I said.

Mr. GALLINGER. The policy of Great Britain is much more burdensome to the consumer than our system of protection.

Mr. BEVERIDGE. Undoubtedly. I am much obliged to the Senator from New Hampshire, because that calls my attention to a fact that I must submit to the Senator from Texas. Great Britain, the only modern nation that still clings to a purely revenue tariff, first of all puts a duty on tea, coffee, chocolate, etc., because they are revenue producers.

Mr. GALLINGER. And spices.

Mr. BEVERIDGE. Spices and the like; and she is now about to abandon that. I commend to the Senator from Texas the speeches of Mr. Balfour, the late prime minister, which are among the ablest appeals to the people from the hustings that I have ever read, where he says the revenue tariff system of Great Britain is "motheaten" and outworn—that it gives them nothing to trade upon. Therefore, he says (and such is his exact expression) that "it commercially ties our hands," and he appeals to the British people to "free themselves commercially." I saw the other day that the movement was gaining such headway that in one or two years certainly it would win. They want a double protective tariff such as Canada, which is the greatest of her provinces, adopted last year. So I suggest these things and say to the Senator that perhaps his statement does not show that he has carefully looked into this problem.

Of course, if the Senator wants to make the old stump speeches about a tariff for revenue and if we wanted to make the old stump speeches about a tariff for protection, and all that sort of thing, those echoes of the past can be indulged in as much as Senators please. But the great producing masses of this country have passed beyond both. The Senator will have to learn a new speech for the coming campaign.

Now, the Senator talks about articles sold abroad. I think I have read most of the articles, books, and arguments on the revenue side of the tariff question; and there is not a fair advocate of that side, who is advanced as an economist and not merely as a partisan playing politics, who does not admit that that same thing is true of Great Britain. It is true of Germany; it is true of every other country.

If I had supposed that any Senator was going to introduce partisan politics and give a play for the next campaign into this serious economic discussion I would have brought figures I have in my possession showing the prices that Great Britain charges at home and the prices she charges abroad for staple articles, as every economist, every student of commerce knows she has done. So in that respect, although I think there might be some instances where it shows an injury, we pursue no different commercial policy from that of revenue Great Britain or protective Germany, or from any other country.

This other fact may be food for thought for the Senator. The only other countries in the world that now stick to a purely revenue tariff, a single revenue tariff, except Great Britain, are Persia, Abyssinia, Holland, and China. Am I to infer that in the interest of Democratic success in the coming campaign the Senator is going to ask the United States to follow the example of China, Abyssinia, Persia, and other similar modern nations?

Mr. President, I wish to close these few remarks with what I started out to say. I wish to plead with Senators on both sides that in the solution of the very grave and purely economic question of finding out the facts and making classifications, which has nothing to do with the theory upon which Congress shall act upon those facts and those classifications; in that purely scientific matter, each and every Senator shall treat it as I have tried to treat it, in a nonpartisan spirit, having reference only to the facts and to economic arguments. Has not the time come when we should quit, in this great forum and upon this great subject, the playing of little politics? Has not the time arrived when upon this question we should, on both sides, throw off the cloak of partisanship and go at the matter as we would go at the matter if we were directors of a great industry?

Mr. NEWLANDS. Mr. President, I shall pursue for a few moments the idea which I was endeavoring to suggest to the Senator from Indiana [Mr. BEVERIDGE] regarding an improvement of his bill; and I am sure that I will earn the commendation of the Senator from Indiana when I tell him that I intend to confine myself to the economic and not enlarge upon the partisan aspects of this question.

I was struck by the remark made by the Senator from Indiana, that the customs authorities in dealing with certain duties acted as much in a legislative capacity as we do in fixing the duties. If that is so, it occurred to me that we might well shape this bill in such a way as to permit the customs authorities, operating under a rule laid down by Congress, to abate the admitted excesses of the existing tariff.

The Senator from Texas [Mr. CULBERSON] has said that the average duty imposed upon imports is about 45 per cent. That may be true, though I imagine with the best of us it is a mere guess, for although I have made inquiry I have been unable to get any accurate statistics upon the subject. But assuming that the average duty is 45 per cent, it necessarily follows that many of the duties are above 45 per cent and that some of them are below 45 per cent.

Now, in operating with reference to the tariff, although I am in favor of tariff reform and tariff revision, I have always realized that no radical action could be taken. These high protective duties have existed for so long a period that they have become a part of the warp and woof of all of our products; and to seriously and instantaneously reduce these duties would necessarily produce disastrous changes in our industrial system. The people of the United States, as a result of this protective system, have been walking on stilts for many years. Our prices for almost everything are on stilts; our wages, as compared with those of the rest of the world, are upon stilts; and to quickly knock the stilts from under both wages and prices would throw the industries of the country into a writhing and seething mass of confusion. In my judgment, there is no sensible man who does not realize that, whatever reduction is made in the future in the tariff, it must not be radical. It must be progressive, and it must above all things be scientific; it should represent the best thought and the mature judgment of men expert in such matters.

But it is said Congress abdicates a legislative function when it intrusts this duty to any other body created by itself. It is true that the levying of a tax is a legislative function, just as it is a legislative function to fix the rates for railway fares and freights.

Mr. BEVERIDGE. Of course the Senator from Nevada will remember that the bill which I have introduced does not propose that the tariff commission shall fix rates. I propose to leave that to Congress.

Mr. NEWLANDS. I understand that, but I suggest that we shall go further, and I propose to point the way.

It is a legislative function to fix a tax; but the tax imposed upon imports, like the rates fixed for railways in freights and fares, can be fixed by an administrative body, provided Congress, in the exercise of its legislative function, lays down the rule by which the tax is to be ascertained.

The difficulty with the proposal of the Senator from Indiana is that it is likely to result in great delay in tariff reform. The Senator states that the commission organized in Germany took two years and a half in the framing of their tariff measure, and then took three years and a half more in consultation with the various states comprising the German Empire and with the various industries affected by the tariff. The people of the United States do not wish to wait for six years or for three years for steps leading definitely toward tariff reduction. They would like to see that reduction inaugurated immediately—a moderate reduction at the start, proceeding progressively until the limit of reduction is reached, according to the best judgment of the country.

This spirit for tariff revision is not confined to the Democratic party; it has spread to the Republican party; and it is fair to say that over one-half of the members of the Republican party to-day desire tariff revision, which means necessarily a gradual reduction in the excessive duties of the tariff. Why should we not, then, in organizing a commission to make an inquiry with reference to the whole subject, give them certain powers determined by a rule which Congress shall assert, enabling them to gradually reduce these excessive duties, so that pari passu with the inquiry into tariff as a whole we shall have a gradual, progressive, and reformative action regarding rates which are now admittedly excessive, duties which are abhorrent to the judgment and the consciences of Members of both sides of this Chamber, for there is not a man on this floor, I will engage to say, Democrat or Republican, who will not declare upon his conscience that many of the existing duties are unnecessarily and excessively high.

In giving this commission power, not only to inquire, but to act, how shall we fix the rule for their action and how shall we fix that rule in such a way as not to involve any abdication of our legislative function? I think it will be admitted on both sides that there should be no duty on any product imported into this country over 45 per cent. I think all would agree to that. Why, then, should we not provide in this bill which provides for this inquiry, that the commission, wherever rates are in excess of 45 per cent ad valorem, shall reduce this excess every year at the rate of one-fifth or more annually until such duties are all reduced to 45 per cent? Congress would thus fix the rule, the mathematical rule, by which the commission is to act. The commission will not usurp any of the functions of legislation in so acting. It will simply exercise the mathematical function of adjusting its action to the rule prescribed by Congress. Then perhaps, having reached a general level not greater than 45 per cent, so that no duty in this country will exceed 45 per cent, even the Republican party might be content to progress further with a reduction in duties at the rate of 1 per cent or 2 per cent per annum until they reached 40 per cent; and then, later on in the same progressive way, further reductions could be accomplished. Indeed it seems to me in this way the aim of the Democratic party could be partially accomplished and the aim of the Republican party entirely accomplished, for if, after making these constant and progressive and gradual reductions for a period of ten years, the country then is in favor of freer trade in the shape of a tariff for revenue only, not in excess, say, of 25 per cent, or in favor of maintaining a protective tariff with no duties above, say, 35 or 40 per cent, the sense of the country could be taken upon the issue. As it is we have taken throughout the years purely a partisan view of this economic question, and we have made no progress. The advance has been steadily in the line of higher duties, simply because we have allowed this question to be determined by politics, and our political action has been determined by the great manufacturing and producing interests of the country. They have dominated these matters and we have had the fight of interests here and interests there to gain a constantly increasing advantage.

We have had during the past forty years four tariffs—the Morrill tariff, the McKinley tariff, the Wilson tariff, and the Dingley tariff. The Morrill tariff was the lowest of all, and yet it was regarded at the time as a high protective tariff. That tariff produced such excessive revenue, and such a surplus in the Treasury, that the Republican party itself, the friend of protection, organized a commission for the purpose of recommending tariff reduction. That commission acted; it reported in favor of tariff reduction. The sentiment of the country apparently was in favor of tariff reduction, and yet the Republican party came into power under Mr. Harrison, and, regarding the defeat of Mr. Cleveland as a warrant for still higher duties, proceeded to pass the McKinley bill, which was higher than the then existing Morrill tariff. An attempt was made in that bill, and made more effectual in the Dingley bill, to subsidize every producing interest in the country and thus make all such interests the effective and permanent allies of the high protective party. So that there is hardly a producing interest, hardly an occupation in which any man is engaged in this country that is not subsidized by existing legislation.

There was a revolt against the McKinley bill, and the Wilson bill was passed, but the duties of the Wilson bill on an average, though lower than those of the McKinley tariff, were as high as those of the Morrill tariff and even higher, for the protected interests were so strong that they exercised their power and their influence even in the Democratic party when it sought to reform the tariff. Then the change came and the Dingley bill was passed, imposing duties higher than those imposed by the McKinley bill. So we find the fruits of the agitation over the Morrill tariff and the appointment by the action of the Republican party of a commission intended to reduce that tariff and to make recommendations to that effect resulted in the gradual increase of duties, through the action of whom? The action of the Members of Congress, unduly influenced by great interests that were potential in election. They were unduly influenced when the Democratic party took action; they were unduly influenced when the Republican party took action; and it must be perfectly apparent that partisan action upon this question will never produce the economic results desired by the American people, whether they belong to the Republican or to the Democratic party.

Mr. President, it seems to me that the wise thing to do would be to select such a commission as the Senator suggests, making it thoroughly nonpartisan by providing that no more than four members of it shall belong to any one political party; by adding to the force of the commission an agriculturist—for that interest is not represented in this bill—and by also giving the commission power, under a rule laid down by Congress, to gradually and progressively reduce the excessive duties which shock the moral sense of the majority of the members of both parties of the country.

Mr. McLAURIN. Mr. President, I do not rise to make a speech; I do not intend or desire to delay the unfinished business; but I can not permit the reproof that has been administered by the Senator from Indiana [Mr. BEVERIDGE] to go unanswered.

This is a partisan question; it is a political question; and it always will be a political question and a partisan question. Men differ as to the method by which the revenue of the country should be raised. Some men believe that a tariff should be levied for the purpose of protection, with incidental revenue. They are the Republican party. Other men believe that a tariff should be levied for the purpose of raising revenue, with incidental protection—one protection with incidental revenue and the other revenue with incidental protection. The Democratic party believes that the tariff should be levied for the purpose of raising revenue, with such incidental protection as may be given. The very fact that these two opposite opinions exist necessarily divides the electorate of the country into parties, and where there are parties it is impossible that there shall not be partisanship.

This has been regarded as a political question and as a partisan question in all the days of the Republic. Pendleton so thought it; Thurman so thought it, and that great Senator from the Senator's State, Daniel W. Voorhees, thought that it was so. McDonald, another Senator from his State, held that it was a political question, and so treated it. On the other side, James G. Blaine and Conkling and Reed and all the great leaders of the Republican party dealt with it as a partisan question. Men who want protection line up on the side of the party that advocates protection, and the men who want revenue with only incidental protection line up with that party that believes in that kind of a tariff. So there will always be this question, and you can not get it out of politics.

If you have your commission, it is to be appointed by a President who is elected because he believes in protection with incidental revenue, or because he believes in a tariff for revenue with incidental protection. It is true you may denominate it a nonpartisan commission, you may put upon the President the duty and obligation to appoint a commission composed of men who have no partisan feeling or no partisan opinions upon this question, but it is as utterly impossible for him to do that as it would be utterly impossible for him to find men

competent to discharge the duties on the commission to which they would be assigned who have no such opinions.

It has been asserted but lately that the great head of the Republican party has said that there must be no legislation upon this question of tariff reform until after the Presidential election next November and until after Congress shall have assembled in December of this year. It is admitted by him, and admitted by a large per cent, if not 50 per cent, of the Republican party and the Republican leaders that there should be tariff revision now, but they say that they will not revise the tariff this year because this is a Presidential year, and to do so would disturb politics and unsettle politics in the coming election, by which they mean the prospects of the Republican party would thereby be jeopardized. They are thereby shown to be more solicitous of Republican prospects than they are of the rights and interests of those who pay the tariff. Why? Because they recognize that it is a political question, one of political partisanship.

If I were going to retort, I might say that the party now in power, now controlling the destinies of this country, now having the administration of the Government, recognizing that a large majority of the American people, composing a large percentage of the Republican party, are in favor of tariff revision, want to throw something to them in the way of a soporific to put them to sleep until after the Presidential election. I might retort that this will accomplish the very purpose that was suggested by the head of the Republican party by deferring this matter, but still keeping the people in hope until after the November election, and then giving opportunity to determine whether there shall be a revision of the tariff or not, or whether the present law shall continue until just before another Presidential election and then administer another dose of opiates to the American people.

There can be no getting away from the proposition that this is a political question. When the Senator from Indiana arraigned the Senator from Texas because he put in some suggestion in answer to the speech of the Senator from Indiana, it was on the principle of the boy who called upon his mother to make Bill behave himself because every time he hit Bill on the head Bill "hollered." [Laughter.]

Mr. SCOTT obtained the floor.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. BEVERIDGE. I just want to say a word.

Mr. SCOTT. Very well; I yield to the Senator for a moment.

Mr. BEVERIDGE. I merely want to say a word, and that is that I was rather astonished to hear the Senator from Mississippi [Mr. MCLAURIN] admit that if this bill were passed it would take votes from his party.

Mr. MCLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Mississippi?

Mr. BEVERIDGE. Yes, sir.

Mr. MCLAURIN. I have never made any admission of that kind.

Mr. BEVERIDGE. I understood the Senator to say that one effect of this bill would be to keep the people in hope until after the next election; and I inferred from that that the Senator meant that it would not be favorable to his party. Is that inference correct?

Mr. MCLAURIN. If the Senator understood that, his understanding——

Mr. SCOTT. I did not yield for a debate.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. SCOTT. For a moment.

Mr. BEVERIDGE. I just want to say—and then I will sit down—that if the votes of the Senator's party defeat this bill, it will rob his party of votes at the next election.

Mr. MCLAURIN. I hope the Senator from West Virginia——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. SCOTT. I yield to the Senator.

Mr. MCLAURIN. I hope the Senator from West Virginia will allow me to say that the understanding of the Senator from Indiana in reference to my admission is just as much at fault as is his understanding with reference to the partisanship contained in this bill. I made no such admission. I merely stated that if I were disposed to retort I could say that that was the purpose and intention of the introduction of the bill, but that it would have the effect suggested by the Senator from Indiana I never admitted.

Mr. SCOTT. Mr. President, I belong to the class of old-fashioned Republicans and I suppose I am put in the category of those who are called "stand-patters," if anyone knows what that term means. As I understand, a "stand-patter" is a man who does not believe in any revision of the tariff at this time. I believe that the present Dingley tariff has done more for this country in the past ten years than any law that was ever written into our statute books. It has done more for the workingman, more for the mechanic, and more for the farmer; and I think, Mr. President, it will be a very sad day for this country when we undertake in any very great degree to amend that law.

Any man who has traveled, as the Senator from Indiana [Mr. BEVERIDGE] and many other Senators have, in foreign countries knows the condition of the working people in such countries. We know why that condition exists. It is because of the low wages paid to foreign workmen. A few years ago when I was in Italy it was not uncommon to see women who were paid what would be equivalent to 6 or 7 cents a day in our money pulling the sweep around in the brickyards to stir up the mud out of which bricks were made; to see women carrying them and putting them in the sun to dry; and in Munich to see women carrying hods to the tops of buildings, and all this being done, Mr. President, at a very, very low rate of wage.

In my own business a man working fourteen or sixteen hours a day in Europe—in Germany, I will say—earns 2 marks. A man doing the same work in the factory of which I have the honor to be president working for four hours and a half will earn from two to three dollars and a half. But take the duty off of the commodity which he is engaged in making—and the same thing holds good as to other articles—and what must be the inevitable result? The wages of that workingman must be reduced; his family must live more economically; his children can not be sent to school for nine months in the year as they now are; he can not have any of the luxuries, but he and his family must live in the plainest possible way. I do not believe, Mr. President, that this great country of ours has come to the point yet where we are willing to subject our working people, who deserve all they are getting and more, to any such condition as that. If I had it in my power to do so, many of the schedules would be increased, so that the increase of duty might go to those who perform the work.

Mr. President, I do not believe in revising the tariff after the election; I do not believe in revising it before the election, and I do not believe that any man, when you put it home to him, wants to reduce the tariff on something that he himself has in his State or that he himself is interested in. He is like Mark Twain, who, when asked where was the best place to have a boil, said on his wife's relations. [Laughter.] You want to put it on somebody else. My friend from Michigan would not want the duty taken off of potatoes. West Virginia does not want the duty taken off of coal, steel, tin, pottery, glass, wool, timber, or iron. I am sorry to see that my friend, the Senator from Indiana, has gone out of the Chamber temporarily. He does not want to see the tariff taken off of wool. The time was before the Dingley law went into effect when a great many American citizens were ashamed to look a sheep in the face, for sheep had got to be so worthless because of the late tariff on wool.

I have merely risen, Mr. President, to offer my serious and earnest conviction against a tariff revision. I hold in my hand the last article ever written by that great statesman Thomas B. Reed, and I ask to have it incorporated in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The article referred to is as follows:

WHAT SHALL WE DO WITH THE TARIFF?

[By Thomas B. Reed, formerly Speaker of the House of Representatives.]

The elections for this year have taken place, and we have escaped the one great danger of democracy, which is the decision of great questions without discussion. But we have by no means got rid of the questions. We have now upon us the duty of discussing them with such care as will tend to decide them correctly. We have had a season of prosperity which has no parallel, even in our own remarkable history. There has been a movement of concentration, and business has been carried on on so great a scale that we are ourselves frightened by the tremendous shadow which we cast. We are not only exhibiting remarkable growth, but we are doing it in such fashion as to influence the Old World. In that suprising address which Mr. Carnegie has just delivered at St. Andrews, we can see depicted what the influence of forty nations united in one will be, and that it will force the countries of Europe, after due years and perhaps centuries, to such a union as will banish armies and wars. We may well hope for this, for the story of the world's march from feudalism and distraction to nationality and internal peace amply justifies his prophecies to those who can see that God works unceasingly and has all eternity under His command.

But our problem in this nation is of to-day, and if we do our duty of to-day the nation will find those who can take our places to-morrow.

All that is now happening is in accord with the nature of things. Displacing the old with the new is never without its complications and minor evils, which correct themselves in due time. All good progress, even that which is undoubted, has its temporary sorrows. One example, which takes innumerable forms, of this temporary sorrow which may be employed to illustrate the idea is the invention and use of labor-saving machinery. Upon such invention and use depends the whole material progress of the world. Nothing else could give us the abundance which characterizes our age. Yet, when any new labor-saving invention comes into use the first thing it does is to deserve its name by lessening the number of men who can work. Labor saved is, temporarily, labor lost. Men are discharged; the machine does what they used to do. Do you wonder, then, that men should resent this intrusion upon their sustenance and support? Some are too old to learn new trades, and for them there is no consolation. Yet, in the long run, new occasions spring up which employ this discharged labor, and the world has all it used to have and much besides.

Conservatism, or the unwillingness to welcome new things, has its uses. Most new things are not good and die an early death; but those which push themselves forward and by slow degrees force themselves upon the attention of mankind are the unconscious productions of human wisdom, and must have honest consideration, and must not be made the subject of unreasoning prejudice. Toward such a movement no one has a right to look askance. Above all, no one has a right to presume such a movement wrong. It may be wrong, but when business men all over a great nation pursue the same course, the presumption ought to be that they are right. Nevertheless, the first idea is to make them stop.

The history of corporations can be put into a few words. Men of sense are unwilling to risk their all in one enterprise or business. If they can limit their risks and if by union with others whose risks can be in like manner limited they can make a strong company, much idle money can be utilized and both capital and labor employed. On this basis, and the basis of easier management, corporations were formed and have gradually grown in full proportion to the growth of the world. In our day this growth has taken a new form. That form has been forced upon business men by competition with one another. If a number of concerns united to save expense and the duplication of management, others had to do likewise. These unions of capital have been forced upon the capitalist. This element of force we must all bear in mind if we wish to understand this question. Perhaps you think that men were glad to get into these unions and went cheerfully into combinations. Such was not the fact. Men hated to give up their independence. They and their fathers had built up their business. They were proud of their success and meant to leave their establishments to their children. In the new combination only one could be the head. The others must go out or take rear seats. Then came the task of valuing, which encountered the natural unwillingness to have others do better than we do, until the task of consolidation grew almost impossible. Why was it not absolutely impossible? Simply because of the murderous competition. It was union or bankruptcy. Of course, after there had been a few examples, it became easier. The rising tide of prosperity helped also, because it raised not prices only, but values, and men were reconciled by getting more than they had hoped for, though they got no more than belonged to them. It would be natural here to say, why not let competition go on? What we want is the results of competition—low prices, so that we can buy all we want. The answer to this can be made, and it is worth attention. With small factories scattered around and a country store in every village, competition did insure us low prices, but did not escape the evils we will hereafter speak of. So long as competition could be carried on on the basis of living and letting live, all went well; but, as capital grew in amount and mills in size, competition became more violent and property ceased to make returns. Now, the doctrine of competition, most invaluable in its way, has its limitations. Being human, it is not an unmixed good. Destructive competition is an evil. The world can not afford to have a trade which does not pay a fair profit. Hence, when a trade ceases to offer a fair profit, there has to be a remedy, and the remedy chosen here was in reality not a new one. It is impressive upon us at this time on account of its size. In a small way it has gone on ever since business became business.

But are we to be exposed to the mercy of those people who pile up millions, and have we no remedy by law or constitutional amendment? Yes; we have many remedies on the stump and in the newspapers. But the experience of mankind is universal that Providence has not left us to the stump orator or the newspapers, or even to the statesman. Somehow—after much blundering, perhaps, but somehow—every new movement has in itself the element of protection of the race. For instance, we are all afraid of monopolies; we fear that somebody by some new scheme will squeeze us permanently, and yet that has never happened. But, you will say, what can prevent these great aggregations of capital from charging what they like? The answer is that what prevents them from charging an unfair price is the well-founded fear that they will thereby risk and lose the vast sums already piled up. In other words, the same state of the world, the same general wealth, which enabled one big pile of capital to get together will enable a larger pile to get together and, by means of more modern machinery, to destroy the attempted monopoly. When one set of capitalists of great renown a year or two ago attempted to take control of Pacific business the undertaking was not so vast as to prevent men whose names were up to that time but little known from meeting them and making, at least, a drawn battle. The fact is that every business man now knows that the only monopoly anybody can get, except the temporary one of patents, to which no one objects, is by producing some article cheaper and selling it cheaper than any other maker. Whether such a monopoly is obnoxious and to be stamped out I leave to the wise declamation of the friends of the people.

It would be a good plan if somebody who believes in the efficacy of legislation would sit down and draw his statute and put into words his constitutional amendment and see where he would arrive. "Error," says the wise Latin, "lurks in generalties." To talk of doing something by means of something, if you do not specify the something to be done or the way to do it, is a waste of time.

After all the language which has been used about the great corporations one is a little surprised at the lack of specification. Almost everybody announces that what we need is "publicity." Even this is vague. Do you expect the public to be intrusted with the cost sheets? If you do not, then what will your publicity amount to? If you mean by "publicity" such a statement as will enable the outsider to buy wisely or the stockholder to sell at the true value, I fear we may be going beyond the province of free government, which certainly thus far has left the task of keeping his fingers out of the fire to the citizen whose fingers they were.

But can not we stop this stock watering? Must we not do it? Well, the value of stock is very much a matter of opinion. It will be noticed that the stock of one of our greatest companies can be bought for less than $40. The par value is $100. In the judgment of the world there is 60 per cent water, and in the market the water is squeezed out. Could a legislature do it more effectually? As that same stock sold at 55, there was a time when there was only 45 per cent of water. It is proposed in the new constitutional amendment to specify how often the test for water is to be applied? Are the stockholders to be assessed daily for the variations of each day, or are the directors to be indicted daily? Shall officers of the Government determine the value, or the public in open market?

There is a piece of wisdom as old as the world, which is worthy of all consideration. Let us not be in haste about great matters. When you don't know what to do, don't do it. If the proposition is to press an oak back into an acorn, it had better be carefully considered.

The proposed treatment of corporations, even if something ought to be done, is a fine example of how easily men mistake their wishes for their reasons. It is proposed to repeal such portions of the tariff act as have made these corporations prosperous. Of course, this is not intended to attack the tariff. All we are trying to do is to sap the prosperity of institutions which have grown so large as to frighten us. Why do they frighten us? Because they are great and strong and wealthy. Of course, then, their greatness and strength and wealth are fundamental facts beyond dispute. No tariff law, of course, can be made which does not apply to all. Hence, if the tariff is so reformed that the big, strong, and wealthy corporations go to destruction, how are the small ones to be saved? Really, to the calm and judicious mind this seems like free trade for its own sweet sake.

Protection in some lands may be the subject of discussion and debate. How it can be that in this country, and at this time, passes all understanding. In the United States the policy of protection has had a century and a quarter of alternate triumph and defeat. The triumph has always been followed by prosperity, the defeat by hard times. The last decade has been of striking example. We saw fit to try tariff reform in an act called the "Wilson Act." So prompt were the evidences of failure to meet the hopes of its framers that the country rose as one man, repealed the act, and substituted therefor the Dingley Act, which was the result of care and skill; and immediately there followed a demonstration of the advantages of protection, the like of which was never seen, even in this country. Owing to a combination of circumstances, we found other countries ready to take our surplus; and owing to the fact that we had not fairly started our demands on our own workshops, we had a surplus to send abroad. This large export trade was misunderstood. It only indicated that, with strong prices abroad, with England paralyzed by a strike, and with our own demand only just awakening, we could send many things abroad. It did not mean that we could always do this. It meant that the primacy was in sight, but not yet gained. When our own demand reached its proper increase we found we could not supply it. On the contrary, we used up not only what we made, but in the articles of iron and steel alone we have imported in the last year a million tons. Unfortunately, our exports came at a time when we were expanding, and everybody's mind was filled with the idea that we could supply the world. The free traders seized upon this state of the public mind and declared that we needed protection no longer and that the tariff must be abandoned. This idea that protection is in the nature of medicine, to be dropped as soon as possible, is an idea we had better examine. What if it is food? The medicine notion comes from the early arguments for the selection of infant industries to be fostered and cherished. Time and experience have enlarged that notion of protection. They have shown that protection is not a privilege, but a system. A privilege must be robbery. A system must justify itself by results. The principle which underlies protection is the securing at all times to the American people the markets of America. It means that the work of this nation shall be done by the people of this nation. All wealth comes from the marrying of labor to the raw material. In a country like ours, extending over such vast regions, there can be no lack of materials. Any system which enables our people to do our own work is the system which can give, and has given, the best results. The enemy have all along sneered at the idea that taxes can make us rich. But this is simply to beguile by words. Would it be any less absurd to say that taxes gave us good currency? And yet they did. We tax State currency. We do not raise one cent by the tax; it simply bars out the State currency. We used the tax as a way of accomplishing a result—as means to an end. In like manner, we used the taxing power to create a barrier behind which we could do our own work. All the theorists—the men who thought there was nothing in the world they could not think of—declared that we would be ruined. We have not been ruined, but we are to-day a very lively example of a people who do their own work. What would you say was the ideal industrial condition of a nation? Everybody at work. Just now we have everybody at work. And yet we think we want something else. If we keep on fussing we shall get it. With all the world except England, including her own colonies, of our opinion, with success embroidered on all our banners, we are invited to surrender our views and give place to a beaten world.

Why? Simply because of that human unrest which is part of the history of the race. We, being also of limited knowledge, are much given to be beguiled by generalities. Here is one line of generalities. Is the Dingley tariff bill the end of wisdom? If not, then it can be improved. A tariff bill could be framed, we think, which would be free from all the errors of that celebrated bill and retain its virtues. Where would you enact such a bill? Why, in your own mind, of course. Unfortunately, a bill enacted in the mind has no extraterritorial force. A bill enacted by Congress, like the progress of the world, is the result of a fierce conflict of opposing human interests, and must be so. When men talk carelessly of tariff revision, they talk of a tariff never yet established, and one that never can be. They dream of a tariff which exactly suits them individually, while a real tariff bill is one which measurably satisfies the country as a whole.

But can we not have, sitting in perpetual session, a body of men nonpartisan, judicious, wise, and incorruptible? Yes; in your mind. You can have anything in your mind. Imagination is unlimited, and it is very delightful to wander round among possible impossibilities. Just think of a nonpartisan free trader sitting on a tariff tax! Of course he would be above any prejudice except his own. I saw one tariff commission sit in 1882, and its report was not enacted into law. All its mistakes were, and the result was satisfactory to nobody.

What we had better do is to remember where we are and what our dangers are. Enterprises of business are not entered upon by helter-skelter. They are the result of calculation. One of the first inquiries of the promoter or maker is, How many of our present conditions are

to remain? If there are to be uncertainties in the future he will not dare to act. What can you imagine that would dampen a business man's ardor more than to be called on to guess what a new tariff bill would be! The prophetic instinct in the human creature is there beyond its limit.

We ought to let the tariff alone; we ought to defend it against all comers for the good of the nation. We are doing more than well and need not hunt for disaster. That will come in due time.

Meanwhile, let us see what people are trying to do. Nobody dares to attack the tariff directly. Every effort against it is a flank attack. The tariff is to be changed, not because it has not produced prosperity, but because it has produced large corporations. We so hate and fear large corporations that we will destroy prosperity rather than not destroy them. To argue such a proposition would be a discredit to the American people. The most plausible attack has come from the demand for reciprocity. In my judgment, it will be found that, when the glittering generalities of reciprocity are refined down to actual statement of what is proposed, the American people will never have it. The history of reciprocity the world over has been that any treaty thus far devised has been one-sided, and the country losing has put an end to it. We tried it with Canada. Our export trade increased 13 per cent and theirs increased in eleven years 500 per cent. That treaty no longer exists. We had one with the Sandwich Islands, and on the average we gave them $5,000,000 remitted sugar duties a year, and sold them $4,000,000 worth of goods. In other words, we gave them all our exports and $1,000,000 besides. This is what the friends of free trade were trying to do for Cuba when we were so apprehensive that that island would be ruined if we did not give in charity what had no foundation in justice.

Protection, I repeat, is a system, and is justifiable because it is of general application. The whole nation gets the benefit of it. If you will examine reciprocity in detail you will find that, in nearly every case, the national revenue is sacrificed for the benefit of individuals. Hawaii alone cost us one hundred and one millions of unrequited dollars. Perhaps it may be a consolation to know that our own citizens, temporarily expatriated, were thereby greatly enriched. This example has led our citizens in Cuba to hope for like results, and they, too, are eager for remitted duties. But the scheme has been exposed, and Republicans must be blind, indeed, if they surrender any jot or tittle of protection of the beet industry in order to bestow largess upon citizens who expatriate themselves, while we refuse it to farmers who till our own soil. The low price of sugar in Cuba is the same low price which pervades all the West Indies, and is caused by the substitution of the beet, a better sugar producer than the cane. In a word, a great output of sugar lowers the price. Suppose a great grain crop sent prices down. Would we make it up to our farmers out of our Treasury? Of course not. If we can not do this thing to our farmers who stay at home, why should we do so to those who go abroad to develop other lands? When we recall the way in which Congress was made to believe that there was a great popular uprising in behalf of Cuba, and contrast it with the disclosures since made, we are amazed. Cuba had promises. By whom they were made, what they were, and when, nobody could ever tell. Mayors of towns just ready to starve sent us messages, and ruin or immediate action were the only alternatives. The whole year has gone and no ruin has come. This was simply a flank attack on protection, and many men were beguiled who had been its stanch champions. For the Republicans to desert the beet-sugar interest is to desert the farmer in the one conspicuous and clear case where his industry is fostered. Under the tariff as it now is all the sugar needed for this country can be made by the people of this country. That is in accord with our system. It is a part of our system, and should not be abandoned until the rest of it is abandoned. When we throw our markets open to the world in all things, then it will be time to do it for sugar.

Let us put this into a few words of a practical character.

We have a tariff carefully drawn, which has served us well. That tariff is only five years old. It has brought us away up on the hillside of success. It has no connection with great corporations, except what it has with small corporations and individuals. No attack by repealing the Dingley Act can hurt one without hurting all. Any disturbance of that kind would disturb trade in ways with which we are all too familiar.

A tariff bill at any time is not and can not be the creature of one mind. It means the result of a contest by all interests and all minds. Hence, whenever any man thinks of a tariff he would make, he always thinks of a tariff bill which will never be enacted.

There was once a President of the United States, of great power and influence. For four years he had no Congress behind him, and he dreamed of such a tariff-reform law as would suit him. By and by he had a Congress of his own party, and he started in to make such a law as would please both gods and men. There are those who remember the dismal looks of the Members of the House when they yielded to the Senate, and the averted looks of the President as he let the bill pass by, unsigned and friendless. To those men it became apparent, as it should be to the whole world, that the tariff enacted is always different from the act in your mind. Is the Republican party ready to open the box, knowing that, once it is opened, only hope is left behind?

THOMAS B. REED.

Mr. du PONT. Mr. President, among other communications which I have received on this subject is the one I send to the desk, which I ask to have read at the present time.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

NEW CASTLE, DEL., *February 3, 1908.*

At a meeting of the Board of Trade of the city of New Castle the following resolutions were adopted:

Whereas realizing the advisability of removing the subject of the tariff, so far as is practicable, from politics and that modifications in the present tariff laws and schedules have become desirable in the present condition of our foreign commerce and to promote its further development; and

Whereas a bill (S. 3163) to create a tariff commission has been introduced by Senator BEVERIDGE, the composition of which is to be nonpartisan and which shall have ample time and means to thoroughly study the entire subject not only of our own tariffs, but of those of foreign countries, including the matter of the proper protection of our labor; and

Whereas we believe that such a commission will be best able to study, weigh, and recommend measures upon which Congress may act without undue disturbance to business and with justice to all interests: Therefore be it

Resolved, That this board of trade earnestly advocates the creation of a nonpartisan, able, and conscientious tariff commission, as set forth in Senate bill S. 3163, and we urge our Representatives to give their support and aid to its legal enactment regardless of party lines.

Resolved, That the secretary be instructed to forward a copy of these resolutions to Senator Hon. H. A. du PONT, to Senator Hon. H. A. RICHARDSON, and to Representative Hon. HIRAM R. BURTON.

WILLIAM E. ROTHWELL,
Secretary New Castle Board of Trade.

Mr. STONE. Mr. President, I congratulate the Senator from Indiana [Mr. BEVERIDGE] and the country that the distinguished Senator by his bill and by his speech shows his belief to be in common with that entertained by the Democrats and by a great number of Republicans, that a necessity exists for a reform of the tariff laws, and that this necessity is due to the fact that the operation and effect of the existing law is detrimental to the great industrial and commercial interests of the country. That has been and still is the conviction of the political party with which Senators upon this side of the Chamber are identified. Up until recently the undoubted prevailing, if not unanimous, sentiment of Senators upon the other side of the Chamber and the prevailing sentiment in the great party to which they are attached was that the tariff law known as the Dingley Act was the wisest and the best tariff law ever enacted in this country, and that its effect on the industrial interests has been beneficent in a high degree; and if the sentiment of that party can be estimated from what has been said by its leaders it is still the view entertained by a majority of Republicans. But it seems that a light has broken in upon Republican conception, and a rising revolt is abroad amongst them against the continuation of the schedules of the Dingley Act.

Mr. President, if there be no need of a tariff revision, if the existing law is for the good of the country and accomplishes good results, if it is for the best, if under its operation the industries of the country thrive and prosperity eventuates, why should we change it? Why discontinue a policy or change a law that brings only good to our country? But the Senator from Indiana believes, in common with many other leaders of his party, that to-day the effect of the Dingley schedules is harmful, harmful to our industries, and that therefore a necessity exists for their revision.

Mr. President, not only do Democratic Senators here hold to that view, and Democratic Members of the House, but it is a widespread conviction, a conviction which obtains not alone among Democrats, but among Republicans also; and for this latter I am profoundly gratified. And there is proof abundant that this belief exists outside as well as in the Congress; and it exists among manufacturers as well as others.

I have here a telegram giving an account of the proceedings of a meeting held on May 23, 1907, by the National Association of Manufacturers of the United States. This is an Associated Press dispatch printed in the St. Louis Republic. It says:

NEW YORK, *May 22.*

The National Association of Manufacturers of the United States went on record to-day as in favor of a revision of the tariff at the earliest opportunity and the negotiations of more reciprocity treaties.

A lively debate preceded this vote upon the report of the committee on tariff and reciprocity. The committee based its recommendations on a poll of the 3,000 members of the association.

Of the total number replying 55 per cent declare for immediate revision, while 20 per cent expressed a "hands-off" sentiment. Eight per cent believe that the time for revision had not arrived and the other 17 per cent expressed indifference.

Now, the point is that a majority, a good large majority of the members of this great manufacturers' association, declare in favor of a revision of the tariff, not some time in the future, but an immediate revision.

Mr. BEVERIDGE. Will the Senator from Missouri permit me?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. I do.

Mr. BEVERIDGE. The Senator will permit me to say that I am possibly more familiar with the manufacturers' association's attitude than he is, having been in communication with them. That association, which I suppose is the greatest body of manufacturers in the world, is not in favor of a revision of the tariff by the hop, skip, and jump plan, but is in favor of the immediate appointment of a nonpartisan commission which shall find out the facts, prepare the schedules, and submit them to Congress, and then it is in favor of a revision upon the work of that commission.

I know that the Senator, who is very fair, does not want to

leave out any element of fact in any statement he makes. That is the situation.

Mr. STONE. What the Senator says may be true. He says it is true and, therefore, I accept it, because he seems to speak by authority. But that does not concern the immediate point I was endeavoring to make. I was not talking about the method or the best way of revising the tariff, whether by a commission or by an act of Congress in the first instance, or by some other method. I was simply endeavoring to impress a single fact—that a large majority of this manufacturers' association, which the Senator from Indiana says is the largest in the country, if not in the world, demanded according to the terms of its own resolution an immediate revision of the tariff.

Hence some harm must be resulting to the manufacturers themselves from the operation of the tariff schedules, and that harm does result to them I have no doubt. If we were upon a tariff debate proper it would not be difficult to point out some of the disadvantages. That the farmers of the country are beginning to demand a revision also; that there is a rising sentiment among them in favor of it I have no doubt, and that there should be is beyond question.

Mr. President, the farmers constitute as a class the greatest body of consumers, and they are the greatest sufferers from the iniquities of our tariff system. Let me give one or two examples. They are the sole consumers of agricultural implements.

Mr. CLAPP. You do not mean the farmers consume the machines? They use them.

Mr. STONE. That is consumption.

Mr. CLAPP. Oh, not necessarily. There is a vast difference.

Mr. STONE. I suppose the Senator from Minnesota thinks "consumption" means eating. In that sense I accept the correction. They do not eat them, but they do use them, and in that sense consume them.

I heard the Senator from North Dakota [Mr. HANSBROUGH] declaim vehemently here the other day against the harvester trust, a great organization with headquarters at Chicago, I believe, controlling to a very great extent the manufacturing plants of the country engaged in the manufacture not only of harvesters, but of other kinds of agricultural machinery. He told us that by reason of the combination of the manufacturers who constitute the trust they had destroyed competition and were enjoying an absolute monopoly in the manufacture of such implements. He said that by reason of the opportunity afforded by that monopoly they had within a year advanced the price of harvesting machines used in his State and the surrounding States from one hundred to a hundred and fifty dollars. What is true in that particular instance and with respect to that particular machine is relatively true with reference to other agricultural machines, and under such circumstances it seems to me the farmers of the country ought to be in favor of a radical revision of that schedule.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. Certainly.

Mr. CLAPP. Does the Senator attribute the advanced price of harvesting machines to the tariff, which has remained the same in that respect for some years?

Mr. STONE. Is that the Senator's question?

Mr. CLAPP. That is one of them. I have another one to ask after you have answered that one.

Mr. STONE. I think so, very largely.

Mr. CLAPP. Then to what do you attribute the recent decrease in the price of lumber with no corresponding change in the tariff?

Mr. STONE. What has been the recent decrease in the price of lumber?

Mr. CLAPP. There has been a decrease in the last sixty days.

Mr. STONE. I suppose it is due to the lack of consumption.

Mr. CLAPP. Unquestionably.

Mr. STONE. And the lack of consumption is due, if not wholly, in large part, to the excessive prices demanded for lumber. I will speak of lumber in a moment.

Mr. President, I do not contend that the advance in agricultural machinery, the high price that is charged consumers for it, is due wholly to the tariff, but more to that than to anything else or all things else combined. It does afford the opportunity of establishing a monopoly, because the tariff upon such machinery is so high that it prevents importation, and foreign or outside competition is impossible. All that the gentlemen who organized this trust had to do was to get control of the manufacturing establishments in this country and then shelter themselves behind the tariff wall and grind and grind as far as the needs and abilities of the consumer would permit.

See the difference between the policies of the Republicans and the Democrats as to that particular schedule and as it relates to agricultural machinery. In 1894, under the Wilson bill, agricultural implements were on the free list, but in 1897, under the Dingley law, an ad valorem tax of 20 per cent was placed upon them.

Now, my friend the Senator from Minnesota speaks of lumber. Lumber in 1894 was made free. Scarcely had the schedule become operative and its effect well known when the Dingley bill was passed, and a tariff of from $1 to $3 per thousand feet board measure was put upon sawed lumber.

Mr. CLAPP. Does not the Senator misspeak himself? Was not the tariff $2?

Mr. STONE. Yes, $1, $2, and $3. It runs upon a scale. I have the statute here, if the Senator cares to see it.

Mr. CLAPP. You may be right about it, but I question it.

Mr. STONE. I am right.

> Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, $1 per thousand feet board measure; sawed lumber, not specially provided for in this act, $2 per thousand feet board measure; but when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid for each side so planed or finished 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved, $1 per thousand feet board measure; and if planed on two sides and tongued and grooved, $1.50 per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing and grooving.

And so on along a scale.

Mr. President, this prohibitive tariff made the lumber trust possible. It made it possible for manufacturers and dealers in lumber products to extort almost at pleasure from the consumers. I am in favor, Mr. President, of a revision of the tariff. I am in favor of having it, not at some indefinite time in the future, although I would be glad to have it any time, but I want it now and as speedily as possible. We ought to have a revision now, this session; and after the law is made more reasonable and just than it is we can talk about a commission.

Mr. President, the Senator from Indiana did not tell us when we could expect a report from this commission and its deliberations brought here for the consideration of Congress. He did not indicate to us when we could hope to have a tariff revision by the means he proposes. I am sure it was not his intention; nevertheless it might be that this proposal could be made an excuse for further delay. The demand from the great industrial interests of the country is for an immediate revision, but I do not see it on the way just now.

I saw in the papers this morning that one of the Senators from Massachusetts and a presiding officer of another legislative body gave it forth on yesterday flatfooted, that the country could not have a tariff commission or tariff revision, and I do not believe, sir, that we can expect any early action or any favorable action on these tariff schedules from the Republican party.

My friend the Senator from Indiana would divorce the tariff question from politics. It is impossible. It is essentially to-day, as it has been throughout our history, a party question. This is so because the parties are radically divided upon the fundamental principles underlying tariff laws. I do not believe a wise or just revision of the tariff will be had now or for years to come if the revision is to be left to the Republican party.

Mr. President, how does the Republican party to-day stand on the question of revision? Here are some expressions which I have from several great Republican leaders showing how widely divergent their views are. On December 5, 1906, Secretary Taft, in a public speech at Bath, Me., said, as reported in the Kansas City Star:

> Speaking my individual opinion and for no one else, I believe that since the passage of the Dingley bill there has been a change in the business conditions of the country making it wise and just to revise the schedule of the existing tariff. The sentiment in favor of a revision of the tariff is growing in the Republican party, and in the near future the members of the party will doubtless be able to agree on a reasonable plan.

Secretary Taft later, on October 27, 1906, speaking at Cleveland, Ohio, said what I shall read, taken from a report of his speech printed in the Washington Post the following day.

> Secretary Taft in his opening speech—
>
> Says the dispatch to the Post—
>
> Secretary Taft, in his opening speech in the Ohio campaign to-night, declared in terms stronger than any he has hitherto used for a revision of the tariff. Changed conditions since the passage of the Dingley bill require revision, he asserted, to remove inequalities and excesses, while retaining the system of protection.

Secretary Taft, on the strength of such mild expressions as I have read, has been set down as an earnest and progressive

tariff revisionist. The venerable senior Senator from Illinois [Mr. CULLOM] is put into the same category. I read from the St. Louis Republic, of August 19, 1906, as follows:

Senator CULLOM is a friend of the "Iowa idea," although probably not so radical in his views as Governor Cummins. Much to the surprise of everyone who listened to his comments, the Senator made his attitude known when replying to a question as to what he thought of Speaker CANNON'S speech before the Danville convention.

"All in all," he said, "it was an excellent speech. However, he went a little too stiff on the 'stand-pat' issue. We must not lead people to believe that there is no hope of ever changing the tariff schedules, or they might put us out of office."

Actuated by that fear, not for himself perhaps, but for his colleagues, he has aligned himself with the so-called "Republican revisionists." The senior Senator from Illinois is also reported in the Washington Post of November 11, 1907, as saying:

If we are to revise the tariff, and there seems to be a demand for it, we ought not to postpone it.

But if the bill introduced by the Senator from Indiana or any like measure is passed, the Lord only knows, if we wait upon it, when a serious effort will be made to revise the tariff.

I have other opinions here from Republican leaders like Governor Cummins, who favor a tariff revision, but I do not care to occupy too long the time of the Senate by reading them.

I have also some expressions from distinguished Republicans on the other side of the question in opposition to any tariff revision. Among them is a reported interview with the junior Senator from Illinois [Mr. HOPKINS], printed in the Washington Herald of July 17, 1907, in which he is reported as saying:

I talked tariff revision with President Roosevelt during most of my visit, and I gained the impression that there will be no tariff revision until after the next Presidential election.

He does not seem to agree with his venerable colleague. On the contrary, he wants to postpone a revision because of the exigencies of politics until after the next Presidential election. This Senator from Illinois regards it as a political question, and the President evidently regards it as a political question or else he would have sent a message here urging us to take up this important legislation at once, instead of procrastinating indefinitely.

Here is something from Speaker CANNON, printed in the Globe-Democrat, of St. Louis, May 24, 1907. The Speaker is reported as saying:

These dispatches have indicated the attitude of Mr. CANNON on the tariff question. It is clear that whatever may be the views of Mr. Taft, who recently made a tariff revision declaration, or of other of the advisers of the President, the Speaker gives no encouragement to tariff revision agitation. Neither did the Speaker assent to a suggestion put forward recently that the next Congress commit itself to future revision by resolution.

Then here is an expression from the senior Senator from Ohio [Mr. FORAKER]—it is rather interesting reading—taken from the Washington Herald of July 27, 1907. The senior Senator from Ohio is quoted as saying:

I'm not a candidate for office, but if I should be I wouldn't get the lockjaw. I don't have to hold office to live. Secretary Taft is reported to have said no longer than day before yesterday that he wanted tariff revision. Former Governor Herrick said he wanted it, too. I don't wonder. Congressman Burton, who is said to want my place in the Senate, is another who wants revision. I'd like to know where these men who want to be candidates are to begin to revise. They say Taft is going to run for President. I understand he has come to Ohio to make a speech at Columbus. I hope he'll tell us how he is going to revise his tariff.

So that Senator seems to be among the antirevisionists. I will make one further quotation. This is from the American Economist, the organ of the American Protective Tariff League, of date January 3, 1908:

Nothing can beat Bryan for the nomination. Bryan will be the Democratic nominee upon a platform sufficiently loyal to free trade and hostile to protection to command the support of even the World itself. And Bryan will, as usual, be beaten at the polls, unless, perchance, the Republicans make the fatal mistake of nominating some man like Taft, who will try to meet Bryan halfway on the tariff question. In that event Bryan will be elected, and he ought to be elected.

I read these excerpts from interviews, dispatches, and editorials to show the division of sentiment and purpose among the men who form and direct the sentiment and policy of the Republican party. I have no doubt, as I have already said, that a very large proportion of the Republicans of the country, a majority of them perhaps, are opposed to intermeddling with the tariff schedules. That may be true—I think it is possibly—because of the expressions given by so many of the eminent men of the party. But, on the other hand, that there is a very large number of Republicans in all the avenues of our industrial life who are insisting urgently and persistently for a real revision of the tariff is equally clear. But those Republicans may as well understand now as later that they will get no real revision under Republican auspices.

If the covert threat, aye, the open threat, of the Economist should develop into a reality, if Taft and Bryan should be the candidates of the two parties, as now seems probable, and Mr. Bryan should be elected President, with a Democratic House, then we will begin a safe and conservative revision of the tariff, a revision along wise and well-considered lines, that will take into consideration the rights of the consumers as well as of all others, and do this so as to disturb as little as possible the legitimate business of the country; but, so far as the tariff is responsible, we will make the existence of these monstrous, sinister, and selfish trusts, of which such just complaint is made, impossible.

LANDS IN CARLTON COUNTY, MINN.

Mr. KEAN. I was going to move an executive session, but the Senator from Minnesota [Mr. CLAPP] asked me to yield to him.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 3932) authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes.

The Secretary read the bill, and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, page 2, line 5, after the word "quarter," to strike out "northeast quarter of southwest quarter, south half of" and insert "all of the," so as to make the section read:

That the Secretary of the Interior is hereby authorized to convey to the State of Minnesota the following-described tracts and parcels of lands, situate in the county of Carlton, State of Minnesota, and described as follows, to wit: All of section 36, township 49, range 18, except east half of northeast quarter; and all of section 31, township 49, range 17, except southwest quarter of northwest quarter and southeast quarter of southeast quarter; south half of southeast quarter, south half of southwest quarter, northeast quarter of southeast quarter, and south half of northeast quarter, all in section 30, township 49, range 17; northeast of northwest quarter, south half of northwest quarter, all of the southwest quarter, and south half of southeast quarter and northeast quarter of southeast quarter, section 29, township 49, range 17; north half of northwest quarter, southwest quarter of northeast quarter and southeast quarter, section 32, township 49, range 17, upon receipt by said Secretary of the Interior of the sum of $1.25 per acre to him paid by any person or persons on behalf of said State of Minnesota.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 18, after the word "range," to strike out "seventeen" and insert "eighteen;" in line 22, after the word "seventeen," to strike out "northwest quarter of southwest quarter;" on page 3, line 1, after the word "southwest," to insert "quarter;" in line 2, after the word "northwest," to insert "quarter;" in line 6, after the word "them," to insert "or their heirs;" in line 7, after the word "Minnesota," to insert "upon such allotment being first appraised by the Secretary of the Interior;" and in line 10, after the word "fee," to insert "and the proceeds of such allotment in case of an incompetent Indian shall be held and disposed of as provided by the act of March 1, 1907, 34 Statutes at Large, pages 1015 to 1018," so as to make the section read:

SEC. 2. That all restrictions on alienation as to any allottee or allotment embraced in the following-described lands, to wit: East half of northeast quarter, section 36, township 49, range 18; southwest quarter of northwest quarter, section 31, township 49, range 17; north half of northeast quarter and southeast quarter of northeast quarter, section 32, township 49, range 17; and northwest quarter of northwest quarter, northwest of southeast, section 29, township 49, range 17; north half of northeast quarter, northwest quarter of southeast quarter, north half of southwest quarter, southeast of northwest quarter, section 30, township 49, range 17; southeast of southeast, section 25, township 49, range 18, are hereby removed in so far that said allottees or any of them or their heirs may convey their allotments to the State of Minnesota upon such allotment being first appraised by the Secretary of the Interior, and in that case the trust patent heretofore issued for such allotment shall be deemed and be a patent in fee, and the proceeds of such allotment in case of an incompetent Indian shall be held and disposed of as provided by the act of March 1, 1907, 34 Statutes at Large, pages 1015–1018, or any Indian holding an allotment upon any of the lands described in this section may file with the Commissioner of Indian Affairs a relinquishment of said allotment and have the right to take another allotment of any unallotted lands subject to allotment in said State of Minnesota, provided that such relinquishment be accompanied by the sum of $1.25 for each acre covered by such relinquishment, to be turned over to the Secretary of the Interior and disposed of as hereinafter provided.

The amendment was agreed to.

Mr. BACON. Is there a report accompanying the bill?

Mr. CLAPP. Yes, sir; there is a report, and a recommendation from the Indian Office.

Mr. BACON. If it is not too long, I should like to hear it read, or, if it is long, perhaps the Senator from Minnesota can state briefly what the bill proposes to do.

Mr. CLAPP. I will state it.

These were Indian lands covered by the act known as the "Nelson Act" of 1889, which provided that the timber should

be sold and the proceeds placed in the Treasury to the credit of the United States, and then the land would be subject to homestead entry at a dollar and a quarter an acre. There are about twelve hundred acres there that the people of that community want to make into a forest reserve. The bill provides that the Secretary of the Interior may deed the lands to the State of Minnesota for one dollar and a quarter an acre, the Indian, of course, getting just the same as he would had the original law gone forward.

All the land is now covered by contracts for the purchase of timber, as appears by a letter from the Land Office attached to the report. So all there is about the bill, instead of the land now going to individuals it will be deeded to the State and the people there put up the money to pay for it.

Mr. BACON. The Indians get the same as they would get if private individuals bought it?

Mr. CLAPP. Precisely; just the same.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and twenty-two minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 6, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 5, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. HOWELL of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution:

The Clerk read as follows:

Resolved, That the Committee on Immigration and Naturalization be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

An act (S. 39) to correct the military record of Otis C. Mooney.

The message also announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

An act (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 39. An act to correct the military record of Otis C. Mooney—to the Committee on Military Affairs.

S. R. 18. Joint resolution appointing a commission to investigate methods of operation of coal and other mines and recent mining disasters in certain States of the United States—to the Committee on Mines and Mining.

JOSEPH C. M'ELROY, DECEASED.

Mr. HUGHES of West Virginia. Mr. Speaker, I present the following report from the Committee on Accounts.

The Clerk read as follows:

Resolution in lieu of H. Res. 164.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Benjamin L. McElroy, Jessie Bridgeman, Myrtle E. James, and Joseph C. McElroy, jr., heirs of Joseph C. McElroy, deceased, late Postmaster of the House of Representatives, the balance of his salary for the fiscal year ending June 30, 1908, from the date of his death, August 21, 1907, to be divided equally among said heirs, and an additional amount for the payment of the funeral expenses of the said Joseph C. McElroy, upon vouchers approved by the Committee on Accounts.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. Speaker, I do not see the minority Members just at this moment. Will the gentleman please explain the general purport of the resolution? Is this simply for funeral expenses?

Mr. HUGHES of West Virginia. It is for funeral expenses, and also the balance of a year's salary. It is the customary resolution.

Mr. WILLIAMS. That ought to be done, no doubt.

Mr. HUGHES of West Virginia. I yield five minutes to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I thank the gentleman from West Virginia for giving me a moment of time to say a word in regard to the late Postmaster of the House, whom I esteemed very highly as a warm personal friend. It is also, I assure gentlemen of the House, a matter of very sincere gratification to me that the first words that I should seem called upon to speak in this House should be in behalf of one who was not only, in a way, an appointee, but the companion in arms and the very warm personal friend of the very distinguished gentleman who so long represented in this House the district of Ohio which I have now the honor to represent.

Capt. Joseph C. McElroy was born near the village of Racine, upon the Ohio River, in Meigs County, in the year 1831, and except for three years that he spent in the gold fields of California, and four years in the Union Army, he passed all of his life in or near that village. In 1861 he enlisted in Company K of the Eighteenth Regiment of Ohio Volunteer Infantry, a regiment of which Col. Charles H. Grosvenor was the commander. He served with that regiment all the years of the war and took part in the battles of Stones River, Chickamauga, Chattanooga, and the other battles in which the Army of the Cumberland was afterwards engaged, and everywhere he showed the same devotion to duty that he showed in connection with his office here. He came back to his native county and was elected its sheriff, and afterwards ably represented his county in the legislature of Ohio. In 1895, upon the nomination of General Grosvenor, he was chosen to be the Postmaster of this House, and for twelve years, until his death in August last, he served faithfully in that position.

I am sure that to those of you who knew him here he commended himself always by his uniform kindliness, cheerfulness and courtesy, and I believe that the Members of this House, especially those who knew him best, will take pleasure in favoring this resolution. [Applause.]

The resolution was agreed to.

ASSISTANT CLERK TO COMMITTEE ON FOREIGN AFFAIRS.

Mr. HUGHES of West Virginia. Mr. Speaker, I also offer the following.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of an assistant clerk to the Committee on Foreign Affairs, a sum equal to the rate of $1,600 per annum until otherwise provided by law.

The report (by Mr. HUGHES of West Virginia) is as follows:

The Committee on Accounts, to whom was referred House resolution No. 45, have had the same under consideration and recommend its adoption with the following amendment:

In line 4 strike out the word "six" and insert the word "four."

This resolution provides for the services of an assistant clerk to the Committee on Foreign Affairs, at a salary of $1,600 per annum. If the resolution be passed as amended, the salary will be $1,400 per annum, and it is thought by your committee that this will be a commensurate salary. The Committee on Foreign Affairs is the only committee having jurisdiction of one of the annual appropriation bills which has not the services of an assistant clerk, and the chairman of that committee has convinced us that the work of the committee has grown to such volume and importance as to warrant the employment of an additional clerk. Besides the consular and diplomatic appropriation bill, the committee is engaged in the matter of determining upon the places where new buildings shall be erected for the accommodation of our consular and diplomatic representatives abroad. For these and other reasons presented to your committee, and in view of the fact that all of the larger committees of the House have assistant clerks, the resolution is favorably reported with the amendment indicated.

Mr. WILLIAMS. Mr. Speaker, I was engaged in conversation with a Member at the moment and did not hear this resolution read.

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that this is for an assistant clerk to the Committee on Foreign Affairs. The work of that committee has increased so much that it was demonstrated to the committee that they needed this additional clerk. This is a unanimous report from the Committee on Accounts.

The committee amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER IN CHARGE OF TELEPHONES.

Mr. HUGHES of West Virginia. I desire to offer a further report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of a messenger in charge of telephones on the floor of the House compensation at the rate of $1,500 per annum, payable monthly, until otherwise ordered: *Provided*, That said messenger shall be in lieu of one folder at $800 per annum now provided for by law.

The report (by Mr. HUGHES of West Virginia) is as follows:

The Committee on Accounts, to which was referred House resolution No. 135, have had the same under consideration, and recommend its adoption with the following amendment:

In line 4 strike out the word "five" and insert the word "two."

This resolution provides for the services of a messenger in charge of telephones on the floor of the House, at a salary of $1,500 per annum in lieu of one folder at $800 per annum.

In the cloakroom are located four telephone booths, two on the Democratic and two on the Republican side, in charge of telephone pages. They are in constant use during the sessions of the House, and it was found necessary by the Doorkeeper to detail a person to superintend the boys in charge of them. For this duty Mr. A. E. Chaffee was detailed from the folders' roll, and he has performed the work in a highly satisfactory manner to the Members, and it is thought that the responsibility attached to the position and the incumbent's efficiency warrant the creation of the position of messenger in charge of these telephones.

Your committee believes a salary of $1,200 per annum would be commensurate.

We therefore recommend that the resolution be amended as indicated, making the salary $1,200 instead of $1,500 per annum as proposed; and as the position to be created will be in lieu of that of a folder at $800 per annum, the net increase involved in the resolution will be $400 per annum.

Your committee recommend the adoption of the resolution amended as indicated.

Mr. WILLIAMS. Is this a unanimous report?

Mr. BARTLETT of Georgia. Yes.

The committee amendment was agreed to.

The resolution as amended was agreed to.

INDEX OF PRIVATE CLAIMS.

Mr. HUGHES of West Virginia. I also submit the following from the Committee on Accounts:

The Clerk read as follows:

Resolved, That during the remainder of the present Congress, or until otherwise provided for by law, there shall be paid, out of the contingent fund of the House, for the services of three persons to continue the preparation, under the direction of the Clerk of the House, of a digested summary and alphabetical list of private claims presented to the House of Representatives, a sum equal to the rate of $1,600 per annum each, payable monthly.

Mr. MANN. Mr. Speaker, I wish to hear an explanation. Is this the same old thing?

Mr. HUGHES of West Virginia. I do not know what the gentleman means by "the same old thing."

Mr. MANN. Then the gentleman can not be familiar with the history of the past.

Mr. HUGHES of West Virginia. If the gentleman wants to know what this is, I shall be glad to tell him.

Mr. MANN. We have had a lot of clerks who purport to be and perhaps are working on an index of claims, from which you can, in fact, get no information about any claims pending or that have been pending. Is this the same thing?

Mr. HUGHES of West Virginia. This resolution provides for the employment of three index clerks on private claims. This index has been brought up to and including the Fifty-seventh Congress. These three clerks are to be employed to take it from the beginning of the Fifty-eighth Congress to the present time, and to continue the work.

Mr. MANN. Can the gentleman say whether these indexes are accessible so that you can get information from them?

Mr. HUGHES of West Virginia. Yes; they are accessible, and necessary. The file clerk can hardly get along without them. This index enables the file clerk at once to go and find a claim and find all the papers in connection with that claim, when otherwise it would be almost an impossibility to do so.

Mr. MANN. Does the gentleman mean a claim that is pending before the House now—that if a claim is now pending, and the file clerk wants to get information about it, he would get it in that way?

Mr. HUGHES of West Virginia. No; claims that have been introduced in past Congresses.

Mr. MANN. I may be mistaken, of course, but my information is that these indexes relate solely to former Congresses, and that they are kept in such shape that, practically, they are not accessible, and that they are absolutely or nearly absolutely valueless. They are permanent positions; why should they be paid for out of the contingent fund?

Mr. HUGHES of West Virginia. The gentleman is mistaken; they are not permanent positions. There is nobody now employed in the service.

Mr. MANN. Nobody employed in the service now?

Mr. HUGHES of West Virginia. Not now, and has not been since the appropriation was exhausted at the close of the last fiscal year.

Mr. CURRIER. Will the gentleman permit me? This force is a temporary force.

Mr. MANN. How many years has it been a temporary force?

Mr. CURRIER. We have not had any such force for four years.

Mr. MANN. The gentleman from New Hampshire is mistaken.

Mr. CURRIER. The gentleman from New Hampshire is not mistaken.

Mr. MANN. I have been in the room of these people looking over their work with the clerks themselves since that time.

Mr. CURRIER. The work has not been done since the close of the Fifty-seventh Congress. The force was a temporary force, in this sense, that it was expected that the index would soon be brought up to date and then one man could carry it on.

Mr. MANN. The gentleman is mistaken about the work not having been carried on since the Fifty-seventh Congress. I know it was carried on during the Fifty-eighth Congress.

Mr. CURRIER. Our understanding before the committee was the other way—that the work had not been done since the close of the Fifty-seventh Congress.

Mr. MANN. Very likely, but the testimony was erroneous. I think they are at work there now.

Mr. HUGHES of West Virginia. The understanding with the committee was that they are not working there now and have not been since the beginning of the present fiscal year.

Mr. SHERMAN. The Fifty-ninth Congress.

Mr. HUGHES of West Virginia. The work the gentleman from Illinois alluded to was in bringing the index up to and including the Fifty-seventh Congress, and the resolution now under consideration takes it up from that time and brings it forward.

Mr. MANN. The gentleman from West Virginia says they were not working during the Fifty-eighth Congress? He is mistaken about that; they were working during the Fifty-eighth Congress and during the Fifty-ninth Congress.

Mr. SHERMAN. If the gentleman will excuse me, the Clerk of the House informs me that these clerks were not employed during the Fifty-ninth Congress, but they were employed during the Fifty-eighth Congress; and, inasmuch as the employment is under the Clerk of the House, I presume he is correct.

Mr. MANN. I think the gentleman from New York is mistaken about what the Clerk has informed him, although I do not propose to enter into any controversy about that. I have no doubt that the Clerk of the House will inform the gentleman from New York that the clerks were dropped the 1st of last July.

Mr. SHERMAN. They were not employed during the Fifty-ninth Congress, but they were employed up to that time, having done valuable work. This is not an index for pending claims, but it covers all claims for a long period of time, as the gentleman knows quite well. Many of these claims are not a century old, but decades old, and every now and then are brought up anew, and this index provides the information under which we can ascertain all that has ever been done or attempted to be done in reference to these claims. Many of them, as I say, are old enough to vote.

Mr. MANN. The gentleman is mistaken about what the Clerk of the House has informed him. I have communicated with the Clerk and have been perfectly aware of what has taken place. The Clerk undoubtedly informed the gentleman that the indexes have not been brought down covering the Fifty-ninth Congress, and the gentleman assumed that the clerks had not been working during the Fifty-ninth Congress. The temporary clerks have been working years, bringing these indexes down to date, and if made accessible are of value; but they have not been made accessible.

Mr. SHERMAN. They have not been brought down up to date. The gentleman says they are not accessible. I hold a volume of the index in my hand.

Mr. MANN. What is the date of that?

Mr. SHERMAN. It is for the Fifty-eighth Congress.

Mr. MANN. What is the date of the volume?

Mr. SHERMAN. These are accessible to every Member of the House.

Mr. MANN. Will the gentleman state what the date of the volume is?

Mr. SHERMAN. It is from the Forty-seventh to the Fifty-first Congress, and was published in 1896.

Mr. MANN. That is it; it was not these clerks that did that work at all.

Mr. SHERMAN. It was a similar service; perhaps it was not done by the identical clerks.

Mr. MANN. Mr. Chairman, that volume is absolutely of no value to the House. I do not say that the clerks may not properly be employed; I do know about that; but if they are to be employed, there ought to be some way provided by which their information would be accessible to the House. In the last Congress I asked them for information about various claims pending in the House, and I obtained no information from them in any case whatever.

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman from West Virginia [Mr. HUGHES] if he will have the report read on this resolution.

Mr. HUGHES of West Virginia. Yes; I will ask for the reading of the report.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred H. Res. No. 51, have had the same under consideration and recommend its adoption.

This resolution provides for the employment of three persons, under the direction of the Clerk of the House, to continue the preparation of a digested summary and alphabetical list of private claims, to be paid out of the contingent fund of the House, at the rate of $1,600 per annum each. From the second session of the Fifty-seventh Congress until the end of the fiscal year 1907 provision was made in one of the general appropriation bills for the employment of three clerks at $1,600 per annum each to index private claims presented to the House from the Fifty-second to the Fifty-seventh Congresses, inclusive. The resolution herewith reported proposes to continue this index from and including the Fifty-eighth Congress, and the number of persons required and authorized for the carrying on of this work is the same as heretofore provided for—three, and at the same rate of compensation. Therefore this resolution does not differ in any essential respect from those previously adopted in former Congresses.

It was the custom until the Fifty-seventh Congress to carry on this work under authority of a resolution. The index of private claims, embracing as it does the chronological history of every claim presented since the beginning of the Government, is a valuable publication. It is contained in five volumes; the first volume, covering the first thirty-three Congresses, is of unusual size. By the aid of this index the history of a private claim, of whatever nature, can be traced, the number of Congresses in which presented shown, with the number of bills and reports in connection therewith, reference to papers in each case, and the disposition made of each claim.

This index is not only necessary in the work of the file clerk of the House, who has charge of the archives, but is indispensable, for by its use much time and labor is saved in searching for cases.

Following the custom in regard to this work, and believing it to be necessary, your committee report the resolution favorably.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from West Virginia [Mr. HUGHES] how much more time will be required to finish this work.

Mr. HUGHES of West Virginia. With three men, it will take one year to get it up. After that one man can continue the work permanently.

Mr. SULZER. I hope the work will be continued and the resolution passed.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15219), the Indian appropriation bill, with Mr. PERKINS in the chair.

Mr. SHERMAN. Mr. Chairman, so that the members of the committee may understand where we are at and where they are at, I will say that it is not the intention of the committee to take up the bill for reading under the five-minute rule to-day. Although the time has been limited to four hours for general debate, on account of the requests that have been made for time, it is quite probable that we may have to ask for an extension of that time, but whether we do or not, we will not take it up for reading under the five-minute rule to-day.

I now yield one hour to the gentleman from New York [Mr. PAYNE]. [Applause.]

Mr. PAYNE. Mr. Chairman, I labor under disadvantage because, having been called out frequently during the past two or three days, I have not heard a great deal of this debate. Another unfortunate circumstance is that so many of the speeches have been held back three or four days, presumably for repairs, before they appear in the RECORD. We are having now our quadrennial exhibition on the part of our friends on the other side of the aisle, which always occurs in the winter and spring preceding a Presidential election. With renewed exuberance of spirit, with prophetic sight, they are accustomed during this season of the year to carry the next election, inaugurate their candidate, and divide up the offices. [Laughter on the Republican side.] We hold our election in November, and will be there next November. [Applause on the Republican side.]

My genial and eloquent colleague from New York [Mr. COCKRAN] appears at one of these quadrennial jollifications for the first time in perhaps a dozen years, and adds somewhat to the gaiety of the occasion. He, as I understood him, claimed that the most that was good in the past in the way of legislation had been given the country by the Democratic party, and he went back to the beginning of things to prove his assertion. He denounced Alexander Hamilton as a royalist, and yet, while Alexander Hamilton might have gone further in advocating his ideas as to a Constitution than a Republican would nowadays, still he exerted the most salutary influence during all the time that our Constitution was being framed. [Applause on the Republican side.]

Jackson, he says, discovered in 1832 that this was a nation, and when some Southern Democrats were passing a nullification resolution he sent them word that that was treason against the United States, and so he makes Jackson the first discoverer that there was a nation. But Alexander Hamilton, perhaps at a dinner at which Mr. Jefferson was present, incorporated into the Constitution and into the laws the principle that the debts of the States incurred for bringing liberty and victory to the Federal Arms should be assumed by the National Government, that the National Government should be responsible for the national defense and thereby wrote into the Constitution and the laws the fact that we were a nation. [Applause on the Republican side.] It is reported afterwards that Jefferson said he had been tricked into agreeing to this provision. Well, it was the very best trick that any of our statesmen of those days ever took, if that were true. [Applause on the Republican side.] History seems to point to the fact that it was simply a trade; Hamilton trading the location of the Capitol on the banks of the Potomac for the substantial advantage of making a united nation out of a confederacy. [Applause on the Republican side.]

And so the discovery by Andrew Jackson in 1832 of the fact that we were a nation was simply the discovery of Hamilton's work fifty years before. He seems to think that the Republican party in the sixties were indebted to Jackson for the idea. To whoever they were indebted the Republican party at the beginning of the war with stern resolve determined to fight it out on the line that we were a nation, that the nation had the right to coerce a sovereign State, that the old Jeffersonian idea of a confederacy and a Constitution and a nation was simply a rope of sand, was not the true doctrine of the fathers; on the other side were ranged that Democratic party in the South, and too many of them in the North ready to yield up to the establishment of two confederacies where the United States now are, to let the Southern States depart and form their own government. Lincoln had a different idea and he fought it out on that line. My friend from New York says that the soldiers were Democratic though the leaders were Republicans in that great struggle. All honor to the brave men who donned the blue no matter to what political party they had belonged. [Applause on the Republican side.]

But the truth of history demonstrates that the great organization, the great power that saved the Union, was the Republican organization. [Applause on the Republican side.] I remember a few years ago when my genial friend from Ohio, James E. Campbell, was a Member of the House, he took the floor to prove that there was no Republican party in 1864, when Lincoln was reelected, and he brought in a copy of the Tribune Almanac, which showed that the votes for Lincoln were given under the caption of "Union Republicans," and, he claimed, showed there was no Republican party. The argument of my colleague the other day brought back the fanciful argument of James E. Campbell, I think, way back in the Forty-ninth Congress. The Republican party in behalf of Abraham Lincoln appealed to the Union men in the United States to strike down that party which in their platform declared the war a failure. [Applause on the Republican side.] Mr. Chairman, from the sixties down who can name an important piece of legislation for the good of the people of the United States that was not written on the statute books by the Republican party? [Applause on the Republican side.]

They say we get our party ideas from them; that our President gets his ideas from them, and the "peerless leader" wanders up and down the country and accuses Theodore Roosevelt of grand or petit larceny in purloining his ideas. Well, Mr. Bryan has written the last three Democratic platforms except the one that Judge Parker amended with his famous telegram. [Laughter and applause on the Republican side.] And what

is his method? He spends the four years in going about among the dwellers in the cave of Adullam hearing every man's complaint and every man's grievance and where there are votes behind the complaints and votes behind the grievance, he immediately champions the man's cause and when he comes to write the platform he follows the precedent of the Democratic party for the last fifty years by putting into the platform something designed to catch the votes of the unwary voter throughout the United States, not with regard to fixed principles, merely a bait thrown out, and sometimes he hits upon a good thing and gets it into his platform, and when anybody else with the same means of information, with the same knowledge on the subject, takes the idea and evolves it into law and puts it on the statute book he places himself among that grand army of men who are going about the country saying, "I told you so."

And my colleague, I am sorry to say, imitating the man he so eloquently opposed in 1896, is falling into the same habit of attributing everything good that has happened in the United States while his party has been out of power to the Democratic party. [Applause on Republican side.] Why, your party has been nothing but a party of negation, lo, these many years, a party of opposition, a party that is against the Government no matter what the Government is doing or what the Government wants. Democracy has been in something of a quandary for some time about Theodore Roosevelt. They have discovered that Roosevelt is immensely popular, not alone with the rank and file of the Republican party, but with the rank and file of their party, and have been questioning among themselves just how far it was best to go in the way of commending and indorsing the President. Mr. Bryan goes about the country and says that he indorses Mr. Roosevelt so far as he goes, and then adds, in order to dilute the indorsement, "He is doing just what I would have done under similar circumstances." And our friends get a little excited about it. My colleague from New York [Mr. COCKRAN] the other day took the floor to eulogize the present President of the United States on his late message, and his speech was largely devoted to encomiums upon Theodore Roosevelt with storms of Democratic applause. He followed a Democrat who had been denouncing the President, and immediately there seemed to be among the brethren a feeling of agitation as to whether they were not going too far, and that when he got into a real election in November next it would not hurt the Democratic party because they so enthusiastically indorsed what Roosevelt had done.

And so the gentleman from Mississippi [Mr. WILLIAMS] when he took the floor called a halt on the enthusiasm that had been exhibited over my colleague's speech, and he suggested what seemed to me an amendment to the speech, and that was that he only eulogized certain things but condemned many things that Roosevelt had done and especially regretted that Roosevelt had not gone far enough to suit the Democracy.

They think that we are disturbed over the President's message. They make my friend from Iowa [Mr. HEPBURN] say that certain of us are to be run over if we stand in the way of the procession. Well, I have known Theodore Roosevelt a great many years. I have known him well, and have remarked always that he had ideas upon every subject that he studied. Sometimes I agreed with him and sometimes I did not, and I have succeeded sometimes in bringing him to agree with me, and he has succeeded sometimes in bringing me to agree with him; and sometimes we have parted agreeing to disagree. Still, I recognize the fact that Theodore Roosevelt has a warm place in the hearts of the American people, in the hearts of the plain men, in the heart of the intelligent citizen, in the heart of the righteous citizen, of this Republic, such as has never been occupied by any public man in his day or generation. [Applause on the Republican side.] He sent us his annual message, making various suggestions and various recommendations. He sent us a message the other day reenforcing the suggestions of his annual message and our friends on the other side seem to be disturbed because we do not put them all on the statute book at once. They had better read a little deeper into his message, for the President himself realizes that it is a task of years to work out solutions of the problems which he suggests.

It is true that a decision of the Supreme Court nullified the act of the last Congress known as the "employers' liability act." It is also true that in both Houses Republican Members immediately introduced bills to amend this act, or reenact that portion of it which was in accordance with the Constitution of the United States and the decision of the Supreme Court. I hope before the session is closed that a bill will be brought in here amending the Sherman Act, and knowing the gentleman who heads that committee, I believe that that will be attended to. And yet, gentlemen, it is one of the most difficult pieces of legislation to perfect of any that we are called to face—how to prevent the combinations which are bad and not injure the corporations and combinations of capital which are for the good of the whole people of the United States.

It may not be done this year. It may not be done next year, but if the Republican party retain their power in the Executive and in Congress, that question will be thrashed out and a just and equitable solution will follow it, and they will not have to run over anybody to do it, either. [Applause on the Republican side.] Nobody will be hurt unless it hurts the feelings of some of our friends on the other side of the Chamber.

The question of currency legislation comes before this Congress. My friend from Mississippi [Mr. WILLIAMS] has positive views upon the question of currency legislation. What is his panacea? What is known as the Culberson bill. And what does that do? It guarantees the deposits, or provides that all national banks coming under the privileges of the bill shall guarantee the payment of the deposits in all the banks within the combination where those deposits are subject to check and bear no interest.

Why does the gentleman from Mississippi want to pass this? Why, to prevent panics. In order to prevent panics he suggests a fund of the enormous sum of $15,000,000, and then he says that the failed banks would not call upon the others for a contribution of more than a very small percentage of 1 per cent of their deposits; and yet in 1873 and in 1893 the losses to depositors by banks that failed amounted to more than 1 per cent of all the deposits in all the banks of the United States. The fund is not adequate. What is going to be done with that vast amount of deposits that are on certificate and draw a rate of interest, certificates payable on demand? Look to the statements of the banks in your various towns and you will find that about one-half of the average deposits are on certificates payable on demand and drawing interest if left for a certain time. These are to be left out of account. Suppose a bank should fail, and you call upon the other banks in the combination to pay the depositors in those banks in cash. Would there be no feeling of uneasiness among those depositors? Would there not especially be a feeling of uneasiness among those depositors who put all their money there at interest, knowing that their deposits were not guaranteed? Would there not be a run on the part of those people without further remedy, and thus incite a worse feeling and worse panic?

Now, I see no reason as a business question why a man who instituted a bank with sufficient capital and run it on good business principles should be required to pay the depositors of some other fellow who took the deposit and went wrong with it, perhaps went out of the country and the bank out of existence, or overloaned its deposits to the directors; he might have loaned it nearly all to the directors of the bank, their wives, and other relatives, who used the money of the depositors, and leave it to those people who own sound banks to make good the deposits; he might lose the feeling which very often prevents men from crime and embezzlement—the feeling that such action was to destroy the earnings of his neighbors and his friends—taking risks in speculation, feeling that if the worst came to the worst the other banks in other localities would make good the deposits, and thus his friends would not suffer from the enormity of his crime. Why should a man who conducts his business honorably and uprightly be compelled to insure a man who acts the rogue and rascal in the conduct of his? Would it not be just as equitable and valid for me to borrow a thousand dollars and my friend here be compelled to make good the shortcomings when my note became due?

Why not carry this paternalism, this everlasting looking after the affairs of everybody, into guaranteeing the debts of all the people, as well of individuals as of the banks themselves?

No; that will not solve the question. I am sorry that my friend from New Jersey has proposed a fund, though better guarded, looking in the same direction, for he proposes to create by tax something of a fund out of which depositors may be paid, and there would not be so much danger of a run on the bank in that case as in the case of the bill that emanates from Texas.

I do not know that I agree to the Aldrich bill. It is a singular thing that I think scarcely two men, whether they are bankers or members of the Committee on Banking and Currency, eminent and honorable gentlemen as they are, or among us ordinary fellows, who do not aspire to be capitalists or understand banking, who exactly agree on every proposition that another could make on that subject, or perhaps upon any proposition that another could make. The Aldrich bill could be improved in several particulars, in my judgment. If it is to become law, I hope it will be improved before its enactment;

but it has in it an element of trying to do something that is not dangerous that will not create a panicky feeling, that will not destroy the confidence of the people, in my judgment.

I do not know what will be done by Congress before we adjourn. I hope to see something done; some simple thing which will prove a remedy; some legislation, perhaps, similar in its simplicity to that we passed in 1900, when we discarded theories and theorems and simply went about to make the currency of this country equal to 100 cents in gold and succeeded in doing it. I do not believe that the bill of the gentleman from New Jersey radically changing all our currency system can be passed now, and, if ever, it must be after a period of education, when commercial men, merchants, and bankers shall agree upon its details and agree upon its principles. I would not vote for it now. The gentleman from New Jersey commended the Suffolk experiment in banking, which was successful in New England. At the same time the State of New York had a system of currency that was just as successful, that was just as sound and solid as was the currency in the Suffolk system in New England.

That was a system based on securities, the pledge of public stocks and other properties representing debts, deposited at Albany with the superintendent of banking. We had that system for perhaps fifteen years before the currency was taxed out of existence. No matter what other currency came and went, that currency was always good, at par everywhere, eagerly sought after in every part of the United States. That currency could be increased by a local bank by simply putting up the securities and taking out the currency from the Department. We moved our crops in those days, in my locality, largely by canal. The banker, foreseeing that he needed money to move the crops, put up his securities and took out the extra currency and loaned it for the movement of the crops, which went down by the canal, and after a few days the resources came back. They had plenty of money. There was no difficulty in the movement of the crops, and after this currency had performed its function it was presented to the local bank for redemption and redeemed and went out of existence; so that we had no expansion of the currency, we had no sudden contraction, but there was money enough to do the business. And if I was going to do this thing, I should suggest what the gentleman from Connecticut [Mr. HILL] exploited here yesterday—not to try to change our system, not to try to convert the American people from a bond-secured currency to a credit currency, but to liberalize and allow them to increase, for the use of business, the present currency of the country to the amount of the untouched bonds of the United States, amounting to $200,000,000 or $300,000,000.

If I was going to draw the bill and enact it myself, I should not put any limit on it because of the capital of the bank, for the reason that the bonds would be sufficient to redeem the currency. Wherever it was needed, and the banker could get the bonds to put up, let him have what currency he needed for his locality; and afterwards, when the strain was over, the money would come back for redemption, and it would be to his interest to redeem it, because he could not use it to advantage.

Mr. PRINCE. Will the gentleman from New York yield?

Mr. PAYNE. I should rather not yield until I have concluded my remarks.

Mr. PRINCE. Right in this connection, in the absence of the chairman of the Committee on Banking and Currency [Mr. FOWLER], I should like to call the attention of the gentleman from New York to section 30 of the Fowler bill:

SEC. 30. That from and after the passage of this act no national bank shall pay on any commercial account a higher rate of interest than 2 per cent upon monthly balances. Nor shall time certificates be issued payable upon demand for a shorter period than three months, and in no case shall a time certificate or a savings bank account be transferred or converted into a commercial account. Nor shall this be accomplished in any way, directly or indirectly, and any bank that violates this section shall pay into the guaranty fund a penalty of 10 per cent upon the amount so transferred or converted.

The gentleman will see that that is a check upon the bank offering a higher rate than 2 per cent, when the deposits are guaranteed by the bonds, and that provision is contained in a bill introduced by the gentleman from New Jersey [Mr. FOWLER]. I only thought, inasmuch as the gentleman had touched upon the guaranteeing of bank deposits, that the whole bill should be before the committee, so far as that particular point was concerned.

Mr. PAYNE. Perhaps I did not make myself as clearly understood as I wish to be, but I do not believe in trying to change the whole banking and currency system of the country now. I do not think it is a good time. I do not think the people are educated up to it, and therefore I think, without talking about the merits of that bill one way or another, that it can not pass. So far as the deposit guaranty is concerned, I am against it, and should vote against it, I think, at any time.

Mr. WILLIAMS. Mr. Chairman, will the gentleman from New York yield?

Mr. PAYNE. I should rather not be interrupted until I get through with my statement.

Mr. WILLIAMS. It is a question right in connection with this, but if the gentleman would rather not be interrupted, of course I do not desire to do so.

Mr. PAYNE. The gentleman might as well ask his question.

Mr. WILLIAMS. I wished to ask the gentleman whether he favored the feature of the Aldrich bill which would permit railroad bonds to be deposited as security for the issue of notes?

Mr. PAYNE. As at present advised, I do not.

Mr. WILLIAMS. I am glad to hear that.

Mr. PAYNE. The gentleman from Mississippi [Mr. WILLIAMS] did not exactly revel in the panic that came upon the country, but he rather threw the matter in our faces. He said he had some remarks to make about the panic which occurred in 1903, or before there had been any Democratic legislation. Well, there had been a threat of Democratic legislation, backed up by an overwhelming majority elected to a Democratic Congress, and they did not fail to tell us what they were going to do. In fact, in the Forty-eighth and Forty-ninth Congresses they had demonstrated what they might try to do, so far as interfering with the tariff laws of the country. I remember when that genial, gallant, and talented gentleman from the State of Illinois, Col. William R. Morrison, brought up his horizontal reduction tariff bill in the House. As chairman of the Committee on Ways and Means he had announced that he could draw a tariff bill in twenty minutes, and by and by he would bring it in. Well, it took him twenty minutes to try to draw that horizontal tariff bill, but it did not take twenty minutes for the people of the country to kill it deader than a door nail.

And so when it was finally submitted to the House, by a large Democratic majority, the enacting clause was stricken out, and that was the end of the Morrison bill, and I supposed that would be the end of all horizontal-reduction bills for all time to come.

But my friend from Mississippi, in his prolific suggestions as to what the Democratic party would do, among other things suggests a horizontal-reduction bill. I want to give you the number, so that it will not drop out of sight. It is H. R. 105. It proposes to enact that there shall be a minimum tariff, consisting of four-fifths of the present rates, to use to trade on and get concessions from other countries. This is not a sudden inspiration of my friend from Mississippi; it is the same bill he introduced two years ago.

Mr. WILLIAMS. Of course, the gentleman from New York wants to state what the bill proposes to do. It fixes that as the minimum tariff, but it goes into operation at once with all such nations as shall give to us their minimum rates; so it is not a proposition merely by way of reciprocity. I suggest that the gentleman from New York print the bill in his remarks, and then the reader can see what it is. [Laughter.]

Mr. PAYNE. It provides—

That on and after the passage of this act there shall be levied, collected, and paid upon all articles imported from such foreign countries as are hereinafter designated a rate equal to four-fifths of the present duties required to be levied, collected, and paid under an act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, and the duties required by this act to be levied, collected, and paid shall be designated as the minimum tariff of the United States, and shall apply to and be levied, collected, and paid upon all articles imported into the United States from such countries as do now admit the products of the United States for sale or consumption within their borders upon an equality with like products of such country or countries as are or may be admitted to their ports at the minimum rate of duty levied by them.

SEC. 2. That any country which does not now, but shall hereafter, admit articles, the growth and product of the United States, for sale or consumption within its borders at the least or minimum rate of duty on imports levied and collected by it shall become entitled to the benefit of the provisions of this act within twenty days after the issuance of a proclamation by the President of the United States setting forth the fact that articles, the growth or product of the United States, are admitted to such country upon the payment of the minimum rates of duty imposed upon products imported from any country.

That is what I said, a minimum tariff for trade purposes. Now, everybody knows that if that bill became a law and the "peerless one" were in the White House, there would be an agreement made with every country under the sun admitting articles at four-fifths of our present rate of duty in exchange for a minimum tariff rate in their country.

Gentlemen, do you know what the minimum tariff rate is in Germany, France, and Russia? Why, it is a protective tariff strictly. A protective tariff upon every article that they had the ingenuity to protect in their rates. So, if we could get the minimum rate, we get in under protection. What does the gen-

tleman from Mississippi propose to do indiscriminately for that concession—make a reduction of 20 per cent in the duties, some of which now are barely protective, many of which would be broken down by such a reduction of rates, throwing confusion worse confounded into our tariff system in order to get what? A little more trade with the nations of the earth at the expense of losing a large portion of that 90 per cent of our own trade which in itself is almost one-half of the trade of the markets of the world. This is what killed the Morrison bill. When you come to pick it to pieces this is what the Williams bill for a horizontal reduction in rates is. It will never see the light while the Republican party is in power or has a majority of the Ways and Means Committee, and I believe if we had a Democratic Congress we could prevail upon some of them to help us to strike out the enacting clause of such a measure because of its general unpopularity throughout the United States.

The gentleman from Mississippi has introduced his usual grist of bills. He introduced a bill taking off the duty on coal. It says:

That from and after the passage of this act no duty shall be levied or collected on coal of any form or description imported into the United States from foreign countries.

Some of his brethren, with more wisdom and discretion in these matters, have introduced bills taking off the duty on coal, providing the countries that take our coal will make us the same concession in their duty. I commend that idea to the gentleman from Mississippi, so that when he has a little leisure he can study up the matter and perhaps incorporate that in one of his bills which he presents as a platform of his party upon this tariff question.

Then he has a bill trying to revive the proposed treaty with France negotiated by Mr. Kasson so long ago that I had almost forgotten it. That treaty was investigated in the Senate and they found it was like a jug handle. France got the jug and we did not even get the handle; it was all one-sided, and they declined to make any such trade as that. But the gentleman from Mississippi [Mr. WILLIAMS] has gotten onto it and I suppose he will be pressing, some time, the passage of that bill.

Then here is another bill I think designed for home consumption. I want you people on that side to listen to it so that you can go out and holler about it in your districts this fall. It is bill No. 112 and provides that no duty shall be collected in excess of 100 per cent ad valorem upon the article imported and anything above that amount shall be remitted. Well, Mr. Chairman, the principal article imported into the United States that pays more than 100 per cent of duty is, first, alcohol, which pays 1,049 per cent ad valorem duty. Why? I want to tell the gentleman from Mississippi why. Because we levy an internal-revenue tax that amounts to just about 500 per cent on the value of the alcohol, and if we reduce it to 100 per cent in sufficient time it would close every distillery in the United States and wipe out more than one-half of the internal revenue in this country.

Another article is tobacco and some brands of cigars, upon which there are several hundred per cent. Of course we have some internal-revenue taxes on tobacco, manufactured, and cigars. That is not the whole story. The question was to raise a good revenue and at the same time to protect our people in Connecticut, for instance, and many of the Southern States in the raising of tobacco. There was the Sumatra wrapper coming in here, 1 pound of it going as far as 4 or 5 pounds of the best wrapper that we could grow in the United States—raised in Sumatra and coming in here by the millions of pounds. Now, we propose to put sufficient duty on that article to protect our people in the raising of wrappers in the United States. [Applause on the Republican side.] Then we put a duty on cigars, a compensatory duty for the duty on tobacco, and a duty which should protect the cigar maker, and when we got to the last analysis, the duty was equal to more than 100 per cent of the valuation of the article. Well, now, we won't report that bill out of our committee. We will not take the responsibility of striking down the tobacco farmers all over the country and the tobacco manufacturers and the cigar manufacturers the country throughout. If that bill ever passes—so illogical, so destructive of revenue—it will have to be some time in the dim and distant future when there is a Democratic majority in the House of Representatives. I don't know why the gentleman introduced that bill this time again. He introduced it before——

Mr. WILLIAMS. The gentleman from——

Mr. PAYNE. Oh, I will ask the gentleman to answer it in his own time.

Mr. WILLIAMS. Very well. I thought the gentleman asked me why

Mr. PAYNE. Oh, no; I said I did not know. I do not want any information now, in my time. Why, I gave this gentleman this information two years ago, and why in the world, in the face of that and of these facts, he could come in here and introduce a bill to strike down the internal revenue on alcohol I can not imagine, and I hope he will have a whole hour to explain it some day.

Well, here is another bill, No. 114, which provides that from and after its passage the duties levied, collected, and paid upon watches imported into the United States from foreign countries shall be 15 per cent ad valorem. Then there is the provision that all provisions of law in conflict with the provisions of this act are hereby repealed. Under the present law there is no duty on watches. There is a duty on watch movements and a duty on watch cases. There is no duty on a watch. I don't know what was in the mind of the gentleman from Mississippi [Mr. WILLIAMS]. I suppose it was the intention of the bill to strike down the duty on movements and on cases and put them all in as at 15 per cent duty on watches.

Well, we had a duty on watches, as I recollect, under the Wilson bill. When we came to frame the Dingley bill, we found that while they were paying the duty on watches, whenever they brought them in, they did not bring them in very much. However, they brought in movements and cases separately at a lower rate, and then when they got them here they assembled them and so evaded the duty. Whether the gentleman wants to return to that delectable state of things or not I can not imagine. When he makes that speech of explanation I commend him also to explain this bill to the satisfaction of his colleagues in order that they may adopt that with full knowledge as one of the planks of the Democratic platform. And I also commend the suggestion that very skillful labor is required to make one of these delicate pieces of machinery like the works of a watch, so delicate in its construction that the variations of a thousandth part of a hair determine whether it shall be a successful timepiece or otherwise, and whether or not such skillful labor is not entitled, even according to his theory, to more than 15 per cent ad valorem protection.

Well, these are not all of the bills that my friend has introduced on the subject of the tariff. There is another to repeal the import duties on antitoxin and diphtheretic serum. Antitoxin is manufactured all over the United States. Various towns and municipalities have taken it up and many of them furnish it free. In my country it comes free to every poor person. It will not keep more than two or three weeks. They have to put on it the date and the day on which it was manufactured, and no good physician will take it if it is more than two or three weeks old—I forget the number of days—and use it. They return the stale and get a fresh supply without extra charge for it. Where from? Europe? And have it come in free? What a practical reform that is, is it not? Take the duty off antitoxin, manufactured in so many places in the United States, manufactured under such restrictions, manufactured and remanufactured or re-renewed, new serum every two or three weeks, in order to answer the purpose and in that dread disease, diphtheria; no reputable physician anywhere will take any chances on using stale antitoxin upon any of his patients. We have had this bill before the House before. I thought the gentleman ought to have gotten enough out of that debate the other time to have desisted in his effort, but he seems incapable of instruction on the question of the tariff.

A bill to reduce the duty on linotype and composing machinery and to place wood pulp and white paper on the free list. "That the existing duty on composing or linotype machines is repealed and a duty of 10 per cent ad valorem" imposed. Two or three years ago somebody in the United States wrote to every country newspaper in the country telling them what an imposition a duty of 45 per cent under the "basket clause" was on the linotype, which was hardly known as a successful machine at the time the Dingley bill was passed.

They said in the first circular they could be bought abroad for $600 or $800 and they cost about $3,000 in the United States; but if it only took off that duty of 45 per cent, they could get them in here free of duty and they would come in competition with the linotype trust in the United States and reduce the price. Well, I answered my friends who wrote about that and asked them how it was that the duty of 45 per cent could add $2,400 to the cost of the machine. If you added the whole duty it would amount to less than $1,000, and not the rankest free trader ever suggested that you add more than the duty. It suggested itself to me that there was a patents or patents on those machines, and I wrote to the Commissioner of Patents, and his reply was, not literally but in substance, that it was covered all over with patents, and so

you could not import and we did not import and have not imported a foreign-made machine. They can not use them here, and I suggested to them that their remedy was to repeal the patent laws, and not to say anything about the duty of 45 per cent on the machines; that cut no figure whatever. Then the man got out a new circular, and he said they cost abroad, I think, $1,000, his advanced price, and could be bought in this country for about $2,000. I do not remember those figures, but we have got a 2-bushel basket full of those things in the room of the Committee on Ways and Means, and the figures can be gotten there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HINSHAW. I yield thirty minutes aditional to the gentleman from New York.

The CHAIRMAN. The Chair recognizes the gentleman from New York for thirty minutes more.

Mr. PAYNE. I again suggested the patent, and in every instance where I wrote that letter the intelligent country editors in my district wrote back and said they had been imposed upon by this fellow who had sent out the circular. So all that is necessary to do is to turn on the light to your country editors down in your districts and you will have ample justification for not sitting up nights about reducing or taking off duty on linotypes.

Then the gentleman from Mississippi wants to take off the duty on wood pulp and on "white paper." The committee has a half dozen bills before it taking off the duty on print paper and putting it on the free list. These bills are intelligently drawn for the object proposed, and what they propose is to put wood pulp and print paper on the free list. But the bill of the gentleman from Mississippi would put white paper on the free list.

Mr. WILLIAMS. My bill this year is to do just that, to put print paper on the free list. You have got a bill there of two or three years ago.

Mr. PAYNE (reading)

H. R. 116. In the House of Representatives, December 2, 1907. Mr. Williams introduced the following bill, which was referred to the Committee on Ways and Means and ordered to be printed.

A bill to reduce the duty on linotype and composing machines, and to place wood pulp and white paper on the free list.

Section 2 reads as follows:

That the duties now levied and collected on wood pulp and white paper are hereby repealed.

[Laughter and applause on the Republican side.]

Mr. WILLIAMS. The gentleman is correct in reading the bill, but this is the first time I knew it was white paper. I thought it was print paper instead. It was a mistake of the stenographer in drawing up the bill.

Mr. PAYNE. The leader of the minority party, laying down a platform here in the House of Representatives which shall be based upon his bill, showing what they propose to do, and this is the first time that he has discovered that white paper includes more than print paper as he has it in his bill! [Applause on the Republican side.] Take electrotype paper and photographic paper and embossed paper, paper with a high finish and bearing a large price, and costing much to manufacture, and yet after four years of experience in the Committee on Ways and Means we have this usually intelligent Representative from the State of Mississippi [Mr. WILLIAMS], a man well informed, a scholar, bringing in a bill putting "white paper" on the free list in order to get at print paper, and to jolly—I won't say that is his object—but which might jolly the publishers of some of the newspapers in the United States.

Now, Mr. Chairman, when we put that duty, equaling about 16 per cent ad valorem on print paper, and put about 13 per cent on wood pulp and put pulp wood on the free list, we did it after ample consideration. I do not now recollect a single newspaper publisher who at that time protested against it. I have heard it since, Mr. Chairman, but at that time I do not recollect of a single protest. We put it on, and not a very extravagant duty, is it, for a manufacture which requires much labor? Print paper for newspapers has gone up and down from that day to this. Why, the duty on it under the Wilson bill was 15 per cent, as I recollect it, at this moment, and we made it equivalent to 16 per cent. We put on a specific duty, and we put it on aiming to keep it at the same point, except to make it a specific duty instead of an ad valorem duty. We tried to make all duties as specific as we could, so that when goods came in at the custom-house all the citizens of the United States would appear on an equality and the goods could be weighed and the duty computed, and there would be no question of undervaluation, and especially undervaluation of consigned goods.

I have a statement here of the prices of print paper, which I will have printed in the RECORD. It covers the date of January, April, July, and October for the years commencing 1890 down to 1907, excepting the two years of 1898 and 1899, when the figures were not obtainable. In 1890, in January, that class of paper cost 4.75 cents a pound up to 5.25 cents; in 1891, 3.25 cents a pound. I will give the minimum price in each case and not read the whole. In 1892 it was $3 per 100; in 1893, $3; in 1894, and 1895, $3; in 1896, $2.50; in 1897, $2.50; in 1900, $2.50; in 1901, $2.40; in 1902, $2.25; in 1903, $2.50; in 1904, $2.40; in 1905, $2.30; in 1906, $1.90; in 1907, $2.

How has that terrible tariff of three-tenths of a cent a pound on that paper injured anybody in the United States? Why, the gentleman from Nebraska [Mr. HITCHCOCK] unwittingly the other day explained the situation. He said he had to pay a large price for paper in the United States, and the Government went after the paper trust and dissolved it, when the paper went down and stayed down and was bringing $2 per 100 during the last year. But lately they put up the price to $2.50 or $2.40 per 100. Did the tariff do that? If it did, why did it not operate all the time since 1890, when the McKinley bill had it on, and in 1894, when the Wilson bill had continued it at the same rate?

Now, Mr. Chairman, we are not going to take the duty off of wood pulp without an investigation. We are not going to take the duty off of print paper without an investigation.

Mr. LANDIS. Will the gentleman also put in the RECORD the source of that compilation?

Mr. PAYNE. It came from the Census Bureau. It is an official publication.

Mr. DALZELL. If the gentleman will allow me, the figures are furnished by the Census Bureau, but they were obtained by the Census Bureau from the paper journals of the country.

Mr. PAYNE. That is the way the Census Bureau gets figures of value all the time, namely, from the trade journals of the country, and, of course, they are as accurate as can be.

Here is the letter of the Director of the Census and the figures:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, December 3, 1907.

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

DEAR MR. DALZELL: As per our agreement, I am inclosing a table which shows the actual prices of average news paper from 1890 to date. These figures up to 1896 are compiled from the lists published by the Paper Trade Journal for those years, and represent the prices at which dealers were selling news paper. Since 1896 the prices represent figures at which the mills were selling news paper, and have been obtained from the columns of the same publication.

The figures are said to run a trifle higher than the actual average sales, especially in view of the fact that the large contracts with daily newspapers, like the World or Journal, would probably average from one-fourth to one-half cent per pound less than those shown in this table. You can therefore rely upon the figures as accurate, and if there is any further service I can render you in connection with the matter I will be obliged if you will let me know.

Very truly, yours, S. N. D. NORTH, *Director.*

	January 1.	April 1.	July 1.	October 1.
1890	4.75–5.25	3.25–3.75	3.25–3.75	3.25 –3.75
1891	3.25–3.75	3.25–3.75	3.25–3.75	3.25 –3.75
1892	3.00–3.50	3.00–3.50	3.00–3.50	3.00 –3.50
1893	3.00–3.50	3.00–3.50	3.00–3.50	3.00 –3.50
1894	3.00–3.50	3.00–3.50	3.00–3.50	3.00 –3.50
1895	3.00–3.50	3.00–3.50	2.50–3.00	2.50 –3.00
1896	2.50–3.00	2.50–3.00	2.50–3.00	2.50 –3.00
1897	2.50–3.00			
1898				
1899				
1900	2.50–3.00	3.25–0.00	2.25–3.00	2.25 –2.50
1901	2.40–2.75	2.20–2.50	2.15–2.50	2.00 –0.00
1902	2.35–2.50	2.30–2.50	2.30–2.50	2.375–2.50
1903	2.50–0.00	2.40–2.50	2.40–2.50	2.40 –2.50
1904	2.40–2.50	2.00–0.00	2.35–2.50	2.30 –2.50
1905	2.30–2.50	2.20–2.35	2.00–2.35	1.90 –2.25
1906	1.90–2.25	1.90–2.20	2.00–2.25	2.00 –2.25
1907	2.00–2.25	2.00–2.25	2.60–3.10	

Now, Mr. Chairman, when we take up the tariff for revision, if I am a member of the committee, I propose, so far as I am concerned, to give all these interests a fair hearing, and if it is necessary for the protection of American labor to put this duty on and keep it there, I shall vote to do it. [Loud applause on the Republican side.] If it is not a necessary duty I shall vote just as cheerfully to put it on the free list [renewed applause]; but I do not propose to do it without intelligent action and accurate information. I could give you more information on this subject now, but I did not propose to discuss it. I was discussing the bill of the gentleman from Mississippi.

Well, I will skip over the white-paper business from this out, because he said he did not mean it. [Laughter.]

By the way, here comes a bill that was not introduced by the gentleman from Mississippi, and in the last Congress he repudiated the idea, but he does not seem to have squelched the bill. This was introduced by that eminent Democrat, Mr.

LAMAR of Florida, "to levy and collect an import duty on long-staple cotton imported into the United States from foreign countries" [laughter on the Republican side], "10 cents a pound on lint, and 6 cents a pound on seed."

I do not know which gentleman represents the Democratic party, whether it is the present leader, soon to go into the coordinate branch, or whether it is the gentleman from Florida, who I understand has his eyes on a seat in the coordinate branch; but the "harmony" of these brethren on this great question is something that we can congratulate ourselves upon. Why, you know they have a good many ways of looking at the tariff question. It is not long ago, I can remember one of them—he does not like to have that quoted on him now, and I am not going to speak about that—who said if he could have his way he would "throw down all the custom-houses in the United States from turret to foundation stone."

Of course my genial friend modified it afterwards, because the brethren told him it would not do to have such a doctrine as that come from such a prominent Democrat. They say he is to be the leader of the Democracy in the next House. I wonder what kind of a tariff bill he will introduce when he gets into that position. [Laughter.]

Then there was another Democratic cry that we heard a great deal of a few years ago, and I suppose we will hear more of it, and that was "tariff for revenue, with incidental protection." That was the shibboleth of the Democratic party. They fooled the people of many districts on that cry until the people got educated up to that point that it did not work any longer. Now they say that our expenditures are so great that in order to secure sufficient revenue we have got to have a high tariff and any tariff that we have to produce revenue will produce protection to American labor. So that there are these bills indicating the kind of protection that will be given the laboring man, cutting the duties down to 10 and 15 per cent.

Here is a bill "to reduce the duties on works of art imported into the United States from the present duty of 20 per cent to 5 per cent ad valorem." Some people in the United States thought that the duty on art was put there for protection to American artists. Nobody ever had that idea that knew anything about the tariff. They were simply looking around for revenue.

Why, in the the preparation of the McKinley bill I had the honor to make a motion in committee to put art on the free list, the same things that gentlemen now propose to put in at 5 per cent, and that carried through the committee and through the House and went over to the Senate; but that body thought we needed the revenue, and they put a duty of 20 per cent on art, and when the bill came down here the conferees, of whom I was not one, yielded to it, and the duty went back again at 20 per cent. Coming down to the Wilson bill, my friend from West Virginia [Mr. Wilson] came to me and said he understood I had studied up the subject of free art when we were making up the McKinley bill, and had reported it from the committee or had moved it in the committee. I told him "yes." Well, he wanted to know what I would do if they put it on the free list. I said, "I will sustain it. I was for it in the committee and will be for it now."

Well, he did put it on, and if my recollection is correct that is one of the things that survived out of that bill of "perfidy and dishonor" enacted by the Democratic party; and there it remained until we framed the Dingley bill. We were looking around for revenue, and we thought this would be a good place to get it. We put 20 per cent on, with a clause that by commercial arrangement it could be reduced to 15 per cent. It has been reduced to 15 per cent with most countries, including France, Italy, Germany, and Switzerland. Last year we collected $774,000 by this duty on art, simply as a revenue duty. Now, if I have anything to do with framing the next tariff bill, if the prospects for revenue are all right, I do not see any reason for keeping this duty on. Not that the people who buy these high-priced works of art are not able to pay it. Why, you people who want to make these men that have got so much money sweat a little, why do you hasten to put art on the free list? But for another reason, to encourage importation. True, now it can come in free for the purposes of exhibition in art galleries in the United States, for the purpose of educating the people. The portion of it that pays the duty goes into the private house and does not educate many people. Still if we do not need the duty, I should stand just where I stood in 1890, for free art. I would not put any thin, measly duty of 5 per cent, anyway. [Laughter.]

Mr. BONYNGE. Which neither protects nor produces revenue.

Mr. PAYNE. Now here is another bill, H. R. 101, introduced December 2, 1907:

A bill (H. R. 101) to secure to the Philippine Islands free trade with the balance of the domain of the United States.

Be it enacted etc., That from and after the date of the passage of this act all goods, wares, merchandise, or other articles, being the growth or product of any of the islands forming a part of the archipelago called the Philippines, or of the island of Guam, when shipped to any port of Hawaii, Porto Rico, or to any other port of the United States, shall enter any said port free of import duty.

I wish that was on the statute book. I reported a bill and it went through the House two years ago, which reduced the duty at once 25 per cent, and put it on the free list when under the Spanish treaty we could do it without harm to our people. I do not know where the bill is now. The last I heard of it, it had not been reported in the Senate.

Here is another bill on a different subject, but still I do not know but I ought to refer to it right here. It used to be good, old-fashioned Democratic doctrine in the early days, going back almost to my antediluvian colleague from New York, a doctrine incorporated first in the Democratic platform in 1840, and again in 1844, 1848, and 1852.

Resolved, That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution, and that we are opposed to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

I supposed that was Democratic doctrine; but here is a bill introduced by the gentleman from Mississippi [Mr. WILLIAMS] on the 2d of December to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein.

That is a fetcher. How that will get votes in the rural districts! Twenty-five million dollars a year to be distributed is a sum not to be sneezed at anywhere in the United States. I do not know whether my friend used that as an electioneering document down in Mississippi in the late canvass or not. I do not believe he did, because I think if he had he would have wiped out Governor Vardaman down there by a bigger majority than he did. I do not believe he used it there. Possibly he did not think of it and had not introduced it. What a great card that would have been—$25,000,000 a year to the States—and how they would revel in it!

My friend from Tennessee on our side of the House introduced a good-roads bill a few years ago, but it was a better bill than this, because it required the States to do something. The latter-day Democratic idea is that the Government must do everything and the States nothing. My genial friend from Texas [Mr. BURLESON] will have a little william in here of some kind, I know not what, for the benefit of the State of Texas before the session gets very old, or he will not follow his usual course in that respect; and then on some other day he will get up here and denounce paternalism in government, and talk about the United States encroaching on the rights of the States and taking up the business of the States and the private people. Well, I do not know which is true Democracy, the platform or the bill.

The gentleman from Mississippi [Mr. WILLIAMS] has another bill here appropriating $65,000,000, which the bill seems to indicate he guesses is the amount of the cotton tax imposed in the sixties, and returning the money to the States that paid the tax, according to the population.

Mr. WILLIAMS. That is not my bill.

Mr. PAYNE. I want to do the gentleman justice. If I have the wrong bill scored up against the gentleman I shall be glad to withdraw it.

Mr. OLMSTED. He has enough to answer for already. [Laughter.]

Mr. PAYNE. There are other bills of the same kind. I will look this up, and if I do not find it, I will cut out all I have said about it.

Mr. WILLIAMS. I do not want to mislead the gentleman. I have a bill for the repayment of that tax.

Mr. PAYNE. To be distributed to the States where it was paid, either according to the amount paid or by population—I think according to the amount paid.

Mr. WILLIAMS. That is right.

Mr. PAYNE. Well, I was right about the bill, but wrong about the distribution of it. It is on the ground that the tax has been declared unconstitutional by the United States Supreme Court. It has been declared unconstitutional in this way: A case was brought in the court, and the lower court held it unconstitutional. It went into the Supreme Court and was argued, and the court stood four to four. Of course the court being tied, the decision was affirmed. There was not enough

there to reverse it. That is the only way it has been declared unconstitutional. According to the learned address of the gentleman from Florida [Mr. CLARK], I observe the distinction the gentleman tried to make between this and direct taxes and to show that they had held direct taxes were not constitutional.

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. PAYNE. Yes.

Mr. CLARK of Florida. Does the gentleman deny that in the income tax cases reported in the 158th United States, the Supreme Court of the United States did not declare emphatically that any tax levied upon land or upon crops produced from the land were direct and had to be levied by the rule of apportionment?

Mr. PAYNE. I am rather inclined to think it did. They also held that a tax on carriages was not a direct tax, but a tax on consumption.

Mr. CLARK of Florida. Will the gentleman permit another question? Did not the Supreme Court in that case hold in the levy of taxes upon carriages that that was not a direct tax within the meaning of the Constitution, because it was a tax upon the consumption of an article?

Mr. PAYNE. I said all that in my clumsy way; perhaps not as learnedly as my friend from Florida. They did so hold, and that case was made an authority for the first decision in the United States Supreme Court that an income tax was constitutional, decided on that authority and, I think, the only case cited. You see how closely they came together; but since then the United States Supreme Court has declared an income tax unconstitutional. That same income tax is on the statute book now and has never been repealed, but left where the court left it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAYNE. I do not like to trespass on the committee, but I have not quite finished.

Mr. HINSHAW. I will yield ten minutes additional time to the gentleman.

Mr. PAYNE. Now, the gentleman from Mississippi has introduced two bills here on the subject of hides and leather and so forth. I am surprised to find that they are introduced on the same day. The first one is H. R. 102, which says that from and after the date of the passage of this act there shall not be levied, collected, or paid upon hides imported into the United States any duty; that there shall not be levied, collected, or paid upon sole leather any duty; that there shall be levied upon upper leathers imported into the United States a duty of 7½ per cent ad valorem, and upon boots and shoes imported into the United States a duty of 10 per cent ad valorem and 5 cents a pair; that existing duties upon other articles or commodities in the leather schedule in the present law are hereby reduced 70 per cent.

What are the other articles? Harnesses and gloves. Gloves are made by hand, a slow and intricate process of manufacture, requiring much skill, almost all labor, and he reduces the duty 70 per cent, which means an average ad valorem duty of 10 to 15 per cent on gloves. It would stop every glove factory in the United States. I think the gentleman must have known that, because on the same day he introduced another bill, in which he goes through our glove schedule and reduces the duty on leather and on gloves.

Clause 440, women's and children's glace-finished, of sheep origin, not over 14 inches in length, he reduces to $1 a pair. It was $1.75 in the Dingley law. Over 14 inches and not over 17 inches, $1.50. It was $2.25. Over 17 inches $1.75, a reduction from $2.75, and so on through the list. Here are two bills, put into the hopper the same minute, one putting an equivalent ad valorem on gloves of from 10 to 15 per cent, reducing the duty 70 per cent, and by the same hand puts in another bill at the same time reducing the rates 40 per cent. Oh, consistency, thou art a jewel! He got a new idea on the tariff, different from any other Democratic idea that was ever heard of. I asked my friend Mr. Wilson after he reported his bill if it was true that they put the name of the article in one hat and certain prices in the other and drew them out one at a time and fitted them together and fixed their duty in that way. He said he had heard rumors to that effect. I told him I thought it must be true, for I did not see how they could get the result in any other way. And here is the gentleman from Mississippi [Mr. WILLIAMS] doing the same thing with the same hand and putting the bills into the same hopper the same instant of time.

I do not know but I have gone through with those bills. The gentleman had a little dispute here the other day with the gentleman from Iowa, Colonel HEPBURN, as to the origin of the Interstate Commerce Commission. Mr. HEPBURN said it originated with Senator CULLOM, and somebody on the other side got up and said that Senator CULLOM had a habit of stealing other men's thunder. Well, an inspection of the bills since shows that the gentleman from Iowa was right, word for word, from beginning to end, and that no Reagan bill was ever introduced or reported by him that had any idea of an Interstate Commerce Commission in it, but simply relegated the parties to the courts and told them how they could get their evidence to try their case. That is all. Yet the gentleman from New York comes in here and claims that all the good legislation that had ever been passed by the Republicans in Congress came from the Democrats, and the gentleman from Mississippi [Mr. WILLIAMS] claimed for Mr. Reagan Senator CULLOM's bill in reference to an Interstate Commerce Commission. Now, the gentleman from Mississippi proudly asserted to the gentleman from Iowa [Mr. HEPBURN] the other day that a corporation could not commit a crime. A good many of the States think it can and have legislated in that direction and have actually convicted corporations of crime and have sentenced them to the payment of a fine.

The gentleman from Mississippi introduced a bill, No. 403, to prohibit certain corporations from contributing money to influence the result of elections or to influence their legislation, and it provides "that no national bank or any corporation or joint stock company chartered by the United States Government, or any railroad or other corporation or joint stock company exclusively or partially engaged in carrying on interstate commerce shall contribute or promise any money, bonds, transportation, or other thing of value to any committee or any member of any committee of any political party," etc. That is the first section. Section 2 provides "that any violation of the above section of this act shall constitute a misdemeanor, and shall subject the violator thereof on conviction to the payment of a fine of not less than $500 nor more than $10,000, and a further fine additional thereto of not less in amount of double the value of the money or other thing of value found to have been contributed or promised as aforesaid." Another bill of the same kind was introduced by him where the action of a corporation is denounced as a misdemeanor. The gentleman does not seem to know what kind of a bill he puts into the hopper, and still he brings them out here as a platform for the great Democratic party next November.

Well, that is the kind of thing they have been doing, putting everything into their platform; have been doing it for years—sticking to nothing. And if anybody ever put one of the ideas that they had borrowed from somebody else into law, then they claim the credit for it. They are constant claimants and constant in their opposition—standing out as a party of negation; and the gentleman from Mississippi [Mr. WILLIAMS] proposes to reverse that order of things and he comes in here with this conglomeration of principles written out in bills for his party to adopt.

Mr. Chairman, I have spoken much longer than I intended to speak. I have much more that I thought I would say, before I commenced, but I will not take the time or trespass on the committee any further. The Republican party will be at the polls next November with a platform that means something. They will declare themselves on the tariff question in no uncertain sound. I do not mind saying to-day that it seems to me that they will declare for a revision of the tariff [applause on the Republican side], and that the strongest reason impelling them to that declaration will be the fact that we need a maximum and minimum tariff, for the purpose of negotiating proper trade agreements with the nations of the earth. [Renewed applause on the Republican side.]

But if we have a maximum and a minimum tariff, and the Republican party passes it, that minimum will be a protective tariff to every American industry and to every American laborer in the United States. [Applause on the Republican side.] The maximum will be higher, and in doing this we can be successfully accused of purloining some of the idea from Germany and France and Russia, each of which countries has the same kind of a maximum and minimum tariff.

Mr. Chairman, under the Dingley bill we have had twelve years of unexampled prosperity. It is true that disaster overtook us in the latter part of the summer. It is true that men lost their heads and rushed to the banks to draw out their deposits. It is true that some banks hoarded the money that was in their vaults. It is true the rich and poor erred in this respect. Now, money is abundant. The Treasury did not have to go out in the market and sell their bonds at 15 per cent below the market price in order to get gold to put into the Treasury and to answer the demands on the Treasury. The Cleveland Administration sold $162,000,000 of bonds.

The bonds we put out last autumn were put out for the purpose of giving the people more currency. We did not have

to do it. We had a surplus of considerably over $200,000,000 in the Treasury at the time, and the soundness of the Treasury and the fact that people all over the land had been at work for years, and the farmers were never so prosperous all over the United States, is now an augury that the panic can not last and survive these healthy conditions in the body politic. If new complications arise, it may perhaps delay the coming and revival of the good times we had before the panic came, but the people of the United States will see that it was not because of an empty Treasury, it was not because of the loss of faith by the people in any part of the currency issued by the Government of the United States, it was not because of lack of faith in Republican administration, or in the justice and wisdom of the laws enacted by the Republican party that we had this last unfortunate panic. I am willing to postpone until November the question of who shall be President of the United States, and I expect the usual result in that case. [Loud and continued applause on the Republican side.]

Mr. HINSHAW. Mr. Chairman, I now yield to the gentleman from Illinois [Mr. FULLER].

Mr. FULLER. Mr. Chairman, one of the imperative duties confronting Congress at the present session is to provide an emergency currency, so that such conditions as brought about the panic of 1907 will no longer exist, and so that the cornering of the currency supply of the country will hereafter be impossible. Personally I do not believe in any makeshift legislation by which national banks may be permitted on miscellaneous securities to issue an increased amount of national-bank notes. An emergency currency should be instantly available and under the direct control of the Treasury Department; it should be in an amount so large that no combination of speculators and stock gamblers could prevent its free circulation among the people, and it should be so distributed over the whole country as to meet the necessities of business in every nook and corner of the land.

Instead of the Government issuing bonds for money which it does not need in order to furnish security for bank notes, the notes should be issued directly by the Government as United States Treasury notes, and in an emergency, or whenever there is a scarcity of currency to transact the ordinary business of the country, loaned by the Government to the banks, which should be required to pay interest thereon, in the first instance at a low rate to encourage its circulation, and at a progressively higher rate until it becomes very high, to compel its repayment into the Treasury as soon as the emergency has passed. The people of this country have the utmost faith in the credit of the United States Government. Its Treasury notes, based upon gold, redeemable upon demand, would be preferred by the people to the gold itself, and would seldom or never be presented for redemption. A reasonable reserve of gold would be sufficient to always keep them at par with gold.

Horace Greeley said: "The way to resume is to resume," and he was right. Experience showed that all that was necessary was to so declare. So the way to provide an emergency currency, and absolutely prevent money panics and the cornering of the money market, is to provide a Government currency, guaranteed by the Government, redeemable in lawful money at any time on demand, and in quantity sufficient to meet all the legitimate business demands of the country.

A few months ago, in the high noon of prosperity which all our people were enjoying in a degree never before known in this or any other country in the world, we were almost without warning plunged into a money panic without parallel in the history of the country, in which many banks were forced to close their doors, factories closed or greatly curtailed their production, business enterprises of all kinds were halted, thousands and hundreds of thousands of men found themselves all at once without employment, and are yet idle in consequence. What was the cause?

It answers no good purpose to say that any man or any set of men were responsible. I do not for one moment believe that the Chief Executive of this nation, in whom the people of this country trust and believe as never before in any leader, was in any sense whatever responsible for the calamity that came upon us. If teaching the doctrine that "honesty is the best policy," in business, in politics, in all the affairs of the nation; if strict and impartial enforcement of the law against corporations as well as individuals—against the rich as well as the poor, the high as well as the low—causes panic, then it is time that panic should come. This is a government of law, and strict and impartial obedience to the law by all, without distinction as to wealth or position, is necessary to the perpetuity of our free institutions.

By the overwhelming majority of our people such obedience is cheerfully and willingly given; and where it is not it is the plain duty of the Executive to see that it is enforced. Thank God there is in the White House a man strong enough, and brave enough, and steadfast enough to insist that the laws shall be enforced and that honesty and decency and fair play shall be known and recognized of all men as the watchwords of the Republic—Theodore Roosevelt is President of the United States; he is the President, as well, of all its people. His policies are being written into the law of the land, and whoever may come after him will, by very force of public opinion, if for no other reason, be compelled to continue such policies to full fruition.

This is a progressive nation. It will not stand still; it can not go backward. The people all over this land know and recognize the fact that the present Chief Executive of this nation is setting a new and advanced standard of public and private honesty in all the affairs of this people and blazing a path for the future honor and greatness of the nation that willing and earnest millions will gladly follow in the years to come.

I quote from the President's special message of January 31, 1908, as follows:

> On behalf of all our people, on behalf no less of the honest man of means than of the honest man who earns each day's livelihood by that day's sweat of his brow, it is necessary to insist upon honesty in business and politics alike, in all walks of life, in big things and in little things; upon just and fair dealing as between man and man.

These words will live and will constitute a guiding star for the future conduct of the men who may control the destinies of the nation. Lived up to, our future will be secure, our achievements greater than ever in the past, and the enduring prosperity of the nation assured.

However brought about, our recent financial difficulties resulted directly from a lack of circulating medium to carry on the business of the country. It should be easy to provide against such a contingency in the future. An authorized issue of Treasury notes to be issued only in emergency, in my opinion, will accomplish the desired result.

I have introduced a bill (H. R. 15836) to provide for an emergency currency, which, in my opinion, would accomplish the desired purpose. It might never be necessary to issue the notes at all. The mere fact that they were instantly available would discourage all attempts to corner the currency of the country, or to conspire to have it hoarded in banks and safety deposit boxes. Its passage would open up the factories of the country, and prosperity would at once return to permanently abide with us. I ask leave to attach a copy of the bill, as follows:

A bill (H. R. 15836) to provide for an emergency currency.

Be it enacted, etc., That to provide an emergency currency the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeiting, and similar to those from which are printed the present paper currency now in use, and shall have printed therefrom one thousand million dollars of United States Treasury notes, which shall be redeemable in lawful money on presentation at the Treasury of the United States, and shall be a legal tender for all debts, dues, and demands, public or private, and so expressed on their face; and which shall be of the denominations of $1, $2, $5, $10, $20, $50, $100, $500, $1,000, and $10,000, as may be determined by the Secretary of the Treasury.

SEC. 2. That whenever in the opinion of the Secretary of the Treasury, an emergency exists, or there shall be a reasonable necessity for a further issue of currency, such United States Treasury notes may be loaned to national banks, State banks, or trust companies, approved by the Secretary of the Treasury on due examination as safe and solvent, in an amount in no case exceeding 50 per cent of the full paid capital stock of any such bank or trust company, and on such security as the Secretary of the Treasury may approve, or on the certificate of deposit of the bank or trust company to which the loan is made, which certificate of deposit shall in every case be indorsed by each of the directors of said bank or trust company. In every case such loans shall be payable on demand after thirty days' notice, and shall draw interest payable to the United States as follows: For the first three months, or any part thereof, at the rate of 3 per cent per annum; for the next three months, or any part thereof, at the rate of 6 per cent per annum; for the next three months, or any part thereof, at the rate of 9 per cent per annum; and for whatever time thereafter such loan shall remain unpaid at the rate of 12 per cent per annum, and if not paid within one year from the date the loan is made any such bank or trust company shall, on motion of the United States district attorney of the district in which such bank or trust company is located, be placed in the hands of a receiver and its affairs wound up in such court; and all district courts of the United States shall have full and complete jurisdiction for such purpose.

SEC. 3. That the amount of such United States Treasury notes, including the amount in the Treasury and the amount loaned under this act, or otherwise in circulation, shall be kept at, approximately, one thousand million dollars.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I occupied so much time of the committee on yesterday that I shall not abuse its patience to make any reply now to the gentleman from New York, but I desire to ask leave to insert in the RECORD an article from the Indianapolis News of January 6, headed "Paper combine a genuine menace. It is depending on Con-

gress to keep the tariff wall intact," as a reply in part, at least, to something which he said.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

The article is as follows:

PAPER COMBINE A GENUINE MENACE—IT IS DEPENDING ON CONGRESS TO KEEP THE TARIFF WALL INTACT—IT MEANS HIGHER PRICES—PUBLISHERS' STATEMENT SHOWS THAT GREAT INTERESTS ARE THREATENED—ROOSEVELT'S ATTITUDE A SURPRISE.

THE INDIANAPOLIS NEWS BUREAU,
44 WYATT BUILDING,
Washington, January 6.

There is small prospect of Congress taking the duty off ground wood pulp or print paper at this session. The Republican leaders have made up their minds to stand by the existing duty on these articles, in spite of the fact that the publishers of the country are practically a unit in asking that the duty be repealed. In taking this position the leaders reflect the attitude of the entire Administration, which is that the tariff must not be touched. Some two months ago, when a committee representing the American Newspaper Publishers' Association called on the President to ask his assistance in getting the duty on wood pulp and on print paper repealed, they found him apparently in sympathy with the movement, but still unwilling to associate any request for the removal of the duty with the tariff question. It was his idea that it would be better to base the request on a plea for the preservation of the forests of the United States. He followed that policy in making a recommendation to the effect that—

There should be no tariff on any forest product grown in this country, and, especially, there should be no duty on wood pulp; due notice of the change being, of course, given to those engaged in the business, so as to enable them to adjust themselves to the new conditions. The repeal of the duty on wood pulp should, if possible, be accompanied by an agreement with Canada that there shall be no export duty on Canadian wood pulp.

PUBLISHERS ARE DISAPPOINTED.

In view of the attitude the Canadians have taken, the publishers are greatly disappointed over the form of the President's recommendation. They can see how much better it had been if the President had come out squarely and asked for the repeal of the duty as a simple tariff measure. Here was a trust which put prices up beyond all reason, and yet the Administration was afraid, apparently, to come out in a flat-footed way and insist on the removal of the tariff under which the trust is enabled to thrive at the expense of the publishers of the country. The Canadians saw the point in the President's message. The result is that the Canadians are now taking steps to force the manufacturers of paper to come to the Dominion. One suggestion made by the Canadians is that pulp-wood exportation be prohibited; another is that a heavy duty be laid on pulp wood. In the event of either plan being adopted, the pulp wood of Canada would be made into paper on Canadian ground. Thus the Canadians would get the benefit of the labor now employed in the mills in the United States that consume pulp wood shipped from the Canadian forests.

The pulp and paper manufacturers of Canada have recently conferred with the prime minister and the ministers of finance and customs at Ottawa. They asked for an export duty sufficient to bring about the desired object or that the exportation of pulp wood be entirely prohibited by the Dominion government, as is now done by the Ontario provincial government. The claim is made that the American companies now operating extensively there for American consumption leave only a small amount for labor and freight charges and entirely denude and almost devastate the territory.

CAN ACCOMPLISH NOTHING.

Under the circumstances the members of the committee representing the American Publishers' Association, nearly all of whom are warm friends of the President, feel that the form of his recommendation has made it impossible to accomplish anything at this session of Congress unless the individual publishers by pressure, through a general agitation of the subject through the columns of their papers on broader lines than proposed by the President, might force action by the House and Senate; but it is hardly probable that any amount of pressure will change the attitude of the "stand-pat" leaders, who are insistent that there shall be no break made in the tariff wall.

Speaker CANNON will not consent that a bill for a straight repeal of the duty on ground wood pulp and on print paper shall come out of his Committee on Ways and Means; and all the stand-patters hold up their hands in holy horror at the thought of "precipitating a tariff debate in the Senate" by the handing to that body of such legislation by the House. If there is any hope at all, it is along the line of legislation removing the duty on print paper only.

According to the census of manufacturers for 1905 the printing and publishing business ranked seventh among the industries of the country. It would seem that such an industry might get a hearing before Congress on a question of vital importance to everybody engaged in the business. The printing and publishing interests represent an annual product of one-half billion dollars. The newspapers and periodicals alone have a capital of $239,000,000 invested, of which nearly $100,000,000 represents machinery, tools, and instruments. They paid in 1905 salaries and wages amounting to $106,000,000 to 160,000 workers.

PAID FOR WHITE PAPER.

They paid that year $58,000,000 for white paper (and the price on paper has advanced rapidly since that census was taken). The International Paper Company is capitalized at $40,000,000. The allied printing trades are cooperating with publishers in the effort to have Congress remove the duty on wood pulp and on print paper, but the combined influence of the publishers and the allied trades is, apparently, not great enough to move the stand-patters.

The committee from the American Newspaper Publishers' Association, which called on the President in November, explained to him the situation in great detail. It was shown in the statement that though the American mills are selling abroad at low prices in competition with Canada, Norway, Great Britain, and Germany, the price at home is so high that Canadian mills can and do pay the duty of $6 a ton and make a profit in the American market.

In that same statement that committee representing the publishers said:

"The newspapers insist that the paper manufacturers who induced Congress to protect them against competition from abroad are under obligations to provide for the present and prospective demands of consumers in this country. To repress manufacturers, or to starve the market so that the paper maker is in a position to create a famine and to stop the supply to any publisher should rank as a crime. Many newspaper proprietors are unable to obtain any quotations for paper next year, and do not know where to obtain a supply. In all the history of crimes charged against combinations and trusts, such a situation is unprecedented. It demands immediate remedy.

"FRIENDLY UNDERSTANDING.

"Newspaper publishers must take alarm when they find the paper production of the country united in a friendly understanding, especially so when they are told that they must pay an increased price for at least two years, as it will take that time to start new mills; and also because they are told that no readjustment of the tariff is possible until 1909.

"Meanwhile the paper manufacturers are buying up vast timber tracts. In one of the four land offices of the Province of Quebec the International Paper Company has registered timber limits for 2,597 square miles. The Berlin mills have limits for 2,462 square miles. Consular reports show that a large proportion of timber lands in Quebec is held by American paper mills. The largest American paper-making concerns have acquired some of the finest forests and waterfalls in Canada, where paper can be made for $20 a ton, and they have been preparing for the alternative either to build other plants, as soon as they see the time is ripe, or to stop others from engaging in a competition which would be highly profitable at present prices.

"At the time of consolidation the International Paper Company acquired ownership of 1,600 square miles of timber tracts in the United States. The newspapers are bearing the burden of this gigantic speculation in woodlands, because they are taxed to pay the interest-carrying charges on these purchases of timber that can not be marketed for twenty or more years. They are taxed to carry the load of over-capitalization that was saddled upon the International Paper Company, a capitalization of $43,000 for each ton of daily output; a capitalization that is $35,000,000 in excess of the accepted basis of investment in the paper trade for mills of modern construction.

"ENTITLED TO CONSIDERATION.

"It is difficult to recall another industry which has gone to such extremes in watering securities. The International Paper Company, with a book capitalization of $40,000,000 has a gross income of $21,000,000. It requires more than three years to turn over its capital. Publishers maintain that if consideration be given to the inflated securities of the combined paper mills, then consideration should also be given to the immense capital invested in newspapers and periodicals. If the Government should assume that the labor employed in the paper mills ought to be protected, then it is urged that the labor employed by publishers should also be protected.

"Every consideration of forest preservation and of enlightened self-interest impels the Government to keep the country's future wants in view, and to change that policy which puts a premium upon the destruction of great national treasures. The United States as a whole is consuming more than three times as much wood as the forests are growing. The destruction of the woodlands is progressing at the rate of 50,000 square miles per annum, or one-twentieth of the entire timber area of the United States. If nature were allowed to rehabilitate the earth in the wake of the lumberman, the reforestation of the country would not be alarming; but the pulp wood industry takes practically the last standing tree. Mr. Gifford Pinchot wrote in 1898, 'Cutting for pulp does more harm than cutting for timber, because it takes a vastly greater number of trees'—that is, trees of smaller size.

"MATERIAL INTERESTS THREATENED.

"The demand for pulp wood is beyond the ability of the country to furnish. An area as large as the State of Rhode Island is stripped of its spruce every year to supply the mills that make wood pulp. In the year 1906, 3,000,000 cords of domestic pulp wood were consumed in addition to 738,872 cords of Canadian pulp wood. Every material interest is threatened.

"Rivers have been dried at the source, so that sawmills dependent on waterpower have been driven out of business, and other manufacturing interests have suffered. Farms have been given up in regions thus deprived of moisture because there was no longer enough water for stock or for home use, and disastrous floods in springtime are followed by droughts in summer.

"The wholesale destruction of forests threatens the country with the calamities experienced from the same causes in Europe and Asia. Our lumbering methods, if continued, will entail baleful scenic, climatic, and economic results, injuring health, property, and occupations of all citizens, and impairing industrial development by making intermittent the flow of the rivers, which are most important to agriculture and manufacture.

"UNANIMOUS ON ONE POINT.

"The members of the American Newspaper Publishers' Association have differing views upon the question of the tariff; but they have a substantially unanimous sentiment upon the point that when the privileges and protection afforded by the tariff are abused by its beneficiaries to create a paper famine, and to menace the seventh largest manufacturing interest of the country by oppressive combinations in restraint of trade, they feel justified in asking that you invite the attention of Congress to these facts and to recommend such legislation as will prevent the possibility of a paper famine and the ruin of many publishers. They plead urgency. Three years of construction work may be necessary to bring the paper-making industry to a growth commensurate with demand.

"Apart from consideration of questions that relate to oppressive combination and to forest conservation, there is a larger view of the situation which should appeal to the responsible heads of government. Within the last twenty years this nation has turned from books to periodicals. It has fallen to the bottom of the list of nations in the number of books published, a million population. But it publishes 60 per cent of all the periodicals on the globe. The printing business represents an annual product of half a billion dollars and ranks seventh in the manufacturing industries. It has a larger number of establishments than any other industry. It stands for the intellectual growth of the country. It increases the facility for communication."

HELPFUL TO GOVERNMENT.

It is especially helpful to good government in that it promotes intelligence, uplifts the individual, and raises the standard of citizenship. If the combination of paper makers can succeed in its aims it will stop cheap books and cheap newspapers. It will tax intelligence, because the newspapers and magazines are the people's school and their library.

All taxes upon paper are taxes upon reading, upon knowledge, upon the dissemination of information. Under any government such a tax would be oppressive and proscriptive. In a government based, as ours is, upon the intelligence and resultant virtue of the people, it is anomalous and monstrous. To make newspapers artificially dear is wantonly to restrict the number of readers, and so increase the sum of ignorance. When this is done or proposed simply to add to the profits of a monopoly the injury to public interests becomes a matter demanding the intervention of the Government.

The whole subject is one that is bound to interest the country more and more as time passes. If, as now seems certain, the publishers are to get no relief at this session of Congress, they will, of course, rely on the legislative body to repeal the tariff on ground wood pulp and print paper when the tariff is revised immediately after the next Presidential election, if it is revised at that time.

Existing conditions must be remedied.

To-day the United States Forest Bureau made public a bulletin showing the enormous consumption of print paper in this country and the consequent demand on the rapidly disappearing forests of the United States. The bulletin says that the Forest Service has investigated and has confirmed the statement made by the publishers that an area as large as the State of Rhode Island is devastated every year by the paper manufacturers.

ONE SOLUTION SUGGESTED.

One solution suggested by the Forest Service of the Government is that there be adopted by the Government a system of forest management which will put a stop to the present wasteful methods in working up the product, and that a study be made of the utilization of wood other than spruce in the manufacture of pulp. Of course these might help, but the general view of publishers is that the real remedy lies in free pulp and free paper from Canada, Sweden and Norway, and other countries. With free trade in these articles the forests of the United States would be protected and the great stores of timber in those countries would be utilized.

The publishers have been expecting some relief through the Department of Justice which has been studying the paper combine with a view of prosecuting it for violating the injunction issues against the General Paper Company in May, 1906, by the Federal court in Minnesota, but so far the Department has not made any forward move. By order of court the General Paper Company was disbanded. The allegation is that the order of the court has been disobeyed. At this time the Department is unable to say what will be done in the case.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield forty minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, I avail myself of this opportunity to express my views upon some of the current and vital political questions of the times. Besides the great issues before the American people of the control and suppression of trusts and monopolies and the regulation of railroad rates through the powers conferred upon Congress under the commerce clause of the Constitution, the campaign of 1908 will witness the discussion of two other important questions of local self-government—States rights and tariff revision. When the fathers of the Republic framed the Constitution of the United States in 1787, in that great convention of great minds which met in Philadelphia, where also was framed and promulgated the greatest charter of human rights and liberties in all the history of mankind, the Declaration of Independence, they gave to us the most perfect instrument for our fundamental government ever conceived and written. Of it Gladstone said:

As the British constitution is the most subtle organism which has proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off in a given time by the brain and purpose of man.

At the University of North Carolina in a great plea for the Union just prior to the civil war, Judge Gaston said:

With all its pretended defects, all its alleged violations, the Constitution has conferred more benefit on man than ever yet flowed from any human institution.

Nathaniel Macon thought one hundred years ago and so said in a letter to a friend that the Constitution was dead. Without doubt, it has its defects, but it still survives the shock of many political battles and of contending forces and war and all the vicissitudes of one hundred and twenty years.

The Confederation of States, imperfect through jealousy of central power, took the place of the mere advisory power of Congress, but it was a rope of sand.

A more perfect Union—

Says Bancroft—

was made necessary by the need of power in the new Republic to regulate its foreign commerce, colonize its large domain, provide an adequate revenue, and establish justice in domestic trade by prohibiting the separate States from impairing the obligation of contracts.

Each cause was of vital importance, but the need of regulating commercial intercourse was paramount and urgent, and so gradually, but surely, there crystallized public sentiment for a constitutional convention.

The influence of Washington was a potent factor in calling the convention and ratifying the Constitution. The members of that convention were of trained intellect and lovers of liberty. Their purpose was to form a central government of the united colonies and to protect the people from the government, retaining in the people's hands every right not granted the general government. When they finished their work Franklin, looking toward the sun blazoned on the president's chair, said of it:

I was not able to tell whether it was a rising or setting sun. Now I know it is a rising sun.

Monroe wrote Jefferson that Washington's great influence had established the Union. Every paragraph of the Constitution as adopted was revised; and the wisdom of its framers sought enlightenment from the greatest minds of the world, the past experience of all ages, from the English constitution, including Magna Charta, the Petition of Right, and Bill of Rights, and all that was best in the English Government.

Jealous of monarchy, of centralized power, of any encroachment upon the rights of citizens and States, the Constitution became a grant of enumerated powers. Since its adoption the parties of the country have divided upon its strict or liberal construction.

The gentleman from New York [Mr. PAYNE] spoke of the great work of Hamilton in the organization of the Government. If Hamilton's theory of government had prevailed we would have had, contrary to the Jeffersonian idea, a form of government modeled after the British Government—a limited monarchy. That was Hamilton's idea.

Democrats believe in a government by the people, under the American system—under the Constitution of the United States framed by the fathers of the Republic. None have ever dared, until recently, to affirm that this Constitution could be extended in scope and meaning by judicial construction beyond its plain meaning and intent, or that the General Government could exercise powers not granted in that instrument. To emphasize this the tenth amendment declared:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

In this latter day, however, we find the President and his Secretary of State, Mr. Root, declaring and promulgating strange doctrines, new and dangerous and foreign to all the ideas of the founders of the Republic.

In a speech delivered by Secretary Root at the dinner of the Pennsylvania Society, in New York, December 12, 1906, upon the subject "How to preserve the local self-government of the States," Mr. Root, Secretary of State, discussing the drift of the times in the direction of the stronger centralized government and the future of the States of the Union under our dual system of constitutional government, and speaking of the growth and expansion of the Government and its commerce, insists that the conditions under which the clauses of the Constitution distributing powers to the national and State governments are now and henceforth to be applied, are widely different from the conditions which were or could have been within the contemplation of the framers of the Constitution and from those which obtained during the early years of the Republic.

The growth of a national sentiment, free trade among the States, and the development of facilities for travel and communication, he says

have caused the old lines between the States and old barriers which kept the States as separate communities to be completely lost from sight.

He declares that the National Government is taking up the performance of duties which, under the changed conditions, the separate States are no longer capable of adequately performing, and insists that the States must so frame their laws and exercise their powers as to be in harmony with national sentiment, and if they fail to do so, they must surrender their powers to the National Government or sooner or later "constructions of the Constitution will be found to vest the power where it will be exercised, namely, in the National Government."

In other words, that the powers of the General Government must be and will be enlarged by judicial construction. If the States fail to exercise their powers and measure up to their responsibility and the demands of the people, the National Government will sooner or later exercise and assume larger powers, whether those powers be within the specific grant of the Constitution or not. In other words, the Constitution must and will be stretched and extended by judicial construction to meet the varied and changed conditions and emergencies in our national life and growth, without amendment by the people in a constitutional way. To my mind this doctrine is prolific of the greatest evil. It is a Pandora's box of ills. It means wresting from the people and the States and lodging in the hands of the courts powers not granted or contemplated by the founders of the Republic. [Applause.]

When the Constitution was adopted little enough power was left to the people and the States. Chief Justice Walter Clark,

of North Carolina, in his able address upon "Defects in the Constitution of the United States," delivered April, 1906, before the law department of the University of Pennsylvania, says:

"The glaring defect in the Constitution was that it was not democratic. It gave to the people to be governed the selection of only one-sixth of the Government, to wit, one half of the legislative department; the other half, the Senate was made elective at second hand by the State legislatures, and the Senators were not only given longer terms but greater power, for all Presidential appointments and treaties were subject to the advice and consent of the Senate."

The President was intended to be elected at a still further remove from the people by being chosen by electors, who it was expected would be selected by State legislatures. The President thus was to be selected at third hand, as it were; in fact, down until the memorable contest between Adams, Clay, Crawford, and Jackson, in 1824, in the majority of the States the Presidential electors were chosen by the State legislatures, and they were so chosen by South Carolina until after the civil war, and in fact by Colorado in 1876. The judiciary were placed a step still further removed from the popular choice. The judges were selected at fourth hand by the President, intended to be selected at third hand, and subject to confirmation by the Senate chosen at second hand, and, to make the judiciary absolutely independent of any consideration of the consent of the governed, they are appointed for life. But the people's part in the Government, in the choice of the House of Representatives, even when reinforced by the Executive whose election they have captured, is an absolute nullity with the Senate and judiciary against them. Therefore, is the Government of the United States, he contends, a Government by the Senate and judges. That is to say, frankly, by whatever power can control the selection of Senators and judges.

Now, stretch the Constitution, not by amendment proposed by Congress and ratified by three-fourths of the States or adopted by a constitutional convention, but by judicial construction, and you have the most dangerous drift toward centralization yet manifested in our Government. With Federal courts and a Senate under the control of the Executive, or influenced by him, you have a government at the will of the executive. I care not whether you call him president or dictator or king or emperor. Forms do not make free government. Your three branches of the Government—executive, legislative, and judicial—may exist, but unless they be preserved equal and coordinate and the distinction between the Federal and State governments respected and observed, the real governing power is not with the people. In Rome republican government gradually yielded to the empire, and yet the forms of the republic still existed, a mockery and a delusion. Centuries after Rome became an empire and knew no master save an emperor chosen by the army there were still tribunes of the people and consuls and a senate and the title of a republic, as in the days of the great captain who thrice at the feast of Lupercal declined a kingly crown. Luxury, wealth, military glory, and encroachment of the executive had deprived the Roman people of any real share in the government until they were ready to cry out only for bread and games. Long after Napoleon had been crowned Emperor and the hero of Marengo and Austerlitz had become the supreme power in France the French coins and documents still bore the inscription of the French Republic.

No judicial construction or Executive orders should in our Government be permitted to stretch the laws on our treaties or our Constitution beyond constitutional limitations. Local self-government in its original intent and purpose and the preservation inviolate of every right not granted the General Government by the States and people is the very salvation and foundation stone of our free Government.

I would not have an absolutely inelastic Constitution. I know something of the history of my country. As a mere lad I read the speeches of Hayne and Webster, Clay and Calhoun, and the history of our Constitution. I know that the Constitution has been repeatedly interpreted and construed by the courts and must be so construed to the end of time. I know that Marshall laid broad and deep the sure foundations of the Republic by his luminious construction of the new Constitution, and his decisions have strengthened that document and stood the test of time.

I have read the decision of our Supreme Court, Chisholm *v.* Georgia, and the dissenting opinion of Judge Iredell, which led to the adoption of the eleventh amendment, prohibiting suits by a citizen against a State; the case of Dartmouth College, argued by Daniel Webster, which firmly fixed the doctrine that a State's contract can not be violated or impaired by the State; the great case of Gibbons *v.* Ogden, in regard to plenary power of Congress over interstate commerce. These cases have strengthened our form of Government and carried into effect the intent of those who framed the Constitution. But I also know the construction of that same instrument in the Dred Scott case was one of the causes which led to the mightiest and most bloody war between the North and South ever waged in all the tide of time. I also know that the decision of the Supreme Court in the greenback cases, holding issues of paper money to be within the power of Congress to "coin money," has led to endless financial and commercial warfare.

I also know that a construction of the income-tax law by the changing opinion of one judge meant the levying of a heavier tax upon labor and men of moderate means and the release from taxation of millions of hoarded wealth.

I also am aware that the Insular cases have meant the indorsement and approval of a new governmental policy in the Philippines and our island possessions contrary to all the past theory, practice, and policy of our Government and the inauguration of a system of colonization. I do not mean to suggest that any of these decisions are not in conformity with the Constitution of the United States, but I mention them to show the great scope of power of the Federal Supreme Court and the great danger at all times of strained judicial construction of the Constitution, especially in the enlargement of the powers of the National Government, and therefore, the danger of Mr. Root's doctrine.

I speak respectfully of the Supreme Court. No one has a higher opinion of its integrity, character, and personnel, from John Marshall to the present Chief Justice. I know of no man whose mind is clearer as to the distinction between the powers and rights of the Federal and State governments, and the Federal and State courts than Chief Justice Fuller. There are other judges whose views of the Constitution and the distinction between the powers and rights of the Federal and State governments, and Federal and State courts, are well defined.

That great justice of the Supreme Court, John Marshall Harlan, in a notable address in New York, at a dinner given him by the Kentucky Association, said:

> A national government for national affairs, and State government for State affairs, is the foundation rock upon which our institutions rest.
>
> Any serious departure from that principle would bring disaster to the American people and upon the American system of free government.
>
> The American people are more determined than at any time in their history to maintain both national and State rights as those rights exist under the Union ordained by the Constitution.
>
> Keeping within the scope and broad lines of the Constitution, we may walk safely and without fear.

These eminent judges, and judges like these, can be safely trusted to keep the balance true between the powers of the National and State governments. I do not question the integrity of any Executive who appoints the judges, or any court in the decision of constitutional questions, but human nature can find reasons for carrying out its purposes. Given an Executive who would determine to mold a policy of government—a Supreme Court has been sometimes found favorable to that policy.

The Electoral Commission decided the greatest question since the civil war, the title to the Presidency, by a strict party vote. Every departure from local self-government, every barrier of the Constitution broken down, tends to government by Executive order and by judicial construction. Mr. Root in his speech lays much stress upon the drift toward centralization by reason of the enactment by Congress of the pure-food, meat-inspection, and quarantine laws.

These measures, and measures like these, enacted under the commerce clause of the Constitution, tend to an enlargement of the scope of power of the National Government, but they are not an encroachment upon the rights of the separate States. The use of all powers granted to the General Government—and there are many powers necessarily implied, though not enumerated—is a doctrine handed down by Thomas Jefferson. Jefferson's idea was to use every power granted to the General Government by the Constitution, but to usurp none belonging to the States:

In his first inaugural address President Jefferson said:

> I deem the essential principles of our Government * * * the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad. * * *

But, Mr. Chairman, in these latter days another strange, new, and dangerous doctrine has been promulgated by the President of the United States, the tendency of which is to enlarge the scope of national powers perhaps as much as the

doctrine of Secretary Root, of stretching the Constitution by "judicial construction."

On October 4, 1906, at Harrisburg, Pa., at the dedication exercises of the Pennsylvania capitol building, President Roosevelt announced a new doctrine, which he professed to have imbibed from James Wilson, whose ashes were lately removed from my State to Pennsylvania. In speaking of James Wilson the President says he developed the doctrine that—

> An inherent power rested in the nation outside of the enumerated powers conferred upon it by the Constitution, in all cases where the object involved was beyond the power of the several States and was a power ordinarily exercised by sovereign nations.

I understand the President approved this doctrine in his Harrisburg speech.

Whatever may be our diverse views and different opinions upon the Democratic or Republican side of the House as to the President's late message, I refuse to sanction this doctrine of "inherent power" in the National Government, outside of the enumerated powers in the Constitution.

The New York Sun says:

> We do not know who misled Mr. Roosevelt, but a grosser error, a more grotesque misapprehension, regarding a matter of constitutional law has rarely been committed in public by any statesman. It would take a column's space to explain with particularity the breadth and depth of Mr. Roosevelt's mistake. We may say in a general way that the President totally misunderstood both the words of one of Pennsylvania's greatest sons and the logical course and consequence of the reasoning which gave so much satisfaction to Mr. Roosevelt as a Federal expander. Remarks of Justice Wilson on the powers of the Continental Congress before the Constitution was adopted seem to have been taken by Mr. Roosevelt to apply to that very different thing, the power of the Congress of the United States after its establishment and limitation by the Constitution. Justice Wilson's clear perception of the fact that national powers, inherent but unenumerated, are vested in the people was misinterpreted by Mr. Roosevelt's desirous zeal into support for the idea that these unexpressed national powers are vested not merely in the people, but also in the Congress—a very different thing again, as was so impressively pointed out some months later in Mr. Justice Brewer's opinion in the case of Kansas *v.* Colorado. Such, however, was the blunder of misapprehension and misconception upon which Mr. Roosevelt based his "theory of governmental action"—a theory now disposed of forever by the unanimous voice of the Supreme Court.

Not only has the Supreme Court held this doctrine untenable, but Mr. Wilson advocated no such view of the Constitution. Wilson did declare in his speech in the Pennsylvania convention, of which he was a member as well as a member of the convention which framed the United States Constitution, that—

> Whatever object of government extends in its operation or effects beyond the bounds of a particular State should be considered as belonging to the Government of the United States.

But he adds:

> To remove discretionary construction, the enumeration of particular matters in which the application of the principle ought to take place will be found to be safe and accurate. In this Constitution—

He declared—

> All authority is derived from the people.

The Roosevelt doctrine that Congress has an inherent right and may exercise some powers outside of the United States Constitution, as well as the Root doctrine of expansion of the Constitution by the construction of the courts, are both fraught with far-reaching and tremendous consequences. These doctrines I shall resist with all my power, and stand, as the statesmen of the South have ever stood, for government of the people within the limitations of the Constitution.

Oh, but it is said the States are asking more powers in the National Government, and larger appropriations from the Federal Treasury. They are breaking down State lines. Mr. Chairman, the wreck of our national life and glory will never come from a few millions of appropriation for internal improvements or from the clamor of the States for Federal aid. It will come from great departures from the fundamental principles of our Government; from the encroachment of the Government upon the people, and not the States and the people upon the Government. That is what the fathers foresaw and tried to prevent. They tried to protect the people from such conditions. An enforcement of national laws which protect the people against corporate greed and monopoly will enable the people to stand all Federal taxation, direct or indirect, required to meet all expenditures for their own benefit. A single lesson in American constitutional law and our double system of Government taught the Emperor of Japan by the President would have avoided discussion of possible loss of the Philippines by a war with Japan. The sovereign State of California surrendered her control over her schools and her government yielded to the Japanese demands. This is a far more weighty question of governmental policy and greater encroachment upon her rights than obtaining an appropriation from the Federal Treasury. Here construction of a treaty of commerce with Japan led to a surrender of a vital principle of local self-government.

The President's summons to the mayor and school board of San Francisco and the concessions made to Japan, misunderstood and misconstrued by many of her people, involve the sacrifice of more of State sovereignty in one hour than all the demands of the States for Federal appropriations. To permit any nation to influence our policy in local affairs in the States is suicidal and destructive of our dual system of government, of which system it is the duty of every nation dealing with us to take notice. The Japanese treaty of 1894 is purely and simply a commercial treaty. No one ever dreamed or supposed it would be attempted to assert a right under it to interfere with the local school affairs of California. Japan's interpretation of the treaty was wrong, and our Government would have gained more by so announcing and giving Japan a lesson in American constitutional law than by yielding to her demands. The articles of the treaty of 1894 claimed to have been violated are articles 1 and 14. Article 14 is restricted to all that concerns "commerce and navigation," and no other construction can be placed upon it. Article 1 is simply the "most favored nation" clause in most commercial treaties. The same theory of government which, by agreement or otherwise, can coerce or persuade the surrender of the rights of a sovereign State upon the question of mixed schools for orientals, can be applied, should necessity arise, to coerce other States upon other questions where international complications arise.

It is said that every treaty is the supreme law of the land, but assuming the Japanese treaty is capable of the Japanese interpretation, every treaty is also to be taken as made with a full knowledge by foreign governments of our national and State systems. The nation can not interfere with local matters. That was the position taken by James G. Blaine in the Italian affair in New Orleans, and is the only sound position.

I do not know the secret diplomatic history of the San Francisco school incident, but I fear the concessions that we received will not compensate us, and in the end will prove disastrous to us. The menace of the Philippines is upon us. Our concessions to Japan are but temporary and dangerous expedients. The possession of the Philippines has been characterized as manifest destiny, but I fear that the holding of this territory as colonies, unfit as they are for citizenship, and leading to a radical departure from all the traditions and theory of our Government in acquiring and holding territory, will prove most disastrous. The hand of God may be in all this Philippine business, but it is for our discipline, and they can never be either profitable or advantageous.

The treaty of Paris marked an era of colonization, a step in the direction of the British colonial system, of centralization and abandonment of cardinal principles of our Government. Froude says, "If there be one lesson which history clearly teaches, it is that free nations can not govern subject provinces."

Surrender to the President, even by the consent of a State, of the right to manage its own local affairs, the enlargement of national powers by legislative enactment or judicial construction beyond constitutional limitations, the obliteration of State lines, and the expansion of the country along the lines of a colonial system means the drift in the direction of empire, as in the history of Rome, and the abandonment of the Monroe doctrine, which for a century has helped to maintain the peace of the Western Hemisphere. An invasion of the rights of a State has been recently manifested in North Carolina in a controversy now happily settled, I trust.

The legislature of North Carolina passed an act providing a railroad passenger rate of 2½ cents per mile. Thereupon two great railroad corporations sought the aid of the Federal court and obtained an ex parte injunction against the corporation commission and attorney-general of the State and attempted also to enjoin citizens of the State from bringing suits for penalties incurred by the sale of tickets at a higher rate than provided by the State law.

The railroad corporations might have sought the protection of the State courts, subject to review of the Supreme Court of the United States, upon a writ of error, or they might have made an actual test of the new rate provided by the State law, before making any application to the Federal court. An application was made upon the ground that the rate was confiscatory, not a living rate, and a violation of the fourteenth amendment of the United States Constitution. The United States judge issued his injunction before a test of the rate had been made by the railroads and before evidence upon which to base a finding in his decree that the act was unconstitutional, and the granting of the injunction prior to any such test or finding of the court was in direct conflict with the law of the State. The governor of the State directed the indictment of the agents of this corporation for violations of the State's law.

The Federal judge released a prisoner by habeas corpus who had been tried, convicted, and sentenced by the State court. Thereupon the governor continued to instruct indictments to be found against the agents of these corporations and insisted upon obedience to the laws of the State. The final result was the surrender of these corporations and the putting in effect of the rate as fixed by the legislature and a modification of the injunction order against the corporation commission, both the State and the railroads to have the right of an appeal, without prejudice, to the Supreme Court.

In a special session of the legislature the whole controversy has been adjusted; but not only in North Carolina, but also in Alabama, Georgia, and other States Federal judges have issued ex-parte injunctions which were in conflict with the State laws. Even if strictly within the power of the Federal judges to do this, in the absence of any act of Congress to the contrary, under the fourteenth amendment to the United States Constitution, they precipitated an unseemly conflict between State and Federal jurisdictions. The governments of the States had no other recourse than to enforce the laws of the States.

The distinguished gentleman from Texas [Mr. HENRY] said the other day that United States Judge McPherson declined to issue an injunction in a similar case in Missouri. The action of some judges, however, of the Federal courts within the past twelve months indicates still more clearly that Jefferson was correct when he characterized them as "sappers and miners." I would take away no just exercise of power of the Federal court, nor deprive citizens of their right to enter these courts, but the injunctions by the Federal judges against State laws are dangerous to citizens and subversive of our form of government. In the controversy, however, over rates, North Carolina, foremost in the Union, vindicated her right to enforce her laws and insisted that they should be maintained and not set aside until there had been a final determination that they were unconstitutional.

North Carolina has displayed the same spirit in this controversy which she manifested in the Revolution. No one can question either her loyalty or conservatism. The last State, except Rhode Island, to ratify the Federal Constitution, not doing so until after the Bill of Rights had been adopted, the last State to secede from the Union, she was yet among the first in the Revolution, and in defense of the Union and the flag, fighting side by side with your Republican President at San Juan Hill in the war with Spain [applause], giving up two of her most gallant sons whose names are known far and wide throughout the nation—Worth Bagley and William E. Shipp—in that war. But while conservative, she resists also encroachment upon her rights and the spirit of the patriots of Alamance and Guilford, Moores Creek and Kings Mountain runs in the veins of her sons. [Applause.] They are loyal to the Federal Government, but they have never yet surrendered any rights to which they were entitled. [Applause.]

The action of my State and other States of the South in the past year, following the speeches of the President and Mr. Root, coming closely after the California incident and recent Congressional legislation, makes the old question of States rights of very great interest, not only to the South, but to the whole country. This question may not be an issue, as suggested by the Washington Post in a recent editorial, for men of all parties, North and South, realize the importance of the question of the maintenance of local self-government. But we must be vigilant and must watch with great care and jealousy the encroachment of the National Government under any alleged inherent powers outside of the Constitution upon the States, and also any stretch of the Constitution by judicial construction.

Maintenance of the balance between each and every branch of the Government, executive, legislative, and judicial, is necessary to our safety and welfare, both now and in the future. Eternal vigilance is the price of liberty and the continuance of our free Government within the limitations of the Constitution. [Applause on the Democratic side.]

Mr. Chairman, there is another matter which will be an issue, and a live issue, in the campaign of 1908. I refer to the revision of the tariff, which has been ably discussed from a Republican standpoint by the gentleman from New York [Mr. PAYNE] who just preceded me. As since the days of the alien and sedition laws and the Virginia and Kentucky resolutions, the parties of the country have divided upon the question of the strict or liberal construction of the Constitution, so the raising of revenue by tariff taxation is now and has been a distinct line of cleavage between the two parties.

Out of the tariff grows the trust question, for the tariff is the "mother of trusts." A tariff originally levied in the days of Washington at 5 per cent for revenue and in the days of Henry Clay for incidental protection is now levied avowedly and openly for the protection of special interests. These special interests, the great manufacturers and the trusts, repay the favor by contributions to Republican campaign funds and thus perpetuate their own hold and that of the Republican party upon the Government. So there has grown up a system of spoils and robbery of the many, the great mass of the people, for the benefit of the few. Wealth and luxury have increased, and correspondingly also the extremes of poverty and want, until a few are controlling the wealth of the country, consolidating the railroads and steamship lines, and monopoly stalks through the land, blighting enterprise, destroying competition, adding burdens to the bowed backs of labor, hushing the laughter of little children, bringing despair to the poor, and above all menacing the country with a conflict between labor and capital. [Applause on the Democratic side.]

I honor the President and every law officer of the Government for their endeavors to suppress the monopolies of the country. The pity of it is that they did not begin sooner, before these vast consolidations of capital had begun and had acquired a hold upon the country. Mr. Chairman, by every constitutional and legal means I would not only control and regulate the trusts, and the Democratic party would not only control and regulate the trusts, but we would suppress and destroy them. They are not necessary evils. They are evils that spring from the greed of wealth and which have been produced and given life by class legislation, by laws which hothouse one industry and build it up at the expense of the consumer and the taxpayer. The Democratic party does not stand for free trade. The system of tariff taxation has existed ever since the beginning of the Government. But it does stand against monopoly, against a purely protective system.

It stands for a revision and a reduction of the tariff, now the highest in the history of the Government. Upon this issue Democracy has won two political battles at the polls and it can and will win others. [Applause on the Democratic side.] Republicans have promised the people revision and reduction time and time again, and in Minnesota, Iowa, and Massachusetts the sentiment is so strong even among Republicans that some extreme stand-patters, like our former colleagues, Mr. McCleary and Mr. Lacey, have been retired to private life, and the President's chosen successor, Secretary Taft, is endeavoring to steal another plank from the Democratic platform. Does any sane man ever expect or hope to see any real reform or reduction or revision of the tariff at the hands of its Republican friends? Republicans are always revising the tariff "after the next election." Mr. Chairman, you may as soon expect to see the Republicans of Ohio unite or the President advocate the claims of Senator FORAKER as the Presidential candidate. [Applause and laughter on the Democratic side.]

Mr. Chairman, I hold in my hand a copy of the CONGRESSIONAL RECORD of March 27, 1906, containing the letter, which was addressed, during the last Congress, by the gentleman from Massachusetts [Mr. S. W. MCCALL] to the gentleman from New York [Mr. PAYNE] in which Mr. MCCALL represents to the gentleman from New York [Mr. PAYNE] the growth of tariff revision sentiment in the State of Massachusetts and asks the gentleman from New York, chairman of the Committee on Ways and Means, whether there is to be any tariff revision during that Congress, the Fifty-ninth Congress. What does the gentleman from New York say in that letter in reply to Mr. MCCALL?

He says:

Congress is not prepared to revise the tariff schedules in that calm, judicial frame of mind so necessary to the proper preparation of a tariff act at a time so near the coming Congressional elections.

This letter was prior to the Congressional elections of 1906. The Republican party was not then in *that calm, judicial frame of mind* necessary to revise the tariff. *The elections came on, and another session of Congress followed, and still the Republican party was not in that "calm, judicial frame of mind"* so necessary to the proper preparation of a tariff act.

And now we are met with the same cry again; that now is not the time to revise the tariff; but it must be done, if at all, after the election is over in November, 1908.

Mr. HEFLIN. Will the gentleman permit an interruption?

Mr. THOMAS of North Carolina. Certainly.

Mr. HEFLIN. Did not the President himself in his message to Congress say that just prior to a Presidential election was not the time to consider tariff revision?

Mr. THOMAS of North Carolina. Certainly he did; and with a Republican President or a Republican Congress it is always, "Wait until after the election is over," and at no time are they ever in a "calm, judicial frame of mind," or prepared to revise the tariff.

Mr. JOHNSON of South Carolina. And there is always an election just going to take place.

Mr. THOMAS of North Carolina. And, as the gentleman from South Carolina says, there is always an election just about to take place. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The Chair regrets to say the gentleman's time has expired.

Mr. STEPHENS of Texas. I yield the gentleman five minutes more.

Mr. THOMAS of North Carolina. Mr. Chairman, a great meeting is now being held in the city of Washington upon this great question. The Republican party is being asked, by the National Association of Manufacturers, comprising representatives of many of the biggest manufacturing and industrial concerns in the United States, if it will not revise and reduce tariff schedules, or at least appoint a permanent nonpartisan expert tariff commission for the purpose of taking under consideration these tariff schedules in a business way. But, as I see from this morning's papers, there is no disposition on the part of the powers that be in this House even to grant that moderate request of the tariff revisionists.

But they say, Mr. Chairman, tariff revision is dangerous; that the Wilson bill produced a panic. Yes; the Wilson bill arises like Banquo's ghost. You Republicans know that it would have produced ample revenue had it not been for the income-tax decision and that the panic which followed it was a banker's panic and produced by the money situation. You also know that the greatest panics of the country, in fact all except the panic of 1893, have been under Republican tariff laws and high protection, with a Republican President, and that cotton in the South touched its lowest prices under the McKinley law and a Republican Administration, lower than under the Cleveland Administration, and you know that this low price was seventeen months after President McKinley's inauguration. You argue fallaciously. You deal in tirades against the Wilson bill, but you will do nothing for revision. The manufacturers' associations are appealing to you to-day in the capital city.

They have appealed to you in the past for better trade relations with foreign countries, to open up new foreign markets and enable them to extend their trade and to dispose of their surplus. McKinley pleaded with you in his last speech at Buffalo, just before he was stricken down by the assassin's hand, for reciprocity. Throw down the barriers of trade by a just tariff revision and reciprocal trade agreements with other countries. Open the ports of the United States to the trade of the world and cease your system of favoritism to special interests, and a wealth undreamed of will be the heritage of our children. Retaliation and commercial wars will cease, and the American merchantman's flag will again be seen upon every sea and in every port, and the United States, the most prosperous and intelligent nation in the civilized world, will prosper as never before, and you will avoid commercial war, the growth of socialism, and strengthen your own party. Will you do it? I plead not as a partisan, but as a patriot, for your moderation and wisdom in this matter. If you fail to measure up to the occasion and your opportunity and responsibilty, the American people will weigh your party once more in the balances and declare you wanting in statesmanship. [Applause on the Democratic side.]

I believe to-day that the "handwriting is upon the wall," your party "is divided," and I read Democratic success in November. [Applause on Democratic side.] Upon the issues of opposition to monopoly and lower tariff, freer trade relations, and the preservation of local self-government Democracy will win success. [Applause on Democratic side.] Either it must win or the country become, not a Union of States, but a nation with State lines obliterated and in the grasp of special interests. Much has been said about our being a "world power." I would have our country a world power, but to attain it I would not have one single star of the flag of the Union obscured, but all in their field of blue, shining with luster and power, united, yet sovereign and independent, except for the limitations of the Constitution, and under its folds only free men and citizens whose rights are inviolate and privileges equal. [Loud applause on the Democratic side.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, we should all industriously, patriotically, and intelligently rivet our attention on and seek light concerning the questions of currency and the guaranty of bank deposits, and to that end I ask unanimous consent to print in the RECORD a valuable letter from Col. A. M. Shook, an able financier of Nashville, Tenn., and several communications from one of our ablest lawyers and safest bank men, Judge John A. Pitts, also of Nashville.

The CHAIRMAN. Without objection, the request of the gentleman from Tennessee will be granted. [After a pause.] The Chair hears none.

Colonel Shook's letter reads as follows:

FIRST SAVINGS BANK AND TRUST COMPANY,
Nashville, Tenn., January 2, 1908.

Hon. JOHN WESLEY GAINES,
Washington, D. C.

MY DEAR MR. GAINES: The currency and financial legislation that is demanded by the country is perhaps the most important that will come before Congress this session. The three months of money stringency through which we have just passed has riveted public interests to these questions so firmly that Congress can not fail to take some action for relief. The enormous volume of business that this country was doing for the first nine months of this year legitimately demanded a very much larger volume of currency than the country could furnish; but this did not cause the acute currency panic which has overspread the country for the past three months.

The immediate cause of this panic was the destruction of confidence in the value of the corporate securities upon which the financial and industrial institutions of this country are based. So great was this want of confidence that the banks, almost without exception, throughout the United States were forced to limit payments of currency to their respective depositors. This, in turn, increased the want of confidence and produced the most general hoarding of money ever known in this country for a like period.

The only thing in which faith and credit was not impaired, from a financial standpoint, was the Government of the United States. This being true, why not have the Government, under proper restrictions and limitations, guarantee the deposits in national banks, so that the depositor will feel the same security about his deposit that he now feels about the national bank note that he has in his pocket.

As a rule, he does not know whether the national bank note he has is issued by a broken or solvent bank. He does know that the Government of the United States has guaranteed its payment.

Certainly the Government could not indiscriminately and without proper restrictive measures guarantee all national-bank deposits. If, however, the amount of deposits in any national bank should be limited to, say, five times the amount of its capital stock and the individual liability of every stockholder increased 100 per cent, and the amount of interest that might be paid on deposits limited to not exceeding 3 per cent per annum, then with a tax on deposits in all national banks amply sufficient to cover any loss that might accrue by reason of the failure of such banks, the proposition would be feasible. Without increasing the liability of the stockholder and limiting the amount of deposits and the rate of interest that might be paid on such deposits, the proposition would be chimerical.

Unless these legitimate and restrictive measures are imposed, a little national bank of, say, $25,000 capital, might by offering large interest on deposits run its deposit account up to millions of dollars and thereby deprive the legitimate financial institutions of their ability to do any business; but with the deposits limited to five times the capital actually paid in and the liability of the stockholder increased to four times the amount of his stock, and the rate of interest that might be paid limited to not exceeding 3 per cent, the possibility of loss to the Government would be practically eliminated. Money would no longer be hoarded by anybody, for then every dollar of money on deposit in a national bank in the United States would be as good as the national-bank note the man had in his pocket, and the business world have the benefits that would accrue from the circulation and use of these deposits.

Unless the rate of interest is limited to not exceeding 3 per cent to be paid to depositors in national banks, the danger is that depositors in savings banks, trust companies, and State banks will withdraw their deposits from these institutions and put them in the national banks.

By limiting the rate of interest that a national bank may pay on deposits to, say, 2½ per cent, it would still leave a large field for savings banks, trust companies, and State banks; they would still be at liberty to pay any rate of interest they might think justifiable, limited only by the statutes on this subject in the respective States where they are located.

Real estate loans are the largest factors in the business of this character of institutions, and nothing should be done that would prevent the legitimate conduct of this business by offering such inducements as would divert money from this class of investments. National banks are not allowed to deal in this class of securities.

One other, and the most important, question in connection with the legislation on this subject is how to render the volume of money sufficiently flexible as to meet the constantly changing demands for it. This phase of the question has been discussed so thoroughly by able financiers that I do not feel competent to enter the field even with a suggestion.

Yours, very truly, A. M. SHOOK.

The several letters of Judge Pitts on the same subject read as follows:

MONETARY RELIEF MEASURES.

[By John A. Pitts, of Nashville, Tenn.]

(NOTE.—The following letters were published in the Tennessean, of Nashville, beginning December 3, 1907, under the above general heading, and comprise only those which relate to national guaranty of deposits. They are put in this form for circulation at the request of many readers. Other letters are appearing from day to day on the other branches of the general subject, which are mentioned in the first letter.)

[First letter.]

THE GENERAL SUBJECT OUTLINED.

In these days of financial stress the public mind is much occupied with the discussion of measures for relief.

There are four distinct plans or schemes now under consideration in the press, in the magazines, in trade bodies, and by bankers, politicians, and business men generally, all calling for legislation by the National Congress to make them effective.

Two of these plans relate directly to the currency and claim for their object a more flexible and elastic volume of the circulating medium, to the end that the quantity of circulation may automatically expand at certain seasons to meet the enlarged demand for moving crops and contract again when that demand relaxes or is satisfied; and the other two do not relate to any change in the currency laws, but claim for their object a better security for bank deposits, to the end that the distrust of the banks by depositors which usually starts and always feeds and keeps alive a panic may be in future avoided.

These plans or measures may be briefly indicated as follows:

1. A measure authorizing national banks to issue what is called asset currency.

2. The establishment of a great central bank, authorized to have branches, to act as the fiscal agent of the National Government, and to be given authority to issue currency.

3. The establishment of a system of United States postal savings banks, authorized to receive savings deposits at the post-offices, the United States paying a low rate of interest on such deposits.

4. A measure for the guaranty of deposits in national banks by the United States by means of a small tax on all such banks, based upon their average deposits, or loans, or circulation.

The whole subject is of such vital importance and is fraught with such far-reaching consequences that every man who has given any special thought to it, from whatever point of view, ought to be willing to give his fellow-citizens the benefit of his knowledge and conclusions, that they may be weighed and counted for what they are worth. The illustration of Saxe's "Six blind men of Indostan," who went to see the elephant," and who, according to the part of the animal with which each came in contact, confidently judged the whole beast to be like a wall, a spear, a snake, a tree, a fan, or a rope, holds good on this subject as on many others, where men form and assert dogmatic opinions concerning things they either know nothing about or have studied from only one point of view.

I have been a student of the questions of banking and currency for something over twenty years, and for all but a year or two of that time president of a bank—part of the time of a national bank, and part of the time of a State bank. I have also during the same period, as many of your readers know, had much to do with litigations growing out of failed and wrecked banks, with opportunities to become familiar with many methods of fraud and evasions of law practiced by those who conduct the banking business, and with the fatal consequences which sometimes inevitably attend even the most honest administration. I claim, therefore, some knowledge of the subject, gained in this way, which the average citizen of equal intelligence, but without my opportunities, does not possess. I have endeavored to view it from all standpoints within my competency—from the standpoint of the banks, the standpoint of the general public, the standpoint of the depositor and ordinary business man, the standpoint of the lawyer—as a governmental or political question, and as a business or economical question, endeavoring to apply to it all the tests of fairness, honesty, equality, and expediency. As to some of the measures and the principle and policy of them, I have formed very definite and positive convictions which I believe to be sound; as to others I am in doubt.

With your kind permission I purpose giving to your readers the benefit of my investigations and conclusions. I shall take up first, in my next letter, that branch of the subject which I believe most important of all as promising the greatest and most lasting benefits—the security of depositors—and shall endeavor to show that such a measure is feasible and immediately available, provided, of course, Congress can be induced to adopt it; that its benefits will be sure and permanent, and that the objections to it, for there are some, are inconsiderable as compared with its manifest advantages.

[Second letter.]

SECURITY OF NATIONAL-BANK DEPOSITS.

It will be everywhere admitted that, granting the existence of a sound and unsuspected circulating medium, the thing which immediately produces a panic in the first place, and then, after it starts, feeds and keeps it going, is the loss of confidence by depositors in the solvency and safety of the banks which hold their savings and surplus moneys.

This fear of the depositor causes him to hoard or hide away what money he has and to rush to the bank and get out what he has there and hoard or hide away that also; and when this fear once possesses a substantial proportion of depositors, it spreads like wildfire until it becomes general, and then we have what is called, and rightfully, "a panic;" and the result is the locking up of the money of the country—the very lifeblood of business—the suspension of industries, falling prices, an army of unemployed, and, in a word, if it continues long enough, the absolute arrest and even reverse of progress, with incalculable loss and suffering, especially by the middle and lower classes. And even when the storm passes there is usually a long, tedious, and uphill pull before the country can fully regain its former position of financial health and prosperity.

Now, whatever it may be that begets this fear of the depositor in the beginning, when once it gets a foothold it naturally runs into panic. Without that fear we could not have a panic. We might have a famine without it, or a general state of business and industrial decadence and dry rot, but not a panic as panics are known in modern times. We may, of course, have scarce money, low prices, and hard times for years without any panic. Such things undermine general prosperity gradually and by degrees; a panic wrecks it in a day. A panic has no necessary relation to the volume of currency, of the amount of money in circulation or available for circulation. If depositors once become thoroughly alarmed, a panic will ensue, without the least regard to the amount of money in existence, for the shock to business from the withdrawal from use of the bulk of the circulation will be the same whether the total amount be great or small. Granting the same loss of confidence by depositors, the recent panic would have been just as possible even though the amount of money in circulation had been ten or twenty times as great as it was.

Is it not, then, a matter of the very greatest importance to prevent, if possible, the starting of this fear on the part of depositors? And if that can be accomplished, will it not at least strongly tend to prevent panics, and also open the way and make it easier to correct faults and defects in the general monetary and currency system?

I believe every well-informed man will answer these questions in the affirmative if convinced that this fear and distrust of depositors can be reached and prevented in a practical way without peril and without injustice.

I am convinced that it is not only practicable to do this, but easy—easier, in fact, than the popular mind supposes or than most leading bankers, whose special interests are believed by them to lie in other directions, are willing to admit.

The plan is not a new one. It has been many times suggested in past years. Efforts have been made to enact it into law, but they have been defeated by special interests desiring measures conceived to be more directly for their own special benefit.

The general idea is this: A guaranty by the United States, directly or indirectly, of all deposits in national banks, the banks themselves "footing the bill," to use a vulgarism.

That such a guaranty would satisfy depositors and entirely remove any fear on their part that they would not get their money does not admit of doubt. Even the Wall Street Journal, which opposes the plan, in referring to it in its issue of November 27, said:

"That it would absolutely safeguard the national safe deposits there can be no question of doubt. It would make every dollar of deposits as secure as every dollar of money. * * * Nobody feels any distrust of the soundness and permanency of the Government. Therefore insurance of deposits by the Government would remove that distrust of banks which sometimes leads to runs and panics."

The details of the measure would of course have to be worked out by Congress. My suggestion would be a law by which the Government would guarantee the deposits and impose a small annual tax on the banks, based on their average deposits, sufficient to fully reimburse it in all outlays. In other words, a measure by which the Government would immediately and nominally guarantee the deposits, but all the national banks ultimately and really make the guaranty, all the banks of every deposit in each.

Would this be onerous upon the banks? I answer emphatically "No." This I will undertake to demonstrate from official statistics in my next letter, as this is already long enough.

[Third letter.]

GOVERNMENT GUARANTY OF NATIONAL-BANK DEPOSITS EASILY PRACTICABLE.

The last annual report of the Comptroller of the Currency shows that the number of national banks which have failed and been wound up, their total liabilities, and the balances remaining after applying their total assets, including assessment of stockholders, since 1865, have been as follows:

Year.	Number.	Liabilities.	Loss.
1865	1	$140,750	$51,278
1866	2	1,173,764	833,888
1867	7	3,626,879	902,048
1868	3	337,245	69,792
1869	2	565,760	46,627
1870	None.		
1871	None.		
1872	6	4,178,806	358,424
1873	11	8,710,639	1,877,165
1874	3	430,979	171,277
1875	5	3,245,407	1,921,553
1876	9	1,579,397	371,350
1877	10	4,744,839	69,091
1878	13	3,617,129	415,090
1879	8	1,632,789	224,190
1880	3	952,195	54,638
1881	None.		
1882	3	6,508,800	2,201,872
1883	2	633,559	158,390
1884	11	7,977,893	1,522,830
1885	4	4,197,965	859,084
1886	8	1,169,000	45,173
1887	7	938,453	218,150
1888	8	4,803,744	751,716
1889	2	674,423	a5,114
1890	9	1,372,817	297,002
1891	22	7,532,332	4,031,559
1892	17	12,760,312	1,943,879
1893	50	18,175,242	4,332,608
1894	18	4,572,795	1,780,371
1895	32	7,974,511	1,964,048
1896	23	9,312,876	3,502,158
1897	34	25,494,802	1,212,729
1898	5	810,053	24,480
1899	10	1,187,672	183,170
1900	4	9,799,591	a145,247
1901	5	935,750	117,589
1902	2	378,880	1,113
1903	7	4,678,751	34,458
1904	8	1,981,333	38,322
1905	2	1,276,730	132
1906	None.		
Total	376	170,236,026	32,546,872

aGain.

These liabilities include all forms of debts owing by the bank at date of failure, and no doubt embrace, in addition to deposits, a large amount of bills payable given for moneys borrowed by the banks—these details not being stated in the report.

But treating them all as deposit liabilities, it appears that the sum lost by depositors in the whole period of forty-two years was only $32,546,872.

Eliminating the panic periods of 1873 and 1893, including the three years next preceding and next succeeding those years, and treating them as distinct periods, the foregoing figures show that the average annual loss of depositors in all failed national banks, after applying all their assets, including assessment of stockholders, has been as follows:

For panic period, 1870–1876	$671,395
For panic period, 1890–1896	2,566,662
For both periods combined	1,619,027
For the whole forty-two years	774,925
For the normal years	352,874
For last ten years, 1897–1906	175,822

The same report, on page 10, shows the following deposit liabilities of the 6,137 national banks then in existence, at close of business, September 6, 1906:

To individual depositors	$4,199,938,310
To other national banks	830,119,644
To State banks and bankers	381,553,534
To trust companies and savings banks	346,514,194
To approved reserve agents	30,814,088
To United States	96,775,894
To United States disbursing officers	11,055,918
Total	$5,896,771,582

Now, with the foregoing data before us, based on forty-two years' experience, running through two severe and disastrous panics, two questions are to be solved, namely, (1) what annual rate of tax on all deposits will be sufficient to save harmless the Government in its guaranty of all such deposits? and (2) what minimum amount will be safe as a limit at which the payment of the tax may be suspended temporarily, until by depletions of the fund it may be deemed necessary.

It has been seen that the average annual loss to depositors during the past forty-two years, including two panics, has been $774,925; for the normal years, leaving out the panics, $352,874; and for the last ten years, 1897 to 1906, inclusive, only $175,822. These averages, of course, mean what was left to be lost by depositors and creditors of all kinds (except note holders who lost nothing because the Government was behind the notes), after liquidation and the exhaustion of all assets.

Undoubtedly the sum provided for the indemnity of the Government should be ample beyond all question, and sufficient to enable it to step in at once and pay off the depositors when a bank fails without waiting for liquidation—turning the assets of the bank when collected back into the guaranty fund. When the Government stands ready to do this depositors will have no fear of not getting their money held by national banks, and if we have panics at all in future, it is reasonable to expect that they will at least not be frequent or severe; and besides, the plan suggested, when once adopted, will greatly strengthen the national banks and increase their number, and consequently greatly increase the fund derived from the tax.

In view of the annual averages of loss above stated for the whole forty-two years, and especially in view of those for the normal years and for the last ten years, it would seem that an aggregate fund of $25,000,000, or say one-half of 1 per cent of the total deposits, would be ample to meet any emergency, since that sum is equal to the total liabilities of all national banks that have failed in any past year, and more than five times the loss of depositors even in the panic year of 1893; and that a rate of tax which would produce one-tenth of that sum, or say $2,500,000 per annum, would be sufficient, especially as that sum is more than seven times the average annual loss of depositors in past normal years, and more than fourteen times the average annual loss for the past ten years.

Now, on the present basis of total deposits, one-twentieth of 1 per cent would produce annually $2,948,385; and beyond doubt, within a very short time, with the increase of national banks and their deposits, one-fortieth of 1 per cent will produce the sum of $2,500,000 annually. This would be at the rate of $500 and $250, respectively, per annum on each $1,000,000 of deposits; and I ask, in all good conscience, should not the national banks be willing to contribute at either of these rates in order to absolutely assure the payment of their depositors whose money they use, for the most part, without compensation?

In my next letter I shall point out some of the consequences and benefits of this plan and endeavor to answer some of the objections that are urged against it.

[Fourth letter.]

SECURITY OF NATIONAL-BANK DEPOSITS—continued.

Assuming that a tax on national banks of from one-fourth to one-twentieth of 1 per cent per annum on their average deposits will be safely adequate to protect the Government in its guaranty of all such deposits, thereby making, as even the Wall Street Journal admits, "every dollar of deposits as secure as every dollar of money," what, in the first place, of the essential justice, equity, and fairness of such a measure?

Banks make their profits chiefly on the funds of their depositors, not on their own funds—their capital stock. Under our system the banks could not make expenses, much less pay dividends and accumulate a large surplus, if their loans and operations were confined to their own moneys.

Take, for example, the three most excellent and well-managed national banks of Nashville. By their statements, published within the last day or two, it appears that they are carrying loans and discounts in the aggregate sum of $11,872,768.59—that is, receiving interest on that sum—while their aggregate capital stock is only $2,100,000. The same statements show accumulated surplus and undivided profits aggregating $1,524,410.28, nearly 75 per cent of their stock.

How could they possibly have paid expenses and dividends and accumulated this large surplus and be able to loan out nearly $12,000,000 if they had been confined to the $2,100,000 originally paid in by their stockholders?

This illustration holds good as to all banks in our system, in varying degree. It is not uncommon to find banks holding deposits five, ten, twenty, and even more than thirty times their capital stock, and consequently able to make loans and collect interest on that many times their own money. According to the Comptroller's report of December, 1906, the national banks on September 4 of that year held individual deposits of more than five times the amount of their capital stock and were carrying loans and discounts to about the same sum—that is, were receiving interest on more than five times the original investment of their stockholders.

So, the fact is undeniable that banks in this country—it is not so in other countries, where other systems prevail, as I shall point out when I come to discuss asset currency—make their money on the funds of their depositors.

Another fact to be noted in this connection is, that as a rule banks use their depositors' money freely, without interest or other pecuniary compensation; the exceptions are comparatively few. The depositor gets only the security or supposed security of the safe-keeping of his money, and the convenience of having the bank pay his checks and collect checks for him, and loan him money when he needs it.

Now, these being the indisputable facts, can any fair and just man say it is not right—nay, that common fairness and justice does not require—that the bank, who uses the depositor's money without interest, should contribute at least a pittance toward making the depositor's imagined security an actual and real one?

Is there not something incongruous, out of joint, and unjust in the idea that a bank should go on for years availing itself of the depositor's confidence and trust, receiving and using his money free gratis, in his faith that it will be returned to him when he needs it, and then, when the clouds gather, say to him, "No, you can't get it now—you must wait until the storm is over?" And especially so, when the bank can, without the least hardship, by the contribution of a mere mite to a common guaranty fund, provide against this disappointment and distress of the depositor, even though the bank should be overtaken by overwhelming ruin?

The plan suggested strikes my mind as embodying the very essence of justice and fair dealing, as between the bank and the depositor.

And these considerations have led me to the idea that the tax ought to be based on the amount of the deposits, and not the loans, or the capital stock, or the circulation. It is in the nature of a small compensation for the deposits. The depositor does not, of course, get the tax, but he gets the security it creates. I do not believe that banks of deposit and discount ought to be allowed by law to pay interest on deposits. It is a ruinous and disastrous policy for the pure and clean banking business. Banks are not created to borrow money, which the payment of interest on deposits amounts to. They are created to safely keep the money of others and to afford to business and commerce the numerous other conveniences incident to safe banking. Whenever they enter into a scramble to obtain deposits by overbidding each other, the moneys of all depositors are at once imperiled. They ought not, for the security and protection of depositors generally, to be permitted to pay interest on deposits at all. That should be left to the savings banks and trust companies; and the banks of deposit and discount ought to be confined to the business for which they are created and compelled to safeguard their general depositors at every point. That is what the general depositor wants, and if he is made absolutely secure he will be satisfied, and business will proceed along the most healthful lines.

I see I have consumed my space with a vindication of the essential justice and equity of the proposition—a good point to drive home, to be sure—and so will have to discuss other points in my next.

[Fifth letter.]

SECURITY OF NATIONAL BANK DEPOSITS—continued.

The obvious consequences of a national guaranty of deposits in national banks will be, most certainly—

First, the removal of all fear and distrust of depositors, and consequently the removal of the principal if not sole cause of panics.

Second, the enormous increase of the deposits in national banks now existing, and of the number of national banks, both by the organization of new banks and the change of existing State banks into national banks.

Third, the equal security of depositors in all national banks, whether large or small, so that the depositor in a small bank will feel, and will in fact be, just as secure as the depositor in a large bank.

Fourth, it will enable the banks in the southern, western, and interior cities to place their large surplus with the sole view of commercial convenience, without feeling constrained to go to the great money centers, like New York, Boston, and Philadelphia, where the methods of "high finance" are so apt to imperil deposits and credits—in other words, tend to cut the South and West loose from the altogether baleful grip and influence of Wall street, a consummation most devoutly to be wished.

Fifth, it will put the bank-taxing power of the United States behind the larger part of all the bank deposits of the country, primarily, and in effect make all the national banks guarantee each and every deposit in any one of them, with the result that every dollar of deposits will be just as safe and secure as every dollar of money.

These are the general results which I think will undoubtedly follow the establishment of the system under discussion.

Will such results, as a whole, be beneficial or detrimental to the general public? On which side is the great preponderance of good and evil?

I would not assert, nor can it be asserted of any law or system, that detriment and disadvantage will not accrue to some persons and classes of persons. Even the most beneficent rule or law, adopted for the undoubted general good, sometimes operates with peculiar hardship in individual cases. This can not be avoided. It results from the imperfection of all human institutions. What the true publicist seeks after is the greatest good to the greatest number. That is all that can be hoped for.

Let us first examine the objections which do, as all must admit, have some force, and see what answer can be made to them, and how the evils apprehended can be modified or lessened.

And first, the State banks, whose depositors can not be protected in this way, object that the system proposed will induce their depositors to leave them and go to the national banks, and thus practically break up their business. That this is true, especially in "squally times," is beyond doubt. But I think in ordinary times, when general business confidence prevails, it would not be so. In such times the promise of a thoroughly honest and solvent man, or business concern known to be strong and honestly managed, goes as readily as if backed by any amount or strength of security. There is no reason why this should not be so, in ordinary times, of strong and honestly managed State banks—and no others have any excuse for existence at any time.

Again, the remedy of those State banks which can do so, is to become national banks. Under the present law all such banks of $25,000 capital in the smaller towns, and of $50,000 in the larger towns, may become national banks. But it may be urged that as all national banks must have national bonds, and as such bonds are scarce, they might not be able to secure them; and this would be a real difficulty at present. But the United States is continually issuing bonds for one purpose and another, and must do so hereafter if the construction of the Panama Canal and the improvements contemplated of our harbors and great waterways are carried out. Let these bonds, or a sufficiency of them to answer the needs of the banks, be issued at a low rate of interest, say 1½ or 2 per cent, and offered for sale to banks only. The banks will readily take them at par, if they are permitted at once to issue currency secured by them to their face value.

The trust companies also object, upon the same ground as the State banks, and their objection can not be answered quite in the same way, inasmuch as, under existing laws, they can not be converted into national banks. However, trust companies are affected only to the extent that they undertake to do a banking business—not at all as to their trust business. The trust business and the banking business have no necessary relation to each other, are wholly distinct and separate, and ought not to be permitted to be done by the same cor-

poration at all. That they are now permitted, in some places, to blend these two distinct and separate classes of business together is one of the great evils of our present system. Trust companies engage in all sorts of financial schemes, ventures, and enterprises, such as buying and placing all sorts of bonds and stocks, underwriting bond issues, and "financing" enterprises, on the prospect of large bonuses and other "profits"—sometimes good and sometimes bad. Their transactions, as now conducted, often involve very large and speculative risks, such as no bank has authority to enter upon. When a trust company undertakes, in addition to this class of business, to do also a regular banking business—to receive deposits subject to check and make short loans as banks do—the chances are very great that the depositors and the banking branch of the business will suffer. The recent panic started in New York, not with the banks, but with the trust companies which were doing also a banking business. Two of the largest ones, holding deposits of more than $100,000,000 subject to check, became the subject of suspicion because of supposed speculations of their officers and their connection with certain copper, railroad, and industrial ventures on the "trust" side of their business, and there was at once a run on them by their depositors which precipitated the panic.

So the remedy of the trust companies is to get out of the banking business. They should no more be permitted to engage in the banking business than the banks should be permitted to engage in the trust business. If they will not get out of the banking business voluntarily, they should be forced out by law; and if the effect of a national guaranty of deposits shall be to drive trust companies out of the banking business, it will be a great blessing to the country at large.

Other and less serious objections will be answered in my next letter.

[Sixth letter.]

SECURITY OF NATIONAL-BANK DEPOSITS—continued.

Having considered the objections of State banks and trust companies, let us next consider those of the national banks and of certain newspapers and journals which appear to speak from the same point of view.

These objections, so far as I have seen or heard them suggested, are the following:

1. It is said that it is unjust and inequitable to the strong and well-managed banks to require them to contribute to a fund to protect and uphold the weak or mismanaged banks; that this, to use the words of one of our daily papers, "looks like making virtue pay the penalty of vice."

This objection is a mere sticking in the bark, or worse; it shows that those who urge it either have not fully grasped what the proposed plan means or are not willing to discuss it fairly. The underlying fallacy of the objection is the mistaken idea or supposition that the plan means the imposition of a tax upon the strong banks on the one side to support the weak banks on the other side, whereas the true idea is the imposition of a tax on all banks, both strong and weak, on the one side, for the protection of all depositors on the other side.

The essential justice and equity of the measure can not be deduced from a consideration of the duties and obligations of the banks to each other, which are really mere matters of mutual convenience and business courtesy, but can only be deduced from a consideration of the duties and obligations of the banks to their depositors, which are peremptory, commanded both by law and morals, and in the nature of sacred trusts. It is therefore neither logical nor ingenuous to say that the measure "looks like making virtue pay the penalty of vice."

If the purpose or effect was to make the strong and well-managed banks contribute to save the weak or ill-managed ones from loss, or to save the managers of the latter from punishment, the criticism would be just. But that is neither the purpose nor the effect. The wrecked or failed bank gets no benefit. It can not receive a dollar of the tax fund, nor, however ample it may be, does it protect either the failing bank's stockholders from full liability or its officers from the penalties of the law if they have violated it. It is the depositor only that is to be secured—in other words, the general public, and not the bank or its stockholders or managers.

Moreover, those who object from the standpoint of the strong and well-managed banks seem to overlook or ignore several pertinent and important considerations. They overlook the fact that the strong and well-managed banks are usually, in times of stress, among the first to put on restrictions that aggravate a panicky condition. They do this because they are strong and well-managed. They are wise enough to see the danger, prudent enough to measure it accurately, and strong enough to get under cover before absolute ruin overtakes them. If, in times of panic, they stood up boldly, like the rooted oak in a storm, and continued to pay out their depositors' money to them as usual, they and their champions could say with some grace and consistency that Government security of depositors was no concern of theirs, and therefore they should not be taxed to bring it about.

The truth is the strong banks most need protection against the panicky distrust and fear of depositors and receive most benefit from such protection, for the very obvious reason that they have more at stake; and when this fear of depositors is once aroused, it is no respecter of persons or banks, and sweeps away both the strong and the weak.

And, again, how can a strong or well-managed and sound bank know that it will always be so? The strong this year may be the weak next year. Calamities and misfortunes come to the best of people and institutions, and it is sometimes impossible to avoid them by any amount of foresight or prudence. Such are the frailties and imperfections inherent in humanity and all human institutions.

The strong-bank argument will not bear the test of reason. Those who urge it seem only to have touched the side, the tusk, the snout, the leg, the ear, or the tail of the elephant; they have not seen the whole animal at all.

This strong-bank objection is the only one coming from the standpoint of the national banks, so far as I am aware. No one has objected from the standpoint of the smaller national banks, nor from that of all the national banks as a whole; at least no arguments or facts in opposition have been suggested along either of those lines.

If the objection of the strong banks be deemed of any substantial force, it may be met in a very easy and practical way, and that is this: Instead of imposing the proposed tax on all national banks now existing, limit the tax to those that shall voluntarily submit to it, and also limit the guaranty to the deposits in such banks, and let those who will not come in protect their own depositors. Perhaps that would be the best shape to give to the law anyway, as in that way no bank would be taxed against its will. Does anyone imagine that the strong banks would remain "out in the cold?"

How long would they remain strong if they did?

The truth is, if the national banks should create a fund equal to the amount of the proposed tax, and employ the very best advertising talent and means to build up and increase their deposits, and spend the money that way, they could not produce a tithe of the result that would come to them through increase of deposits by a national guaranty of them.

The value of such a guaranty to the national banks—all of them whose depositors were so protected—would, beyond question, be many times more than its cost. And, as we have seen, that advantage of the national banks is the very ground of the much more substantial objection of the State banks and trust companies.

Assuredly there can be no good objection on the part of national banks to the proposed guaranty of their depositors, when it is once admitted that it can be obtained at such small cost to them.

2. Again, it is said the measure is centralization—nationalism run mad—and that it amounts to paternalism, to socialism, and other horrible things; that it will paralyze the energies and efforts of bank owners and managers to make their banks successful; that it will destroy, to use the words of the Wall Street Journal (not to mention some of its cuckoos), the "individual responsibility which exists under the present system," and "sap the vitality, the mental strength, the moral character of the people."

The real source and inspiration of this objection can be easily divined from the character of the organs which utter and urge it.

Has it any merit? The pith of the objection is that the proposed measure involves a dangerous centralization of power in the National Government—and I may say in passing that if it does really involve that, I am opposed to it, but I am convinced it does not mean that. The cry of socialism, and that it will destroy "individual responsibility" and "sap the vitality, the mental strength, the moral character of the people," is but a frenzied and ridiculous exaggeration.

Let us look soberly a moment into this latter claim. How can the fact that the deposits are guaranteed by the United States through a fund provided by the banks affect the "individual responsibility," "vitality," "mental strength," and "moral character" of—the depositor, in the first place? Will he possess and practice these admirable qualities in less degree because he knows the money he has earned and has in bank is absolutely safe? Will he not, rather, being relieved of the mental worry and anxiety incident to a sense of insecurity and fear, be freer to exercise those qualities and strive, unhampered by these troubles, to accumulate still more? And what can the depositor do to make or keep the bank strong and safe, be he never so responsible, vital, mentally strong, and moral? This is mere "stuff," so far as the depositor is concerned, undoubtedly.

And how about the bank officers and managers? Their business is to make money for the bank. The keeping of their depositors safe is only a secondary, though necessary, incident to that business. They are not working for the depositors, but for the stockholders; it is true they must cultivate a sense of security in their depositors, else their deposits may be withdrawn.

Now, how can the fact that all the banks provide a fund which makes absolutely safe all the deposits tend in any way to lessen or relax the good qualities mentioned in the bank's officers and managers? Will not the officers and managers, just as in the case of the depositors, being relieved of the burden of satisfying depositors that they are not going to lose their money, be free to employ their entire mental and physical energies and responsibilities in making money for the bank and its stockholders? This is just as obviously "stuff" as regards the officers and managers.

The whole idea that a sense of security in the possession and enjoyment of what one has conduces to loss or deterioration of the excellent qualities of a true individualism is a most egregious absurdity. That sense of security is an essential to the highest and happiest development of those qualities. It is the thing sought after above all others in the fundamental laws of our Government, State and National. It had just as well be said that a prudent and active business man, when once he has obtained sufficient insurance to cover and protect him against loss on what he has, will straightway lay down and do no more!

But to return to the idea of centralization—is there anything in that?

But really, Mr. Editor, this letter is already too long, and I must defer finishing the subject of deposit guaranty for my next letter.

[Seventh letter.]

SECURITY OF NATIONAL-BANK DEPOSITS—continued.

The objection that the proposed measure means a dangerous or impolitic centralization of power in the National Government merits the closest examination, for if it means that it ought to be rejected, whatever its apparent benefits in other respects. I can not see that it means any increase at all of the powers of the General Government beyond what they are now and have been for fifty years generally recognized to be. I shall not in these letters enter into any argument as to the constitutional powers of the National Government. It is sufficient to say that its power to create national banks, to authorize them to issue currency, and to tax such issues, has been exercised and recognized for more than half a century. Indeed, the interests and organs which urge the objection I am now combating almost unanimously favor a measure authorizing the national banks to issue what is variously called asset, credit, or emergency currency; and all plans proposed for that measure embody a heavy tax of such issues to secure their redemption—in other words, the application to asset currency of the exact principle which I am urging should be applied to deposits. So, to use a familiar legal phrase, those who advocate asset currency are estopped from objecting that the principle they invoke to secure such currency is dangerous centralization when invoked to secure deposits.

But passing by this manifest estoppel, in what way does the proposed measure increase the powers of the National Government or enlarge its denomination of local matters belonging to the domain of the State governments? Under the terms of the proposed measure the National Government does not enter into the banking business at all—and certainly not any more than it does now. It now incorporates national banks, regulates them, and supervises them through the Comptroller of the Currency and by a system of periodical examinations by Federal officers. It provides numerous restrictions and imposes numerous duties upon them—such as prescribing the reserves they shall carry to protect their depositors; limiting the amount they may loan to any one borrower, the character of paper they shall deal in, and the kind of security they shall accept; making the stockholders liable to assessment by the Government to the full face value of their stock for the protection of depositors and all other creditors, and many, many others—all of which are designed for the better security of the public which deals with them. And why should not the Government add the additional safeguard of requiring them to provide this additional security for the

public, their customers, especially since experience has shown existing precautions and safeguards to be inadequate? The simple truth is, the measure proposed for the further protection of depositors is nothing more than a reasonable supplement to the existing national banking law, which experience has shown to be imperatively demanded; and it can not be branded as centralization unless the same condemnation is to be placed upon the whole national banking system.

Whether the adoption of the present national-banking system was wise or unwise in the beginning is not a question within the purview of this discussion; but very certain it is that so long as it exists the country can not be injured, but must be greatly advantaged by making the system better and more safe and secure, as it is one of the most important instrumentalities and means of the nation's business, trade, and commerce.

And whatever may be thought of the note-issuing feature of our national-banking system, it is quite certain that the country is not going back to the old State bank-note system of antebellum days. The paper money of the country has been completely nationalized, so that any bill is as good as any other in any part of the country. Public sentiment will certainly not tolerate any recession from this principle of uniformity of value in the circulating medium, whether in future it shall be issued partly by the Government and partly by the national banks as at present, or wholly by the one or the other; in any event it must, as I think, be backed by the Government.

Since the blessings of a government-secured currency have proved to be so great as to commit the country to it irrevocably, I can see no reason why a government-secured and uniformly good deposit slip will not prove an equal blessing. I think an absolutely assured safe and sound system of banks is just as important and desirable as a safe and sound currency, and when the country shall have secured both it may then, and not till then, hope to see an end of panics.

3. It has been objected, in some quarters, that the measure proposed, being such an enormous task, will weaken and impair our national credit with foreign nations.

From the statistics which have been given in these letters, it is apparent that the objectors who urge this objection have only caught on to the tail, or snout, or some other extremity of the elephant, and have no conception of the whole animal.

The ground of the objection is so obviously attenuated and insubstantial that it seems scarcely to merit serious consideration. It is enough, or ought to be enough, to remind the objector that the measure proposed means, in effect, the guaranty of all national bank deposits by all national banks, by means of a fund contributed by them in easy small payments and placed in the hands of the Government for that purpose. The Government is the receiver of the fund, and pays it out where necessary, with full power to compel the banks to replenish it from time to time. There is no possible element of danger to the Government, for it can lose nothing except upon the impossible supposition of the simultaneous failure of all, or at least the greater part of all, of the national banks.

4. Lastly, it is said by some that the making of all deposits in all national banks equally secure will be of evil consequence; that such a condition of affairs will take away the advantage held by the large banks in the money centers over the smaller banks in the interior and remoter sections; that it will enable the small banks in the remote sections where money is comparatively scarce and interest rates high, to invade the money centers where money is abundant and the interest rates low, and there secure deposits by bidding up the rates paid depositors, and thus draw away deposits from the money centers and large banks to the interior and remoter sections and smaller banks.

Well, whether any such effect would follow or not, I will not undertake to affirm or deny; but if so, I do confidently affirm that nothing more fortunate to the country at large could possible happen. If the national guaranty of deposits will have that effect, then it ought to be adopted for that reason if for no other; for, confessedly, the concentration of the money and wealth of the country about certain centers is one of the great curses of our times. It fosters veritable hotbeds of corruption, which are a stench in the nostrils of honest people and continually threaten the very existence of free government, to say nothing of the inevitable lowering of the standard of citizenship and the tendency to convert the people, about such centers especially, into a heartless, conscienceless mob in a mad riot for fortune. It was of such things the poet wrote—

"Ill fares the land to hastening ills a prey,
When wealth accumulates and men decay."

What the public interest needs is a just and proper distribution of the money available for business—not its concentration at a few places or in a few banks. If rates of interest are higher at some places than others, it is because money is relatively scarcer and more needed for development or other business purposes at the former places; and by the universal law of trade it ought to be permitted to go there, unhampered by conditions created by law, until that demand is satisfied. When that demand is satisfied interest rates will fall, and ultimately such rates will be practically uniform everywhere. This is exactly what the country needs. Then business can proceed, hampered only by such inequalities as nature and location have imposed. Then, so far as money and banking questions are concerned, the law will have applied the true maxim of government, "equal and exact justice to all; special privileges to none."

In my next I shall consider briefly the subject of postal savings banks.

Mr. GAINES of Tennessee. Mr. Chairman, I requested Judge Pitts to prepare and send me a measure reflecting his views on the subject of the guaranty of deposits in national banks, and this morning received from him the following bill:

A bill to further secure the prompt payment of deposits in national banks.

Be it enacted, etc., That for the purpose of providing a fund for the immediate payment of all deposits subject to check, except as hereinafter provided, in any and all national banks which shall, after the 1st day of July, 1908, become insolvent or be unable to pay its or their said deposits, in whole or in part, there shall be levied upon each and every national bank in existence and doing business on that day and on the same day in each year thereafter a sum equal to one-twentieth of 1 per cent of its average daily deposits subject to check for the year next preceding, or such part of the year as any such national bank shall have been in existence and doing business; and such average daily deposits shall be determined by dividing the aggregate balance of deposits subject to check appearing on the books and records of the bank at the close of each business day by the whole number of business days on which the bank was open and doing business: *Provided*, That deposits subject to check, within the meaning of this act, shall include all such deposits, whether by individuals, firms, banks, or other corporations, except moneys of the United States Treasury in excess of 25 per cent of the capital stock of the bank.

SEC. 2. That on the last day of June, in the year 1908, and in each year thereafter, unless the same be a legal holiday, and, in that case, on the next preceding business day, each and every national bank shall make out and transmit to the Comptroller of the Currency a true statement, verified by the oath of the cashier and at least two directors, showing (1) the aggregate amount of its deposits subject to check, as defined in the first section of this act, for all days on which it was open and doing business during the preceding year; (2) the number of days it was open and doing business during the preceding year; and (3) the daily average amount of such deposits for each of such days; and shall at the same time transmit to the Treasurer of the United States a sum equal to one-twentieth of 1 per cent of such daily average amount of deposits, either in lawful money or by draft, payable to the Treasurer free of deduction for exchange or cost of collection.

SEC. 3. That the moneys so paid into the Treasury under this act shall be designated "deposit guaranty fund," shall be kept separate and apart from other funds of the Treasury, and used only for the purpose declared in this act, and for no other purpose.

SEC. 4. That when said deposit guaranty fund shall be accumulated in the Treasury to such aggregate sum as shall equal one-half of 1 per cent of all deposits subject to check in all national banks, as defined in this act, then no further payments shall be required of the banks until by disbursements in accordance with this act or by increase of such deposits in the banks, said fund shall become and be less than one-half of 1 per cent of all such deposits, when, and in which event, on notice to the banks by the Comptroller of the Currency, payments as provided in the second section of this act shall be resumed: *Provided*, Any payment called for by the Comptroller of the Currency under the provisions of this section shall be based on the average daily deposits shown in the next preceding reports of the banks: *Provided, further*, Said deposit guaranty fund shall not at any time exceed in the aggregate six-tenths of 1 per cent of the aggregate deposits subject to check in all national banks which are protected by this act.

SEC. 5. That the deposit guaranty fund may be loaned out or deposited in banks by the Treasurer, but only on demand and at interest and on the security of United States bonds; and such loans or deposits shall be made only in the following manner: The Treasurer shall make publication for twenty days of the amount in his hand subject to loan, from time to time as loans are desired, and that he will receive bids therefor; and loans shall be awarded to such persons, firms, and corporations as shall offer the highest rate of lawful interest, payable quarterly, and secure same by deposit of United States bonds at the rate of not less than $100 of bonds for each $90 of loan. All interest collected upon such loans shall be covered into the Treasury as part of the deposit guaranty fund.

SEC. 6. That whenever, after the 1st day of July, 1908, and national bank shall become insolvent or be unable to pay its deposits subject to check, in the ordinary course of business, it shall be the duty of the Comptroller of the Currency, in addition to the duties now devolved upon him by law with reference to insolvent or failed banks, to immediately cause to be paid in full from the deposit guaranty fund all deposits subject to check in such bank, as defined in the first section of this act; and for this purpose the Comptroller of the Currency is authorized to draw his order or orders or warrant or warrants upon the Treasurer, payable out of said deposit guaranty fund. The necessary expenses of liquidation of such bank shall be paid as now provided by law in cases of insolvent or failed banks; and after the resources of such bank have been realized, including the liability of its stockholders, and all its other liabilities paid, the surplus which shall remain, to the extent of the moneys paid to its depositors out of the deposit guaranty fund with interest thereon from date of payment at the lawful rate at its place of business, shall be covered into the Treasury as a part of the said deposit guaranty fund, and any balance that may remain shall be returned to the bank or its stockholders: *Provided*, Any bank whose deposits have been paid out of the deposit guaranty fund under the provisions of this act, on fully reimbursing said fund for the amount so paid, with lawful interest, and otherwise complying with the laws and regulations in reference to failed or suspended banks, shall be entitled to resume business.

SEC. 7. That time deposits, not subject to immediate check, and deposits of United States Treasury funds in excess of 25 per cent of the paid in capital stock of the bank holding same, shall not be entitled to the benefits of this act; but in the distribution of the assets of all insolvent or failed national banks, all creditors of whatever class shall participate as now provided by law, the deposit guaranty fund being treated as a creditor to the extent of the moneys paid therefrom to depositors.

SEC. 8. That nothing in this act shall be taken, held, or construed as implying or fixing any liability or undertaking on the part of the United States to guarantee deposits in any national bank beyond the amount of the deposit guaranty fund in its hands, and it is hereby declared that the extent of the obligations of the United States is to enforce this act.

Mr. STEPHENS of Texas. Mr. Chairman, I yield twenty minutes to the gentleman from Indiana [Mr. COX.]

Mr. COX of Indiana. Mr. Chairman and Gentlemen of the Committee, for the past month it strikes me that everything which has occurred from the birth of Adam down to the execution of Midgetts has been discussed in this House. [Applause.] Being a new Member, Mr. Chairman, I invite your attention for a few moments to some of the questions now before the American people. I can not enter upon a discussion of what I have to say, Mr. Chairman, without replying to some of the things set forth by the President in his recent message. I was one of the men on this side of the House who applauded certain parts of the message. I did not do it, Mr. Chairman, as a Democrat, nor did I do it because it came from a Republican President; but I did it under the profound belief that it enunciated certain principles that if enacted into law would redound to the interest of the masses of the people of this country.

I am in hearty accord with the President's message in what he says in reference to the coemployees' liability act. Under the rules of common law, that has been in force not only in

our Federal courts, but in the majority of our State courts of the Union ever since 1837, time and again, and it has been next to an impossibility for a deserving employee to recover from his employer, because he was met with the proposition at the very threshold of his case that—

You were a fellow-servant of the man at the time you were hurt; therefore you can not recover.

The idea of any law in this country holding that an operator, a section man, and a man upon a train are fellow-servants is absurd!

The idea of a law in this country holding that an operator, a section man, or a man working upon a train to be fellow-servants and thereby preventing recovery is absurd. There may be some things embraced in this law of doubtful propriety, but still it embraces a principle of law that is absolutely right, and I believe ought to be enacted into legislation. If a suit is brought in the various State courts under this Federal coemployees' liability law against carriers doing an interstate business, I believe that a removal would lie from the circuit courts of the States to the Federal courts of the United States, and to meet this objection I believe the law relating to the removal of causes from the various courts of the States to the Federal courts ought to be amended. For nearly one hundred years the jurisdiction of the Federal courts was fixed at $500. In 1887 the act was amended. The amount in controversy was fixed at $2,000. In the past twenty years the volume of business in this country has increased at least fivefold, and in my judgment the law ought to be amended so as to fix the jurisdiction of the Federal courts in all amounts in controversy at not less than $10,000. This would give an employee engaged at work upon carriers engaged in interstate commerce a right of action under the Federal statute in the State courts, and it would prevent removals to the Federal courts in all cases where the amount in controversy did not exceed $10,000.

Mr. Chairman, I am further in favor of active legislation along the line of the President's message regarding anti-injunction. [Applause.] I believe that before even a temporary restraining order should be issued notice should be served upon the parties. This was the law of this country for nearly one hundred years, and in my judgment ought to be the law now. With these two recommendations made by the President I heartily agree, not as a Democrat, but because as a citizen of this country I believe that if these measures are enacted into laws they would be of great benefit to the masses of the people. I further believe that the question of indirect contempt should be submitted to a jury for trial. No one should ever fear to submit his cause to a jury of his peers. And when you deprive a man of this right you deprive him of one of his inherent rights guaranteed to him by the Declaration of Independence and the Constitution of the United States.

Mr. Chairman, I desire to say a few words this evening on the tariff question.

There is no question in which the American people are more interested than the question of taxation. Around this one question centers all our social and political fabric. Without some system of government taxation no civilized government could exist. With an unjust system of taxation the question remains, How long can any government organized by law exist? That all governments need some kind of a system of taxation for the purpose of raising revenues to meet their required expenditures no one denies, but all admit. I recognize the fact, because it is a fact, that it is practically as impossible to get perfection in a law enacted by man as it is to get perfection in man himself. This being true, we can only adopt the conservative plan and reach as near perfection in our law as is possible for us to do.

Therefore in framing all laws by all lawmaking bodies the one great cardinal principle that should ever guide them is to so frame laws that they will inure to the benefit of the greatest number and at the same time protect the interests of the minority, provided it is entitled to protection. In a young, growing, undeveloped country, such as ours, laws to govern it are subject to a constantly growing science. What would have been a law sufficient to meet the demands of this country one hundred years ago may not be at all adapted for it to-day, and vice versa. Therefore our tariff law being under the supervision and control of Congress, if it does not meet the ends for which it was designed, it is our duty to amend it and bring it within the required demands of the people.

I do not desire to array class against class or section against section—far from it; but I propose on this line to present a few facts, with a view of seeing whether or not this was the principle upon which our present tariff laws were enacted or if they were guided in the making of this law by the contrary principle of legislating in the interest of the few to the detriment of the many.

Knowing the necessity of raising money for the purpose of meeting the expenditures of the Government, the framers of the Constitution, among other things, provided that Congress should have power to collect taxes, duties, imposts, excises, etc.

Under this constitutional provision Congress has from time to time, since the year 1791, on down to the passage of the Dingley law in 1897, imposed a duty upon certain goods manufactured abroad and imported into this country. Under this provision, since its adoption, there has been in this country, headed by two great political parties, two well-defined policies. One of these policies, headed by a strong political party, has contended that it had a right to enact a law not only for the purpose of raising revenue to support the Government, but along protective lines as well; the other party contending that under it a duty could only be laid for the purpose of raising revenue to support the Government of the United States, economically administered.

While the Constitution gives Congress the power to lay and collect duties upon foreign manufactured goods imported into this country, it does not give to Congress or to any party the right to distort this power into a policy which works to the interest of the few to the detriment of the many.

Mr. Chairman, the Constitution also provides that private property shall not be taken for public use without just compensation, and as a corollary to this proposition it is equally clear that private property can not be taken for private use under any circumstances by due process of law or otherwise. Therefore, if under our present or past protective tariff laws, framed under this constitutional provision, a right is given by the Federal Government to impose such duties upon foreign manufactured goods imported into this country that private property is taken for private use, such taking has been a wrongful taking, and under no principle can it be defended.

That the present existing tariff law is unjust and ought to be amended so as to give every man, as far as possible, a square deal and prevent the taking of private property for private purposes is conceded by all, with few exceptions.

The arguments heretofore advanced for protection by the Republican party has been solely on the side of the corporations and trusts, and of the larger class at that; the supposed benefits growing out of protection have all been held up in the interest of these institutions.

To-day another class of people are talking tariff reform in this country, who, until recently, were scarcely heard in this field of discussion. It is the farmer, the laboring man, the consumer, and the smaller manufacturers, who are now loud in their denunciation of the present tariff laws, demanding its immediate revision.

The Democratic party stands to-day on this question where it has stood for the past forty years. It stands in open opposition to a high protective tariff. It stands in open opposition to all unlawful combinations and trusts, organized under the Dingley law or otherwise, designed to crush out competition and fix the price not only of their manufactured commodities, but of all raw material entering into the cost of manufacturing. It stands as the open champion of tariff reform. It stands upon the benign principle of the greatest good to the greatest number. It stands for the needs of the present hour and says, "Now is the accepted time to revise the tariff." [Applause.] The Republican party, on the other hand, has always been the champion of high protection, yet to-day it is showing signs of receding from its former position upon this subject. One man, high in the councils of the Republican party, an avowed candidate for the Presidency of the United States, says he believes the tariff ought to be revised; but he also says: "Wait until after the election of 1908." Still another, high in the councils of his party, in my State, says he believes it ought to be revised, but he believes that a commission ought to be appointed for this purpose. Why wait until after the election of 1908? Is it for fear that a revision of it will injure the masses of the people now staggering under this unequal load of oppression? Or is it for fear that a revision of the tariff at this session of Congress would destroy his chance of being elected President in the fall of 1908, in the event he should receive the nomination at the hands of his party? Or may it not be for the more subtle reason and hope that after election the masses of the people can be whitewashed by the passage of some pretended revision of our present existing tariff laws? Why appoint a commission to investigate this matter? It is a political question, pure and simple. Is it because you do not believe you have the ability to revise it, or is it rather because you hope that if you can succeed

in getting a commission appointed to investigate this matter, then, if the people are not satisfied with the revision, you can throw the responsibility back upon their shoulders? The people will not let you whitewash them in any such manner as this! [Applause on the Democratic side.]

Mr. Chairman, the tariff will be revised early in 1909. We are going to elect William J. Bryan this fall President of the United States and get control of this House of Representatives, organize the Ways and Means Committee with a view of revising the tariff, and then, true to our promises and pledges made to the people, we will revise it as they want it revised, unless the United States Senate refuses to do its part in the way of revising it. [Applause.] What assurances have the people that you would revise it after the election of 1908, if you should be returned to power? None whatever.

To admit that our present tariff laws ought to be amended is an argument, and a strong one, that the law as it now stands is wrong; to admit that it ought to be amended and revised, and then refuse to amend and revise it, is, in my judgment, the worst element of bad faith and should characterize the party in power as being unwilling to amend the law as it now is and unwilling to heed the cries of the people asking for its amendment and revision.

For years and years the Republican party has rung down the curtain all over this country that the panic of 1893 was due to a revision of our then existing tariff law. The history upon this subject is that the panic was on in full blast for more than fourteen months before the Wilson bill became a law. The loudest advocates of protection go so far as to say that it was for fear of a reformation of the tariff laws that the manufacturers and corporations of the country, long in advance of the time when the tariff was revised, brought the house down upon their own heads. Just as well may the argument be advanced that a man for fear that his house was going to be robbed burned it down for the purpose of preventing the robbery. [Applause.] In every campaign following the revision of the tariff in 1894 the Republican party has never tired of keeping in the foreground the panic of 1893 as one of the inevitable results following the tariff revision of 1892, when, in truth, the revision of the tariff in 1894 had no more to do with bringing on the panic than a South Sea Islander had.

If the election of Grover Cleveland in 1892, and the control of this House by the Democratic party, and the revision of the tariff following his election, one and all contributed to bring on the panic, then, my Republican friends on that side of the House, let me ask you, What was the cause of the panic in the fall of 1907, through which we are still traveling?

Was it due to the fact that your candidate for President says he is in favor of tariff revision, but wants it postponed until after the election of 1908? Was it for fear that others were saying it ought to be revised by a commission, or was it due to the demand of the farmers over the country, who are now insisting upon an immediate revision of the present unwise and discriminatory tariff law?

If you still insist that the panic of 1893 was due to the revision of the tariff which did not occur until 1894, by the same argument we would have the right to insist that the present panic was due to the demand for present revision of the tariff by your candidate for President and by the manufacturers, boards of trade, farmers, and consumers all over the country. We denied that the revision of the tariff of 1894 had anything to do with the panic of 1893, and we now deny that the present talk for tariff revision had anything whatever to do with the present panic. If every time the business man, the laborer, the farmer, the consumer, feeling the heavy burdens of an unjust tariff, talks and speaks for a revision of the law a panic must be brought on by the possessors of predatory wealth, gotten by means of a law showing the worst degree of favoritism that was ever shown by any law passed by this Government, then, indeed, we are in a deplorable condition, and the sooner we meet the issue the better for all concerned.

Mr. Chairman, I imagine that no more will we hear the story of the panic of 1893 heralded by the Republican party in any future campaign. I would sooner think that the farther you can get away from panics and the argument relating thereto the better satisfied you will be. [Applause.] The panic now on and through which we are just traveling can not be due to any free-trade scare. Was it due to the fact that on our statute books there is to-day a statute imposing a duty of more than 50 per cent upon all foreign-manufactured goods imported into this country? In loss of property and shrinkage of values the panic of 1907 far eclipsed the panic of 1893. It required the issuance of nearly $100,000,000 worth of clearing-house certificates, circulating as mediums of exchange, and, in addition to this, the dumping into Wall street banks by the Secretary of the United States Treasury more than $66,000,000 of the people's money with rush orders for gold from abroad. And, in spite of all this, with the newspapers and magazines of the country working overtime, telling the people "not to be alarmed," that "the worst was over," and that "business had resumed its normal condition;" still there was a loss of property and shrinkage in the values of securities in the United States of more than thirty-five hundred millions of dollars. [Applause.]

With your tariff law building a wall around us so high that in comparison with our natural resources given us by the all-wise and good God, in connection with the energy, industry, and initiative of the American people, it is and was well-nigh prohibitory.

Mr. Chairman, if I could make up my mind that a high protective tariff was for the best interests of all the people, unhesitatingly, as an American citizen desirous of doing the greatest good to the greatest number, I would unfalteringly support such a policy. I am unable to subscribe myself to the doctrine of high protection, because I am unable to see how any system of taxation inuring to the benefit of the few will bring wealth and prosperity to the masses of the people who "eat bread by the sweat of their brow." If the prosperous condition of our country prior to the present panic was due solely to high protection, as we are told it was by the protectionists and protectionist Congress, why not go a step further (indeed, we would not have much further to go) and apply the rule of exclusion? Why not prohibit all importation of foreign manufactured goods into this country absolutely? Why not say to the world: "We will do our own spinning and toiling. We want none of your interference in our affairs whatever." If the principle upon which you base your argument is sound—that a high protective tariff is always conducive to prosperity—the same principle ought to uphold itself to the end of the reason. There is no half-way place in your argument. It is either all one way or all the other. It is either right or it is wrong If it is right it ought to stand up under the argument of exclusion, and if it will not stand up under this argument it is wrong on principle; and if wrong on principle then the right thing to do is to formulate a law that will stand under the close scrutiny of careful analytical arguments.

If our prosperity in this country prior to the present panic was due to the policy of the Republican party in favoring a high protective tariff, why the almost universal demand going on for a revision of it, especially among the boot and shoe manufacturers of the New England States, including a large number of smaller manufacturing concerns in the United States? Why are the farmers over this country asking for a revision of the tariff, particularly in the West and Northwest, including such States as Wisconsin, Minnesota, Iowa, and my own State, Indiana? One of the most sensitive parts about all of us is our pocketbook. This is human selfishness, but it is one of the best traits of selfishness that God has planted in the breasts of us all. A full pocketbook produced by honest toil is always conducive to happiness, and if the farmer, the laboring man, the manufacturer, who are as capable of judging of their own prosperity, and much more so than any other person, believe that it would add to their prosperity to continue the policy of high protection, instead of asking that the tariff law be amended and revised, with one accord they would stand for it to be raised instead of lowered.

Mr. Chairman, our Republican friends, especially the "stand-patters," would not believe a Democrat or a Democratic argument, though one should rise from the grave and tell it to them, but out of the mouths of some of the ablest men in your party to-day you shall stand rebuked and condemned in the presence of this mighty army of men and women who are asking a revision of the tariff laws, so that equal and exact justice may be given to them freely, "without purchase," and "speedily, without delay." [Applause on the Democratic side.]

Mr. Chairman, Governor Cummins, a Republican, who has had the honor of thrice being elected governor of the great State of Iowa, in speaking upon this subject of tariff reform not long ago, said:

> All the robberies and thefts committed by all the insurance companies' officers since the business of life insurance originated do not amount to the extortion due to the Dingley bill for one year.

What an appalling statement! To the gentlemen on the other side, is this true, or would you characterize Governor Cummings as a dreamer? [Applause.] Mark you, this is a declaration coming from a live Republican, high in the councils of his party. Do you, my Republican friends, believe this statement to be true? If so, are you going to let this Congress adjourn without at least attempting to rectify and correct this collossal wrong? At this time I do not have the data at hand showing out of how much money the people have been

wronged by the officers of all the life insurance companies since the origin of life insurance business, but suffice it to say that it has cost them countless millions of dollars.

While the life insurance companies have done an immense amount of good for the people, in coming to the rescue of many widows and orphans, yet the officers and men in charge of these life insurance companies have mercilessly plundered the people of their wealth. The investigation of the New York life insurance companies two years ago revealed an appalling state of affairs for rottenness, theft, robbery, and corruption; so much so that it startled the millions of policy holders of these companies throughout Europe and America. Its revelations were so startling that before the investigation was completed one of the presidents of one of these companies, unable longer to stand the disgrace, died. Others became exiles in foreign countries. Just a few days ago I read in one of the newspapers that one of the former presidents of one of the New York life insurance companies was returning home, broken in health, spirit, and power. The victims of his robbery had haunted him whither he went, in Europe or Asia. Longer unable to endure the strain, he set his face toward the setting sun, to return to his old home, where but a few years ago he held undisputed power at the carnival board of robbery in one of the great New York life insurance companies. [Applause on the Democratic side.]

Mr. Chairman, if all the robberies and thefts committed by all the officers of all the life insurance companies since the business of life insurance first began does not equal the extortion due to the Dingley bill for one year, then think of the robbery and extortion that has been going on in this country for the past ten years, during the time the Dingley bill has been in force.

The amassing of immense wealth into the hands of a few individuals, corporations, trusts, or combinations does not bespeak for the universal wealth, universally distributed, which is the true and lasting wealth that does bring happiness and prosperity to all the inhabitants of the country; but, on the other hand, rather bespeaks for that dangerous centralized wealth, always inimical to the general welfare of all the people. The substrata upon which all wealth is based is the laboring man. No matter what his occupation or station in life be, if he be a producer of something of value, every item of his product adds so much to the wealth of the country.

Mr. Chairman, for the purpose of make-believe that prosperity is abroad in the land, arguments are made here by the gentlemen on that side of the House, and by the Republican newspapers throughout the country, that the past decade has been an era of great prosperity, and one of the cogent arguments in support of this proposition is the vast accumulation of wealth by the trusts and combinations of the country. One of the dangers to any country having a high protective tariff policy is that a few men of wealth, by combining their capital and energy, secure complete control of the wealth of the country. This is exactly what has happened under the operation of the Dingley bill. Mr. Chairman, the fathers of your protective tariff policy believed entirely different, and believed that while protection would protect us against foreign competition, yet they equally believed that home competition would prevent combinations and keep prices down for the consumer. In speaking of this very subject in 1889, John Sherman, then a Republican Senator from Ohio, said:

> The primary object of a protective tariff is to secure the fullest competition by individuals and corporations in domestic production. If such individuals or corporations combine to advance the price of the domestic product and to prevent the free result of open and fair competition, I would, without a moment's hesitation, reduce the duties of foreign goods competing with them, in order to break down the combination.

James G. Blaine, in his Twenty Years in Congress, says:

> Protection in the perfection of its design does not invite competition from abroad, but is based on the contrary principle that competition at home will always prevent monopoly on the part of capitalists, assure good wages to the laboring man, and defend the consumers against the evil of extortion.

Andrew Carnegie, writing for the American Manufacturer, of Pittsburg, July 5, 1884, says:

> We are the creatures of the tariff; and if ever the steel manufacturers here attempt to control or have any general understanding among them, the tariff would not exist one session of Congress. The theory of protection is that home competition will soon reduce the price of the product so it will yield only the usual profit. Any understanding among us would simply attempt to defeat this. There never has been nor ever will be such an understanding.

How different to the expectation of these great men have the conditions in this country changed since their prophetic prophecies. During the first three years of the operation of the Dingley tariff law 149 industrial corporations were combined, with a total capitalization of $5,364,000,000, or an average of nearly $36,000,000 each. I do not have a complete list of all the trusts formed since the Dingley bill became a law, but I submit a few.

TARIFF A BREEDER OF TRUSTS.

The American Linseed Company, combining forty-seven different companies, with an authorized capital stock of $50,000,000, representing 85 per cent of the linseed-oil productions of the United States, and in the domination of the Standard Oil Company.

The National Lead Company, with an authorized capital stock of $30,000,000, comprising twenty-six plants, and under the domination of the Standard Oil Company.

The United Lead Company, combining nineteen different companies, and also under the domination of the Standard Oil Company.

The American Sugar Refinery, controlling fifty-five different companies, representing from 70 to 90 per cent of the product, with a total capital issue of the parent and affiliated companies of $145,000,000.

The International Harvester Company, controlling six plants, with an authorized capitalization of $120,000,000, controlling 70 per cent of the industry.

The American Brass Company, with an authorization of $20,000,000, and controlling nine plants.

The American Thread Company, with an authorized capitalization of $12,000,000, owning or controlling thirteen different plants, controlling 50 per cent of the industry.

The Casein Company of America, known as the "milk-sugar trust," with a total capital issue of $6,492,000, owning five different plants, and controlling 70 per cent of the industry.

The Chicago Pneumatic Tube Company, with a capitalization of $8,000,000, owning seven plants, and controlling 80 per cent of the industry.

The Central Foundry Company, known as the "soil pipe trust," with a capitalization of $14,000,000, owning thirteen plants and controlling 80 per cent of the industry.

The Diamond Match Company, with an authorized capital stock of $15,000,000, owning eighteen plants and controlling 85 per cent of the industry.

The International Steam Pump Company, known as the "steam pump trust," with an authorized capital of $2,500,000, owning eight plants and controlling 80 per cent of the product.

The General Chemical Company, with an authorized capital of $25,000,000, controlling 70 per cent of the trade and twenty-four chemical plants.

The American Woolen Company, with a capital of $25,000,000 of preferred stock and $40,000,000 common stock, having about thirty plants and controlling upwards of 60 per cent of the sales.

The California Fruit Canners' Association, with a capital stock of $3,500,000, including eighteen different companies and controlling 65 per cent of the trade.

The glucose trust, controlling five companies and twenty plants, including the National Storage Company and the Illinois Sugar Refining Company, having an authorized capital stock of $30,000,000 preferred and $50,000,000 common stock and controlling a large part of the sales of the United States.

The candy trust, with a capital stock of $9,000,000, including sixteen different plants and controlling over 55 per cent of the sales of candy.

The National Enameling and Stamping Company, having a capital stock of $30,000,000 and controlling thirteen plants and 55 per cent of the industry.

The glassware trust, with an authorized capital stock of $5,500,000, having nineteen plants and controlling 70 per cent of the sale of glassware.

The Rubber Goods Manufacturing Company, having a capital stock of $50,000,000 and seventeen plants, controlling 60 per cent of the sales.

The United Button Company, having a capital stock of $3,000,000 and controlling three plants.

The Æolian Weber Piano and Pianola Company, having a capital stock of $10,000,000 and owning twelve plants.

The Allis-Chalmers Company, known as the "machinery trust," having a capital stock of $36,250,000, controlling four large plants and 50 per cent of the trade.

The American Agricultural Chemical Company, known as the "fertilizer trust," having a capital stock of $35,000,000 and forty fertilizer plants.

The American Can Company, known as the "tin can trust," closely allied with the American Tinplate Company, having a capital of $88,000,000 and 123 plants and controlling 75 per cent of the trade.

The American Cement Company, known as the "cement

trust," having a capital of about $2,000,000 and controlling six plants.

The American Cotton Oil Company, known as the "cotton oil trust," having a capital stock of $33,000,000 and thirty plants and controlling 65 per cent of the industry.

The American Felt Company, known as the "American felt trust," having a capital of about $4,000,000 and five plants, controlling 65 per cent of the industry.

The American Glue Company, having a capital stock of about $3,000,000 and nine plants, controlling 55 per cent of the industry.

The American Hide and Leather Company, having a capital stock of $32,000,000 and twenty-two plants, controlling 60 per cent of the industry.

The American Radiator Company, having an authorized capital stock of about $10,000,000 and twelve plants, and controlling 80 per cent of the industry.

The American Seeding Company, known as the "seeding machine trust," having an authorized capital of $15,000,000 and six plants, controlling 90 per cent of the trade.

The American Sewer Pipe Company, having an authorized capital of $8,000,000 and controlling from 40 to 50 per cent of the industry.

This list, while far from giving all the combinations, yet it represents a total of 655 corporations now merged into thirty-three corporations or trusts. In this list I have not enumerated the United States Steel Corporation, the greatest of them all, and which is capitalized at the enormous figure of $1,404,000,000, in the year 1900, its alleged capitalization representing one-sixty-seventh per cent of the total wealth of all the United States and producing one-tenth of its entire manufactures. If its stocks and bonds had been issued in the shape of $90 shares, there would have been one for each family of the United States, or if their face value had been divided among the people, there would have been at the time of its formation about $18 for each man, woman, and child in the United States, or about 90 cents for each man, woman, and child on the face of the earth.

Will it be supposed or argued that the consolidation of these 655 industrial corporations into 33 trusts and combinations were organized and consolidated for the benefit of the masses of the people? I imagine no one will have the temerity for a moment to contend that the purpose of consolidating all of these corporations into these few trusts and combinations was for the purpose of benefiting the masses of the people.

OUR DUTY IS TO LOWER TARIFF ON TRUST-MADE ARTICLES.

Mr. Chairman, I am not opposing corporations, but, on the contrary, am at all times willing to defend them when they are in the right, but when they are in the wrong I want to record myself upon the side of the people in the open opposition to all corporations and combinations combined for unlawful purposes. Nor do I wish to be understood as saying that even all of these corporations are to-day grinding the people between the upper and nether millstones of protection, but I do say that a majority of them are to-day extorting from the people vast sums of money to which they are not in any way entitled.

Corporations have exactly the same rights as individuals and no more. Neither individuals nor corporations have any right by combining their wealth unlawfully and taking advantage of either natural or artificial conditions, made so by law, to impose a burden upon the masses of the people, and every time they do it they are violating natural as well as legal rights, and this is what the trusts of this country have been doing for the past decade, regardless of law—moral, statutory, or otherwise. But we have an anomalous condition of affairs in this country. We surround ourselves with a stone wall of protection by means of a high tariff, giving to the trusts the power to combine and control the law of competition, which such men as Sherman, Blaine, and Carnegie thought would prevent combinations and keep prices down to the consumer, and then pass a stringent antitrust law. You say by your acts that you are going to create a condition that if you want to take advantage of it by combinations you can do so, and you can rob the people of their hard-earned money and amass a fortune in a few years, but if you do we will prosecute you for this violation of the law.

Is not this exactly what has occurred in this country for the past fifteen years or more, and is it not just what is occurring now throughout the country? Instead of mulcting these combinations in large fines and costs, perchance imposing a burden upon innocent stockholders, would not it be better for us to revise our tariff laws, and revise them in such a way as to render it well-nigh impossible for these unlawful combinations to exist? It strikes me that it would. It looks to me that it would be a sane thing for us to do. The people are unable to cope with these institutions, and it looks like the Department of Justice is not making much headway against them, although the country is occasionally treated with flaring headlines of some newspaper that the beef trust, or the Standard Oil Company, etc., has been fined for a violation of the antitrust laws. But still these "monsters" go on, year in and year out, openly defying law and order. There is one way to forever settle this question and settle it right, and that is by either reducing the tariff on all articles manufactured by the trusts, or if this will not bring about relief put the same articles on the free list. While this would not root out the entire evil, yet it would largely mitigate it, at least as to all trusts that owe their allegiance to the Dingley bill. But our protective friends say this would not do, because it would affect the wages paid the employees working in manufacturing plants controlled by the trusts.

TARIFF GRAFT.

High wages or low wages in this country do not depend upon a high or low tariff, but depend upon conditions over which no tariff law has any control whatever. The Government has waged prosecutions against some of the trusts and corporations engaged in interstate commerce, which have violated some of the antitrust laws, until the aggregate fines imposed upon the corporations amount to upward of $30,000,000. While I think these fines were just and righteous, yet I do not think they will have the desired effect. I do not believe that this will give proper relief. I am in favor not only of imposing a fine upon the trusts, but of using all the judicial machinery of the Government against the heads of these institutions—the men who openly take advantage of the law for the purpose of enriching themselves at the expense of the masses.

A sentence in the State prison for one or all of the Standard Oil Company magnates, who for years and years have been robbing the people and devastating the field of competition by their unlawful combination, until to-day it can control enough wealth to bring the wheels of the Government to a standstill, would stop such oppressive giants as this great octopus. A prison sentence of some of the great packing interests of the country that for years have been controlling the prices of the farmer's products and the price of their commodities to the consumers will be equally as effective as against this class of greedy cormorants. Yet all of this is going on under a law that makes it possible for these barnacles that have fastened themselves upon us to exist, when by reducing the duty upon these things will make it practically impossible for them to exist.

Mr. Chairman, no wonder the President in his recent message is crying out against predatory wealth, unjustly and unlawfully accumulated. It is time that some one on the Republican side has the moral courage to rise above the rancor of party spirit and cry out against the gatherers of unlawful wealth.

The man of wealth is just as much entitled to the protection of the law as the man of no wealth, and the big corporation is just as much entitled to the protection of the law as the small corporation, but the big or the little man, or corporation, that is not doing an honest business, but who has taken advantage of existing conditions, either natural or legal, has placed himself beyond the pale of law. I have no means of estimating the amount of graft taken from the people by means of the Dingley bill since it has become a law. Byron W. Holt, on the 25th of October, 1907, before the National Civic Federation, at Chicago, said that:

> Prices have risen in this country in the past ten years about 55 per cent, and prices have risen in England during the same period 35 per cent. To be perfectly safe, suppose we credit only 15 per cent of this rise in prices to our tariff and tariff trusts. We probably consume about $14,000,000,000 in a year. Fifteen per cent of $14,000,000,000 is $2,100,000,000, the amount of the tariff trust graft. Estimated in other ways, and especially by considering the tariff duties on each item and the difference between foreign and domestic prices, it appears that the tariff graft is fully $1,500,000,000.

If this be true, and I have no doubt it is, no wonder Governor Cummins made the astounding statement that he did. No wonder that President Roosevelt in his recent message calls the attention of Congress to the trust conditions of the country and says that "the time has come when Congress must in some way assume control over these great institutions." [Applause.]

The trusts, by means of the duty on all foreign manufactured goods, get control of the raw material, and then limiting the output by this means they control the law of supply and demand—the very thing the forefathers of protection thought would never occur. By this means the prices of nearly all of the necessaries of life are placed as completely in their control as though the entire matter was in the hands of one concern. Soon after their organization prices of the prime neces-

saries of life soared 25, some 50, and others 100 per cent. The price of wire nails went up from $1.40 per keg in July, 1898, to $2.45 in July, 1899, and $3.30 in January, 1900. The price of barbed wire per hundred pounds went up from $1.80 in July, 1898, to $3.30 in July, 1899, and $4.13 in January, 1900. The price of tin plate went up from $2.85 per hundred pounds in July, 1898, to $4.05 in July, 1899, and $4.84 in January, 1900. The price of steel beams went up from $1.27 in July, 1898, to $2.40 in January, 1900. Statistics of production from the second annual report of the United States Steel Corporation for the two years ending December 31, 1903, are as follows:

Articles.	Productions of 1902-3.	Duty rate per ton.	Tariff profit.
	Tons.		
Steel rails	3,855,101	$7.84	$29,635,000
Blooms, billets, slabs, and tin plate bars	1,275,929	$6.72 to $105.48	9,920,000
Plates	1,169,254	$11.20 up	12,850,000
Merchant steel, skelp, shapes, hoops, bands, and cotton ties	2,252,155	$11.20 up	22,520,000
Tubing and pipe	1,539,883	35 to 44.80 per cent	11,800,000
Rods	211,029	$3.93 up	1,800,000
Barb wire	700,000	$28.00	9,600,000
Wire nails	830,000	$11.20 up	8,250,000
Other wire and products	749,414	$33.60 up	8,400,000
Sheets, black and galvanized	738,791	$21.16 up	8,700,000
Finished structural work	950,721	$11.20	10,000,000
Tin plate	900,000	$33.60	22,000,000
Angle and splice bars and joints	278,663	$8.96 up	2,100,000
Spikes, bolts, nuts, and rivets	95,243	$13.44 to $44.80	1,200,000
Axles	256,503	$22.40 up	2,880,000
Sundry iron and steel products	59,236	$11.20	600,000
Total	15,832,922		162,345,000

EFFECT TARIFF HAS UPON THE EMPLOYEES' WAGES.

All the advocates of protection in the early history of tariff legislation in this country bottomed their argument upon the doctrine that it was needed to protect the infant industries of the country. But scarcely was the infant born when the "wise men of the east" saw its "star" and came to worship where the young child was. [Applause.]

This argument in 1791 was a potent argument. Diversity of industry was one of the essentials necessary to a building up of a great country. At that time we raised substantially all of the agricultural commodities that our people consumed, but articles not grown by the soil and which had to be manufactured we purchased abroad, and for the double purpose of raising revenue and to stimulate our infant industries the enormous protective tariff of 7½ per cent was imposed upon fourteen different articles manufactured abroad and imported into this country. After the infant argument was exhausted and these industries that had for years a high tariff cried out for Congress to protect them against foreign manufacturers, and when they no longer could make the people believe they needed protection or that they were in danger of destruction at the hands of foreign competitors the same institution raised the cry of "bug-a-boo" panper labor of Europe. They cried: "We must protect the laboring man against the pauper labor of Europe," and this argument was heralded broadcast for years and years; and when it was exhausted the policy of protection along these lines was abandoned to a class of selfish persons in this country who did not have the good of the country at heart, or whose hearts did not overflow with pure, unadulterated love for the laboring man, but were guided solely by a selfish purpose, until to-day the "stand-patters" declare for protection because it protects. As I have before said, if I believed it was by means of a high protective tariff that the laboring man of this country received better wages than the same laboring man in other countries engaged in the same kind of labor, I would without a moment's hesitation support such a policy.

So far as the day's wages paid the American employee is concerned, without reference to the cost of living, his earning capacity, or his own personal initiative, I will concede that it is higher than that paid to other employees in other countries engaged in similar occupations; but when the actual wages paid to the American employee, taken in connection with his superior ability over his competitor abroad and in connection with his increased cost of living, I deny the proposition that the American employee is paid better than the same employee abroad engaged in the same line of work. If the enormous profits made by some of the trusts organized under and kept alive by means of the Dingley bill indicate anything, it indicates that all the great trusts and combinations could, if they would, increase the pay of the laboring men very materially.

The bill imposes a duty ranging from 1 to 379 per cent upon articles imported into this country, all of which inures directly to the interest of the manufacturer, and not one penny thereof inures to the benefit of either the laboring man or to the consumer. Not one word in the entire bill requires the manufacturers to increase the wages of their employees in proportion as their profits increase by means thereof. All of this is left to the good will of the employer; and if the numerous strikes, lockouts, and shut downs is any barometer to go by, in the past ten years the manufacturers and the corporations have not been very liberal in the division of their profits with their employees in the way of paying them higher wages; but I admitted a while ago that, so far as dollars and cents were concerned, the wages earned by the employees in manufacturing establishments in this country were better than the wages earned by employees in other countries in similar manufacturing establishments. If this is not due to the Dingley bill, then to what is it due? In answer to this question let me quote some good Republican authority.

M. Leroy Beaulien, an eminent French writer and scientist, living in a high protective tariff country, in speaking of this question, says:

> There can be no question of the industrial primacy which she (the United States) has held probably since an epoch mainly between 1880 and 1900. It can be explained only on the assumption that the American workingman works harder than the workingman of other countries, or that he receives more efficacious assistance from machinery, or that both of these conditions prevail. We are perfectly justified in concluding from that that the work of an American workingman is, on the average, more productive than that of the British workingman and a fortiori than that of any other workingman in the world.
>
> The value of the products of manufacturers has increased more than sixfold during the last forty years, while at the same time the number of workingmen employed has less than quadrupled. Not only have the great number of laborers, in proportion to output, greatly decreased, but the number of manufacturing plants in 1900 in the steel industry and the plants of building and agricultural machinery have actually decreased in number, though the capital employed has been increased many fold.

Mr. Hill, one time statistician for the State Department at Washington, appointed three expert statisticians to investigate the question of wages in this country, with a view of reporting to the tariff commission of 1882, to see whether or not the duties should be lowered; and, all working in different directions, arrived at the following conclusion: That, according to the American consuls in Great Britain in that year, our 5,250,000 workmen produced double what England did with her 5,140,000 workmen.

In 1878, William M. Evarts, a Republican Secretary of State, reported that—

> The average American workman performs from one and one-half to twice as much work in a given time as the average European workman.

James G. Blaine, while Secretary of State, in 1887, speaking upon this subject, said:

> Undoubtedly the inequality of wages in England and American properties are more than equalized by the greater efficiency of the latter and their longer hours of labor.

Andrew Carnegie said a few years ago:

> It is not the lowest, but the highest, paid labor, with scientific management and machinery, which gives cheapest products. Some of the important staple articles in Britain, Germany, and America are produced cheapest in the last with labor paid double.

Senator BEVERIDGE, in his work entitled "Russian Advance," speaking of the wages in Russian factories, says:

> But low as these wages appear, yet in comparison with some American labor, that is, common working men and women, Russia may truthfully be said to be overpaid. Their wages are less than the wages of the American workingmen, and their working ability still smaller. One can not believe, either, that the Russian working man or woman for a long time will be as efficient as the American working man or woman.

Maurice Low, a protectionist, in his recent work entitled "Protection in the United States," says:

> We have the authority of all competent observers in America that one of the reasons to explain the secret of American prosperity is the great productive power of the American workingman, his output being so much larger than that of his foreign competitors that the cost of the American product is less than that of any other workingmen, and it has also been demonstrated that wages and labor cost bear not the relation that is ordinarily supposed; that is, it is not true that low wages are an indication of low labor cost, but rather the reverse, the low-priced workman being usually an unintelligent and unskilled workman and unable to compete with the high-priced worker of greater intelligence and skill.

All of these authorities are Republican, and all admit in the same statement that high wages in this country are not due to high protective tariff or to any tariff at all, but all base their argument upon the solid, sound, bed rock of greater efficeincy in the American employee, as well as more efficient machinery.

If the argument is sound that a high tariff is productive of high wages, we would expect the highest wages paid at the times when we were paying the highest duty on goods. Let

us see about this. The McKinley tariff was enacted in 1890; under it the average rate of duty was a little more than 50 per cent. The Dingley tariff bill was passed in 1897; under it the average rate of duty was about 50 per cent. The Wilson bill was enacted in 1894; under it the average rate of duty was about 42 per cent.

Between the years of 1885 and 1901, the average rate of duty was about 41.6 per cent. The United States Commissioner of Labor recently compiled sixty-seven groups of labor from 1885 to 1901, covering three different tariff periods, showing the following result from 1885 to 1889, from 1891 to 1893, from 1895 to 1896, from 1897 to 1901, which table is as follows:

Wages per day in dollars.

Occupation.	1885-89.	1891-93.	1895-96.	1897-1901.
Bakers	2.17	1.57	2.39	2.17
Balers (textiles)	1.04	1.17	1.36	1.02
Blacksmiths	2.20	2.30	2.20	2.16
Bleachers (textiles)	1.67	-------	1.31	-------
Body makers (carriages and wagons)	2.64	1.88	2.05	-------
Boiler makers	2.28	2.29	2.30	2.28
Brakeman (railroads)	1.78	2.42	2.18	1.84
Brass finishers	2.48	2.13	3.00	2.75
Brass molders	2.67	2.56	1.69	1.78
Brewers	3.19	3.05	2.37	2.45
Bricklayers	4.00	4.00	4.00	3.53
Brickmakers	1.87	1.76	1.60	1.42
Cabinetmakers	2.28	2.24	2.98	2.38
Carders (textiles)	1.20	1.09	0.95	-------
Carpenters and joiners	2.31	2.26	2.20	2.42
Clerks	2.49	2.27	1.75	1.74
Compositors	2.67	2.73	2.45	2.63
Coopers	2.79	2.75	1.83	1.42
Cutters (clothing)	3.18	2.90	3.25	2.76
Cutters (glass)	2.00	2.00	2.17	2.83
Dressmakers	1.63	1.47	1.45	1.17
Dressers (textiles)	1.98	2.41	2.09	-------
Dyers (textiles)	1.50	1.50	1.27	1.69
Finishers (textiles)	1.20	1.18	1.30	1.17
Finishers (boots and shoes)	2.00	-------	3.11	3.15
Founders (iron)	-------	2.08	2.07	-------
Furnace men (foundry and machine shops)	1.73	1.73	1.75	-------
Furriers	3.38	2.02	2.06	2.19
Gas makers	1.65	1.86	1.73	1.60
Glass blowers (bottles)	5.15	5.15	-------	3.97
Glass blowers (window glass)	5.00	5.00	-------	4.00
Glaziers	2.51	1.64	1.96	2.36
Grinders (foundry and machine shops)	2.44	1.70	3.11	2.05
Grinders (tools)	2.25	2.19	1.99	-------
Harness and saddle makers	1.39	0.73	2.25	-------
Iron workers	2.24	1.85	2.53	2.75
Jewelers	2.27	1.92	2.51	-------
Joiners	1.94	1.48	2.25	-------
Lasters (boots and shoes)	2.34	2.01	2.24	1.80
Machinists	2.16	2.07	2.05	1.78
Masons	3.25	2.96	4.00	3.36
Millers (flour)	2.55	1.97	2.13	1.98
Miners (coal)	2.69	1.91	-------	1.82
Painters	3.50	3.41	3.50	3.04
Paper makers	1.50	1.72	3.00	-------
Piercers (textiles)	0.98	0.90	0.68	-------
Plasterers	4.00	3.59	4.00	3.22
Plumbers	3.50	3.50	3.74	3.19
Puddlers	3.47	3.29	4.50	2.92
Quarrymen	2.31	1.99	1.63	-------
Riveters	1.35	1.44	1.75	-------
Rope makers	1.58	1.40	1.08	-------
Sailmakers	2.71	2.50	2.50	3.00
Ship carpenters	2.84	2.75	-------	3.25
Shoemakers	2.28	1.79	2.00	1.94
Spinners (cotton)	1.74	1.11	1.50	1.79
Stereotypers	3.00	2.67	2.70	3.42
Tanners	1.92	1.67	1.68	-------
Tinsmiths	3.25	2.50	2.44	-------
Upholsterers	3.00	2.02	2.66	1.82
Weavers (cotton)	1.23	1.02	1.36	-------
Weavers (silk)	2.42	2.29	1.89	1.85
Weavers (wool)	1.57	1.35	1.57	1.39
Wheelwrights	2.77	2.50	2.75	-------
Winders (textiles)	1.28	0.97	1.11	1.12
Wool sorters	2.73	1.25	2.09	-------

In 1883 the duties were low as compared with the duties under the McKinley and Dingley bills. According to the contention of high protectionists the number of men employed in factories ought to have increased very rapidly since 1890 under the McKinley, the Wilson, and the Dingley bills.

The following table shows the number of men employed in the factories between 1880 and 1900, together with the ratio of increase:

	1880.	1890.	1900.
Number of men	2,732,000	4,712,000	5,719,000
Absolute increase	----------	1,980,000	1,007,000
Per cent increase	----------	72	21

Now, let us consider the increase in the total sums paid in wages and salaries. The figures are:

	1880.	1890.	1900.
Wages and salaries	$947,000,000	$2,283,000,000	$2,735,000,000
Absolute increase	----------	$1,336,000,000	$452,000,000
Per cent increase	----------	141	11

The wages of England are always taken by the Republican party as a basis upon which to measure the laborer's wages in this country. Wages substantially all over the world in the last few years have increased, notwithstanding high or low tariffs. Protection or free trade, there has been for the past few years a steady tendency toward an increase of wages, and this is particularly true of England.

In a bulletin issued by the Department of Commerce and Labor on the 10th day of January, 1908, you will find the following in regard to the wages of employees in England, showing a steady increase in the daily wages in free-trade England:

During the first six months of 1907 the changes in rates of wages reported continued to show an upward movement, there being net increases in all groups of trade. Altogether 1,150,029 work people were reported to have had their wages changed, of whom 1,149,825 work people had a net increase of $524,818 per week, and 204 a net decrease of $122 per week. Thus the net effect of all the changes was an increase of $524,696 per week, compared with a net increase of $129,390 per week in the corresponding period of 1906. The most important changes in rates of wages reported during the six months were increases in the coal-mining and textile industries. The former affected work people employed in all the principal coal-mining districts in Great Britain. In the textile group advances took place in the wages of 145,000 card and blowing-room operatives, spinners, doublers, reelers, winders, warpers, etc., employed in cotton manufacture in Lancashire, Cheshire, West Riding of Yorkshire, and Derbyshire; of 41,700 jute operatives, preparers, etc., in the north of Ireland. The majority of the other work people affected were in the metal and engineering trades.

In 1906 the net result of all changes in wages reported to the Labor Department was an advance of $281,770 a week, or $6,905,563 for the year.

In the enactment of a high protective tariff we lose sight of one economic principle, and this is you can not shut out imports without shutting in exports. We can not hope to control the trade of the world and at the same time refuse to trade with the world. With substantially all of our public lands now taken up for settlement, with a present population of 87,000,000 people, with foreign immigration pouring in upon us at the rate of 1,200,000 per year, we can only take care of them and our ever-increasing population by securing the trade of the world. To-day, although the greatest nation upon the earth, with unbounded resources, we are distanced in foreign commerce by England, Germany, and France. In the year 1902 the foreign exports of English manufactured goods amounted to nearly $1,200,000,000; the foreign export trade of Germany amounted to nearly $750,000,000, France nearly $425,000,000, with the United States a little over $400,000,000. England, with a population of about 40,000,000 people, that year exported nearly $30 worth of manufactured goods per capita, while the United States exported about $5 worth of manufactured goods per capita. These figures are indeed significant. Instead of England defeating us in the foreign trade of the world, we ought to be leading not only England, but likewise France and Germany. The American manufacturer, as well as the American employee, only asks a fair chance in the field of competition.

With a protective tariff preventing competition in the line of manufactured goods we can not expect our manufacturers and the employees in their manufactories to compete with foreign competitors. Lower the duty upon many schedules now in the Dingley bill, and then, with the business energy, independence, and initiative of the American employee, in but a short period of time we would have complete control of the commerce of the world. [Applause.]

Mr. HARDY. Mr. Chairman, I hardly feel at this late hour like attempting to address the weary hearers here, but because the time must be consumed as it can be obtained, I shall undertake to say some few things upon the live questions of to-day. I tried to hear the gentleman from New York [Mr. PAYNE], but could hear only a small portion of his two hours' address. I could hardly tell whether it was a eulogy of the Republican party or a funeral oration over its burial. [Applause on the Democratic side.] Perhaps it partook of both and perhaps it should have done so because, De mortuis nil nisi bonum. I wish to say that we on this side of the House are long since accustomed to the denunciations of ourselves from that side as demagogues, and we know that those who are for the people are always denounced as demagogues by those who stand for

the classes as against the masses. [Applause on the Democratic side.] I was much amused by the broad and boisterous smile that rippled over the other side of the House when the chaplain in his prayer some mornings since prayed for the jingo and the demagogue and for deliverance from him, but I doubt if a few days or mornings later had the chaplain repeated the same prayer there would not have been a dry grin instead of a broad smile on the countenances of the same gentlemen when they found their own President advocating so many of the things that they have denounced as demagogy when proposed by us. As to the President's actions and as to your Republican President there seems to be a strange condition. If we praise him, you growl; if we criticise him, you howl. [Applause and laughter on the Democratic side.]

At first it seemed that you wanted none but yourselves to criticise him and none, not even yourselves, to praise him. But later some few of you have dared to offer belated praise to him. Fewer, I fear, will dare to follow him by joining the Democrats in enacting legislation which we have been so long demanding. As for me, I shall add nothing to what has been said, except to say that we criticise the President when we believe him wrong and we praise him for all that we believe right in him, and as to those things in which he is wrong, we have a leader who is free from his errors, and as to those things in which he is right, we have a leader who has taught him and who sheds a steady light where he has flashed and floundered. [Applause on the Democratic side.] Gentleman, I wish to recall some of the arguments that I have listened to now for more than a day. I wish to recall the argument of the gentleman from Michigan [Mr. TOWNSEND] upon rate regulation being a Republican policy and a Republican specimen of legislation. I know that he can go back into the musty records of Republican Members and find, long years ago, where individuals of them have advocated this doctrine or that policy. The truth is that you can find advocates of any policy among the members of any party, if you will go far enough back and rake over the ashes of the past. But I wish to call your attention to the fact that, while you claim now that rate regulation has been one of your party shibboleths, nevertheless in three different platforms—in 1896, 1900, and 1904—the Democratic party has made a demand for rate regulation, while your platforms were silent upon it as the grave. [Applause on the Democratic side.]

You talk about the members of your party in the House and in the Senate who interested themselves in the passage of the original bill in 1887, I believe it was, and deny to that grand old commoner of Texas, John H. Reagan, any credit for the legislation that passed then, but we in Texas look upon him as the hero of the entire struggle for rate legislation. [Applause on the Democratic side.] He may not have suggested the idea of a commission, which is but the means to carry out a principle and a policy, but he struggled long, and for a long time without avail, to engraft upon the laws of this country the doctrine that the Government should regulate and control the rates charged by transportation companies. [Applause on the Democratic side.] You say he opposed the commission idea. This I do not know, but if he did I am not sure he was not right, because if the Commission is no more efficient in the future than the past it is not the best means to the desired end. But I would tell you something more. When Texas passed a railroad commission law more perfect than the Federal law and with the commission feature in it, John H. Reagan resigned his seat in the Senate, which he could have held for life, to accept a place on our State commission at only a little over half the salary of a Senator, to serve his people where they believed his great learning and fidelity could serve them best. The Federal law was passed while he was a Member of this House, and for ten years it was supposed to have clothed the Interstate Commerce Commission with power to regulate and fix freight rates. At the end of that time, however, you were in power and he was no longer here, when the Supreme Court declared that your Commission, though intended to be clothed with the power to fix rates, did not as a matter of fact have it; and immediately or at the next Congress after that declaration of the Supreme Court the Commission filed its report with Congress, as it was required by law to do. In this report they called attention to this decision of the Supreme Court and their want of power to make these regulations and asked to be given that power and Congress then, Republican as it now is and as it has been from that day to this, turned a deaf ear to their petition and declined to clothe them with the power you say they ought to have and that the original bill intended to give them. [Applause on the Democratic side.]

Not to one session of this Congress alone, but for every session from the day that the power was denied by the Supreme Court until the last session of this Congress your Commission was knocking at the door of Congress and praying to be given power to fix and regulate freight rates. I have heard of a committee that buries bills, and I have heard of a chairman that does not permit bills to come before the House, and I have heard here to-day that Democratic Members were seeking to introduce legislation to clothe that Commission with the power, and you heard them not. In 1897, I believe it was, your Commission first filed that petition with the Republican Congress, but you paid no attention. In 1898 they again filed that petition; in 1899 they filed it; in 1900 they filed it, and in 1901 they filed it. That prayer was before you, but your ears were closed. Do you remember when old Elijah met on Mount Carmel the prophets of the false god and the challenge was made—

> Spread your sacrifice here and pray on your altars for your god to send down the fire?

Four hundred priests of Baal sent up their prayer from morning until noon, from noon until night, to their god Baal to send down the fire. If I remember rightly, for a second day they prayed from morning to noon and from noon to night, but there was no voice nor any that answered. Then old Elijah on the third day said:

> Cry aloud: for he is a god; either he is talking, or he is pursuing, or he is in a journey, or peradventure he sleepeth, and must be awaked.

And so it was when this railroad commission prayed to you for some power to regulate freight rates, you were talking or pursuing or sleeping—for there was no voice nor any that answered. [Applause on the Democratic side.]

Mr. Chairman, for nine long years that prayer rang in their ears, but was unheeded. But a year or two ago when this demand had been placed three times in the Democratic platform; when you had been silent in your conventions as well as in your Congressional halls; when Democratic bills had been killed in committee, you woke up, and now you tell us that all the time you were for rate regulation. Why do you say so now? I will tell you. You have got some grand and true men of the people in your party, and I am going to tell you of one of them here. Yonder in Wisconsin your Senator LA FOLLETTE stands for the people. LA FOLLETTE raised the flag of justice to the people. [Applause on the Democratic side.] He made such a fight against the railroad power as few men of any party in any State have made, and he stirred Wisconsin all over and all through. Down here in Georgia Hoke Smith was calling the attention of the masses day by day, through his paper as well as from the stump, to unjust rates which were levied in his State and in the United States. All over this country the magazine writers began to tell the story of unjust rates and oppressive rates by railroads. The storm rose, the clouds gathered, and the lightnings flashed and the rumbling of the thunder was heard in the distance and near by. The storm was visible to the naked eye, the thunder was audible to the dullest ear. Your newly elected President best rode the storm, and, strange to say, last session found a turmoil of active patriots seeking to pass some Republican rate legislation. And now the gentleman from Michigan finds that the dearest thing to the Republican heart has always been railroad rate regulation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEPHENS of Texas. I will yield ten minutes more to the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized for ten minutes' additional time.

Mr. HARDY. I was eminently pleased with the address of the gentleman from Michigan [Mr. TOWNSEND], but I want to tell him now and this House who hear me that so long as you leave the Commission to struggle with a million different independent rates against the rapacity of grasping corporations, who have studied their lessons long and learned them by heart, and leave the Commission to meet these corporations and struggle with them for the fixing of each and every rate and specification, amid the difficulties of courts and injunctions and provisos and conditions in the law, you will never have any effectual rate regulation. I want to tell him that even last year they refused to enact parts of the provisions suggested by LA FOLLETTE that were most essential, especially when they refused to give the Commission the power to appraise and value the property of railroads, in order to fix a basis upon which to estimate and allow a reasonable income for roads.

And I wish to tell him that Congress can not, by the creation of a commission, shift the burden from their own shoulders and wash their hands of all responsibility to the people; but

Congress must always be ready to see that justice to the people be done, and be ready to pass whatever laws are necessary to that end.

The gentleman from Wisconsin [Mr. KÜSTERMANN] the other day said there was a little joker in your tariff law. There is a little joker of the same kind in your rate law. You put upon your statute book a law that said a railroad should not charge more for a short haul than for a long haul. That is the substance of it. If you had left it at that, it would have been well and would have prevented hundreds of millions of extortionate freight charges that have been put upon the people; but the little joker was added to that in the clause which read: "Provided conditions are similar," and when that joker was placed there the law read in substance: "No railroad shall charge more for a short haul than a long one, provided conditions are similar;" and the railroads knew full well that they would never go into court in any case where they could not show that conditions were not similar, and that, therefore, the law forbidding a greater charge for a short haul than a long haul would not be allowed to prevail. The long and short haul law rested in innocuous desuetude; it became and is a mockery.

Let me tell you, if you are in earnest, if you want to get at rate regulation right, if you want to protect the interior points against unjust extortion in favor of water points, if you wish to prevent discrimination between places, if you want to enable your water transportation to have a birth and a growth in this country, take that law and cut off the little joker that is in it. This subject comes home to me because in this day I believe there are more unjust burdens put upon the people directly through unjust tariff rates by railroads and transportation companies almost than through the tariff itself.

Now, let me give you some illustrations that are not new, because I have mentioned them before, but you did not hear me. We pay freight rates on lumber every day in my State, and freight is paid on lumber in the Middle Western States at rates that are higher for a very much shorter distance than they are for a very much longer distance, and there is no reason under the sun why it should be permitted except that it enables the railroads to kill water transportation somewhere and maintain their monopoly of transportation. Let me ask you why should a railroad be allowed to charge 18¾ cents per 100 pounds for the carrying of lumber from Beaumont to my town, 300 miles, and yet charge only 16 cents for carrying Beaumont lumber through my town and on to Memphis, 700 miles farther? Why should a transportation company be allowed to charge 25 per cent more for hauling rock from north Georgia to south Georgia than they do for hauling from the quarries of Vermont through north Georgia to south Georgia? The reason why they do it is simply this, that the people in my town are helpless and they can impose such burdens of tariff rates as they see proper. My town is an interior town. Likewise the north Georgia quarries are helpless, and they can impose such burdens as they see proper upon the quarries there. They are interior points. In the meantime the railroads, by these cheap rates from the Vermont quarries, kill what little shipping there might be on the Connecticut River and then on the Atlantic Ocean down to the rivers going to the south Georgia towns. All this and illustrations that could be given by the score and by the hundreds just simply show that the railroads wherever they come in contact with river transportation are allowed to lower their rates at points of contact and then raise them for recouping purposes on all intermediate points.

I am not talking for party or party advantage. I am talking for the interest of the people, and I want these Representatives here who come from interior points to hear me and to think, and I am proud to let it be known that after my first speech on this subject I received this telegram from the Commercial Club of Lincoln, Nebr.:

LINCOLN, NEBR., *January 17, 1908.*

To Hon. RUFUS HARDY,
House of Representatives, Washington, D. C.:

Lincoln Commercial Club extends congratulations and hopes for a successful passage of your bill No. 4801 to enforce application of long and short haul clause for transportation charges on freight. We will cooperate with you to full extent and endeavor to secure support of Nebraska Representatives at Washington. Can you mail me 300 copies of the bill?

W. S. WHITTEN, *Secretary.*

Memphis is a city some 500 and odd miles from New Orleans by rail. The rate on cotton transportation from Memphis to New Orleans is only 17 cents a hundred pounds. My town is 260 miles from Galveston. The rate on cotton from my town to Galveston is 55 cents a hundred pounds. Corsicana pays more than three times as much to haul freight 250 miles as Memphis pays to haul it 500 miles. What is their reply when they are charged with discrimination? And, as the gentleman from Michigan was saying, he opposed discrimination between places as well as men, I want to know if that is earnest? Is it true? If so, why do you permit, without your protest, the interior points to be dragooned and to be imposed upon by exorbitant rates in order to enable the railroads to put down their rates at competing water points? Let me see how it goes. What is the result? The 17-cent rate by rail from Memphis to New Orleans draws the cotton freight off of the Mississippi River and similar rates draw off other freights and, with a stream that can carry the freight of sixty railroads, without a dollar of expense to improve it, with its waters rolling from St. Louis and Memphis to the sea, there is no vessel carrying traffic upon its bosom. Cotton is just an illustration; everything that might float in barges and in boats is driven from the river to the railroads; and what has happened to the Mississippi has happened to every other inland waterway in the United States. It is a shameful condition that demonstrates the complete triumph in this country of corporate cunning over common sense and common justice. So that nature's carriers, the great and small rivers of the continent, roll idly through our wheat fields, our cornfields, our cotton fields, our coal fields to the sea, while the combined railroad systems, paying just enough attention to the rivers to keep them rolling idly, are allowed to make a monopoly of all transportation and fix the rates of carriage at their own ungoverned will. I would that I could put it stronger, make it plainer. No words can put the condition stronger than the truth, but to make it plain and clear, to make the people, to make Congress see the truth is the difficulty. Since I came here I've been told that that great commoner of Texas, John H. Reagan, tried hard to secure just such a law as I am urging, but he failed. I am going to keep trying till I succeed.

I gave you another illustration; the rate on flour from St. Louis to Helena, Ark., is 20 cents a hundred pounds, and yet on the same article from St. Louis to Paragould, a point between and 125 miles nearer St. Louis, it is 60 cents a hundred pounds; and yet the laws of this country—State and national—are permitted to stand on our statute books—laws allowing the railroads to discriminate between places, overcharging one and undercharging the other, and after competition is killed overcharging all, and we have called it a representative Government. We say that we represent the people, but we permit this. We can not, or is it we will not, see? The law as we have it not only permits but suggests by its very terms that railroads should discriminate between places.

Well, I want to appeal for a law that shall fix the rate of freight according to the value of the services performed and shall never allow any discrimination between places; shall never allow a road to carry a carload of a commodity through any town cheaper than it carries it to that town. That is justice. That law will put boats on every navigable stream and reduce the average freight rates in this country more than all the railroad commissions, State and national, will or can do in fifty years.

Now, I have talked longer than I intended; I do not want to talk on the tariff, but I just want to say to the gentleman from Maine [Mr. LITTLEFIELD], who talked so eloquently the other day about ship subsidy in this country, that the protective tariff of the Republican party has builded a scaffold upon which the prices of all the materials that go into the construction of a ship have been raised so high that—I admit it to be true—they are now out of the reach of shipbuilders, and our people can not pay the price of materials in our country and build the ships. You have built a scaffold that raised these prices, and now you ask us by subsidy to come and build you a ladder upon which your shipbuilders can climb to your scaffold in order to build. [Loud applause on the Democratic side.]

I will not help you to build a subsidy ladder, but I will help you to cut off the legs of that tariff scaffold, and bring the price of material down in order that you can get the ship built. [Applause.]

I want to say to the gentleman from Maine, if he is present, that his State, once known as the Pine Tree State, and an old-time Democratic State, has sold her birthright for a mess of pottage when she stands for high tariff and closes her shipbuilding yards and kills her merchant marine. Maine should come with us and if we ever go back to the doctrine of tariff for revenue only, the time will come when there will be American flags floating upon every sea and the seamen and ships of Maine will rest in every port of the known world. [Renewed applause.] But you can not build a tariff scaffold and subsidy ladder and run the American marine on subsidies, because the people have been robbed on so many things that they will not stand for it when you come openly and put your hands into their pockets

and take from them their money to build up another. [Renewed applause.] I am amazed that some of the newspapers haven't asked for a subsidy, because our tariff has put up the price of paper. 'Twould be in keeping; but they haven't yet.

Well, I might close here, and ought to, but I will add——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Will the gentleman allow me just one word more?

Mr. STEPHENS of Texas. I yield another minute to the gentleman.

Mr. HARDY. I want to say only one thing in conclusion. I have heard it from both sides that "the people are coming into their own." Strange phrase on Republican lips when the Republicans have been so long and are still in power; but we are coming next November 8,000,000 strong. "We are coming into our own" to inaugurate the man the people love and trust; to inaugurate William J. Bryan and a new reign of Democratic prosperity. [Loud applause on the Democratic side.]

Mr. STEPHENS of Texas. Will the gentlemen on the other side occupy some of their time?

Mr. SHERMAN. I yield fifty minutes to the gentleman from Wisconsin.

Mr. NELSON. Mr. Chairman, with the indulgence of the committee, I wish to speak on the subject of the President's message and the necessity it suggests of parliamentary reform in the House. After the many eloquent speeches of the past two days, I rise with a great deal of diffidence to speak on subjects of such peculiar delicacy. Particularly do I wish to avoid both personality and partisanship, neither of which I approve in debate. But as I have convictions on these great questions for the public good, and, this being the House of Representatives of the people where free speech is in order, I am going to express my convictions to the membership and to the country, in fear of God and no man.

Years before I had the honor of being a Member I had read of the rules, but I had only a vague idea, as most people have, of the immense power concentrated in the Speakership and the corresponding surrender of rights and privileges by the individual Members. Indeed, the people know little of the rules, and less of the surrender of their rights under these rules, and still less of the effect of such surrender upon legislation in the interest of all the people. During Speaker Reed's time, no doubt, people read of his counting a quorum, of his putting a stop to the filibuster, and of his refusal to put dilatory motions. He appeared to be acting for the public good, and the country approved of his action. There is since then the erroneous idea lurking in the minds of many, especially editors, that somehow Members of Congress who complain of the present rules would revive the old obstructive practices that were in themselves innovations under the rules. Of course, no Member of either side of the House would do that, and could not if he would. Now the pendulum has swung over to the other extreme, and, instead of a few minority Members, goaded by harsh legislative treatment, resorting in the open to ill-advised tactics of obstruction, we have a few majority Members so "intrenched in the forms and usages" that under the cloak of the majority they are enabled to perpetuate their own rule and control the House for their own purposes.

After close personal observation during an entire session of conditions as they actually exist, I was at loss to account for the extraordinary spectacle that I saw in this body. I saw before me a high class of men, for such is the large majority of the membership of this House; men, each one of them, the choice of forty thousand sovereign voters, representing two hundred thousand people; legislators who, by virtue of official experience, mental capacity, and approved integrity, must constitute the highest types of American citizenship that the country has to offer to its most important public service. I saw these able men meekly submit to a deprivation of their constitutional rights, privileges, and powers under conditions that, it would appear to me, would touch in the most tender spot their self-respect, their manhood, and their love and pride of individuality, which are above all price. I could not account for it. It was a mystery to me.

Seeking further light, I made a careful investigation and study of what the best parliamentarians, scholars, and statesmen, at home and abroad, had written on this perplexing subject, parts of which I shall print in the RECORD as a basis of my remarks.

It is not my purpose at this time to go into any extended discussion of the rules of the House. I wish now merely to direct your attention to one great immediate necessity for parliamentary reform suggested by the President's message. But before passing to the consideration of the message I shall briefly summarize what the best writers have said of our parliamentary procedure.

It is the consensus of opinion that practically all the power of this body has been merged in the Speakership. He is the House.

It is the consensus of opinion that the individual members have surrendered their constitutional rights, powers, and privileges, to such an extent that their importance has become insignificant, in fact, is generally regarded as a negligible quantity. One writer has even said that "The members of the House are a pint of sand carried in the Speaker's pocket; the smaller the particles the better."

It is the consensus of opinion, both as to revenues and expenditures, that the control of the purse, which the Constitution vests in this House so as to keep it close to the people, has, because of our own rules and usages, substantially passed over to the control of the other branch of the Congress; and the standing of the House has suffered on account of it, not only before the country, but also in the eyes of the statesmen of the world.

It is the consensus of opinion of the best writers that the business of the country is not dispatched speedily, economically, and considerately, but, in fact, that the rules have become so complicated, cumbersome, and unwieldy, that fully three-fourths of the business has to be done outside of the rules—under suspension of the rules, by unanimous consent, or through riders on appropriation bills. The House, it is said, is no longer the forum of legislation, as it was in the days of old, but the real legislative work of Congress now takes place, where they still have rights, in the Senate.

Mr. Chairman, in no other country of the world, be its government in form republican, monarchical, or imperial, has there been such a complete surrender of powers and prerogatives by the representatives of the people in the one chamber to its presiding officer, or to the other law-making branch of the Government. We, the representatives of a free people, whose traditions, whose history, whose very existence, is a living protest against one-man power, the rule of the few, now furnish the most illustrious example of such a system of law-making. Where is there a spectacle to be seen of such inconsistency between parliamentary practices and fundamental principles of government as we exhibit at the present time for the history of mankind? Unfortunately, it has not yet dawned on the American people that the tendency to centralization of power and privileges in the few, that has been so strenuously at work in politics, in finance, and in the trade, industry, and commerce of the country, has not passed by the Hall of this House, which the fathers thought would be for all time the palladium of American principles of government.

The processes of surrender of rights, of absorption or usurpation of power—call it what we please—has been studied and set forth by students of our parliamentary system. I want to mention these, lest I be charged with attacks on the present or past Speakers, Republican or Democratic. I am speaking of principles that are eternal, and not of men that are passing.

It was the plan of the framers of the Constitution that the Speaker should be merely a moderator, an impartial judge, according to every Member his just rights and enforcing at all times the square deal. This plan was copied after the speakership of the English House of Commons, where the presiding officer is an impartial judge, as are the presiding officers of the great parliamentary bodies of the world.

The first misstep occurred when the appointment of the committees of the House was taken from the membership and conferred upon the Speaker. It is said that no one dreamed of the evil consequences that flow from this transfer of power. The Senate resisted this innovation at the time, and wisely so; and had it not, we would have seen the spectacle to-day suggested by the gentleman from Wisconsin, my colleague [Mr. COOPER], that virtually two officers, the presiding officer here and the presiding officer there, would have controlled the business of the country.

Mr. OLMSTED. Mr. Chairman, if it will not interrupt the gentleman, I should like to ask him one question.

Mr. NELSON. I have only a limited time.

Mr. OLMSTED. I simply want to ask what rule it is that takes away from the individual members of the House, or from the membership of the House, and places in the power of the Speaker, the appropriations and the revenues, and what writer it is who has said that it has been taken away from the membership and lodged in the hands of the Speaker?

Mr. NELSON. The gentleman did not understand my statement.

Mr. OLMSTED. I refer to the statement the gentleman made a moment ago.

Mr. NELSON. I said our powers in these respects had substantially passed over to the Senate, and if you want to read what has been written on that subject, read Prof. Maurice Low's article, read Senator Hoar's article, read Professor Reinsch's book on American Legislatures and Legislative Methods, and you will find it clearly demonstrated.

Mr. OLMSTED. What rule of the House is it that transfers that power?

Mr. NELSON. The best proof of it is Speaker Cannon's own statement, made when he was chairman of the Committee on Appropriations, when he said, in substance—I can not now remember the exact language—that "This body, close to the people, is in danger of becoming a mere bender of the pregnant hinges of the knee," a "mere tender" for the Senate, and that if another body did not change its methods of procedure, he suggested we would revise our rules so as to compel them to recognize our rights here. [Applause.] I have only a limited time, and I hope the gentleman will do me the courtesy not to interrupt me further.

Mr. OLMSTED. Of course, I will not interrupt the gentleman if he does not desire it.

Mr. NELSON. The next stage was the election of a political leader to be Speaker of the House. This is recognized the world over as a mistake. We copied our parliamentary system after the English system, but their speaker is an impartial presiding officer. He divests himself, although elected to the House of Commons, of all party affiliations, and is reelected from time to time, irrespective of the party in power. Obviously a political leader, to carry out great party purposes, is apt ruthlessly to override not only the rights of his opponents, but also the rights of his associates, well knowing that in the storm and stress and passion of party politics the people will little know or care of the violation of the rules and forms and usages in the attainment of legislative results.

Unfortunately, bad precedents are thus established, which are followed by other Speakers when not justified by great party emergencies. A political leader is out of place in the office of Speaker. My distinguished colleague [Mr. COOPER] has well stated a great truth in asserting that it would be far better for the country if the able parliamentary expert at the Speaker's desk presided over the House, and the party leader championed party measures upon this floor.

The next step was the surrender and control of the floor. The struggles leading up to the civil war caused a great deal of strife for the floor. The Speaker, if he was a partisan—and he generally was—if he favored slavery, he would recognize in preference his slavery friends. If he was an antislavery man, he would recognize his fellow-abolitionists. There was not much of a stretch of power left to reach the present practice of a Speaker absolutely controlling the right of recognition and denying the right of appeal.

The final step, it has been stated, was taken when the Committee on Rules was created. In comparatively recent years this committee, composed of only five members, three of which are of the majority party, with the Speaker as chairman, has been given or has taken unto itself the control of the business of the House. It can nullify all rules. It can prescribe by rule when a measure shall be in order—how it shall be voted upon, with or without amendment or debate. It can even prescribe beforehand the details of a measure to the crossing of a "t" or the dotting of an "i."

Mr. MADDEN. Will the gentleman yield for a question?

Mr. NELSON. I beg the gentleman's pardon, but I do not wish to be interrupted. I do not wish to be discourteous to the gentleman, but I have only so much time, and I would be very glad to proceed.

It has the power to repress all measures it does not favor, and virtually to pass nearly all the measures it does favor. It is true that the rule of the committee must be approved by a majority of the Members. In theory this seems to be satisfactory, but in practice is there a man that takes any thought but that as a matter of course the rule will be adopted? Why? Because this committee, with the Speaker as chairman, has in its power, in many ways, to induce Members to vote that way. It controls the appointment of committees. It controls their right of recognition. It controls the fate of measures upon which the legislative fortunes of Members largely depend. Naturally, under such circumstances, the committee is sustained as a matter of course, except, perhaps, in extraordinary times, when the people bring pressure to bear on Members.

In accounting for the strange submission of Members to present conditions, it has been emphatically and frequently stated that it is not due to inefficiency, nor want of integrity, nor lack of patriotism on the part of the personnel of the House. In part it has been charged to the changing membership; in part it has been said to be due to the motives fear or hope, for the Speaker and the Committee on Rules have it in their power to reward or punish Members in many ways, as already suggested. There is the sword of Damocles hanging over the head of every Member who dares rebel against the established order.

In my humble judgment, having conferred with many Members, I do not believe that this submission is entirely accounted for in the ways stated. The Members of this House believe that we must have rules, and that any rules are better than no rules. We voted for the rules, because it has been found impractical to change the rules satisfactorily in a few hours' discussion at a caucus, or, for that matter, during the first thirty days of the opening of Congress, with committee appointments hanging over the heads of Members, as was found, I think, some years ago to be the experience of the distinguished genteleman from Iowa [Mr. HEPBURN] who made a contest along these lines.

If parliamentary reform is to come it must be brought about through a large portion of the membership of this House on the Republican side acting with a large portion of the Members on the other side [applause on the Democratic side]; Members, having the courage of their convictions on both sides, mutually agreeing beforehand upon some programme for parliamentary reform. This is not so great a task. The vast portion of our parliamentary law is entirely unobjectionable. So far as it is parliamentary it has grown with the growth of our country, and is peculiarly adapted to the requirements of our Constitution and American institutions. The only quarrel is with the political power that has been put into the parliamentary practice.

It is difficult to explain the effect of the rules on the membership without going into a technical discussion. I have tried to picture to myself the effect in a number of ways. It might be made clear, I have thought, if one would fancy that all the Members had gone home, disgusted with the rules, save fifty, who may be said to have legislative power. I think fifty would be a maximum number. It is a fact that each Member may pass some private pension bills; it is true that Members are quite generally recognized to pass bridge and other minor bills under unanimous consent, but on the vital measures it is safe to say that less than fifty Members have any real legislative power. Indeed, it may be truthfully said even these fifty may be reduced to three—the majority members of the Committee on Rules, and these three may be further reduced to one—the Speaker. In the last analysis it may be shown that he alone independently possesses real power, and the other Members shine, more or less, by light reflected from the Speakership. I may use the figure of speech, merely as such, and say that the other Members are satellites that move about the Speakership in fixed orbits. We know, and they know, that if they deviate from the prescribed orbits they are in danger of an eclipse and may be submerged in the darkness that envelopes the less favored Members.

Again, conditions may be imagined if we compare the House to an umbrella. The handle is the Speakership. Whoever secures control of the handle controls the umbrella; whoever secures control of the Speakership controls the House. The ribs of the umbrella are the spokesmen of the Speaker. The ribs have braces, the spokesmen have friends. The whole membership is the cover. The umbrella moves up or down as the holder presses the spring, so the person that holds the Speakership controls the House. The people see only the outside of the umbrella. The machinery within has been arranged by the rules. The minority party was intended to perform the function of the fastener on the outside of the umbrella, but as the button, so to speak, has been destroyed by the rules the minority party is now a useless legislative flap. [Applause on the Democratic side.]

Again, it may be imagined that the rules of the House confer upon the Speaker the power of hypnotism, and while the minority Members may not be said to be rendered entirely speechless [applause and laughter on the Democratic side] they are perfectly helpless, the majority Members obey the will of the Speaker. At times they break away, but not for long. They are soon brought back under the spell. There is no question but that the Speaker has the power of hypnotism over the majority under the rules.

But passing over to the consideration of the President's message, I wish to call attention to what the press has had to say with reference to it. I have here some of the leading daily newspapers that we all receive. I will not take time to read extracts from the news columns or the editorials; the gist of it all is that there is an issue squarely between the Congress and the President. It is said that the programme of the leaders of

the House is to do nothing, and the President wants legislation. Speaking for myself, I desire to say that I do not believe that there is any issue between the Congress and the President. I believed, and now I am certain of it, after the speeches I have listened to in the last few days, that the great majority of the Republican Members of the House are with the President. If there is any issue, and time will tell, it is between the President and the rules of the House. [Applause on the Democratic side.] I agree with the newspapers that say that this do-nothing policy is not wise, either from a personal or party point of view. We can not as individual members go back to our constituents and point with pride to the passage of some pension bills, special or general, or to many appropriation bills. We must pass the remedial legislation advocated by the President. I do not believe that it is well for an individual to fool his fellow-men. I do not think that he can do it and succeed very long. I do not believe that it is well for a political party to appear to be fooling the people. [Applause on the Democratic side.] We can not do that and hold the people's confidence. We must dispel any such appearance and pass remedial legislation.

Why not, then, take up the consideration of the President's policies? Why not consider remedial legislation in the interest of the people?

Why not revise the tariff, to the extent at least of removing the protection now afforded to some of the notorious trusts and combinations of the country? Why not pass a bill creating a tariff commission to investigate and report a measure to the next session of Congress? Why not consider an income tax, as recommended by the President, to adjust the burdens of taxation among the people? [Applause on the Democratic side.] Why not consider an inheritance tax, so as to return a part of the "swollen fortunes" of the "predatory classes" to the people, from whom these fortunes were unrighteously taken? Why not consider amendments to the antitrust laws, in order to strengthen the Department of Justice in the prosecution of some of these gigantic combinations that oppress the people? Why not consider measures for the control of corporations, which the President says is so needed at the present time? Why not empower the Interstate Commerce Commission to fix a valuation of the railways of the country, in order to ascertain the only proper basis of rational rate making? Why not consider measures for the suppression of gambling in stock and dealing in futures, practices that depress prices on the products of the people at times disastrously [applause on the Democratic side], which gambling spirit everybody recognizes was the cause of the present panic? Why not enact some, if not all, of the many policies of the President? We would then have done something as Members of the House to which we can point with pride. And then, too, there would be no question of our party success in the coming campaign.

Just a word of a personal nature. I am but one Member, the least of all the Members in point of ability, yet I have some rights and some corresponding duties as the Representative of my district. When I was a candidate for a membership in this House, I pledged in platform declaration and in public speech that I would sustain, to the best of my ability, the policies of the Administration, and I have been ready to redeem that pledge. I took my seat in the second session of the Fifty-ninth Congress, and listened to the splendid message of the President; but, so far as I can recall now, the only policy of the President that received consideration in that session was the matter of spelling; and in the language of the street the House "didn't do a thing to that." I excused the leaders of the House because it was the short session, believing that during the long session the President's policies would be permitted to come up for consideration. But sixty days went by. We had done little more than pass pension bills, and one or two appropriation bills. The Democrats charged us with wanting to kill time, the Republicans laughed, and then came the special message. The country knew what we were doing; the President knew what we were doing; he would not submit to it; so he sent in the special message; and I thank God he did; and I hope he will send many more special messages to this Congress. [Applause.]

We have been through this contest in Wisconsin. We know what it means. I was not misled by the character of the free literature that I was getting from all over this country. It was easy to see that there was a concerted action on "to beat" back this great reform movement championed by President Roosevelt. He understood it, and he had the courage and the foresight. At the right time he sent in a message that stirred the nation and stirred this Congress; and we are going to get some legislation, as the gentleman from Iowa pointedly said. [Applause on the Republican side.]

Why can not these policies of the President be considered at this session? Why can not I as a Member of this House be permitted to redeem my pledges to my people? What is to hinder us? I pause for reply. Why? Because, well—let me read what Speaker Reed has said. He knew the rules of this House. He knew the possibilities of them, and I want to commend what he said to the membership of this House. This was written after he was defeated, or rather after his party was defeated. A Democratic Congress was coming in, and he was warning the country of what they would be likely to do and what they could do under the rules. Speaker Reed said:

> There are many interests which are concerned to perpetuate the rule of the few. The southern men—

May we not translate a little here and say Wall street over in New York and its ramifications over the country?

> The southern men are fearful that this nation will some day awaken, as it has once before awakened, from the false idea that commerce is all, and that peace and quietness ought to be purchased at any price, to the nobler idea that human liberty is beyond all price, and that the government of all by all is the very foundation of our system. There are some men who desire, when this happens, that the few shall be so intrenched in forms and usages that they may keep the many entirely out of control. The same may be said of all vested interests and vested wrongs. These are all enlisted on the side of repression.

Now I want to quote the paragraph which follows, because here he is specific, whereas in the other he was general:

> But the great immediate power which has for so many years prevented the manifestation of the power of the majority—the power which has kept the control in the hands of the few—is the combination or concert of old Members who, knowing the rules and being skilled in all the arts of killing bills without being caught, and of depriving the community of what it wants while exhibiting zeal the other way, are enabled to govern the House and perpetuate their own rule.

But lest it be said that he is merely talking of a concert or combination of old Members in the minority, let me read what follows, and I commend it to the new Members so that they may know just what Mr. Reed saw would happen to them when they adopted the rules. He says:

> It will be an interesting spectacle in the new House to watch the process by which the new Members will be persuaded to surrender their rights, to go gently under the yoke, and to witness their wonder and perplexity when they find that somehow or other they can not do what they want to do, even after they have convinced the majority that it will be the right thing to do. They will then find that the gentlemen who have so seduously hedged them in to protect them against the wicked Republicans (Democrats?) have reserved for themselves a veto power greater than is intrusted by the wisdom of the Constitution to the wisdom of the President. They will also find that there is no greater fallacy than the idea that majority and minority are predicated of political parties only.

And in that connection I will read another sentence from another article of his, in which he shows how these rules have been framed along the years. He says:

> Ever since the slavery question came to trouble the peace of the country the rules of the House have been framed with the view of rendering legislation difficult. The South—

May we not again translate and make it applicable to the present time?

> The South was anxious that there should be ample means at its disposal to stop any measure detrimental to its cherished institution.

The question comes into the mind of any thinking man, if the South, if the Democratic leaders, were keen enough in their day to protect through rules their vested interests, are they of Wall street and they who represent them any less keen to maintain and extend the same kind of rules, lest a special message of the President should disturb vested interests and vested wrongs? If Democrats can do something, Republicans can always do it much better, whether it be bad or good. [Laughter.]

But, Mr. Chairman, let us look at this from a common-sense point of view. We will soon be in the throes of a Congressional election. There will be a contest in each of the respective parties to determine the nominees, and finally in each Congressional district 40,000 voters will decide by majority vote who shall represent them in the Hall of this House to record their will and express their wish. At the next Congress the same old motion will be made to adopt the rules. The country should know, the membership of the House should know, what the effect of the adoption of that motion will mean for at least one Congress. It will mean that the adoption of the rules places manacles upon the legislative hands of the Member, places a gag upon his tongue, and clamps upon his brain for all the purposes of vital legislation in the interests of the people. He is helpless to initiate laws, he is helpless to deliberate upon laws, and he will have only a qualified right to vote, which vote a caucus will at times attempt to control.

Mr. Chairman, we are now to enter a Presidential campaign. There will be a preliminary contest to determine who shall be the standard bearer of the Democratic party, if it is not already settled; there will be a preliminary contest to determine who shall be the standard bearer of the Republican party. Then these two nominees will engage in a tremendous contest for the

election. Speeches will be made by the mile, campaign literature will be distributed by the ton, editorials will flood the country, millions will be spent, business will be demoralized, and the people will be excited. What is it all for? To elect a President. For what purpose? To make appointments? To organize the Army, the Navy, or other departments of the Government? These are organized now from the bottom to the top. What is it all for? It clearly appears from the platform declarations and from the speeches that it is to continue or change policies of government. That means legislation. The President of the United States will send his message to the Congress, as he is directed to do by the Constitution. He will tell the Congress of the needs of the country. But it will be in the power of a few, in the power of one, intrenched in the forms and usages, to use the language of Speaker Reed, to defy, to ignore, and to defeat these recommendations.

Mr. Chairman, I wish to say to my Republican fellow Members who believe in the Roosevelt policies, let us look to the rules of the House. President Roosevelt has been trying to cultivate oranges for many years in the frigid climate of the Committee on Rules, but what has he gotton but the proverbial lemons? [Applause on the Democratic side.]

I wish to say to my Republican fellow Members who believe that Secretary Taft is the proper man to carry out the Roosevelt policies, look to the rules of the House.

I wish to say to my Republican fellow Members who believe that Governor Hughes is the logical successor to the President to carry on the progressive movement, look to the rules of the House.

I wish to say to my Republican fellow Members who believe that Senator LA FOLLETTE, because of his constructive statesmanship as Governor of Wisconsin and because o his legislative achievements as United States Senator, is the rightful standard bearer of the millions of American citizens who believe in the reform movement, look to the rules of the House.

Mr. Chairman, the policies advocated by the President are indeed of vast importance to the American people, but the most important, the most pressing, the most agonizing need of the country to-day is not one of these policies, but parliamentary reform in the House. It is fundamental; it is a condition precedent to the passage in this House of all popular reforms. We must give them the right of way. We must remove the barriers, the obstructions that have been placed in this House by the rules, lest the great reform measures before the country be knocking, knocking, knocking at the doors of Congress, and there be little or no response for years to come.

The messages of the President are important, because they emphasize the needs of the country in a vigorous, energetic, and patriotic manner, for which Theodore Roosevelt is famous, but, I submit, in conclusion, that the greatest good the message will do for the country is to direct the nation's attention to the immediate importance of parliamentary reform in the House.

In what has been said there has been no reference to personality or partisanship. I respect the present Speaker, who was a Member of this House when I was only a toddling child, 3 years old. I have the respect for him that should be had by a new Member for a legislator of thirty-four years of service in this House. I represent, however, a different generation. I recognize that he may not look upon the rules or the reform movement as I do, and he may not be as ardent an admirer, as I am, of President Roosevelt.

Speaker CANNON may not become President. History is against it. Only one Speaker of the House was ever chosen President of the United States. Speaker Clay tried and failed; Speaker Blaine tried and failed; Speaker Reed tried and failed. The people do not choose for this high office men who love arbitrary power. Yet the Speaker has a great opportunity before him. He can, not reluctantly, but voluntarily, willingly, gladly, sustain President Roosevelt in this great movement for the restoration of popular government in this country. With the President, he will then hold a high place in the hearts of his countrymen. But the Speaker can do even more before he lays down the mantle of long legislative service; he has it in his power to restore representative government in this House. Let him do that and the people will say for all time to come, "Well done, thou good and faithful servant." [Loud applause.]

APPENDIX A.

RULES OF HOUSE v. RIGHTS OF MEMBERS.

EWING COCKRELL: There exists to-day in our Federal Government a certain officer of whom the world knows almost nothing, yet whose political power is exceeded only by that of the President, and whose authority within certain limits is even greater than his. Neither the Constitution nor the statutes recognize or limit his authority. He is responsible to no State or section of country, to no political body—not even to any political party. This political creature, who is so powerful and unique, is the Speaker of the House of Representatives.—The Arena, vol. 22, p. 653.

Speaker JOHN G. CARLISLE: The Constitution of the United States provides that the House of Representatives "shall choose their Speaker and other officers," and that "each House may determine the rules of its proceedings." The powers and duties of the Speaker are not defined in the Constitution or in any statute, but are to be ascertained from the general practice of parliamentary bodies and from such rules as the House of Representatives may, from time to time, see proper to adopt. The framers of the Constitution were familiar with the law and practice of the British House of Commons, the great legislative assembly of their mother country, and it is not unreasonable to suppose that when they provided for the election of a Speaker, they had in contemplation a presiding officer with substantially the same powers, duties, and responsibilities as had belonged for many centuries to the presiding officer in that body.—N. Amer. Rev., vol. 150, p. 390.

Ambassador BRYCE: Moreover, the Constitution of the United States expressly confers upon the House certain powers which there is nothing in English law to prevent the House of Commons from delegating, if it pleases, to the Speaker. That the House of Representatives can not delegate these powers has been powerfully argued by Speaker Reed in the pages of this Review.—N. Am. Rev., vol. 151, p 394.

Editor MAYO W. HAZELTINE: It is undisputed by the Speaker that not only the members of what for the moment is the minority in the House of Representatives, but also the members of the majority, are more thoroughly gagged and shackled than are the members of any other parliamentary body in the world. What is the reason for such a state of things?—N. Amer. Rev., vol. 165.

Historian JAMES CLARK RIDPATH: The greatest man in the United States, chosen a Representative, may present his credentials, take his oath, and be assigned to a seat. There, if he be in the minority, he shall sit until the Speaker nod! He is as incapable of initiative as though he had never been born. He has no longer a vestige of a right. He can not speak. He can not effectively propose a measure. He can not advocate the most salutary resolution or denounce the most obvious fraud. He is absolutely subjected to the organic machine. The organic machine is, in turn, absolutely subjected to the will of the Speaker. The Speaker constructs his committees. In doing so he labors assiduously—to carry out his own purposes. Weeks are consumed in a transaction that ought not to occupy six hours. The Speaker marks his man. He who will be a chairman of a committee must be in accord with the Speaker. He must be the Speaker's man. All the chairmen must be of precisely this subservient type. Not only so, but the majority of each committee must be made up of the same complexion and quality as the chairman. The majority must be the men of the chairman, just as he is the man of the Speaker. The device is absolute. No driver of eight-in-hand, with all the reins gathered up and his feet on the board, was ever more a despot in control of his team than is the Speaker of the House in drawing up and limiting all the lines of influence and power. Woe be to any refractory horse! The bit in his mouth is severe, and the cut of the whip on his back and flank is sharp and dangerous.

It is by this process that the House of Representatives has lost its autonomy, its individual initiative, and its representative character. The members of the House are a pint of sand carried in the Speaker's pocket; the smaller the particles the better.—Arena, vol. 17, p. 973.

Gen. A. W. GREELY: The power of the Speaker of the House of Representatives has steadily increased from the First Congress to the present, and in its influence on national legislation is believed by many even to exceed that exerted by the President.—North American Review, vol. 166.

HENRY H. SMITH (ex-clerk Committee on Rules): That official is to-day practically the second officer of the Government. He appoints the committees of the House, which under the Constitution originate revenue bills and under the practice originate general appropriation bills; appoints the conferees on the part of the House on all conference committees; appoints the chairman of the committees of the whole House; has the sole power of recognition (from which there is no appeal); is chairman of the Committee on Rules—now the most important committee of the House—and practically dictates the action of the House of Representatives.

The political future of many Members of the House rests in the favor of and recognition by the Speaker. He may make or unmake them, either by committee assignment or refusal to recognize them for the consideration of local bills unanimously reported from committees, many of which have passed the Senate.—Chautauquan, vol. 24, p. 192.

During the past twenty years a system of "special orders" has grown up which supersede the daily order of business established by the standing rules. Some of these have been made by unanimous consent, others by suspension of the rules, and the remainder—fully nine-tenths—by resolutions reported from the Committee on Rules.

The result of this practice is that the Committee on Rules, composed of five members, of which the Speaker is chairman and practically the committee, has become, as stated, all powerful or omnipotent in respect to selecting, directing, and controlling legislation. That committee may give or refuse consideration to an important bill or amendment which would receive a four-fifths vote of the House if a vote thereon could be reached, and yet, if three members of this committee, a majority, shall vote against such proposed special order, neither such bill nor amendment can be considered.—Chautauquan, vol. 30, pp. 241–242.

Professor REINSCH: Thus it has come about that the majority itself is bound by the rules designed to make its action possible. The House acts through its leaders. Independently of them the individual Members can accomplish next to nothing.—Am. Leg. and Leg. Methods by Reinsch, p. 44.

But the Members of the House did not dare to brave the Speaker at this time, for so long as the committees had not been appointed the power of punishment and reward was still in his hands.—Am. Leg. and Leg. Methods, p. 50.

When we consider the rigorous discipline ordinarily enforced by the Speaker, we are led to inquire into the rationale of the submission of the House. What is the reason which compels its Members to extinguish themselves so utterly, to give up every opportunity of making their individuality felt, and of subordinating themselves, their wishes, and their action entirely to the direction of a few leaders and of the Speaker? It is certainly not by choice that the average Member submits to such a system.—Am. Leg. and Leg. Methods, p. 59.

Senator JOHN M. THURSTON: It has happened, however, in the progress of time, and by steadily progressive processes, that the House of Representatives, the so-called popular branch of the Government, has submitted to the enactment of rules under which almost all the power and authority of the individual members has been surrendered to the

presiding officer—the Speaker of the House. The House of Representatives has ceased to be the great forum for full and free discussion. The methods of legislation therein are now the most arbitrary of those in any legislative body in the world.—Ind., vol. 54, pp. 961–962.

The House of Representatives, in my judgment, under existing rules has ceased to be what the founders of the Republic intended. The representatives of the people no longer share equally in the powers and privileges of this legislative branch of the Government. Free speech, as the framers of the Constitution understood the term, no longer exists on the floor of the House.—Ind., vol. 54, p. 963.

The Speaker, under the rules, is given the extraordinary power to appoint all the committees. To secure a place upon any committee, or a chairmanship of a committee, a Member must have the good will of the Speaker. This power of appointment is, or may be, exercised arbitrarily, and from the committee arrangements by the Speaker there is not the slightest opportunity for protest or appeal. The list of committees is not submitted to the House for approval. The make-up is not known, except to a few favored Members, until it is announced as the committees of the House.—Ind., vol. 54, p. 962.

When a bill is reported to the House it rests entirely with the Speaker to determine arbitrarily whether that bill shall be called up or considered. The Speaker can recognize or refuse to recognize any Member on the floor, and long usage and precedent have given him the right before recognizing a Member to ask him what his purpose is in seeking recognition, and when the Member states his desire is to call up a certain bill the Speaker may refuse to recognize him for that purpose.—Ind., vol. 54, p. 962.

This right to name all committees, let alone the other great powers of his office, is sufficient to sustain the Speaker in every action of parliamentary rule or procedure. The committees have such unbounded power in the respective matters of legislation referred to them that the success or failure of any particular measure depends largely on the good will of the chairman of the committee; and therefore all Members of the House, having either public or private bills, must necessarily endeavor to secure and hold the friendship of the committee chairman and of the more influential committee members. These respective chairmen and the ranking members of the committees, having been selected by the Speaker, are necessarily bound to support him, while other Members seeking legislation are necessarily bound to support the committee.—Ind., vol. 54, p. 962.

There is, in fact, to-day no such despotism of the majority over the minority, of the few over the many, of the one over the whole, as is exercised in the American House of Representatives under its present rules, precedents, and usages.—Ind., vol. 54, p. 963.

HENRY LITCHFIELD WEST (Commissioner, District of Columbia): The Members, individually and collectively, surrendered themselves into the keeping of one man, who wields a despotism as complete as that of the proverbial Czar. It is the Speaker who appoints the committees, arranging their personnel so as to secure harmony with his own views; it is the Speaker who, as the deciding member of the Committee on Rules, determines whether the House shall or shall not consider certain measures; and, finally, it is the Speaker to whom each Representative must appeal for recognition upon the floor of the House. The individual Member, unless he be the favored appointee to some prominent committee chairmanship, is rarely a factor in the proceedings of the House. The concentration of power in the Speaker's hands has practically destroyed all personality. Indignant constituencies have sent back to private life for apparent inefficiency Members who were never accorded an opportunity to prove their worth. Their political existence has been crushed out beneath the Juggernaut of despotic rules. The Washington correspondents, who are trained to observe the trend of national events, fully realize the change which has come over the House. There was a time, years ago, when every newspaper representative in the National Capitol appreciated the necessity of acquainting himself with the temper of the House upon every important proposition. To-day the labor is unnecessary. If the correspondent knows the attitude of the Speaker the problem is at once solved.—Forum, vol. 31, p. 425.

Consequently the pivot centers in the Speaker himself. Without his gracious sanction, no measure can come before the House. With him upon the side of any proposition, half the battle is gained; with him arrayed against it, the House is denied the opportunity of considering it, much less of voting upon it.—Forum, vol. 23, p. 345.

Certainly it needs no further argument or citation of fact to prove that the Speaker is, indeed, the autocrat of Congress. He frames the committees to suit his ideas; he decides what measures shall be heard; he recognizes or ignores any Member. Is the lodgment in him of such tremendous power a wise, prudent, or desirable thing? The question demands thoughtful consideration. Some there are—mostly recipients of favors from the Speaker's hands and secure always of his friendly cooperation—who will assert that, because his sovereignty has thus far been exercised more frequently for the country's good than to its injury, there is no occasion for its curtailment. With this more or less selfish view I can not agree. While it may operate occasionally for good, such power presents untold opportunities for evil. I doubt the wisdom of its continuance.—Forum, vol 23, p. 348.

Professor HART: That power is the Speaker, and he has reached his present importance by the absorption, based on the consent of the House, of five successive sets of power.

* * * The first Speaker, chosen in 1789, was simply a moderator. His duty was like that of other presiding officers—to apply the rules of the House so as to give the fairest opportunity of discussion, and permit the freest expression of the will of the House.

The first access of power came through the appointment of committees. * * * As committee government grew, the power of the Speaker to give opportunities of distinction to his party friends also increased. * * * The Speaker began to assert a control over legislation through his power to appoint committees. * * * The principle once completely established made the Speaker next in dignity and power to the President. He could decide at the beginning of the session what measures should not be brought to the attention of Congress; and he could have great influence, through the committees, in the preliminary shaping of the measures which would be submitted.

The period of the civil war did much to strengthen the powers of Congress at the expense of other Departments; it also gave the Speaker greater opportunities, both through the appointment of committes and through personal influence. The Speakership became more and more desirable, not only for itself, but because it was an avenue to the Presidency. Speaker Colfax was chosen Vice-President in 1868. His successor, Speaker Blaine, became a candidate for the nomination in 1876.

But the third development of the Speaker's power rose rather out of the increasing pressure of the "floor;" that is, for the opportunity to take part in debate. There had been many cases in the history of Congress where Members had been silenced, or the attempt had been made to silence them, by the infliction of some discipline. * * * The Speaker assumed the right, sanctioned by precedent, to refuse to permit a hearing for a proposition contrary to the principles of his party. * * * From this point there is but a short step to the practice of refusing to recognize Members because they are personally obnoxious to the Speaker. During the last thirty years Members have sometimes sat through an entire session, or even through two sessions of Congress, without ever being able to catch the Speaker's eye. * * * In all formal discussions, no Member, with the exception of the accepted party leaders, need expect to be heard unless he has previously requested the Speaker to recognize him; and arbitrary Speakers do not hesitate to deny the applications of men whom they personally dislike. * * * The powers of the Speaker as thus developed, as moderator, as party chief, as the appointer of committees, and as the dispenser of the right of taking part in debate, have made the Speaker's place more and more important, and more and more desired. But his authority has been negative rather than positive; the Speaker could prevent legislation, but he could secure none without a majority of the House. The Speaker might deny the floor, but he seldom occupied it.

The fifth and most important step in welding together the powers of the Speaker * * * has been taken within the past two years. The Speaker and a few other eminent Members from his own party have been constituted, by the consent of the party, an informal committee to decide upon an order of business. The commission of the Speaker rests simply upon the fact that he has been chosen by the members of his party in the House as their legislative leader. Without precisely intending to create a new or more powerful authority, the present majority has thus committed itself to the practice of intrusting to a small body, in which the Speaker must be the predominant member, the direction not only of the policy of the party, but of the legislation of the House. * * * The system is, therefore, likely to be continued in principle, if not in the same form, by each party when in the majority. The powers now exercised by the Speaker will probably be exercised by each succeeding Speaker, and will somewhat increase. Since the legislative department in every republic constantly tends to gain ground at the expense of the Executive, the Speaker is likely to become, and perhaps is already, more powerful, both for good and for evil, than the President of the United States.—Atlantic Mo., vol. 67, p. 380.

THOS. B. REED: Why is this system maintained? How can it have lasted so long? At first sight it would seem as if the picture drawn of the rules of the House could not be true. It is certainly very improbable to an outsider. To understand this apparent contradiction you must again recur to the fact that the House does but 8 per cent of its business, hence to a conservative man, a natural objector, the power to say what measures shall not come up is much greater than the right shared with the majority to determine that a particular measure shall or shall not be presented for action. In addition this negative power also arises from knowledge of the rules and is the especial perquisite of the old Member, who thereby possesses inordinate relative control.—Century Magazine, 37, p. 794.

Regulations and rules, then, are not made to protect those who are wrong, but to facilitate the proceedings of those whose action when it takes place becomes the law of the land. Of course, such rules ought to provide for debate and for due and careful consideration. But after debate and after due and careful consideration there ought to be no hindrance to action except those checks and balances which our Constitution wisely provides. If the majority of the House of Representatives—each man selected from at least 30,000 voters—can not be trusted, who can? Nor is this the only safeguard. Each one of these men is watched by the people. He renders account at the end of each term. If such a man so situated must be held in leading strings, representative democracy is a failure.—Century Magazine, 37, p. 795.

APPENDIX B.

RULES OF HOUSE V. RIGHTS OF HOUSE.

Speaker CANNON: Gentlemen, I have made my protest; I do it in sorrow and in humiliation, but there it is; and in my opinion another body under these methods must change its methods of procedure, or our body, backed up by the people, will compel that change, else this body, close to the people, shall become a mere tender, a mere bender of the "pregnant hinges of the knee," to submit to what any one Member of another body may demand of this body as a price for legislation.—Congressional Record, vol. 36, part 3, pp. 3058–3059.

Ambassador BRYCE: Although the Senate does draw off from the House many of its ablest men, it is not clear, paradoxical as the observation may appear, that the House would be much better off for retaining these men. The faults of the House are mainly due, not to want of talent among individuals, but to its defective methods, and especially to the absence of leadership. These are faults that twenty or thirty able men would not cure. Some of the committees would be stronger, and so far the work would be better done. But the House as a whole would not (assuming its rules and usages to remain what they are now) be distinctly a greater power in the country.—The American Commonwealth, p. 140.

Judge HANNIS TAYLOR: However this may be, one thing is certain, and that is that the inefficiency of the House does not grow out of any inferiority of its membership to that of the Senate, but rather out of the cumbersome and unwieldy parliamentary system by which its energies are paralyzed.—Atlantic Monthly, vol. 65, p. 769.

Senator HOAR: There are few subjects of equal public interest concerning which so much misunderstanding prevails among well-informed people as the course of business in the national House of Representatives. Most persons think that their Representative can at any time, if he choose, rise in his place and demand the attention of the House to a speech on any subject which may interest him or his constituents, and compel the body to record its opinion on any bill or resolution he sees fit to introduce. This is far from being true. The House of Representatives is governed by a complicated and artificial system of rules, so difficult to be understood that many able men of great national fame go through long terms of service without professing to comprehend it. It is not my purpose to write a treatise on this complex arrangement. I wish only to call attention to the operation of a few parts of the mechanism which seem to me to require alteration, and to show how they tend to diminish the authority, weight, and dignity of the House, and how they have deprived that illustrious body of the equality with the Senate which the framers of the Constitution contemplated.—N. Am. Rev., vol. 128, p. 113.

But the destruction of the rightful power of the House over the great appropriation bills which regulate and supply the Government in all its ordinary administrative functions, and which contain a very large portion of its general legislation, is rendered more complete by the method of doing business to which the House has confined itself by its own rules.—N. Am. Rev., vol. 128, p. 117.

The surrender of the power of amendment, then, as it has invariably been construed, was the surrender of the whole privilege. It has not only destroyed the advantage intended to be secured for the immediate representatives of the people, but has given the Senate a considerable preponderance of influence in legislation. It has enabled the Senate to exert the power of tacking clauses to bills of supply, and thereby to extort the consent of the House.—N. Am. Rev., vol. 128, p. 117.

Upon the great questions which move the heart of the nation and divide political parties, the body of the House and its leaders are commonly in full accord, and the representatives of the American people know how to make their power felt and assume their rightful and constitutional place in legislation. But even here it is not enough that the House preserves its power. The power to do what it will, and to refuse consent to what it will not, will not preserve its own dignity or its value as an important factor in legislation unless its will is the result of its best judgment; in other words, unless it preserves its function as a deliberative assembly. The difficulty is not that on great occasions and great questions the voice of the House is stifled. On such occasions the House and its leaders are in accord with each other, and commonly in accord with a public sentiment which the Senate will not lightly resist. But the practice I have been exposing tends largely to take from the House the character of a deliberative assembly. The barren and empty privilege of originating bills of revenue and bills of supply it has purchased at the sacrifice of that essential prerogative—essential to its own dignity and to that of every individaul among its Members—its freedom of debate.—N. Am. Rev., vol. 128, p. 120.

If the reader has followed this somewhat technical statement, he has observed that while the power of amendment reserved in our Constitution, as it is expounded in practice, allows to the Senate and to each of its Members the fullest opportunity to deal with appropriation and revenue bills as freely as with bills relating to any other subject, the rules and usages of the House leave that body with much less practical power of deliberation or amendment in regard to all those provisions which have their origin in the Senate than the House of Lords has in relation to money bills under the English system.—N. Am. Rev., vol. 128, p. 119.

It is needless to set forth at length the evils which this state of things brings forth. There is one which I regard as peculiarly unfortunate for the character and dignity of the House, and whose bad consequences can hardly be overstated. It is that almost inevitably the Speaker of the House is forced into the position of a party leader.—N. Am. Rev., vol. 128, p. 133.

I have failed to make myself understood if the reader has not seen how completely, by its own rules, the House has deprived itself of "that freedom of deliberation, speech, and debate" which our early American Constitutions declare to be "essential to the rights of the people."—N. Am. Rev., vol. 128, p. 122.

Degrading as this system is to the House as a body, its effect on the individual Member is still more remarkable. The whole power of legislation over that vast field which is covered by the Senate's amendments to the great appropriation bills is in practice delegated to two of the three Members who are appointed on the conference committee. No other Member gets a chance to discuss them, to vote separately on any one of them, to make any motion in relation to them, or even to see in print what the committee recommend in regard to them. "Gape, sinner, and swallow."—N. Am. Rev., vol. 151, p. 118.

Prof. A. MAURICE LOW: * * * Perhaps the most important divergence, which is almost the most dangerous to the rights and liberties of the people and to the future of the Republic, is the right arrogated by the Senate (which, I regret to say, has been ratified by the Supreme Court) to control the purse, which in its broader sense means not only the right to make appropriations but the higher privilege to impose taxation. The Constitution provides that all bills raising revenue shall originate in the House of Representatives; but the Senate has power to amend these bills. By this power of amendment the Senate has defeated the purpose of the Constitution, which was to retain the taxing power in the hands of the representatives of the people. The tariff, which is the great source of revenue, is no longer the creation of the House. The House passes a tariff bill, which the Senate proceeds to "amend" in accordance with its own views or the special interests represented by particular Senators. Surely when the Senate strikes out of a tariff bill passed by the House everything except the enacting clause, writes in a new bill, and returns it to the House with an ultimatum that the House must either accept the Senate "amendment" or no tariff bill will be passed, it is obvious that that particular bill has originated in the Senate, even though the constitutional form has been observed because its origin can be traced to the House.

When we turn to the consideration of amendments made by the Senate to "money" or, as we now term them, "appropriation" bills, they are so numerous that it is impossible to catalogue them. As a matter of practice appropriation bills are, almost invariably, initiated by the House; but the Senate regards the House bill not as a finality, but as a "project" (to use the word applied by a Senator to describe a treaty sent to the Senate for ratification). In other words, the bill passed by the House is a scheme expressing the views of the House in regard to the disbursement of the public moneys, but of no more binding force than a recommendation made by the head of a department. It is notorious that the Senate almost invariably increases the appropriations made by the House; it is equally notorious that in any contest between the House and the Senate it is the House that, nine times out of ten, has to yield to the Senate. The reason for this can be easily explained.

The legislative surrender of the House of Representatives to the Senate began with the election of Mr. Reed to the speakership of the Fifty-first Congress. Mr. Reed found himself confronted with a state of affairs that demanded a drastic remedy. The majority, because of the adoption of foolish rules, was at the mercy of the minority. Practically, business could only be transacted by unanimous consent or the test of endurance. The House could be rendered impotent by the opposition offering diliatory motions which, under the rules, must be voted on to the exclusion of legitimate business, or by breaking a quorum. When Mr. Reed came to the chair he had vivid recollections of the bitter contest over the direct tax bill, when for twenty-six consecutive hours members sat behind locked doors while a call of the House was in progress and the Sergeant-at-Arms and his deputies were scouring Washington to bring Members under arrest to the bar of the House.

Mr. Reed resolved, very properly, that the majority, being responsible for legislation, should have the power to legislate. He framed a code of rules (and parenthetically it is interesting to add that the code framed sixteen years ago is virtually the code of to-day) that centralized all power in the hands of the Speaker and deprived the "private Member" of all power. Mr. Reed aimed at two things: to enable the House to transact business instead of wasting its time in mere idle talk; to check the rising tide of extravagance that threatened to swamp the Treasury. When the House had adopted these rules it was within the power of the Speaker to regulate to the fraction of a second the exact time to be allotted to the consideration of any measure; to permit a measure to be considered or to prevent its consideration.

No man entertains higher appreciation for Mr. Reed than I. His lofty ideals, his great reforms, and the courageous example he has set the country entitle him to the profound gratitude of the American people. And yet I am forced reluctantly to admit that Mr. Reed's rules had unfortunate consequences, albeit they were consequences that Mr. Reed could not foresee.

In his desire to prevent time from being frittered away it often happened that even vital measures were disposed of without proper consideration. When the time set for taking a vote arrived the gavel fell, often in the midst of a sentence, and all debate ceased. And because of the Speaker's rigid ideas of economy, Members who were unable to secure appropriations induced Senators to offer these bills in the Senate in the form of amendments.

The rules of the Senate are radically different from those of the House. In the Senate there is no limitation of debate. So long as the physical endurance of a Senator lasts so long may he speak; and by an unwritten but strictly observed rule the Senator who is weary may defer the conclusion of his speech until such time as he shall have sufficiently recuperated. Like the mysterious East, the Senate can not be hurried. It is this freedom of debate that makes the individual Senator so all powerful, which is in such marked contrast to the individual Representative, who has no individual power. * * * We have seen that the Senate has usurped legislative powers that the Constitution did not originally contemplate it should possess, and by that usurpation the importance and dignity of the House of Representatives has been correspondingly decreased. It no longer controls the purse, but has been forced to share that control with the Senate.—The Amer. Political Sci. Rev., vol. 1, No. 1.

HENRY H. SMITH (ex-clerk Committee on Rules): The logical effect of this is to increase, first, the power of the Senate, which in self-defense loads down the general appropriation bills, which must go through, with general legislation which it has previously incorporated in separate bills and passed, but which a majority of the House Committee on Rules—i. e., the Speaker—refuse consideration, and secondly, by increasing the power of the House conferees on general appropriation bills.—Chautauquan, vol. 30, p. 242.

Senator THURSTON: It has come to be understood in the United States that the great forum for public discussion is now transferred from the House of Representatives to the Senate. The people of the country now look to the latter body for the real consideration of public measures. Legislation is forced through the House by the arbitrary power of the majority. It is enacted under the whip and spur of the party in power. It is, in few cases, given time for anything like deliberative consideration. It is, in fact, the legislative enactment of the Speaker, the committee, and the caucus.—Ind., vol. 54, p. 963.

Professor REINSCH: This defense shows clearly the cumbersomeness of the entire system of financial legislation. In order to live up to the rules of the House it would be necessary for some twenty or thirty committees to act, before a legal basis for an adequate general appropriation bill could be laid. But only if they should act in harmony would such a result be possible. Who, then, is to elaborate the plan which would govern all these committees in their recommendations? Who is to look after the various committees and see that they actually bring in the legislation necessary for the complete realization of the plan? The very cumbersomeness of this machinery has for years driven the Committee on Appropriations to do what, under the rules of the House, was illegal, but what, from the point of view of the needs of the Government, was absolutely necessary. The House, conscious of this necessity, had tacitly agreed to this continued evasion of the rules, and it was only when the Committee on Appropriations tried to take a new step in the direction of centralization that opposition was aroused. The opposition to the resolution reported by the Committee on Rules was naturally very strong. It was pointed out that this was the most radical measure ever proposed by the committee; that there was no reason why one committee should be thus favored by having its bills freed from the impediments of points of order. It was further pointed out that this was a very dangerous precedent, in that, as 100 Members constitute a quorum in the Committee of the Whole, 51 Members might enact all sorts of legislation unhindered by points of order based on the rules of the House. Under this method of precedure it would be possible to keep in the bill indefensible favors for some of the Members of the House and their protégés. But notwithstanding all this opposition the resolution was passed, and the bill was thus freed from all further interference by points of order. * * * The recent modifications in the procedure of the House of Representatives have resulted in a decided increase of the influence of the Senate. On account of the strict rules of the House, cutting off debate and even the right of amendment, full discussion of a measure is rarely ever had in the House, and there has resulted an unmistakable loss of the sense of responsiblity among its Members. * * * Amendments to appropriation bills that would have no chance of passage in the House or which have been ruled out on a point of order will often be offered in the Senate, through the friendly offices of some member of that body, who, through such favors, makes individual Representatives dependent on his good will. * * * A controversy of long standing between the two Houses is connected with the introduction of bills raising revenue, which by the Constitution is left entirely to the House of Representatives. * * * At the end of the session, after legislative measures have been subjected to extensive discussion in the Senate, and when little or no time remains for action in the House, the conference committees meet to discuss the points of difference between the two Houses. At this time the representatives of the Senate are apt to use the inability of that body to close discussion as a cudgel to be held over the House of Representatives, in order to force it to accept the point of view of the Senate. Their arguments upon such occasions take the following form: "This is the best we can secure. Should we introduce an enactment complying with the wishes of the House it would inevitably be talked to death by certain Senators who are opposed to this measure. Therefore, if any action is to be had at all we must adopt the compromise proposed by the Senate." The repeated use of this argument finally drove the leaders of the House to remonstrance; after the incident of the claim mentioned above they made a declaration of independence. Under the rules of the House,

general appropriation bills are not allowed to include changes of existing law. But the Senate has no such rule, and, in the words of Mr. Hull, "there is hardly a conference report adopted by the House that does not contain legislation which could not have been brought in under the rules."—American Legislature and Legislative Methods.

RULES OF HOUSE V. RIGHTS OF PEOPLE.

Historian JAMES CLARK RIDPATH: Under this scepter where are the people? Nowhere. Where are their rights? Purely mythical. Where is their power? Paralyzed and destroyed by the ascendency of party. Recently it has been loudly proclaimed that the actions of the House of Representatives are the actions of the people. It is said that the Representatives are "fresh from the people;" that they know the people's voice, and do the people's bidding. There never was a greater sophism, never a greater falsehood.—Arena, vol. 17, p. 969.

GAMALIEL BRADFORD: The complete anarchy and absence of leadership in the House of Representatives have evolved in the Speaker the greatest power of any individual in the country. By his power of making up the standing committees, in which, of course, he must pay his debts to those to whom he owes his election; by his further power of recognizing or ignoring whom he pleases in debate, and by the new power of counting a quorum at his pleasure, not yet fully crystallized, but in a very promising stage, he has become one of the greatest dangers to the liberties of this country. And this is all the more so that the Speaker, like every other Member, only represents a single district, is in no way responsible for legislation, and neither directly nor indirectly for the effect of laws upon the Administration. Instead of being an impartial presiding officer he is the purest instrument of party politics manipulated by the lobby.—Political and Social Science, vol. 4, p. 74.

HENRY LOOMIS NELSON: It has become the fashion for the occupant of the chair to set up as a censor over the House, and to refuse to permit the Representatives to have their way if he considers it a bad way. A good Speaker may, by exercising this kind of supervision, save the Government a great deal of money and keep the House clean from many a scandal that might otherwise rest upon it; but a bad Speaker may as easily help and encourage all manner of corruption. At all events, the practice is contrary to the theory of representative government—which is that the majority of the legislative body shall do its pleasure so long as it keeps within the limitations of the Constitution.—Atlantic Monthly, vol. 64, p. 72.

This power is enormous and, because many Speakers have endeavored to exercise it fairly and for the advancement of the public business, it is none the less dangerous. The order of business and the character of legislation of the House of Representatives rest largely in the discretion of one man, who is not held responsible because he is not charged with the task which he performs. The first thoroughly bad Speaker we have will show the country what an evil thing is.—Atlantic Monthly, vol. 64, p. 73.

It is an evil power, because its possessor is not responsible for its abuse. It is not wielded openly and in the presence of the country. Few people outside of Congress know that it resides anywhere, least of all that a certain measure has been brought up because the Speaker chose to recognize the mover, and agreed with him in advance that he would. It is not realized that very little can be done without the Speaker's consent, and that next to nothing can be accomplished against his opposition. It is a just theory of our institutions that all functions that are not exercised in public, and for the abuse of which no one can be held responsible, are dangerous to the welfare of the Government. It is the great evil of the Speaker's power that the temptation to abuse it, for his party, is forever pushing him in the direction of extreme partisanship. When he yields to the pressure, or when he connives at the passage of an unsound bill or the killing of a popular measure, he does not stand in the open light, under the gaze of the country, he deals his blow from behind and surreptitiously.—The Atlantic Monthly, vol. 64, p. 68.

HENRY LITCHFIELD WEST (Com. Dist. Columbia): The trouble is that the House is no longer a deliberative body, but is dominated by partisan influences and by autocratic rules which admit of no freedom of action. An inflamed condition of the public mind, inordinate desire for power, motives of party revenge—all these can easily be potent in securing the passage through the House of measures that would disgrace the statute books.—N. Amer. Rev., vol. 164, p. 758.

Armed with a plentitude of power beside which the authority of the President of the United States seems mean and insignificant, the Speaker of the House of Representatives is to-day the autocrat of Congress. He is the absolute arbiter of the destinies of all legislation. the court of last resort from whose decision there is no appeal. In the hands of designing or unscrupulous men the control now vested in the officer of Speaker could easily menace the Republic with gravest danger. Even as it is, these functions have reached that all-compelling degree which demands something more than mere casual attention.—Forum, vol. 23, p. 343.

Members of Congress are already becoming restive under the bonds which they have unwittingly forged for themselves. They find that the Representative of a flourishing manufacturing district, of the farming community, of the commercial center, is reduced to a mere cipher in the transaction of public business, and his legislative functions are usurped. His usefulness to his people at home is not only impaired, but is actually rendered nil, unless he manages to ingratiate himself with the Speaker. Chairmen of committees, when questioned regarding prospective legislation, are compelled shamefacedly to confess that it is the Speaker who is to be consulted. What is the result? If the individual member is outside the charmed circle of favored friends, his constituents clamor in vain while he chafes, silent and powerless, in his seat; if the bill which the chairman of the committee is supposed to have in charge finds not favor in the Speaker's eye, it remains coffined upon a calendar already burdened with legislative corpses.—Forum, vol. 23, p. 349.

THOMAS B. REED: But whether they venture on this action or not, the whole subject needs the sunlight of public opinion. If the American people do not get a Congress such as they wish, and legislation such as they need, it is entirely their own fault. I do not mean that they might have elected better men and are therefore to blame. They are at fault if they do not see that the work is done after the men are elected. Public opinion is the ultimate governing power, and if the people were thoroughly in earnest to prevent the waste of time and the injustice of delay involved in bad rules and worse practices, they would find that their servants would no more defy them than they would Him who put into their nostrils the breath of life.—N. Amer. Rev., vol. 149, p. 428.

* * * Members are representatives, not acting in their own right, but in the right of their constituents. As a body they represent the whole people of the United States, and have, therefore, no right to limit their own power. Rules should not be barriers; they should be guides.—N. Amer. Rev., vol. 149, pp. 424–425.

All other countries are growing more and more every day into the sound belief that common sense is the best sense, that a government on the general level is the soundest government, and that the people as a whole are wiser than the most learned men. The United States also ought to keep pace, within the limits of the Constitution, with the progress of the race, and at least demand that in its legislative assemblies the majority shall have the right to control to the extent of the full powers of the body to which they belong, and that the public business shall not be left at the mercy of obstructive politicians who have at heart the rule of party rather than the rule of the people.—N. Amer. Rev., vol. 154, p. 16.

When men learn that the truest foundation on which to build, perpetuate, and maintain a republic is confidence in the wisdom of the plain people, they will cease to deprive them of the power in order to lodge it in the hands of the few whose only claim to wisdom and virtue is their paucity of numbers. When the world reaches a real belief in government by the people, we shall find it the surest safeguard of liberty and property; we shall find States better ruled and cities better governed than by any of those devices which are based on the false idea that for the government of all the wisdom of the few is better than the wisdom of the many.—N. Amer. Rev., vol. 150, p. 390.

Speaker JOHN G. CARLISLE: While the right to enlarge or restrict these powers, duties, and responsibilities by its own rules was expressly conferred upon the House of Representatives, it can not be supposed that the authors of the Constitution intended, by this clause, to authorize the exercise of a power which would destroy or impair the free representative character of the body itself. Like all other powers delegated by the Constitution, the authority to make rules must be construed and exercised in harmony with the general spirit and plan of our republican institutions; and therefore any rule which confers upon the Speaker arbitrary power and allows him, at his own will and pleasure, to deprive members of the right to make ordinary parliamentary motions and have them voted on by the House is an inexcusable surrender of the privileges of a free constituency, and a gross perversion of a power which was conferred for the very purpose of promoting and preserving the independence of the Representative. Members of the House do not act for themselves, either in making rules or passing laws; they act for the people whom they represent, and whenever they put fetters upon their own limbs or stifle their own voices, they inflict a grievous injury upon their constituents.—N. Amer. Rev., vol. 150, p. 391.

Ambassador BRYCE: What are the results of this system?

It destroys the unity of the House as a legislative body.

It prevents the capacity of the best Members from being brought to bear upon any piece of legislation, however important.

It cramps debate.

It lessens the cohesion and harmony of legislation.

It gives facilities for the exercise of underhand and even corrupt influence.

It reduces responsibility.

It lowers the interest of the nation in the proceedings of Congress.

It throws power into the hands of the chairmen of the committees, especially, of course, of those which deal with finances and with great material interests.

Summing up, we may say that under this system the House dispatches a vast amount of work and does the negative part of it, the killing of worthless bills, in a thorough way. Were the committees abolished and no other organization substituted, the work could not be done. But much of it, including most of the private bills, ought not to come before Congress at all; and the more important part of what remains, viz, public legislation, is dealt with by methods which secure neither the pressing forward of the measures most needed, nor the due debate of those that are pressed forward.—The American Commonwealth, p. 119.

The marvel comes to be not that legislation is faulty, but that an intensely practical people tolerate such defective machinery. * * * The Americans surpass all other nations in their power of making the best of bad conditions, getting the largest results out of scanty materials or rough methods. Many things in that country work better than they ought to work, so to speak, or could work in any other country, because the people are shrewdly alert in minimizing such mischiefs as arise from their own haste or heedlessness, and have a great capacity for self-help. Aware that they have this gift, Americans leave their political machinery unreformed. * * * The national inventiveness, active in the spheres of mechanics and money making spend little of its force on the details of governmental methods.—Cosmopolitan, vol. 24, p. 634.

Judge HANNIS TAYLOR: Those who have carefully observed the procedure of our national House of Representatives during the last twenty years can hardly differ as to the fact that it is yearly becoming more and more unequal to the task of discharging the vast and intricate duties which are cast upon it by the ever-increasing wants of our complex national life. That this inadequacy will increase as our domain widens and as our population increases can scarcely be doubted, provided no way can be found to remove the impediments which now choke up the main channel of national legislation. The public generally understands that at every session, after ten thousand or more bills and joint resolutions have been dumped in upon the House, it goes through a protracted period of outward activity, during which it deliberates very little, and legislates less, so far as vital national interests are concerned. The House is thus beginning to be looked upon as a vast graveyard, in which all serious national business is laid to rest. The conviction is every day deepening that the overshadowing questions touching taxation, finance, the public defense, and the like enter its portals only to perish in a despairing struggle with the elements of political obstruction, which even their urgency has no power to overcome. In this way the House is ceasing to be the workshop of the Constitution; it is degenerating into an expensive and unwieldy machine, which does little or no business of real value and importance.—Atlantic Monthly, vol. 65, pp. 768–769.

Mr. SHERMAN. I move that the committee do now rise.

Mr. STEPHENS of Texas. Before that is done, I ask leave for the gentleman from Texas [Mr. HARDY] to extend his remarks in the RECORD.

There was no objection.

The motion that the committee rise was then agreed to.

The committee accordingly rose, and the Speaker, having resumed the Chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15219), the Indian appropriation bill, and had come to no resolution thereon.

CHANGES OF REFERENCE.

By unanimous consent reference of the bill (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico, was changed from the Committee on Agriculture to the Committee on the Public Lands.

By unanimous consent, reference of concurrent resolution No. 20, for printing report of the Board of Engineers on Rivers and Harbors on the proposed improvement of the Ohio River, was changed from the Committee on Rivers and Harbors to the Committee on Printing.

WITHDRAWAL OF PAPERS.

Mr. HALE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Andrew Baird, H. R. 5437, Fifty-eighth Congress, no adverse report having been made thereon.

LEAVE TO EXTEND REMARKS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to modify the order made last Friday, providing for one hour and a half more general debate to-morrow, the time to be equally divided between the two sides.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SHERMAN. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to enable certain lands in the Otoe and Missouria Indian reservations in Oklahoma to be ceded to the Society of Friends—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, recommending authorization of the payment of the tribal trust fund to the Iowa Indians in Kansas and Oklahoma—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Interior, recommending authorization of the payment of the tribal trust fund to the Sac and Fox Indians of the Mississippi tribe in Oklahoma—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the relief of Capt. George H. Penrose, United States Army—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Interior, recommending legislation relative to tide lands in Washington claimed by Puyallup Indians—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CHANEY, from the Committee on Patents, to which was referred the bill of the House (H. R. 15846) to provide increased force and salaries in the United States Patent Office, reported the same without amendment, accompanied by a report (No. 643), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMMOND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14016) to amend section 461 of the Revised Statutes of the United States as amended by the act of April 2, 1888, reported the same without amendment, accompanied by a report (No. 645), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the House (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army, reported the same without amendment, accompanied by a report (No. 650), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REYNOLDS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14021) to provide a manner for restoring lands to the public domain, reported the same with amendment, accompanied by a report (No. 651), which said bill and report were referred to the House Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12398) to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation, reported the same with amendment, accompanied by a report (No. 677), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MADISON, from the Committee on Labor, to which was referred the resolution of the House (H. J. Res. 84) appointing a commission to investigate the recent mining disasters in certain States of the United States, reported the same with amendments, accompanied by a report (No. 678), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15660) to provide for the repayment of certain commissions and purchase moneys paid under the public-land laws, reported the same with amendment, accompanied by a report (No. 679), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 10075) for the relief of Copiah County, Miss., reported the same without amendment, accompanied by a report (No. 644), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1406) granting an increase of pension to Hester Kite, reported the same without amendment, accompanied by a report (No. 652), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 523) granting an increase of pension to John S. Hyatt, reported the same without amendment, accompanied by a report (No. 653), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 524) granting an increase of pension to John Lowder, reported the same without amendment, accompanied by a report (No. 654), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1403) granting an increase of pension to Martha Stewart, reported the same without amendment, accompanied by a report (No. 655), which said bill and report were referrred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1408) granting an increase of pension to Elizabeth Sweat, reported the same without amendment, accompanied by a report (No. 656), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1405) granting an increase of pension to William C. O'Neal, reported the same without amendment, accompanied by a report (No. 657), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1404) granting an increase of pension to

John Lourcey, reported the same without amendment, accompanied by a report (No. 658), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1757) granting an increase of pension to Jane C. Stingley, reported the same without amendment, accompanied by a report (No. 659), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1423) granting an increase of pension to Nancy Motes, reported the same without amendment, accompanied by a report (No. 660), which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1991) granting an increase of pension to Jerry Murphy, reported the same with amendments, accompanied by a report (No. 661), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3610), granting a pension to James M. Fitch, reported the same with amendments, accompanied by a report (No. 662), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4663), granting a pension to James J. Callan, reported the same with amendment, accompanied by a report (No. 663), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7522), granting an increase of pension to Paul W. Draheim, reported the same with amendments, accompanied by a report (No. 664), which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8629), granting a pension to David T. Kirby, reported the same with amendment, accompanied by a report (No. 665), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8654) granting an increase of pension to Angelina Phillips, reported the same with amendments, accompanied by a report (No. 666), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9837) granting an increase of pension to Penelope L. Newman, reported the same with amendments, accompanied with a report (No. 667), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10018) granting an increase of pension to Ophelia J. Gordon, reported the same with amendments, accompanied by a report (No. 668), which said bill and report were referred to the Private Calendar.

Mr. HULL of Tennessee, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11145) granting an increase of pension to Sarah E. Nixon, reported the same with amendments, accompanied by a report (No. 669), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11217) granting an increase of pension to Emiline M. Strong, reported the same with amendments, accompanied by a report (No. 670), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12280) granting an increase of pension to Martha C. Pace, reported the same with amendments, accompanied by a report (No. 671), which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13708) granting an increase of pension to William Goulding, reported the same with amendments, accompanied by a report (No. 672), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14338) granting an increase of pension to Eliza D. Ramey, reported the same with amendments, accompanied by a report (No. 673), which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14906) granting an increase of pension to Sarah E. Willis, reported the same with amendments, accompanied by a report (No. 674), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15068) granting an increase of pension to Martha Marble, reported the same with amendment, accompanied by a report (No. 675), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15401) granting an increase of pension to Louisa J. Long, reported the same with amendment, accompanied by a report (No. 676), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11464) granting a pension to Anna Borkowski—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5796) granting a pension to Mary A. Barrand—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16180) for the relief of the estate of William F. Sharp—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 16182) to remove the charge of desertion now standing against Thomas Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ADDISON D. JAMES: A bill (H. R. 16360) to increase the amount fixed as the limit of cost of site and building at Bowling Green, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 16361) for the erection and construction of a public building in the city of Brainerd, Minn., for the accommodation of the United States post-office and other Government offices—to the Committee on Public Buildings and Grounds.

By Mr. BURNETT: A bill (H. R. 16362) to fix the fees in naturalization proceedings—to the Committee on Expenses in the Department of Justice.

By Mr. PATTERSON: A bill (H. R. 16363) providing for the erection of a public building at Edgefield, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16364) to provide for the construction of roads to Lincoln Farm, in Kentucky—to the Committee on Appropriations.

By Mr. SMITH of Arizona: A bill (H. R. 16365) providing for the erection of a public building in the city of Phoenix, Territory of Arizona—to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Ohio: A bill (H. R. 16366) to regulate the compensation of stationary firemen employed in the public buildings of the United States—to the Committee on Expenditures on Public Buildings.

By Mr. ANDREWS: A bill (H. R. 16367) appropriating $10,000 for the construction of a reservoir in Sandoval County, Territory of New Mexico—to the Committee on Irrigation of Arid Lands.

By Mr. SMITH of Missouri: A bill (H. R. 16368) fixing a duty on crude barytes, barium sulphate, and barium compounds—to the Committee on Ways and Means.

By Mr. LAMB: A bill (H. R. 16369) providing for an increase in the limit of cost for the post-office and custom-house at Richmond, Va.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 16370) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 16371) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 16372) providing for the appointment of an inspector of electric-lighting meters in the

District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 16373) for the regulation of the labor of children in the District of Columbia and in the Territories—to the Committee on Labor.

By Mr. KALANIANAOLE: A bill (H. R. 16374) to confirm to the Wahiawa Water Company, of Hawaii, the right of way for irrigation purposes—to the Committee on the Territories.

By Mr. SPERRY: A bill (H. R. 16375) authorizing the President to contract for submarine torpedo boats to cost not to exceed $2,000,000, same to be awarded to the lowest responsible bidders—to the Committee on Naval Affairs.

By Mr. AIKEN: A bill (H. R. 16376) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. HAMILTON of Iowa: A bill (H. R. 16377) to prevent the use of the United States mail for transportation of matter relating to "dealing in futures," "stock gambling," etc., and providing penalties for its violation—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: A bill (H. R. 16378) for the erection of a monument to the memory of John Ericsson—to the Committee on the Library.

By Mr. HUGHES of West Virginia: A bill (H. R. 16379) for the relief of the depositors of the Freedman's Savings and Trust Company—to the Committee on Appropriations.

By Mr. O'CONNELL: A bill (H. R. 16380) to amend an act entitled "An act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 30, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: A bill (H. R. 16490) to provide a seagoing tug for rescue work in the waters of Point Judith, Rhode Island—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON, of Iowa: A bill (H. R. 16491) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 16492) to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: Joint resolution (H. J. Res. 130) providing for salaries of the Resident Commissioners from the Philippine Islands—to the Committee on Appropriations.

By Mr. OLMSTED: Resolution (H. Res. 225) authorizing and directing the Committee on Invalid Pensions to inquire and report why the pension granted to David L. McDermott by act of July 6, 1886, is withheld, and authorizing the expense of such investigation to be paid out of the contingent fund of the House of Representatives—to the Committee on Rules.

By Mr. LASSITER: Resolution (H. Res. 227) requesting information from the Secretary of the Navy as to the reduction of skilled labor at the navy-yards—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 16381) granting an increase of pension to William Nicholls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16382) granting an increase of pension to Samuel T. Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16383) granting an increase of pension to D. P. Book—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16384) for the relief of Mary A. Graham—to the Committee on Claims.

By Mr. ALLEN: A bill (H. R. 16385) for the relief of Augusta A. Adams—to the Committee on Claims.

Also, a bill (H. R. 16386) for the relief of Robert Davis—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 16387) for the relief of E. H. Biernbaum—to the Committee on Claims.

Also, a bill (H. R. 16388) donating the SW. ¼ NW. ¼ sec. 36, T. 1 S., R. 34 E., New Mexico principal base and meridian, in New Mexico, to Bedford Forrest Camp, No. 1606, United Confederate Veterans—to the Committee on the Territories.

By Mr. BENNETT of Kentucky: A bill (H. R. 16389) granting an increase of pension to William Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16390) granting an increase of pension to Thomas Sperry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16391) granting an increase of pension to William Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16392) granting an increase of pension to Daniel S. Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16393) granting an increase of pension to William Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16394) granting an increase of pension to Isaac N. Forman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16395) granting an increase of pension to William L. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16396) granting an increase of pension to Amos Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16397) granting an increase of pension to Moses Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16398) granting an increase of pension to John Hanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16399) granting an increase of pension to Edward K. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16400) granting a pension to Sarah J. Daugherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16401) granting a pension to Ellen Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16402) granting a pension to Sallie Stamper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16403) granting a pension to Mrs. A. H. Maddox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16404) granting a pension to Frank H. Himes—to the Committee on Pensions.

Also, a bill (H. R. 16405) for the relief of Solomon Lunsford—to the Committee on Military Affairs.

Also, a bill (H. R. 16406) for the relief of John Mullens—to the Committee on Military Affairs.

By Mr. BRODHEAD: A bill (H. R. 16407) granting an increase of pension to John Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16408) granting an increase of pension to Levi Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16409) granting a pension to Elmer E. Frederick—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 16410) granting an increase of pension to Daniel Bausum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16411) granting an increase of pension to Samuel M. Ruch—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 16412) granting a pension to Delphina Spearin—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 16413) granting an increase of pension to Emma L. Cole—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 16414) granting an increase of pension to Elijah H. Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16415) granting an increase of pension to Joseph Rickey—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16416) granting an increase of pension to John B. Hanlon—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 16417) for the relief of the trustees of the Baptist Church of Rienzi, Miss.—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 16418) granting a pension to A. B. Panther—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 16419) granting an increase of pension to Daniel Palmer—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 16420) granting a pension to Edward Boettcher—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 16421) for the relief of Mrs. V. E. Sikes—to the Committee on War Claims.

By Mr. ELLIS of Missouri: A bill (H. R. 16422) removing charge of desertion from militray record of Pernet T. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 16423) to remove charge of desertion from military record of John K. Wren—to the Commitee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 16424) granting an increase of pension to Charles E. Hall—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16425) for the relief of M. D. Wright and Robert Neill—to the Committee on Claims.

Also, a bill (H. R. 16426) granting an increase of pension to Levi Castle—to the Committee on Pensions.

Also, a bill (H. R. 16427) granting an increase of pension to John M. Ray—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 16428) granting a pension to Edward Dooley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16429) granting a pension to Gordon A. Thurber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16430) granting an increase of pension to Rudolph Kremmling—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 16431) granting an increase of pension to Benjamin F. Crumb—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16432) granting a pension to Allen L. Adams—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 16433) to reimburse H. H. Humphreys—to the Committee on Claims.

Also, a bill (H. R. 16434) granting a pension to Thomas W. O'Donnell—to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 16435) for the relief of John Morgan's heirs—to the Committee on War Claims.

Also, a bill (H. R. 16436) for the relief of Jacob Harshbarger—to the Committee on War Claims.

By Mr. ADDISON D. JAMES: A bill (H. R. 16437) granting an increase of pension to Thomas Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16438) granting an increase of pension to Jacob T. Wood—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16439) granting an increase of pension to Samuel H. Wise—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 16440) granting an increase of pension to Jacob Renwald, jr.—to the Committee on Pensions.

Also, a bill (H. R. 16441) granting a pension to Robert Stewart—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 16442) granting an increase of pension to Nicholas J. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16443) granting an increase of pension to George B. Haines—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16444) granting an increase of pension to Louis N. Brady—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 16445) granting an increase of pension to William J. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16446) granting an increase of pension to Hannah Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16447) granting a pension to the heirs of Benjamin F. Cornelius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16448) granting a pension to Elizabeth Prine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16449) granting a pension to Sarah A. Whitson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16450) granting a pension to Napolean B. Whittenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16451) granting a pension to Elizabeth Luck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16452) granting a pension to Elias Rippee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16453) for the relief of the heirs of Elisha F. Capps, deceased—to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 16454) for the relief of the legal representatives of Samuel Weaver, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16455) for the relief of Isidore Cohen—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 16456) granting a pension to Ellen Holbrook—to the Committee on Pensions.

Also, a bill (H. R. 16457) granting a pension to James Webb—to the Committee on Pensions.

Also, a bill (H. R. 16458) granting an increase of pension to John W. Puckett—to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 16459) granting an increase of pension to Conrad Ditmore—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 16460) granting an increase of pension to Abraham Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16461) granting an increase of pension to Thomas McCann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16462) granting an increase of pension to John N. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16463) granting a pension to William Harlan—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 16464) granting an increase of pension to William V. Carr—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 16465) for the relief of Jonson Adams—to the Committee on Military Affairs.

Also, a bill (H. R. 16466) granting an increase of pension to Oliver Davis—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16467) granting certain lands in the Wind River Reservation, Wyo., to the Protestant Episcopal Church—to the Committee on Indian Affairs.

Also, a bill (H. R. 16468) granting certain lands in the Wind River Reservation, Wyo., to the Protestant Episcopal Church—to the Committee on Indian Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16469) for the relief of Charles Seiser—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 16470) granting an increase of pension to Edward F. Wiest—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 16471) for the relief of George H. Penrose—to the Committee on Claims.

By Mr. PARKER of South Dakota: A bill (H. R. 16472) granting an increase of pension to Oscar Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16473) to appoint Brig. Gen. William P. Rogers, United States Volunteers, a major-general on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 16474) granting an increase of pension to Asaph Whiting—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 16475) granting a pension to Hannah F. Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16476) granting an increase of pension to Maria Mulhair—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16477) granting an increase of pension to William Jones—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 16478) granting an increase of pension to John W. Lains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16479) granting an increase of pension to C. W. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16480) for the relief of Mrs. C. Hasselback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16481) for the relief of the estate of John Yancy, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 16482) granting an increase of pension to James Campbell—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16483) for the relief of the estate of Lee Arnold, deceased—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 16484) granting a pension to Adam Minear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16485) granting a pension to Isaac D. Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16486) to reimburse the estate of Samuel Caldwell, deceased—to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 16487) to pay the heirs of R. G. Martin, deceased, for cotton taken during the civil war—to the Committee on War Claims.

By Mr. ACHESON: A bill (H. R. 16488) granting an increase of pension to Abia Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16489) granting an increase of pension to George W. Graham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany bills for relief of John W. Buchanan and Abia Butler—to the Committee on Invalid Pensions.

By Mr. ADAIR: Paper to accompany bill for relief of Earl W. Soper—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Papers to accompany bills for relief of John Harmer, Moses Adams, Daniel S. Austin, Sarah J. Daugherty, Thomas Sperry, and Solomon Lunsford—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, to provide a sea-going tug for rescue work off Point Judith—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE: Petition of E. A. Lawrence, for the Currier bill (H. R. 286) for increase of salaries in United States Patent Office—to the Committee on Patents.

Also, petition of Local Union No. 7, International Typographical Union, for repeal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

Also, petition of the Philadelphia Maritime Exchange, for H. R. 15945, to increase efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William T. Powell, on behalf of 100,000 pensioners of Pennsylvania, against abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of South Paris (Me.) Woman's Christian Temperance Union, for legislation forbidding use of mails for advertising intoxicating liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURTON of Delaware: Petition of New Castle Board of Trade, for Senate bill 3163, for a tariff commission—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of National Association of Credit Men, favoring present bankruptcy act, as per H. R. 13266—to the Committee on the Judiciary.

By Mr. CHANEY: Petition of Charles G. Colglazier, of Bedford, Ind., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COUDREY: Paper to accompany bill for relief of Edward J. Glasgow—to the Committee on Pensions.

Also, papers to accompany bills for relief of Anton Geiser and Patrick Grady—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of Alfred Winder for H. R. 175, to pension military telegraphers of the civil war—to the Committee on Invalid Pensions.

By Mr. DUREY: Resolution of Typographical Union No. 96, of Glens Falls, N. Y., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. EDWARDS of Georgia: Paper to accompany bill for relief of V. E. Sikes—to the Committee on War Claims.

By Mr. FULLER: Petition of Baker Bros. & Co., of Streator, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Guthman, Carpenter & Telling, of Chicago, Ill., for currency legislation—to the Committee on Banking and Currency.

Also, petition of Gen. Fred Pinkerton, for the prisoners pension bill (H. R. 4930)—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of Providence Stereotypers' Union, for removal of tariff on wood pulp, white paper, and material used in manufacture thereof—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of K. Seaver for H. R. 10457, for forest reservation of the southern Appalachian Mountains and the White Mountains—to the Committee on Agriculture.

Also, petition of William T. Powell, Grand Army of the Republic, Department of Pennsylvania, on behalf of 100,000 pensioners, against abolishing pension agencies—to the Committee on Invalid Pensions.

Also, petition of the Philadelphia Maritime Exchange, for H. R. 15945, for increasing efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of D. Ashworth, of Pittsburg, Pa., against abolition of pension agencies—to the Committee on Pensions.

Also, petition of Local Union No. 7, International Typographical Union, of Pittsburg, Pa., for removal of duty on wood pulp, white paper, and material—to the Committee on Ways and Means.

Also, petition of Edward A. Lawrence, for the Currier bill (H. R. 286), for increase of force and salaries in Patent Office—to the Committee on Patents.

By Mr. HAMILTON of Michigan: Petition of citizens of Lawrence, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fitzgerald Post, Grand Army of the Republic, of Hastings, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of College Spring (Iowa) Presbytery, against liquor selling in Soldiers' Homes—to the Committee on Military Affairs.

By Mr. HIGGINS: Petition of Board of Trade of Willimantic, Conn., against certain clauses of Crumpacker bill relative to census employees—to the Committee on the Census.

Also, petitions of Company I, of Meriden, Company K, of Wallingford, and Company F, of New Haven, Second Infantry Connecticut National Guard, for H. R. 14783 (militia bill)—to the Committee on Militia.

Also, petition of Business Men's Association of New London, Conn., for S. 27, to equalize and fix pay of Army, Navy, Marine Corps, and Revenue-Cutter Service, and for other purposes—to the Committee on Naval Affairs.

Also, petition of Typographical Union No. 159, of New London, Conn., for removal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

By Mr. HINSHAW: Petitions of legal voters of Chester, McCoos Junction, and Pleasant Dale, Fourth Congressional District of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Farmers' Up-to-Date Club, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commercial Club of Omaha, favoring Senate bills 1157 and 1168, for suitable pensions for widows of Doctors Carroll and Lazear—to the Committee on Pensions.

Also, petition of George G. Mead Post, No. 19, Grand Army of the Republic, Department of Nebraska, favoring pending bill by Senator CURTIS, of Kansas, removing limitations in payment of the arrearages of pensions—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of James H. Sickles—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of Marion Davis—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of Samuel H. Wise—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: Petition of patrons of Fort Madison post-office, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of International Typographical Union No. 68, of Keokuk, Iowa, for removal of duty on wood pulp and material used in the manufacture of paper—to the Committee on Ways and Means.

By Mr. KÜSTERMANN: Petition of citizens of Milwaukee against H. R. 7597 (Crumpacker bill), providing clerical force for taking census—to the Committee on the Census.

By Mr. LAFEAN: Paper to accompany bill for relief of George W. Stape—to the Committee on Invalid Pensions.

By Mr. LAMB: Paper to accompany bill for relief of Isidore Cohen—to the Committee on Invalid Pensions.

By Mr. LEVER: Paper to accompany bill for relief of heirs of Miles Busbee—to the Committee on War Claims.

By Mr. MANN: Petition of board of directors of Maritime Association of Port of New York, for Senate bill 25, for improvement of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of directors of American Institute of Electrical Engineers, for preservation of forests—to the Committee on Agriculture.

Also, petition of Commercial Travelers' Congress, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Z. R. Carter and 125 others, of Chicago, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of George H. Thomas Post, No. 5, Grand Army of the Republic, of Chicago, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of Local Union No. 56, International Typographical Union, for abolition of duty on white paper, wood pulp, and material of same—to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of New England Drug Exchange, of Boston, Mass., against certain clauses of the Sherman antitrust act, prohibiting certain agreements—to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: Paper to accompany bill for relief of Maria Mulhan—to the Committee on Invalid Pensions.

Also, petition of Stafford Grange, Genesee County, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Missouri: Petition of citizens of Missouri, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Petition of Douglas (Ariz.) Typographical Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of Company A, Second Infantry, Connecticut National Guard, of Waterbury, for the militia bill—to the Committee on Militia.

Also, petition of Central Labor Union of Bridgeport, Conn., for construction of war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. SULZER: Petition of F. A. Provot, secretary of American Mining Congress, for a bureau of mines—to the Committee on Mines and Mining.

SENATE.

THURSDAY, *February 6, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DECISIONS OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 21st ultimo, a list of and copies of such decisions as it has made upon or growing out of the construction of paragraph 4, section 1, of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887," etc., which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Baltimore and Washington Transit Company, of Maryland, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the St. Paul's Episcopal Church, of Selma, Ala., *v.* United States; and

In the cause of the trustees of the Methodist Episcopal Church South, of Powder Springs, Ga., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. VREELAND, and Mr. LIVINGSTON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Arion Singing Society of South Norwalk; Blucher Lodge, No. 28, Sons of Herman, of Colchester, and of the Schiller Stamm Turnverein, of South Norwalk, all in the State of Connecticut, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of the Calvary Methodist Episcopal Church of Hinsdale, of the congregation of the First Baptist Church of Dover, in the State of New Hampshire, of the Woman's Christian Temperance Union of Moorestown, N. J., and of sundry citizens of Tribune County, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the New England Drug Exchange, of Boston, Mass., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law" relating to trade agreements, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the North Washington Citizens' Association, of the District of Columbia, praying for the adoption of a certain amendment to the so-called "Dolliver bill" providing for the direction and control of public education in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a resolution of the legislature of the State of Illinois, which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Forty-fifth assembly, house resolution 88, January, 1908.

Introduced by Hon. Johnson Lawrence.

Whereas it is a well-known fact that the men who served in the Union Army during the civil war and were captured by the enemy suffered untold hardships and privations unparalleled in the annals of war while confined in southern stockades and other so-called military prisons for many long and weary months; and

Whereas a measure known as the Hamilton bill will be introduced in the next Congress which proposes to pension all survivors of these prison pens at the the rate of $50 per month, believing the measure would do partial justice to this class of our volunteers: Therefore

Resolved, That we, the representatives of the people of the State of Illinois, heartily indorse the said Hamilton bill and respectfully request Congress to pass the measure; be it

Further resolved, That a copy of these resolutions be sent to each Member of Congress from Illinois, the Speaker of the House, and also to Senators SHELBY M. CULLOM and A. J. HOPKINS.

Adopted by the House January 28, 1908.

UNITED STATES OF AMERICA, *State of Illinois, ss:*

OFFICE OF THE SECRETARY OF STATE.

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing resolution of the house of representatives of the forty-fifth general assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original resolution now on file in the office of the secretary of state.

In witness whereof, I hereunto set my hand and affix the great seal of State, at the city of Springfield, this 31st day of January, A. D. 1908.

[SEAL.] JAMES A. ROSE,
Secretary of State.

Mr. CULLOM presented a petition of the Pastors' Union of Rockford, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of Kent, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Portland, Oreg., praying that an appropriation be made to continue the improvement of the defenses at the mouth of the Columbia River in that State, which was referred to the Committee on Coast Defenses.

Mr. HOPKINS presented a petition of the house of representatives of the State of Illinois, praying for the enactment of legislation granting a pension of $50 per month to all surviving prisoners of the civil war, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 18, International Typographical Union, of Belleville, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry officers, directors, and trustees of art museums in the United States, praying for the enactment of legislation to repeal the duty on works of art, which was referred to the Committee on Finance.

Mr. ANKENY presented a petition of Local Union No. 142, International Typographical Union, of Olympia, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the enactment of legislation to create a retired list for the district superintendents, keepers, and crews of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made for the improvement of the national harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented a paper to accompany the bill (S. 4268) for the relief of the owners of the steamship *Newchwang*, which was referred to the Committee on Claims.

He also presented sundry affidavits to accompany the bill (S. 3877) granting an increase of pension to Matthew C. Reed, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 3132) granting an increase of pension to George W. Kinsel, which was referred to the Committee on Pensions.

Mr. BRANDEGEE presented a petition of Typographical Union No. 159, of New London, Conn., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Central Labor Union of Bridgeport, Conn., praying for the enactment of legislation providing for the building of ships and war vessels at the navy-yards of the country, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Business Men's Association of New London, Conn., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Meriden, Wallingford, New Haven, Waterbury, Torrington, South Manchester, and Hartford, all in the State of Connecticut, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 87, Musicians' Protective Union, of Danbury, Conn., and a petition of Local Union No. 403, Musicians' Protective Union, of Willimantic, Conn., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Board of Trade of Willimantic, Conn., remonstrating against the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks for taking the Thirteenth Census, which was referred to the Committee on the Census.

Mr. WARREN presented a memorial to the Wool Growers' Association of Laramie, Wyo., remonstrating against the enactment of legislation providing for the Federal leasing of public lands, and also against the policy of the Government in its management of the forest reserves, which was referred to the Committee on Public Lands.

AMERICAN OCEAN MAIL SERVICE.

Mr. GALLINGER. I present a compilation of papers on the development of the American ocean mail service and American commerce. I move that the paper be printed as a document and that 1,000 additional copies be printed for the use of the document room of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 4548) to provide for the sale of timber on allotted and unallotted Indian lands, and for other purposes, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4889) authorizing the Secretary of the Interior to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians the sum of $50,000, and for other purposes, reported it without amendment and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 652) to create the office of captain in the Philippine Scouts;

A bill (S. 2669) providing for the acceptance of a donation of certain land situated at the Palisades, in the State of New Jersey; and

A bill (S. 651) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, reported it with an amendment and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (H. R. 9218) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," reported it without amendment.

He also (for Mr. CRANE), from the same committee, to whom was referred the bill (H. R. 12420) to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont, reported it without amendment.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (S. 4066) authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs, reported it with an amendment and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 2483) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, reported it without amendment and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 4801) granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, reported it with an amendment and submitted a report thereon.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 208) for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment, reported it with amendments and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 3778) for the relief of the Minnesota and Ontario Bridge Company, reported it without amendment and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 1702) to reimburse H. R. King, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. JOHNSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 4541) to authorize the sale of 640 acres of the lands of the Cheyenne and Arapahoe Agency and the Arapahoe School, Oklahoma, and the use of the proceeds thereof, reported it without amendment and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 389) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, reported it without amendment and submitted a report thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4289) for the relief of the people of Hartshorne, Okla., reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4922) providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2893) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla.; and

A bill (S. 2892) to provide for the repayment of deposits by bidders of Kiowa-Comanche and Apache ceded lands.

BRIDGEPORT COLLECTION DISTRICT, CONNECTICUT.

Mr. SMITH. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 9217) amending sections 2533 and 2534 of the Revised Statutes, so as to change the name of the Fairfield collection district, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the fifth paragraph of section 2533 of the Revised Statutes of the United States so as to read:

Fifth. The district of Bridgeport, to comprise all the waters and shores in the State of Connecticut west of the district of New Haven, in which Bridgeport shall be the port of entry, and Norwalk and Stamford subports of entry, and Greenwich and Stratford ports of delivery.

And to amend paragraph 5 of section 2534 so as to read:

Fifth. In the district of Bridgeport, a collector, who shall reside at Bridgeport.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. GEN. OLIVER O. HOWARD.

Mr. SCOTT. I am directed by a unanimous vote of the Committee on Military Affairs to report back favorably, without amendment, the bill (S. 3024) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be lieutenant-general, United States Army, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States, by and with the advice and consent of the Senate, to appoint Maj. Gen. Oliver O. Howard, United States Army, retired, to be lieutenant-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF BAYOU LE BATRE, ALABAMA.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. JOHNSTON on the 31st ultimo, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view to deepening the same, and to submit estimates therefor.

SURVEY OF CHICKASABOGUE CREEK, ALABAMA.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. JOHNSTON on the 31st ultimo, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor.

SURVEY OF BEAUFORT HARBOR, NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by himself on the 31st ultimo, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8-foot depth from the channel at the bulkhead in the Newport River to the town of Beaufort and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor.

SURVEY OF BOGUE SOUND, NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by himself on the 4th instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound 100 feet in width and of a depth of 5, 8, and 10 feet at low water.

SURVEY OF WASHITA RIVER, OKLAHOMA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. GORE on the 4th instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Washita River, Oklahoma, from the point of its confluence with the Red River to the town of Mountain View, in Kiowa County, Okla., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

The VICE-PRESIDENT. The Senator from Massachusetts moves that when the Senate adjourns to-day it be to meet on Monday next.

Mr. HEYBURN. Mr. President, I know the motion is not open to discussion, but I want to appeal to the Senator from Massachusetts, in the interest of the progress of the unfinished business, that he withhold his motion and not press it. There are a number of us who are willing to work, and it is a very good rule that when men are willing to work they should be given an opportunity.

Mr. LODGE. Mr. President, I do not desire to press the motion if the Senator from Idaho is anxious to go on with the bill to-morrow. I will withhold the motion for the present.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. LODGE subsequently said: I renew my motion. I understand that the Senator from Idaho makes no further objection to it.

Mr. CULBERSON. We did not hear the motion on this side; at least, I did not.

Mr. LODGE. I said that I renew the motion I made, that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

The VICE-PRESIDENT. The Senator from Massachusetts moves that when the Senate adjourns to-day it be to meet on Monday next.

Mr. PILES. Mr. President, I hope the Senator from Massachusetts will not press that motion. I have in charge the Alaska-Yukon-Pacific Exposition bill. I am going to try to get up the bill to-day, and if I can not get it up to-day I should like to bring it before the Senate to-morrow.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. The Chair will state that the motion is not debatable, unless by unanimous consent.

Mr. BACON. I suppose there will be no objection to our conferring upon the subject, and I want to say one word.

It possibly may appear in adjourning over from Thursday to Monday that there is "nothing doing," as the common expression is; but that is a very great mistake. There are a number of committees that have very arduous labors. I myself am on a subcommittee that will be occupied all of to-morrow upon the nomination of a judge, which is contested. The next day the Judiciary Committee has to hear arguments upon a matter which the committee has been directed by the Senate to report upon. So we do not adjourn over to be idle, by any means; we adjourn over for the purpose of doing necessary work, and we can not work here at the same time we are doing the work there.

I hope the motion will prevail.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

WILLIAM A. HINSCH.

Mr. FORAKER. I report back favorably, with amendments, from the Committee on Military Affairs the bill (S. 3388) to correct the military record of William A. Hinsch, and I submit a report on the same. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the committee was, in line 5, after the name "Hinsch," to strike out the words "completed his three months' term of enlistment in Company F, Twelfth Regiment" and insert "was honorably discharged from Company F, Twelfth Regiment," so as to read:

That the Secretary of War be, and he is hereby, authorized and directed to so amend the records of the War Department as to show that William A. Hinsch was honorably discharged from Company F, Twelfth Regiment Ohio Volunteer Infantry, and was duly and properly mustered out of such service before enlisting for three years' service in the Fifth Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The next amendment was, to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other allowances may accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5026) granting an increase of pension to Henry Binder (with an accompanying paper);

A bill (S. 5027) granting an increase of pension to Nehemiah Gunn;

A bill (S. 5028) granting an increase of pension to James Gallaher; and

A bill (S. 5029) granting an increase of pension to Edwin J. Barber.

He also introduced a bill (S. 5030) to correct the military record of Clayton H. Adams, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5031) granting an increase of pension to Crowell J. Ramsey, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5032) to establish a fish-cultural station on the Kennebec River, in the State of Maine, which was read twice by its title and, with the accompanying papers, referred to the Committee on Fisheries.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 5033) for the establishment and organization of a corps of trained women nurses for the United States Navy; and

A bill (S. 5034) to reorganize and increase the efficiency of the Hospital Corps of the United States Navy and regulate its pay.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 5035) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes; and

A bill (S. 5036) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes.

Mr. BEVERIDGE introduced a bill (S. 5037) to provide for the casting in bronze and erection in the city of Washington of the colossal equestrian group known as "The Indian Buffalo Hunt," which was read twice by its title and referred to the Committee on the Library.

Mr. TELLER introduced a bill (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5039) granting an increase of pension to Charles H. Weeks; and

A bill (S. 5040) granting an increase of pension to David Williams.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5041) for the relief of Jacob C. Barkley (with an accompanying paper); and

A bill (S. 5042) for the relief of George T. Larkin.

Mr. PLATT introduced a bill (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, which was read twice by its title and, with accompanying paper, referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 5044) granting an increase of pension to Bernard W. Fisher, which was read twice by its title and referred to the Committee on Pensions.

Mr. HOPKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5045) granting an increase of pension to William J. Chandler;

A bill (S. 5046) granting an increase of pension to Jeff O'Hara; and

A bill (S. 5047) granting an increase of pension to Levi William Walden.

Mr. ANKENY (by request) introduced a bill (S. 5048) granting a pension to Louis Scholl, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON (by request) introduced a bill (S. 5049) constituting a commission to investigate consular affairs, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. BRANDEGEE (for Mr. KNOX) introduced a bill (S. 5050) to increase the limit of cost for the purchase of site and erection of a public building at Charleroi, Pa., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also (for Mr. KNOX) introduced a bill (S. 5051) to fix the number, status, and compensation of chaplains of the United States Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also (for Mr. KNOX) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5052) granting a pension to Dallas Mills; and

A bill (S. 5053) granting an increase of pension to William Bittinger.

He also (for Mr. Knox) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5054) authorizing the Secretary of War to bestow the medal of honor upon Maj. J. O. Skinner, surgeon, United States Army, retired; and

A bill (S. 5055) to correct the military record of Joseph B. Moyer and grant him an honorable discharge (with accompanying papers).

Mr. PAYNTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5056) for the relief of the trustees of London Graded School No. 1, of London, Ky.;

A bill (S. 5057) for the relief of the board of deacons of the Baptist Church of Nicholasville, Ky.; and

A bill (S. 5058) for the relief of Mrs. Kate O. Smith (with accompanying papers).

Mr. TELLER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5059) granting a pension to Augusta Burchard; and

A bill (S. 5060) granting an increase of pension to George W. Ragland.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5061) for the purchase of a site and erection of a public building in the city of Covington, Tipton County, Tenn.;

A bill (S. 5062) for the erection of a public building at Dayton, Tenn.;

A bill (S. 5063) for the erection of a public building at Lebanon, Tenn.;

A bill (S. 5064) to provide for the purchase of a site and the erection of a public building thereon at Springfield, Tenn., and appropriating money therefor;

A bill (S. 5065) for the erection of a public building at Pulaski, Tenn.;

A bill (S. 5066) to provide for the purchase of a site and the erection of a public building thereon at Fayetteville, in the State of Tennessee;

A bill (S. 5067) to provide for the purchase of a site and the erection of a public building thereon at Shelbyville, in the State of Tennessee;

A bill (S. 5068) to provide for the purchase of a site and the erection of a public building thereon at Lewisburg, in the State of Tennessee;

A bill (S. 5069) to provide for the purchase of a site and the erection of a public building thereon at Tullahoma, in the State of Tennessee;

A bill (S. 5070) for the purchase of a site and erecting a public building at Dyersburg, Tenn.;

A bill (S. 5071) to provide for the erection of a public building at Sparta, Tenn.;

A bill (S. 5072) for the purchase of a site and erection of a public building at Union City, Tenn.;

A bill (S. 5073) to increase the amount fixed as the limit of cost of site and building at Murfreesboro, Tenn.;

A bill (S. 5074) to provide for the erection of a public building at Athens, Tenn.;

A bill (S. 5075) to provide for the erection of a public building at McMinnville, Tenn.;

A bill (S. 5076) to provide for the erection of a public building at Winchester, Tenn.;

A bill (S. 5077) to provide for the erection of a public building at Cleveland, Tenn.; and

A bill (S. 5078) to provide for the erection of a public building at Madisonville, Tenn.

He also introduced a bill (S. 5079) providing for the erection, either by this Government alone or jointly with such other nations and peoples as may voluntarily cooperate therein, of a memorial light-house to commemorate the work and

achievements of the late Matthew Fontaine Maury, and for the creation of a commission to take up this subject with other nations and peoples, and appropriating for the expense of the same, which was read twice by its title and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5080) granting an increase of pension to John W. Cheatham (with accompanying papers);

A bill (S. 5081) granting a pension to Isadore Wright Terry; and

A bill (S. 5082) granting a pension to William Fidler.

Mr. LODGE introduced a bill (S. 5083) to amend section 1 of the passenger act of 1882, which was read twice by its title and referred to the Committee on Immigration.

He also (by request) introduced a bill (S. 5084) for the relief of Elizabeth H. Rice, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 5085) authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district, which was read twice by its title and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 5086) granting a pension to James Cookley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 5087) for the relief of Matthew McDaniel, which was read twice by its title and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 5088) to provide American register for the steamer *Eva*, which was read twice by its title and, with an accompanying paper, referred to the Committee on Commerce.

Mr. RAYNER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5089) for the relief of Frances Schnebley, administratrix of Jacob Schnebley; and

A bill (S. 5090) for the relief of James Phillips and certain other naval officers and their heirs or legal representatives.

He also introduced a bill (S. 5091) to remove the charge of desertion now standing against the record of James H. Gambrell, United States Navy, which was read twice by its title and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5092) to remove the charge of desertion against the military record of James A. Windsor, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. McCREARY introduced a bill (S. 5093) for the relief of Christ Protestant Episcopal Church, Bowling Green, Ky., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5094) granting a pension to John Hedrick, which was read twice by its title and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5095) to increase the efficiency of the United States Navy by building cruisers and torpedo boats after the design of Richard B. Painton, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5096) granting a pension to Moses E. Osborn;

A bill (S. 5097) granting an increase of pension to Miles Wall;

A bill (S. 5098) granting an increase of pension to Randolph Hayman;

A bill (S. 5099) granting an increase of pension to Peter Grace;

A bill (S. 5100) granting an increase of pension to Delight A. Allen;

A bill (S. 5101) granting an increase of pension to C. W. Couser;

A bill (S. 5102) granting an increase of pension to Andrew J. Whittington;

A bill (S. 5103) granting an increase of pension to Mary A. Jaquette;

A bill (S. 5104) granting an increase of pension to Henry Bisbin;

A bill (S. 5105) granting an increase of pension to John Kugle (with accompanying papers); and

A bill (S. 5106) granting a pension to Eleanor J. Bell (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 5107) to authorize the extension and enlargement of the post-office building at Lima, Ohio, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. WHYTE introduced a bill (S. 5108) granting a pension to Emil Kuhblank, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5109) relating to the issuance or granting of injunctions, interlocutory orders, or decrees by circuit and district courts of the United States, or by any circuit or district judge thereof, suspending or restraining the enforcement, operation, or execution of any statute of any State or the action of any officer of such State in the enforcement or execution of such statute in certain cases, which was read the first time by its title.

Mr. BACON. I ask that the bill be read at length.

The bill was read the second time at length and referred to the Committee on the Judiciary, as follows:

A bill (S. 5109) relating to the issuance or granting of injunctions, interlocutory orders, or decrees by circuit and district courts of the United States, or by any circuit or district judge thereof, suspending or restraining the enforcement, operation, or execution of any statute of any State or the action of any officer of such State in the enforcement or execution of such statute in certain cases.

Be it enacted, etc., That no injunction, interlocutory order, or decree suspending or restraining the enforcement, operation, or execution of any statute of any State or the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any circuit or district court of the United States, or by any judge or justice thereof, upon the ground of unconstitutionality, or upon any ground whatsoever, unless the application for the same shall be actually heard, and upon issue made and preliminary proof taken by affidavit or otherwise, the judgment thereon rendered, by at least three judges, and each of at least two of said three judges shall be either a judge of the circuit court of the United States or a circuit justice of the Supreme Court of the United States.

No such injunction, interlocutory order, or decree shall be issued or granted except on hearing after not less than five days' notice to the governor of such State, and to such other officer or officers as shall be proper parties to said application. An appeal may be taken from any such injunction, interlocutory order, or decree issued or granted upon such application, which appeal shall lie directly to the Supreme Court of the United States, and shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. DIXON submitted an amendment proposing to appropriate $10,000 for the rebuilding of the flour, saw, and shingle mill at the Flathead Indian Reservation, subagency at Ronan, Mont., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

TARIFF RATES.

Mr. BEVERIDGE. I submit a resolution which I ask may be read and lie on the table.

The resolution was read, as follows:

Resolved, That the tariff should provide for maximum and minimum rates of duty, the first to apply to all countries that will not grant to this country special commercial advantages in their markets and the second to apply to all countries that will grant to this country special commercial advantages in their markets, and that both maximum and minimum rates should be arranged according to the principles of protection.

The VICE-PRESIDENT. The resolution will lie on the table.

ENLARGEMENT OF FREE LIST.

Mr. GORE. I desire to introduce a resolution. I ask that the resolution be read and go over under the rule.

The resolution was read as follows:

Resolved, That it is the sense of this body that the following articles should be placed on the free list by Congress at the present session without awaiting the advice or delay of a tariff commission, to wit: Printing paper and wood pulp, farming implements and barbed wire, mechanics and miners' tools, and powder used in mining, coal, and petroleum, crude and refined.

The VICE-PRESIDENT. The resolution will lie on the table.

NORTHERN PACIFIC RAILWAY COMPANY.

Mr. HEYBURN submitted the following resolution, which, with the accompanying paper, was referred to the Committee on Pacific Railroads:

Whereas the Northern Pacific Railway Company, a Wisconsin corporation, claims ownership of all the property and estate formerly of the Northern Pacific Railroad Company, a corporation created by Congress, and in certain litigation instituted by the United States Government in the United States circuit court for the district of Minnesota for the enforcement of the act of Congress of August 7, 1888 (Rev. Stat., sec. 5269), relative to the exercise of telegraphic franchises, the said Wisconsin corporation, opposing the enforcement

of said statute and of the duties and obligations imposed by Congress as to the Northern Pacific Railroad and telegraph line, asserted and averred that by reason of certain foreclosure proceedings and of the purchase of the Northern Pacific estate thereunder on and subsequent to July 25, 1896, the said Wisconsin corporation and the said property are relieved from any of the obligations created by the various acts of Congress which were set forth in the bill of complaint of the United States; and

Whereas said Wisconsin corporation has certified to the Interstate Commerce Commission that its capital stock of $155,000,000 was issued "for the purchase of the Northern Pacific Railroad Company's property," and from the statement of said Wisconsin corporation filed with the State of Montana (a certified copy of which is annexed to this resolution) it appears that all of said stock was issued on and prior to July 13, 1896, before any of said judicial sales occurred, and that, with the exception of forty-three shares thereof, all of said stock was issued in payment for the "stocks, bonds, and securities formerly of or belonging to the Northern Pacific Railroad Company, or of interests therein," which stocks, bonds, and securities, it was recited in said statement, "had a cash value exceeding $40,000,000;" and

Whereas it is a matter of public concern that it should be ascertained whether the ownership by the said Wisconsin corporation of the Northern Pacific Railroad land grant and telegraph line is acquired by virtue of valid foreclosure sales divesting the title of the Northern Pacific Railroad Company or whether the same is acquired by purchase of certain securities of the latter company, to the end that it may be determined whether the legal title to the property itself—the railroad, telegraph line, and lands—is vested in a State corporation or in a corporation of Congressional creation over which Congress is possessed of direct and immediate legislative and visitorial power; and

Whereas to enable a vast and unwarranted increase to be made in the issuance and marketing of new stocks and bonds it is alleged that the said Wisconsin corporation upon acquiring the possession of the Northern Pacific estate at once placed upon the same a valuation many millions of dollars in excess of the actual cost thereof, as well as many millions in excess of the valuation which had been reported and returned for the same property immediately prior thereto whilst in the possession or ownership of the Northern Pacific Railroad Company:

Resolved, That the President be, and he is hereby, requested to furnish to the Senate such information as may be obtainable from the Department of Justice, the Department of the Interior, and the Interstate Commerce Commission, upon the matters herein referred to, and to inform the Senate whether on behalf of the Government, through the Department of Justice or otherwise, any investigation has ever been made as to the method of the so-called "reorganization" of the Northern Pacific Railroad Company, under which the Wisconsin corporation, known as the "Northern Pacific Railway Company," claims to have acquired the title to the Northern Pacific estate; and if so, with what result.

REPORT ON PUBLIC CREDIT.

Mr. KEAN. I ask to have printed as a document the report of the Secretary of the Treasury on public credit, of January 9, 1790.

Mr. TILLMAN. It is Hamilton's report?

Mr. KEAN. It is.

Mr. CULBERSON. It is very wise to have it printed at this time.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the report of the Secretary of the Treasury on public credit under date of January 9, 1790, be printed as a public document, pages 1 to 58, both included.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on this day approved and signed S. 2662, an act to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz.

FRANCHISES OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 322 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of three franchises granted by the executive council of Porto Rico to Messrs. C. & J. Fantauzzi, their successors and assigns.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 6, 1908.*

URGENT DEFICIENCY APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed as the conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. TELLER.

SUBPORT OF KNIGHTS KEY, FLORIDA.

The VICE-PRESIDENT laid before the Senate the bill (S. 3344) extending to the subport of Knights Key, in the State of Florida, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, returned from the House at the request of the Senate.

Mr. FRYE. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. FRYE. I move that the bill be postponed indefinitely.

The motion was agreed to.

INCREASE OF PRIVATE PENSIONS.

The VICE-PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war.

The amendments were, on page 6, line 7, to strike out "twenty-four" and insert "thirty;" on page 7, to strike out line 18, down to and including line 21; on page 8, to strike out line 1, down to and including line 4; on page 12, line 23, to strike out "Marth" and insert "Martha;" and on page 14, line 9, to strike out "Almire" and insert "Almira."

Mr. McCUMBER. I move that the Senate concur in the House amendments.

The motion was agreed to.

ACTION OF NEW YORK CITY NATIONAL BANKS IN THE RECENT PANIC.

Mr. CULBERSON. I ask that resolution No. 88 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Texas. It will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on the 3d instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if any national banks outside the city of New York complained by telegrams or letters to the Treasury Department, the Secretary of the Treasury, the Treasurer of the United States, or the Comptroller of the Currency, between October 1, 1907, and November 15, 1907, of the refusal of national banks of New York City to pay in cash New York exchange or to respond to calls for reserves; and if so, the Secretary is directed to send to the Senate copies of all such telegrams and letters.

Mr. CULBERSON. Mr. President, the Secretary of the Treasury has raised an issue of fact by his response to resolution of the Senate No. 33, as to whether the national banks of New York City used the $75,000,000 of public money deposited with them, or part thereof, for speculative purposes, or whether it was used to meet the demands of the outside national banks for their reserve. In his response the Secretary has submitted a number of letters from the chairmen of the clearing house associations of certain cities upon this subject, and I think it is important that we complete the history of the matter by having the correspondence of the national banks with reference to it.

The resolution has not been introduced at haphazard. My information is that there is some correspondence upon this subject, and it is desirable, I think, in the interest of truth and in the interest of legislation, that we may know the real condition.

In addition to that, on the 16th day of December——

Mr. HOPKINS. Will the Senator——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CULBERSON. The Senator will excuse me——

Mr. HOPKINS. Just a moment, to inquire——

The VICE-PRESIDENT. The Senator from Texas declines to yield.

Mr. CULBERSON. I do not decline to yield. I was about to observe to the Senator from Illinois that he will please excuse me from yielding at this time. I want to state the facts with reference to this matter consecutively, and, as he knows, my time is limited. Unless it is a matter of some very great importance, I would prefer that the Senator would excuse me and permit me to go on without interruption now.

Mr. HOPKINS. I do not desire to interrupt the Senator from Texas in his connected discourse. I understood him to state that the Secretary of the Treasury had raised this issue in his report, and I should like, if it does not disturb him in his connected discourse, to state whereabouts we will find that statement in the report of the Secretary of the Treasury?

Mr. CULBERSON. I do not contemplate delivering a discourse, connected or otherwise, but merely wish to present certain facts to the Senate in connection with these resolutions, and probably the inquiry of the Senator from Illinois will be met as I proceed.

On December 16 I introduced in the Senate a resolution, which is as follows:

Resolved, That the Committee on Finance be, and it is hereby, directed forthwith to inquire fully into the causes of the present financial stringency, and, at as early a date as practicable, make report thereof to the Senate, with such recommendations as in the judgment of the committee will bring speedy relief from existing conditions, prevent their recurrence, and properly conserve the legitimate business and general interests of the country.

On the 18th of December the following colloquy occurred between the Senator from Rhode Island (Mr. ALDRICH), the chairman of the Committee on Finance, and myself with reference to the resolution:

Mr. CULBERSON. I should like to ask the Senator if he can give any assurance that a report will be made upon this resolution if it is referred to the committee on the reassembling of the Senate after the holidays?

Mr. ALDRICH. The committee will certainly make a report upon this resolution if it is sent to the committee. The Committee on Finance have been in the habit of reporting upon all subjects referred to them, and certainly upon one of this importance the committee will make a report at the beginning of the next session of the Senate after the holiday recess, if the Senator from Texas then desires.

After that assurance, Mr. President, the resolution was that day referred to the Committee on Finance, and while this is the 6th of February, there is no report yet, so far as I have any information. In the meantime the Senator from Rhode Island has presented the theory of a majority of that committee to the Senate in a bill, and the Secretary of the Treasury has made his response to Senate resolution No. 33.

I ought to add that the bill of the majority of the Committee on Finance was reported before the response of the Secretary of the Treasury to that resolution was presented to the Senate and printed.

With reference to the report of the Secretary, I desire to submit—and I do it with deliberation, and have written it so that I can not be misunderstood—that the answer of the Secretary of the Treasury to Senate resolution No. 33, establishes—

First. That the Secretary violated the law in issuing Panama bonds, because the proceeds thereof were not necessary to "defray expenditures" authorized by the act of June 28, 1902, which provides for the construction of the canal, there being ample funds in the Treasury for such purpose.

Second. That the Secretary violated the law in excluding individual bidders in awarding Panama bonds, preferring national banks in the award, because the law provides that in issuing the bonds all citizens of the United States shall have "an equal opportunity to subscribe therefor."

Third. That the Secretary violated the law in using proceeds of the sale of the Panama bonds for the purposes stated by him in his report, because the law expressly provides that such proceeds shall "be used only for the purpose of meeting such expenditures" for constructing the canal.

Fourth. That the Secretary violated the law in issuing the 3 per cent certificates, because they were not issued "to meet public expenditures," as provided by the statute, there being ample funds in the Treasury for such purpose.

Fifth. That the Secretary violated the law in permitting national banks to issue circulating notes on the 3 per cent certificates, as the law limits the basis of such notes to registered bonds of the United States and Panama bonds; and

Sixth. That the Secretary violated the law and abused his official discretion in distributing public money under the act of March 4, 1907, the distribution being unjust and inequitable, whether regarded from the standpoint of population or capital and surplus of banks, and much of said deposits being used by New York banks for speculative purposes.

It is not my purpose, Mr. President, at this time to discuss the first five propositions which I have submitted; later that will be done. My purpose this morning is to discuss, in connection with the two resolutions which I have presented, the sixth proposition, that this money was distributed inequitably and unjustly, and that it was used by the New York City national banks for purposes of speculation and extortion.

In 1903 a bill was pending in the Senate having for its general purpose the granting of authority to the Secretary of the Treasury to deposit receipts from customs in national banks in connection with other money of the United States. A suggestion was made in the debate then by the Senator from Georgia, who sits at my right [Mr. BACON], that this money, if deposited in the banks, ought to be distributed over the country in some equitable and just way, and the proposition, as I understood, was acceded to by the Senator from Rhode Island [Mr. ALDRICH], although difficulties were pointed out by him. That bill, however, did not become a law. Last year a bill on the subject did become a law, being approved March 4, 1907, and a provision was inserted in it, on the motion of the Senator from Rhode Island, which I will read. It is—

Provided, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections.

Mr. President, how has this law, which was proposed and passed as I have indicated, been carried out by the present Secretary of the Treasury, requiring him when money is deposited in national banks belonging to all the people to distribute it equitably between all the States and sections of the Union? In what I shall say I shall for the most part use round numbers in figures, and I shall not detain the Senate by a consideration of all the tables which have been presented here, taking only such of them as will afford convenient illustration of the propositions I desire to submit.

In August, 1907, there were 6,500 national banks in the United States, with a combined capital and surplus of $1,444,000,000; in December of the same year there were 6,600 national banks, with a combined capital and surplus of $1,450,000,000. Taking a group of States, Mr. President, for illustration, I find on August 22 the Eastern States, including New York, had a combined capital and surplus of $602,000,000, and on December 3 of $605,000,000. The Southern States had a combined capital and surplus on August 22 of $187,000,000, and on December 3 of $188,000,000. New York City alone, with thirty-eight or forty national banks, had a combined capital and surplus on August 22 of $223,000,000, and on December 3 of $226,000,000.

The public moneys deposited in the national banks of the United States on March 22, 1907, amounted to $140,000,000; on August 22, to $143,000,000, and on December 3, they had reached the enormous sum of $223,000,000.

Let us now inquire how this money was distributed. In the Eastern States, including New York, on March 22, there was $42,000,000 in the national banks; on August 22, $58,000,000, and on December 3, $112,000,000.

In the Southern States, on the 22d of March, there was $23,000,000 of public money in the national banks; on August 22 there was $21,000,000, or a reduction of about $2,000,000, and on December 3, $29,000,000.

In New York City alone, on March 22, the amount of public money on deposit in the national banks was $14,000,000; on August 22 it was $28,000,000, and on December 3 it was $75,000,000.

From these facts, Mr. President, I draw several indisputable conclusions, which I will submit to the Senate.

The first is that New York City national banks, having only about one-sixth of the capital and surplus of all the national banks, yet have about one-third of all the public money on deposit.

Second. That while the Eastern States, including New York, have only about three times the capital and surplus of all the Southern States, they have four times the amount of public money on deposit.

Third. New York City has $226,000,000 of capital and surplus and the Southern States $188,000,000; New York City having about one and one-fifth times the amount of all the Southern States in capital and surplus of national banks, yet New York City had about two and one-half times more public money on deposit than the whole South.

Fourth. The total increase of Government deposits from August to December, 1907, when the panic was on, was $79,000,000.

Fifth. The increase of Government deposits in the Eastern States, including New York, from August to December, 1907, was $54,000,000, and the increase of Government deposits in the Southern States from August to December was $8,000,000.

Sixth. The increase of Government deposits in New York City alone from August to December was $47,000,000, or about three-fifths of the entire increase of $79,000,000.

Now, Mr. President, as illustrating the subject further, I will take the State of Texas, with 4,000,000 people and with a combined capital and surplus of $40,000,000, and compare it with the city of Washington, though we are justly proud of this capital of our country. The city of Washington, having a population of 300,000, has a combined national-bank capital and surplus of only $8,730,000 as against $40,000,000 for the State of Texas, and yet Texas had but $1,738,000 of public money on deposit on the 3d day of December, while the city of Washington had $4,581,000. This includes only the country banks. The capital and surplus of the reserve city banks of the State is $16,000,000, and these banks had public deposits on December 3 of $1,000,000, giving a total of capital and surplus for the State of $56,000,000, and of public deposits $2,738,000.

Mr. President, let us go still further in illustrating the banking situation. Let us look at the individual deposits in all the banks of the United States. In 1900 they aggregated $7,000,000,000; in 1907 the aggregate was $13,000,000,000, showing in seven years an increase in individual deposits in all the

banks of the United States, including national banks, private banks, and State banks, of six billions of money, reaching the greatest aggregate of deposits in the history of banks in the United States.

The individual deposits in all the *national* banks of the United States on March 22 were $4,269,000,000; on August 22 there were $4,319,000,000, or an increase of about $50,000,000, and on December 3, 1907, there were $4,176,000,000 on deposit in the national banks, or a reduction from August to December, due doubtless to the panic in some degree, of one hundred and forty-two millions of money.

The individual deposits—and to these I beg to especially invite the attention of the Senate—the individual deposits of national banks in New York City on August 22 amounted to $532,000,000, and on December 3 they amounted to $585,000,000, or an increase of $53,000,000.

Let me present at this point, Mr. President, a table showing the net increase of deposits in the national banks of New York City from August to December, 1907:

Net increase of deposits in national banks in New York City from August to December, 1907.

Increase in individual deposits	$53, 280, 936. 00
Increase in Government deposits	47, 576, 356. 00
Total increase	100, 857, 292. 00
Net decrease in national-bank deposits	10, 820, 511. 00
Net decrease in State-bank deposits	10, 670, 215. 00
Total decrease	21, 490, 726. 00
Net increase	79, 366, 566. 00

The Secretary of the Treasury, in response to Senate resolution No. 33, delivers a eulogy on the national banks of New York City, which I heartily wish was deserved. On page 9 of the pamphlet which he submitted prior to filing his report he says:

It is a striking proof of the energy with which the banks of New York extended aid to those of other parts of the country that the national-bank returns show a reduction in specie in the national banks of New York from $173,221,007 on August 22, 1907, to $147,974,918 on December 3, 1907.

And on page 5 of that document we find this statement by the Secretary:

While the action of the Department in placing large sums in the national banks in New York was subjected to some criticism, it was amply justified by the conditions as they then existed and as they have been disclosed in the light of subsequent events. Figures given further along in this report will show that the national banks in New York did not retain in their own keeping the public moneys received, but were enabled through their extended relations, as reserve depositaries with banks of all classes throughout the country, to employ these moneys to meet a large proportion of the calls made upon them.

I do not think, Mr. President, I can be mistaken when I say that the Secretary of the Treasury in these two statements practically declares that the national banks of New York City sent to the banks of the interior, whose reserves they were holding, the $25,000,000 of specie to which he referred in the reduction of specie, and the $40,000,000 reduction in their reserve holdings, and used the public deposits in part to do so. Is this statement of the Secretary upon this important question—and it is crucial upon this matter of public deposits—correct? On the contrary, I assert that the very details of the report which the Secretary has submitted with this pamphlet clearly destroys the statement. Let me present it briefly:

It is significant that while individual deposits in the national banks of New York City had increased from August 22 to December 3 by $53,280,936, and United States deposits more than 168 per cent, or $47,576,356, or a total increase in deposits of $100,857,292; the decrease in the net amount due national banks outside of New York City during the same period amounted to $10,820,511, or only about 5.1 per cent, and during the same period the decrease in the net amount due State and private banks and trust companies had decreased only $10,670,215, while loans and discounts had increased $63,060,149.16, indicating clearly that the assistance extended by the Treasury Department to the New York banks must have been employed almost entirely in the relief of the situation there, and not in aid of the outside banks, which were dependent upon the New York banks for the repayment of a very large percentage of their reserves.

Also, it is to be noted that the reserves held by the New York City national banks dropped during this period from $221,349,657, on December 3, to $180,448,128, a decrease of $40,901,529, which may not be attributed to the calling in of their reserves by the outside national banks, as the amount so held by the New York banks decreased during this period only $10,820,511.

The same is true of the reduction of specie from $173,000,000 to $147,000,000, and for the same reason, the net decrease in the amount due by the New York national banks to all other national banks being only $10,820,511.

Mr. President, let me state that proposition again. The Secretary of the Treasury says, in effect, that the $25,000,000 reduction of specie by the New York banks and the $40,000,000 of their reserve reduction, amounting to $65,000,000, was accomplished in large part through the use of the public money on deposit, whereas the tables in the report of the Secretary show clearly and distinctly that the net amount which the New York City banks owed all other national banks decreased between August 22 and December 3 only $10,820,511.

It is significant that although the New York City banks did not, between August and December, pay to the national banks outside of that city but $10,820,511—and I want these figures to ring in the ears of the American people—that while they only paid that amount to the outside national banks they increased their loans and discounts during the same time $63,000,000. The Secretary tells us in his report—and I repeat it—that this public money went in large proportion on the call of banks for their reserves. Let us see about that. What became of this public money? The Secretary says that the call for reserves was met with it, in a large degree, by the national banks of New York City. The Comptroller of the Currency in his report, at page 67, says:

On October 26 the New York clearing-house banks decided to issue clearing-house certificates for use in the payment of balances, *and to limit, if not suspend, the shipment of currency to out-of-town banks.* In this the New York banks were followed by those of the other central reserve and most of the reserve cities.

That is not all, Mr. President, on this question as to where this money went which was deposited by the Secretary of the Treasury in New York banks. I read a few extracts from the appendix of the report of the Secretary.

At page 221 of the report, referring to Buffalo, appears the statement:

The banks have met all demands upon them in currency, both for pay rolls and over the counter, supplying their needs, if necessary, *through the purchase of currency at a premium.*

On page 224, referring to Louisville, we find this:

As to the movement of currency, would say that we have received none from New York or Washington worth speaking of, *except what has been bought at a premium ranging from $40 a thousand down to* $10.

From Cleveland, Ohio, we find the following:

So far as to the movement of currency, compared to previous years, from New York and elsewhere, there was practically nothing doing. *What currency that was received from New York was arranged for from 1 to 3½ per cent premium.*

Mr. President, we have seen that this money, with the exception of $10,820,511, did not go to the national banks outside of New York City. Let us see if we can trace where it did go. On March 22 the loans and discounts of all national banks were $4,535,000,000; on August 22 they were $4,678,000,000; on December 3 they were $4,585,000,000. That shows that all the national banks, between the 22d of August and December 3, doubtless in view of this crisis, reduced their loans and discounts by $93,000,000. Now, what did the national banks of New York City do during that period? On August 22 the loans and discounts of all national banks in New York City amounted to $712,000,000, while on December 3 they were $775,000,000, or an increase of $63,000,000, showing that while this panic was on, while individual depositors were clamoring in vain for their money, while the New York banks were issuing clearing-house certificates and demanding that they be circulated in that city as currency, while the outside national banks of the country were unsuccessfully demanding their reserves, the national banks in the city of New York increased their loans and discounts by $63,000,000.

Mr. President, let me ask now to whom at least a portion of these increased loans and discounts went? The report of the Comptroller of the Currency of December 3 shows that of the $712,000,000 of loans and discounts the national banks of the city of New York had $251,000,000 of demand loans secured by stocks, bonds, and other personal securities; and in a letter from the Acting Comptroller of the Currency, dated this morning, he informs me that the demand loans of the national banks of New York City on stocks, bonds, and other personal securities increased between August and December, 1907, from $251,000,000 to $302,000,000, or an increase of $51,000,000.

Going further with these figures, I call attention to the fact that on December 3, 1907, the national banks of New York City had individual deposits aggregating $585,000,000, deposits of all banks and bankers of $438,000,000, and Government deposits of $75,000,000, aggregating $1,098,000,000, of which $251,000,000, on the 22d of August, was loaned on the collateral of Wall street; $302,000,000 on December 3 loaned on the collateral of Wall street, and yet the banks suspended payment to their individual depositors and to their banking correspondents throughout the country, and they did it when they had money in their vaults with which to meet their obligations. They had as late as the 3d day of December $7,000,000 in checks

and cash items, $29,000,000 in legal-tender notes, and $147,000,000 of specie; yet they ceased cash payments, took the law in their own hands, issued clearing-house certificates and required the people to accept them, and sold the public money which had been deposited with them at a premium in some cases of $40 on the thousand and in others of 3½ per cent.

We have, therefore, or had, on the 3d of December, 1907, $223,000,000 of public money, wrung from the people of this country by taxation, on deposit in the national banks of the United States without interest, $75,000,000 of which was deposited in the banks of New York City alone. This money was not distributed over the country according to population or on the basis of combined capital and surplus, but was distributed unjustly and inequitably and often in pure favoritism. It was used by the national banks of the city of New York in large degree for purposes of stock speculation and to extort an exorbitant premium from their outside banking correspondents. Holding hundreds of millions of money belonging to outside banks as a reserve, the national banks of New York refused to permit those banks to have their own, and, instead, loaned it on speculative collateral or sold it on the streets of New York at exorbitant figures.

Only 5 per cent of the reserve held by the national banks of the city of New York was paid out on call of outside national banks, whereas the response of all the other reserve cities, including Chicago, during that period, amounted to 22 per cent and they did not enjoy the favor of excessive United States deposits as did the national banks of New York.

Mr. President, the situation in which the country found itself last fall was striking and extraordinary. The financial panic which then ensued can not logically, it seems to me, be attributed to natural causes. While the crop yield for 1907 was somewhat less than that for 1906, the value of the crop for 1907 exceeded that for 1906 by more than $400,000,000. The output of the iron furnaces of the country for 1907 was greater than that of 1906. When this panic began, the number of commercial, bank, and trust company failures for 1907 had been far less than for the same period of 1906. Cotton mills had advanced wages and were earning exceptional profits. The gross earnings of railroads for 1907 were the greatest in their history for a like time. Perhaps it may be safely said that every character of business, agricultural, commercial, industrial, and manufacturing, was prosperous and lucrative. With the exception of pessimistic interviews by railway presidents and the cries of trust magnates against the enforcement of the law, there was scarcely a discordant note in all the land.

Nor is that all. The per capita circulation in the United States was $33.23, and the volume of money in the country was apparently reasonably sufficient. As indicating this, the banks left unused the power to issue $300,000,000 of their circulating notes. As I have shown, the year 1907 surpassed all others which had gone before in the aggregate of individual deposits in the banks. The confidence of the public in these great institutions reached the highest mark that year. In spite of this general and widespread prosperity, national banks of New York, in betrayal of the trust in them, without warning, and so far as has been established without cause, lawlessly suspended payment, not only to their individual depositors, but to their interior banking correspondents as well. Prior to this there was no complaint from any quarter that money was being hoarded or that there was a scarcity of currency.

This action of the banks, whatever may have induced and inspired it, was immediately followed by that public distrust which swept over the land and which to a degree still exists and which produced a famine of circulating currency and a cessation of business activities. Yet, when confronted with this condition of affairs and with a demand for relief, the party in power, and which is responsible for legislation, refuses to make inquiry or even to report a resolution to that effect adversely; refuses to make inquiry into this illegal and perilous action of the New York banks and into the influences and motives which dictated and directed it.

More than that, Mr. President. Not only is an immediate and thorough investigation refused and denied, but this party presents as its distinctive measure at this session what is known as the "Aldrich bill," one which will give additional power to the banks, which will foster the spirit of bond speculation by the banks, and which will still further discriminate against the general public in the interest of the bond-holding class.

It may not amount to much, probably it will not, but against this policy, which is one of inaction and suppression of facts on the one side and on the other of surrender to the money power, I enter my earnest and emphatic protest.

APPENDIX No. 1.

[Extract from the report of the Comptroller of the Currency for 1907.]

But during the month of October the collapse of a highly speculative corner in stocks, dealt in on the "curb" in New York—not even listed on any regular exchange—brought suspicion upon an old, well-established national bank in the city of New York. Although examinations by the national-bank examiners and the New York clearing house committee showed this bank to be entirely solvent, with its large capital and a considerable surplus still beyond question intact, public interest had been aroused to such an extent that runs developed in New York City on a number of other banks and trust companies and some national banks between which and the bank first under attack there was known to be community of ownership and management. The national banks of New York City were all found to be solvent by the clearing-house committee, and being supported by the clearing-house banks none failed.

But, unfortunately, a few other banks and trust companies were not in such good condition, and many of them, not being members of the clearing house or any similar association, they were not so well prepared for cooperation and support of each other. The Knickerbocker Trust Company, with $1,200,000 of capital and $48,387,000 of deposits, closed its doors on October 22, and this was followed by a large number of failures among smaller banks and trust companies. During the months of October and November ten State banks and trust companies, two of which have since resumed, closed their doors in New York City and vicinity. There were long and serious runs on two large trust companies, which were only kept from failure by the support of the other trust companies and the clearing-house banks. One national bank, the First National Bank of Brooklyn, which was clearing-house agent for two large trust companies in Brooklyn which had failed, was compelled to close its doors on October 25 in order to avoid the responsibility for the clearings of these trust companies, and is now in the hands of a receiver.

On October 26 the New York clearing-house banks decided to issue clearing-house certificates for use in the payment of balances, and to limit, if not suspend, the shipment of currency to out-of-town banks. In this the New York banks were followed by those of the other central reserve and most of the reserve cities. The result was to at once precipitate a most serious bank crisis and a famine of currency for pay rolls and other necessary cash transactions. All domestic exchanges were at once thrown into disorder and the means of remittance and collection were almost entirely suspended. Money has been withdrawn and hoarded by individuals, corporations, and even more, perhaps, by the banks themselves, all of whom at once drew and held all the money of any kind they could obtain, often really in larger sums than needed.

It has been one of the peculiar features of the situation that there has actually been more of a panic among the banks themselves than there has been among the people. The banks have been fearful as to what might develop, and finding their usual reserve deposits only partially available, if available at all, they have been compelled in self-protection to gather from every source all the money they could possibly reach and to hold on to it by refusing payment wherever it is possible and satisfying their customers with the smallest possible amount of cash. It has been remarkable how patiently and with what forbearance the people in the business community generally have borne with the situation and helped the banks to deal with the emergency. With the exception of the first excitement in New York and some smaller runs in other places, there has really been surprisingly little excitement or uneasiness among the people.

The greatest hardship to business generally has been the derangement of the machinery for making collections and remittances. As can readily be seen, this has interfered with every kind and class of business and led to great curtailment of business operations of every kind. Factories have suspended, workmen have been thrown out of employment, orders have been canceled, the moving of crops has been greatly retarded and interfered with and exports have fallen off at a time of the year when they should be at their highest. Another result has been a reduction of the volume of the foreign credits available just at the time they are most needed to offset the large imports of gold which have been made.

APPENDIX No. 2.

The total net reserves due from approved reserve agents to outside banks amounted on August 22, 1907, to		$576,356,434
And on December 3 to		487,152,400
Or a net decrease of		89,204,034
Of which there may be credited to the New York City national banks, as heretofore shown, the sum of		10,820,511
Leaving to be credited to the other reserve cities		78,383,523

In other words, the New York banks, holding net reserves belonging to other banks on August 22 of $213,744,686, reduced this amount only a fraction over 5 per cent, while the other reserve cities of all classes holding on that date net reserves, aggregating $362,611,748, reduced this amount by $78,383,523, or very nearly 22 per cent.

It is interesting to compare the course pursued by the national banks of the city of Chicago during the same period, particularly in view of the fact that these latter banks received an increase of United States deposits of $3,592,991, as against the $47,576,356 of like deposits with which the New York banks were favored. It appears that—

On August 22 there was due by the Chicago national banks to outside national banks	$115,843,275	
And on December 3 there was due in like manner	101,985,941	
Or a decrease of		$13,857,334
But there was due from outside national banks to Chicago national banks on December 3	$41,244,967	
And on August 22 there was due in like manner the sum of	39,092,682	
Or an increase of		2,152,285
Or a net decrease in the balance in favor of the outside banks of		16,009,619

Or about 14 per cent as against the 5 per cent corresponding reduction made by the New York banks.

During this period individual deposits decreased in Chicago national banks	$10,275,164	
And United States deposits increased	3,592,991	
Leaving net loss of deposits of		$6,682,173
Or a net reduction in their indebtedness of		22,691,792
To this reduction of $22,691,792 should be added:		
Net reduction in amount due State and private banks and bankers	$6,952,842	
Decrease in amount due trust companies and savings banks	4,427,205	
Or a further decrease of		11,380,047
Or a total net reduction of		34,071,839

As against a reduction of like character by the New York banks of $21,490,726, or considerably less than one-half of the United States deposits alone with which the New York banks were favored.

APPENDIX No 3.

[Editorial New York Evening Post January 13, 1908.]

THE PANIC OF 1907.

Saturday's statement of the New York banks showed, for the first time since panic began with the Knickerbocker failure on October 22, a surplus over the 25 per cent ratio of cash reserve to deposits required by law. In advance of this return to a surplus basis, the New York banks had resumed full cash payments to depositors; the currency premium had disappeared ten days ago; drafts on New York by banks of other cities are being met in cash; Chicago, Pittsburg, and Philadelphia banks are calling in for redemption the "wage checks" issued during the currency famine. All this proves that the period of suspension of payments, complete or partial, is at an end.

With its habitual absorption in the future, the business community is now discussing nothing but the chances for or against a similar recovery in general trade. On this head there is much to say; we shall at present, however, use the occasion rather to make some inquiry into the extraordinary episode which lies behind us. No doubt the most palatable comment would be congratulation to our financial institutions for having emerged from so formidable a crisis with relatively so little of outright insolvency. We shall not take this view. What, to our mind, stands out paramount in this panic episode is the refusal by the deposit institutions of this country, during nine successive weeks, to return to its owners, on their request, the money deposited by them in trust with such institutions; the public sale at a discount, during all this period, and in amounts running to the tens of millions, of certified checks on powerful and solvent banks, and, finally, the forcing upon wage-earners by employers in half a dozen cities, of a makeshift currency not exchangeable for real money in the city of its issue, and not receivable for payments in any other locality. Everyone knows that this is a plain and accurate statement of what has happened; had such a state of things occurred in any other country than our own, our people would have described it as a shameful exhibition of weakness and bad faith. Why of all nations should the United States, which a very few years ago was claiming title as the financial center of the world, have been the scene of this extraordinary performance?

We are not among those who hold our currency system responsible. An ideal system—a central bank, an elastic currency—would no doubt have mitigated the after effects of this breakdown of credit; but we are convinced, along with the best European critics, that no currency system in the world would have stood up against such a raid on bank deposits as occurred in last October. But this merely shifts the inquiry to another question, why the money-hoarding mania should reach in this country at such times proportions never imagined elsewhere in the world, and why the various banking centers of the United States should stand out habitually as a dangerous menace to one another the moment the American market falls into panic.

One explanation occasionally heard is that in affairs financial our people are impulsive, excitable, hysterical, and that just as they fling their savings into wild-cat speculation during such speculative crazes as that of 1901, so, at a time of shaking credit, they see no recourse but to pull out their bank deposits and hide the cash. There may be some truth in this supposition. But the French are notoriously a more excitable people than our own, and they are, moreover, far more disposed to keeping their savings in the chimney corner; yet nothing like this occurs in France. It must also be remembered that the practice of hoarding money, on the first signs of coming financial panic, has been directly encouraged by the experience of previous panics. The merchant, the small manufacturer, the dealer in land or produce, who remembered that in August, 1893, his bank refused for five weeks to allow him to draw from his deposit account the cash to pay his hands or consummate his purchases, can not be wholly blamed if, in October, 1907, he is sorely tempted to get a supply of cash in hand before his bank shuts down on payments.

But if the trouble lies with the banks, what is it? Why should our fiduciary institutions be driven to this humiliating recourse when it is never adopted elsewhere? We believe the simple and undeniable answer to be that our practice of redepositing bank reserves in banks of other cities, thereby diminishing the safeguard against deposits in the smaller cities, and entangling the banks of East and West with one another on a scale which no other community would dare to apply, creates a banking position which is certain to break down under strain of panic. Of the 6,544 national banks in the field last autumn, 6,178 were the so-called "country banks," which by law are allowed to deposit with banks in other cities three-fifths of their 15 per cent required reserve. Banks in the larger cities bid for these "country-bank reserves" by paying interest on them. The result, as shown in the national bank reports just before the panic, was that, out of the reserve of these 6,178 country banks, $420,000,000 was placed in more or less distant cities and only $201,000,000 kept on hand in cash, where it could be used to meet, at a moment's notice, the demands of a run of depositors.

These figures seem to us to go far toward explaining the suspension of payments, the blockade of interior exchange, and the numerous resultant embarrassments which mark such episodes as last October's. It will perhaps be rejoined that the Bank of England holds the reserves of other banks, precisely as do our larger banks in the "reserve cities." But the Bank of England maintains against such deposits a cash reserve, not of 25 per cent, as in New York, but of 40 per cent or over, and it furthermore would not dream of investing such funds in loans to stock-exchange operators—the chief use which is made of them at New York. Our own belief is, that until these reserve provisions of the banking law are remodeled, or until the practice is modified by the banks themselves, the most perfect currency system in the world will not protect us in the future from repetition of such discreditable exhibitions as American banking has made of itself this winter.

Mr. PILES obtained the floor.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Illinois?

Mr. PILES. Certainly.

Mr. HOPKINS. Mr. President, it is not my purpose upon this occasion to attempt any general reply to the speech which has been made by the Senator from Texas [Mr. CULBERSON]. I rise more for the purpose of calling to the attention of the Senate and the country generally the fact that every statement made by the Senator from Texas in an indictment of the Secretary of the Treasury has been answered by the Secretary in the report he has made to Congress. If any person will take the time and the trouble to read that report, he will find that all the objections which have been made have been completely answered; that the facts and figures demonstrate that instead of the Secretary showing any favoritism to banks in New York or to other banks, his action has been controlled by the most patriotic principles, and that he made the deposits in New York, in Chicago, and in other places as he believed would best meet the emergency which then existed.

At the time these deposits were made, or at least when they were largely made, we know there was an emergency in this country which threatened the stability of our financial institutions, and it would be just as fair to criticise a force of men as violators of law who would destroy a building in order to stop a conflagration that threatened an entire city as it is to criticise the Secretary of the Treasury under the circumstances under which deposits were made.

Now, without attempting to make any argument of my own I desire to call the Senator's attention to page 23 of the report, where the Secretary himself makes a statement of the reasons which caused him to make the various deposits in the national banks, especially with reference to the banks in the city of New York. The Secretary says:

Obviously when the pressure was focused, to the extent which has been set forth, on the financial center of the country, it seemed advisable to focus relief there also. The national banks of New York City held on August 22 only $28,253,386 in deposits of public money, aside from certain balances of disbursing officers, or considerably less than 3 per cent of the national banking capital of the city. The United States deposits in national banks in all other places were about $115,000,000, or more than 12 per cent of the national banking capital of the remainder of the country.

So on August 22 the national banks of New York City, instead of being favored, had only 3 per cent as against 12 per cent of deposits in national banks in other sections of the country.

The Secretary further says:

It is plain, therefore, under the policy of recalling the public funds, which was inaugurated in the spring, that the national banks of New York were not favored with any large proportion of public moneys, but, if any unintentional discrimination was shown, were treated less favorably than the banks of other sections of the country.

I desire to state that the tables and statistics which accompany the report confirm every word stated by the Secretary in this respect, and show that instead of New York being favored, if there was any discrimination whatever, it was against the New York banks.

The Secretary says again:

It may not be inappropriate for me to say in this connection, so that there may be no misunderstanding on this point, that I have not deposited a dollar of the public moneys in the national banks of the country upon any other basis than that of the public interest. These funds have been deposited and distributed without regard to partisanship, and no individual or association of individuals, no city or State or section, has received any other than that fair and impartial consideration to which each is entitled.

It is easy, Mr. President, to take a part of the statistics presented in the report here and compare them with the statistics as to some other section and produce thereby a disproportion in the two sections discussed, but when you take the entire report which has been made by the Secretary of the Treasury, it will be found that instead of there having been partisanship or sectionalism shown, he has deposited the funds in the different banks to meet the exigencies in every section of our common country.

The Secretary further says:

While the Secretary of the Treasury felt compelled, in order to meet the exigencies of the situation, to increase deposits largely in the banks of New York City, even the proportion left in their custody after the panic had subsided was smaller than the proportion in certain other cities and States.

Mr. President, I repeat that the figures and statistics which the Secretary has submitted with the report substantiate and

support in every detail that statement made by the Secretary.

He says, further:

A table appended to this report shows the distribution of Government deposits on the date of December 7, 1907, by States and by sections of the Union. These figures show that the amount of public deposits on that date in the entire country was $222,352,252, which amounted to 15.3 per cent of national-banking capital and surplus, amounting to $1,451,296,366. While the banks of the State of New York appear as holders of public moneys to the amount of 26.8 per cent of their capital and surplus, the banks of the New England, Eastern, and Middle Western States, taken as a whole, and including New York, show a percentage of deposits to capital and surplus of only a little more than 15 per cent. The banks of the Southern, Western, and Pacific States, on the other hand, show a proportion of nearly 18 per cent.

More than 3 per cent over the banks of New England, the Eastern, and Middle Western States, including the State of New York.

The Secretary further says upon this point:

Full details of this distribution of public funds, as appended to this report, show that they are distributed among 1,421 national banks.

That statement alone would show that there could not have been any great favoritism shown, because we have nearly 1,500 national banks scattered over the entire country. All of these were favored with deposits, or, rather, the sections of the country where these banks are located were favored.

The chief object, of course, in distributing public funds is not to afford profit to banks as such, but to afford to the business community means for carrying on its transactions upon a normal basis of money supply and interest charges.

The Senator during his remarks made some comparison between the condition of the deposits in the national banks of Texas and the national banks here in the District of Columbia. It seems to me that if the Senator had been entirely fair in connection with those remarks he would have called to the attention of Senators the fact that the Secretary himself called attention to this apparent discrimination between the amount of deposits in the national banks in the State of Texas and the deposits in the national banks in the District of Columbia, and in my judgment he has given a complete answer to the criticism made by the Senator from Texas. Now, what does he say regarding the deposits here in the District of Columbia, and what does he say regarding the deposits in the State of Texas?

The State of Texas, on the other hand, which has banking capital equal to about four times that of Louisiana, has received only 5.2 per cent of this amount in public moneys, because the resources of the local banks appeared to be equal to the local character of the expenditures involved in the movement of the cotton crop.

In other words, Mr. President, there was no business or financial necessity for an increase in the deposits in the banks in the State of Texas. But why is it that the Secretary says that in the State of Louisiana the percentage was 27.4 per cent of its national-bank capital and surplus? He says that it was because of the movement of the cotton crop, and New Orleans being the financial center in the control of the cotton trade he deposited large sums of money there for the purpose of facilitating the transportation of the cotton crop, showing that he was looking after the interests of the southern section of our country as well as the interests of New York. When he saw the emergency, in order to facilitate the transportation of the cotton crop of the South, he made large deposits in the national banks in the city of New Orleans.

In speaking of Texas, the Secretary further says:

It may be added, in the case of Texas and in some other States where the distribution of public funds was small, that the banks showed by the large reserves of cash they held that they did not need Government assistance. Thus, the percentage of total reserve held against deposits was in Texas 25.72 per cent and in Arkansas 29.82 per cent.

Senators will remember that while the distinguished Senator from Texas was speaking of this disproportion in the distribution of the funds no complaint was made that the banking facilities of Texas were not sufficient to meet all the emergencies there. No claim was made that by failure to make deposits there any business interest whatever suffered.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Texas?

Mr. HOPKINS. I would prefer to go ahead until I get through, if it is agreeable to the Senator.

Mr. CULBERSON. I anticipated that the Senator would say that, but I want to ask him, notwithstanding his feeling about it——

Mr. HOPKINS. Very well, if the Senator anticipated it and desires it, I will yield.

Mr. CULBERSON. Is the Senator aware of the fact that during a part of the period the banks in Texas asked the Secretary of the Treasury to designate them as depositaries and he declined to do it?

Mr. HOPKINS. The Secretary of the Treasury declined to make Government depositaries of banks in the State of Illinois, to my personal knowledge, but he did it for the same reason that he declined to make deposits in certain national banks in the State of Texas, because, as he has explained in this report, there was no financial or business reason why that should be done. He refused it in Texas as he refused it in Illinois and other States, but wherever he found that the business exigencies required a Government deposit be made it, as he did at New Orleans. That is an answer to the Senator from Texas upon that point.

Now, Mr. President, I wish to call to the attention of Senators the comparison that was made in the speech of the Senator from Texas between the deposits in the national banks in Texas and in the District of Columbia. If the Senator had been entirely fair and had desired to place the Secretary of the Treasury fairly before the Senate and the country, in making this comparison he would have called to our attention the statement that we find on page 24 of this report, which accounts for the large deposits in the national banks in the District of Columbia. Inasmuch as the Senator failed to read that paragraph to the Senate, that it may go to the country in the interest of fair dealing with the Secretary of the Treasury, I will now read the statement to the Senate. The Secretary says:

In this connection I desire to call your attention to what may seem, by comparison with other cities, an unusually large deposit of public moneys in the national banks located in the District of Columbia.

Under the laws governing the District of Columbia the taxes assessed on real estate are due and payable during the month of May in each year. The proceeds of these collections are immediately paid into the Treasury of the United States, thus taking out of circulation a large sum of money. In other cities these tax funds are placed on deposit with the various banks by the municipal authorities. In order to meet this emergency, the Treasurer has each year made deposits with the local national banks of an amount aggregating the taxes paid into the Treasury in May. These deposits have been made with the banks in proportion to the individual deposits as compared with the amount to be distributed. The banks repay this money to the Treasury in ten equal installments, on the first day of each month, commencing July 1, which enables the Treasurer to meet the expenditures of the District authorities as they may fall due without withdrawing from circulation for so long a period a sum which would cause, and has in the past caused, a marked and unnecessary stringency in local financial conditions.

At the last date (December 7, 1907) named in the accompanying statement of deposits of public moneys, there was on deposit with twelve national banks of Washington a total sum of $4,816,631.31, of which $1,936,500 was the remainder of the temporary deposit on account of the tax collections referred to above.

So you see by going to the report itself that it not only answers the comparison that is made between the national banks of Texas and the District of Columbia, but if I had the time I could show from this report that every one of these charges of unfairness made against the Secretary of the Treasury is absolutely and completely answered in this report.

It is an easy matter, Mr. President, for any Senator to rise upon this floor and take these figures and by a species, I will not say jugglery, because, perhaps, that word ought not to be used, but by assembling them in various forms make it appear that there was an unfair division in deposits. But when you take the complete report and the figures that have been given by the Secretary of the Treasury they substantiate and support the statement that no partisanship has been shown by him and no section has been disregarded.

The VICE-PRESIDENT. The resolution will lie on the table.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. I move that the Senate proceed to the consideration of the bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909. The Senator from Nebraska [Mr. BURKETT] wishes to submit some remarks upon the bill.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 627) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, which had been reported from the Select Committee on Industrial Expositions with amendments.

Mr. PILES. Before I ask for action upon the amendments of the committee I yield to the Senator from Nebraska.

Mr. BURKETT. Mr. President, as I understand it now, we have by a vote of the Senate taken up under Rule IX the Alaska-Yukon Exposition bill. I should like to ask the Senator from Washington if it is his desire and intention to press the bill to a vote at this time?

Mr. PILES. I should like very much to have the bill disposed of to-day.

Mr. BURKETT. I wish to say to the Senate I had rather

hoped I would have a little more time to get together, as it seemed to me somebody ought to get together, a little of the records, that we might know just what we are doing in these exposition matters and just what we have been doing. We have all been very busy, and it seems to me that I have been unusually busy in the last few days, or since this measure came up, and I asked to have it go over under Rule IX.

As I said, I have no disposition in any way to prevent this measure from coming before the Senate, even though I could, because I have never had very much respect for an attempt simply to delay legislation or to prevent a vote from being had upon it.

I will also say at the beginning that I appreciate the fact that one is in a very unenviable position when he undertakes to oppose the passage of a bill in which any Senator has so much interest as the Senator from Washington has in this bill.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. BURKETT. I will say to the Senator from Idaho that he need not do that through courtesy to me at all.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Nebraska will proceed.

Mr. BURKETT. Mr. President, as I was saying when I was interrupted by having the unfinished business laid before the Senate, I appreciate how unpleasant it is for one to have to oppose a bill that any Senator is so much interested in and that his part of the country is so much interested in as the present case.

However, of course we shall never have before us an exposition bill that will not occupy exactly this same relation toward somebody. I do not know that ever again an exposition bill will be championed by a Senator whom we all think so much of personally as we do of the Senator who is advocating the pending measure; but it does seem to me that the time is coming when the Senate by its vote ought to determine these matters, as I believe Senators individually feel in regard to it. I have had more than one Senator say to me that this exposition business should be stopped, or at least that some methodical way be taken up to consider them and to handle them and hold them.

As I have said, I have not had a great deal of time to collect data, but I want to give to the Senate a little of the facts in reference to expositions of the past. I have collected them within the last twenty-four hours, or since the bill was put under Rule IX, and I was notified that the Senator from Washington desired to get it up to-day.

I was very much interested, as we were all entertained, instructed, and delighted, with the speech the Senator from Washington made the other day. As a western man, I can appreciate the truthfulness of what he said. As one who has gone over the northwestern country and is familiar with it, I can appreciate all he said that was good of those people and that was good of that country.

I must say, however, that the statement that Alaska was the particular part to be benefited by this exposition fell almost upon deaf ears, so far as I was concerned. As far as I have been able to run this scheme back to original sources, Alaska did not originate and plan the Alaska-Yukon Exposition. I have on my desk now a letter that I received from a man in Seattle. I do not know that I ought to have it read, but he makes the direct assertion that it was begotten and planned and pushed forward and has been promoted by a lot of boomers up there in Seattle for the purpose of booming real estate and booming their own private interests, and he says that the solid, substantial commercial interests of the State of Washington are being outraged, just as they have been in every city where these expositions have been held.

I undertake to say that if you could get back to the facts, it would be found that every exposition which has ever been held has been planned and designed and originated, in the main, by a class of men who did not have to bear the responsibility and who did not have to pay the bills when they finally had to be paid.

Expositions and institutions of that sort usually are promoted by a class of boomers for that particular locality. They conceive some great demand to start an exposition, and they unload their ideas on the community, on the country, and on the whole world. I say the whole world, for they usually become world-wide. I maintain that it is an imposition, year after year, to have the promoters of these expositions come here and demand our attention and the money of the Government and the money of other nations of the world.

What benefit is Alaska to receive from this exposition? The Senator spoke of the great resources undeveloped in Alaska. There is not any doubt about that; but let me say to the Senator from Washington he does not need an exposition in Seattle to tell him about the undeveloped resources of Alaska. There is not a man in the State of Washington, or in that northwestern country, who needs an exposition in Seattle to tell him about the undeveloped resources of Alaska.

Sir, if we are going to have an exposition for the benefit of Alaska, to advertise its resources, we should bring it down in some of the commercial centers in the middle or eastern portion of the United States, where they are not in direct contact with Alaska and need the information. Very few people, comparatively speaking, who ought to know about Alaska can or will get out to Seattle. Seattle is circumscribed by mountains and handicapped for exposition purposes by her long distance from the greater portion of the population of this country.

This simply means a little exposition to that comparatively little community of people who already know about the industrial resources of Alaska. So, I submit, that if the exposition is to be for the benefit of Alaska, if it is to show to the 90,000,000 people of the United States what great opportunities there are in Alaska from an agricultural and mineral standpoint, it ought to be moved a little farther along, where more of the people of this country could get to it. But I maintain that Alaska does not need any advertising just at present. The discoveries of gold has made Alaska the most familiar spot on the map of the world. People are going and coming; books and magazines and newspapers all tell of the glories of Alaska.

I want the Senate to know that it is not a sudden frenzy of mine that I am displaying here to-day about expositions. I want the Senate to know that I have opposed every exposition since I have been in Congress. I have not opposed all of them on the same grounds as I do this one, but because they were ill-planned and inopportune. There is absolutely no call for this one outside of the minds of those enterprising people of the State of Washington. I have looked in vain through this bill to find if some of the errors that were in other bills have been covered, and I regret to say that they have not all been guarded against. I call attention to the lamented exposition that has just closed down here at Jamestown, with a million dollars of deficit. I remember when that measure was before the House. I was a Member of the House at that time, and I asked the friends of the measure to point out where there was a dollar of money behind the exposition to be held at Jamestown. There was a subscription list somewhere; there were some appropriations that were going to be made by the States; there was a lot of money, a lot of influence behind it; but when the thing finally was consummated and brought to an end we find that practically all there was ever behind it was the appropriation that this Government made and the $1,000,000 that we loaned them out of the United States Treasury.

Of course the bill would not show anything as to their financial condition, but I submit that the report should tell us all about what is behind the exposition—what their financial condition is. I have gone through the report, and it stated that $500,000 in subscriptions were called for and in one day $625,000 of subscriptions were made. You could raise $625,000 of subscriptions under the right sort of conditions, I expect, on the floor of the United States Senate, and it is not a very wealthy body either. You could take up subscriptions anywhere on certain conditions or provisions that you could write. Nowhere are we told what the conditions and the provisions are of those subscriptions out there nor are we told in this report whether a dollar of them have been paid. I am safe to say, I think, that if any of these subscriptions were paid, a report so recently made and presented to the Senate would have stated it. It refers to——

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. BURKETT. Certainly.

Mr. PILES. I wish to say to the Senator from Nebraska that probably he did not notice it, but that I stated on the floor of the Senate that $412,000 in cash had been paid of the subscription of $625,000. The balance is not due until next April, and it will be promptly paid.

Mr. BURKETT. I accept the Senator's statement. I did not hear it on the floor of the Senate, or of course I would not have made the statement I did. I tried to listen to the Senator's speech. I recall, however, that I was called out for a few mo-

ments, and I presume it was in that time the statement was made, or at least I did not catch it.

However, Mr. President, we do know now that this exposition to which we are asked here to appropriate $700,000, has only $412,000 of capital. We do not know what that capital consists of nor in what it has been invested. In short, without knowing anything about it, without inquiring anything about it, or having anything to do with the management of it, we are going to approprate $700,000 out of the Public Treasury for an exposition the total of whose capital paid in is $412,000. The Government is at once the largest partner and has absolutely nothing to say.

Not quite to the same extent, perhaps, but it borders on the same ridiculous legislation that was enacted in behalf of the exposition that has just closed down at Jamestown, and that promises to give us so much trouble. The whole thing at Jamestown was that they did not have enough of original capital. So far as our information goes the people of Seattle are expecting the Government to bring an exposition out there to boom their particular part of the country. I do not think we ought to do it.

In saying what I have I am not opposing expositions altogether. I believe there is a legitimate call for legitimate expositions. I believe they do much good. It is a proper means of advertising our industrial progress, our commercial development, and our agricultural advancement. We are proud of what we have done and the whole world should know of it. Expositions are proper means of display. But when we do it, it seems to me that the Government ought to initiate the thing, and should say when it is to be, and where it is to be, and how big it is to be, and then we would know something about it, and the world at large would have confidence in it.

I can say that I think there has been but one exposition, and that is the little one held eight or ten years ago in my own State, that has not caused the Government more or less trouble either before or after. At the time of the St. Louis Exposition, after having given about six and a-half million dollars, we then were asked for a loan of $5,000,000, and I will say to the Senate here, and the records will bear me out in it, that it was the fight some of us made on the floor of the House against that $5,000,000 loan that put the clause in the bill that secured its repayment, and by which we got the money back that we loaned to the St. Louis Exposition.

I wish to call the attention of the Senate just now to this fact. I presume that all Senators do not know it. There are pending on the floor of the Senate right now five bills for expositions of more or less consequence calling for a greater or less amount of money.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Certainly.

Mr. FLINT. I will ask the Senator whether the Government ever appropriated any money for an exposition at Omaha in his State?

Mr. BURKETT. Yes, sir; it did.

Mr. FLINT. Will the Senator please enlighten us as to what good the country gained by that appropriation?

Mr. BURKETT. The Government appropriated $200,000, and I will say that the Omaha Exposition was the only exposition that has ever been held which not only paid out but paid every dollar back of the money that was put in by the stockholders. I was not in Congress at that time, and I do not propose to be held in line for these appropriations, as some Senators may think they have to be held simply because their particular States have before had one of these expositions.

Mr. FLINT. I should like to ask the Senator a further question.

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from California?

Mr. BURKETT. Certainly.

Mr. FLINT. I ask the Senator whether from his experience, having traveled over the country as he has done a great deal, he will not state as a practical man that there is more likelihood of an exposition being a success in Seattle than it was in the city of Omaha?

Mr. BURKETT. No; I would not say that, after the experience we have had with one or two others not very far away. We can not speculate, as far as that is concerned, I will say to the Senator from California. We can not know what the success of this exposition is going to be. It is not probable that any exposition of this kind will pay its expenses, and then pay back all the money to the stockholders as the Omaha exposition did. Anybody would wager ten to one that this exposition would not pay its expenses and dollar for dollar all the money that was put into it. So I say it would be a safe statement, if I cared to make it, and if it was necessary to make it, if it would do anybody good to make it, that this exposition will not be as great a financial success as the Omaha exposition. No other exposition ever was as great a success as was that exposition.

Mr. FLINT. I will ask the Senator from Nebraska, whether he ever examined the figures for the exposition that was held in the city of Portland, and whether that did not show better returns than any other exposition ever given in the country.

Mr. BURKETT. It did not.

Now, Mr. President, as I was about to say when the Senator interrupted me, I can not favor the pending measure because we happened to have an exposition out in Nebraska, for which, I think, we got $200,000 from the Government. I think I might as well be honest about it, and say that it was a very unwise thing for the Government to appropriate that money so soon after others, although, as the results show, there were more people who gathered there in proportion to the amount of money that was expended than at any other exposition which has ever been held. So what money was put in that exposition for that display did more good, if expositions do any good, in point of numbers comparatively speaking, than any other exposition that has ever been held. But it was the pluck and energy and wisdom of the men who were behind it that made it go. The word failure was not in their dictionary. And while it was a success, nevertheless the success was not on account of the wisdom of the appropriation.

Mr. BEVERIDGE. May I ask the Senator when the exposition in Omaha was held?

Mr. BURKETT. In 1898.

There are now pending before this Senate five bills for expositions. All of them, with one exception, have been reported, as I have them here. No. 627 is the number of the Senate bill for the exposition at Seattle, the bill which is now under consideration.

Then we have Senate bill No. 2424, a little appropriation for an exposition in New York which the Senate passed a few days ago; Senate bill 4633, providing for taking part in an exposition at Quito, which the Senator from Maine [Mr. FRYE] called up the other morning and had passed; Senate bill 4634, providing for an exposition at Santiago, Chile, which is reported here, and I have the number of the report, which is 139; Senate bill 4639 is for an exposition at Tokyo, Japan, which has been reported by the Senator from Illinois [Mr. CULLOM], making five of these exposition bills which are now pending; and if we are to believe what we read in the newspapers, there are at least as many more threatened within the next five or six years in this country.

I realize, in talking to the Senate as it is composed at this hour, that these words are not going to be received with very great favor perhaps; but, nevertheless, I can not help saying that it does seem to me that there is a time, and that that time is now, when we ought to stop this indiscriminate holding of expositions, when we ought to say that we are not going into every exposition on no greater provocation than simply an invitation from some particular city. Take the city of Seattle. Within a year, or at least only two or three years ago—the buildings are still standing; the flagstaff has not yet been taken down—within 150 miles from this same city we had another exposition. Portland, Oreg., had an exposition two years ago. Alaska was displayed in that exposition; Alaska was displayed at St. Louis on just as great a scale perhaps as it will be displayed in this proposed exposition. Alaska has been displayed at every exposition. So have the Philippines and Hawaii and all the other possessions of this country. I dare say, under this appropriation of $25,000 for the Philippines, that it will be a simple mockery and a ridiculous exposition in comparison with the display of the Philippine Islands that we saw at the exposition at St. Louis. So Senators will see that these expositions are not so much for the benefit of those possessions of ours, but simply to get enough of a display to attract people to the community where the exposition is to be held. As stated in this letter written by a citizen of Seattle, it is simply a boomer's scheme to collect people in that community.

Mr. President, in the hurry and in the shortness of time that I have had to go over this matter, I have got a list of the names of all the expositions which have been held, not only in this country, but abroad, and in reading this list of five bills that are pending here you will notice that two or three of them are for foreign expositions. We have permitted towns, without let or hindrance, under the authority of an act of Congress, to invite all nations of the world to participate in expositions and to become a part of some great international exposition here and there. When we have done that we have assumed a responsibility to the other nations of the world; we have under-

taken an obligation that when those nations invite us we must respond in kind; and God only knows where the end will be if we must respond for expositions in all the countries that have responded to our many invitations.

We are going a second time into some of our cities. I read in this list that Charleston has already held two expositions. We are going the second time up into the Northwest country, within five years, and all the other countries of the world have the right to come in and demand that we accept their invitation, as they have accepted our invitation, to participate in expositions which we have held in this country.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. BURKETT. Certainly.

Mr. TILLMAN. The Senator from Nebraska is usually so accurate that I am surprised when he states that Charleston has had two expositions. I recall but one.

Mr. BURKETT. I have a paper here from the Secretary of the Treasury giving the list. Let me see if I am correct. I will read the list of expositions which have been held in the United States. I intended to read it anyway. First, Philadelphia in 1876. We appropriated for that $2,294,319.65. Cincinnati, in 1884; New Orleans, in 1884; Louisville, in 1884; Cincinnati again, in 1888; Chicago, in 1893; Atlanta, in 1895; Nashville, 1897; Omaha, 1898; Philadelphia again, in 1899; Buffalo, in 1901; Charleston, in 1902; Portland, in 1904; St. Louis, in 1904; Jamestown, in 1907.

I see I am wrong as to Charleston, I will say to the Senator from South Carolina [Mr. TILLMAN]. I do not know how I made the mistake. Cincinnati is the city in which two expositions have been held. I had it in mind that it was Charleston. I am much obliged to the Senator from South Carolina for calling my attention to it, but it demonstrates the same thing.

The total money that we have paid out for those expositions has been $27,187,773.72. Of this there has been paid back a part, and the St. Louis Exposition paid back a part of this as her loan, but after all deductions there is still a net outlay of $20,960,727.27.

I want to call attention to these facts and those dates that I have read. We began in 1876. Down to the Chicago Exposition in 1893 we had only held five or six expositions in all the history of this country. Since the Chicago Exposition in 1893 we have held nine of those expositions. We voted $500,000 to another one that never was held, and we are now getting ready to vote for another here, making eleven expositions in fourteen years, since 1893, when we started in this miscellaneous exposition business.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Certainly.

Mr. FLINT. I would ask the Senator from Nebraska if the country has not made the greatest progress in its history during the fourteen years that we have held these expositions?

Mr. BURKETT. I will let the Senator from California answer that.

Mr. FLINT. I should say that we have. We have had the greatest progress during these years, due in great measure to these expositions.

Mr. BURKETT. I would not say that. I think, perhaps, this country could probably have wiggled along if we had not had some of those expositions. [Laughter.]

Mr. President, since 1893, as I said, we have held nine expositions. We appropriated $500,000 for Toledo, and they did not even hold an exposition. We are now making this appropriation, making a total of eleven. I call attention to the Toledo Exposition as a case in point to show with what anxiety, almost, Congress seems to want to appropriate money for expositions. There was an exposition only talked of at Toledo. In fact, it never did hold an exposition; it only sent word here to the Senate and House of Representatives some way or other—I do not know just how they got the word down here—that they were going to have an exposition in Toledo, when Congress rushed to the front and appropriated $500,000 for the Toledo exposition. That was so much bigger than Toledo had expected that it scared them perhaps; at least, for some reason or other, they withdrew the whole proposition, sent the money back, and never did hold the exposition, which shows how quick Congress is in this particular to appropriate money.

We appropriated money for the exposition down at Jamestown, and we are all regretting the lamentable result there.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. BURKETT. Certainly.

Mr. FORAKER. Mr. President, so far as the appropriation for the exposition at Toledo is concerned, I can give the Senator from Nebraska information about that if it is desired. Congress did not rush in that matter to make an appropriation. That proposition came before the Senate in connection with a bill providing an appropriation in behalf of the exposition at Buffalo. Two were provided for at the same time. The appropriation with respect to Toledo, however, was on condition that the State of Ohio would appropriate, I believe it was, an equal amount within a certain time. The State of Ohio, after considering the matter, declined to make an appropriation, largely because it was thought inadvisable to have an exposition in progress at Toledo at the same time there was an exposition in progress at Buffalo. We thought one would be enough for that year. That is about all there was in regard to that matter. I do not know just what point the Senator from Nebraska was desiring to make about it; but there was no going out of the way on the part of Congress to act favorably on that matter.

Mr. BURKETT. I will say to the Senator from Ohio that there was not anything said in detriment of Toledo or of the State of Ohio. The Senator says he did not know what point I was undertaking to make. I take it that he has just come in, and so I will say to the Senator that I was not undertaking to make any point against Toledo or against the State of Ohio. The conditions were just about as the Senator explains them. He simply goes more into the details and the facts. There was a little stir up there in Ohio and in the city of Toledo; there was a little talk among some of the people up there that there might be an exposition, and Congress rushed to the front and appropriated money for it. It was wise enough, however, I will say in that particular to the Senator from Ohio, to put a provision into the bill that it should not be binding if the State of Ohio did not appropriate a like sum. If we had done the same thing at the last exposition, I surmise, perhaps, that we should not have got into so many difficulties as we have been in or they have been in, and as we will probably be in before that exposition gets through.

As I stated, that is the amount of money we have appropriated. But that has not ended our troubles. I have here a summary, a list of expositions that have caused us trouble after they have been held. After we had appropriated out at Buffalo nearly a million of dollars, as I remember the figures, in round numbers, when that exposition closed down there was some indebtedness, and it cost the Government $500,000 to pay the floating indebtedness of that Buffalo Exposition after it had closed its gates.

In Philadelphia there was also an appropriation required to pay the floating indebtedness there after the exposition had closed its gates.

If we are to believe what we hear—and I have a statement here somewhere which shows that after the Buffalo Exposition had closed its gates we had to appropriate $500,000 to pay deficiencies for labor and expenses of the exposition that had not been paid, making, as I say, more than a million-dollar appropriation. At Charleston we appropriated $160,000 to make up deficiencies; at Chicago, $28,974.64 to make up deficiencies; at Philadelphia, $334.59, and the Secretary of the Treasury says here that there is due from the Jamestown Exposition at the present time $897,953.57, showing that among the nine or ten expositions that have been held in the past eight or ten years in this country four or five of them have come back here and asked for appropriations to make up deficiencies.

The other day, when the great deficiency bill was under consideration, Senators arose upon this floor and complained because the heads of Departments in administering the necessary affairs of Government had found it necessary to use more money than Congress had appropriated, and yet here we are authorizing expositions which are coming back with deficiencies time after time. We are inaugurating a practice, we are taking cognizance of a thing that in the future, from the precedents that have been established, will build up deficiencies. When we get through with the exposition that has recently been held at Jamestown there is not a man who dares even guess as to the additional amount of money that it is going to require.

We go ahead and appropriate money for them without knowing a thing of the financial condition or of the stability of the expositions. Who knew anything about Jamestown? It was rumored that there was going to be an amount of money appropriated down there, and that the States were going to do this, that, and the other, and yet when the end comes $897,000

is the deficiency owing to the Treasury of the United States for borrowed money.

As I said in the beginning, Mr. President, it is not a pleasant thing to stand up and oppose a bill that a Senator is interested in. It is not a pleasant thing to vote against it, and I doubt very much if all the Senators who have said to me that the time had come when we ought to stop this exposition farce will have the courage to stand up and vote against it. They will be too gracious, and we will pass this bill. Why? As a matter of courtesy to one of the members of the Senate, when according to our best judgment we know it is not a wise thing to do.

We must stop this exposition business somewhere. We can stop it now, and receive, as I believe, the commendation of the country.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. BURKETT. Yes, sir.

Mr. TILLMAN. As I understand, the Treasury is supported by taxation from all over the country, each State contributing, and when one State sees a public bonus, so to speak, in the shape of an appropriation for an exposition at Philadelphia, or Chicago, or Boston, or Jamestown, or any other old town, coming out of the National Treasury for a local benefit, so to speak, how can the Senator undertake to say that this is an appropriation granted as a courtesy to an individual Senator here? It is simply a recognition of the fact that as all the money comes from all the people, and some of the people have had some of the money, and some of the people have not had any of it, and why should not the others have a slice of the pie? [Laughter.]

I want to say, Mr. President, while I am on my feet, that while I recognize that this is a sort of luxury as well as an extravagance, and that we have wasted a good deal of money apparently in holding expositions, I believe that the travel which these expositions have induced has been of incalculable benefit in causing people who would never have left home to travel in other parts of our great nation and see what a great country we have got. We never would have had this intercourse between North and South and East and West but for these expositions, and while they may be luxuries, this country can afford them.

Mr. BURKETT. I will say in reply to the Senator that that is absolutely the only argument there is for passing this bill.

Mr. TILLMAN. I am glad the Senator admits my having given an argument better than his, because the Senator has given no reason why we should not pass the bill.

Mr. BURKETT. The only argument for passing the bill is that one locality has had money and therefore every other locality ought to have money. That is what I have been contending, but I could not do it so vigorously as the Senator from South Carolina. In my feeble way, however, I have been trying to impress upon the Senate that absolutely the only argument for this appropriation is the fact that Charleston had one and that——

Mr. TILLMAN. Charleston had one and a great many Northern people have been civilized by going to Charleston. [Laughter.]

Mr. BURKETT. I will say to the Senator, however, that if we had taken the money that we put into Jamestown and Charleston——

Mr. TILLMAN. And Omaha.

Mr. BURKETT. I will include them all, so as to make no invidious comparisons—and distributed it the great public could have done more traveling than they have done apparently from the gate receipts of those expositions. The money that we put into Jamestown would have carried more people around the world apparently than attended the Jamestown exposition.

Mr. TILLMAN. Mr. President, we do not want to go around the world, but there is great need for more intercourse between the different parts of this country, and anything which will induce that intercourse and seduce people to spend their own money on the railroads to traverse this great nation, and to go from State to State, and make them realize what a great country we have got, is a substantial benefit; and you can not get it in any other way except by travel.

Mr. BURKETT. I will submit that if we are going to carry that idea out, it would not be very reasonable to put the exposition so far away. You ought to put it where people will not have to go so far. More people would be liable to go if it were in a more convenient locality.

In the beginning I admitted that there was an argument in favor of expositions in that they served to enlighten the people and promote an interest in the different sections of the country, but I do not believe that any Senator on this floor will contend that there is a call for eleven expositions within fourteen years. I think the Government would do well to finance a great exposition and locate it properly in this country every ten years. I think it could well afford to do that, but to finance these privately conceived expositions, in my judgment, is not a wise thing to do.

Now, speaking of the different sections of the country, although it is a good section of the country where this exposition is proposed to be held, the Senator must remember that within two years the people of this country have all been invited up to that same section of country for another exposition, which the Government of the United States helped to finance. I submit that the time is not ripe yet for another exposition within 150 miles of the city where we have so recently held one.

Mr. President, I have nothing further to add by way of explanation of my objection to this bill. I shall vote against it if I get a chance to vote against it, and it has seemed to me that somebody somewhere ought to stand up and voice what I am certain is the sentiment of a good many here, because they have spoken it to me that these demands upon the public Treasury should be stopped. If we do not stop it now, where will the end be? Here is New Orleans already talking of an exposition, and I see some town in Florida is talking of an exposition in celebration of the Panama Canal or something in connection with that. One town has as much right to come here and demand money as any other place, and it occurred to me that a good place to stop this demand for appropriations for exposition purposes would be up here at this particular place where we have held an exposition within two years, and for which we made an appropriation.

If we do not stop it; if we do not say to towns in this country that we are going to stop this exposition business, every town has the same right to come in and ask us to finance its exposition as other towns have. With three or four in contemplation, with three or four in the course of construction, with eleven within fourteen years, I submit that the time has come for somebody to stand up here and protest, although we do not have much hope of defeating the bill. If we can do no more, we can notify the country that we want the thing stopped; that they can not come in here with such slight provocation as that a little fair is going to be held in some particular town, for which an appropriation is desired. I dare say that there have been State fairs held in the United States that have been bigger than some expositions—perhaps greater than the one recently held down at Jamestown. I dare say that there are State fairs in this country that very probably are bigger than the proposed exposition at Seattle. Where are we going to draw the line of discrimination? What is going to be the end of this? If the proposed Seattle Exposition does not pay there will be a deficiency left and we will have to meet it. We have had to meet it at other expositions. I say it is our duty to make some inquiry into this appropriation, to find out where the money is going, what the capital stock is upon which this great appropriation is based, and to advise ourselves whether there is a possibility, or probability even, of there being a deficiency coming back on us to meet.

I should like to have permission to insert as an appendix to my remarks some tables from which have come the figures that I have read.

The VICE-PRESIDENT. Without objection, permission is granted.

The papers referred to are as follows:

Exposition appropriations (fiscal years 1872 to 1907, inclusive).

Expositions held	30
Domestic	15
Foreign	15
Total amount expended under appropriations	$27,187,773.72
Total repaid to Government	6,227,046.43
Total outlay	20,960,727.29

Of the total amount appropriated, there was appropriated by the Government after expositions were over for the payment of creditors, $1,587,262.80.

The above sum was divided as follows:

July 1, 1902, Buffalo	$500,000.00
July 1, 1902, Charleston	160,000.00
Chicago (various appropriations)	28,974.64
July, 1876, Philadelphia	334.59
	689,309.23
Due from Jamestown at present	897,953.57
Total	1,587,262.80

Exposition appropriations—Continued.

Chicago appropriations:	
February 26, 1896, rent	$860.00
February 26, 1896, salary, director-general	18,006.10
February 26, 1896, expenses, president	1,998.35
June 8, 1896, miscellaneous claims	6,791.74
July 19, 1897, miscellaneous claims	1,318.45
Total	28,974.64

Statement of expenditures for expositions and refunds from same, fiscal years 1872 to 1907, inclusive.

Expositions.	Paid.	Repaid.
Vienna, in 1873	$163,842.61	
Philadelphia, in 1876	2,294,319.65	$1,500,000.00
Paris, in 1878	187,460.67	
Sydney and Melbourne, in 1879	28,000.00	
Berlin, in 1880	19,901.05	
London, in 1883	69,994.31	
Cincinnati, in 1884	10,000.00	
New Orleans, in 1884	1,649,755.35	
Louisville, in 1884	9,704.44	
Brussels, in 1888	17,113.30	
Melbourne, in 1888	40,581.14	
Barcelona, in 1888	27,098.91	
Cincinnati, in 1888	147,750.00	
Paris, in 1889	250,004.66	
Madrid, in 1892	24,243.97	
Chicago, in 1893	4,793,870.33	
Atlanta, in 1895	200,000.00	
Brussels, in 1897	5,000.00	
Nashville, in 1897	129,947.42	
Bergen, in 1898	20,000.00	
Omaha, in 1898	235,037.87	
Philadelphia, in 1899	350,000.00	
Paris, in 1900	1,455,436.90	
Buffalo, in 1901	1,014,053.13	
Charleston, in 1902	249,948.63	
Portland, Oreg., in 1904	428,033.33	
Liege, Belgium, in 1904	5,000.00	
St. Louis, in 1904	11,038,903.25	4,625,000.00
Jamestown, in 1907	2,244,776.80	102,046.43
Bordeaux, France, in 1907	5,000.00	
	27,124,773.72	6,227,046.43
	63,000.00	
Total for expositions	27,187,773.72	

Postal service appropriation not herein included	$63,000.00
Making the total	4,793,870.33
Total	4,856,870.33
Total paid	27,187,773.72
Total repaid	6,227,046.43
Total outlay	20,960,727.29

Statement of appropriations made for expositions.

Atlanta:		
Act August 18, 1894	$150,000.00	
Act August 18, 1894	50,000.00	
		$200,000.00
Barcelona:		
Joint resolution April 11, 1888	25,000.00	
Act March 2, 1895	3,380.96	
		28,380.96
Bergen: Joint resolution February 17, 1898		20,000.00
(Similar resolution of January 25, 1898, repealed by deficiency act of July 7, 1898.)		
Berlin: Joint resolution February 16, 1880		20,000.00
Brussels:		
Joint resolution May 11, 1888	30,000.00	
Act June 11, 1896	5,000.00	
		35,000.00
Buffalo:		
Act March 3, 1899	500,000.00	
Act March 11, 1902	15,000.60	
Act July 1, 1902 (to pay creditors)	500,000.00	
		1,015,000.00
Charleston:		
Joint resolution January 21, 1902	90,000.00	
Act July 1, 1902	160,000.00	
		250,000.00
Chicago:		
Act April 25, 1890—		
Admission of foreign goods	20,000.00	
Government building	100,000.00	
General expenses	200,000.00	
Act March 3, 1891—		
Government building	300,000.00	
Government exhibit	350,000.00	
World's Columbian Commission	95,500.00	
World's Congress	2,500.00	
Admission of foreign goods	20,000.00	
Act of July 13, 1892—Branch post-office, extra service	63,000.00	
Act of July 19, 1892—Naval rendezvous and construction of caravels	50,000.00	
Act August 5, 1892 (sundry civil Government exhibit)	408,250.00	
World's Columbian Commission	120,000.00	
Board of lady managers	110,000.00	
Act August 5, 1892 (public act), transport of steamer *Blake* to Chicago	6,000.00	

Statement of appropriations made for expositions—Continued.

Chicago—Continued.		
Act August 5, 1892 (public act)—		
Columbian half dollars	$2,500,000.00	
Loss on recoinage of same	50,000.00	
Bronze medals	60,000.00	
Diplomas	43,000.00	
Act March 3, 1893 (sundry civil)—		
Government exhibit	150,750.00	
Naval battle ship *Illinois*	10,000.00	
World's Columbian Commission	118,185.00	
Board of Lady Managers	93,190.00	
Awards, etc	470,880.00	
Awards, Board of Lady Managers	100,000.00	
Act March 3, 1893—		
Naval review, New York Harbor	300,000.00	
Act March 3, 1893 (Indian act)—		
Indian exhibit	25,000.00	
Act August 18, 1894—		
Appreciation of foreign exhibits	2,500.00	
Final report and index	3,500.00	
Act February 26, 1896—		
Medals and diplomas	20,600.00	
Rental of building for awards	860.00	
Compensation of Director-General George R. Davis	18,006.10	
Reimbursement of President of Columbian Commission, T. W. Palmer	1,998.35	
Joint resolution March 13, 1896—		
Distribution of medals and diplomas	15,000.00	
Act June 8, 1896—		
Expenses board of control	247.00	
Claims against World's Columbian Commission	6,517.67	
Indian exhibit	27.07	
Awards division, printers' leaves of absence	3,500.00	
Act July 19, 1897—		
Rental for division of awards	720.00	
Synopsis of departmental reports	98.45	
N. E. Dawson, services to World's Columbian Commission	500.00	
		$5,840,329.64
Cincinnati (1885–86):		
Act July 7, 1884	10,000.00	
Act May 28, 1888	147,750.00	
		157,750.00
London (1862, 1883):		
Act July 22, 1861	2,000.00	
		2,000.00
Joint resolution July 18, 1882	50,000.00	
Act March 3, 1883	10,000.00	
Act July 7, 1884	10,000.00	
		70,000.00
Louisville: Act July 7, 1884		10,000.00
Madrid:		
Act May 13, 1892	15,000.00	
Act August 5, 1892	10,000.00	
		25,000.00
Melbourne:		
Act June 16, 1880	8,000.00	
Act February 1, 1888	50,000.00	
		58,000.00
Nashville: Act December 22, 1896		130,000.00
New Orleans:		
Act May 21, 1884	1,000,000.00	
Act July 7, 1884	300,000.00	
Act March 3, 1885	350,000.00	
		1,650,000.00
Omaha:		
Act June 4, 1897	200,000.00	
Act July 1, 1898	40,000.00	
		240,000.00
Paris (1867):		
Resolution January 16, 1866	6,200.00	
Joint resolution July 5, 1866	156,403.00	
Joint resolution March 12, 1867	50,000.00	
		212,603.00
Paris (1878):		
Joint resolution December 15, 1877	150,000.00	
Act June 20, 1876	40,000.00	
		190,000.00
Paris (1889):		
Joint resolution May 10, 1888	250,000.00	
Act August 23, 1894	4.66	
		250,004.66
Paris (1900):		
Act July 19, 1897	25,000.00	
Act July 1, 1898	200,000.00	
Act March 3, 1899	1,060,000.00	
Act February 9, 1900	169,500.00	
Act July 6, 1900	18,000.00	
		1,472,500.00
Philadelphia (1876):		
Act March 3, 1875	535,750.00	
Act May 1, 1876	73,500.00	
Act February 16, 1876	1,500,000.00	
Act April 17, 1876	40,000.00	
Act June 16, 1880	300.00	
Joint resolution June 27, 1879	8,600.00	
Act March 3, 1881	1.19	
Act March 3, 1885	33.40	
Act March 3, 1877	25,000.00	
		2,183,184.59
Philadelphia (1899): Act December 21, 1898		350,000.00

Statement of appropriations made for expositions—Continued.

St. Louis:		
Act June 6, 1900 (sundry civil), expenses of Louisiana Purchase Exposition Commission	$10,000.00	
Act March 3, 1901 (public act)—		
Aid to exposition	5,000,000.00	
Government building	250,000.00	
Act June 28, 1902 (sundry civil)—		
Government building	200,000.00	
Government exhibit	800,000.00	
Life-saving exhibit	8,000.00	
Indian exhibit	40,000.00	
Act March 3, 1903 (sundry civil)—		
Agricultural exhibit	100,000.00	
Alaska exhibit	50,000.00	
Indian Territory exhibit	25,000.00	
Act March 3, 1903 (deficiency), expenses of Congressional committees at dedication and opening	11,000.00	
Act February 18, 1904, loan, reimbursable	4,600,000.00	
Act April 21, 1904, Indian exhibit	25,000.00	
Act April 27, 1904, model of Capitol	3,500.00	
		$11,122,500.00
Sydney and Melbourne: Joint resolution June 10, 1879		20,000.00
Toledo: Act March 3, 1899 (repealed)	500,000.00	
Vienna: Joint resolution February 14, 1873		200,000.00
Portland, Oreg.:		
Act April 13, 1904—		
Buildings	250,000.00	
Government exhibit	200,000.00	
Alaska exhibit	25,000.00	
Act March 3, 1905 (deficiency)—		
Expenses Senate committee	4,000.00	
Expenses House committee	6,000.00	
		485,000.00
Liege, Belgium: Act April 28, 1904		5,000.00
Jamestown, Va.:		
Act March 3, 1905 (public act), Ter-Centennial Exposition	250,000.00	
Act June 30, 1906 (sundry civil)—		
Government exhibit	200,000.00	
Buildings	350,000.00	
Act June 30, 1906 (sundry civil)—		
Aid to the Jamestown Exposition	250,000.00	
Policing, comfort stations, etc	10,000.00	
Aid to the Negro Development and Exposition Company	100,000.00	
Piers, Hampton Roads	400,000.00	
Permanent landing pier, Jamestown Island, Va	15,000.00	
Act February 9, 1907—		
Aid to Jamestown Exposition, reimbursable	1,000,000.00	
Piers, Hampton Roads	65,000.00	
Deficiency act March 4, 1907, expenses of United States and foreign troops, Jamestown Exposition	10,000.00	
		2,650,000.00
Bordeaux, France: Deficiency act March 4, 1907, International Maritime Exposition, Bordeaux, France	15,000.00	
		15,000.00

Mr. CARTER. Mr. President, I shall not detain the Senate long, nor do I think it necessary to do so.

According to the logic of the Senator from Nebraska [Mr. BURKETT], every county fair in the United States should be abolished, and all the great fairs of the States to which he has made reference should be discontinued henceforth. It certainly does not befit us here to take the view that it is contrary to wise public policy to encourage an exposition now and then of the industrial productions and the scientific achievements of this great nation. It is true we have held eleven expositions in fourteen years, and it is true that but yesterday or the day before we provided for participation in the great exposition projected in Japan. These international expositions are very rare occasions, presented for the commingling of citizens of different countries in generous rivalry in the arena of peace and its achievements.

I recall that at Omaha we, too, indulged this ancient system of visiting by providing that Indians might congregate at Omaha from all over the United States and visit one with another, indulging in old-time camp-fire stories in the spirit of long ago. I have no doubt that visiting Indian combination contributed very largely to the success of the Omaha Exposition. The Indian from Bering Sea met the Indian from Patagonia; the Indian from Florida met the Indian from Nebraska, and even the Indians were improved, and instructed, and elevated, and ennobled by the meeting. So were the whites.

Mr. President, if equity in distribution is to be considered at all—and it seems to be of little consequence to the Senator from Nebraska—I challenge attention to the figures he presents. We have, he says, appropriated $27,000,000 in aid of great expositions. I think no better or wiser appropriations have been made by Congress than these identical appropriations. From them no disturbance of peace has come, no semblance of war or destruction, but a continuous stimulus to human progress in every avenue of human endeavor. Twenty-seven million dollars disposed of by appropriation within the period of time he refers to, and yet of that sum only $475,000 appropriated for the whole country west of the main range of the Rocky Mountains! A principle of fair dealing, it seems to me, considering the matter from the geographical point of view, would constrain the Senator to insist that justice so long deferred should now be done to that great empire west of the mountains.

The Senator speaks of a central point as a proper place to hold an exposition. Let me cite the Senator to the fact, which he has probably overlooked, that if you desire to strike the central point of the United States east and west, or of the territory of the country, you will land at a spot in the Pacific Ocean 100 miles west of the city of San Francisco.

The Territory of Alaska, Mr. President, which it is designed through this exposition especially to exploit, was regarded, as the Senator from Washington [Mr. PILES] so aptly said the other day, as a chimerical scheme having its inception in a desire to be complimentary to the Russians because of their sympathy for the Union during the war of the rebellion. Yet that country was left without law for ten years after we acquired it.

The Senator from Washington thinks I had better withdraw the word "rebellion" and say the "war between the States," inasmuch as he is anxious to have this matter treated right on the other side of the Chamber. [Laughter.]

Mr. President, that long-neglected and ill-considered country has yielded to the people of the United States within the last twenty years over $100,000,000 in acual gold, to say nothing of the mighty contributions made to our commerce by the fisheries and the seals caught on the Pribilof Islands. The State of Washington, which, as a part of the Oregon country, had in 1843, as suggested by the Senator, a population of only 500, is to-day one of the majestic States of the Union, with a population of over a million, and the proposition which that State presents is not, as the Senator from Nebraska conceives, a mere private enterprise, but it is a project presented by this great vigorous young State not only to exploit its own mighty resources, but likewise to bring forth the country far beyond—the Alaskan country; a country so large, Mr. President, that we can scarcely on the map conceive its limits. Let me show how it can be best understood.

If you will put Alaska down on the map of the United States, beginning in the Northeast, Alaska will reach from the coast of Maine to the Mississippi River, along the Canadian border; it will run down that river thence to the south line of Tennessee, and the line would then be extended eastward to the Atlantic Ocean, five hundred and odd thousand square miles of country, with majestic rivers and waterways, with innumerable lakes, and with prospects of golden yield that entitle the Territory of Alaska to be justly denominated the treasure house of the American nation.

Mr. President, if we can bring the people of the United States to a realizing sense of what that country is worth, if we can bring to the Congress of the United States a fair conception of its mighty possibilities, this paltry sum here sought will be most judiciously invested. The Congress is not called upon to direct the President to extend an invitation to the nations of the earth to participate in this exposition, as in the case at St. Louis. The Government is not called upon to assume any responsibility other than that of any other exhibitor at the exposition. Neither the faith nor the credit of the Government is invoked in this case. A great State of the Union, representing a mighty region, is going to hold an exhibition of the products of that great region. It is industriously seeking to make it somewhat international in character, in so far as the oriental country is concerned, a country with the trade whereof we are as much concerned as is the State of Washington, and those people ask us to say that this Government will participate merely as an exhibitor out in that region.

Alaska is voiceless and unable to make an appropriation for its own exhibit. It has no legislature. It has no board of commissioners. It is wholly and solely and absolutely under the control of the Congress of the United States and at the mercy of Congress. This country, which will during the current year produce over $30,000,000 in gold, peopled now by solid and substantial citizenship, stands here asking us to permit it to participate in an exhibition on the shores of the Pacific which will enable it somewhat to show to the outside world the pent-up resources existing there.

Mr. President, what does Alaska ask? A district which has paid into the Federal Treasury within the last ten years more than a million dollars in excess of the cost of the government

there asks us for an appropriation of a hundred thousand dollars of its own surplus money practically, to enable it to bring down whatsoever it has to exhibit at Seattle. To deny that would seem to me to prove recreant to a most important duty we owe those people. To prevent the Hawaiian Islands, by refusing an appropriation, from participating would likewise seem to be a serious refusal to perform a plain duty.

Then there is but a small amount left, after we provide for the Hawaiian Islands, the Philippine Islands, and the Alaskan country, for the Government to do what? To send its paid employees out there with a number of exhibits, such as are currently presented at an exhibition, and which are now on hand in Government storehouses in the city of Washington and elsewhere, and let them put up a building adequate for the accommodation of those exhibits and there remain during the period of the exhibition.

Mr. President, I deem it a privilege to vote for a bill of this kind, and believe that in the long run it will prove a great benefit to the whole country as well as a special benefit to that favored and little known region on the North Pacific Ocean.

Mr. DEPEW. Mr. President, I did not think there would be the least opposition to this bill, and speaking certainly for the East, which pays the largest amount of taxes, if the contributions to the Treasury are to be taken into account, I believe we are unanimously in favor of these expositions, and especially of this one.

I am somewhat of an expert on national expositions. I attended the one at Philadelphia in 1876, when Mr. William M. Evarts, of New York, delivered that historical oration, which is one of our classics. I know of nothing at that period which did so much to revive the study of Revolutionary history and to create patriotic sentiment and to educate the youth of the country as did the lessons of the exposition of 1876. We who are old enough remember that the Revolutionary war had been forgotten almost. Its heroes, with the exception of one or two, were no longer remembered, and in the schools the teaching of the history of the origin and growth of our country was no longer a prominent part of the curriculum; but there was a revival of patriotic discussion from the exposition of 1876 which has been going on continuously ever since.

In addition, it gave to our people, those who could not travel abroad—and it was difficult to travel abroad at that time—the first opportunity to examine the productions of other countries and to observe what we ought to do in order to rival them. There is no doubt that the exposition at Philadelphia resulted in an impetus to American manufacturers in lines which had never before been practiced that was of immense value to the country.

Mr. President, I delivered the oration at the opening of the Columbian Exposition, at Chicago, and that necessarily kept me there for a week or more. A study of the material part of that exposition was in itself a liberal education; but, outside of that, the whole country began to read about Columbus, and, with Columbus, about the early navigators and the discovery of this country, and the people of different races who came here, and the people who ultimately dominated it, and what the result had been to the civilization not only of this country, but of the whole world.

I had the pleasure and honor also of delivering the oration at the opening of the Charleston Exposition, and was there with my friend the Senator from South Carolina [Mr. TILLMAN]—there from New York, from the center of its predatory wealth and its big banks, which have been so eloquently assailed this morning by the Senator from Texas [Mr. CULBERSON], from that standpoint of teaching civilization, as the Senator said, to the people of the United States with a Southern flavor. It led to my being adopted temporarily as the third Senator from the State of South Carolina. It was an honor which I appreciated at the time, although it never materialized in any power outside of South Carolina for the few days I was there. I will say, however, that the courtesies of South Carolina, the wonderful hospitality of Charleston, the whole-souled way in which it entertained those who were its guests, gave an actual realization of that romance of Southern hospitality of which I had heard all my life and had pictured in the imagination as beyond the possibility of practical experience. But I found that practical experience surpassed all that I had dreamed in the imagination.

I also delivered the oration at the opening of the Omaha Exposition, and I never saw a more wildly enthusiastic people on the subject of expositions than the constituents of my friend the Senator from Nebraska [Mr. BURKETT]. Every man, woman, and child was telling me upon the street, as soon as they got an idea who I was—the speaker of the occasion—what a great thing it was for the country to have that exposition; how the country would see what Nebraska was, and seeing what Nebraska was, the people would appreciate what the Western States were, what the Great West meant.

Then there was a little incident which indicated that whatever may be the financial ability of the Yankee, on occasions it is surpassed when he gets West and settles in one of those Western States. I was led by the manager of the exposition into one of the side shows which it was said had been a failure. It was empty when I entered, but soon filled up; crowds stood on the benches. My guide said he could not understand it. When I went out I found that the barker at the door was shouting, "Walk in, ladies and gentlemen, step in; only 10 cents to see the orator of the day." So I was utilized both as the speaker and as an exhibit. [Laughter.]

Now, for the representative of a people who have the enterprise and ingenuity to promote a great world exposition to rise here in the Senate and oppose another exposition anywhere in this country seems to me an effort which can not but be repudiated at home.

The Jamestown Exposition was a failure in the material sense, because no exposition can succeed unless there is a contributory population within the immediate radius for whom it is easy and cheap to get to the fair. Unfortunately, to preserve the historical unity, instead of having the exposition at Richmond, where it would have been a success, they had to have it where John Smith landed, and while John Smith and Pocahontas are a beautiful picture upon the canvas, they do not materialize for an exposition. [Laughter.]

But, sir, that exposition had its educational influence. I was in Europe during the summer, and everywhere, especially in England, I heard conversation with reference to the exposition at Jamestown. It was caused by two reasons. One was that Jamestown was the first English settlement upon this continent. The other, that the Bishop of London had been sent here to bring a Bible from the King, representing the sentiment of the English people toward the first church that had been built upon this continent and which is still in existence as it was originally founded, and where worship is still carried on in the old form, with the liturgy of the Church of England. There was a special interest in the old country because of romantic associations connected with everything which relates to Virginia and Pocahontas and of her reception as a princess when she went over with her husband, and the fact that he came near being tried for high treason at that period when Divine right hedged about the throne for having, as a subject of the king, married a princess of royal blood. Unhappily Pocahontas died and was buried over there, but I believe the blood of Pocahontas can be found in hundreds of thousands of proud and patriotic Americans, if you will believe the genealogy which they themselves furnish. [Laughter.]

But, as a matter of fact, sir, the speech of the President on that occasion was one of the best he ever made. He has made a great many speeches, some to the public, some to Congress [laughter]; and the country appreciates them all. He is the only man in public life whose public utterances are like the Marseillaise among national anthems—which goes itself and stirs the blood. His speech on the three hundredth anniversary of the coming of people speaking the English tongue and all that went with it—Magna Charta and the liberties acquired by our ancestors—and then his description of what followed up to the completion of the centuries, was a noble and inspiring address, and it went all over Europe. It gave an idea over there of our country and led to study of its institutions, resources, power, and history which no other utterance had done in a generation. Throughout our own country everywhere, in the colleges, in the academies, in the common schools, in debating societies, in reading rooms, and at the gatherings of our people, wherever they are accustomed to meet, it inspired a discussion and study of what that exposition meant and the lessons it taught which could have been had in no other way.

Now, this exposition, sir, seems to me to make less demand upon the Treasury than any which have preceded it, when we consider the magnitude of what is to be presented and what is proposed to be done. Suppose an exposition has been held within 150 miles. The Portland Exposition was for the State of Oregon, and this exposition means much more than a State. This exposition will include not only the State of Washington, not only the Pacific coast, not only the story of the American pioneer in his prairie schooner, braving the dangers of the wilderness, wild beasts, and savage Indians, so graphically, eloquently, and beautifully portrayed here the other day by the Senator from Washington [Mr. PILES]. It will also be a demonstration of the wealth of the Pacific coast, and the wonderful resources of Alaska, of which as yet we know little, and whose surface has barely been scratched. Sir, if I remember aright the figures, Alaska is yielding every year more than seven times as much as Secretary Seward paid for it.

There is now being organized in New York City a competitive automobile race, to start from New York and go through Alaska, crossing over Bering Sea and down through Siberia to St. Petersburg, and thence to Paris. As day after day reports come in from that country, which we have believed ever since it was purchased, until recently, to be most inhospitable, both as to climate and soil, if it appears that this automobile trip is a success, and these new machines can get through, they will develop great possibilities, not only in mining but for large settlements of agricultural population.

But in the meantime, more than the automobile and its narrow pathaway across Alaska will be, with the assistance which can be given by the Government, an exhibit of its minerals of various kinds, of its woods, of the products of its fields, its rivers, its coasts, and the marvels which will result from their development. All of these things, potential with wealth and prosperity to the whole people of the United States, will be exhibited at this exposition at Seattle as they could be in no other way.

Besides that, sir, it will bring over to us the Filipinos, showing their progress since we took possession; the Hawaiians, exhibiting their progress since we came into the sovereignty of those islands, with all that is educative both for us and for them when they go back home—to the Filipino in his rise to self-government and to the Hawaiian in what is necessary for his improvement.

Here in this city of Washington are gathered materials of inestimable value. They form all the elements of a broad national university. Few of our people ever see them in their various repositories. But gathered and arranged in a Government building, they educate and graduate visiting thousands, who carry their information to near-by and distant homes, north, south, east, and west.

I trust, therefore, sir, that the Senator from Nebraska [Mr. BURKETT] will curb on this measure his economical tendency, which is generally an admirable trait in a legislator; that he will remember the generosity of the country to his own State on one occasion; that in recalling the enthusiasm of his people, and their deep, intense, overwhelming, and resistless anxiety for an exposition at Omaha, he will withdraw his opposition and let this bill pass unanimously.

The VICE-PRESIDENT. The amendments reported by the Select Committee on Industrial Expositions will be stated.

The first amendment was, in section 1, page 3, line 4, after the word "at," to strike out "said exposition" and insert "the Alaska-Yukon-Pacific Exposition, to be held at Seattle, State of Washington, in the year 1909;" in line 17, after the word "consumption," to insert "or use;" in line 24, after the word "consumption," to insert "or use;" and on page 4, line 2, before the word "or," to insert "use," so as to make the section read:

That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, State of Washington, in the year 1909, upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 4, after the word "from," to strike out "its Executive Departments;" in line 5, after the word "Institution," to strike out "and" and insert "the;" in line 6, after the word "Museum," to strike out "the International Bureau of American Republics;" in line 7, after the word "material," to strike out "as" and insert:

Of an historical nature as will serve to impart a knowledge of our national history, and especially of the history of Alaska, Hawaii, and the Philippine Islands, and that part of the United States west of the Rocky Mountains. There shall be exhibited from the Executive Departments of the United States such exhibits as will;

In line 14, after the word "Government," to strike out "in time of peace and its resources as a war power, tending to" and insert "and;" in line 17, after the word "people," to strike out "and" and insert:

Special attention being given to such articles, materials, and exhibits as will most practically prove of educational value in connection with the development of commerce in the countries bordering upon the Pacific Ocean; the preservation of forests; the reclamation and irrigation of arid and semiarid lands; the improving and enlarging of transportation facilities and the safeguards of navigation; and the economic value of the investigations and operations of the Government with reference to public health, patents, geology, weather, animal industry, plant industry, soils, entomology, experiment stations, coast and geodetic survey, and public roads. And the International Bureau of American Republics is hereby invited to make an exhibit of the resources of the American Republics, particularly with a view to establishing closer trade relations between the United States and said Republics, and space in any of the United States Government buildings shall be provided for this purpose;

And on page 5, line 11, after the word "management," to strike out "shall be" and insert "is hereby," so as to read:

SEC. 2. That there shall be exhibited at said exposition by the Government of the United States, from the Smithsonian Institution, the National Museum, and the Library of Congress, such articles and material of an historical nature as will serve to impart a knowledge of our national history, and especially of the history of Alaska, Hawaii, and the Philippine Islands, and that part of the United States west of the Rocky Mountains. There shall be exhibited from the Executive Departments of the United States such exhibits as will illustrate the function and administrative faculty of the Government and demonstrate the nature of our institutions and their adaption to the wants of the people, special attention being given to such articles, materials, and exhibits as will most practically prove of educational value in connection with the development of commerce in the countries bordering upon the Pacific Ocean; the preservation of forests; the reclamation and irrigation of arid and semiarid lands; the improving and enlarging of transportation facilities and the safeguards of navigation; and the economic value of the investigations and operations of the Government with reference to public health, patents, geology, weather, animal industry, plant industry, soils, entomology, experiment stations, coast and geodetic survey, and public roads. And the International Bureau of American Republics is hereby invited to make an exhibit of the resources of the American Republics, particularly with a view to establishing closer trade relations between the United States and said Republics, and space in any of the United States Government buildings shall be provided for this purpose to secure a complete and harmonious arrangement of such Government exhibit a United States Government board of management is hereby created, to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 7, line 7, after the word "as," to strike out "the Secretary of the Treasury" and insert "he," so as to read:

The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 7, line 20, before the word "life-saving," to strike out "all," so as to read:

And to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in life-saving stations in the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 8, line 8, after the word "of," to strike out "three" and insert "two;" in line 9, after the word "which," to strike out "amount" and insert "sum, or so much thereof as may be necessary," so as to read:

Provided, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, and for rent of building or buildings in the District of Columbia, shall not exceed the sum of $250,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, in section 3, page 8, line 13, after the words "aid the," to strike out "inhabitants" and insert "people;" in line 22, after the word "the," to strike out "cost of said exhibit of said district of Alaska" and insert "total expenditure for said exhibit for said district of Alaska on the part of the Government;" on page 9, line 2, after the words "sum of," to strike out "two" and insert "one;" in line 3, after the word "sum," to insert "or so much thereof as may be necessary;" in line 6, after the word "the," to strike out "cost of" and insert "total expenditure for;" in line 7, after the word "exhibit," to strike out "of said" and insert "for the;" in the same line, after the word "Hawaii," to insert "on the part of the Government;" in line 11, after the words "sum of," to strike out "seventy-five" and insert "twenty-five;" and in line 12, after the word "sum," to insert "or so much thereof as may be necessary," so as to make the section read:

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to aid the people of the district of Alaska and of the Territory of Hawaii in providing and maintaining appropriate and creditable exhibits of the products and resources of Alaska and Hawaii at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Territories at said exposition: *Provided*, That the total expenditure for said exhibit for said district of Alaska on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of

the articles so exhibited, shall not exceed the sum of $100,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *And provided further*, That the total expenditure for said exhibit for the Territory of Hawaii on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of $25,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, in section 4, page 9, line 16, after the words "aid the," to strike out "inhabitants" and insert "people;" on page 10, line 1, after the word "the," to strike out "cost of said exhibit of said Philippine Islands" and insert "total expense of said exhibit on the part of the Government;" in line 5, after the words "sum of," to strike out "seventy-five" and insert "twenty-five;" and in line 6, after the word "sum," to insert "or so much thereof as may be necessary," so as to make the section read:

SEC. 4. That the Secretary of War is hereby authorized and directed to aid the people of the Philippine Islands in providing and maintaining an appropriate and creditable exhibit of the products and resources of the Philippine Islands at the said Alaska-Yukon-Pacific Exposition, and for that purpose he is authorized to appoint one or more persons to supervise the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles as may be exhibited from said Philippine Islands at said exposition: *Provided*, That the total expense of said exhibit on the part of the Government, including such selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of the articles so exhibited, shall not exceed the sum of $25,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, in section 5, page 10, line 9, after the word "cause," to strike out "a;" in line 10, after the word "suitable," to strike out "building or;" in the same line, after the word "site," to strike out "selected at the" and insert "of said;" in line 11, after the word "for," to strike out:

The various Government exhibits, as provided in this act, and for the use of the district of Alaska, the Territory of Hawaii, and the Philippine Islands.

And insert:

Said Government exhibit, including an irrigation and biograph building; also a fisheries building complete, with mechanical apparatus; also buildings for the exhibits of the District of Alaska, the Territory of Hawaii, and the Philippine Islands; also buildings for such other purposes in connection with the exhibits herein authorized as in the judgment of the Secretary of the Treasury may be necessary.

In line 23, after the word "the," to strike out "United States board herein created" and insert "Secretary of the Treasury;" on page 11, line 3, after the word "buildings," to strike out "and" and insert "including;" in line 4, after the word "and," to strike out "interior and exterior wiring and lighting thereof, inclusive," and insert "the approaches thereto, and the interior and exterior decorative wiring and lighting thereof;" in line 7, after the word "of," to strike out "four" and insert "three;" in line 8, after the word "hundred," to strike out "and seventy-five;" in the same line, after the word "sum," to insert "or so much thereof as may be necesary," and in line 11, after the word "appropriated," to strike out:

And apportioned as follows: For the cost of the Government building, not to exceed $200,000; for the cost of the district of Alaska building, not to exceed $100,000; for the cost of the Territory of Hawaii building, not to exceed $50,000; for the cost of the Philippine Islands building, not to exceed $75,000, and for the cost of the Fisheries building or aquarium, not to exceed $50,000.

So as to make the section read:

SEC. 5. That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of said Alaska-Yukon-Pacific Exposition for said Government exhibit, including an irrigation and biograph building; also a fisheries building complete, with mechanical apparatus; also buildings for the exhibits of the district of Alaska, the Territory of Hawaii, and the Philippine Islands; also buildings for such other purposes in connection with the exhibits herein authorized as in the judgment of the Secretary of the Treasury may be necessary. Said buildings shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said buildings, including the preparation of ground therefor and the approaches thereto, and the interior and exterior decorative wiring and lighting thereof, shall not exceed the sum of $300,000, which sum or so much thereof as may be necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is authorized and required to dispose of said buildings, or the materials composing the same, at the close of the exposition, giving preference to the State of Washington or to the Alaska-Yukon-Pacific Exposition corporation or to the city of Seattle to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

The amendment was agreed to.

The next amendment was, in section 6, page 12, line 7, after the word "board," to strike out "authorized" and insert "created;" so as to make the section read:

SEC. 6. That the allotment of space for exhibitors in the building or buildings erected under authority of this act for the use of the district of Alaska, the Territory of Hawaii, and the Philippine Islands shall be done and performed without charge to exhibitors by the Government board created by this act.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the words "SEC. 7," to strike out:

That upon the approval of this act the Secretary of the Treasury shall, upon the request of the Alaska-Yukon-Pacific Exposition corporation, cause to be coined at the mints of the United States not to exceed 250,000 gold dollars, of legal weight and fineness, to be known as the Alaska-Yukon-Pacific Exposition gold dollar, struck in commemoration of said exposition. The words, devices, and designs upon said gold dollar shall be determined and prescribed by the Secretary of the Treasury, and all provisions of law relative to the coinage and legal-tender quality of all other gold coin shall be applicable to the coins issued under and in accordance with the provision of this act. That the said coins shall be disposed of by the Secretary of the Treasury to the said Alaska-Yukon-Pacific Exposition corporation at par, under rules and regulations and in amounts to be prescribed by him.

In line 24, after the word "That," to insert "dies for;" on page 13, line 1, before the word "appropriate," to strike out "with" and insert "bearing;" in line 5, after the words "trustees of," to strike out "said exposition company" and insert "Alaska-Yukon-Pacific Exposition, a corporation;" in line 9, after the word "payment," to insert "by said Alaska-Yukon-Pacific Exposition;" in line 10, after the word "thereof," to insert—

Said medals shall be coined by the coining press located in and being part of the Government exhibit, and without cost to the Alaska-Yukon-Pacific Exposition: *Provided*, That said Alaska-Yukon-Pacific Exposition shall furnish free of charge the electric power necessary to operate said coining press.

In line 16, after the word "provisions," to strike out "whether penal or otherwise, of said coinage act" and insert "of law," and in line 18, at the end of the section, to insert the following:

Said Alaska-Yukon-Pacific Exposition shall furnish without cost to the United States all materials used by the printing and engraving presses exhibited by the Government at said exposition in the production of the usual souvenirs of appropriate design, and said Alaska-Yukon-Pacific Exposition is hereby authorized, through any agent, employee, privilege holder, or concessionaire appointed by its proper officer, to vend and sell at or near the place of manufacture any medal, print, or engraving authorized under the provisions of this act: *Provided*, That the vending and selling of all such medals, prints, and engravings shall be subject to the approval of the Secretary of the Treasury;

So as to make the section read:

SEC. 7. That dies for medals bearing appropriate devices, emblems, and inscriptions commemorative of said Alaska-Yukon-Pacific Exposition and of the awards to be made to the exhibitors thereat shall be prepared by the Secretary of the Treasury at some mint of the United States for the board of trustees of Alaska-Yukon-Pacific Exposition, a corporation, subject to the provisions of the fifty-second section of the coinage act of 1893, and upon the payment by said Alaska-Yukon-Pacific Exposition of a sum not less than the cost thereof; said medals shall be coined by the coining press located in and being part of the Government exhibit, and without cost to the Alaska-Yukon-Pacific Exposition: *Provided*, That said Alaska-Yukon-Pacific Exposition shall furnish free of charge the electric power necessary to operate said coining press and all provisions of law against the counterfeiting or imitating of coins of the United States shall apply to the medals issued under this act. Said Alaska-Yukon-Pacific Exposition shall furnish without cost to the United States all materials used by the printing and engraving presses exhibited by the Government at said exposition in the production of the usual souvenirs of appropriate design, and said Alaska-Yukon-Pacific Exposition is hereby authorized, through any agent, employee, privilege holder, or concessionaire appointed by its proper officer, to vend and sell at or near the place of manufacture any medal, print, or engraving authorized under the provisions of this act: *Provided*, That the vending and selling of all such medals, prints, and engravings shall be subject to the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 10, page 15, line 22, after the word "appropriations," to strike out "hereafter" and insert "herein;" and in line 23, after the word "made," to strike out "by Congress therefor," so as to make the section read:

SEC. 10. That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

The amendment was agreed to.

The next amendment was, in section 11, page 16, line 5, after the word "act," at the end of the section, to strike out:

The management of said exposition having expressly declared that it will not ask or accept from the United States any loan of funds for any of the purposes of said exposition, and that it will not ask or accept from the United States at this or any future session of Congress

any appropriation whatsoever in connection with said exposition other than that appropriated by the provisions of this act;

so as to make the section read:

SEC. 11. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the Alaska-Yukon-Pacific Exposition or for the benefit of said exposition or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That the appropriation herein made of $1,175,000 in all, shall take effect and become available upon the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported to strike out the preamble.

The amendment was agreed to.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk to said court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2 and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows:

After the word "Texas" in line 2, page 2, insert: "Shall be held twice each year at the city of Amarillo, in Potter County, Tex., beginning on the third Monday of April and the fourth Monday of September in each year;" and the House agree to the same.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.
JOHN J. JENKINS,
C. E. LITTLEFIELD,
R. L. HENRY,
Managers on the part of the House.

The report was agreed to.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will read the next section of the bill which was passed over.

The Secretary read as follows:

SEC. 50. [Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be *fined* not more than $5,000, or *imprisoned* not more than five years, or both; and such *person* may be tried either before or after the conviction of the principal *offender*.]

Mr. HEYBURN. Mr. President, when the bill was last before the Senate for consideration the principle involved in the change presented by the section just read had been under consideration with reference to the preceding section, 49. The same principle is involved in the changes presented by the committee in sections 49, 50, and 51. We were discussing the legal effect of the proposed change in these sections. Under existing law it is provided that a party may be tried, either where the offense is committed or where the party is captured, with or without the possession of the goods. I desire to make a further suggestion upon a more mature consideration of this change.

Mr. BACON. The Senator, I presume, did not intend to use the language he did.

Mr. HEYBURN. I may have been inadvertent.

Mr. BACON. I understood the Senator to say the law as it now stands would give jurisdiction either where the offense was originally committed or wherever the party might be captured, either with or without the goods. I do not think that is the law. It gives jurisdiction where the party may be found with the goods or wherever he may have carried the goods.

Mr. HEYBURN. I did not intend the term "with or without the goods" to be applicable to the entire statement I made. If I stated it otherwise it was an inadvertence.

Mr. BACON. I supposed so, of course.

Mr. HEYBURN. In order that it may be connected with the suggestions that I shall make, I will state that the existing law is—

That any person who shall embezzle, etc.—

Enumerating the offenses—

moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property.

The Senator from Georgia referred strongly to the law of a number of the States permitting the trial in either jurisdiction, but I think the Senator from Georgia failed to distinguish between the rule that might be provided by the legislature of a State and the law which we are compelled to observe in Federal enactments.

The Constitution of the United States provides that a party shall be tried only in the district in which the offense is charged to have been committed. That limitation has no application whatever to the State courts or to the powers of the legislature of a State, and we must bear that in mind.

It is a serious question, now under consideration by the courts, as it has frequently been, whether or not under the limitations of the Constitution of the United States, where a district is divided into divisions, a party can be tried in a division of that district other than the one in which the offense is created. The question arose some years ago in Missouri, where a judicial district had been divided into divisions pending the consideration of an offense, and it was held there that under the Constitution the party was entitled to his trial in the district where the offense was committed, and that Congress had not the power to confer the jurisdiction to try him elsewhere than within that mentioned in the Constitution.

These statutes have been upon the books of the United States for a number of years, but if the statutes were broader in their provisions than the Constitution of the United States warranted, does it not follow that it was the plain duty of the Committee on the Revision of the Laws to treat this section as they would treat a statute that had been held to be unconstitutional by the Supreme Court of the United States, and to eliminate the statute, or that part of it which was in violation of the limitations of the Constitution of the United States?

When we adjourned upon the occasion when the bill was last under consideration, I had only imperfectly and partially expressed the views of the committee upon this question and given their reasons for providing, as is provided in the sections under consideration, and they all involve the same principle, that the party should be tried in the district in which the offense was committed, because it was in conformity with the provisions and the limitations of the Constitution of the United States.

I think there is no other change in these sections that needs to be considered except this one change, and those are the reasons for making it.

Mr. BACON. My attention was unfortunately diverted during a portion of the remarks of the Senator from Idaho, and consequently I do not know that I gathered his entire statement. But so far as I did gather it, it was limited to the question whether or not there would be a violation of the Constitution of the United States in fixing the jurisdiction in any other district than that in which the larceny or embezzlement was originally perpetrated. I think, of course, the proposition is beyond question that a man must be tried in the district in which the offense was committed; but the principle on which the law as it now exists rests is that the offense is committed not only in the place where the larceny was originally perpetrated, but that in every place into which he carries the goods it is a fresh larceny.

Therefore, if I am correct in my understanding of the proposition submitted by the Senator from Idaho, there is no possible ground upon which to rest the contention that it would be a violation of the Constitution, because the offense is not only committed where the larceny was originally perpetrated, but in every jurisdiction in which the stolen goods may be carried. I do not know that I correctly understood the Senator. I labor under the disadvantage of not having heard all he said.

Mr. HEYBURN. If I correctly understand the Senator from Georgia, the point presented is this: Is a new offense created

by having in possession goods that have been stolen or embezzled in another jurisdiction? Do I correctly state the point presented by the Senator?

Mr. BACON. I think it is undoubtedly the correct principle of law that every jurisdiction into which the stolen goods may be carried the law contemplated as a fresh asportation.

Mr. HEYBURN. If I am correct in that, and I understand the Senator to accede that I am, then the only offense for which the party could be tried in the jurisdiction where he was apprehended other than the jurisdiction into which he originally took the goods would be that of having them in his possession, because the legal definition of larceny or of embezzlement is utterly inconsistent with that of having in possession goods that may have been purloined or embezzled perhaps on the Pacific coast and found in the possession of the party in the State of New York. So it can not be said that the party found in possession of the goods in New York would be guilty in the State of New York of larceny or of having embezzled the goods. He could only be guilty of having them in his possession. We can not create an offense by legislation contrary to the spirit of the prohibition I have called attention to.

It was the intention of the framers of the Constitution that the party should be entitled to a trial in the vicinity where the offense was alleged to have been committed. If he is charged with larceny, he must be tried for the larceny in that jurisdiction—in other words, within the district where the larceny was committed. If he is charged with having in his possession stolen goods, he must be tried in the district where he committed the offense of having in his possession stolen goods. If he is to be tried for embezzlement, the embezzlement is complete when he has taken to his own possession the goods intrusted to him within the legal definition of that word. Then the offense is complete there, and he must be tried in that district under the constitutional provision. The fact that he had carried them somewhere else is not the commission of an offense.

The courts have dealt with this question. I wish to emphasize the distinction, always to be borne in mind, between the power of Congress to legislate Federal jurisdiction of these offenses and the power of the legislature of a State to legislate upon that question. The prohibition of the Constitution of the United States has no application to the legislature of a State in matters of this kind; it has no application to the jurisdiction of the State courts, and the States through their legislation may provide for the jurisdiction or the determination of the trial of these offenses without regard to the prohibition in the Constitution. It applies only to Federal legislation and to Federal jurisdiction.

Mr. McLAURIN. Mr. President, I think the Senator from Idaho will find upon a careful examination of the authorities on the criminal law that he is mistaken in reference to this matter. A larceny consists in the taking, stealing, and carrying away of the property of another with intent to convert it to the taker's use. There must be an intent to steal and there must be an asportation of the property. When the property is taken by the thief it does not become his property, and if he carries it into another jurisdiction he is carrying the owner's property into that other jurisdiction. It is still the property of the owner. Whenever he asports the property in that jurisdiction with the intent to steal it and convert it to his own use he is guilty of larceny in that jurisdiction.

In our State the constitution requires that the offender shall be tried in the county in which the offense is alleged to have been committed; and yet it has been held time and again that if a man steals property in one county and carries it into another, and into another, and into another he may be tried in any county into which he carries it, because in every county it is a fresh asportation of another man's property with the intent to steal it and to convert it to his own use. I think that is the rule in every State in the American Union. I do not think there is any dissent from that by any of the courts of highest resort in any of the States.

But I agree with the Senator from Idaho [Mr. HEYBURN] that the accused ought to be tried in the United States court in the jurisdiction where the original offense was committed. I agree with the Senator from Idaho not only for the reasons he has suggested, but especially for the very potent reason that was suggested day before yesterday, I believe it was, by the Senator from Utah [Mr. SUTHERLAND], where he showed how difficult it might be, very frequently, in some distant jurisdiction to get the witnesses or the evidence in behalf of the defendant, especially if he be an indigent defendant, and if he be charged with an offense of which he might be innocent; and of course the presumption is that he is innocent until he shall have been convicted. I think the Senator from Georgia [Mr. BACON] is eminently correct in the proposition of law which he has stated.

Mr. BACON. Mr. President, I do not propose to press the matter, but I call the attention of the Senator from Idaho [Mr. HEYBURN] to this point. I do not think there is any doubt about the correctness of the law, as stated by the Senator from Mississippi [Mr. McLAURIN]. I have endeavored myself to state it. Of course, there is no question as to the provisions in the Constitution of the United States which would require that the defendant be tried in the district in which the offense was committed. The only question is whether or not it is a fresh offense. It is not necessary or profitable for us to pursue that discussion. The Senator from Idaho and myself differ as to the effect of carrying goods into a new jurisdiction—whether or not that in itself is a fresh commission of larceny. However, as Senators seem to be agreed upon this matter I shall not press the point, but simply call the attention of the Senators in charge of the bill to the fact that wherever the committee propose to change the law and there is not a strong and sufficient reason for it in the minds of Senators, to that extent the final passage of the bill is jeopardized.

Mr. HEYBURN. Mr. President, I fully realize the importance of the last suggestion of the Senator from Georgia. It is not the policy of the committee in charge of this bill to insist upon such changes in existing law as are subject to the strong objections of the Senator from Georgia or of any other Senator; that is to say, in the judgment of the committee, it was their duty to bring to the notice of the Senate the inconsistency in existing law, and the committee were of the opinion that the provision that the party might be tried in either of two jurisdictions in the Federal court was obnoxious to the sixth amendment to the Constitution of the United States. In order that it may be made a part of this discussion in the RECORD I will read that amendment, so that Senators may see how strong and positive it is in its reference to the jurisdiction in these cases:

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

That amendment to the Constitution grew out of a long-existing evil, one that existed before the formation of our Government and one that is recited in the Declaration of Independence. It was not unusual during those years preceding the Declaration of Independence that people charged with offenses in the colonies were taken to England for trial. So the people had had the necessity of some such legislation or some such provision as this in the organic law forced upon them by the burdens and hardships which followed the transportation of a party charged with a crime from the place where he was charged with having committed the crime, from the locality where he might be surrounded by his friends and those who would come to his assistance with ready knowledge of the facts, to some distant place where he was either taken against his will or to which he had gone in the ordinary course of life. In other words, that a man should not be caught away from home and subjected to trial in a foreign jurisdiction for an offense that, if he were tried at home where it was alleged to have been committed, he might, without great expense or burden or hardship, make a sufficient defense; while if he were compelled to go to trial far distant from his home, he would be unable to bring to his assistance that relief in the way of witnesses, conditions, and circumstances that would enable him to present his defense to the best advantage. That was the purpose and the wisdom of it.

It seems to me that this law, as we find it now written in the statutes of the United States, was passed in forgetfulness of the purpose of the sixth amendment to the Constitution, was passed pursuant to the almost universal law in all of the States that permits this to be done.

The area of the State is much smaller than that of the entire country. The inconvenience and expense of being tried in any selected portion of a State is not so great as that which would result in compelling a party to go to trial perhaps three or four thousand miles distant from where he is charged with having committed the offense; and it was because of that, with full consciousness of the fact that in nearly every State of the Union a provision similar to that in the Federal statutes exists, that your committee felt impelled to make the report in accordance with their views as to the effect to be given to the sixth amendment to the Constitution of the United States.

The Secretary read the next section passed over, as follows:

SEC. 51. [Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber

growing on *the public* lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport *any timber so cut or removed* from said lands, or lumber manufactured therefrom, shall be fined not more than $1,000, *or imprisoned not more than one year, or both.* Nothing *in this section* shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.]

Mr. BACON. Mr. President, if the Senator from Idaho will pardon me, there is one other suggestion which I should like to to make as to the preceding section. I want to call the attention of the Senator to the fact that the last clause of the second section of the original statutes is entirely eliminated.

Mr. HEYBURN. I call the attention of the Senator from Georgia to the fact that we have a general section, which we passed the other day, which covers that.

Mr. BACON. Very well. It is not entirely eliminated, then?

Mr. HEYBURN. It is not eliminated at all; it is simply transferred to another place in the bill.

Mr. BACON. I refer to that portion of the section about presumption.

Mr. HEYBURN. I am perhaps mistaken as to the Senator's reference.

Mr. BACON. The latter part of it, the provision that the receiver "may be tried either before or after the conviction of the principal offender" is retained in the proposed section; but the provision contained in the last three lines, to wit:

But if the party has been convicted—

That is the principal—

then the judgment against him—

That is the receiver—

shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined.

The point that I want to call to the attention of the Senator is this: I think the present provision that it shall be a conclusive presumption or that it shall be conclusive evidence, is too harsh, too peremptory. But I wanted to ask the Senator if his committee considered the question whether or not it would be wise to make it prima facie evidence? That would leave to the defendant the defense, in case he raised the issue, that the goods were in fact not stolen. I do not know whether the committee have considered that or not. It seems to me there would be no hardship upon the defendant in providing that the judgment against the principal should be prima facie evidence only of the fact that the goods were stolen or embezzled.

Mr. SUTHERLAND. Mr. President, this provision of existing law that the record of the conviction of the principal "shall be conclusive evidence in the prosecution against such receiver" is evidently unconstitutional. It has been so held by the Supreme Court of the United States in 174 United States, page 47. The Senator suggests that it might be amended by striking out the word "conclusive" and inserting the words "prima facie." In my judgment it would then be just as obnoxious to the objection as it would in its original form. The point of the decision of the Supreme Court of the United States is that it violates that provision of the Constitution which requires that every accused person shall be confronted with the witnesses against him; and when you make a record of a conviction either conclusive evidence or prima facie evidence in a case, you have denied to the defendant that right which is guaranteed by the Constitution, that he shall be confronted with the witnesses.

While I am on my feet, Mr. President, I want to call attention to the difference between section 49 and section 50. The argument has proceeded upon the theory that the language in both sections is the same, but the language in section 50 is even more objectionable than that contained in section 49. The existing law, for which section 49 is proposed to be substituted, provides that the accused person may be tried either in the district where the offense has been committed or into which he shall carry or have in possession said property, so embezzled, and so on. The existing law for which section 50 is proposed to be substituted provides that the accused person shall, on conviction before the circuit or district court of the United States in the district wherein he may have such property, be punished, and so on, limiting it to the district in which he has the property, and denying jurisdiction to the district in which the offense was originally committed. It seems to me there certainly ought not to be any such limitation as that.

Mr. TELLER. Is that the existing law?

Mr. SUTHERLAND. That is the existing law. The committee has stricken out that provision and reported it in the form in which it is found in the bill. So it seems to me, when we come to consider all these various questions, where there is grave doubt as to the constitutionality of a provision, and hardship is to result to the defendant, etc., certainly these sections ought to be amended as the committee has suggested.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SUTHERLAND. Certainly.

Mr. TELLER. I should like to say that it seems to me that the committee has done the proper thing in that particular case, because the existing law is perfectly absurd; and I do not believe the proposition could stand for a minute.

Mr. SUTHERLAND. Mr. President, objection was made by the Senator from Colorado [Mr. TELLER] to section 51. The Senator thought that that section did not sufficiently guard the rights of persons who were permitted under existing law to cut timber under certain conditions. I think the Senator is entirely correct about that, and the committee is as anxious to protect such persons as is the Senator. I therefore propose the following amendment to that section——

The VICE-PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

Mr. SUTHERLAND. I will read the amendment:

And nothing in this section shall interfere with or take away any right or privilege recognized or conferred by existing law of the United States to cut or remove timber from any public lands.

Mr. MCLAURIN. I ask the Senator if that amendment is to come in at the end of the section?

Mr. SUTHERLAND. Yes; at the end of the section.

Mr. TELLER. I understand that the Senator from Idaho [Mr. HEYBURN] does not intend to press the consideration of the pending bill any further to-night.

Mr. HEYBURN and Mr. SUTHERLAND. No.

Mr. TELLER. And that this section will be taken up at the next session, when the bill is under consideration?

Mr. HEYBURN. Yes.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah [Mr. SUTHERLAND] will be stated.

The SECRETARY. At the end of section 51, line 23, it is proposed to add the following:

And nothing in this section shall interfere with or take away any right or privilege recognized or conferred by existing law of the United States to cut or remove timber from any public lands.

Mr. KEAN. I understood the Senator was going to lay aside the bill.

Mr. SUTHERLAND. I submit the amendment so as to have it pending.

Mr. CULLOM. I desire to move an executive session, Mr. President, but I thought the Senator from Idaho wanted to submit a request to lay aside the unfinished business.

Mr. HEYBURN. It is not necessary to make a request to lay it aside to go into executive session, provided that no legislative business is done in executive session.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 10, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 6, 1908.

COLLECTOR OF INTERNAL REVENUE.

Robert O. Eaton, of Connecticut, to be collector of internal revenue for the district of Connecticut, in place of W. Frank Kinney, resigned.

UNITED STATES ATTORNEY FOR ALASKA.

George B. Grigsby, of Alaska, to be United States attorney for the district of Alaska, and assign him to division No. 2, vice Henry M. Hoyt, whose resignation was accepted to take effect May 31, 1907.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 6, 1908.

Francis M. Barton to be postmaster at Terrell, in the State of Texas.

Henry W. Miller to be postmaster at Valdez, in the Territory of Alaska.

M. S. Whittier to be postmaster at Skagway, in the Territory of Alaska.

CONFIRMATION.

Executive nomination confirmed by the Senate February 6, 1908.

POSTMASTER.

MISSOURI.

Richard Collier to be postmaster at Shelbyville, Shelby County, Mo.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 6, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONDEMNED CANNON FOR DETROIT, MICH.

Mr. DENBY. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution (No. 102) authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army. This resolution is unanimously reported by the Committee on Military Affairs.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the following joint resolution, and that the same be considered in the House at the present time. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the mayor of the city of Detroit, Mich., if the same can be done without detriment to the public service, one condemned 9-pounder French bronze gun, located at the United States arsenal at Watervliet, N. Y., and two condemned 12-pounder bronze field guns, date of 1838, located at the United States arsenal at Watertown, Mass., to be placed upon the gun pedestals of a monument erected to the memory of the late Maj. Gen. Alexander Macomb, United States Army: *Provided*, That the donation shall be without expense to the United States.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, why is it that these guns can not be furnished to the city of Detroit as guns have been furnished heretofore upon aplication to the Secretary of War? And is this for the purpose of saving the expense in freight incident to transporting the guns? That expense is always paid by the applicants when they apply to the Secretary of War.

Mr. DENBY. Mr. Speaker, this will not call for the expenditure of any money from the Treasury of the United States.

Mr. TAWNEY. Why is this done in this way?

Mr. DENBY. The guns were selected by the sculptor who designed the monument because of their chronological and artistic fitness for this particular monument. He visited the arsenal and selected three particular guns, and the War Department then reserved those guns pending appropriate action by Congress. The freight charges will be paid by the monument commission, and the Government will be put to no expense whatever.

Mr. TAWNEY. We have a general law authorizing the distribution of these guns, in the discretion of the Secretary of War; and, aside from the question of transportation, I can not see the necessity for special legislation in this particular case.

Mr. DENBY. Special legislation was requested by the War Department, and the guns, as I say, have been reserved by them.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENBY, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS SPOKANE RIVER, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho.

The SPEAKER. The gentleman from Idaho asks unanimous consent for the present consideration of the following bill, which the Clerk will report:

The Clerk read as follows:

Be it enacted, etc., That the Idaho and Northwestern Railway Company, a corporation of the State of Idaho, is hereby authorized to construct, maintain, and operate a bridge across the Spokane River at a point near the city of Coeur d'Alene, Kootenai County, Idaho, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I should like to ask the gentleman this question: Is this a unanimous report of the committee?

Mr. FRENCH. As I understand, it is a unanimous report, and has the approval of the War Department.

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAWNEY. I rise for the purpose of asking unanimous consent to take from the Speaker's table the urgent deficiency appropriation bill, and move to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the urgent deficiency appropriation bill, to nonconcur in the Senate amendments, and asks for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. WILLIAMS. Reserving the right to object, will the gentleman explain the nature of the differences between the two Houses?

Mr. TAWNEY. Mr. Speaker, the Senate amendments increase the aggregate of the bill by about $300,000. One amendment allows to the District Commission the full amount estimated for furnishing and equipping the new municipal building, namely, $42,000 in excess of the amount carried in the bill as it passed the House.

Then there is another amendment restoring two items that were taken out of the bill in the House on points of order. One is to provide for the payment of expenses incident to the Hyde, Dimond, Benton, and Schneider trials in the District of Columbia out of the general appropriation for the judiciary. Another amendment is the one in relation to $50,000 for an advance to the Indians to enable the Department to supply them with horses and cattle and farming implements, which they otherwise will have to wait for until their lands are sold, the $50,000 to be reimbursed to the Government of the United States from the sale of the Indian lands.

I might mention also another amendment of $1,800 to pay the expenses of one of the members of the Inland Waterways Commission, which was appointed after the adjournment of the last Congress. These are the principal items I have in mind.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask if the bill has been printed with the Senate amendments.

Mr. TAWNEY. It has not; it came over yesterday and is on the Speaker's table.

The SPEAKER. The Chair is informed that it has been printed.

Mr. TAWNEY. Then it came in this morning.

Mr. MANN. Does the gentleman propose to give the House any opportunity to vote on the question as to whether the House shall change the law about the payment of costs for courts in the District of Columbia in these special cases, or will the House be tied up by the conference report?

Mr. TAWNEY. Mr. Speaker, the conferees not having been appointed and the conference not having been agreed upon, I do not know whether I can cross that bridge until we come to it. I will say for the information of the gentleman from Illinois, however, that if it is his desire to have this proposition voted on directly by the House, the bill will be returned, and in the first conference the Senate amendment will not be agreed to. I will say to the gentleman it will not be agreed to only because I now say that the House shall have an opportunity to vote on it. I am free to say that personally I favored the proposition and shall continue to do so, whether on the floor of the House or in conference, but if in order to get the matter into conference it is necessary to bring it back here, I think we will save time by bringing it back for that purpose rather than sending it to the Committee on Appropriations and considering it in Committee of the Whole.

Mr. HEPBURN. Will the gentleman yield to me?

Mr. TAWNEY. I will yield to the gentleman from Iowa.

Mr. HEPBURN. I wish to say in the first instance that it

is my understanding that conferees appointed by the House are expected in conference to carry out the will of the House and to represent the House. The gentleman from Minnesota has indicated that he is opposed to the action of the House. My inquiry is, Does not that incapacitate him from serving on the conference committee?

Mr. TAWNEY. The gentleman from Iowa does not correctly state the position of the gentleman from Minnesota. I have not said that I was opposed to the action of the House. There has been no action on the part of the House on the merits of this proposition. A point of order was made against the proposition, and it went out on the ground that it was new legislation. Now, the Senate, without any conference and without any suggestion from any member of the Committee on Appropriations and without the suggestion of any Member of the House, has restored this provision. I advocated it at the time, but so far as the House is concerned there has been no action on the merits of the proposition.

Mr. HEPBURN. The gentleman is mistaken. The action of the House has expressed its opposition to this provision being in that bill. It was not in the form of a direct vote, but it was in the form of a well-considered action, and it is just as much the action of this House as it would be by a direct vote. The House has said that that provision must not be in that bill.

Mr. TAWNEY. Mr. Speaker, I can not assent to the construction put on the action of the gentleman from Illinois and the gentleman in the chair—holding that this provision was not in order under the rules of the House. That action does not represent the action of the House in any manner whatever on the merits of this proposition. But, however that may be, Mr. Speaker, I have said that if the bill is allowed to go to conference now, the conferees will not in the first instance agree to concur in the Senate amendment, but report the bill back to the House in order that the House may have the opportunity of voting on the merits of the proposition.

Mr. KEIFER. Will the gentleman yield?

Mr. TAWNEY. I will yield to the gentleman from Ohio.

Mr. KEIFER. My suggestion is that we submit that question now. I understand there has never been any division on it, and I do not know that there would be in the House on this question, except that some Members may have desired that this appropriation for the conduct of these trials should go in under the head of District of Columbia, the District to pay one-half of the expenses.

In the form in which it is now, it was agreed upon by the Committee on Appropriations. What is the objection, I suggest to the chairman, to having that question settled now?

Mr. MANN. Mr. Speaker, I will ask the gentleman to yield to me.

Mr. TAWNEY. I yield to the gentleman from Illinois.

Mr. MANN. I decidedly want to express a dissent from the views of the gentleman that the striking out of this amendment on a point of order was not the action of the House.

Mr. TAWNEY. On the merits of the proposition.

Mr. MANN. Ah, on the merits of the proposition. It is the action of the House. It is true there was no vote. It is also true that under the rules of the House, which are constantly denounced by various Members and seldom invoked by the same Members, the action in raising a point of order and having that sustained by the Chair was just as much the action of the House as if every Member of the House had voted on the proposition, and it is just as much the duty of the gentleman as a conferee on the part of the House to sustain, as far as he can, the action of the House in that matter as it would be if there had been a vote upon the proposition.

Mr. TAWNEY. If the gentleman will permit me, the logic of his position then is that when unanimous consent is asked for the present consideration of any proposition, and one Member of the House objects to consideration, then that objection is the action of the House on the merits of the proposition. To that I certainly can not agree, and I hardly think the gentleman, when he reflects upon his position, will himself claim that he is right.

Mr. MANN. I said it was the action of the House. It was not a vote of the House, but the gentleman can not determine in his own mind whether the House acts on the merits of the proposition when he is representing the House. He goes as a conferee as a representative of the House. The action of the House is determined by what it does, not by what certain Members may say on the floor of the House.

Mr. TAWNEY. I yield to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I dissent entirely from the view expressed by the distinguished gentleman from Iowa [Mr. HEPBURN] and the other distinguished gentleman from Illinois [Mr. MANN] on this proposition. The House has never had an opportunity to do more than, through an individual who makes a point of order, to enforce its own rules, to wit, that there should be no new legislation on an appropriation bill. Mr. Speaker, we uphold our rules when we pass an appropriation bill that comes from the Committee on Appropriations as we passed this one, but the Constitution of the United States gives to the Senate not the right to originate appropriation bills, but the right to amend our appropriation bills. Having amended them, as the Senate has the constitutional right to do, then the question comes back to the House to act under its constitutional right and duty to pass upon the merits of any amendment put on our appropriation bills by the Senate. There has never been anywhere, at any time, any expression of the views of the Members of this House, individually or collectively, on the amendment referred to. You can only say that in this case we have only in the first instance enforced our own rules. The point of order took the appropriation for the proposed purpose out of the bill as it originally came here, and now it is put back properly under the Constitution by the Senate for our consideration of the matter on its merits.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair announced the conferees on the part of the House: Mr. TAWNEY, Mr. VREELAND, Mr. LIVINGSTON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill and resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3932. An act authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes; and

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring), That the balances of the appropriations for the construction of vessels for the Light-House Establishment appropriated for in the acts of Congress approved April 28, 1904 (33 Stat., 468), March 3, 1905 (33 Stat., 1171), June 30, 1906 (34 Stat., 659, 660, 710, and 711), and March 4, 1907 (34 Stat., 1317, 1318, and 1319), are hereby made available for the pay of officers and crews, the payment of consular fees, port dues, and exchange, the purchase of provisions, rations, fuel, engineer stores and supplies, pilotage, water, laundry, and all other necessary incidental expenses in the transfer of the following-named vessels of the Light-House Establishment from Tompkinsville, N. Y., where they are to be delivered when completed to their respective stations: Tenders for the twelfth light-house district; for the thirteenth light-house district; for the Pacific Ocean; for Lake Superior; relief light-vessel for the Pacific coast; Columbia River light-vessel, Oregon; Swiftsure Bank light vessel, Washington.

PRIVATE SALMON HATCHERIES IN ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14408) to encourage private salmon hatcheries in Alaska, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That salmon hatcheries are permitted to be constructed, owned, maintained, and operated on private premises, or on any of the unappropriated public lands and waters of Alaska, by citizens of the United States and corporations organized under any act of Congress or under the laws of any State or Territory of the United States.

SEC. 2. That there shall be granted from the public domain to every owner of a private salmon hatchery with an annual capacity of 10,000,000 or more Red and [or] King salmon fry an appropriate hatchery site not exceeding 40 acres of nonmineral land, together with the use of the adjacent tide lands and apurtenances, and all necessary fresh and salt waters, easements for roads and ways of ingress and egress, pipe lines, flumes, and conduits for conducting water, and the right to take and use any timber, stones, or other material from any public lands necessary for the construction, use, and maintenance of said hatchery.

SEC. 3. That destruction of a hatchery by the elements or inevitable accident shall not deprive the owner of the exclusive right to the hatchery premises and appurtenances, provided such hatchery is substantially rebuilt on the same stream, its tributary or lake, within two years from the time of its destruction.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to make inquiry. What committee did this bill come from?

Mr. HUMPHREY of Washington. Mr. Speaker, the Committee on Merchant Marine and Fisheries reported this bill unanimously. The bill was passed by the House at the last session. This bill is for the purpose of encouraging the salmon hatcheries of Alaska. It has been approved by the Department. It provides that any person who shall operate a fish hatchery of an annual capacity of 10,000,000 or more salmon fry shall be granted a site for that purpose of not to exceed 40 acres of nonmineral land. I am going to offer an amendment, although

I think it is not necessary, but in order to place it beyond any possibility of misconstruction and to meet the suggestion of the Department, I am going to offer an amendment, as follows:

Provided, however, That in case said hatchery is not operated for a period of three years, then the premises shall revert to the United States.

Mr. CRUMPACKER. Mr. Speaker, I would like to make this observation: Unless the gentleman will amend the bill so as to confer this authority upon natives of the Territory of Alaska, as well as citizens and corporations of the United States, I shall object to its consideration. Natives of the Territory of Alaska do not have the status of citizenship, and it is an unjust proposition to give American citizens rights in their own Territory and corporations organized in this country that are withheld from the natives of the Territory. There has already been too much discrimination against natives of the Territory of Alaska, and unless that amendment shall be made, I shall object to the present consideration of the bill. I suggest to the gentleman from Washington, after the word "States," line 6, on page 1, that the words "natives of the Territory of Alaska" be inserted, so that it will read, "citizens of the United States, natives of the Territory of Alaska, and corporations."

Mr. HUMPHREY of Washington. Mr. Speaker, I have no objection to the amendment. The reason why it was not put in, perhaps, was because I have never known any native of Alaska to run a fish hatchery. It takes large capital for this purpose.

Mr. CRUMPACKER. That may be the case, but we are making permanent legislation now.

Mr. HUMPHREY of Washington. I accept the amendment.

Mr. PAYNE. I notice in the bill there is no provision for the revocation of this license on the part of the Government.

Mr. HUMPHREY of Washington. I have an amendment to that effect.

Mr. PAYNE. But I did not understand that amendment applied to that question at all except in case where it was not used for a period of three years. Now, the House does not know how valuable these privileges may be and whether the location of a hatchery might be at such a point in the river as to give these people an exclusive fishing privilege, which might be of great value.

Mr. HUMPHREY of Washington. I will say to the gentleman we do not locate fish hatcheries on a place on the river where they catch salmon.

Mr. PAYNE. It gives the privilege of 40 acres of land, and it might reach over a long reach of the river if properly located for that purpose, and it seems to me there ought to be some guard to protect the interests of the United States. I am in full sympathy with the object of the bill to encourage the fish hatcheries for the production of salmon in Alaska.

Mr. TAWNEY. If the gentleman from Washington will permit me, would this bill give to the owners of the hatchery built upon the site which is donated, or proposed to be donated by this Government, any exclusive fishing rights in the waters adjacent to the hatchery or in the vicinity?

Mr. HUMPHREY of Washington. No.

Mr. TAWNEY. It would give them no exclusive fishing rights whatever?

Mr. HUMPHREY of Washington. Not at all.

Mr. TAWNEY. I asked that question to meet the objection raised by the gentleman from New York.

Mr. HUMPHREY of Washington. These grounds are only for use for the purpose of a hatchery, and no fishing rights are granted whatever under the law.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman a question. Does this bill in any way change existing law in regard to fish hatcheries in Alaska?

Mr. HUMPHREY of Washington. No; it does not change it.

Mr. SULZER. All this bill does, then, as I understand it, is to give the people who have salmon canneries in Alaska the right to establish a fish hatchery, and in connection with that get 40 acres of nonmineral-bearing land.

Mr. HUMPHREY of Washington. The object of the bill is simply to give the owners of a fish hatchery the use of the land and to take timber and stone in that vicinity and upon the property that is granted to them to use in the construction and maintenance of a fish hatchery; that is all.

Mr. SULZER. Mr. Speaker, I observe that this bill was referred to the Committee on Merchant Marine and Fisheries. The bill should have been referred to the Committee on Territories.

Mr. HUMPHREY of Washington. Well, I do not think so. I do not agree with the gentleman. We have had jurisdiction of this bill before.

Mr. SULZER. Improperly so. All bills relating to salmon fisheries and salmon hatcheries in Alaska have always been referred to the Committee on Territories. The latter committee has jurisdiction.

Mr. DALZELL. It is too late to raise that question now.

Mr. SULZER. I know it is, but I am simply making the comment. I would like to ask the gentleman another question——

Mr. CALE. Mr. Speaker——

Mr. SULZER. Mr. Speaker, I want to ask the gentleman whether this bill is satisfactory to the Delegate from Alaska. The representative from Alaska should speak for Alaska, and he should be consulted regarding all legislation for Alaska. I shall be loath to favor any bill relating to matters in Alaska unless it is satisfactory to the duly elected representative from Alaska.

Mr. HUMPHREY of Washington. Mr. Speaker, I yield to the gentleman from Alaska [Mr. CALE].

Mr. CALE. Mr. Speaker, I did not know of this bill until a short time ago. I did not know that a bill of this character was to be introduced or had been introduced; consequently, I am not thoroughly familiar with the substance of it or with its merits. The object of the bill is entirely satisfactory, not only to the people of Alaska, but unquestionably will be satisfactory to the people of the United States, because I do not think any person will object to any message or any legislation that has for its object the building up of the fisheries of the Northwest, as they are one of the important industries of that section of the country. The hatcheries are something, as we must admit, that are very essential. Without them the supply of fish would become entirely depleted. But I wanted to ask the gentleman who introduced the bill in what manner these 40 acres are to be selected? Also, who selects them?

Mr. HUMPHREY of Washington. To be granted by the Department of the Interior. They have authority to grant it.

Mr. GOULDEN. Is not this the same bill that was reported from the committee late in the last session and passed unanimously here and failed in the Senate on account of the lateness of the hour that it reached that body?

Mr. HUMPHREY of Washington. It is the same bill. Now, answering the gentleman from Alaska [Mr. CALE], I will say that this grants the right to those who already have fish hatcheries established and who are complying with the law. It grants them that right, and hereafter it grants any private party the right to construct a fish hatchery upon any appropriate public lands, provided they are nonmineral.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. How is this land determined? As to what they have located on?

Mr. HUMPHREY of Washington. It will be determined by the Department of the Interior.

Mr. MANN. Is there anything in the bill to that effect?

Mr. HUMPHREY of Washington. It simply grants the land where they are already located.

Mr. MANN. But it does not require them to make application to the Department of the Interior, as I take it.

Mr. HUMPHREY of Washington. There is no requirement made here.

Mr. MANN. It is a direct grant to them?

Mr. HUMPHREY of Washington. Yes; for that purpose.

Mr. MANN. Does not the gentleman think these people ought to be required to make application? Does not this permit them, in other words, if the Government owns a town site, to walk in and take the town site?

Mr. HUMPHREY of Washington. It would not. They would have to make their application under existing law.

Mr. MANN. This bill repeals all existing law that conflicts with it to that extent. Here is a bill giving absolutely to a party a right to a piece of ground. He does not have to make application to anybody. The law is a superior thing. He can walk in and take a town site the Government has laid out.

Mr. HUMPHREY of Washington. He could if he had a fish hatchery running in the town site.

Mr. MANN. He could establish one there.

Mr. HUMPHREY of Washington. That is not what the bill provides.

Mr. MANN. Does not this bill permit him to establish a fish hatchery where he pleases?

Mr. HUMPHREY of Washington. No, sir; it does not. If the gentleman will wait I will tell him. It provides—

That there shall be granted from the public domain to every owner of a private salmon hatchery with an annual capacity of 10,000,000 or more Red and [or] King salmon fry an appropriate hatchery site not exceeding 40 acres of nonmineral land, together with the use of the adjacent tide lands and appurtenances, etc.

That site would already have to be established.

Mr. MANN. Not already established when the bill passes. Anybody could organize this fish hatchery hereafter.

Mr. HUMPHREY of Washington. I will read the other section of the bill, as follows:

That salmon hatcheries are permitted to be constructed, owned, maintained, and operated on private premises, or any of the unappropriated public lands and waters of Alaska, by citizens of the United States and corporations organized under any act of Congress or under the laws of any State or Territory of the United States.

Mr. MANN. What are unappropriated lands? Lands that have not been controlled or taken possession of?

Mr. HUMPHREY of Washington. Or taken up or disposed of.

Mr. MANN. So that these men could organize a company after the Government had laid out a town site and walk in and take possession of that private property. It is exactly what you could do, and in all likelihood it is exactly what somebody would do.

Mr. HUMPHREY of Washington. I do not agree with the gentleman.

Mr. WALDO. Does the gentleman know whether——

The SPEAKER. Is there objection?

Mr. MANN. For the present, I object.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PERKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill. There is one hour and a half of general debate, the time to be equally divided.

Mr. SHERMAN. Mr. Chairman, I yield thirty-five minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Chairman, I am not sure but I ought to apologize to the House for assuming to speak upon the bill which has been under consideration for four days with scarcely an illusion to it, save in the opening remarks of the chairman of the Committee on Indian Affairs. I would not presume to take the time of the House now but for the fact that the proposed policy of the committee is to gradually destroy our whole system of nonreservation Indian schools, a system built up by thirty years of care, and by the expenditure of large appropriations, that have received the approval of administration after administration, both of the Democratic and the Republican parties.

It is not my purpose to criticise the Committee on Indian Affairs; but when I went to the committee to get a copy of the hearings, there was not a line obtainable, nor is there a line of hearings published; and yet this committee proposes to destroy that whole system of nonreservation schools. It begins by nonappropriation for the school at Carson City, Nev., the one at Fort Lewis, Colo., and the one at Mount Pleasant, Mich. I am not familiar with the surrounding conditions of the school in Colorado nor in Nevada, neither is Mount Pleasant in the district which I have the honor to represent; but I give notice, now that my colleague [Mr. DARRAGH], will, at the proper time and at the proper place, move to amend the bill so as to restore that school. Why? Mount Pleasant is a beautiful little city of 5,000 people in north central Michigan—I speak of the lower peninsula. It has on one side a flourishing State normal school; it has on the other an Indian school established some seventeen years ago, with a capacity of 330, with an attendance of more than 300, and between these two schools is a very excellent high school; so that the atmosphere of the town, morally, intellectually, and in every way is wholesome and stimulating to the young people who come there for an education.

I may say, further, that there is in connection with the school a farm of several hundred acres owned by the Government of the United States. There are permanent buildings put up by the Government for the school proper; there are material improvements in the way of barns and sheds, farming implements of various kinds, horses, cattle, and sheep, and all that go to make up a progressive agricultural plant. There is every equipment necessary within the walls of the school building. Now what? Without one single line of explanation or hearings——

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. GARDNER of Michigan. Wait until I get through with this sentence. Without a single line of explantion, so far as the record goes, it is the purpose to close this school on the 1st of July next, leaving the crops in the field growing, turning the keys of the door of the institution, as the Commissioner of Indian Affairs says, abandoning it as you would a dismantled Army post—I use his very language. It is the policy as to Nevada and it is the policy as to Colorado; it is the declared purpose of the Commissioner of Indian Affairs to wipe out these schools, and with them Carlisle, with its thousand students—with its more than national reputation—and to turn adrift or send back to the reservations the 9,000 Indian boys and girls who are enrolled in the twenty-five Indian schools located from Carlisle, Pa., to Riverside, Cal. Now I yield to the gentleman.

Mr. MADDEN. I understood the gentleman to say that there were a large number of barns, sheds, and outhouses at this institution; but he failed to state how many students there were at the school in Michigan.

Mr. HAMILTON of Michigan. Oh, yes, he did. He said there were 341.

Mr. GARDNER of Michigan. I will state for the gentleman's information that the capacity at Mount Pleasant is 330 students, with an enrollment of 350; the average attendance, mark you, gentlemen, is 341—the average attendance is more than the capacity. The three schools marked for destruction have a capacity of 780; an average attendance of 793. But it is not simply these three schools; it is the avowed policy of the Commissioner to do away with the whole of them. Now, on what ground? He says the whole question "pivots" on this—whether you will carry civilization to the Indian, or the Indian to civilization.

He purposes to send these boys and girls and young men and women back to their homes. We have no tribes in our State, but in several of the Congressional districts we have Indians living in severalty. This school gathers up these Indian boys and girls and puts within their reach the advantages that such institutions afford.

Mr. MANN. Does the State of Michigan provide for the education of the Indian children in the State where the Indians are living in severalty?

Mr. GARDNER of Michigan. I will come to that a little later if you will allow me; and if I do not, I wish you would remind me of it.

Mr. KEIFER. Have you the Chippewa tribe up there in Michigan?

Mr. GARDNER of Michigan. A remnant of it.

Mr. KEIFER. I thought you said you had no tribes in Michigan.

Mr. GARDNER of Michigan. They are not living in tribal relations. Now, the Commissioner proposes, to use his phrase, to send civilization to the Indians. I want to briefly contrast two races in this country. The darkest shadow that rests upon the white man in reference to the settlement of America, in my judgment, was the importation of the Africans through the slave trade. If we may accept the records, the cruel treatment of the negro at those times was almost beyond credence; and yet that dark shadow has a silver lining. The negroes stolen from Africa were being carried to civilization. No one now will defend slavery per se, and yet I am here to say this morning that there is now—and if not now, there will be in the not distant future—many an intelligent colored man who will see in the centuries of slavery of his race a preparation for the liberty which in God's own good time came to his people. [Applause.] The British ambassador at a recent noted meeting of educators and others interested in the elevation of the African people said, among other things:

The progress of the African in America during the last forty years is unsurpassed by any race in the human history.

The ambassador might have prefaced that remark with the declaration that that race had been in the best preparatory school in America for two hundred years. You ask how? Large numbers of the girls had been taken into the very best homes of the country and taught, by the most cultured of women, cleanliness, frugality, order, purity, virtue, and all that pertains to the care of a house and the making of character. Colored boys had been taken, generation after generation, into the fields, into the factory, into the mill, and to the forge to be taught the rudiments of an industrial education. Then when freedom came, bad as their condition was, they were immeasurably better prepared for further education than was the Indian. Why? The Commissioner says we will take civilization to the Indians. Well, we brought the African to civilization, but at the point of the bayonet and the muzzle of the rifle we drove the Indian away from civilization for more than three hundred years, reversing the policy which prevailed with reference to the other race, and reversing the results as well.

Again, he says one of his purposes is to do away with the

separation of the races in school, and I come to the point raised by the gentleman from Illinois [Mr. MANN]. I do not quote the exact language of the Commissioner, but his thought is to no longer segregate the races, but let the Indian boy and girl sit beside the white boy and girl in the public schools in these States where the Indian lives. Now I want to read just a line to show you the objection there is to this. This is from the Indian Commissioner's report of 1906. He says:

In many neighborhoods the whites object to the Indian pupils on the ground of their dirty habits, their diseases, and their morals.

That is our answer to Michigan's hesitancy to open the doors of her public schools to these Indians, who bring not alone their unkempt personal appearance, but filth and disease, to sit in the same class rooms, to come in personal contact; and the white children feel a repugnance to their touch, not because they are Indians, God forbid, but because they are unclean and sometimes diseased in person.

Mr. MANN. What is the fact in reference to Michigan? Does it in fact exclude the Indians from the common schools?

Mr. GARDNER of Michigan. No; it does not.

Mr. MANN. Or, in fact, are they admitted to the common schools?

Mr. GARDNER of Michigan. They are admitted to the *common schools*. In my district, near one of the best small towns in the State, a number of respectable Indians live near its borders, and send their children to the public schools, but they send their older and more advanced children to Mount Pleasant.

Mr. MANN. Then in your State, in fact, the Indians are not excluded from the public schools because of their filth and disease?

Mr. GARDNER of Michigan. In some cases they are; but the point which the gentleman would make does not follow by any means. Why, sir, the negroes, few as they are, are infinitely cleaner. I would much rather have my son or daughter associate with them, sit beside them, breathe the air with them, than these Indian boys and girls, who come from the filthy surroundings in many of their homes.

Mr. MANN. Are the only Indian pupils admitted to Mount Pleasant those filthy and diseased pupils excluded from the common schools?

Mr. GARDNER of Michigan. No, sir; we do not draw the line on that; but if the gentleman could have visited Mount Pleasant, as I have, and have seen the pupils who are so lifted vastly above the plane on which they started, and see what they are now, as much as he loves equality, he would not want his son to mingle with them in the schoolroom.

Mr. MANN. I went to school myself with an Indian, and I have no apologies to make for it.

Mr. GARDNER of Michigan. That may be, and it may have been no discredit to the Indian. [Laughter.]

Mr. MANN. I may say in spite of that handicap he has made a great success in life.

Mr. GARDNER of Michigan. The Indian? Good. I am glad of that; there are exceptions to all rules; that is one, and the gentleman from Illinois, I may say, under the stimulating and uplifting influence of his Indian associate, has made a great success in life. [Laughter.]

Where are the racial lines drawn by the Government of the United States? In this city, right in this capital city of the nation the lines are virtually drawn on the race question, not in the schools only supported by public tax, but in the great Howard University, within the shadow of the Dome of this institution. And with the approval of the Government of the United States.

So we answer the Indian Commissioner—and there is nothing else to go by, no hearings; we simply have the report, and in it the Commissioner wants to abolish the racial lines. He better begin in Washington and put the negroes beside our white children in the public schools. He will not have to go so far from home.

He says again, and I am sorry he uses the term, his objection to these Indian schools is that they are "pauperized schools." Why, gentlemen, the glory of the American Republic is her free schools. [Applause.] There are thousands of children in the schools of Washington City who do not buy a text-book, who do not buy a pad on which to do their examples in arithmetic, who do not buy a lead pencil, nor a bottle of ink, nor a steel pen, and I will undertake to say that in many cases their parents do not pay one single dollar of tax for the support of the school.

Mr. MADDEN. Is not that true in all schools with all people?

Mr. BURLESON. Oh, no; in many States no provision is made for the supply of free text-books, free stationery, free ink, or free paper.

Mr. GARDNER of Michigan. That is so in my State.

Mr. MADDEN. But is there not some provision for indigent scholars?

Mr. GARDNER of Michigan. I think there is.

Mr. GRONNA. There is no such provision in my State.

Mr. GARDNER of Michigan. We maintain free schools for indigent boys and girls right here in the capital. It costs them not one dollar for their education, and in a multitude of cases it does not cost their parents one dollar in the way of taxation—it is absolutely free. And who finds fault with that? I was recently in New York City, the guest of the superintendent of schools in that great center of population; 600,000 pupils on the roll, with 14,000 teachers. He told me that in one school there were 4,000 pupils, and 90 per cent of them were children of Russian Jews. Their parents came here empty-handed and with empty pockets, but with a look at the flag and with an upward look of hope into the future they put their children—to use the language of the commissioner—in the pauperized schools of New York, that they might be Americans, educated, intelligent men and women. That is what we want to do for the Indian. You can not suddenly change the tide that has rolled onward for indefinite centuries with regard to the Indian and his habits, but we are changing them, gradually though it be.

I have here a statement of no less a person than the late distinguished Senator from Vermont, after spending a month at Hampton, Va., examining with the greatest care, as he stated at the other end of the Capitol, the influences of that school upon the Indians there, and he declares in his own time in the Senate of the United States that, in his judgment, no greater work is being done anywhere than is being done for the Indians in such schools as Hampton and Carlisle.

Mr. MADDEN. Will the gentleman answer me this question: Does he believe that it would be better for the future of the Indians to be segregated, or does he believe that they would get better results in the civilization and advancement of the Indians by mixing them with the American children in the American schools?

Mr. GARDNER of Michigan. It is not the design of the schools to permanently segregate them. It is the design of the schools to teach the Indian, first, cleanliness—and that is next to godliness in civilization—cleanliness, order, industry; in other words, the alphabet that leads up to self-help, self-reliance, self-assertion, and the building of manhood and womanhood. That is what the Indian boy and girl need. I was journeying in the far Northwest several years ago, riding in a chair car. In that car was an Indian mother dressed as any American woman would be, and an Indian father dressed as respectably as any of us, and a babe in the mother's arms, with as beautifully and delicately made apparel—and it was under the inspection of the ladies and others in the car—as that belonging to any white child. They had been on their vacation in the East and were going back to one of the nonreservation schools. The women had been educated at Carlisle, as had her husband. They were going back to the nonreservation school to resume their work of teaching their fellow-Indians less fortunate than they.

That has been done and is being done over and over again in the nonreservation schools. The gentleman asks me if it is a good thing to take them from home. For a time, yes. I can recall, as can others, the years when, hard as it was for us to break away from our home surroundings and turn our backs on parents and brothers and sisters and go away to school, it was one of the very best things that ever came to us. We carried a higher civilization back to the farm and to the home and the home surroundings after we had come in contact with the best in intellect, in morals, in stimulus, leading to higher and better womanhood and manhood. Tell me that the nearly 3,000 graduates out of Howard University—lawyers, teachers, ministers, physicians—who have gone among the colored race, morally and intellectually equipped to lift up their fellow black men, are not better able to do it than they would have been had they not been segregated under conditions calculated to bring out the best and the most that was in them!

Mr. MADDEN. Does the gentleman want to be understood as saying that they can produce better results segregated than they can get mixed with the other races?

Mr. GARDNER of Michigan. It is only the purpose of the day schools to teach Indians in the lower grades. They can not have in them the advantage of the industrial schools. We have not the teachers fitted to do for them what they can do in these equipped industrial schools.

Mr. STAFFORD. Are all of these schools fashioned after the same plan?

Mr. GARDNER of Michigan. Not entirely after the same plan, as I understand it, but that leads me to say that the only ground on which the Secretary of the Interior would second the action of the Indian Commissioner was that the results are not satisfactory. Then, I say, to have the schools so conducted that they are satisfactory, and some of them are at this time.

Mr. STAFFORD. Unsatisfactory in what particular?

Mr. GARDNER of Michigan. He does not say, but the Commissioner says plainly that there are some schools that are highly satisfactory and doing most excellent work. If one can do satisfactory work, two can, and if two can, twenty-five can.

Mr. STAFFORD. Perhaps that is due to the fact of inadequacy of teachers specially equipped for this peculiar instruction and that therefore some of the schools must be reduced in order to concentrate the force.

Mr. GARDNER of Michigan. We had no hearings. We have heard it said here from time to time satirically that we were shooting civilization into the Filipinos. I hold in my hand the report of the Secretary of War, lately returned from there, in which he says that when the Americans took possession there were only about 7 per cent in the islands who could be called educated people able to speak the Spanish language, which in the archipelago is the test of education. The rest of the people spoke in sixteen different dialects. He says now that at least 80 per cent of the Filipinos are in dense ignorance.

We sent with our soldiers 1,000 American teachers to the Filipinos, and they are here to-day, but the Government is not content with simply sending teachers into the country and establishing day schools. Secretary Taft says that there are now in the islands, including art and trade schools, agricultural schools, domestic-science schools, at least one industrial school to every province in the Philippines, and it is the purpose to increase this number as rapidly as resources and opportunity will permit. In other words, we are seeking to carry civilization to the Filipinos in precisely the same manner that we have sought for thirty years to carry civilization to the Indians, by giving them first the advantages of our school system, whether in the tribal or nontribal relation, and secondly, by establishing these secondary schools in the United States at convenient places precisely after the policy we are pursuing to-day in the Philippines with regard to the Filipinos.

Mr. GRONNA. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Surely.

Mr. GRONNA. I want to ask this question, if it is not true that these teachers must be especially fitted or trained as teachers in these Indian schools. Now, as one who has lived part of his days among the Indians or near Indian reservations, I know that if you send an Indian child to a common school you can not get a word out of that pupil from morning until night. You must study their characteristics, their peculiarities; and does not the gentleman believe that it is highly important that these teachers should be specially fitted and trained in the teaching of these children?

Mr. GARDNER of Michigan. In answer to the gentleman's question, I would like to have the Clerk read from the report of 1893, Interior Department, which I send to the desk. I may say, Mr. Chairman, as a preface, that this is the report of a national assembly of teachers in the city of Boston, Indian and others, several years ago.

The CHAIRMAN. Without objection, it will be read from the Clerk's desk in the time of the gentleman from Michigan.

The Clerk read as follows:

A large exhibit of literary and industrial work was contributed by the various Indian schools and displayed at the Institute held in Boston. This exhibit was visited and studied by thousands of educators from all over the United States and was conceded to be the finest display of Indian work ever made anywhere. It served to show the marvelous advancement made in educating Indian children. The display of industrial work, representing the various trades taught in the Indian schools, attracted marked attention, and illustrated most effectively the progress made along the line of industrial education.

At the Boston meeting citizenship, character building, manual and industrial training were the central topics. Excellent papers on these and miscellaneous subjects were read. The majority of those who read papers or took part in the discussions emphasized the importance of giving the Indian special agricultural training in order that he may, as soon as possible after taking possession of his allotment, make it yield him a living. A number of Indians (teachers and students from the various schools) were in attendance, and their interest in the features of the institute and practical suggestions in discussions demonstrated the earnest manner in which they are taking advantage of the educational opportunities offered them and their desire to assist in the uplifting of their race.

Mr. GARDNER of Michigan. What would the Commissioner do with these schools? If necessary dismantle them as you would an army fort; give them away to the various States on easy terms; give them away if you can not do anything else to the communities in which they are located; turn over several million dollars of property with all the improvements that have been made upon it, simply for the purpose of sending these boys and girls back to the day schools, where they have not the advantages beyond a certain age and grade, and where it is not possible to have what they now have in the nonreservation schools. And I want gentlemen whose schools are not marked for destruction in this bill to know that the ax is lifted above your schools as well as these, and if this policy is to be carried out every one of them is sooner or later to be abandoned. Can we afford to turn backward? Can we afford to let down our hands? Can we afford to grow slack in our efforts to pay back one tithe of the debt we owe to that people whose fathers we drove from the Atlantic to the Pacific literally, and if we could would have driven them into the sea? We owe it to the descendants of this heroic, though savage, race, in these later days to repair in so far as we are able the waste that our fathers wrought, to right the wrongs the white man inflicted, to lift up these aborigines of the soil and make them not Indians but Americans, as we are doing by the children of the former slaves and by those of the foreigners who from every quarter of the earth come to our shores by the millions. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER of Vermont having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 4, 1908:

H. R. 9210. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala.; and

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas.

On February 6:

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERMAN. Mr. Chairman, I yield ten minutes to the gentleman from Michigan [Mr. DIEKEMA].

Mr. DIEKEMA. Mr. Chairman, if there is any one thought that has impressed me more deeply than another during the short space of time that I have occupied a seat upon this floor, it is the inspiring thought that every noble, exalted, and patriotic sentiment, whether uttered on this or the other side of the middle aisle which divides partisans, but not patriots, finds a ready response and arouses general applause in the whole House. This bodes well for the Republic and for the future of this great theater of human liberty, where the problem of the ages—the struggle between might and right, between the forces that make for righteousness which exalteth a nation and corruption which destroys a nation, between freedom and oppression—must still be fought out.

Every ideal right pointed out in the Declaration of Independence and guaranteed by the Constitution is safeguarded in the ringing appeal which has lately come down to us from the White House, and which is as conservative as it is aggressive, as optimistic as it is severe, and every line of which breathes an abiding faith in Almighty God and in the American people. The stern notes of the prophet's warning voice are mingled with psalms of victory, and finally there emerges from the din of battle a beautiful vision—the revelation of justice, with malice toward none and with charity for all, upheld by the sons of the men who wore the blue and the gray, assuming dominion in the hearts and minds of our countrymen.

Greatly do I rejoice at having come to the seat of government at a time when the spirit of sectional strife has been buried and when there is a new alignment and the marshaling of the forces about the standards of a great moral issue—that of the supremacy of the law and the equality of all men before the law.

I do not believe in the socialist's dream of equality, for I believe that, as in religion, so in the world of business, every man must work out his own salvation. All nature and all history—yes, even the glimpse which revelation gives us into the realm of the world of spirits, of angels and archangels—teach us the lesson of inequality; but before the throne of justice, whether that throne be set up in heaven or upon earth, all men must be equal.

Justice can have no quarrel with capital or labor, with rich

or poor, with great or small, as such, but only with the wrongs committed by either. The envious hand that would smite a great business industry solely on account of its magnitude is not the hand of the true American.

The genius, the ambition, the spirit of leadership, the capacity to think great thoughts, do great deeds, and work out a great destiny which in other days caused men to enlist in the army and made them world conquerors now drive them into business and make them captains of industry who feed the hungry mouths of vast armies of laborers and supply their homes with comforts and luxuries of which the world has never dreamed. They have tunneled the mountains, spanned the rivers, opened the mines, plowed the prairies, felled the forests, and transformed the face of this western continent. All honor to the American business men, the builders of this mighty fabric of industry, the projectors of our transcontinental railroads, the heroes of our world of commerce, manufacture, and trade. All honor to these broad-gauged, chivalrous, invincible citizens who constitute a splendid type of the world's best product, the American gentleman. All honor to them while they respect the majesty of the law and acknowledge the equal rights of their fellow-men. When, however, any of them overleap these bounds neither their genius, industry, power, nor wealth should save them from the humiliation and the punishment which outraged justice visits upon the lawbreaker.

We have been told by that matchless orator from New York, who makes even the little fishes talk like great whales, that for this strenuous and inspiring work we need a leader who is possessed with the spirit of the crusader; that the Republican party has none such except our President, whom he has enshrined among the heroes of the ages and has mounted on a pedestal of fame far above the reach of party strife; that the Democratic party offers the only crusader whose lofty idealism fits him for leadership. We accept the challenge and boldly announce to him and to the world that we want no crusader for President. [Applause on the Republican side.]

The crusader left behind him a trail of blood and 3,000 miles of bleached bones, once happy pilgrims to a Savior's tomb, and then left that tomb in the possession of the Saracen. His idealism was his undoing.

We want a constructive statesman, with high ideals, deep-rooted convictions, dauntless courage, lofty conceptions of duty, and dogged determination; one who will not give us painted ships on painted seas, the delusive hope of the mirage in the desert, stones for bread and serpents for fish; but a real reformer upon whose broad shoulders and massive frame even our great President has leaned with safety, who has shared his hopes, thought his thoughts, and executed his plans; one who is so big that Bryan's clothes would not possibly fit him. [Applause on the Republican side.]

"First the crusader and then the judge," says the voice of the gentleman from New York. "First the crusader and then the undertaker," says the voice of history.

You may have your crusader. We will take our statesman. You may destroy with the desire of building better. You may kill with the vain hope of restoring life. We will neither destroy nor kill. This mighty fabric of American genius and industry must stand—only the rotting timbers must be replaced. [Applause on the Republican side.]

The crusader lashes the waves of public fury into a seething, foaming mass until they beat in destructive breakers upon the shores. The statesman says to the winds and the waves, "Be still." The crusader applies the whip and throws away the reins; the statesman holds tight the reins while he uses the whip. The crusader throws wide open the throttle and dashes the train down the embankment; the statesman slacks up the speed around the curves and lands safely at the depot. [Applause on the Republican side.]

When some future historian writes the history of our period he will dwell upon the conservatism of our President and point out how every measure of reform launched by him was anchored to some rock of public safety. He has lifted the whole country to a higher plane of thinking, away from the material to the ethical, and has brought from the mouths of unwilling witnesses the testimony which magnifies his inspiring leadership and exalts the deeds of his political party.

We welcome the struggle of The Statesman *v.* The Crusader, Construction *v.* Destruction, Life *v.* Death.

Already we hear the revival songs of civic virtue ringing in our ears. Already we hear the tumult and the noise of the march of the oncoming hosts of earth's best and bravest enlisting under our banners, upon which we have emblazoned in letters of burning gold the words: "The supremacy of the law" and "Equal justice to all." [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war, and certain widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendment the bill (H. R. 9217) amending sections 2533 and 2534 of the Revised Statutes, so as to change the name of the Fairfield collection district.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I now desire to yield to the gentleman from Alabama [Mr. CLAYTON] twenty minutes.

Mr. CLAYTON. Mr. Chairman, we heard read here a few days ago a remarkable message from the President—a remarkable man. That message, much of it, we on this side of the House enjoyed, because much of it is the Democratic doctrine familiar for years to the country and which is now, almost on the eve of our quadrennial election, urged by the President on his party.

Under the permission of the House I shall have printed in the RECORD the address of Hon. William Jennings Bryan delivered in New York City on the night of the 4th of the current month. This address is good and wholesome. I shall leave the consideration of its truth, strength, and excellence to the American people. It is a message that appeals to the enlightened public conscience and is from the most popular private American citizen and the man who deserves to be, and doubtless will be, the next Chief Magistrate of the Republic. [Loud applause.]

Mr. Bryan's address is as follows:

"THOU SHALT NOT STEAL."

[Address delivered by William Jennings Bryan, at Carnegie Hall, New York, February 4, 1908, under the auspices of the Civic Forum.]

Mr. Chairman, Ladies, and Gentlemen:

I appreciate the opportunity which the Civic Forum has given me of presenting in this great center of trade and finance a subject which, however hackneyed it may seem, still forces itself upon us, namely, the subject of larceny. The commandment "Thou shalt not steal" presents as clearly as it can be presented a moral truth that may be classed among the self-evident truths. The greatest service that one can render a truth is to state it so plainly that it can be understood. I do not mean that any truth can be stated so plainly that it will not be denied by those who find it to their interest to deny it. I believe that it was Lord Macaulay who said that eloquent and learned men could be found to dispute the law of gravitation if any pecuniary advantage were to be gained by it. What I mean to say is that a truth can be stated so plainly that those who desire to see it can see it, and that when it is seen it needs no defense. If, for instance, you may say to a man that it is wrong to steal, and he replies, "Oh, I don't know about that," don't argue with him; search him, and you will probably find the reason in his pocket.

I have not selected this subject with any intention of presenting an argument against stealing. I am going to assume that those who listen to me agree that the commandment should be obeyed. It is my purpose rather to make some applications of the commandment to present conditions, for I am satisfied that many are guilty without really being conscious of disobedience to the commandment or of committing a wrong.

To steal or to commit larceny may be defined as the wrongful taking of another's property. Law writers have divided larceny into two classes—petit larceny and grand larceny—the former term being used when the property stolen is of little value and the latter when the value is greater. There is a tendency in modern times to divide grand larceny into two classes, so that now we are inclined to think of larceny as petit larceny, grand larceny, and glorious larceny. By glorious larceny I do not refer to the policy which nations have indulged in of taking the property of other nations by force—an act that is sometimes described as not only innocent but even patriotic; I refer rather to that tendency, quite discernible at the present day, to regard stealing upon a large scale as less reprehensible than stealing upon a small scale. If a man picks your pocket, or enters your house in the dark, or accosts you upon the highway and takes from you a few dollars, you regard him as a vulgar thief. No one can have respect for such a person, and the punishments of the law are in such cases swift and sure, if the offender is caught. Even in the case of grand larceny, if the amount taken is not very great, the thief finds it difficult to escape, for he has no influential friends and he can not hire skillful lawyers to present technicalities in his defense. If, however, he steals a large sum, it becomes quite a different matter, and the sum may be so large that we overlook the man's rascality in our amazement at the genius which he has displayed. As a rule, the man who steals a million dollars has a better chance of escape than the man who steals a

thousand. So true is this that it has been suggested that we amend the commandment to read, "Thou shalt not steal on a small scale."

Judge Jerry Black, the celebrated Pennsylvania lawyer, in his argument in the Credit Mobilier case—quoted as a man of affairs—said that "To rob an individual was criminal; to rob a corporation was reprehensible; to rob a municipality was a matter of doubtful morality; to rob a State was meritorious, but that to rob the United States was the highest achievement of human virtue."

We should attempt to cultivate a public opinion which will remove the distinction between grand larceny and glorious larceny and insure the enforcement of the criminal law against all offenders alike, regardless of the amount stolen and regardless of the social, business, or political position of the thief.

But my object to-night is rather to draw you attention to the various ways in which larceny may be committed. There is a distinction that can be drawn between direct and indirect larceny; that is, between the one who does the stealing himself and the one who does it through another; and this is a larger subject than at first appears, for those who produce conditions which result in such gross injustice that the victims of the injustice are driven to destitution, to despair, to desperation, and finally to theft—those who produce these conditions are not entirely guiltless. But the discussion of this subject will lead us into sociology, and I want to confine myself to criminology.

For the purposes of this discussion let us divide larceny into two classes—larceny in violation of the law and larceny through the operation of law. While both branches of the subject are important, the second branch is the larger and the less considered. I think I am within the truth when I say that, measured by the value of the property taken, stealing through the operation of law, if not so frequent, reaches a larger aggregate than stealing in violation of the law. But the stealing which is done in violation of law is enormous and the methods employed many. Take, for illustration, the administration of our tax laws. Let us suppose that the law is made by well-meaning legislators and in its requirements approaches justice as closely as fallible man can approach justice. The assessor is sometimes corrupted—not always by money, but more often by influence; that is, the person favored does not always pay the assessor a fixed sum, but helps to elect him or reelect him, and thus becomes responsible for the continuation of his salary.

Inequality in taxation is merely a form of larceny. If two men live side by side and one contributes in taxation $10 when his just share is only $5, and the other pays only five when he ought to pay ten, one loses $5 that he ought to keep, while the other keeps $5 that he ought to give to the Government. The effect in this case is just the same as if one man took the other man's property and applied it to his own use. The fact that the Government, acting as a collector, took the $5 from the man who is overburdened and gave it to the man who is underburdened does not change the character of the transaction.

If inequality in taxation is due to the act of an assessor who, at the solicitation of a property owner, underassesses him, then the assessor and the man favored are guilty of the wrongful taking of the property of others. If we examine the assessment books in any city we will find many instances such as the above mentioned. One piece of property will be assessed at half its value, another piece of property at a third of its value, and still another at a fourth of its value, and where there is this difference in the basis of assessment the discrimination is usually in favor of the large property holder, who is able to exert an influence upon the assessor to bias him in favor of an undervaluation.

Not only is the large business block often favored at the expense of the small home, but the property of big corporations is often favored at the expense of individual holders. Take, for instance, a street car company, a water plant, or a gas plant. On the stock market these franchise-holding corporations never forget to count in the value of the franchise, and this intangible asset is sometimes as valuable as the physical properties owned by the corporation. Taxes are generally estimated on the basis of physical property, while the dividends are paid upon the face value of the stocks and bonds. It seems strange that a corporation which receives a valuable franchise from the public as a gift should refuse to pay taxes in proportion to the market value of its stocks and bonds, and yet there is scarcely a city or State in which the public is not in a constant struggle to compel franchise-holding corporations to pay their share of the taxes, and even then the basis upon which they pay is notoriously lower than the basis upon which the individual property owner, especially the small property owner, pays.

If a certain sum is to be collected in taxes and some pay less than they should, the others must pay more than their share. Is it not worth while to insist that both the underassessed citizen and the unscrupulous official shall obey the commandment, "Thou shalt not steal?"

I need not waste time on the tax dodger or the smuggler, for those who, by concealment, deliberately deceive the assessor or collector are as guilty of larceny as if they boldly took the property of others.

But what if the fault is in the law itself? What shall we say if those who make the law write it with the intention of overburdening some and releasing others from just obligations? Time does not permit an extended discussion of the various systems of taxation. If we were discussing the question of taxation in a fundamental way, we would have to consider the claims of all systems, existing and proposed, but I am not now considering new systems, but rather the injustice connected with the systems in operation. In local taxation we are constantly confronted with the question, Shall personal property be taxed? and there are many who argue that because personal property is difficult to locate, it should be exempt. This argument is based upon the theory that it is better not to attempt to collect a tax upon personal property than to make an unsuccessful attempt. While I recognize that it is easier to collect taxes on visible than on invisible property, I am convinced that the owners of visible property should not pay their own taxes, and, in addition thereto, the taxes that ought to be paid by the owners of invisible property. The farmer, for instance, has his money invested in lands, in improvements, and in stock. All of these can be found and their value estimated. If in the cities there are people of great wealth who instead of owning lands and buildings and cattle and hogs, own money and notes and bonds, is it fair that the owners of money and securities shall be exempt from taxation? The man who loans usually requires security—not only security but a margin to cover possible shrinkage in the value of the property upon which the security rests; that is, the man who owes him must suffer a considerable loss before the creditor suffers any. Is it fair that the man who thus must take his chances upon the seasons and run the risks of business, should also pay the taxes of the one who is able to protect himself from ordinary risks and chances? If the law is made by those who escape taxation, are they not taking the property of others in violation of morals, even when they act in accordance with the laws which they have secured?

The Government is a mighty power for good or for evil, for justice or for injustice, and when the Government itself can be manipulated for the enforcement of a law which rests upon injustice, great harm can be done. Is it stretching the definition of larceny to make it cover the wrongful taking of a man's property through unjust legislation? I might hesitate to use such strong language were it not for the fact that the Supreme Court of the United States has used just such language in what is known as the Topeka (Kans.) case. Justice Miller, in delivering the opinion of the court, said: "To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation."

"Robbery" is even a stronger word than larceny, but I am so conservative in my language that I prefer to use the more polite phrase and leave the harsher term to our court of last resort.

In national taxation we have not made as near an approach to justice as we have in State and municipal taxation. In national taxation we collect almost all of our revenues for the support of the Federal Government from internal revenue taxes and from import duties. These taxes rest upon consumption and are collected in proportion to consumption. We tax people according to their needs rather than according to their possessions, and men's needs are more uniform than their possessions. Men do not use tobacco, consume liquor, buy food or wear clothing in proportion to their wealth or in proportion to their income, and taxes upon consumption always overburden the poor and underburden the rich. When the income tax was under discussion it was insisted that it collected a tribute from thrift and industry, but are not all taxes income taxes? They must be paid out of the income, even though they are not proportioned to the income. Taxes upon consumption are therefore income taxes; they are more than that; they are graduated taxes upon income, and the heaviest per cent falls upon the lowest income. Adam Smith has laid it down as a rule that people ought to pay taxes in proportion to the benefits which they receive from their government, and those who look to the Government for the protection of large possessions ought to be willing to pay in proportion to the protection which they receive. Our police officers, our fire departments, our courts, our armies, and our navies are supported more for the protection of property than for the protection of life, and it is only fair that taxation should, as far as possible, take into consideration the benefits given in return.

I am aware that it is not possible to devise any system of taxation which will be perfectly fair and absolutely equitable, but I am afraid that we have not always made justice and fairness the first consideration. The income tax has been opposed by men who would have their taxes increased and by men whose taxes ought to be increased, and I have had a suspicion that our import duties have in some cases been levied for the purpose of giving some industries an advantage over other industries—to give a few of the people a profit at the expense of the rest of the people. The reason why unjust taxation continues is that those who receive in large quantities exert an undue influence upon legislators, while those who pay, each a small amount, are too often indifferent to the exactions.

The contest between the taxpayer on the one side and the tax eater on the other is always an unequal contest, because the tax eater is vigilant and ever present, while the taxpayer is at home trying to make enough to meet the next assessment. For this reason appropriations grow apace and unjust systems of taxation find eloquent defense from orators and newspapers. If I were to attempt to enter into detail, I might run counter to the preconceived notions of many in this audience, but I venture to call your attention to the subject in the hope that as conscientious men and women you will study the question of taxation with the determination to eliminate the element of larceny wherever it appears and put taxation upon a just foundation, so that each citizen will contribute his fair share to the burdens of the Government under whose protection we all live.

And now, if you will bear with me a moment, I will take up another subject which illustrates how larceny can be practiced by law. A change in the monetary standard of a country affords an opportunity for the wrongful taking of property. A few years ago the debtor class in this country was complaining because of a rising dollar; during the last few years the creditor class has been complaining of a falling dollar. That is, from 1873 to 1897 the general level of prices fell, and, roughly speaking, a dollar would buy more and more each year. From 1897 up to a few months ago prices have been rising and a dollar would buy less and less each year. Now, there can be no doubt that falling prices help the man who owns the dollars, while rising prices help the man who owes dollars. I do not know that it is necessary to elaborate upon this, because the quantitative theory of money is now generally accepted, and the quantitative theory of money is stated in the proposition that, other factors remaining the same, the purchasing power of a dollar decreases as the number of dollars increases, or, to state it in a different way, prices rise when the volume of money increases. When the general level of prices rises or falls, all business is adjusted to it, but some things more slowly than others. There are certain fixed charges, such as the expenses of government, which do not respond quickly to a change in the level of prices. Take, for instance, debts, railroad rates, and official salaries. When prices were falling the dollars called for by a note or bond increased in purchasing power, and the one who collected the dollars collected this increase, his principal rising in fact, though not in figures. The interest itself increased, for, while the rate remained the same, the purchasing power of the annual interest grew. And so also, with railroad rates. A fixed rate per ton or a passenger rate of 3 cents per mile became more and more to the railroad and cost more and more to the shipper and traveler. In like manner official salaries, though not increased in amount, became heavier upon those who, through taxation, paid the salaries. Since prices have been rising the reverse has been true, and the fixed charges in the way of debt, interest, rates, and salaries have been more easily paid. If a change in the volume of the money is made deliberately and intentionally, those who make it are morally responsible for the injustice done, and they must be prepared to show that, all things considered, the change secures a larger measure of justice, or a nearer approximation to justice.

I have not mentioned the subject for the purpose of criticising those who have endeavored to enlarge the volume of currency or those who have endeavored to contract it; I have referred to the matter merely to show that through monetary legislation it is possible to take money

from one man and give it to another, and it follows that unless this legislation is based upon sound arguments and the laws made in the interest of justice, the taking may not only be wrongful, but the injury very great.

The ideal monetary system would be one in which the purchasing power of the dollar remained the same yesterday, to-day, and forever. Then business could be done upon a level plane, and no one would secure that legislative advantage which, whether it be great or small, is necessarily attendant upon a change in the average purchasing power of the dollar. In 1896 bimetalists contended that an enlargement of the volume of the currency was necessary to protect society from the effect of falling prices, an effect recognized by all civilized countries in the various international conferences that were held. It was admitted that in the restoration of bimetalism there would be instances of individual injustice, but it was contended that the restoration of a just level of prices would, on the whole, promote justice. Those who at that time defended falliag prices and complained of bimetallism are to-day using the arguments of bimetalists and pointing out the fact that the dollar which rises in value, like a dollar which falls in value, brings injustice to some.

Surely, in the consideration of so great a subject as that of money, care should be exercised to reduce to the minimum the injustice done and to increase to the maximum the stability of the dollar as a measure of the value of all other property.

The subject of private monopoly furnishes us another illustration of larceny, and here it is not petit larceny nor even grand larceny; it rises to the proportions of a glorious larceny, not only because of the amount taken, but because of the respectability of those who received the stolen goods. The object of a private monopoly is to control the price of the thing sold; it is to corner the market. The theory is that man's necessities require him to buy certain things which sustain his life and add to his comfort. Where there is competition, the sellers bid against each other, and the purchaser is able to secure what he needs at a price which is approximately fair. If, however, all of the venders can be brought together in a combination, so that all purchasers must buy of the same vender, competition is eliminated, and the man who fixes the price, fixes it arbitrarily; and we know enough of human nature to know he is apt to charge all that the traffic will bear. To illustrate this point, let us suppose a city in the midst of a desert whose people derive their water supply from a single spring All must have water, and they must have it no matter at what cost. If the one spring to which they all must go is owned by an individual, and he is permitted to charge what he will for water, he is sure to prosper as long as there is any money in the city. But this is an imaginary case. It can not be real, because the instinct of self-preservation is so strong that people would not permit the water supply of a city to be in the hands of one man with no regulation as to the price to be charged. In the cities which permit private corporations to control the water plants there is always provision for regulation of the price. I need only present the case of a real monopoly to show how intolerable it is. A monopoly is as abhorrent to the public as a vacuum is to nature, and yet, we have allowed monopolies to grow up in this country which do far more injustice, and reap a larger profit from the injustice, than the owner of the spring would in the supposed city in the desert, and these monopolies are tolerated only because the people are less informed about their methods and their influence.

I insist that the commandment "Thou shalt not steal" applies as much to the monopolist as to the highwayman, and we shall not make any material progress in the protection of the people from private monopolies until we are prepared to obliterate the line that society has drawn between the ordinary thief and the larger criminal who holds up society and plunders the public through the instrumentality of private monopoly. The man who stands by the wayside and, holding a revolver to your head, demands your money or your life is no more a criminal, measured by every moral standard, than the man who, obtaining control of a nation's fuel, collects a tribute from every householder, offering him the alternative of payment or suffering from lack of fire. I have mentioned a monopoly in fuel, but a monopoly in light, in food, or in any other necessary of life is just as repugnant to the moral sense. It is entirely possible that very many of those who enjoy the benefits of monopoly—some as managers, some as directors, and some merely as stockholders—are unconscious of the principle involved—unconscious of the moral character of their conduct, but surely this is an opportune time to impress upon the conscience of the nation the real moral character of the conduct of the monopolist.

And it is not sufficient that we shall appeal to the conscience of the monopolist alone. If a highwayman were to engage a lawyer to follow a few rods behind him with a horse that he might have a ready means of escape after having committed an act of robbery, we would call the lawyer a party to the crime and we would visit upon him the same punishment visited upon the principal in the robbery, and so if some one living near the spot where the robbery was committed furnished the robber with a change of clothing or, in return for a part of the booty, conspired with him to conceal the booty until suspicion was past, such a one could not escape legal responsibility for the crime; and yet it is considered quite respectable to-day for the legal representatives of predatory wealth to visit State capitals and national capitals and prevent the enactment of laws intended to protect the public from private monopolies; and it is even more respectable for the salaried attorneys of these monopolies to follow close after the offenders and furnish them horses in the way of legal technicalities upon which to escape from punishment. And some of our metropolitan papers are in the same class with the unscrupulous lawyer. Is it not time to raise the moral standard and to insist that our laws shall be made for the enforcement of human rights and not for the protection of those who violate these rights? Shall we continue to be horrified at housebreaking and the picking of one's pocket and yet view complacently and without concern these million-dollar raids upon the earnings of the entire population? Surely we are justified in applying to the trust question the commandment "Thou shalt not steal."

And will I be entering upon forbidden ground if I question the moral character of those financial transactions which have resulted in the issuing of watered stock and fictitious capitalization? The individual can not circulate his note unless the purchaser believes that he has back of it sufficient property to insure the payment of the note, but there is a presumption in favor of stock issued by a corporation. People assume that industrial stocks represent their face value. If a company is formed with a capital of a hundred millions, the investors assume that that much money has been invested in plants and in the business, and dividends are expected upon that basis, but this supposition has been abused and the people have been imposed upon. All sorts of devices have been employed to give to the stock the appearance of genuineness. Eminent financiers underwrite the bonds issued by the corporation or subscribe for large blocks of stock and thus lend their names to the schemes for the exploitation of the public. A few years ago it was found that one of the high officials in a prominent New York bank was connected with a company which was inflating the value of certain stocks by what is known as "washed sales"—that is, by the selling and reselling of stock among a group of men for the deception of the public—and when the matter was made public, the bank official seemed unconscious of the moral turpitude involved in the transaction. Stock which does not represent money invested can not be raised to its face value by honest or legitimate means, and those who palm off spurious securities upon the market may make more money by such transactions, but they show no more conscience in their transactions than the horse trader who doctors up a worthless animal and by concealing his defects sells him to some unwary purchaser. I hope I shall not be thought guilty of impropriety in suggesting that the commandments which are binding upon the rest of the world ought not to be suspended in the region of Wall street. If we were able to make an exact calculation of the amount of money taken from an unsuspecting public each year by the issue of stocks and bonds known to be worth less than the amount for which they are sold, we would probably find that the total amount of money stolen in this way is larger than the amount stolen in a single year by all of the criminals who have been sent to the penitentiary during the year for petit or grand larceny.

Even in the fixing of rates (not to speak of discriminations and rebates) railroads and franchise-holding corporations may be guilty of an extortion bordering on theft. These quasi public corporations are under obligations to furnish an adequate service at a reasonable rate, and anything in excess of a reasonable rate is simply so much taken without right from those who are the victims of the extortion.

And now, at the risk of being accused of sacrilege, I venture to introduce to the stock exchange the commandment which we have been considering. I am aware that here in New York the stock exchange is regarded with a certain amount of veneration, and that many who vehemently denounce gambling in a back room, where winning and losses are small, remain strangely silent in the presence of the enormous games that are played upon the stock market, often with loaded dice. Gambling is one of the worst of vices, and gambling in stocks and in farm products is the most destructive form in which the vice appears. Measured by the number of suicides caused by the New York Stock Exchange, Monte Carlo is an innocent pleasure resort by comparison. Measured by the amount of money changing hands, the contrast is still greater in favor of Monte Carlo; and measured by the influence upon those who do not gamble, the evils of Monte Carlo are insignificant when compared with the evils of New York's commercial gambling houses. The New York Stock Exchange has graduated more embezzlers than Fagin's school did thieves. When a group of men gamble at a wheel of fortune or at a game of cards, the injury done is confined to them and to those immediately dependent upon them, but those who gamble in the grain pit or on the floor of the stock exchange deal in commodities or securities in which eighty millions of people are directly or indirectly interested. Farm products are juggled up or juggled down, stocks are boosted by the bulls or depressed by the bears, and the whole country feels the effect. The natural laws of supply and demand ought to regulate prices, but these laws are entirely suspended when a few men can by their bets add millions of dollars to the market value of one product or take millions of dollars from the value of another product. After a crusade which convulsed a State and at last impressed the thought of the nation, we got rid of the Louisiana lottery and then we congratulated ourselves upon our virtue. The men in charge of the lottery never did a tithe of the harm that the grain gamblers and the stock gamblers of New York do every day, nor did they ever exercise anything like the corrupting influences over politics. It has been asserted without denial that 99 per cent of the New York purchases and sales of stock and of produce are merely bets upon the market value, with no intention on the part of the vender to deliver, or on the part of the purchaser to receive. This is not business; it is not commerce; it is not speculation; it is common, vulgar gambling, and when to the ordinary chances that the gambler takes are added the extraordinary chances due to the secret manipulation of the market by those who are on the inside, the stock market becomes worse than an honestly conducted gambling resort. If a man takes a chance upon a wheel of fortune, he knows just what his chance is, and he knows that the owner of the wheel has a percentage of chances in his favor, but when a stranger gambles upon the stock or grain market he is at the mercy of those who, by obtaining control of the visible supply, can destroy every natural law or business rule which the outsider knows. While the laws of each State and the laws of the nation should prevent as far as laws can the use of these commercial activities for gambling purposes, there must be back of the law an educated public opinion, and I beg the spiritual advisers of our great cities to consider whether they can not advance religion as well as morality by pointing out that the commandment "Thou shalt not steal" is openly and notoriously violated in the stock market and in the grain pit by those who profess to believe in the Bible and to have respect for its teachings. If time permitted I would call attention to the adulteration of food which sometimes involves a violation of the commandment against killing as well as the commandment against theft.

But law finds its foundations in morals, and back of wrongdoing is a false conception of life. I have not exhausted the field of illustration; I have not applied my text in all the multitude of ways in which it can be applied, but I shall conclude the discussion for this time by calling attention to the fundamental conception of life that more than anything else is responsible for the various forms of larceny to which I have referred. In our haste to make money we have cultivated the impression that life is to be measured by its income and that men are worthy of respect in proportion as they have accumulated. If I were delivering a religious address, I would insist that life should be measured by its overflow rather than by its income. I would insist that it is what we put into the world and not what we take out of it that determines the success of a life. But for the present I shall content myself with presenting an economic standard rather than a religious one, and say that the only economic rule for accumulation is that one shall draw from society in proportion as he contributes to the welfare of society. Forms of government, methods of administration and legislation all should have for their object the securing to each citizen of the rightful and legitimate rewards for his toil. Society can not say to a man that he must as a matter of religious duty give more to society than he takes from society, nor can it without violation of individual rights say to a man that he must give to society more than he gets from society. The citizen owes a certain obligation to the Government and the Government owes a certain obligation to the citizen, and these obligations are equally binding. The Government can have no favorites; it can not put the burdens upon some and offer the rewards to others. The best government is that which furnishes to each citizen the most perfect security against every arm uplifted for his injury and which, in so far as it enters upon a cooperative work, distributes with

equity both the burdens and the benefits of that cooperation. Perfection is not to be expected in government, but the desire for perfection ought to control the citizen in his civic work as it controls him in his own life. Jefferson taught this conception of government when he insisted upon the maxim, "Equal rights to all and special privileges to none." Lincoln had this purpose of government in mind when he said at Gettysburg that those who assembled there should resolve that "a government of the people, by the people, and for the people should not perish from the earth," and Jackson gave expression to the same thought when he said in one of his messages:

"Distinction in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue every man is equally entitled to protection by law."

"But when the laws undertake to add to those natural and just advantages artificial distinctions—to grant titles, gratuities, and exclusive privileges—to make the rich richer and the potent more powerful—the humble members of society—the farmers, mechanics, and the laborers—who have neither the time nor the means of securing like favors for themselves, have a right to complain of the injustice of their government."

The "swollen fortunes" against which the President justly inveighs almost without exception find their source in special privileges and in governmental favortism which legalize injustice. It is not strange that the "humble members of society" complain, but it is strange that conscience does not more often restrain the "rich" and the "potent" from asking for such unfair advantages.

The nearer we can make government conform to the Divine plan, the nearer we shall approach justice, and according to the Divine plan the reward should be proportioned to the industry and the intelligence with which one labors. With the great mass of mankind this must remain the only basis of rewards, and those who in the pulpit, on the platform, through the press, and in legislative halls assist in the creation of public opinion should labor in season and out of season to present an ideal of life that will make each individual as anxious to render faithful service to society as he is to draw an adequate compensation from society.

The commandment "Thou shalt not steal" will not have the weight that it ought to have among men until it is so construed as to bring the feeling of guilt and shame to those who draw from the common store more than they add in service. If we can but create a sentiment which will make men ashamed, not only of wrongdoing, but of idleness as well, and fill them with an earnest desire to make generous return to society for all the blessings that society confers, it will be easier to prevent those varieties of larceny which are so difficult to define and which the officers of the law find it hard to detect and punish.

Mr. CLAYTON. The time is ripe for a consideration of ethical questions. There is a moral awakening throughout the land, and people are learning that there is something more important than the making of money. Business men, instead of chasing the almighty dollar until they fall exhausted into the grave, are going to set a limit to their accumulations, and, having secured enough to supply their needs, give to society the benefit of their business ability and experience. This moral wave will not expend itself until dishonesty has been driven from business, corruption from politics, and injustice from government.

At the close of Mr. Bryan's speech questions were allowed, and these, with the answers, will be found below:

Q. Is it wise for a public man like President Roosevelt or yourself to use such a term as "predatory wealth," thereby stigmatizing a class?—A. I answer in the affirmative. When you say that predatory wealth is bad, you mean "predatory" wealth, and I have no objection whatever to the President or any other man stigmatizing wealth that is predatory. [Applause.]

Q. Is it right to tax the people and lend the money thus obtained to individuals or to private corporations in any form of subsidy?—A. This asks a question that can not be answered in a word. What we call "subsidy" I believe wrong; and yet I would not say that under no circumstances should a government lend money raised by taxation. I believe it all depends upon whether the money is lent for a public purpose and for the public interest or for a private purpose and for individual profit. [Applause.]

Q. If the tariff should be revised and the United States should allow free trade, would not the country be flooded with foreign goods, and our country's industries suffer?—A. No one is advocating free trade and no revision that is advocated could by any possibility flood this country with foreign goods to the detriment of this country; and the people who are now selling abroad in competition with the world could put a restraint upon the flood by selling at home as cheaply as they sell abroad. [Laughter and applause.]

Q. Secretary Taft, when asked at Cooper Union about the problem of the unemployed men in relation to the Government, replied, "God knows, I don't." Mr. Bryan, do you know?—A. I approach this question with some hesitation, for I do not want to say anything that would put me in the class to which it has been committed by the Secretary of War. [Laughter.] But my answer is this: All questions of this kind must be considered from two standpoints: First, the temporary remedy; and, second, the permanent remedy. If a child falls and breaks its arm, as the result of carelessness, it is not sufficient to tell the child how to keep from falling again. It is necessary that the arm shall be set and the child cared for, even though its sufferings are the result of its own carelessness. And so, temporarily, we must provide for every human being in need. I will not admit that any man in this country should be allowed to starve to death, no matter how careless he may have been in not providing for the future. But while we must make temporary provision for the necessities of those who actually suffer, we must make permanent provision against the recurrence of such conditions, and the best way to prevent a recurrence of these conditions is to change the laws by which a few men have been able to secure an unfair proportion of the results of the toil of all the people. [Great and prolonged applause.] There is no difficulty in this country about production. We produce and consume something like three times the amount per capita produced or consumed by any other people. The trouble is with the distribution, and I believe that the way to reach the difficulty is to withdraw privileges and favoritism, and to enact laws that will secure an open door to every man's labor and a reward for his toil.

Q. Mr. Bryan, do you stand for immediate and radical tariff revision, and do you represent the Democratic party in so standing?—A. I will answer the last part first. I am not prepared to say for a few months yet whether I stand for the Democratic party or not. [Laughter and applause.] I am proud to say that I do not stand for some people who call themselves Democrats. [Applause.] Whether the revision that I stand for is considered radical or not is a question of opinion. I stand for immediate revision. I will have it to-morrow if I can't get it to-day. [Laughter.] I would rather have had it yesterday than to-day. [Great laughter.] Now as to that word "radical," it is a matter of opinion. I used to be radical. Now I am very conservative. [Laughter.] What people thought was radical a few years ago is now regarded as not only conservative but necessary. [Applause.] And many who thought that I was dangerously rapid a few years ago now think that I am inexcusably slow. [Laughter.] I believe in the immediate revision of the tariff—downward, not upward—and I would commence by putting upon the free list the articles that come into direct competition with the articles controlled by the trusts. [Great applause.] I would give these men a certain length of time—not too long [laughter], say a few months—and I would say to them "If you don't stop conspiring behind this tariff wall we will take the wall away and make you compete with the world." [Great applause.] I would then proceed to make material reductions in the necessaries of life, and I would go through the tariff and I would pick out the fraudulent paragraphs that were put in by stealth for the purpose of securing advantages that even the framers of the law did not understand, and one of them would be the duty of about 150 per cent that was put in for the protection of oil after it had been put upon the free list. If you read the statute you will find it says that if oil comes from a country that puts a tariff on oil, then we shall put a similar tariff on oil from that country; and it happens that our only competitor in oil is Russia. She puts a tariff on oil, and, therefore, while on its face we have a free trade in oil, yet really we have not got it at all. [Applause.] I would then proceed to make such other reductions as were possible—and when I say possible I mean that the laws are made by the representatives of the entire country, and in the making of the law you have to consult the opinions of these people who represent all sections of the country—and I would proceed as rapidly as possible to make such reductions as would be necessary to put our tariff upon a revenue basis, so that our tax laws would be made for the purpose of securing revenue for the Government and not for the purpose of enabling a few people to get rich at the expense of the rest of the people. [Applause.]

Q. You said that the proposed asset currency would give us a no-cent dollar. Is this a fair statement in view of the facts that assets worth dollar for dollar and guaranteed by national banks will be held as security for it?—A. I am permitted to use the language of my opponents, and they talked about the silver dollar as a 50-cent dollar. They said that if you melted it it was worth only 50 cents. Let them apply the melting test to their dollar and find out how much it is worth. [Applause.] The silver dollar was never a 50-cent dollar. It was a 100-cent dollar, because the law declared that you could use it to discharge your debts at 100 cents on the dollar. These people who are so careful about the use of language were quite indiscriminate a few years ago. [Applause.]

Q. Has not President Roosevelt taken the wind out of the sails of everybody except Socialists? Then, where is the room for Bryanism-Democracy?—A. I am not sure that I can answer this question to the satisfaction of the man who asked the question, for he evidently believes that the President has done everything that can be done by anybody or by any party except the Socialist party. I do not agree with him at all. The President has tried to do some things. He has not tried to do everything that is necessary. For instance, he has not tried to secure the election of Senators by direct vote of the people, and that is a very important reform, and he has done some things that I do not think he ought to have done. But, my friends, the leaders of his party have not assisted him to do even what he tried to do. [Applause.] And, so far, most of his recommendations have not been acted upon. If this were a political meeting I would tell a story that illustrates this point. [Cries of "Tell it; let us have it."] Well, we will just overlook the fact that this is not a political meeting, and I will tell the story. [Laughter.] An old colored man married a wife who was, as he thought, extravagant, and he complained that she wanted money all the time. He said: "She wants a dollar to-day and 50 cents to-morrow and a quarter the next day, and then she wants another dollar and another 50 cents and then another quarter, and it is just a dollar, a half dollar, a quarter all the time." One of his friends said to him: "But what can she do with so much money?" He replied: "I don't know. I hain't gin her none yet." [Great laughter.]

Q. When you speak of "watered stock" as not representing property, do you or do you not recognize good will as being as valuable a property as is mere tangible property? Would you confine stock issues to actual tangible property?—A. I think the question a fair one. There is such a thing as good will. If a man has built up a business and established a trade and won the confidence of people, his business has a value larger than the mere tangible property would indicate. But you will find that good will is not a large factor in the monopolies that have been established. That good will is preserved under competition. What we complain of is not the capitalizing of a little good will, but it is the capitalizing of the power to rob the public. The good will of the public is a thing that trusts have not yet capitalized.

Q. You have condemned the stock exchange in toto. Don't you recognize the fact that millions of securities that are gilt edged and solid are bought and sold there every week on a high basis of honor?—A. I have already answered this. I stated that there is a legitimate function for the board of trade, the chamber of commerce, and the stock exchange. We need institutions of this kind, but it is not necessary to have a large part of the transaction gambling in order to retain the benefits of the stock exchange, and what we ask for is legislation which will make gambling impossible, and such legislation is not popular on the stock exchange. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FORDNEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 485) to create a new division of the northern judicial district of Texas and to pro-

vide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I now yield fifteen minutes to the gentleman from Kentucky [Mr. JOHNSON.]

Mr. JOHNSON of Kentucky. Mr. Chairman, while the eyes of the country are centered upon the President's message with both hope and misgiving, there are two parts of that message to which I wish to invite attention. The first is that part where the President says he is in favor of giving to the Interstate Commerce Commission the right to place a physical valuation upon the railroads of this country. After saying that he says:

When once an inflated capitalization has gone upon the market and has become fixed in value, its existence must be recognized.

By that he means to say, and does say, that when the unscrupulous have caught the unwary investor by selling him stock in an "overcapitalized" corporation a physical valuation—that is, a real valuation—should not be made for fear that the investor may have the size of his dividend reduced.

In other words, the President prefers that the thousands and thousands of people who use the railroads should suffer extortion rather than that the investor in these railroad securities should have his dividends reduced, to this extent becoming the guarantor of those who invest their money unwisely.

That doctrine is but a continuation of Republican doctrine, which is always in the interest of the moneyed classes; and this declaration upon the part of our Chief Executive is, in my humble opinion, but a pretext for declining to recommend a physical valuation to be made of our railroads. [Applause on the Democratic side.]

His recommendation when carried to a logical sequence means that corporations which are "overcapitalized" should not be physically valued; while those not "overcapitalized," and consequently not needing it, should have the physical valuation.

The American public is clamoring that the utilities corporations shall be valued at their actual worth and rates made which will earn a fair and reasonable interest upon their bonds, and a like dividend upon the capital stock thus fixed.

Instead they are now paying extortionate rates upon a capitalization which usually is 25 per cent cash and 75 per cent water.

Now comes the President and says that he does not want the water taken out of capital stocks which contain it, but that he does want the water taken out of those which contain none.

I am impressed with the firm conviction that the message was not inspired by a desire to have a single abuse corrected, but was a pretext, pure and simple, to anticipate a heralded deliverance from another—yes, another—candidate for the Republican nomination for the Presidency. [Applause on the Democratic side.]

The time selected for its transmission to Congress was determined by political exigencies, and was nothing more nor less than the exercise of official privilege to defend his alleged financial panic and become official apologist for the wrongdoings of his party about to be criticised by another prominent member of his party.

When his party, to a man, but a few days before upon the floor of this House had voted to defeat an amendment to the bill codifying the penal laws of the United States, by which amendment the Democrats sought, in the interest of the laboring masses, to put back upon our statute books a provision requiring that an injunction should not issue until the party against whom it was directed had been served with notice, he remained silent; no message came.

And when his party, upon the same occasion, refused to put upon the statute books a law to punish the life insurance companies for contributing "anything of value" to the campaign fund of a candidate for office, again his solemn silence stood out in prominence like Pikes Peak against the western horizon, he bearing in mind, perhaps, that such contribution might be necessary to make another Republican President.

Mr. Chairman, I am compelled to believe that that hurrying, flying courier brought not a message to the Congress sincerely urging needed legislation; but, instead, an insincere political speech to the galleries, to avert a stampede by a long-suffering people away from ambition's un-American intent. [Applause on the Democratic side.]

As another proof of insincerity I find further along in the message these words:

We attack only the corrupt men of wealth, who find in the purchased politicians the most efficient corruption * * *.

If dishonest politicians—politicians purchased by the protective tariff created trusts—are the instruments through whom "successful dishonesty" feeds, prospers, thrives, and grows fat I ask him to tell the people to which side of this Chamber—Democratic or Republican—will he point and say: "You are the guilty ones." [Applause on the Democratic side.]

He has said that he turned on the light. I implore him, if he is sincere, to send another message, intended either for Congress or the people, and say which party it was—Democratic or Republican—that turned off the light. [Applause on the Democratic side.]

I ask him to go still further and tell the hungry thousands of our people which party it is that has so artfully managed the seemingly inexhaustable fountains of polluting darkness.

Let him tell the American people which party it is that stands below in the almost impenetrable darkness and holds steady the ladder while the porch climber rises, rung by rung, to "successful dishonesty." [Applause on the Democratic side.]

Will he, as a God-fearing Chief Executive of the greatest and grandest nation of all the earth, say that the "ladder holders" are upon this side or that. [Applause on the Democratic side.]

I conjure him to say whether or not, in the approaching election, he will use the influences of his great office to reelect the men who, in this Hall, stand between the people and their needs, as set out in his belated message?

I further ask if, at this good hour, he is not offering powerful and valuable patronage to the Republican Congressmen from my own fair State that they may use it to be returned to these Halls, to again vote against a restoration to the people of those rights which the "successfully dishonest" have, under Republican-made laws, deprived them? [Prolonged applause on the Democratic side.]

The CHAIRMAN. The time for general debate having expired, the Clerk will now read the bill.

The Clerk read as follows:

PRESIDENT.

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $75,000, of which $15,000 shall be immediately available.

Mr. MANN. Mr. Chairman, I reserve a point of order upon this paragraph. I would like to ask the gentleman in charge of the bill in reference to that portion of the paragraph which provides for clerical force in the office of Indian Affairs, and also that portion which provides for a deficiency appropriation, which I think this committee had no jurisdiction over.

Mr. SHERMAN. Mr. Chairman, of course the gentleman is correct in saying we have no jurisdiction over deficiencies, and I shall not contend that the point of order is not well taken; but I understand perfectly well the gentleman reserved the point of order for the purpose of getting information—and he is always fair and reasonable and ready to withdraw such a point on a presentation of facts which convince him of the merit of the proposition. The facts are that this work of allotting has progressed very satisfactorily. We have already allotted to 72,000 Indians in the United States, or over one-fourth of all the Indians in the country, and we have made allotments during the last fiscal year ending July 1 last to 4,312 individual Indians. These allotments, the gentleman understands, are made to them on Indian reservations and on the public domain, and the theory of ultimately ridding ourselves of the care and charge of the Indians is to give them allotments, put them in condition upon the allotments so they can be self-sustaining, thereby relieving ourselves of the burden and relieving them also of the handicap of any direct aid, and also relieving ourselves to a certain extent of the burden of caring for them. The work has progressed more rapidly this past year to the present than heretofore, and it was found that more could be done. More has been done so far during the fiscal year than the appropriations for this year will pay for if continued, so this request was made—that a portion of this fund be made immediately available. Besides that, the Indian Office has asked the Appropriations Committee to provide an item in the deficiency bill to carry on the work, and if both items are not provided for it simply means that the work which is now progressing so satisfactorily must of a necessity for the time cease or be curtailed.

Mr. MANN. Does the gentleman think it is a good practice in the House for the same Department to come before one committee asking for a deficiency appropriation and then go to the

Appropriations Committee and also ask for a deficiency appropriation, the two committees——

Mr. SHERMAN. I do not.

Mr. MANN. The two committees not finding it possible to keep track of each other all the time?

Mr. SHERMAN. I do not think it is a good practice, and I have made it my practice, I will say to the gentleman, always to go to the Appropriations Committee having charge of the deficiency bill, and they have always been good enough to show me the items it is proposed to insert in the bill relating to Indian affairs, and I have gone over them, and after this estimate was in and I discovered the request was made of the Appropriations Committee for a deficiency, I asked the Commissioner why that was, and he said originally the thought was to obtain a sum sufficient from the Appropriations Committee, but as time passed and on further investigation he found that he would need during this fiscal year more than $15,000, and so he wanted both items.

Mr. MANN. He could have asked both from the Appropriations Committee.

Mr. SHERMAN. Certainly, he could have done so.

Mr. MANN. The deficiency bill has not been passed yet or even reported here; only the urgent deficiency bill.

Mr. SHERMAN. I am speaking about the urgent deficiency bill.

Mr. MANN. How much money now remains on hand for the present fiscal year? I know the appropriation last year was $40,000.

Mr. SHERMAN. Five thousand two hundred and sixty-six dollars was left on the 1st of January.

Mr. MANN. No allotments are made during the winter, I take it.

Mr. SHERMAN. Yes; allotments are made all the year. Down in the Southwest now the work progresses just as rapidly in the winter as in the summer. In fact, I happen to know, as I have a constituent who was allotting agent in Arizona, and he is working there now.

Mr. MANN. Of course they are permanently employed; they are employed by the year.

Mr. SHERMAN. But he is actually working. His force is working there at surveying work and actually allotting the lands.

Mr. MANN. We have this condition: On the urgent deficiency bill, which passed the House the other day, and which this morning was sent to conference, is an item that belongs to the gentleman's committee, and with which the Appropriation Committee ought to have nothing to do. They propose to put it through the House. I suppose it is probably a proper item in itself, but anybody knows that the opinion of the Appropriation Committee on the subject is not worth as much as the opinion of the Indian Committee on the subject, and it seems a queer proceeding for the Department to go to a committee that has not jurisdiction and get an item in that bill and not go to another committee that has jurisdiction of the subject and get an appropriation in the bill.

Mr. SHERMAN. Of course, it is not at all unusual. All Departments appear before committees and constantly are asking for this procedure—that a portion of the appropriation be made immediately available. You do not find an appropriation bill coming from any committee into this House at any session of Congress that does not contain some items of that character.

Mr. MANN. Well, I understand. I follow those bills as well as I can.

Mr. SHERMAN. Better than anybody else, I realize, and more effectively, too.

Mr. MANN. It seems to me the proper method for the Department to pursue is the method provided under which the House can act according to its rules, and have a deficiency appropriation go to the committee that has jurisdiction of deficiency appropriations and not do as is done in this case, come to your committee for something over which you have not jurisdiction, and go to the Committee on Appropriations for something that it has no jurisdiction over, and leave out matters which it has jurisdiction over. The Department ought to learn, and I am willing to help educate it, if necessary.

Mr. SHERMAN. If the gentleman insists upon his point of order——

Mr. MANN. I make the point of order on lines 13 and 14. on the words "of which $15,000 shall be immediately available."

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard on the point of order?

Mr. SHERMAN. No; I concede that the point of order is well taken.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SECRETARY.

That no purchase of supplies for which appropriations are herein or hereinafter made for the Indian service, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I would like to inquire from the gentleman in charge of the bill concerning the report that has been made during the past year and how many cases there have been where purchases have been made in the open market under this provision?

Mr. SHERMAN. The report has not been made to this session. The report made in the last Congress is found in House Document 242, and I should say that there were possibly 100 cases where it was found necessary to go into the open market, and the reasons assigned were, "cheaper than contract," "want to use pupil labor," "shed needed at once to house new machinery recently purchased," "supply exhausted," "long and cold winter," "made use of in repairing heating plant and ice machines." The reason is given in each case why it was necessary to go into the open market rather than wait for advertising.

Mr. MANN. Does the gentleman think that those cases are different from the ordinary character of cases that come under any Department? The law now provides for advertising for bids. Here is a proposition to exempt everything up to $3,000, and so far as the seven hundred and odd thousand dollars appropriated in this bill is concerned for irrigation purposes, exempt that from advertising as to anything that is purchased to any amount. Does the gentleman consider that it is good policy on the part of the Government to give to any Department the right to purchase goods as it pleases without advertising at all?

Mr. SHERMAN. It has been found advantageous to apply that rule in the administration of the Indian Bureau. So far as it relates to irrigation work this provision was asked so as to make it possible to use Indian labor and Indian supplies as much as possible, so that an Indian who had a team could have his team employed, and an Indian who could not perhaps make a bid for the whole contract, could not furnish a bond, did not have the ability to undertake a work even of moderate size, might be employed, and help sustain himself by furnishing his own service, furnishing what supplies he had himself on his own allotment, and also furnish occupation for his team, farm implements, and so forth.

Mr. MANN. As I remember the report of the Commissioner, he reports in every case a contract was let on these irrigation projects, and while in some cases the contracts were not carried out the Department carried them out. Still a contract was let in each case.

Under the provision the Commissioner of Indian Affairs, if he chooses, can let a contract to any friend that he may have, at any price he pleases. Now, while I do not think the present Commissioner of Indian Affairs would do that, is that a proper policy to pursue by the Government in making contracts, probably for several hundred thousand dollars?

Mr. SHERMAN. A contract for several hundred thousand dollars? This can only be done to the amount of $3,000. So far as irrigation is concerned, that is without limit in the amount of the contract, and it has been found to work advantageously.

Mr. MANN. Well, we are only entering upon the practice of irrigation for Indians at the public expense.

Mr. SHERMAN. Oh, no.

Mr. MANN. Can the gentleman tell us how much is carried in this bill for irrigation purposes?

Mr. SHERMAN. May I say here, I think the gentleman from Illinois made that inquiry of me the other day, and having in mind then the single general item, I stated $155,000, which was the amount appropriated last year, and it is $200,000 for this year. The total of all the items carried in this bill is $740,000 for irrigation, of which amount $365,000 is reimbursable, and provides for the work to be done out of the Indian fund or from the proceeds of land to be sold. While I am on that subject, I will say to the gentleman that the total amount expended by the Indian Service for irrigation, from 1883 down to the present time, is three millions and fifty-six thousand and some odd dollars, of which $1,380,000 is reim-

bursable partly out of the funds of the Indians and the balance of the $1,380,000 to be reimbursed when certain lands have been disposed of and the money received therefrom.

Mr. MANN. As I understand, and of course the gentleman is informed far better than I am, the amount appropriated is not the largest carried in any year.

Mr. SHERMAN. In any one year? I think not, because in one year we made very large appropriation for certain work in Arizona, larger than any carried in this bill.

Mr. MANN. Does the gentleman think it a proper policy to say that any one man should be able to let out contracts to whom he pleases, absolutely in his discretion, without any control on the part of anybody else?

Mr. SHERMAN. As a general proposition, probably not; but under all the experience I have had, having had very long acquaintance with the Commissioner of Indian Affairs, and from a close observation of his methods and purposes, with the highest regard for his integrity and his ability and desire to do that only which is for the best interests of the Government and the Indians, I will say I think it is better that this authority be granted to the Indian Bureau.

Mr. MANN. The gentleman knows, I suppose, there are several propositions from several Departments of the Government to permit them to purchase supplies without advertisement?

Mr. SHERMAN. And recent developments have indicated that it has not always been wise to grant that authority. I understand that.

Mr. MANN. And recent developments cover the service of a gentleman who was supposed to be absolutely beyond reproach and of very great capacity. Now, it may be true——

Mr. SHERMAN. There are a lot of people who never thought it was true.

Mr. MANN. It seems to me altogether unwise to grant any such authority to anyone. I hope the gentleman will not take any exception if I insist on the point of order.

Mr. SHERMAN. Oh, no.

Mr. MANN. The whole paragraph is subject to the point of order.

Mr. SHERMAN. What does the gentleman insist on?

Mr. MANN. Upon the two provisos.

Mr. SHERMAN. Beginning in line 1 of page 3?

Mr. MANN. Yes.

Mr. SHERMAN. Down to and including line 9?

Mr. STEPHENS of Texas. The proviso contained from lines 6 to 9 should remain in.

I do not think the gentleman means to strike out these lines: "as far as practicable Indian labor shall be employed and purchase in the open market made from Indians."

Mr. MANN. I can not tell what it means. Some gentlemen can tell what that paragraph means; I can not.

Mr. STEPHENS of Texas. Some of these Indians produce a great deal of hay and some of the Indians produce corn and other grain, and if the Government can purchase from them the things which are produced on the reservation, it would be an inducement to them to continue to raise those things.

Mr. MANN. Is that to permit the Government to purchase hay and other farm products from the Indians?

Mr. STEPHENS of Texas. And to employ Indian labor, and Indian teams, and all that sort of thing.

Mr. SHERMAN. It has been ascertained, I will state, that Indians make excellent laborers in building irrigation ditches and in performing various kinds of work.

Mr. MANN. I will say to the gentleman that the provision of the bill against which I made no point of order permits the Secretary to purchase supplies in open market without advertising, in amounts less than $3,000. Now, is it intended to let him make purchases from the Indians in greater amounts than that?

Mr. STEPHENS of Texas. No; I think not.

Mr. MANN. Then I do not see any object in this.

Mr. STEPHENS of Texas. At present I do not think he would be permitted to purchase from the Indians, because they are wards of the Government. The purchases would be turned right over to them again. He would purchase from them and turn it over to them. These are individual Indians, that have these little farms, and are cultivating their little land; and if the agent could purchase hay and grain from them and turn it into the general fund, it would be very advantageous to them and induce them to become laborers.

Mr. MANN. I do not see why he does not have that authority, when he has authority to purchase from whom he pleases, to the amount of $3,000.

Mr. STEPHENS of Texas. He does not consider that he has, and that is the reason it is drafted in this way.

Mr. SMITH of Arizona. Leaving it in there will do no harm anyway.

Mr. SHERMAN. If the gentleman will withdraw it as to the second, I will not contest it as to the first proviso.

Mr. MANN. I will make the point of order on the first proviso.

The CHAIRMAN. Will the gentleman state what the point of order is that he makes?

Mr. MANN. The point of order is on the first proviso on page 3.

The CHAIRMAN. Beginning with the word "provided" in line 1?

Mr. MANN. Lines 2 to 5, inclusive; and, of course, strike out the word "provided."

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard on the point of order?

Mr. SHERMAN. No; I do not.

The CHAIRMAN. The point of order will be sustained.

Mr. MANN. I suppose it will be arranged so that the first "provided" will be stricken out and the word "further," after the second "provided," will be stricken out?

The CHAIRMAN. Yes; the Clerk will attend to that.

The Clerk read as follows:

That section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, etc.," amended by the act of May 8, 1906 (34 Stats., p. 182), be, and the same is hereby, amended as follows: Strike out at the end of section 6 the words "*And provided further,* That the provisions of this act shall not be extended to any Indians in the Indian Territory."

Mr. MANN. I reserve the point of order, or make it, upon that paragraph.

Mr. SHERMAN. I should prefer that the gentleman reserve it.

Mr. MANN. I reserve the point of order.

Mr. SHERMAN. At present the law provides that the Secretary of the Interior, in the case of any individual Indian, may release the restrictions upon alienation where proof satisfactory to him is presented that the individual Indian is competent to care for his own affairs. That provision does not extend to the Indian Territory, and I will say to the gentleman that it seemed to me, at the time the act was originally passed, that perhaps it would have been better to have it extended to the Indian Territory, but at that time the ending of tribal governments had not been provided for and it was thought best not to extend it to the Five Civilized Tribes, or to what was then the Indian Territory and what is now Oklahoma. This is simply extending to the Indians within the limits of the present State of Oklahoma the right to alienate under conditions that are now given to all other Indians in the United States. I really think that this provision ought to be in. I really think it is of value, and while I concede that the point of order lies against it, I hope the gentleman will not insist upon the point of order.

Mr. MANN. Does the gentleman claim that this provision is indorsed by the Commissioner of Indian Affairs?

Mr. SHERMAN. Why, certainly. The Department, the Secretary, has sent up a bill which has already been introduced by the gentleman from Oklahoma [Mr. MCGUIRE], as a separate proposition, which covers this whole question.

Mr. MANN. As I understand it, the Commissioner of Indian Affairs does not indorse the proposition, and so far as he wants legislation at all, wants it with certain limitations not in this provision at all. That is certainly the case, unless he has changed his mind within the last few days.

Mr. SHERMAN. The bill which the Department has prepared, and which is sent to the committee with the indorsement of the Commissioner and the Secretary both, is broader than this provision, because it does leave it discretionary with the Secretary or the Commissioner. It provides that, as to all intermarried whites and all persons having less than one-half Indian blood, the restrictions shall be removed.

Mr. MANN. Will the gentleman permit me to read from the report of the Secretary of the Interior, which is just issued within a week, I think, referring to this matter?

Mr. SHERMAN. Why, certainly; I shall be glad to hear it.

Mr. MANN. In which the Secretary of the Interior says:

If Congress acts favorably on the recommendations regarding the removal of restrictions, this kind of difficulty will cease; but the law providing for the removal of restrictions should specifically provide against the validating of any of the powers of attorney, deeds, or other forms of attempted transfer heretofore obtained from the Indians, and should furthermore provide for the cancellation of record of any such instructions—

"Instruments," I suppose it means—

to the end that the titles may be clear.

Mr. SHERMAN. Oh, certainly.

Mr. MANN. There is no such provision in here.

Mr. SHERMAN. There is a provision here that the right to alienate is subject to the approval of the Secretary. You can not have anything broader than that. It gives each individual Indian the right to come to the Secretary and produce to him such proof as he can of the situation and of the condition, and then the Secretary may say he may alienate or he may not.

Mr. MANN. The gentleman does not apprehend that the Secretary himself is going to examine all of these cases?

Mr. SHERMAN. No, but somebody will in whom he has confidence.

Mr. MANN. What is the objection to putting in the law a provision which guards the people instead of leaving it to the discretion of some man down there who may be influenced, honestly or dishonestly?

Mr. SHERMAN. I will say frankly that it is of less consequence whether it goes in this bill or not because a bill which has been prepared by the Department, and which specifically cares for all situations about which the gentleman has read in the Commissioner's report, will become a law, I think, prior to the time this appropriation bill becomes a law.

Mr. MANN. I do not think there is any trouble in getting it before the House on a proper bill.

Mr. SHERMAN. Neither do I; but this provision was agreed upon by the committee before the civilized tribe bill was sent to the Department. We had agreed on this in committee, and this other bill was prepared only three or four days ago.

Mr. MANN. Would it not be just as well that the committee should examine this bill?

Mr. SHERMAN. Better; but we have considered the whole subject which is covered by the separate bill, and I do not think it is a matter of much consequence. If the gentleman prefers to have it go out of the bill I will assent, because the separate bill will take care of the matter.

Mr. MANN. I know the gentleman from New York desires, as I do, to safeguard the rights of the Indians.

Mr. SHERMAN. Yes; and it is the desire of the Commissioner and the Secretary to meet the very conditions which the Commissioner states in his report. The gentleman read from the Commissioner's report?

Mr. MANN. I read from the report of the Secretary of the Interior, who uses much stronger language.

Mr. SHERMAN. These conditions are all safeguarded in the bill which the Department has drawn, and which my friend from Oklahoma [Mr. McGUIRE] has introduced.

Mr. MANN. I will insist on the point of order, Mr. Chairman, from line 10 to line 19 on page 3.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

COMMISSIONER.

For construction of ditches and reservoirs, purchase and use of water rights, including lands necessary for canals, pipe lines, reservoirs, and so forth, for Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, $200,000, of which $25,000 shall be immediately available: *Provided*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner.

Mr. MANN. Mr. Chairman, I reserve a point of order for the present. May I ask what is the necessity of putting into the bill for the first time the right to purchase land necessary for canals, pipe lines, reservoirs, "and so forth?"

Mr. SHERMAN. I do not know that a condition is presented now that requires that exact wording. The wording is distinct from what it was last year. The Bureau felt that they frequently needed the right to purchase in order to use the most feasible and the best route in acquiring their irrigation ditches and canals, and that it is sometimes necessary to purchase additional land in constructing their reservoirs. I think the words "and so forth" are too broad. I agree with the gentleman from Illinois that those ought to go out.

Mr. MANN. Is the gentleman able to inform us whether, under the reclamation act, the Department has the power to purchase what it pleases in the way of lands, and so forth?

Mr. SHERMAN. The reclamation act has nothing to do with the Indians and the Indians have nothing to do with the reclamation act.

Mr. MANN. But it might have a great deal to do with the attitude of the minds of Members of the House as to whether you are following the Reclamation Service in this matter or whether we are stepping outside of the beaten track and have to do the same thing for them. The gentleman understands that here is a proposition involving large sums of money, giving absolute discretion to certain officers to do as they please, without any safeguard, and if it is done for the Indian Service it will be done for like service elsewhere. We are building up two great irrigation services. I am not familiar with it enough to know whether the head director of the Reclamation Service can do as he pleases with the money that is to be appropriated, but I should think there ought to be some safeguard somewhere.

Mr. SHERMAN. Mr. Chairman, as I understand the reclamation act, that is under the direction of the Secretary of the Interior, as to the disposal of the funds which are added to the reclamation fund.

Mr. MANN. I mean how far does the Secretary of the Interior, under this service, have the right to buy what he pleases with the money—about purchasing lands?

Mr. SHERMAN. I could not say about that; I do not know.

Mr. MANN. It seems to me that it might be very necessary at times to purchase lands, but it is a pretty broad power to say that anyone can use money appropriated to buy lands without limitation.

Mr. SHERMAN. Those in charge of the Reclamation Service, I think, have not been very well disposed toward using any of that fund toward the benefit of the Indians. Of course the Reclamation Service was not intended for that, anyway.

Mr. MANN. Is the gentleman able to tell us how the superintendents of irrigation are now employed? This provides for, I suppose, taking them out from under the classified service.

Mr. SHERMAN. The appointments are not controlled by the classified service.

Mr. MANN. Can it be possible that a branch of the Administration will favor the appointment of anybody outside of the classified service?

Mr. SHERMAN. Astonishing as it may seem, I think that is so.

Mr. MANN. We were informed a few days ago in a very logical and brilliant message that there ought to be no appointments in the future census outside of the classified service, and here we receive recommendation from one Department closely connected with the same service exempting from the classified service and from civil-service examinations a whole lot of employees. It has always seemed to me that what was sauce for the goose was sauce for the gander.

Mr. STEPHENS of Texas. In line 5 and 6 it says "who shall be skilled engineers."

Mr. SHERMAN. But that it not what the gentleman is getting at.

Mr. MANN. That means nothing, because that leaves the matter to the discretion of the Secretary of the Interior or the Commissioner of Indian Affairs, whereas if you put that provision in and leave it to the Civil Service Commission they would in fact have to be skilled engineers. Anybody can be a skilled engineer, as we found when the Isthmian Canal Commission was appointed at one time, when you wanted to call him an engineer.

Mr. SHERMAN. Has not the gentleman discovered before now that consistency is a jewel which does not ornament the person of everyone connected with the present ideal Administration? [Laughter.] I, of course, do not refer to the President.

Mr. MANN. Oh, I think the President is consistent. I do not think that the President will stand——

Mr. SHERMAN. Oh, I certainly agree with the gentleman. I say the President is consistent.

Mr. MANN. My proposition is this, that the President is a consistent civil-service reformer.

Mr. SHERMAN. He certainly is. We do not disagree about that at all.

Mr. MANN. In that respect I am with him. [Laughter.]

Mr. SHERMAN. That is where the gentleman from Illinois and I part. I am not in touch with all of the President's ideas about civil service, especially that relating to the Census Bureau, but I do believe in his sincerity.

Mr. MANN. Well, I do not say that I agree with the President about the civil service. On the Census Bureau I think I may say that in so far as I am advised at present I entirely disagree with him, and yet I do not want to express any opinion on that subject, because the President's message on that subject was referred to one of the committees of which I have the honor of being a member. I believe I am one of the strongest and most radical civil-service reformers on that committee.

Mr. SHERMAN. Mr. Chairman, I move to strike out, in line 23 of page 3, the words "and so forth."

Mr. MANN. Mr. Chairman, I make the point of order——

Mr. SHERMAN. Oh, I assumed that the gentleman had withdrawn his point of order.

Mr. MANN. Mr. Chairman, I make the point of order to so much of the paragraph, line 23, page 3, the words "and so forth," and on page 4, after the word "dollars," in line 2, to the end of the paragraph.

The CHAIRMAN. The word "dollars" occurs twice in line 2.

Mr. MANN. After the word "dollars" in the first instance, until the close of the paragraph.

Mr. SHERMAN. Excuse me, but do you mean to prevent the Commissioner from employing these superintendents of irrigation?

Mr. MANN. Oh, he will have the power to employ them under the appropriation. I mean to prevent the requirement that he shall select them without regard to the law.

Mr. SHERMAN. Well, as I understand your point of order, it takes it in clear down to line 9, which strikes out that provision.

Mr. MANN. Without that provision the Secretary of the Interior has power to employ such aid as may be necessary, I take it. I do not desire to keep them from employing such aid.

Mr. STEPHENS of Texas. I call the gentleman's attention to the fact there are two classes——

Mr. MANN. If you appropriate so much money for such a purpose it requires aid to do the work. Does the gentleman mean to say there is nobody employed on this irrigation work except the people who are named here—five engineers?

Mr. SHERMAN. I mean to say that the reason for this provision, I assume, is that the Auditor of the Treasury has said that employment of this character could not be paid for under a provision of this kind.

Mr. MANN. That is possible, although I think the reason the provision is in here is because the Commissioner of Indian Affairs wants to name these himself.

Mr. SHERMAN. It is under the direction of the Secretary of the Interior; they are practically to be named by the Secretary of the Interior. That is practically what it means.

Mr. MANN. Without taking an examination?

Mr. SHERMAN. Certainly. Without a civil-service examination.

Mr. MANN. Without a competitive examination?

Mr. SHERMAN. That is the intent.

Mr. MANN. I am opposed to it.

Mr. STEPHENS of Texas. Let me suggest to the gentleman, in regard to these five superintendents of irrigation, that it is not intended that they are the engineers who lay out the work originally, but there may be lateral ditches laid out to carry out the object and purposes of the law and the superintendents of irrigation should be engineers, so that they would not have to send off to some distant point to secure such aid.

Mr. SHERMAN. I do not think the point of order lies against it, Mr. Chairman.

Mr. OLMSTED. Will the gentleman from New York permit me? It seems to me the gentleman from Illinois is mistaken in supposing the lump-sum appropriation would authorize these superintendents at all. The lump-sum appropriation is for construction, whereas the five superintendents are to look after the construction after it is completed.

Mr. SHERMAN. The Auditor would not pass it without this provision, and on the point of order, Mr. Chairman, this is simply a limitation upon an appropriation.

The CHAIRMAN. To what portion of the paragraph does the gentleman from New York call the Chair's attention?

Mr. SHERMAN. I call the Chair's attention to the provision beginning in line 3, page 4, "That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, etc.," to be paid for out of this appropriation.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The gentleman from New York is still entitled to the floor.

Mr. SHERMAN. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, my distinguished friend from New York in one moment insists without this provision the Secretary of the Interior can not employ the people under the law and in the next instant insists that it is simply a limitation and that he has that power.

Mr. SHERMAN. No; the gentleman misunderstood me. I did not say he now had the power.

Mr. MANN. If he could not employ them without this provision, then this is a change of existing law.

Mr. SHERMAN. Not at all; it is a limitation upon this provision that this money herein appropriated shall be expended in part so and so.

Mr. MANN. Well, it is not a limitation; it is a specific conferring of authority.

Mr. SHERMAN. Well, I can change the wording if the gentleman desires, that the Commissioner shall not use this or so much of this except in such and such a way, or unless he provides so and so. It is very easy to change the wording so there can be no possible question about its being a limitation.

Mr. MANN. Now, the gentleman from Pennsylvania suggested because this was for construction he could not employ this amount for this purpose. According to the gentleman, if we authorized the President to construct an isthmian canal, he would assume that the President had no power to appoint an engineer over it and appoint superintendents or foremen there. When you give to a Department the power to construct you give to them the power to appoint such necessary officers as go with the construction, but they are to be appointed in conformity with the provisions of law, and the only purpose of this is to take the appointment out of the provisions of existing law.

These superintendents will not be the only men who will be appointed. They will not spend this $200,000.

Mr. SHERMAN. Oh, no. There are engineers that are provided for, most certainly. These are assistants and superintendents, just exactly as the section states.

Mr. OLMSTED. The section states "superintendents of irrigation."

Mr. SHERMAN. Superintendents of irrigation. They are not the engineers who plan for the construction of the work.

Mr. MANN. What do they do? They are connected with the construction of irrigation?

Mr. SHERMAN. And the maintenance of irrigation after construction. I think, Mr. Chairman, that the point of order is not well taken anyway, but I wish the gentleman to withdraw the point of order. I think it is a reasonable provision. Superintendents of irrigation we need in the various parts of the country, and we will get quite as competent and efficient officers by leaving the choice of them to the Secretary and the Commissioner as we would by turning the whole business over to the Civil Service Commission.

Mr. MANN. May I ask the gentleman, is this provision in the paragraph 1 that came to the committee in regular order from the Department?

Mr. SHERMAN. It did. It came through the regular estimates, not supplemental estimates. It came with the estimates through the Secretary of the Treasury.

Mr. MANN. I have more confidence in the opinion of the gentleman from New York [Mr. SHERMAN] on practical Indian questions than anyone else, and because of his request I shall withdraw the point of order on that, although I want to say to him and to the House that I am tired of having messages from the Chief Magistrate insisting upon the application of the civil-service law and the merit system, and, at the same time, communications from his appointees asking us to waive the provisions of the civil-service law. I believe in enforcing it myself. There is no earthly excuse in this case, in my judgment. The Department asks that they have the power to waive it, and I do not believe that meets with the approval of the President at all.

Mr. SHERMAN. I want to differentiate a little bit. It is not expected under this provision to have no examination at all to demonstrate the individual's fitness for the position, but it is expected that there shall be no civil-service competitive examination. There will be some sort of an examination to determine the fitness, both as to education and as to character, and as to financial standing, experience, and all that.

Mr. MANN. I do not know now how he fills these offices, but I dare say that none of them have been examined beyond an acquaintance with the head of the Department.

Mr. Chairman, I make the point of order on page 3, line 23, on the words "and so forth," and on page 4, commencing with line 2, "of which $25,000 shall be immediately available."

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard on the point of order?

Mr. SHERMAN. No; I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $75,000, of which $15,000 shall be immediately available.

Mr. MANN. Mr. Chairman, I make the point of order on line 14, the words "of which $15,000 shall be immediately available."

Mr. SHERMAN. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, $75,000: *Provided*, That not exceeding $5,000 of this amount may be used, under direction of the Commissioner of Indian Affairs, in the transportation and placing of Indian pupils in positions where remunerative employment can be found for them in industrial pursuits. The provisions of this section shall apply to native pupils brought from Alaska.

Mr. SMITH of Arizona. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee whether the words, "For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training," etc., means paying the transportation of an Apache Indian or any other Indian, from any reservation in Arizona to Carlisle in Pennsylvania or other eastern schools.

Mr. SHERMAN. It does. Carlisle in Pennsylvania, to Haskell Institute in Kansas, to Chilocco in Oklahoma, in fact to any one of the schools in my friend's Territory. Certainly that is what it means.

Mr. SMITH of Arizona. Then, Mr. Chairman, I move the following amendment:

That no part of this appropriation shall be expended in the transportation of any Indian for a distance over 100 miles from the reservation on which he lives.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert: "That no part of this appropriation shall be expended in the transportation of any Indian for a distance of over 100 miles from the reservation on which he lives."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Now, Mr. Chairman, just a word. For some twelve years or thereabouts I have served on the Indian Committee of this House. From the time I went on it until now I have probably belabored the patience of this House in an effort to break up what I consider an absolute disadvantage to the Indian aside from the unnecessary waste of the money. I am charged with prejudice, because I do not agree with the misguided philanthropist who knows the Indian and his needs and what is best for him from the standpoint of a speculative theorist or from the more clouded viewpoint of the mere doctrinaire. My disagreement is based not on my prejudice, but on their ignorance. If they knew the real Indian as I know him, we could get much closer together on the way to the betterment of the tribe. My endeavor is to meet, as best our sense and judgment can, the real condition confronting us, while yours is dealing with the imaginary conditions surrounding the extinct tribe of Fenimore Cooper Indians that never did exist. I have told a dozen times in this presence, when speaking on this floor to the subject of Indian education, the folly of taking a boy or girl from the tribe, raised in a tepee, a blanket for Sunday clothes, vermin for a constant companion, and whose chief industry was found in propagation of these pests and whose pastime was found in killing them, and taking the child by force from these conditions and sending it through a school, teaching it to sing "How Jesus loves me" and other beautiful and appropriate Sunday school songs, and then taking this still untamed spirit to the great city of Philadelphia, where peace and beauty and prosperity reign—and I hope may never cease—and expect him to make a civilized human being, when we all know it took a thousand years to develop an honest white man. You might as well attempt to plant oranges upon the fields of Maine as to produce civilization in this way. One is just as impossible as the other; and the sooner the House will break this up the better.

Several times this House, on amendment offered by me, has voted this provision out of the appropriation bill, but the Senate has put it back. There should be an end to this folly. There is no sense in attempting to take a boy out of absolute barbaric conditions and expect to force him through a schoolhouse up to the civilization of the twentieth century. When it is done it will have been done by the slow process of elimination of those things that tend to degradation. You have got to do it in the presence of the tribe, and if not in the exact presence, somewhere close to where they live, and to raise and educate them in an environment in which that education may be of some benefit to them. What are you going to do with an Indian when you educate him in astronomy and trigonometry in Carlisle or Hampton? Is he to go back to his tribe? What greets him when he goes back? Nothing except knowledge of having been raised out of the condition in which he was born and having no place opened for him in which to live. What are you going to do with him in Pennsylvania? Is he to remain there contesting in the open with those about him, with no influence or sympathy to help him? What good can you expect to do for him by all this expenditure? Why not confine schools to the precinct in which these people live? Why not let the tribe see that they and their children are growing into a condition better than they have known before?

Take, for example, the Indian school at Phoenix, which is within a few miles of the reservation. When I first saw the Indians there, they were almost naked in the streets. But there now we have a school of industry that has done much and is doing daily more toward the civilization of the whole tribe. Industry should be the primary lesson, and ability to work with intelligence should be the purpose of their education for generations yet to come. There has been a marked change in the conditions of these Indians. Contrast this with the influence of the Carlisle school on the tribe from which you stole or forced the pupil. When he returns with the white man's manners and the white man's language and the white man's clothes, he is only laughed at and derided by his tribe. He soon goes back to a deeper degradation than that from which he sprang, and must do it in order to keep on terms of peace with his people. Every time you make an appropriation of public money to take the Indian away from his reservation it is a failure, if not a crime. It is an outrage on him and should never be made. It does him hurt and can not help him and certainly can not help the masses, whom we are trying to elevate by these appropriations.

Now, gentlemen, I wish this House to sustain this amendment. It is for the Indian I am now pleading. If he lives in an orange country, teach him how to raise an orange tree and pick an orange and dress it for market. If he lives in a farming community, let him be taught how to shoe a horse and handle a plow and irrigate a crop. Teach him those arts of industry and the necessity of self-dependence; and if he afterwards wants an education, he will himself provide the means of its acquisition. When the tribe shall become self-dependent and are taught that the only reward is the reward of industry, a desire to have their children educated will naturally arise, and the great problem will be far on the way to a sensible solution. I am afraid that you of the East waste a deal of unnecessary sympathy over the Indians of the West and neglect the poor white boy who goes shivering through the dark alleys of your towns. We make no appropriation for him. We have the public schools, but he has no clothes to wear, no bread to eat. He is as far from a chance to be something as any Apache on the plains, and has within so much of superior stuff capable of great results. Take care of him, you philanthropists. He is worth your care. While you are crying over the Indian, my heart is bleeding for the white boy, who, seeing dimly an upper light, has no way of climbing out of the darkness. He wants to struggle out from these arms that bind him into the light of the "ardent upper day," but he can not. The Indian does not want to, but you are trying to make him do it. To which of these does the voice of humanity call your aid?

I am not opposing Indian education, but am opposing your way of trying to educate him. While the white boy in your midst is neglected, you have taken the unwilling Indian in the soft arms of a bountiful appropriation and carried him a thousand miles away to some high institution of learning. You can not help the mass of Indians in this way. When he finds that he is the object of your solicitude, it produces within him nothing but disgust, and he thinks you a fool. I will not say here how near right I think he is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan and Mr. OLMSTED rose.

Mr. SHERMAN. Mr. Chairman, I am not surprised that my friend from Michigan arises as my friend from Arizona takes his seat, because my friend from Arizona, in his usual clear, emphatic, and attractive style has punctured the argument presented early in the day by my distinguished friend from Michigan.

But, Mr. Chairman, the gentleman's proposition is to bury a man and then kill him; and in ordinary practice we find it rather better to wait until he is dead before we bury him. We propose in this bill to appropriate for twenty-seven nonreservation schools all over the country to the amount of more than a million dollars, and now the gentleman proposes by this amendment to make it impossible to have any children brought from the reservations to attend these nonreservation schools. The gentleman's argument is one which sustains the contention of

the Commissioner of Indian Affairs as to nonreservation schools, and to a degree I am in sympathy with what the gentleman has said, but while it is true that the Indian prefers to be at a school near home, and the parents prefer to have him there, the fault with the Indian falling back when he comes home from school is not of the school, but the fault of the environment in which he finds himself after leaving school.

Mr. SMITH of Arizona. But if the gentleman will permit me——

Mr. SHERMAN. Oh, certainly.

Mr. SMITH of Arizona. My argument was this—I may not have been clear—that I am trying to get the whole tribe to see what education means. I do not expect to raise separate Indians out of the tribe to any condition, but if this education has any influence it is the influence that the parents and older Indians see, and those who have grown beyond your schools can see—the influences of civilization on these younger ones that they observe daily—my hope being that the Indian tribe may be raised by being in close contact with the schools.

Mr. SHERMAN. I understand that perfectly, Mr. Chairman, and yet the gentleman will understand that there must be individual Indians who will rise above the ordinary men of their tribe, just as there are in the white race men who attain such perfection in morality and in intellect that they represent districts upon the floor of this House. But, Mr. Chairman, the gentleman's proposition is to make it impracticable for us to bring any children to any of the nonreservation schools, except those who are so located that they can obtain their pupils from the immediate vicinity, and that is a very small number of the schools. This amendment of the gentleman would even make it impossible to send to the Phoenix school, in his own territory, a very large proportion of the scholars from that Territory itself. That is what it would do.

Now, Mr. Chairman, while I believe that in order to solve the Indian problem we must eventually work it out as an entire race problem, and not as a problem of the individual, I do think that the nonreservation school has worked wonders, so far as certain Indians are concerned. I have in mind one student who as a boy I brought from the Carlisle school to a printing office of a country newspaper in my own county. That was only eight years ago, and to-day that boy is superintendent of a room in one of the great printing establishments in Minneapolis, at $60 a week; and a brother of that same Indian boy, after graduating from Carlisle, studied law, and is a successful practitioner in the Northwest to-day. It is possible to make much of the individual Indian, but that of course does not solve our problem. What solves the Indian problem is to lift the whole race until they are capable of sustaining themselves in the ordinary walks of life. Now, we do not instruct, at Carlisle, or at Haskell, or at Phoenix, in astronomy or trigonometry. The gentleman is in error in that. We do instruct, in all of these institutions, how to plow, how to shoe a horse, how to sew a harness, how to mend a shoe. We do instruct in all the arts of common life, in all the mechanical arts, in a very large number of the Indian schools. Down here at Hampton, Va., we instruct in cabinetmaking and in machine making. We instruct in all the mechanical arts there, and instruct most successfully. And, Mr. Chairman, to strike out this item while we still appropriate for the continuance of the nonreservation schools is, it seems to me, little short of an absurdity. I trust that the amendment offered by the gentleman from Arizona will not prevail.

Mr. SMITH of Arizona. The gentleman has convinced me, and I will ask to withdraw that amendment and offer another.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

Mr. SMITH of Arizona. Now, I should like to interline between lines 2 and 3, after the word "schools," the words—

Lying within the State or Territory in which such pupils live.

So that it will read:

For collection and transportation of pupils to and from Indian schools lying within the State or Territory in which the pupil lives.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "schools," in line 3, page 5, insert "lying within the State or Territory in which the pupil lives."

The CHAIRMAN. The question is on the amendment.

Mr. SHERMAN. I would like to say one word in reference to that. If that amendment is adopted, an Indian who lives in South Dakota, within 30 miles of a school in North Dakota, could not be transported to that school, but must of necessity be transported 150 miles to the nearest school within his own State. It would make it impossible for us to transport a pupil from near the line of Arizona to the school in Albuquerque, and we would be compelled to transport him 250 miles to the Phoenix school, in the Territory of Arizona. I hope the amendment will not prevail.

Mr. SMITH of Arizona. Mr. Chairman, just a word. I do not believe that the pupil ought to be sent from North Dakota to South Dakota. I do not believe he ought to be sent from Arizona to New Mexico, and that is the purpose of my amendment. I would protest against their taking him from Arizona to New York, if they had a school there, for the reasons I have suggested. If you have got these State schools for Indians in your State, I have no objection to the appropriation going to that extent, and if it is not all expended, as it seems to me it should not be, it will stop the enormous and foolish expense of educating the Indians beyond any hope of help to their tribe or help to themselves. I have heard them tell of the individual lawyer and the individual doctor and the individual manufacturer, ad nauseum, ever since I have been in Congress, and all about what wonderful things different schools have done for different Indians. You can talk that way about the education of any animal. The Indian in a bad condition is about the same as any other man would be in an equally bad condition, considering his life, his chances, and his heredity. The conditions are what keep him down, and you are only helping to keep him down by spending money foolishly on him instead of helping him in the right way. If we could keep the eastern schools out of the Indian question; if we will spend the money on the Indian at home, where he must live and die—and he longs for his habitat just as much as you or I, aye, more, for he yearns with the instinct of the animal for it—this difficulty would be brought far toward a just and sensible settlement. No matter how far you carry the Indian away, he wanders back and finds nothing but disappointment. There is no association for him, and his expensive education lends no aid to his people. You still persist out of an abundance of misguided philanthropy and misguided generosity to throw money away in a manner that is absolutely foolish. I hope my amendment will prevail.

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. SMITH of Arizona. Certainly.

Mr. HEPBURN. What is the status of the student who has been graduated at Carlisle when he goes back to his tribe?

Mr. SMITH of Arizona. I have just said he has none. The only way he ever obtains a status with his tribe is by forgetting or throwing aside all he ever learned and become the worst blanket Indian on the reservation, while the fate awaiting the returning girl is too awful, too pitiable to mention here. And you, who never saw an Indian in your life, are unwittingly conspiring to their ruin while indulging in sweet dreams of philanthropy for the race. When I see these injuries perpetrated in the name of humanity and justice; when I remember to have seen, with outraged soul and broken heart, the mangled form of many of my nearest friends, torn beyond recognition by the savage hands of the tribes that surround us, even with all that horrible past rising before me I yet sympathize with their condition and ask this House to quit this foolishness by cutting off the appropriation that makes the folly possible. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I desire to read from the report of the Commissioner of Indian Affairs, who is antagonistic to the reservation schools, in answer to the gentleman from Arizona [Mr. SMITH], who has just taken his seat. I read only a sentence. He says:

At one of these nonreservation schools is maintained an excellent business course, where ambitious young Indians can learn stenography——

Mr. SMITH of Arizona. Oh, that would be a good thing on a reservation—to know stenography. [Laughter.]

Mr. GARDNER of Michigan. I repeat. He says:

For instance, at one of these is maintained an excellent business course, where ambitious young Indians can learn stenography, typewriting, bookkeeping, and other arts fitting them for clerical positions in which they not seldom excel.

Mr. SMITH of Arizona. That is refreshing. [Laughter.]

Mr. GARDNER of Michigan.

At another the boys of a mechanical bent—

Will the gentleman please listen?

Mr. SMITH of Arizona. Yes; I am paying attention.

Mr. GARDNER of Michigan. He says:

At another the boys of a mechanical bent—and of these there are a good many—learn enough about boilers and engines and the like to enable them to get work in the railroad roundhouses and the machine shops, which the rapid development of the West is bringing in its train.

What has the gentleman to say to that?

Mr. SMITH of Arizona. I will say that they can learn that at home with less expense.

Mr. GARDNER of Michigan. Out where they were lying in the sun, as the gentleman speaks of; they have machines there, I suppose?

Mr. SMITH of Arizona. No; but they——

Mr. GARDNER of Michigan. I think they maybe make guns there, or maybe they are machine guns!

Mr. SMITH of Arizona. The gentleman ought not to bring in that kind of talk. I do not want to indulge in that, for I might say some things that I do not want to say.

Mr. GARDNER of Michigan. I want to read some more from the report of the Commissioner:

At another great stress is laid upon the training of the girls for domestic employment in homes where the quality of the service counts for more than its quantity.

Mr. SMITH of Arizona. Does the gentleman think there is any white girl in the world who would like to have the same place that had any one of these advantages that you have given the Indian girl?

Mr. GARDNER of Michigan. I am reading from the official report of the Government's official representative, and, so far as these schools are concerned, I will put his authority over against the authority of the gentleman who has just spoken.

Mr. SMITH of Arizona. That may be very true——

Mr. GARDNER of Michigan. If we can not accept that, I question whether we can accept what the gentleman from Arizona says.

Mr. SMITH of Arizona. Now, will the gentleman, with the permission of the Chair——

The CHAIRMAN. Will the gentleman yield?

Mr. GARDNER of Michigan. Surely.

Mr. SMITH of Arizona. I thank the gentleman. The gentleman was reading to me from the Commissioner's report?

Mr. GARDNER of Michigan. Yes.

Mr. SMITH of Arizona. And he was telling me to listen to him. I did listen to the Commissioner's report, and I am glad to find that the gentleman, knowing the Commissioner probably better than he knows me, and if he knew us both better he might be still more impressed with the superior knowledge of the Indian Commissioner; but about that I care nothing; but all the Commissioners that were ever born can not drive it into the head of any sensible man that has enough sense to get back home that it is a good thing to take a man out of that country and put him in a place where there is no field for him, even though you do find one or two that make good stenographers, who may possibly drive somebody out of employment. Why do you not more sensibly do what the Commissioner further recommends, and that is educate this Indian, not above himself, but to a condition where he can help his own? He does not need to learn to run a typewriter on an Indian reservation in Arizona or to be a stenographer. There are the fewest of those there that you ever saw in your life. [Laughter.]

Mr. GARDNER of Michigan. Is the gentleman asking me a question?

Mr. SMITH of Arizona. Just about like I want to. [Laughter.]

Mr. GARDNER of Michigan. I would like to have the gentleman speak in his own time. Does the gentleman undertake to maintain the position that you must not educate the Indian because he will take the place of some white man?

Mr. SMITH of Arizona. Yes; provided you educate individual Indians for that purpose and make no equal provision for the white man against whom he competes. The white man is fully as good as an Indian. This appropriation should be to educate or civilize the tribe, not particular individuals of the different tribes to bring them in competition with white people who have no such opportunities afforded them.

Mr. GARDNER of Michigan. Does the gentleman undertake to maintain the position, I repeat, that you must not educate the Indian because he will take the place of some white man or some colored man or the son of some foreigner or any other man who is trying to go forward in the race of life? Would you take from the Indian what you give to the black man?

Mr. SMITH of Arizona. Do you want me to answer that?

Mr. GARDNER of Michigan. Or to the foreigner? I want to have the gentleman let us know where he stands on this question.

Mr. SMITH of Arizona. May I answer the question?

Mr. GARDNER of Michigan. Surely.

Mr. SMITH of Arizona. Does the gentleman want me to answer that? He will answer my question when I get through, please.

Mr. GARDNER of Michigan. If I can.

Mr. SMITH of Arizona. Does the gentleman want to take a white person, a negro, a white child that has no more than the Indian has got and at Government expense bring him to Philadelphia and teach him stenography or anything else, paying for it out of Government money, and then bring him into competition with your own child, whose parents, in the sweat of their face, have raised the money to sustain the public schools? Would the gentleman do that?

Mr. GARDNER of Michigan. May I answer?

Mr. SMITH of Arizona. Yes.

Mr. GARDNER of Michigan. That has been done over and over again in this country—in fact, thousands of cases in the last forty years—toward the colored boy and girl, and by virtue of the education given——

Mr. SMITH of Arizona. Has the Government——

Mr. GARDNER of Michigan. Oh, be patient, please.

Mr. SMITH of Arizona. But the gentleman is misstating the question.

Mr. GARDNER of Michigan. Let me answer. And in some places he is driving out his white competitor because of his superiority.

Mr. SMITH of Arizona. Mr. Chairman, we see how far we drift when we lose our oars and how less safe it is to start our canoe on a vast ocean without taking oars with us. Outside of the Indian tribes the Government has never appropriated one dollar to the education of the people of the United States. The National Treasury has never contributed one cent to the education of the white man, the negro, or any person whatever, aside from the education of the servants of the Government in the Military and Naval academies of the United States. I am not complaining now, nor have I complained yet, about the Indian being made the object of governmental solicitude, nor that he has been selected as the only person on whom we spend the public treasure, but the very gravamen of my charge, the very heart of my objection, is that the money spent in eastern schools is foolishly spent. That you have as much right to take a poor white boy from Arizona and educate him in a school like Carlisle as you have to take an Indian boy and educate him at Carlisle is a self-evident proposition to any white man who is not already completely crazy on the Indian question. There is one excuse, and only one excuse, for the Government spending one cent of money (extorted from the white people through grievous indirect taxation) on Indian education, and that is found in our first great mistake of treating them as wards of the Government.

If they are wards, and the nation stands as guardian for them, then no discrimination should be made, and all should be educated alike or given equal chances for a like education. Every dollar spent on eastern schools is violative of this very plain and manifestly just principle. They must be elevated en masse, or they will never be elevated through any effort of the Government. I have grave doubts as to the validity of any law that takes from the public Treasury money collected by taxation from all the people and applying it to the education of any particular class of people, and when you select only certain members of that class and bestow on them the advantages of higher education, we know that it is monstrous, whether it be legal or not. These considerations impel me, as they should force you all, to a human, common sense, and determined objection to a further dedication of public money to an illegal, unjust, and vicious cause. How much effect the mere expenditure of public money in these eastern schools may have in kindling to a burning zeal the advocates of this appropriation I will not dare conjecture; but I do know that the money expended in their districts on Indian education could be much more charitably, sensibly, and humanely spent in the districts where the Indians live.

I can not look with entire sympathy or patience on the proposition advanced by the gentleman from Michigan and others on this floor, to take an Indian from his environment of depravity, degradation, and dirt and send him while young to Pennsylvania and rear him among the most alluring surroundings, furnish him every day with all he can eat and all he can wear, pound into him the education that will make him capable of taking, at a cheaper price, some position held by a poor white boy who had learned what little he knows in the cruel school of poverty and adversity. In the name of the eastern white boy I protest against it. In the name of the tax his poverty pays I protest against it.

The Indian tribes, as tribes, should be civilized, if, indeed, civilization is possible with them. It is a far cry from the present position of such Indians as I speak of. I am speaking of the reservation blanket Indian, and speaking from that view point no one of the distinguished gentlemen on this floor having Indian blood in his veins can feel the least offense. If they have given any thought to this question, or even have the slightest knowledge of the facts, I know I will receive their encomiums rather than their criticism.

Mr. Chairman, this is a very good world and a very cruel one in which we all live and struggle, its goodness or its cruelty depending on the viewpoint from which we see it. Surrounded

by all the blandishments of wealth, the youth looks on the coming years with buoyant expectation, while hope and joy overrun his cup. Old age, waiting to hear the keel of his boat touch the sands of the other and vaster shore, wonders why he lived, and finds more of regret and pain as he views the course over which he came than he sees of pleasure or of profit in it. That youth will be the old man by and by. As it is with them so it is with the people, tribes, and tongues that have come and gone since first the world began. The law of time seems even more heartless with nations than with the individual, and that law says of man, of birds, of beasts, of flowers, and of trees, the weak must die, the fittest must survive. Cruel as it seems, it is nevertheless true that the nation or tribe or people which can not keep pace with surrounding civilization must become extinct. The whirling speed of the modern world will permit no laggard to handicap it. The Indian is a striking example. The buffalo's place has been taken by the white-face steer on the plains, and to the great advantage of the world. The Indian must rise, must rise high enough to become a part of modern progress, or he will be crushed under its flying wheels. It is the law of fate against which it is needless to complain. Your bill hastens rather than retards the end of him as a people. [Applause.]

God, or nature, or whatever power you are pleased to call that which fixes the planets in their orbits and overrules the destiny of created things, has dedicated the earth to the occupancy and the domination of the *white man*. It has been written of old of him that "on whatsoever land he puts his foot it shall be his and no nation shall prevail against him." The vast cycle of approaching years are ringing the knell of doom to all others now inhabiting the earth. The survival of the fittest in the bitter fight for existence means the white man's supremacy. History records his triumphs, and coming ages will emphasize his successful aggression on every inch of the habitable globe. And to my mind it is well that it should be so. The death of a people or a nation, unable to survive, is no more than the death of a weakling, unable to live. The weak only give way to the stronger, and the stronger will, when necessary, force the weak away. As civilization progresses, with all its charity for human misery and with all its zeal for the betterment of mankind, it will meet a point at which it must pause, only to proceed at once to an active realization of the truth of Holy Writ, that "He that provideth not first for his own household denyeth the faith, and is worse than an infidel." [Applause.]

That point has, in my judgment, already been reached. Instead of spending money for the conversion of the heathen, for God's sake—and I say it reverently—for Christ's sake apply every cent that the State can give, every cent that blessed charity will contribute, every dollar that the church can raise, to the education, conversion, upbuilding of the poor, the ignorant, and the vicious that surround us in our own most favored land, for it is written, and I repeat it, that "He who provideth not first for his own household denyeth the faith, and is worse than an infidel." I would not wreck the life of one American boy by neglect to raise one dozen Indians, Chinese, Japanese, or South Sea islanders above their present condition. I would, for my country's sake, that the vast sum of eight hundred millions already spent by our Government on the Philippine Islands had been given to the development of our own country and the advancement of our own people. Contemplate, if you can, the vast benefits that such a sum would have vouchsafed to that great country lying between the Rocky Mountains and the Pacific Ocean. It staggers the imagination. The folly that led to this awful waste of treasure is based on the same folly that sends an Apache Indian to Carlisle at the expense of over $1,000.

How long, O Lord, how long wilt Thou withhold Thy blessings from us?

Do you gentlemen never think of the poor, the downtrodden, the needy of your own town? Did you ever think that heretofore the land vent—the vast public lands—had kept American labor above the wage of any other labor on earth? If you oppressed it, it made a home in the West and became independent of your exactions. The money spent on the Philippines would have made homes for thousands in our own country. For every Indian you educate at Carlisle or Hampton or any eastern school you could make a home for an American family on the limitless plains of the West.

In conclusion, Mr. Chairman, I am the friend of the white man, a lover of my race and blood, a lover of my country and her people, and my supreme desire is to see these people educated, prosperous, and happy. When the child of labor shall receive the education you give the Indian—justified by the wages paid labor; when capital, without oppressing or stealing, shall receive a just return on its investments and contribute its full share to general education, then I am ready with you gentlemen to invade the realm of speculative philanthrophy and give the Indian the highest possible education of which he is capable, provided always that the American boy and girl shall first have been given every opportunity, which, by your ignorance and folly, you are in this bill bestowing on those so much less worthy of your charity, your sympathy, or your benevolence. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MANN. Would the gentleman like more time?

Mr. GARDNER of Michigan. I would like a little more time if I can have it.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the gentleman from Michigan is recognized for five minutes.

Mr. GARDNER of Michigan. Just to illustrate what education will do for an inferior race, only recently I read that in South Carolina, one of the most densely populated colored States in this country, where forty years ago scarcely one in the whole population could read, the conference of the Colored Methodist Episcopal Church, composed entirely of black men, save one white in Claflin University, gave $7,000 plus to a conventional fund for the education of their race, $2,000 more than the wealthiest of the great wealthy conferences of the North and East. It pays, gentlemen, to lift up the less fortunate than are we, even though they be Indians, or colored, or foreigners, or whatnot. [Applause.]

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania and then the gentleman from Arizona will be recognized afterwards.

Mr. OLMSTED. Mr. Chairman, as this discussion relates largely to the Indian school in my own district and I have occupied very little of the time of this House, I ask unanimous consent to proceed for thirty minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Mr. Chairman, the hundred years immediately following the Declaration of Independence have been termed "A century of dishonor" in the relation of our people to the American Indians, who once possessed this entire country and roamed in freedom throughout its length and breadth. Their tomahawks and other implements of warfare unequal to their defense against the advancing rifles of civilization, they were driven back, back and ever back, and as the white man needed more territory, still farther back, until finally those proud but untutored people—the first families of America, the "Who's who" of pre-revolutionary days—were practically corralled upon a few so-called Indian reservations. With less of freedom and less of out-of-door life they became the victims of diseases previously unknown, while their morals, as well as their bodies, suffered from acquaintance with the firewater of the paleface. About the time that the citizens of the United States celebrated the centennial of their own independence there was an awakening of the public conscience concerning these people, who had practically lost their independence and their free citizenship through our occupancy of the lands that had been theirs. About that time it also began to dawn upon the American people that, not merely as a matter of morals or of sentiment, but even more as a matter of national benefit, as a matter of saving in dollars and cents, as well as in human lives, it was desirable that the Government should do something in the way of the education and mental as well as moral improvement of those conquered aboriginal peoples.

The Roman Catholic Church had already established a few mission schools among them, and in 1877 Congress made a beginning by appropriating $20,000 out of the National Treasury for Indian education. This amount was increased from year to year, so that for the past ten years we have been appropriating an average of more than $3,000,000 per annum out of the National Treasury for this cause.

We have now 91 Government boarding schools located immediately among the Indians upon Indian reservations, with a total enrollment of 11,019 pupils.

We have 25 so-called "nonreservation boarding schools;" that is to say, Government schools located elsewhere than upon the Indian reservations. These 25 nonreservation schools have an enrollment of 9,485 pupils.

We have also 163 day schools, all, I believe, located upon or

in the immediate vicinity of the reservations. These 163 day schools have an enrollment of 5,130 pupils.

Then we have what are termed "contract schools." They are the ordinary public or district schools, forming part of the educational systems of the States in which they are located. The Indian Department makes contracts with these schools for the attendance of Indian pupils. There are 12 of these contract schools. The contracts cover 122 pupils, but the average attendance in 1907 was only 58.

There are 53 Indian boarding schools maintained by churches or religious bodies, of which 34 are under the auspices of the Roman Catholic Church, 5 Presbyterian, 6 Protestant Episcopal, 2 Congregational, 2 Lutheran, 1 Evangelical Lutheran, 1 Christian Reform, 1 Methodist, 1 Baptist, 1 Reform Presbyterian, 1 Seventh Day Adventists, and 3 undenominational. These mission boarding schools have a total enrollment of 3,990.

There are also a number of mission day schools and a number of sectarian contract schools.

At Hampton, Va., there are about 100 Indians educated, as I understand it, by contract.

It has been urged upon this floor that these young Indians can be more effectively and beneficially educated upon the reservations than elsewhere.

As the result of some study and investigation, I am convinced that while they are doing some good, the day schools and the district schools are the least effective, the reservation boarding schools more effective, and the nonreservation schools the most effective of all.

The largest, most important, and most useful of all the Indian schools is located at Carlisle, Pa., in my own district.

The gentleman from Arizona [Mr. SMITH] has told you that when the Carlisle Indian goes back to the tribe he becomes the worst Indian and the lowest Indian there. Well, Mr. Chairman, the gentleman speaks, it seems to me, not so much in the interest of the Indians as with reference to keeping enough of them within the Territory of Arizona for the maintenance of the nine reservation and three nonreservation schools in that Territory and the money which is annually expended in such education as they receive there. He is not looking at the real benefit to the Indian, or else he is not looking at all at the results attained by the Carlisle Indian School. He is grossly mistaken in his statements. The Carlisle School does not have to send out agents to drum up pupils.

The parents wish to send them to Carlisle. They do not like to send them to the day schools. I shall presently show you statistics from the record to contradict his statements as to Carlisle Indians. But first a few words as to the district schools. A large part of the Indians are not citizens and are not entitled to send their children to the State schools. So far as the Indian lands are, from time to time, allotted to individual Indians under the Burke law, the Government retains a sort of trusteeship for twenty-five years, during which period the lands are untaxed. The whites object to maintaining schools at their own expense for the benefit of the Indians who pay no taxes. They object, moreover, that the Indian pupils are in many instances filthy and in some cases diseased.

In the latest report of the Board of Indian Commissioners to the Secretary of the Interior, commencing at page 126, I find the following, which illustrates the feeling toward these untaxed Indians and their children, and the improbability of their receiving great benefit from education amid such surroundings. He says:

> It was hardly to be expected that white taxpayers in any county or town could be brought to regard as desirable neighbors—to consider as fellow-citizens entitled to like privileges with themselves—Indians whose lands remained untaxed, while their white neighbors were compelled by increased taxation to pay for the schools, roads, bridges, and courts for the advantage and protection alike of the untaxed Indians and the taxed whites. The failure to enforce the statutes of the State of Washington against the sale of liquor to Indians illustrates the same point. In July, 1906, the prosecuting attorney of the county in which is situated the Yakima Reservation informed the superintendent in charge of that reservation that since the Indians did not pay taxes he (the prosecuting attorney) did not propose to put the county to any expense in prosecuting for crime among them, or to give them protection by law when crimes were committed on the reservation; and the district attorney adds that this policy "is in accordance with the instructions of the county commissioners." The need of making special provision for funds for the support of schools and of local government in parts of States where Indian lands remain untaxed for twenty-five years is also very evident to all who know the utter lack of country schools in these parts of the new State of Oklahoma which have been heretofore Indian reservations in the Indian Territory.

But a still more serious objection is that the Indian children themselves do not care to attend these schools, and their parents do not care to have them attend.

On page 42 of the same report the Commissioner says:

> Unfortunately Indian parents, though often appreciating in a measure the advantages of coeducation with the whites, are prone to listen and yield to the trifling objections of their children against prompt and continuous attendance. * * * The following statistics, covering a series of years, will show how desultory the attendance of Indian pupils has been at these district schools.

The statistics which he there gives, covering a period of seventeen years, show a constantly decreasing ratio of attendance, the year 1907 being the lowest of all, when the average attendance of enrolled pupils was only 45 per cent.

The same difficulty of securing attendance, although in a less degree, appears to extend to the Government day schools. For instance, as appears from Commissioner Leupp's report for 1907, at Camp McDowell, in Arizona, the capacity of the school is 40, but the average attendance only 13. At San Carlos, Ariz., the capacity is 100, but the attendance only 37. At Big Pine, Cal., the capacity of the school is 30, but the average attendance is 19. At Bishop the capacity is 50, the average attendance 15. At Great Nemaha, Kans., the capacity is 40, the average attendance 18. At the Sac and Fox school the capacity is 42, the average attendance only 17.

Taking the 163 day schools, with a capacity of 5,770, the pupils enrolled in 1907 were 5,130, but the average attendance was only 3,670.

On page 23 of his report Commissioner Leupp says:

> The rudiments of an education, such as can be given his children in the little day school, should remain within their reach, just as they are within the reach of the white children who must be neighbors and competitors of the Indian children in their joint struggle for a livelihood. Indeed, this being a reciprocal obligation—the right of the child, red or white, to enough instruction to enable him to hold his own as a citizen and the right of the Government to demand that every person who handles a ballot shall have his intelligence trained to the point that reading, writing, and simple ciphering will train it—I believe in compelling the Indian parent, whether he wishes to or not, to give his offspring this advantage. My interpretation of the duty laid upon me by the statute in this regard has carried me even to the use of physical force and arms in the few instances where reasoning and persuasion failed and the Indians have defied the Government.

I fully agree with the Commissioner in his estimate of the importance of educating these red children. His illustration shows, however, that the reservation day school is not popular with the Indians, and may not be their most useful educational agency. The Carlisle school alone takes care of nearly one-third as many as the entire 163 day schools, but it has never been necessary to use force to keep it filled. The Indian parents are anxious to send their children there, and during the past year scores of applications have had to be refused.

Another objection to the day school as the only means of Indian education lies in the fact that many of the tribes occasionally move from place to place, in which event the school would have to follow the tribe or lose its pupils.

Another point operating against some of the day schools is that where, in that sparsely settled country, some of the Indians are trying to work farms, the distances are so great that the children are either unable to attend school at all, or, if they do attend, a great portion of their time is taken up going and coming, and the short period when they are actually in the school gives them no opportunity to do more than possibly learn to read and write, without any opportunity for industrial training or experience whatever.

The reservation boarding schools are much better attended than the day schools, but the average percentage of attendance is less than at the nonreservation schools, and there is more difficulty in keeping them filled. I have no doubt that they are doing a great deal of good, and am in favor of maintaining them. I believe, however, that the nonreservation schools, some of them at least, are performing an even greater service and that their continuance is still more important, not only to the Indians themselves, but to our whole people. I have great respect for some who hold a different view, but that is my honest judgment.

Now, let me tell you something about the school with which I am most acquainted. It is located in the State of Pennsylvania, at Carlisle, where there was a frontier military post in the early history of the colonies, and where one hundred and fifty-five years ago Benjamin Franklin negotiated a treaty with the Indian tribes of Pennsylvania. Many years ago training schools for Indian campaigning were there maintained, and it is appropriate now that the same place should be devoted to such training of the Indians as will prevent the necessity for further Indian campaigning. The property belonging to the United States, upon which the Indian school is now located, was long used as a cavalry post. As the result of a little pleasantry on the part of Gen. Fitzhugh Lee in July, 1863, some of the buildings were burned. A couple of years later they were rebuilt. Its use as an industrial training school for Indians began in the latter part of 1879 under Capt. (now General) R. H. Pratt, detailed for that purpose, and who there performed a very valuable service until July, 1904, when he was succeeded by Maj. W. A. Mercer, of the Eleventh United States

Cavalry, who came equipped with an experience of some sixteen years among the Indians of the West and Northwest.

Seventy-seven different tribes are now represented among the children at Carlisle.

They are not only taught to read and write, but are also given practical instruction and experience in almost every useful industrial pursuit.

The boys are instructed in every branch of carpentry, building, millwork, furniture making, and woodwork in general. In fact, in all the elements of cabinetmaking and carpentry.

They are instructed in blacksmithing in every branch, especial attention being given to scientific horseshoeing. They are instructed in carriage and wagon making, in coach making and trimming, in plumbing and steam fitting, in tailoring, harness making, shoemaking, plastering, masonry, bricklaying, cementing, in all the work that is usually done in a tin shop, in printing, in photographing, in cooking, and in every branch of agriculture and fruit cultivation.

The girls are taught to cook, to bake, to make their own garments. They are instructed in butter making and in every branch of housekeeping. Their education is of the most practical kind, fitting them to go out in the world and make their own living.

They are given some instruction in music and literature. Great attention is paid to outdoor exercise and outdoor sports. This not only tends to the preservation of health, but vastly increases their interest in the school and in their studies. They have a battalion of cadets, the perfection of whose evolutions loses nothing by comparison with any performance of the cadets at West Point or Annapolis. They have a band of some forty or fifty boys. That band is a marvel. I had heard it charged that they kept old pupils there after they ought to be discharged for the purpose of maintaining a good band. Last summer I inquired of their instructor as to the truth of that statement. He assured me upon his honor that there was not a boy in the band that had been in the school more than two years, and declared that their aptitude for band music exceeded anything he had ever known.

Commissioner Leupp told me only this morning that a number of boys from the Carlisle band have gone into the military bands of the Army.

The Carlisle football team is the pride and admiration of every Indian in the country and of a great many whites as well. With only a small number to draw from, the school maintains a team which has defeated some of the largest universities and would be a credit to any of them.

Athletics cost nothing either to the Government or the school. The crowds which go to see the Indian boys play ball and hear the Indian band yield sufficient gate receipts to pay all expenses and a good deal more.

Many of these Carlisle pupils do not go back to the tribe at all. Therefore my friend from Arizona is mistaken. I have in my hand a list giving the name and present address and occupation of every pupil who ever graduated at the Carlisle school. I will call your attention to what a few of them are now doing, and we will see whether they have gone back and become the worst Indians and whether they are tearing people to pieces out there, as he intimates. I make the assertion now, Mr. Chairman, that the Carlisle school and all these nonreservation schools are guaranties of peace. There have been more than 6,000 pupils at the Carlisle school since it was instituted, and I made the statement a year ago that in not a single instance has any Carlisle pupil, or the parent of any Carlisle pupil, ever raised his hand against the Government of the United States. This money is well expended from an economic standpoint. It is cheaper to educate young Indians than it is to fight old ones.

Mr. STEPHENS of Texas. Will the gentleman yield to a question?

Mr. OLMSTED. Certainly.

Mr. STEPHENS of Texas. I have heard it stated on what was supposed to be good authority that "Billy the Kid," who was the worst Indian ever in Arizona in recent years and who committed many murders, was a graduate of Carlisle.

Mr. OLMSTED. He certainly was not a graduate, for I have a list of every graduate. There was a man named Plenty Horses, who, it was claimed, did shoot a Government officer. He had been at Carlisle, but did not stay long. He was tried for murder by the United States court, but released. I do not know all the facts, but assuming that this one Indian, who while at Carlisle was found to be below the average of intelligence, did, after leaving that school, misbehave toward an Army officer, it is, at most, only the exception which proves the rule to be as I have stated.

The parents of these pupils consider that their children are held as hostages for peace.

The Carlisle school, where 77 tribes are represented, is our greatest and highest single guaranty of freedom from Indian wars and their enormous expense in money and in human life.

But we hear it urged that, having acquired all this proficiency, these Indians go back to the reservations and become loafers. That may be true of a very few. We have all known graduates of other great institutions of learning to become drunkards and loafers and worse, but it by no means follows that that can be said of the graduates of those institutions as a class. Neither is it true of Carlisle graduates. I have in my hand a list showing the present address and occupation of nearly every Indian who has ever graduated at Carlisle. The first name upon the list is that of William F. Campbell, a Chippewa Indian, who is now a practicing lawyer at Mahnomen, Minn. The next is Joseph Harris, employed upon a farm at Langhorne, Pa. The next is Cecilia Londrosh Herman, who attended a State normal school in Pennsylvania, was a teacher in the Indian Service a year, and is now married and keeping house for her husband at Homer, Nebr. One is now a teacher at Albuquerque, N. Mex.; one is a laundress at Wind River, Wyo., and one is a bandmaster. Picking out from the list a few names at random, I find that of the class of 1890 one is a clerk in a Carlisle store; one is a real estate dealer and bandmaster at Oneida, Wis.; a number of them farmers. From the class of 1891, I note that Henry Standing Bear is engaged at the Hippodrome, at 226 West Thirty-fourth street, New York. Charles Dagnette is a graduate of the Eastman Business College. Among the graduates of the class of 1892, I note the principal in charge of an Indian school in Minnesota; a farmer, a housewife, an assistant blacksmith, and a lawyer. Glancing along through the list, I find that Thomas Black Bear is a farmer and stock raiser; James Flannery, a bandmaster at Dubuque, Iowa. Howard Gansworth, now living at Buffalo, N. Y., graduated at Princeton after leaving Carlisle, and is now in charge of the publicity department of a manufacturing firm. Siceni Nori, now living at Carlisle, graduated from the Scranton Business College. David Turkey is a farm hand at Newtown, Pa.

Mr. STERLING. Are these full-blooded Indians, or is the school open to Indians of any degree?

Mr. OLMSTED. Open to Indians of any degree, but most of these are full-blood Indians. The full-blood Indians seem for some reason or other to prefer Carlisle. John Lily is an engineer. Frank Cayou is the athletic director of the Wabash College in Indiana. Another of the class of 1896 is a linotype operator and newspaper correspondent at Davenport, Iowa. Another is the engineer of the steamer *Shelton*. Elmer Simon, a Chippewa Indian, is in the hardware business at Johnstown, Pa. James Wheelock, an Oneida Indian, is a bandmaster and printer in Philadelphia. Albert Nash is general manager of a steam tire-repair works in Philadelphia. Edward Rogers, of the class of 1897, is a lawyer in Minneapolis. Nancy Seneca graduated at the Philadelphia Hospital, practiced as a trained nurse for six years in Philadelphia, and is now nursing at Albuquerque, N. Mex. Caleb Sickles, an Oneida Indian, is a dentist at Tiffin, Ohio. Seichu Atyse Strang, a Pueblo Indian, graduated at the Philadelphia Hospital, practiced as a trained nurse for eight years, and is now married and living in Philadelphia. Nettie Horne is a stenographer at Oakland, Cal. Sara Williams Wauskakamick is a dressmaker at Keshena, Wis. David Abraham, of the class of 1900, is shipping clerk in a manufacturing house at Hatboro, Pa. Kittie Silverheels is now living at Irving, N. Y., and Jennie Turkey White is married and keeping house at Seneca, N. Y. Among the graduates of 1901 I notice a machinist in Philadelphia, a teacher in Carlisle, a dentist in Chicago, a housewife at Peoria, Ill., and farmers in various parts of the country; a clerk at West Depere, Wis., a plumber in San Francisco, a trained nurse at Marshfield, Oreg., etc. Of the class of 1902 Charles Bender is an engraver and also a professional ball player connected with the famous Athletics, of Philadelphia. Of this class also one is a student at Whitworth College, another a bandmaster at Shadron, Nebr.; a printer at Mahnomen, Minn.; Cornelius Petoskey is a civil engineer and engaged in the automobile business at Howell, Mich. Thomas Walker Mani is a lawyer at Sisseton, Wis. One Indian maiden of that class is a clerk in a broker's office in Philadelphia. Another is dressmaking at Irving, N. Y., and another assistant bookkeeper in Kansas City. Another is in service at Cleveland, Ohio. The class of 1903 is scattered all over the country. One is a machinist at Hampton, Va.; one is in service at Cleveland, Ohio; one is a coal passer on the U. S. S. *Tennessee*, League Island, Philadelphia; one is a dentistry student at the University of Pennsylvania; one is a student at the normal school at Bloomsburg, Pa.; another a farm hand at Red House, N. Y.; another is in the lumber business at Seattle, Wash. Among the graduates of this

class I find also a dressmaker, a railroad trainman, a jeweler, several teachers. Joseph Ruiz is a carpenter and musician, and between the two makes $4 a day. One is a steel worker at Tacony, Pa., and another a machinist at Baldwin's Locomotive Works. Looking over the graduates of 1904 I notice a cook in a hotel at Buffalo, N. Y.; a printer at Wittenberg, Wis.; a machinist at the Baldwin Locomotive Works—he is also a musician; a Crow Indian taking a business course at Lawrence, Kans.; a harness maker and band man at Lisbon, N. Dak.; a student at Dickinson College, Pennsylvania; a workman in a lumber mill at Neah Bay, Wash.; a teamster at Iroquois, N. Y.; a dressmaker at Highspire, Pa.; a college student at Benton Harbor, Mich.; a student at the high school, Riverside, Cal.; a stenographer and Spanish correspondent in Philadelphia. Of the 1905 graduates there is a student in the normal school at Bloomsburg, Pa.; a teacher at Hogansburg, N. Y.; a wagon maker at Carlisle, Pa.; a normal student at West Chester, Pa.; a clerk in the Young Woman's Christian Association at Philadelphia. Bert Jacques, a Pueblo Indian, owns and works his own farm of 200 acres in New Mexico. Tossie Nick, a Cherokee Indian, is playing with the Seventh Cavalry Band in Manila. Another graduate is a stenographer in Philadelphia. One is a clerk for the New York Life Insurance Company. There are several teachers and students at other schools in various parts of the country. Levi Webster, an Oneida Indian, is making suit cases in Philadelphia.

It is noticeable that a much smaller proportion of the graduates in later years go back into the Indian country at all. A much larger proportion are found engaged in the various pursuits and avocations of life from one end of the country to the other. The class of 1906, in particular, is scattered all over the continent. Every one of them seems to have found occupation without difficulty. The graduates of 1907 have already found abundant occupation.

I will not stop to go through the whole list, but there is a larger proportion of Carlisle pupils and Carlisle graduates that never go back among the Indians, and do make their living in various trades and occupations all through the United States, than come from any or all of the reservation boarding schools.

Mr. McGUIRE. How many are graduated each year?

Mr. OLMSTED. There are about a thousand pupils there all the time. I suppose about thirty or forty a year. A larger number who do not graduate—do not remain long enough to graduate—receive industrial certificates.

I wish that anyone in doubt as to the efficiency of this school and the importance of maintaining it might have witnessed, as I did, the graduation exercises in 1907. The neat, clean, and happy appearance of the thousand pupils, the perfect discipline and order maintained, the beautiful music by the Indian band, and the addresses by members of the graduating class were most inspiring. One gave a practical talk upon the subject of painting—not portrait painting, but the kind of painting most practically useful. He described and illustrated the character of paints, the mixing of them, and their application for a variety of purposes.

There were songs by Hopi Indians and by Northern Cheyenne Indians in their respective languages, the entire performance concluding with "America," played by the Indian band and sung by a thousand Indian voices in a way to make the patriotic heart rejoice.

An Indian maiden gave a talk upon housekeeping which for thoroughness of knowledge of the subject and clear, concise statement of what she knew excited the commendation and applause of several hundred white ladies in the audience. A Digger Indian gave a practical talk upon steam fitting, which he illustrated with pipes and other utensils. Other graduates spoke upon other subjects. I shall never forget the Indian girl who recited Tell's address to his beloved hills and mountains—"Ye crags and peaks, I'm with ye once again." She had proceeded but a short time before she forgot the words. There was no prompter, and there she stood. We have all, in boyhood days, recited that famous oration beginning "My lords, let no man dare, when I am dead, to charge me with dishonor." And we have all heard of the boy who, overcome by stage fright, begun, "My lords," and stopped. After a long pause, he again exclaimed, "My lords," and again could go no further. The third time he exclaimed, "My lords—I have forgotten the rest," and sank into his chair. Not so this Indian maiden. The boy who stood on the burning deck was not more steadfast of purpose than she. There she stood, firm as a rock; not a muscle of her face moved, nor of her whole body. Two thousand people faced her. She gave no sign of embarrassment, no sign of shrinking, not the slightest evidence of an intention to retreat or sit down. That long pause—the motionless girl upon the stage, the breathless people in the audience—was the longest and most embarrassing I ever experienced. I asked the superintendent to kindly suggest that she give it up. But, knowing her and her people, he replied, "Oh, no; she will never move from her tracks until she has finished that recitation." And she never did. After what seemed an eternity, the words came to her and she finished Tell's oration amid the most thunderous applause. She well illustrated the class motto, "Perseverance," and the grit peculiar to her race. Look at the manner in which they play football. With only a few hundred pupils to draw from, they have all the time a football team at Carlisle that competes favorably with the largest college teams in the country.

Mr. BUTLER. They beat all but one last year.

Mr. STEPHENS of Texas. I will ask the gentleman whether or not it is true that a great many of the pupils coming to the Indian school at Carlisle come from the West, where the climate is dry and arid and more healthful than the climate of Pennsylvania, and that they become afflicted with consumption and asthma, and that there is a great rate of mortality among them?

Mr. OLMSTED. I am glad that the gentleman has asked me that question. If you will look over the map or atlas prepared by the Census Bureau showing the relative mortality from various diseases in the different parts of the United States, you will find that the school at Carlisle is located in a place that is as free from tuberculosis as any in the country. A report showing the conditions there at the present time, not yet published, but of which I have the proof, says, "At present there are no cases of tuberculosis under treatment at the school."

Mr. STEPHENS of Texas. I will say that about three or four years ago the oldest son of Chief Quanah Parker, of the Comanches, was claimed to have acquired consumption at that school, and came home in a very bad condition, and his father carried him to the Mescalero Reservation in New Mexico, where he finally died. He told me that his son acquired that disease at Carlisle school.

Mr. OLMSTED. I am very glad the gentleman has made that statement. I have investigated that one case, which has been heralded all over this country as a great charge against Carlisle. The physician of the school said that young Parker had tuberculosis when he came there, was not quite as bad when he went away as when he came [laughter], and two years after he left there he died. If he had stayed there he probably would have been alive to-day. [Renewed laughter.]

Well, now, I do not wish to take the time of the committee unnecessarily.

Mr. McGUIRE. Can the gentleman tell us what percentage of the Indians now in Carlisle school are of mixed blood?

Mr. OLMSTED. I am unable to tell; I know a very large percentage are full blood. The superintendent tells me that the full-blood Indian parents are constantly trying to send their children to Carlisle—to such an extent that he can not accommodate them.

Mr. HINSHAW. Do those Indians go back to the reservation?

Mr. OLMSTED. I presume a few of them do; very many do not.

Mr. HINSHAW. What does the gentleman know as to the course they pursue after they go back to the reservation? Do they tend to elevate the Indians among whom they go to live?

Mr. OLMSTED. I am glad the gentleman asked that question. A great portion of them are very readily taken into the Indian Service and become teachers of Indian schools, both reservation and day schools. They do help elevate the Indians among whom they formerly lived.

I should like to read letters I have recently received, which show something of the Carlisle spirit among the pupils who have gone there. Here is one which came to me on the 24th of January from Waynesboro, Pa., asking me for a copy of some remarks I made last year, telling me how much interested he is in the school. It is signed James Sheehan. He concludes:

I am a former student of the school; I am following my trade as a printer, which dear Carlisle has taught me, and I am employed in the Waynesboro Record—

And so on.

It is a well-constructed letter, written in a fair hand. It shows that this Indian is making his own living in a printing office in Pennsylvania. Some of them are in printing offices in my own city of Harrisburg. Within 150 miles of Harrisburg there are to-day 300 of these Indians employed in one way or another.

I was going to show you in what trades they receive industrial certificates. Let me say that in order to obtain an industrial certificate at Carlisle it is necessary to be as proficient as it is to graduate at any trade school in New York or Pennsylvania—in a plain industrial school.

Upon the occasion of which I spoke a few minutes ago there were not only diplomas conferred upon members of the graduating class, but there were 155 industrial certificates conferred.

These certificates showed proficiency in baking, 2; blacksmithing, 4; shoemaking, 4; harness making, 3; plumbing, 4; printing, 4; shoemaking, 4; tailoring, 3; tinsmithing, 1; dairying, 6; poultry raising, 2; farming, 43; plain sewing, 37; housekeeping (including care of house, cooking, and laundering), 11; and dressmaking and plain sewing, 33.

Now, here is a letter which I wish to read for the benefit of the gentleman from Arizona in particular, as showing that all who go back to the Indian country do not sink to that low level of which he has spoken.

I know this will attract the attention of the gentleman from Arizona [Mr. SMITH], because it says here on the letter head, which is that of a stock farm:

Our herd bull, Sharon Crown III, was until recently owned by Hon. William J. Bryan.

[Laughter.]

Mr. SMITH of Arizona. That is the best recommendation I have heard yet, because he goes in for good stock.

Mr. OLMSTED. One of the proprietors of that stock farm, and the writer of this letter, is a full-blood Indian. He says *so in his letter*. It is not addressed to me, but to a friend who sent it to me. He says:

I noticed a piece in the St. Louis Republic of last Sunday's issue with reference to the question whether the Indian would be most benefited by staying right in the midst of the old life and surroundings and attending the reservation schools exclusively and abolishing schools located in the East, and more particularly the Carlisle school.

I called on President Roosevelt about ten days ago on my recent visit to Washington, and in our short talk he asked what I thought of Carlisle as a school for full-blood Indians. I did not have the opportunity of answering this question in a befitting manner, as I did not feel at liberty to take up his time, but now that I am at home I have thought that I would address a letter to the President stating my views and giving reasons gained from actual experience and from what I have observed during my nine years' residence at this place why the Carlisle school should not be abolished. I lived here before the Indians were allotted and since and have had exceptional opportunities of noting the progress and welfare of the Indians as a whole, and especially have I noticed the ambitions and aspirations and the accomplishments of boys who are the product of the reservation schools and are what may be termed the "reservation graduates." Of the students, I have paid particular attention to the graduates—

Of a reservation school I do not care to mention—

and I fail to note even one who could be pointed out with pride as an exemplary citizen of the State of Oklahoma.

I have always thought the aim of the Government was to break up the old tribal customs and habits and mode of living, and fail to see where Indian children can be benefited to any extent by keeping them in reservation schools, herded together and constantly reminded of the fact that they are Indians.

I think it would be a wise plan to abolish the reservation schools.

And then he continues:

What have the reservation schools to offer the students in the way of employment during the vacation period? The Carlisle school is located in the very midst of our best and oldest American civilization and offers advantages and opportunities that can never be had at a thousand reservation schools, and for people to argue that an institution so located is a failure and not accomplishing the purpose for which it was established are talking from a pecuniary standpoint, and their only desire is to perpetuate the old system.

I may say here that I find in the reports of the Department that they have had to provide artificial labor for them out there on some of these reservations to keep them busy. The Government has paid to have artificial labor provided for Indian pupils. There is no such farming and industrial community there as that among which the nonreservation schools are located, particularly at Carlisle, where they can be taught, and where they can learn from actual experience and practice and observation these various industries.

Mr. FERRIS. Was that letter written from Fort Cobb?

Mr. OLMSTED. The letter was written from Fort Cobb, Okla.

Mr. FERRIS. Does the gentleman attempt to state that that is not an agricultural community?

Mr. OLMSTED. Oh, no; I do not say that. This letter which I have read is written from a farm.

Mr. FERRIS. I understood the gentleman to say that it was not an agricultural country, and that they had to furnish artificial employment.

Mr. OLMSTED. Oh, no; I was speaking of the country in which the nine reservation schools in Arizona are located, more particularly.

Mr. FERRIS. I beg the gentleman's pardon.

Mr. SMITH of Arizona. You do not say that they are not in an agricultural country, do you?

Mr. OLMSTED. I say that the agricultural fever has not extended to that Territory to any very great extent, as compared with some other sections, and anybody would have to go a long way to find a job on a farm.

Mr. SMITH of Arizona. Just one question.

Mr. OLMSTED. I wish to finish this letter. This will interest my friend from Arizona.

After expressing his intention to attend the Democratic national convention at Denver, he concludes in these words, which are important and significant:

I dabble some in real estate, but confine myself chiefly to the raising of registered shorthorn cattle and Duroc-Jersey hogs and the growing of alfalfa. I have plenty of good reading matter and live about like the average Oklahoman and am a fair example of the Carlisle idea.

Now, there is testimony from the best possible available source. There can hardly be higher authority than that.

He also says in that letter:

I think the outing system is the greatest tonic that can be prescribed for people who have been brought up in idleness and who never have known what it is to be away from the mother's apron strings.

This outing system, which forms an important part of the Carlisle plan, and is, I believe, in accord with Commissioner Leupp's idea, is of constantly increasing value. In the first summer of this school 19 pupils were placed in families upon farms near by. That number constantly increased until last year there were as many as 893 with outing privileges. There is a great demand for these Indian pupils in the best farming country in the world. They receive the same wages as are paid other pupils for like services. It is not necessary to provide artificial work for them, as in some parts of the Indian country. There is plenty of actual work, giving them actual and valuable experiences in almost every form of labor for both boys and girls.

Carlisle pupils are now earning from $20,000 to $30,000 yearly in their outings. Upon this subject I can do no better than read from the report of the Commissioner of Indian Affairs for 1903 (House Document No. 5), page 14, where this language appears:

Outing system. As an adjunct to the industrial work of the schools the "outing system" is most valuable. This system consists in placing Indian boys and girls enrolled in certain schools out into the families of surrounding farmers, the boys for general farm work and the girls for various household duties. The "outing system" is brought to its greatest perfection at Carlisle, Pa., which large school is in a section peopled by thrifty farmers. In their homes the practical work of the farmer is learned by experience through several months of the year. The girls, under the tutelage of their good wives, learn domesticity and the care of the home. They usually attend public schools and are paid a stipulated sum for their labor, thus learning the value of labor in dollars and cents and the resultant benefits of thrift. The great portion of the money earned is placed to their credit at the school, and in many instances quite a "nest egg" is turned over when they leave school in addition to their practical training.

As stated, the system is most effective in Pennsylvania, where local prejudices are not brought into play, and the ratio of the Indian population to the white is relatively infinitesimal. The results of the system in the West are somewhat problematical and experimental at present. The Indian schools at Salem, Oreg., Riverside, Cal., Phoenix, Ariz., Santa Fe, N. Mex., Haskell Institute, Lawrence, Kans., and several other points have with varying success carried out the "outing system" for several years past. Whether it will be as successful as at Carlisle is for the future to determine.

The system has its element of danger as well as of good. The boys and girls are placed in families more or less remote from the school. For the time they are removed from the watchful eyes of the employees, and the superintendent can not absolutely know that the family where the child is placed is honorable, upright, and kind, even when that is its general reputation. But with this element of danger always present there have been only a few mistakes made.

The largest number of pupils placed under the "outing system" during any one month of the past fiscal year was as follows: Carlisle, Pa., 617; Salem, Oreg., 251; Riverside, Cal., 159; Santa Fe, N. Mex., 92; Albuquerque, N. Mex., 61; Phoenix, Ariz., 50; Haskell Institute, Lawrence, Kans., 49, and Riggs Institute, Flandreau, S. Dak., 8—a total of 1,287 pupils.

Speaking of these Indian schools, the United States Board of Indian Commissioners, composed of ten eminent gentlemen who have given this subject the most thorough study from a practical as well as from a philanthropic standpoint, say in their report to the Secretary of the Interior dated March 12, 1907:

So far as we are aware no nation has ever come so near to exercising a kindly and conservative guardianship over conquered aborigines.

The white man's greed of land, it is true, led to the relentless crowding of Indian tribes westward and the marking out of new Indian reservations, and the reservation policy of the Government, although designed to be helpful, proved upon trial to be in many ways injurious to the Indians. But as fast as public conscience has been enlightened regarding the effects of reservation life upon the Indians, in Congressional action and in departmental administration the Government has manifested a most intelligent and persistent determination to do away with the evils of that policy by breaking up reservations and bringing individual Indians, through the schools and by the allotment of lands in severalty, into the body of American citizens.

And again, upon page 125, they say:

The present policy in the administration of Indian affairs may be characterized as a policy which emphasizes self-help, opens the way for it, and leads the Indians out from reservation life and tribal life into the economic, social, and civic life of American citizens.

Our honored Commissioner of Indian Affairs, Mr. Leupp, in his published report for 1906, at page 6, says:

The feature of Indian civilization upon which the Office has laid its greatest stress during the year just past has been its policy of inducing

the young and able-bodied Indians who have no profitable work at home to leave their reservations and go out into the world to make a living as white men do.

Again, on page 7, he says:

Another point on which they need education is the importance of regular and often prolonged hours of labor. At home they are accustomed to work when they feel like it, and rest whenever they feel like it, usually devoting only the most favorable part of the day to their tasks.

And again, on page 12, he says:

To push even a part of these Indians into actually earning money in a big competitive world, where there are no rations, will do more than any other one thing could do to awaken the spirit of self-respect in which alone lies the doom of the ration system.

On page 13, speaking of the Zuni dam in New Mexico, he says:

Here we have Indians employed on an Indian enterprise in an Indian reservation—conditions less desirable than those of outside employment, but much better than those obtaining, for example, inside of the Sioux reservations, where it has been necessary to contrive artificially new lines of work for the sake of keeping the Indians busy.

And again, on page 16, he says:

So much for the employment of Indians in the public and semi-public labor market. But I am aware that a multitude of our fellow-citizens who take a humane interest in our aboriginal Americans still cling to the idea that the place to train an Indian to habits of industry is at his own home and on his own land. I can truthfully say that there has been no diminution of effort on the part of the Indian Office in that field either, though equal frankness demands the statement that it is, on the whole, a far less fruitful and promising expenditure of energy.

Now all these statements of our honored Commissioner, with which I fully agree, seem to me strong arguments in favor of Carlisle. It is not necessary to provide artificial work for Carlisle pupils. There is plenty of real, practical, profitable work for them to do, and they enjoy doing it. For several months during the summer they engage in it profitably, and when once they have graduated or obtained industrial certificates they are qualified to make their own way in the wide world, and most of them do. Many of them have been found extremely useful as Indian teachers and in other branches of the Indian service. A few of them served in the Spanish war. They may be found today in almost every branch of industrial life, some in the Indian country, but a large proportion of them scattered throughout the States of the Union.

Now, Mr. Chairman, the contract schools, the day schools, and the mission schools are all doing much good. I believe the boarding reservation schools are doing more good. I believe the nonreservation schools are doing the most good, and the Carlisle school the most of all. I should like to see them all maintained, not only for the sake of the Indians themselves, but for the benefit of the whole country. [Applause.]

Mr. HEPBURN. Mr. Chairman, it seems to me that the gentleman from Arizona [Mr. SMITH] and the gentleman from Michigan [Mr. GARDNER] have different ideas of the purpose that Congress has in making these provisions. To my mind the scheme that underlies the whole theory of these school appropriations is to benefit the Indian en masse. The idea of the gentleman from Michigan seems to be to afford members, individual members of these tribes, an opportunity to secure great benefits for themselves. The gentleman from Pennsylvania [Mr. OLMSTED] tells us that these advantages are for the Indian alone, disassociated from his tribe, because he tells us that the graduates of Carlisle do not go back to the reservation. Now, it is a question of just how we can produce the most benefit for the Indians en masse that ought to be looked to in making these appropriations. That education that can be given to the Indian children in the nearest place to their tribe (their home) is that which is to be most advantageous to the tribe; and that the pursuits for which we ought to provide are those that will be useful to the tribe when the students return to the reservations or mingles with his people. I think that thought ought to be kept in mind all the time—the probabilities and the possibilities of the educated individual to lift and elevate the balance of the mass. That is the purpose for which the appropriations are made. That is the way in which the greatest benefit can be secured from them, and I doubt very much whether there is any appreciable good to the great mass of Indians by segregating an individual, carrying him thousands of miles away from his tribe, separating him for all time from the tribe, and then educating him. It will be a benefit to him and the balance of society and the rest of our general society, but it will serve no purpose in lifting up the great mass of Indians whom we are trying to benefit by the thousands and millions we have expended on the schools.

In my judgment, no children ought to be taken a great distance from the tribe. The child ought to be kept near, where the Indians can see the gradual progress he makes while completing his studies, and he ought to be in such a condition that he may help those to whom it is his duty to return and endeavor to lift them all up. These avocations that are not of any use, that can not be exercised on the reservation, ought not to be taught in the schools; but those that can be, these mechanical arts—carpentering and blacksmithing and all that class—ought to be taught so when an Indian goes among his fellows he can be of help to them.

Mr. GARDNER of Michigan. Will the gentleman yield for a question?

Mr. HEPBURN. Certainly.

Mr. GARDNER of Michigan. In all the nonreservation schools those very things are taught?

Mr. HEPBURN. I think to some slight degree they are.

Mr. BRUMM. Will the gentleman yield to me for a question?

Mr. HEPBURN. Certainly.

Mr. BRUMM. Does the gentleman from Iowa view the situation from the standpoint that the Indian reservation shall be an eternal institution, kept up forever, or does he view it from the standpoint that we may gradually do away with the Indian reservations and incorporate the Indians with civilization?

Mr. HEPBURN. Of course I look forward to the time, perhaps somewhat remote, when the reservation will cease to exist; but that part of the surface of the earth as a home for a community of Indians I expect to continue for a long time—at least, I hope it may be so.

Mr. BRUMM. But that does not answer my question. My question is whether the gentleman is looking to the eternal existence of the reservation.

Mr. HEPBURN. I said I did not.

Mr. BRUMM. The gentleman said it would last for a long time. If the gentleman is looking to the eternal existence of the reservation, I see the application of his thought; but if we hope ever to abolish the reservation and have the Indians become segregated and intermixed into civilization, is there a better way than to start with the children of the Indian and not breed more Indians on the reservation, but breed them away from the reservation? [Applause.]

Mr. HEPBURN. I thought I said that I looked forward to the time, although it might be a long time, when the reservation as a reservation would cease to exist. That is what I said. If the gentleman means by the intermingling of the Indians in civilization amalgamation, I do not. I do not desire that they should be scattered throughout the length and breadth of the United States; I do not desire amalgamation with their blood. I hope that they will stay distinct, and I desire that the communities of Indians after the reservation has ceased will not cease; that they will remain where the Government has lodged them.

Mr. BRUMM. Will the gentleman never hope to have them absorbed in any way?

Mr. HEPBURN. I do not hope to have them absorbed in any way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I ask unanimous consent that he may proceed for five minutes.

Mr. HEPBURN. Oh, Mr. Chairman, I have said all that I desire to say, I think.

The CHAIRMAN. The Chair hears no objection.

Mr. HEPBURN. I believe both of these gentlemen are right from the viewpoint they take, but I think that the gentleman from Michigan [Mr. GARDNER] and the gentleman from Pennsylvania [Mr. OLMSTED] are in error as to the general scheme of these appropriations. There is where they make their mistake. I have no objection to the education of the individual Indian, but I want the education of all of those Indians that the Government educates to be so placed and appropriations so made and schools so located that those that are the beneficiaries of these schools in their turn shall aid in elevating the balance of the mass of Indians. [Applause.]

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. MORSE], a member of the committee, may proceed for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MORSE. Mr. Chairman, I would like to call the attention of this House to a paragraph in this bill which, to my mind, is more important than any other provision in this whole bill. I refer to the paragraph near the top of page 7, beginning at line 6, which reads as follows:

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to negotiate with the various States in which they are situated for the disposal of any of the nonreservation Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his negotiations to the next session of Congress.

This is important for two reasons:

First, because it deals with an item of this bill which carries an appropriation almost equal to all other appropriations including the appropriation for treaty stipulations.

Second, it is important because it marks the departure from the old system, which will have a greater effect upon the development of the Indians than any other piece of legislation which has been enacted in many years.

You know that there are three systems of educating Indian pupils. The one is the system known as the reservation school system, the other is a system known as the nonreservation-school system, and the third is what is known as the contract or sectarian system of education.

The reservation schools are both day and boarding schools, while the nonreservation schools and the sectarian schools are practically all boarding schools. It will probably interest you to know that there were enrolled in all the schools during the year 1907 30,493 pupils, 25,634 of whom were enrolled in Government schools and the remainder was divided as follows: In mission schools 4,307 and contract schools 552. The most able Commissioner of Indian Affairs, Mr. Leupp, in his report for the year 1907, states that the average cost to the Government of educating pupils in nonreservation schools is $200 each per year, and that in some schools the cost runs as high as $250 per pupil per year, while the average for the whole day-school system would be $50 per pupil per year, or one-fourth to one-fifth of what we are spending on each pupil in the boarding schools. The total enrollment in the nonreservation schools for the year 1907 was 9,485 pupils. The total cost to the Government of educating these 9,485 pupils is in round numbers $2,000,000. The total cost of educating these same 9,485 pupils in reservation schools would be considerable less than one-fourth of this amount, or about $450,000.

Mr. DARRAGH. Will the gentleman permit a question?

Mr. MORSE. Yes.

Mr. DARRAGH. The gentleman stated, I think, that the Commisioner had reported that the average cost per capita for pupils in the nonreservation schools was from $200 to $250.

Mr. MORSE. That is correct.

Mr. DARRAGH. Does the gentleman know what the cost of the school per capita is at Tomah, Wis.?

Mr. MORSE. I do not. I am giving the average cost.

Mr. DARRAGH. If the gentleman will figure the cost from the appropriation in the present appropriation bill before the House and divide the appropriation by the number of pupils in the school at Tomah, Wis., he will find that it amounts to $182, exclusive of the salary of the superintendent.

Mr. MORSE. Pardon me, but I did not yield to an argument. I supposed the gentleman was going to ask me a question.

Mr. DARRAGH. Is the gentleman a member of the committee?

Mr. MORSE. Yes.

Mr. DARRAGH. Will the gentleman kindly tell me why the school at Mount Pleasant, Mich., where the per capita expense is $146.90 per year, was omitted from the bill, and was it omitted by your vote, while the school at Tomah, Wis., was retained, where the per capita expense is $182 a year?

Mr. MORSE. Yes; I will. Because the Commissioner of Indian Affairs, in whom we have great confidence, told us that the school at Mount Pleasant, Mich., was substantially a failure, and it was on his recommendation that these three schools, including Mount Pleasant, were discontinued. It was on his recommendation and not as a matter of expense.

Mr. DARRAGH. Will the gentleman tell me whether that was a matter of record, or whether it was at a hearing?

Mr. MORSE. It was not a regular hearing. The Commissioner was present and we consulted with him when we had this bill under consideration in the committee.

Mr. DARRAGH. I sent for a copy of the hearings, but I found there were no hearings, so called.

Mr. MORSE. Pardon me, but I would be very much obliged if the gentleman would permit me to proceed.

Mr. DARRAGH. I am very much obliged to the gentleman.

Mr. MORSE. I do not wish to criticise the management of these nonreservation schools. I believe that they are maintained as cheaply as it is possible for such schools to be maintained. I do not care particularly to criticise the quality of the work done in these schools, although I do not consider that it is above criticism, but I do wish to call the attention of this House to the fact that this Government is spending a million and a half of dollars to take Indian pupils from their homes and from the care of their parents, in many cases hundreds of miles and in some cases thousands of miles away, to give them an education which could be given them as well at home. It is a fact that these nonreservation schools give employment to 842 persons, a large number of whom, if these schools were discontinued, would be required to earn an honest living at some other employment.

You will notice also that there are in mission schools 4,307 pupils. These pupils cost the Government for the education that they are receiving in these mission schools an average of $110 each, or nearly a half a million dollars. I do not offer any criticism on the work done in these schools, but I am of the firm belief that this money could be spent to much better advantage in manual training schools on the reservation, or in agricultural or trade schools located on the reservation. A knowledge of the catechism may be necessary to admission to heaven, but it is hardly a requisite to the industrial success of the Indians.

The most able Commissioner of Indian Affairs recommended most strongly to the committee the discontinuance of a large number of these nonreservation schools, not only on the ground of economy, but on the further ground that the education secured at home was a better education than that which the pupils secured away from home. The only reason why the committee did not cut out a larger number of these schools was because there is no legal method at this time by which they could be turned over to the States, and it is for the purpose of giving the Commissioner a chance to negotiate with the States in which these schools are located for the sale of the schools to the States that this provision appears in this bill.

Of course, I realize that this $1,500,000, which to my mind we are throwing away each year, is used to pay the transportation of Indian pupils and to pay extra employees, and also for the purpose of paying the board of the pupils; while if they were educated in day schools on the reservation, the board would be furnished by the parents.

The expenditure of this vast sum of money each year can not be justified on the ground that the Indians are poor and can not afford to pay for their own education. The fact is that a large number of them are rich, and if they were poor the same thing would apply to thousands of white and colored pupils throughout the United States to whose education the General Government contributes nothing. If we board the Indians at General Government expense, why should we not board the negroes at General Government expense? The negroes are as poor as the Indians. If it is good for an Indian child to be taken away from home at the age of 6, or 7, or 8 years, why should we not go into the slums of our great cities and take from the ignorant and degraded parents there their children and send them off to some far distant school and give them an education? If this method is justifiable in one case it is justifiable in another.

Mr. BRUMM. Will the gentleman permit me right there just a short question?

Mr. MORSE. Yes sir.

Mr. BRUMM. Are negroes the wards of the nation or have they ever been?

Mr. MORSE. I do not believe the negroes or the Indians are the wards of the nation.

Mr. BRUMM. The Indians are not, you say?

Mr. MORSE. I do not so regard them.

Mr. BRUMM. Then why have you Indian reservations and why all this expenditure of money and the scandal that has been reigning for years on the reservations? The reason probably why there is opposition to the segregation of the Indians and the final dissemination of them into civilization.

Mr. MORSE. I will answer you. We have the reservations because we have made treaties with the Indians to give them reservations. These scandals, to my notion, have come largely on account of these nonreservation schools. I will tell you why these schools are here. It is because of the fact that they furnish jobs. We are employing in these nonreservation schools 842 men and women, some of whom, if these schools were abolished, would be out of jobs. If this is the only reason for their existence, and I believe that it is, I suggest that we bring these 842 employees down to Washington and have them police the new office building.

Mr. BUTLER. May I ask the gentleman a question?

Mr. MORSE. The gentleman may.

Mr. BUTLER. Suppose we remove all these schools to the reservations. Will we have any jobs there?

Mr. MORSE. There will be some jobs.

Mr. BUTLER. But the gentleman thinks not as many as at the nonreservation schools.

Mr. MORSE. We will not need as many agents traveling all over the country, bringing children from Arizona, California, New Mexico and Maine to Pennsylvania.

Mr. OLMSTED. There are no agents to bring them to Pennsylvania.

Mr. BRUMM. Will you answer one question? Are they not all under civil-service—this job business of which you speak?

Mr. MORSE. I do not yield. I would like very much to answer one question propounded to me, which is this: Are there agents out looking for pupils to bring them to Carlisle? I answer that there are, and will read just a line or two here showing that they are, and showing what it is costing the Government to bring these pupils not only to Carlisle, but to the rest of the schools. I read now from the report of the Superintendent of the Haskell Institute:

At the very beginning of the last year, representatives of the schools were sent out to all parts of the United States for the purpose of soliciting pupils, and everywhere these representatives went they found representatives from other schools working just as hard for their institutions. At one agency where the representative from Haskell arrived he learned that six other schools were represented—Carlisle, Flandreau, Chilocco, Genoa, Morris, and Pipestone. Seven representatives from as many schools, each drawing a salary ranging from $50 to $125 per month, paying $3 a day for a team and driver, $2 a day for an interpreter, $2 a day for board and lodging, and a considerable sum for incidental expenses. The average daily expense would probably be about $10 for each representative, or $70 a day for the seven schools represented. Seven schools, all Government schools, doing similar work—a different grade of work possibly—and yet quite the same. This is no "rose-colored theory or picture," it is an actual experience of the past year, and only one of many. The same conditions were met in all sections of the United States on the various reservations—the Government competing with itself.

In many instances the representatives were either compelled to accept undesirable pupils or go away without any. The superintendents of reservation schools in self-protection many times hold the brightest and best because they are needed in their home schools. In other instances when reservation authorities are anxious to send children away to training schools and the young people are anxious to go, the parents will not consent. For instance, a representative of this school spent six weeks among the Apaches of Arizona, and got only one little boy. There were dozens that wanted to go to school, but the parents said no, and under the present conditions that settled the matter.

Mr. MADDEN. May I ask the gentleman a question?

Mr. MORSE. Certainly.

Mr. MADDEN. Is it necessary to do this missionary work at the expense of $70 a day to get the required attendance at the schools in order that the schools may be continued at all?

Mr. MORSE. It is necessary to do this missionary work in order to get them to attend the nonreservation schools. The Indian parent thinks as much of his child as the white parent does of his. I am informed that he is even more affectionate than the white parent. The reason why we have to try so hard to get them to go thousands of miles away is because the Indian parent loves his child and wants him at home.

Mr. GARDNER of Michigan. May I interrupt the gentleman just a moment?

Mr. MORSE. Certainly.

Mr. GARDNER of Michigan. I want to know how the gentleman meets this situation. The Commissioner says that he has not only to use physical force but even armed men to get the Indian children to attend the reservation schools right there among their own people. Not physical force, but firearms, and threaten them with their guns.

Mr. MORSE. I will answer the gentleman by saying that it requires force to compel the white children to attend schools, and in Wisconsin we have regular truant officers and laws compelling attendance of white children at schools, and I believe that such laws are on the statute books of other States. Therefore it requires force to compel white children to attend school.

Mr. BUTLER. Firearms?

Mr. MORSE. I think not firearms, but policemen sometimes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have ten minutes, if the Pennsylvania delegation will consent.

Mr. BUTLER. In answer to the gentleman from Illinois [Mr. MANN] I will say that the Pennsylvania delegation takes as little time as anybody in the House in talking. I presume we have some rights. [Laughter.]

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Wisconsin [Mr. MORSE] have ten minutes. Is there objection?

There was no objection.

Mr. MORSE. Now, gentlemen, I do not believe that the Members of this House realize the amount of money they are expending and appropriating each year for these nonreservation schools. The amount appropriated in 1877 was $20,000; in 1880 was $75,000; in 1890 was $1,364,000; in 1900 was $2,936,000, and in 1908 was $4,039,000, and the amount carried in this bill is almost as large.

Mr. MADDEN. How large is it now?

Mr. MORSE. I stated that the amount asked in this bill is a little less than $4,000,000.

Mr. MADDEN. I would like to know how many children attend the schools paid for by this appropriation. What cost per capita?

Mr. MORSE. In round numbers, 30,000 attend all the schools, of which a little less than 10,000 attend the nonreservation schools.

Mr. STEPHENS of Texas. If the gentleman will permit, $167 per head per year is the amount paid for the nonreservation schools.

Mr. MADDEN. A very large sum.

Mr. MORSE. I want to call the attention of this House to another thing——

Mr. MADDEN. I would like to ask this question.

Mr. MORSE. What is the question?

Mr. MADDEN. I was going to ask whether the reservation or the nonreservation schools cost less per capita to educate the children.

Mr. MORSE. I have already told you that it costs about $150 per year per pupil to educate them in the reservation schools and from $200 to $250 a year to educate them off the reservation.

Mr. OLMSTED. You can not pay over $167. The law prohibits it.

Mr. MORSE. Of course, the $200 a year includes transportation—transportation of those agents who are traveling all over the country at the Government's expense on their summer vacations hunting for poor little Indians. Now, I want to call your attention to the kind of education you are giving them in the nonreservation schools. Let us take Carlisle, for example. That is the school there has been so much talk about and I believe it to be the very best nonreservation school that we have, and doing grand work. But stop and think what you are doing. The superintendent from this school reports:

Our pupils are drawn from every part of the United States, from Maine to California, from the Lakes to the Gulf, sixty-seven different tribes being represented.

Think of it, gentlemen. The Government paying the expense of bringing these Indian pupils from every corner of the United States and Alaska to Carlisle and paying the expense of attendance, and agents to hunt for them through the forests of northern Wisconsin and over the plains of Arizona and New Mexico.

We have been guardians of these people too long. We have handled their money; we have refused to give them their property; we have made them pensioners and dependents, and their children paupers simply because we did not compel them to stand on their own feet, to be responsible for their own conduct, and confer upon them as rapidly as possible the rights of citizenship. We are furnishing on the reservations to a limited number a certain amount of education. This education is not always what the Indian desires or what he ought to have. We teach him to read and write and send him back to his home in the forest without a dollar, without a trade, with no knowledge of business, with no responsibilities, and expect him to become a self-sustaining American citizen.

I believe that no greater wrong has been perpetrated upon one race by another than the wrong which has been perpetrated upon the Indians by the white race of America. Better far that they should have been reduced to slavery and made to work for a living than to be supported in indolence and converted into beggars and dependents.

These boarding schools tend to make beggars of their pupils. They furnish tuition gratuitously; they give the pupil food, clothing, and shelter. Our Commissioner has called them "educational almshouses," and in these places we are supposed to be creating the spirit of independence and self-reliance. After a few years of this kind of training, is it any wonder that the Indian is willing to accept unearned privileges? Is it any wonder that he grows in a perfectly natural way to become a mendicant?

I have stated that this million and a half of dollars each year is wasted. I want to tell you that it is worse than wasted. It is used in the degeneration of the Indian race.

Last year there were twenty-five of these nonreservation schools, and one has been added recently, making twenty-six. The committee has cut out three, leaving twenty-three provided for by this bill. It is not the intention to deprive these pupils of educational advantages, but to carry education to them rather than to carry them to the education.

One of the weaknesses of the present system can be shown by a concrete example. In order to keep pupils in these schools it is necessary to recruit them from every part of the country. It is not possible to fill the Dakota schools with pupils from territory contiguous to the schools. So the recruiting agent is sent to Oklahoma for pupils. They are then transported halfway across the continent at Government expense, and in the course of their schooling get a smattering of the rudiments of agriculture which is adapted to the State of North Dakota.

They are then sent back to Oklahoma, where all the conditions of soil, climate, and rainfall are different, and people wonder why they are not successful farmers.

Mr. GARDNER of Michigan. I would like to ask the gentleman if he heard the letter read from a graduate of Carlisle who resided in childhood in the State of Oklahoma and who has gone back there and put in practical operation the education he got at Carlisle and made a success of life? I would like to know if the gentleman heard that letter read?

Mr. MORSE. I certainly heard that letter read. He might have been quite as successful if he had been educated at Haskell, and I am sure he would have been more successful if he had received his education at the place where he was required to put it to the practical test. Some men are successful who have received no education at all. [Applause.]

It is costing the Government then over a million and a half of dollars more each year to educate these pupils in nonreservation schools than it would cost in reservation schools, and in addition to this vast waste of money we are doing something infinitely worse. We are breaking down his feeling of self-respect by forcing upon him unasked gratuity. We are displacing a self-reliant, independent spirit by a spirit of dependence and helplessness.

Many times have I seen well-dressed, well-educated (as the term is generally used) young Indian girls go from these far distant schools home to the reservation, and in two months many of them have gone back to the blanket, the shawl, and the moccasin, back to the squalor and filth and shiftlessness of their old homes, and, worst of all, to their old tribal relations.

We hear a great deal of gush and sentiment about not allowing the white man to "plunder them of their patrimony," but if you will give them an industrial and agricultural and a trade education on the reservation there will not be much danger of their losing their patrimony. But suppose such were the case. It were infinitely better for the race to be poor and self-reliant than to be a race of rich, lazy mendicants. Better a thousand times to be born into the world a pauper than to be born a ward, to be educated at public expense and to live from the hand of charity. If you will take away every dollar and every acre that the Indian has to-day, the next generation will be a credit to his noble race and will be better qualified for self-government than the negro will be a century hence.

Mr. BRUMM. Civilization is a failure?

Mr. MORSE. Civilization is a failure when administered in that way. But if we must spend this million and a half of dollars, let us spend it in a way that it will do the Indians some good. Let us erect industrial, agricultural, and trades schools on the reservations. Let us teach the Wisconsin Indian how to farm in Wisconsin under Wisconsin climatic and soil conditions. Let us teach the Oklahoma Indian how to farm in Oklahoma, and let us teach the Oregon Indian something that will be useful to him under the conditions that exist on his reservation.

You must not only impress upon the Indian the necessity of supporting himself, but you must, by teaching him a trade, provide him with the ability to support himself.

I believe that there should be a good industrial and trades school on every reservation, and the teachers in these schools should receive liberal salaries.

I visited a reservation in northern Wisconsin last summer and inquired of an Indian farmer what his salary was, and he said it was $50 a month. He had been recently moved from southern Ohio. He was there for the purpose of teaching the young Indians how to farm, and the result of his labor showed that he knew absolutely nothing about the work which he was hired to do. This Indian farm of 480 acres was the most poorly conducted farm in northern Wisconsin, and the crop from every standpoint was a dismal failure, simply because the Department tried to secure a $1,800 man for $600.

I believe, then, if we are to spend this million and a half of dollars, we should spend it in first-class industrial, agricultural, and trades schools on the reservations amidst conditions that will confront the young man when he finishes school, and thus give him a chance in the struggle for existence. I thank the House. [Loud applause.]

The CHAIRMAN. The gentleman from Oklahoma. [Applause.]

Mr. CARTER. Mr. Chairman, if only my home State, Oklahoma, were to be considered in this matter, I should certainly favor the reservation as against the nonreservation school and vote for the amendment of the gentleman from Arizona to strike out the provision for the transportation of pupils to and from nonreservation schools. But I believe the proposition before the House ought to be considered on the higher and broader plane of permanent benefit to the uncivilized Indian, who is, in fact, the only real ward of the Government. [Applause.]

The theory upon which the Indian Office was founded was to make of the Indian, eventually, an independent, intelligent, and self-reliant citizen. Now, that ought to be in the mind of every man when he considers this proposition.

He should not allow the interest of his State or his part of the country to operate against the advancement and civilization of any of our citizens. [Applause.]

The Indian is not susceptive of the same manner of education as the white child. The grown-up Indian in his primitive state is simply a child, and his children are therefore simply infants. The Indian is of a retiring disposition, a timid nature—in fact, he does not take to education as easily as the white child, and there must be some inducements thrown out for him to become educated.

To my mind one of the strongest arguments against the reservation school is that the Indian is not removed from influence of uncivilized surroundings. He remains at the reservation school, on the reservation, or near-by, and is constantly in close touch with his parents. If his parents are uncivilized and he grows up with these environments, he will remain uncivilized, to a certain extent, no matter how much you educate him. But when he goes to the Carlisle school or leaves the reservation for some nonreservation school he becomes subject to all the influences of Anglo-Saxon civilization, untrammeled by the nomadic ways and superstitious customs of his tribe.

On the other hand, it may be argued that the reservation school takes civilization to the Indian, instead of leading him to civilization, and that such civilization as is taken to him will not only be beneficial to him, but will, to a certain extent, prove civilizing to his parents.

There may be some force in this argument, but knowing the Indian character and disposition as I do, I believe this idea is rather far fetched.

I do not wish to be understood as condemning either the reservation or non-reservation Indian school. They are both necessary and have done good work. Undoubtedly it will be necessary in the future to dispense with all Indian schools and allow the Indian to mix with the white children and be educated in their schools. In this event, it will, of course, be necessary to dispense with the nonreservation school first, and I understand that is being done as fast as possible. But the time has not arrived for the abolishment of all such schools, Mr. Chairman, and until this time does arrive, I shall continue to support the appropriation of money for transportation of Indians to and from nonreservation schools.

A gentleman has contended that nonreservation schools should be abolished, for the reason that a few isolated cases can be given in which Indians graduated from these schools have since become bad men. I submit that it is not logical to contend that nonreservation schools are responsible for the vile nature of such Indians, and point out the fact that you will find to-day in the penitentiary in almost every State in this Union white men who were graduated from schools near their home. [Prolonged applause.] So that, Mr. Chairman, is a very illogical argument.

Our Indians on the east side of Oklahoma, where I live, are not the beneficiaries of any of these schools—none of them go to Carlisle or any nonreservation school.

For almost four generations the Indians in my part of the country—the Five Civilized Tribes—have had regular constitutional government. We have had our legislative bodies, our executive and judicial departments, and have punished our people for infractions of law and order.

Our school system has been operated by the tribal government, and thus our people have advanced to the point where they are, in fact, civilized.

Speaking for the uncivilized Indian, for whom every man on both sides of this House ought to feel a profound responsibility, I will say that this is no time to curtail education of the Indian people. You have educated many of them to a high degree, and the Indian problem is slowly, but surely, working itself out. If the Government will learn to distinguish between the uncivilized and the intelligent, enlightened Indian, I believe that the purpose of Indian supervision will much sooner be accomplished.

I want to say that I shall vote for the rejection of this amendment. I shall vote for its rejection because I think it tends to destroy such schools as Carlisle and other great institutions, which have done so much to bring the Indian to his present state of civilization, and I do not think the time has come for such a radical change in the management of Indian educational affairs. [Loud and prolonged applause.]

Mr. HALL. Mr. Chairman, I come from a State that contains perhaps not the largest, but one of the largest, percent-

ages of Indian population of any State in the Union; and I believe that I can state from actual observation and experience that the North American Indian is susceptible of a high degree of education and cultivation, and that he is a fit person to amalgamate with the average of American citizenship, if he is properly educated. [Applause.] I can say this, further, Mr. Chairman, in corroboration of the testimony furnished by the gentleman from Pennsylvania [Mr. OLMSTED], that there have been a large number of young Indians who have gone to Carlisle and Hampton and come back to their original State of residence, South Dakota, who have shown that they have greatly improved by the educational facilities of the East. They have become ministers, lawyers, merchants, farmers, and the young men and young women alike have become teachers capable of instructing the young of their race better than white people could, because they understand their peculiarities better. In other words, the tendency of the educational facilities which the Government has afforded the Indians has been to create a gradual upward movement of that race. The Indians are the wards of this Government, and we owe to that race every means of education which it is possible for us to provide; and I do not believe that we should reckon the advantages, not only to the Indian race, but to the people as a whole with whom they commingle, in mere dollars and cents. I do not believe we should be parsimonious when it comes to the question of education; whether they be red, black, or white, they are people who are sentient beings; they have reasoning powers; they have demonstrated their ability, and I believe we should afford them every reasonable opportunity for an education, so that they can compete with the white man. [Applause.]

Mr. DOUGLAS. Will the gentleman yield to a question?

Mr. HALL. Yes.

Mr. DOUGLAS. Have you an Indian school in South Dakota?

Mr. HALL. We have four nonreservation schools.

Mr. DOUGLAS. Are they not doing the work for which you plead?

Mr. HALL. They are. I can say that from actual knowledge as to one of them in particular.

Mr. DOUGLAS. Just another question: If it be true that what the gentleman from Wisconsin [Mr. MORSE] has told us, that there are four or five men, at a salary aggregating $70 or $80 a day, petitioning one tribe for scholars for these various schools, does it not seem to the gentleman that that amounts substantially to a scandal, that it certainly is a method of procedure that this House ought not to tolerate?

Mr. HALL. I do not know as to the facts. I will leave that to the chairman of the committee; but I will say this, as a matter of general principle, that even if it does require expense and effort to get the Indian, the negro, or the white child to school, the effort and the expense are well justified. [Applause.]

Mr. SHERMAN. I simply want to correct the statement of the gentleman from Wisconsin. I did not hear the statement, but he was totally in error in saying that there were five or six men at a daily expense of $80. There are no five men in the Indian Service, from the Commission down, whose salary comes anywhere near aggregating $80 a day.

Mr. MORSE. If the gentleman will pardon a reply, I read from the report of one of the superintendents of the Haskell School, in which he said that the expense was $10 a day each; that the salary and interpreter and traveling expenses paid amounted to $10 a day, and there were seven who were after pupils on one reservation.

Mr. OLMSTED. He was talking through his hat.

Mr. SHERMAN. Yes; he was conversing through his chapeau. [Laughter.]

Mr. HALL. Mr. Chairman, allusion has been made on the floor here to the two different aspects of the education of the Indian—one the improvement of the individual, and the other the elevation of the tribe as a whole. Now, it seems to me, Mr. Chairman, that the question is not susceptible of this division, because we all realize that we must begin with the individual in order to increase the general average of Indians in the tribe. Furthermore, we have about 20,000 Indians in our State. A large portion of those Indians now own land in severalty; they are qualified voters, and they ought to be furnished with the facilities for education so that they can be intelligent voters. Having been given this power, they ought to be given the qualifications, as far as it lies in our power to give them. Now, Mr. Chairman, there is another proposition that is worthy of consideration, and which was suggested by the gentleman across the aisle a few moments ago. The Indian child does not start out in life with the same advantages that the white child has; he does not have the same home; he is not reared among those opportunities for civilization and refinement that the white child is. Consequently in dealing with him we must conform to his condition, and, that condition being so widely different from that of the ordinary white child, it must be taken into account. The white child can go to school and college and live at home, and that home influence is beneficial to him and assists him in his school life, a condition which we can not assert always as applied to the Indian.

The older Indians have by heredity acquired certain customs and manners; they speak their own language, their habits are not what we would desire to have their children follow, and therefore the more they are isolated and taken away from the influence, frequently the better. I do not say that there should not be reservation schools, but I believe the nonreservation schools, where the Indian child is surrounded by the environment of white people and civilized customs, where he becomes to a certain extent alienated from the former tribal life, is the best method of procedure. [Applause.]

Mr. McGUIRE. Mr. Chairman, I have had some opportunity to observe the good that comes from a nonreservation Indian school. There is one in my own State, and that one is in my Congressional district. For the last twenty-six years I have had an opportunity to observe and have observed the good which comes from the reservation schools. During that time I have lived either adjacent to or on an Indian reservation. I am more or less familiar with the conditions of a large number of the reservation schools in my State. I know something of the practice of obtaining these children for the reservation schools and from the reservation for nonreservation schools.

I have nothing to say against the Carlisle institution; nothing to say against any institution as an institution, except the results of the practice and policy of the Government in the past in providing for the maintenance of those institutions.

When these nonreservation schools were built the Indian was different from the Indian of to-day. I lived at this time upon what was once the Pawnee Indian Reservation. There is scarcely a Pawnee Indian child to-day that is not attending school upon their own reservation or upon some non-Indian reservation school. I want to say that there probably is not at this time a single pupil taken from the Pawnee tribe to a nonreservation school that there was not applied in his taking a greater or less degree of force or persuasion. I know what the practices are with reference to the Pawnee tribe of Indians.

Just north of me is the Osage tribe. On that reservation is a school, and the overwhelming majority of the Osage Indian children are attending that school, and day after day I have seen the agents of the nonreservation schools come to this reservation and use every possible device that was consistent and proper to induce those Indian children to leave their parents and go to the nonreservation school.

I have seen the graduate return from the nonreservation school, and I have seen him come from the reservation school. Among these tribes to-day in Oklahoma, among the Indians of the State of Oklahoma the overwhelming majority of the successful young men and young women from the tribe are those who were educated on the reservation and not off the reservation. [Applause.]

I see no reason why, if the same conveniences, the same opportunities are afforded on the reservation, the Indian child may not stay with its parents. You take them to-day to Oklahoma where they are accessible to the reservation school, and the children will go to the boarding school for a week and on Saturday the parents will come and get them and they will work on the farm and be a comfort to their parents, and not only a comfort to them, but positively useful, and they are thereby more practical.

There may have been a time when the nonreservation schools were necessary. There may have been a time when you wanted to take the child away from the wild and uncivilized tribe, away from the wild influences, but to-day wherever you find an Indian you find a dozen white men; wherever you find one Indian wielding an influence you find a dozen white men wielding a better influence, and I say the conditions being different from what they were when these institutions were established, it seems to me that the policy of the Government of the United States ought to at some time change. I shall vote for this bill as it is. I shall vote this time for these nonreservation schools, but I want to say here and now that I am most heartily in sympathy with the Commissioner of Indian Affairs when he says that the day of nonreservation schools is past. We can have the same educational facilities at home for the Indian; we can offer him every opportunity there that is offered him elsewhere, and at far less cost to the Government of the United States. [Applause.]

Mr. SMITH of California. Mr. Chairman, I would like to

say a word on the latter phase brought out by the gentleman from Oklahoma [Mr. McGUIRE]. In the far Southwest there are a great many communities of Indians where it would not be practicable for the Government to maintain schools on the reservations. That situation is being met by the schools off the reservation, the Sherman Institute, at Riverside, having a large attendance. I think the crux of this question was brought out by the gentleman from Pennsylvania [Mr. BRUMM] when he interrogated the gentleman from Iowa [Mr. HEPBURN] as to what was to be the ultimate purpose of this scheme of education; whether we are going to try to keep the Indian an Indian and on a reservation, living in tribal relations, or whether we are going to develop his intellectuality and his individuality until he can take his place among the people of the nation and be a part of the society and the industry of the country. I have had no great opportunity to study the Indian question at close hand, but I have had some opportunity to see the result of the work being done at the Sherman Institute, which I suppose is characteristic of the work of the nonreservation schools. It appears to me that from the standpoint of the Indian that goes to the school and the influence that must be exerted upon the others at home, it is altogether good. I fancy we are not going to change very much the nature or the characteristics of the elderly Indian on the reservation. They will be Indians until they die; but the younger generation is going to be induced to change its characteristics and its habits of life and its ambitions, not only by the education on the reservation, but it occurs to me more so by taking them away from the influence of the older Indians and putting them in touch with actual civilization. Of the industrial feature of the nonreservation school, there can be no question. They are turning out mechanics, house servants, laborers of various degrees of skill, that are not only of great benefit to the communities where they mingle, but a very great help to the Indians themselves. I do not see how, having entered upon the task of educating the Indians in these scattered localities, where it would not be possible to maintain reservation schools, the Government can now turn its back upon them and say that those schools shall be closed. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from Michigan [Mr. GARDNER] quoted from the report of the Commissioner on Indian Affairs and said, in substance, If we can not take the opinion of the Commissioner on Indian Affairs, whose opinion can we take? Of course he did not apply that to the general subject, but only to a particular proposition. Now, what is the proposition involved before the House? It is not whether Indians shall be educated, but in what schools and how they shall be educated—whether it shall be in schools apart from the reservations, called nonreservation schools, or schools on the reservations, called either boarding schools or day schools.

Mr. SMITH of Arizona. On or near the reservations.

Mr. MANN. On or near the reservations. What does the Commissioner on Indian Affairs say in regard to it? The present Commissioner on Indian Affairs, we are told by the chairman of the Committee on Indian Affairs, the gentleman from New York [Mr. SHERMAN], is the equal, if not the superior, of any person who has ever filled that office and is as competent to advise Congress upon any question relating to Indians as anyone in the United States. In his recent report, page 24, he says:

> For the continuance of twenty-five nonreservation schools there is no longer any excuse. We spend on these now nearly $2,000,000 a year, which is taken bodily out of the United States Treasury, and is, in my judgment, for the most part a mere robbery of the tax-laden Peter to pay the nontax-laden Paul and train him in false, undemocratic, and demoralizing ideas. The same money spent for the same number of years on expanding and strengthening the Indian home schools would have accomplished a hundredfold more good, unaccompanied by any of the harmful effects upon the character of the race.

[Applause.]

On page 26 of the report the Commissioner says:

> An objection to all boarding schools for Indian children, whether on or off the reservations, is that the pupil grows up amid surroundings which he will never see duplicated in his own home. Steam heating, electric lighting, mechanical devices for doing everything—these cultivate in him a contempt for the homely things which must make up his environment as a poor settler in a frontier country. His ideas of the relations of things are distorted; for his mind is not developed enough to enable him to sift and assort his observations and distinguish between essentials and nonessentials, between the comforts which are within his reach and the luxuries which are beyond his legitimate aspirations.

On page 27, referring to the expense of one of these schools, the Commissioner says:

> The next school on whose statistics my eye falls has a $2,500 superintendent and sixty employees, including among them, in addition to the classes represented in the list already given, a treasurer of the outing system, a stenographer separate from the clerk and assistant clerks, a disciplinarian, a kindergartner, a music teacher, a stewardess, a superintendent of industries, a hospital cook, a gardener, a wagonmaker, a mason, a painter, a printer, and an assistant printer and librarian. The cost of this school to the Government, pooling all the appropriations, would reach about $250 per pupil. Yet these figures are what remain after we have, in this Office, trimmed down, with what looks like a merciless hand, the estimates turned in by the superintendents in their zeal. And I could cite other cases with larger figures still. The Congress itself does not realize what it is spending uselessly.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. Now the question is not whether we shall abandon the education of the Indian. The Commissioner says:

> Contrast such an exhibit with that presented by the day school, where we have a simple building and a simple equipment and employ only a teacher and a housekeeper; or if the school outgrows the dimensions within which these two persons can do all the necessary work, we employ more teachers. The cost per pupil ranges from about $36 a year to $67, according to the number enrolled in a single school. A safe average for the whole day school system would be $50 per pupil, or from one-fourth to one-fifth what we are spending on each pupil in the boarding schools. In other words, we can give school privileges to four or five young Indians for what one costs us at a boarding school; or, to make a more sweeping calculation, we are spending to-day at least twice as much as could be profitably spent to give our whole Indian school population the facilities they actually need—

Gentlemen talk about doing away with the education of the Indians, when the proposition is to give all the Indians a proper education instead of giving to a few a pampered education. But the Commissioner has well foreseen the difficulties of putting his proposition into effect. He says as a reason why his plan may not be followed:

> Again, there will come to the front the persons, either public men or prominent private citizens, who have procured the establishment of the nonreservation schools in or near their home towns, expecting that these institutions would stand forever as monuments to the authors of their being and as show places to attract visitors. The townspeople in many cases will doubtless object to any movement on the part of the Government calculated to alter the character, reduce the prestige, or imperil the local profitableness of their particular Indian school. "Abandon all the rest, if you must," they will plead, "but spare ours."

Gentlemen, I appeal to the patriotism of the gentleman from the Carlisle school district, of the gentleman from Pennsylvania, of the gentleman from Virginia, of the combination which has schools in their own States, to abandon the idea that their fame must rest upon securing an appropriation, not for the education of the Indians, but to prevent the education of all the Indian children, in order that a few may have the pleasure of visiting Carlisle or other local civilized centers. [Applause.]

Mr. HACKNEY. Mr. Chairman and gentlemen of the committee, I would not take the time of the committee to make any remarks on this proposition, but for the effect the action of this House on this amendment might have on the Commissioner of Indian Affairs if we express ourselves on it, as I think we must. Unless there be explanation made, I am opposed to adopting this amendment. I am opposed to it because I believe the Committee on Indian Affairs met this proposition and went as far as we can safely go at this time. I do not believe we ought to stand here and discuss the relative merits of the college and the common school. No, my friends; I feel with the Indian Commissioner, that the reservation school ought to be encouraged. I believe the Indian Commissioner is right when he says that the reservation school can do a greater measure of good among the Indians; but at the same time, do not strike down all these other schools at once. We must come about this gradually, and this committee, on page 7 of this bill, has authorized the Indian Commissioner to enter into negotiations in order to release from Government control and from Government authority such of these schools stationed over the country as he believes can be safely turned over to the States. I would not, in voting on this amendment, though, let it be understood that this House stood against the policy of encouraging in every reasonable way the upbuilding of the reservation schools. My friends, look at this country. What has been the mainstay and strength of our civilization? It has been the common schools; not your colleges, not your universities. They all have their field to work in, and I would not raise my hand against them. But encourage the common schools. Look at those portions of our country that in the early day reached out their hands to the little poor boy and girl and took them into the common schools, and you find a citizenship built upon a solid foundation. At the same time I would not strike down the Carlisle school. When the question came up in the committee, I said that Carlisle had done a great work; that Haskell had done a great work, to my knowledge, and that we should retain them both. Let us make this ap-

propriation this year, but say to the Commissioner, "Go to work gradually and accomplish this great work that you have undertaken. You will find many obstacles in it, but the Congress will be behind you. We will commission you to enter into negotiations and submit for our action in the future the release to the States of such of these schools as you feel can be released." We have made no appropriations for some of the schools. We expect complaint on that. We thought that we could safely say now that we could dispense with some of them without injury to this great work.

I am opposed to the adoption of the amendment because I believe it is untimely, and yet I am in sympathy with the proposition enunciated by the gentleman from Arizona [Mr. SMITH]. I believe we ought to go step by step in this work and bring education home to the masses. I believe that education in the reservation schools has an effect, not alone on the pupil, but on the parent, just as it does in a common school. Whenever you have the school child coming back at night and bringing his books to his home and carrying on his work and study under parental authority, you have the highest type of influence, combining the influence of parent over child with the influence that a child exercises over the parent. I believe there is a great work for the reservation and some of the nonreservation schools. But let us allow the appropriation to go as the committee has it, without limitation, except as in the printed bill, and adopt along with that the paragraph on page 7, which gives the Indian Commissioner authority to dispense with the useless schools.

Mr. SHERMAN. Mr. Chairman, I move to close debate on this amendment.

The CHAIRMAN. The gentleman from New York moves to close debate on this amendment.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Arizona [Mr. SMITH].

The question was taken and the amendment was rejected.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 15219, the Indian appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement; and

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3932. An act authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes—to the Committee on the Public Lands.

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring), That the balances of the appropriations for the construction of vessels for the Light-House Establishment appropriated for in the acts of Congress approved April 28, 1904 (33 Stat., 468), March 3, 1905, (33 Stat., 1171), June 30, 1906 (34 Stat., 659, 660, 710, and 711), and March 4, 1907 (34 Stat., 1317, 1318, and 1319), are hereby made available for the pay of officers and crews, the payment of consular fees, port dues, and exchange, the purchase of provisions, rations, fuel, engineer stores and supplies, pilotage, water, laundry, and all other necessary incidental expenses in the transfer of the following-named vessels of the Light-House Establishment from Tompkinsville, N. Y., where they are to be delivered when completed, to their respective stations: Tenders for the twelfth light-house district; for the thirteenth light-house district; for the Pacific Ocean; for Lake Superior; relief light-vessel for the Pacific coast; Columbia River light-vessel, Oregon; Swiftsure Bank light-vessel, Washington—

to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. SHERLEY, by unanimous consent, was granted leave of absence for an indefinite period, on account of sickness in family.

Mr. CHANEY, by unanimous consent, was granted leave of absence for one week, on account of illness of his mother.

HOMESTEAD ENTRIES IN OKLAHOMA.

Mr. FERRIS. Mr. Speaker, I desire to make the request that the bill (H. R. 10577) to extend the time of payments on certain homestead entries in Oklahoma be referred to the Indian Committee. The bill is now standing on the Calendar. There was a mistake in the reference before. It is a matter properly for the Committee on Indian Affairs. It has been reported by the Land Committee, but I desire to have it go to the Committee on Indian Affairs for their investigation.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to recommit the bill indicated. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 10577) to extend the time of payments on certain homestead entries in Oklahoma.

The SPEAKER. The gentleman asks that the bill be recommitted to the Committee on Indian Affairs. Is there objection?

Mr. PAYNE. Reserving the right to object, I do not understand exactly what this proposition is.

Mr. SHERMAN. This is the bill, if I may inject myself, that was under consideration the other day, brought up by the gentleman from Oklahoma [Mr. MCGUIRE] and consideration objected to by the gentleman from Illinois [Mr. MANN]. It is an amendment to certain laws which have been enacted after a report on bills from the Committee on Indian Affairs. Really the bill ought never to have gone to the Committee on the Public Lands, but it was favorably reported. The gentleman's request is that the bill be recommitted to the Committee on Indian Affairs, where it should have originally gone.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO EXTEND REMARKS.

Mr. OLMSTED. Mr. Speaker, I merely wish to ask unanimous consent to revise, extend, and distend some remarks I made on the Indian appropriation bill and omitted to ask consent in the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FRANCHISES IN PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 32 of an act of Congress entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of three franchises granted by the executive council of Porto Rico to Messrs. C. & J. Fantauzzi, their successors and assigns.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 6, 1908.*

ADJOURNMENT.

Mr. SHERMAN. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the development of Indian mineral lands—to the Committee on Indian Affairs and ordered to be printed.

A letter from the vice-president of the Chesapeake and Potomac Telephone Company, transmitting a report for the year 1907 in lieu of the report submitted January 9—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River be-

tween the States of Wisconsin and Minnesota, reported the same with amendment, accompanied by a report (No. 682), which said bill and report were referred to the House Calendar.

Mr. PARSONS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14025) to authorize officers and employees of the General Land Office to perform the duties of Commissioner or Assistant Commissioner of that Office, reported the same with amendments accompanied by a report (No. 683), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Whole House, as follows:

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6902) for the relief of Henry Rustan, reported the same with amendment, accompanied by a report (No. 680), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 8947) for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis., reported the same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 15070) for the relief of J. Edmund Strong, reported the same without amendment, accompanied by a report (No. 684), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13735) to correct the military record of Micaiah R. Evans, reported the same without amendment, accompanied by a report (No. 685), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn.—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 6781) for the relief of I. B. Hammond—Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 9253) granting a pension to Georgia Lee—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15920) granting a pension to David Hubert—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16123) to correct the military record of James Miner—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16286) for the relief of William B. Werner—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16287) for the relief of John Keys—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16409) granting a pension to Elmer E. Frederick—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4326) granting an increase of pension to James Barbour—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16428) granting a pension to Edward Dooley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16429) granting a pension to Gordon A. Thurber—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16480) for the relief of Mrs. C. Hasselback—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 16493) limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof—to the Committee on the Public Lands.

By Mr. LLOYD: A bill (H. R. 16494) to change the period of weighing the mails on railways—to the Committee on the Post-Office and Post-Roads.

By Mr. FERRIS: A bill (H. R. 16495) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. HAMLIN: A bill (H. R. 16496) to amend section 2 of amend an act entitled "An act to regulate commerce," and so forth—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL (by request): A bill (H. R. 16497) to amend an act entitled "An act to regulate commerce," and so forth—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: A bill (H. R. 16498) for the construction of a road from the borough line of Gettysburg, Pa., to the east cavalry field within the limits of the National Park of Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pa.," approved February 11, 1895, and making an appropriation therefor—to the Committee on Military Affairs.

By Mr. HUBBARD of Iowa: A bill (H. R. 16499) providing for the erection of a Federal building at Le Mars, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 16500) to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency, and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes—to the Committee on Indian Affairs.

By Mr. FAVROT: A bill (H. R. 16501) to authorize and direct the Secretary of War to cause a survey to be made of Bayou Castaing, St. Tammany Parish, La.—to the Committee on Rivers and Harbors.

By Mr. SCOTT: A bill (H. R. 16502) to bring about the gradual adjustment of rank throughout the several lines of the artillery, cavalry, and infantry of the Regular Army—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 16503) to erect an addition to the post-office and court-house building in the city of Jackson, State of Tennessee—to the Committee on Public Buildings and Grounds.

By Mr. KIMBALL: A bill (H. R. 16504) regulating the transportation by interstate-commerce carriers of manufactured tobacco, cigars, and snuff—to the Committee on Interstate and Foreign Commerce.

By Mr. RANSDELL of Louisiana: A bill (H. R. 16505) to prohibit and provide the punishment for the shipping and carrying, in certain cases, in interstate commerce of intoxicating liquors, as constituting a special class of commodities, and to forbid and prescribe the punishment for the issuing of and the collecting or accepting of any tax or fee for any authorization or permit to sell any such liquor in any State or part of a State wherein such sale is prohibited by the constitution or law of the State, and for other purposes—to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 16506) to increase the limit of cost for the custom-house building in the city of San Francisco, State of California, to $1,750,000, and for other purposes—to the Committee on Appropriations.

By Mr. STEVENS of Minnesota: A bill (H. R. 16507) to provide for the distribution of the reports of the United States circuit courts of appeals and of circuit and district courts—to the Committee on the Judiciary.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 16508) to provide for the erection of a public building at Ludington, Mich., and the establishment of a Weather Bureau station therein—to the Committee on Agriculture.

By Mr. MOORE of Texas: A bill (H. R. 16509) to amend section 12 of the naturalization laws—to the Committee on Expenditures in the Department of Justice.

By Mr. SULZER: A bill (H. R. 16510) making an appropriation for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 16511) to provide for participation by the United States in an international exposition to

be held at Tokyo, Japan, in 1912—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: A bill (H. R. 16512) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. DENVER: A bill (H. R. 16513) for the erection of a memorial structure to Gen. Ulysses S. Grant at Point Pleasant, Ohio—to the Committee on the Library.

By Mr. BURNETT: A bill (H. R. 16514) to amend section 13 of the naturalization law—to the Committee on Expenditures in the Department of Justice.

By Mr. HAYES: A bill (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON: A bill (H. R. 16619) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. BUTLER: A bill (H. R. 16620) authorizing the appointment of dental surgeons in the Navy—to the Committee on Naval Affairs.

By Mr. AIKEN: A bill (H. R. 16621) permitting the building of a dam across the Savannah River at Cherokee Shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Joint resolution (H. J. Res. 131) proposing an amendment to the Constitution for the election of Representatives for a four-year term instead of a two-year term—to the Committee on Election of President, etc.

By Mr. SAUNDERS: Joint resolution (H. J. Res. 132) to provide for printing 250,000 copies of the Special Report on the Disease of Cattle—to the Committee on Printing.

By Mr. CRUMPACKER: Resolution (H. Res. 228) requesting the Attorney-General to furnish the House with certain reports made to the Department of Justice—to the Committee on Labor.

By Mr. ACHESON: Resolution (H. Res. 229) for the supply of pure natural spring water for supply of the House and committee rooms—to the Committee on Accounts.

By Mr. DAVENPORT: Memorial of the legislature of Oklahoma relative to an order from the Secretary of the Interior setting aside lands in the Choctaw timber and game reserve—to the Committee on Indian Affairs.

By Mr. McKINNEY: Memorial of the legislature of Illinois, favoring the passage of the Hamilton pension bill—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANTHONY: A bill (H. R. 16516) granting an increase of pension to Lydia P. Wint—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 16517) granting a pension to Harry A. Bishop—to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 16518) for the relief of the heirs of William Woods—to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 16519) granting an increase of pension to Richard Carr—to the Committee on Invalid Pensions.

By Mr. CANNON (by request): A bill (H. R. 16520) to correct the military record of William Mauchamar—to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 16521) to correct the records of the War Department—to the Committee on Military Affairs.

Also, a bill (H. R. 16522) granting an increase of pension to Henry Allen—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 16523) granting a pension to Cordelia Peak—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 16524) granting a pension to William Crain—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 16525) for the relief of Frank D. Bain—to the Committee on War Claims.

Also, a bill (H. R. 16526) for the relief of Albert J. Mohn—to the Committee on Military Affairs.

Also, a bill (H. R. 16527) to correct the military record of Lanson Zane—to the Committee on Military Affairs.

Also, a bill (H. R. 16528) to correct the military record of Levi Morgan—to the Committee on Military Affairs.

Also, a bill (H. R. 16529) to correct the military record of Newton W. Reams—to the Committee on Military Affairs.

Also, a bill (H. R. 16530) granting an increase of pension to Charles W. Mann—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 16531) granting a pension to Mary C. Lewis—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 16532) granting a pension to George Shannon—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 16533) granting an increase of pension to James S. Anderson—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 16534) granting a pension to Elias B. Bell—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 16535) granting an increase of pension to S. M. Riddell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Daniel Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16537) granting an increase of pension to James L. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16538) granting an increase of pension to David Stark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16539) granting an increase of pension to O. J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16540) granting an increase of pension to Robert R. Gorman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16541) granting a pension to Sarah M. Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16542) granting a pension to Rachel J. Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16543) granting a pension to Rachel C. Rider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16544) granting a pension to Joseph H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16545) granting an honorable discharge to Thomas G. Le Grand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16546) granting an honorable discharge to George W. Grigsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16547) to remove the charge of desertion and to correct the military record of William Cameron—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 16548) granting an increase of pension to Elizabeth H. Shannon—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16549) granting a pension to William J. Larock—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16550) to correct the military record of William H. Smith—to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 16552) granting a pension to Thomas P. A. Leonard—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 16553) granting an increase of pension to Ephraim B. Glass—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 16554) to reimburse Ishmeal Lee for property taken by United States Army in 1862—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 16555) for the relief of the Baptist Church of Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 16556) granting an increase of pension to Edith Burt Trout—to the Committee on Pensions.

Also, a bill (H. R. 16557) granting an increase of pension to Wilford Drummond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16558) granting an increase of pension to Margaret E. Marple—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16559) for the relief of James W. Person and Isabella M. Person—to the Committee on War Claims.

By Mr. KIMBALL: A bill (H. R. 16560) for the relief of the estate of Mrs. M. F. Sims, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16561) for the relief of the estate of William McCracken, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16562) for the relief of the estate of Granville Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16563) for the relief of the estate of James S. Clark, deceased—to the Committee on War Claims.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 16564) granting an increase of pension to E. W. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16565) to authorize Karl L. Heumann to have a duplicate Dewey medal made in lieu of his original, which was lost at sea—to the Committee on Naval Affairs.

By Mr. LLOYD: A bill (H. R. 16566) granting a pension to Henry M. York—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 16567) granting a pension to Ezekiah Faubian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16568) granting a pension to Benjamin I. Wilmoth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16569) granting a pension to William Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16570) granting a pension to William R. Mayfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16571) granting an increase of pension to Cassius M. Barnes—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 16572) granting an increase of pension to George Edward Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16573) granting an increase of pension to William Hair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16574) granting an honorable discharge to John Shaffer—to the Committee on Military Affairs.

Also, a bill (H. R. 16575) granting an honorable discharge to Michael J. Coleman—to the Committee on Military Affairs.

Also, a bill (H. R. 16576) granting an honorable discharge to Charles H. Upham—to the Committee on Military Affairs.

Also, a bill (H. R. 16577) granting a pension to Iley Lawson Hill—to the Committee on Pensions.

By Mr. McLAIN: A bill (H. R. 16578) granting an increase of pension to E. G. De Lap—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 16579) granting a pension to Olmstead Larue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16580) granting a pension to John W. Carr—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 16581) for the relief of John Wesley Young—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 16582) granting an increase of pension to John P. Socks—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 16583) granting an increase of pension to C. J. Dennison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16584) granting an increase of pension to Sarah Jane Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16585) granting an increase of pension to Stephen G. Schelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16586) granting an increase of pension to Henry S. Riggs—to the Committee on Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 16587) granting an increase of pension to William Nelson—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 16588) granting a pension to John McNevin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16589) granting a pension to Daniel A. Lamberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16590) granting an increase of pension to James Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16591) for the relief of J. M. Clark—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 16592) for the relief of Mattie P. Barnard, Katharine Caldwell, and Harry M. Rhett, heirs of Harriett M. Barnard, deceased—to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 16593) to authorize the allotment to J. Morris Cook of his proportionate share in any of the land of the Grande Ronde Reservation formerly belonging to the Umpqua tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. SHERWOOD: A bill (H. R. 16594) granting a pension to Julia E. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16595) granting an increase of pension to J. F. Holliger—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 16596) granting an increase of pension to Isaac Q. Barstow—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 16597) granting a pension to Solomon Shanks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16598) granting an increase of pension to Cyrus C. Scaggs—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16599) to correct the military record of Isaac N. Nance and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 16600) authorizing the appointment of Lieut. Col. John C. Scantling, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 16601) authorizing the appointment of Lieut. Col. W. H. Hamner, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 16602) authorizing the appointment of Lieut. Col. William Gerlach, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 16603) granting an increase of pension to John J. Buckley—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16604) granting an increase of pension to Frazer A. Wasley—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16605) granting a pension to George W. Waters—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 16606) to reinstate the name of Mrs. Octava Nutt on the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16607) granting a pension to John T. Jackson—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 16608) granting an increase of pension to Lorenzo A. Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16609) granting an increase of pension to John Feaghey—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16610) granting an increase of pension to Michael Conniff—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 16611) granting an increase of pension to Darius Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16612) granting an increase of pension to Judson Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16613) granting an increase of pension to Denison C. Frisbie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16614) granting an increase of pension to John P. Carpenter—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 16615) granting an increase of pension to Lewis Myers—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16616) for the relief of David Kaufman & Sons Company—to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 16617) granting an increase of pension to John N. Wiley—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 16618) to correct the military record of Nathaniel Monroe—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ASHBROOK: Paper to accompany bill for relief of Harry A. Bishop—to the Committee on Pensions.

Also, papers to accompany bills for relief of Ordine Drake, Joseph Marshall, Belle McQueen, and William R. Jenkins—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Commercial Exchange and National Board of Trade of Philadelphia, Pa., against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. T. Robinson, for H. R. 175, for pensioning telegraphers engaged in the civil war—to the Committee on Invalid Pensions.

Also, petition of A. K. Thompson & Sons, against further amendment to pure-food laws—to the Committee on Agriculture.

Also, petition of Thomas J. Stewart, adjutant-general of Pennsylvania, favoring Federal recognition of State national guards—to the Committee on Militia.

Also, petition of Hartstown Grange, No. 1233, Patrons of Husbandry, for restoration of motto, "In God we trust," to coins—to the Committee on Coinage, Weights, and Measures.

By Mr. BELL of Georgia: Paper to accompany bill for relief of heirs of William Woods (H. R. 6344)—to the Committee on Claims.

By Mr. BENNET of New York: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. BURKE: Petition of Retail Merchants' Association of Pennsylvania, for the present rate of post-office packages (16 cents per pound on packages of not over 4 pounds weight)—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of city council of Selma, Ala., requesting Congress to put on continuing contract every portion of Mobile Bay waterway system hitherto surveyed and reported as improvable by the Corps of Engineers, United States Army; also requesting immediate attention to giving the Alabama River a 6-foot channel from Montgomery to the Gulf of Mexico—to the Committee on Rivers and Harbors.

By Mr. CALDER: Petition of officers and directors of art museums, for free-art legislation in accordance with H. R. 15268—to the Committee on Ways and Means.

Also, petition of Musical Mutual Protective Association, for H. R. 103 (enlisted musicians of Army and Navy versus civilian musicians)—to the Committee on Labor.

Also, petition of Neptune Naval Camp, No. 30, Brooklyn, N. Y., for construction of battle ships in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Local Union No. 1, Photo-Engravers' Union, of New York, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Down Town Taxpayers' Association, of Brooklyn, N. Y., for building battle ships in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. CAPRON: Petition of Providence (R. I.) Union, No. 53, of stereotypers, for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Local Council of Women of Rhode Island, League of Improvement Societies, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Musicians' Union No. 198, of Providence, R. I., for House joint resolution 103—to the Committee on Labor.

Also, petition of Rhode Island Horticultural Society, in favor of forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Medical Association of Providence, R. I., for laboratories for study of criminal paupers and defective classes—to the Committee on Appropriations.

By Mr. CHANEY: Paper to accompany bill for relief of Cordelia Peak—to the Committee on Invalid Pensions.

Also, petition of Local Union No. 395, Board of Allied Printing Trades, of Vincennes, Ind., for removal of tariff duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. CHAPMAN: Paper to accompany bill for relief of Union prisoners of war—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Columbia County Union and Oron Bridge Local Union, No. 145, Hamilton County, Fla., of the Farmers' Educational and Cooperative Union, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Union No. 162, of the International Typographical Union, of Jacksonville, Fla., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of National German-American Alliance, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. COUDREY: Paper to accompany bill for relief of Jesse H. Wade (H. R. 6523)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Leander Woods—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of One hundred and fifty-fifth Regiment of Pennsylvania Volunteers' Association, for award of a medal of honor to Col. Edward J. Allen—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of officers, directors, and trustees of art museums in United States, for removal of duty on art works—to the Committee on Ways and Means.

By Mr. ELLIS of Oregon: Petition of city council of Eugene, Oreg., for appropriation for public building at Eugene, Oreg.—to the Committee on Public Buildings and Grounds.

Also, petition of city council of Eugene, Oreg., against shipping intoxicants into prohibition States—to the Committee on the Judiciary.

Also, petition of retail merchants of Cove, Oreg., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: Paper to accompany bill for relief of Elizabeth H. Shannon—to the Committee on Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of Calvin F. Walker (H. R. 16303)—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petitions of J. Madison Drake and 7 other volunteer officers of the civil war and Charles H. Ellis and 26 other citizens of New Jersey, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Dupee Brothers, of Earlville, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARRETT: Paper to accompany bill for relief of C. F. Sugg & Co.—to the Committee on Claims.

By Mr. GOULDEN: Petition of North Side Board of Trade, for annual appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. GRANGER: Petition of Providence Medical Association, for establishment of laboratories by the Government for study of criminal classes—to the Committee on Appropriations.

By Mr. GRAHAM: Petition of Retail Merchants' Association of Pennsylvania, for the present postal rate of 16 cents per pound on packages not exceeding 4 pounds—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HAMILTON of Michigan: Petition of citizens of South Haven, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Musicians' Union of Fresno, Cal., for H. J. Res. 103 (against enlisted musicians competing with civilian musicians)—to the Committee on Labor.

Also, petition of citizens of San Francisco, Cal., against extension of naturalization rights and in favor of Asiatic exclusion—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Elizabeth J. Bishop—to the Committee on War Claims.

Also, petition of California Harbor, No. 15, of Masters, Mates, and Pilots, against the Littlefield pilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Allied Printing Trades, for repeal of tariff on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of American and California Pharmaceutical Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr HUBBARD of West Virginia: Paper to accompany bill for relief of Sarah Ann Thatcher—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles E. Strother—to the Committee on Pensions.

By Mr. HUFF: Petition of secretary of Branch No. 3, of Glass Bottle Blowers' Association of United States and Canada, of Butler, Pa., against S. 2926—to the Committee on the Judiciary.

By Mr. LEVER: Paper to accompany bill for relief of Miles Busbee—to the Committee on War Claims.

By Mr. LINDSAY: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Brown Shoe Company, of St. Louis, Mo., against H. R. 13447—parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Musical Mutual Protective Union for H. R. 103, by Hon. RICHARD BARTHOLDT, of Missouri, prohibiting en-

listed musicians of Army and Navy competing against civilian musicians—to the Committee on Labor.

By Mr. KAHN: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., against the Littlefield pilotage bill, to amend section 4438 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of Springfield Board of Trade, for a parcels-post law if country merchants are fully protected—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts Board of Trade, for a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of Rabbi Isaac Elchano Lodge, against immigration legislation increasing head tax and providing an educational test—to the Committee on Immigration and Naturalization.

Also, petition of National Paint and Varnish Association, for a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of Massachusetts Association of Sealers of Weights and Measures, indorsing a bill creating a commission to investigate weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. McKINNEY: Petition of Russell Post, No. 86, Grand Army of the Republic, of Hamilton, Ill., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bills for relief of Omstead Larue and John W. Carr—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Elbell of Los Angeles, Cal., for the establishment of laboratories under State, Federal, and city governments for scientific study of criminals—to the Committee on Appropriations.

By Mr. NORRIS: Petitions of citizens of Guide Rock, Ruskin, and Wilsonville, all in the State of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of National German-American Alliance, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Indiana State Federation of Clubs, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

By Mr. PAYNE: paper to accompany bill for relief of Asaph Whiting (H. R. 16474)—to the Committee on Invalid Pensions.

By Mr. PRAY: Paper to accompany bill for relief of Phoebe Clark—to the Committee on Claims.

By Mr. RAINEY: Petitions of R. H. Grann and 51 others, of Beardstown; W. S. Camp and 65 others, of Jacksonville; H. F. Reason and 18 others, of Mason; J. R. Singleton and 29 others, of White Hall; Robert H. McFadden and 17 others, of Mattoon; John R. Kirkman and 17 others, of Jacksonville, and T. A. Smith and 6 others, of White Hall, all in the State of Illinois—to the Committee on Military Affairs.

Also, petition of Givens Brothers and 101 other merchants and business men, of Mount Sterling, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Public Policy Legion of Illinois, favoring non-interest-bearing notes for public improvements—to the Committee on Banking and Currency.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of William Nelson—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of officers, directors, and trustees of art museums in the United States, for importation of art works duty free—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SLEMP: Paper to accompany bill for relief of Isaac Q. Barstow—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Mrs. Cornelia H. Keyes (H. R. 4651)—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Utica (N. Y.) Public Library, against S. 2900 and H. R. 11794, denying librarians the privilege of importing copies of any book duty free—to the Committee on Ways and Means.

Also, petition of Musical Mutual Protective Union, of New York, favoring H. R. 103, against competition of Government musicians from Army and Navy with civilian musicians—to the Committee on Labor.

Also, petition of Harry H. Williams, of the Words and Music Club of America, for amendment of copyright law—to the Committee on Patents.

By Mr. WALLACE: Paper to accompany bill for relief of Mrs. Octava Nutt—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of William T. Powell, Department commander of Pennsylvania, Grand Army of the Republic, in behalf of 100,000 pensioners of Pennsylvania, against abolition of the several pension agencies throughout the United States—to the Committee on Appropriations.

By Mr. WASHBURN: Papers to accompany bills for relief of John Feaghey and Lorenzo A. Dodge—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Isaac H. Daggett—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 7, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. JENKINS. Mr. Speaker, I desire to call up the conference report on the bill (S. 485), to create a new division for the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

The SPEAKER. Does the gentleman desire the statement read?

Mr. JENKINS. I ask unanimous consent that the statement be read in lieu of the report.

Mr. CLARK of Missouri. Mr. Speaker, is there not a rule that these conference reports have to be printed in the RECORD?

Mr. JENKINS. I will say to the gentleman that the rule was followed, and the conference report printed in the RECORD.

Mr. CLARK of Missouri. All right.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 485) to create a new division for the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment, as follows:

"After the word 'Texas,' in line 2, page 2, insert: 'shall be held twice each year at the city of Amarillo, in Potter County, Tex., beginning on the third Monday of April and the fourth Monday of September in each year;'" and the House agree to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
R. L. HENRY,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

It was the intention of the House to change section 2 of the Senate act so as to provide in the law the time when the court was to be held. The act provided that the judges of the courts should fix the times at which the courts were to be held. The House amendment intended to provide for the change by striking out all of lines 3, 4, 5, 6, and 7 of section 2 of the Senate act, inserting in lieu thereof:

"Beginning on the third Monday of April and the fourth Monday of September in each year."

It is agreed that the amendment striking out line 3 was a mistake. In order to correct the mistake and have the act provide the times when the court should be held, it was agreed to by the conferees that the Senate recede from its disagree-

ment to the amendment of the House numbered 1, and agree to the same with amendment, as follows:

After the word "Texas" in line 2, section 2, page 2, insert: "shall be held twice each year at the city of Amarillo, in Potter County, Tex., beginning on the third Monday of April and the fourth Monday of September in each year."

And that the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

JOHN J. JENKINS,
C. E. LITTLEFIELD,
R. L. HENRY,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it be to meet on Monday next.

The question was taken, and the motion was agreed to.

PAY OF COMMISSIONERS FROM THE PHILIPPINE ISLANDS.

Mr. TAWNEY. Mr. Speaker, I offer the following joint resolution, by direction of the Committee on Appropriations, and ask for its immediate consideration.

The Clerk read as follows:

Joint resolution [H. Res. 130] providing for salaries of the Resident Commissioners from the Philippine Islands.

Resolved, etc., That the Sergeant-at-Arms of the House of Representatives is authorized to pay to each of the two Resident Commissioners from the Philippine Islands, out of the appropriation made for the current fiscal year for compensation of the Members of the House of Representatives, the same rate of compensation as is authorized and being paid to the Resident Commissioner from Porto Rico, together with $2,000 each, as authorized by law, in lieu of mileage.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what this does. Is the pay of the Resident Commissioners now provided by law, and how does this change it?

Mr. TAWNEY. The pay of the Resident Commissioner from Porto Rico is $7,500 per annum, the same as the salary of a Member or Senator, and in lieu of mileage the Resident Commissioner receives a fixed sum, the exact amount of which I do not now recall; but that is not material in this case, for the reason that the act of July 1, 1902, creating a civil government for the Philippine Islands authorized the election of two Commissioners and expressly provided for compensation in lieu of mileage and travel from Manila to Washington, $2,000. That is the amount that is carried in this resolution.

Mr. MANN. Does not the act provide for salaries for these Commissioners?

Mr. TAWNEY. It provides for a salary of the Commissioners which was the salary at that time of a Member of Congress. Since that time the salaries of Members of Congress have been increased to $7,500. The salary of the Commissioner for Porto Rico has been increased to $7,500. Now, it was not thought wise on the part of the committee to report a resolution making any distinction between the compensation paid to the Commissioners from the Philippine Islands and the compensation paid the Commissioner from Porto Rico, so their salary, by the resolution, is made the same as the salary of the Resident Commissioner from Porto Rico.

Mr. MANN. Out of what fund is the money paid?

Mr. TAWNEY. Out of the appropriation for salaries of Senators and Members of the House.

Mr. MANN. Is that provision under the original act?

Mr. TAWNEY. Yes; it is paid out of the appropriation for salaries of Members and Senators.

Mr. DALZELL. The same as Delegates from the Territories?

Mr. TAWNEY. Yes.

The SPEAKER. The request of the gentleman from Minnesota is to discharge the Committee on Appropriations from the further consideration of the resolution and consider the same as in the House. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

FORT RILEY MILITARY RESERVATION.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 12398, to authorize the War Department to transfer to the State of Kansas certain lands now a part of the Fort Riley Military Reservation, and that the same be considered in the House.

The SPEAKER. The gentleman from Kansas asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 12398 and consider the same in the House.

The Clerk read the bill, as follows:

Be it enacted, etc., That the War Department be, and the same is hereby, authorized to transfer, not to exceed 1 acre of ground, to the State of Kansas whereon is located the ruins of the old station building which was the first Kansas Territorial capitol at Pawnee, situated on the United States military reservation at Fort Riley, Kans., the metes and bounds to be determined by the War Department.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of War be, and he is hereby, authorized and directed to grant to the State of Kansas the right, title, and interest of the United States in and to a tract of land, not to exceed 1 acre of ground, whereon is located the ruins of the old station building which was the first Kansas Territorial capitol at Pawnee, now included in military reservation of Fort Riley, Kans., for the preservation of said ruins as a historical relic, the metes and bounds of said tract to be determined by the Secretary of War."

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how much is this acre of land worth?

Mr. ANTHONY. I should imagine its intrinsic value would be about $25.

Mr. CLARK of Missouri. Is it so located that it would interfere in any way with the Government use of this reservation?

Mr. ANTHONY. It is not; it will interfere with the use of the reservation in no way. The bill was unanimously reported by the Committee on Military Affairs and has the indorsement of the War Department.

Mr. CLARK of Missouri. It is purely for historical purposes?

Mr. ANTHONY. Purely for historical purposes, the preservation of the first capitol of the State.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was engrossed and read the third time, and passed.

On motion of Mr. ANTHONY, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN WISCONSIN AND MINNESOTA.

Mr. BEDE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Interstate Transfer Railway Company, a corporation organized under the laws of the State of Wisconsin, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the St. Louis River between the States of Wisconsin and Minnesota at the most feasible point in section 12, in township 48 north, range 15 west, in the State of Wisconsin, to a point opposite in section 11, in township 48 north, range 15 west, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges across navigable waters," approved March 23, 1906: *Provided*, That the actual construction of said bridge shall be commenced within two years and be completed within four years from the date of the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out the proviso in lines 4, 5, 6, and 7, page 2.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BEDE, a motion to reconsider the last vote was laid on the table.

BILLS ON PRIVATE CALENDAR.

Mr. HASKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. HASKINS. Mr. Chairman, I move to take up for consideration the bill H. R. 15372, and I ask that the first reading of the bill be dispensed with except by title.

The CHAIRMAN. The gentleman from Vermont moves to take up the bill which the Clerk will report by title.

The Clerk read as follows:

For the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the first reading of the bill be omitted.

Mr. MANN. Mr. Chairman, I think the bill ought to be read.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk began the reading of the bill.

During the reading of the bill,

Mr. DALZELL. Mr. Chairman, a parliamentary inquiry. How does this bill come up before the committee at this time? Of course I understand it is on the Private Calendar, but it is not the first on the Private Calendar.

Mr. HASKINS. This is a bill on the Private Calendar.

Mr. DALZELL. Bills under the Private Calendar, unless otherwise ordered, come up in their order.

The CHAIRMAN. The Chair will say in response to the inquiry that the gentleman from Vermont [Mr. HASKINS] moves that the committee take up this bill.

Mr. DALZELL. But the motion has not been passed on.

Mr. HASKINS. Oh, yes, it has; there certainly was no objection.

The CHAIRMAN. The bill is being read pending the motion.

Mr. HASKINS. I asked unanimous consent, and there was no objection.

The CHAIRMAN. If there be no objection, the Clerk will continue the reading of the bill.

The Clerk concluded the reading of the bill.

The CHAIRMAN. The question now is on the motion of the gentleman from Vermont to take up the bill for consideration.

The question was taken, and the motion was agreed to.

Mr. HASKINS. Mr. Chairman, I want to say for the information of the House that this bill embraces the findings of the Court of Claims in 321 cases represented by an equal number of bills, which were introduced chiefly in the Fifty-eighth and Fifty-ninth Congresses and were referred by the action of this House to the Court of Claims to find the facts and report them back to this House. A few of those bills that went to the Court of Claims by reference from the House were in prior Congresses, but very few of them, and were not acted upon and certified back to the House until recently. This bill has three classes of claims: First, for stores and supplies taken by the Federal Army from loyal citizens of the States that were in insurrection, amounting according to the findings of the court to $255,436.42; the second class is for officers' pay, amounting to $36,910.53, and the third is by churches, colleges, and lodges that were occupied by Federal troops during the war, amounting to $21,198.28. This makes a total amount of $313,545.28. Mr. Chairman, this is a reasonable bill, when we take into consideration the fact that the omnibus war claims bill of the Fifty-ninth Congress failed of passage. Therefore it includes what should have been in two bills instead of one. In making up this bill the committee has been guided entirely by the findings of the Court of Claims. In selecting these findings several of them have been laid aside and reported upon adversely and others not included here will probably receive an adverse report before this Congress adjourns. It includes nothing but the findings of the court on bills referred to it by the House. Unlike the bill that was reported here during the last session of Congress, we have included no Senate bills and no House bills of a miscellaneous character, but have simply confined it to the findings of the court. In the preparation of this bill it required a great deal of labor. The chairman of this committee has worked faithfully more than three weeks upon it. He has carried the papers to his house, the findings of the court, and has investigated and read them, endeavoring to understand what the court has found and what the court means by its findings, and has done this until the wee small hours of the morning. I believe we have a bill here which should be passed. If the Government is desirous of paying honest indebtedness, as every individual ought to pay his, and rest under the same obligation to pay it as I do to pay the rent of my apartment, there can be no question about the passage of this bill which we have reported to this House. [Applause.]

In the matter of stores and supplies in fixing the valuation of property taken, the court adopted this rule which certainly was just to the Government, and that was to ascertain what the Government was paying at that time for similar stores through the Quartermaster's and the Commissary Departments of the Government. I say this is certainly fair to the Government, if not fair to the claimants, who have been without their interest these many years. The court in the first place, when a bill is certified by the House to that tribunal, ascertains and reports upon the loyalty of the claimant during the civil war, or the loyalty of the deceased who owned the property at the time it was taken, and your committee, in singling out these findings, have cast aside all findings unless it was held affirmatively by the court that the parties were loyal to the Government during the suppression of the rebellion. In the second place, we have been particular to understand what the court has decided, what they have found was the fact as to the property concerned, and where it went to. If there was any doubts in those findings as to whether the General Government or the Federal Army had the use of it, we have laid that finding aside and have not included it in this bill.

Or in some instances the property taken may have been sold, and we find further the court's affirmative finding as a matter of fact as to whether that property, or the avails of that property, had been covered into the Treasury of the United States. So in every case that we have reported here where there has been a taking of property we have reported none except where it has been affirmatively determined by the Court of Claims, the tribunal created by this very body for the adjudication of facts in relation to these matters, that they have affirmatively found that the General Government or the Federal Army had the use of this property that was taken. There is another class of cases which we have reported favorably upon, and that is the pay of officers of the Federal Army during the suppression of the rebellion. Here, for instance, is the case of a first sergeant of a company. The second lieutenancy was vacant, and the governor of his State commissioned him as second lieutenant, or the first lieutenancy may have been vacant, through death or resignation, and the governor of the State to which he belonged commissioned him as first lieutenant or even as lieutenant-colonel or major, or colonel in command of the regiment, and in cases where they were assigned to duty according to the increased rank to which they had been promoted, and were discharging the duties and assuming the responsibilities of the office to which they had been commissioned, but failed of muster for various causes, then we report in favor of the payment of those claims the difference between the amount they received when they were mustered out under the inferior rank and the amount they should have received if they had been mustered out in the grade to which they had been commissioned by the governor of their State and wherein they were performing the duties of the office to which they had been commissioned.

Mr. KEIFER. Will the gentleman allow me?

Mr. HASKINS. Certainly.

Mr. KEIFER. I think it was the law in the beginning of the late Spanish war that all commissioned officers, regardless of the rank to which they were commissioned and mustered, were entitled to the pay of the rank they exercised.

Mr. HASKINS. I am coming to that in a moment. I have said there were various causes which led to these officers promoted not being mustered at the time. Some of them before an opportunity to muster were killed in battle, others were taken prisoners and from various other causes beyond their control, because it was a rule at that time of the War Department that a company or a regiment that had fallen below the minimum number was not entitled to muster; therefore the War Department refused to muster them in such cases. I want to say, soon after the war these officers who had been refused muster presented their claims to the War Department for payment for the difference from what they did receive and what they should have received if they had been actually mustered out in the superior grade, but they were disallowed for the reason in many cases that their regiment or companies had fallen below the minimum. It was the rule. In 1866 a joint resolution was passed by the Congress endeavoring to relieve them and did relieve them to a certain extent, but not these particular cases; but in 1897, on the 24th of February, 1897, a law was passed by Congress entitled "An act to provide for the relief of certain officers and enlisted men of the volunteer forces," 29 Statutes at Large, page 93, and under the provisions of this act of February 24, 1897, these officers that the accounting officers of the War Department refused to allow their claims are now entitled to be paid, but on presenting their claims to the War

Department for the second time they were refused consideration upon the technical ground that where the Department has once made a ruling upon particular cases they will not reverse that, but so far as the Department is concerned everything stands res adjudicata there. Therefore the only remedy that these brave officers and the widows and orphan children of those who died in the service have is to come to Congress for relief, and these are claims from Maine to California, and not a large amount, $36,910.23, I think, as I gave it, which cleans up all these old cases where they are entitled to receive their pay under existing statutes, but can not, by reason of the iron-clad rules and regulations of the War Department. Then another class of cases is where the Federal Army during the civil war occupied churches, and in some instances a college, and in one instance, I think, a Masonic lodge room, for barracks and for hospital purposes, property that from the very beginning has been held sacred under the law of nations, used and desecrated, injured, and now they come here to Congress for relief, and the Court of Claims, in measuring the amount which these eleemosynary institutions and churches are entitled to receive, finds simply the fair rental value of the building during its occupancy by the Federal Army, and in addition thereto such expenses as they have been put to to put the building in a reasonable state of repair, the ordinary wear and tear excepted, which is a fair basis upon which to fix the valuation or the rental value of this property.

Now, I want to say right here, in conclusion, to the Members of this House that I assumed for the committee the responsibility and the duty of examining all these several findings, and I did it with a fair and impartial eye, having in mind not only justice to the claimants who have been so long deprived of their just rights, but at the same time of being actually and absolutely fair to the General Government, and wherever there is any doubt in relation to those matters I have resolved the doubt in making up this bill against the claimant and in favor of the General Government. I believe that there never was a cleaner bill ever presented to this body than the one which you have now before you. [Applause.] Mr. Chairman, I reserve the balance of my time.

Mr. KEIFER. I would like to ask the gentleman one or two questions.

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. HASKINS. Certainly.

Mr. KEIFER. In the large number of claims in the bill are there any included that have not been referred to the Court of Claims?

Mr. HASKINS. Not one, and not one except such as has been referred to the Court of Claims by this very body. We have included no Senate claims.

Mr. SULZER. This bill carries the judgment of the Court of Claims?

Mr. HASKINS. It is not a judgment; it is a finding of fact.

Mr. KEIFER. Under the Bowman Act?

Mr. HASKINS. Yes.

Mr. KEIFER. I want to ask, in looking over the findings of fact in these cases, or in some of them, if the committee rejected any claims that were reported from the Court of Claims?

Mr. HASKINS. We have, and reported adversely upon them already; and there are several we have laid aside and withheld making any report out of deference to the Members who have them in charge.

Mr. KEIFER. And I would like to ask the gentleman whether or not the Court of Claims, in considering these claims that were referred by this Congress to that court, took up the question of loyalty in every case.

Mr. HASKINS. In every instance; and I want to add right here, in every single, solitary case the General Government was represented before the Court of Claims by counsel from the Department of Justice.

Mr. KEIFER. I understand that the Court of Claims, in their findings in regard to colleges, universities, churches, and Masonic lodges, found that the owners were loyal and the claimants were loyal.

Mr. HASKINS. The owners were loyal; and let me say right here that the Southern Claims Commission refused any consideration of that character of claims, because they claimed and reported that they were not citizens; that a corporation was not a citizen of the United States, and, therefore, loyalty could not be brought into question.

Mr. KEIFER. But the Supreme Court of the United States has decided that the rule of loyalty applies as well to a corporation as to an individual.

Mr. HASKINS. Exactly so.

Mr. GARRETT. But not of a church.

Mr. KEIFER. Now, one other question. Are there any claims included here for mere devastation of property?

Mr. HASKINS. There are none. There are claims made, but the court refused to assess any damages for them.

Mr. KEIFER. Are there any claims of that kind included in this bill?

Mr. HASKINS. Vandalism is not included; destruction of property by act of war or necessity of war—not one.

Mr. KEIFER. Property destroyed in battle or in the movement of an army through the country; but property taken for the purpose of providing for the Army, all have been rejected?

Mr. HASKINS. All rejected, unless the court finds that the property was taken for the use of the Federal Army and by order of some superior officer.

Mr. KEIFER. Well, I am satisfied.

Mr. MANN. Will the gentleman yield for a further question?

The CHAIRMAN. Does the gentleman from Vermont [Mr. HASKINS] yield to the gentleman from Illinois?

Mr. HASKINS. With pleasure.

Mr. MANN. I understood the gentleman to say that there were no claims in the bill except those that had been referred by this body to the Court of Claims. Just what does the gentleman mean by that?

Mr. HASKINS. I mean that this body referred to the Court of Claims bills that were introduced here under the Tucker Act. Bills that were introduced, that come within the jurisdiction of the Bowman Act, are sent direct from the committee to the Court of Claims.

Mr. MANN. How many claims are there in this bill that were referred to the Court of Claims by the House of Representatives?

Mr. HASKINS. None except such as were referred by the House.

Mr. MANN. How many are there—can the gentleman tell?

Mr. HASKINS. There are only about 330 in all.

Mr. MANN. Referred by the House?

Mr. HASKINS. There are 321 claims included in this bill.

Mr. MANN. I know the gentleman did not intend to mislead the House, but certainly the gentleman's statement would lead the House to believe that these claims had been referred to the Court of Claims by the House. Now, the facts are that these claims have never been before the House at all, except the bills; they have been referred to the Court of Claims by the committee.

Mr. HASKINS. All claims arising under the Tucker Act——

Mr. MANN. How many are there in this bill?

Mr. HASKINS. I can not tell.

Mr. MANN. Then I can say that I do not think there are a dozen all told.

Mr. HASKINS. Now, so far as the bills introduced under the Bowman Act are concerned, the very act itself, which is an act of Congress, authorizes the Committee on Claims to refer them direct.

Mr. MANN. I understand, and I know the gentleman did not intend to mislead the committee, and his statement would have been stronger if he had stated that these claims were referred under the Bowman Act by the committee itself, because the gentleman probably knows, what is certainly the fact, that it is more to the interest of the claimants to have the claims referred under the Tucker Act than it is under the Bowman Act, because under the Bowman Act the Court of Claims can not report upon a claim which is contrary to any existing provision of law, which means has been barred by any limitation, while under the Tucker Act there is no such limitation on the Court of Claims. Now, as I understand this bill—and that is the reason that I wanted to attract the gentleman's attention—it endeavors to cover only those cases which have been referred by the Committee on War Claims under the Bowman Act, subject to all limitations that Congress has heretofore placed upon claims, and does not include the claims under the Tucker Act, because they go to the other end of the Capitol, when they have been referred by resolution of either the House or Senate—claims under that act have no limitation at all, and most of which have no merit in them.

Mr. HASKINS. Most of the claims under the Tucker Act are referred by the Senate.

Mr. MANN. That is what I know, but I did not mention the body.

Mr. HASKINS. I do not want to be misunderstood. I want to be perfectly honest.

Mr. MANN. We all know that that is the gentleman's desire and intention.

Mr. HASKINS. Now, we have an item on page 35, commencing at line 1: "To Warwick Hutton, administrator of the

estate of Samuel Morrison, deceased, late of Randolph County, $1,340."

Now, a gentleman, a Member of this House, came down to the committee room with that finding of the Court of Claims and asked to have it inserted in the bill. It was inserted in the bill. I have been over this bill and examined it two or three different times, and upon one of my reviews I found that it was a claim that went to the Court of Claims in 1902. Well, that led me to an investigation to know why that claim had not been paid, and upon investigation—and I will say right here that we have documents in our committee room; that no other Department of the Government has to furnish information—I found that that claim was allowed and passed by the Fifty-eighth Congress and had been paid by the Treasury Department. We have been in constant communication with the War Department and the Treasury Department in relation to all these matters, and I propose on the second reading of the bill when it is reached to have that item struck out. We do not want anything in this bill that is not right.

Mr. DALZELL. I want to ask the gentleman a question. Do I understand that the claims embodied in this bill were sent directly from the committee to the Court of Claims?

Mr. HASKINS. Certainly; under the provisions of the Bowman Act; and nearly all are of that character.

Mr. DALZELL. Under the rules of the House claims can not be sent to the Court of Claims without the action of the House.

Mr. HASKINS. Certainly; and by a law of this Congress which stands upon our statute books.

Mr. MANN. I will explain to the gentleman——

Mr. DALZELL. Wait a moment. I want to understand this. I may be in error, but Rule XXIII, section 3, says:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, what I want to understand is this: Does this bill embody claims that were sent to the Court of Claims by the Committee on War Claims without having the question first considered in the Committee of the Whole?

Mr. HASKINS. It does, under the Bowman Act, and there never was a bill of this kind that passed this Congress but what it included such references.

Mr. MANN. If the gentleman from Pennsylvania will permit me, I think I can——

Mr. HASKINS. One moment. It is true the gentleman from Pennsylvania has read from the rules of the House. I submit to the Members of the House, while we certainly have a very able Committee on Rules, whether a rule made by this House can override an express statute passed by Congress itself.

Mr. DALZELL. The point I want to get at is this: Is there a controversy between the committee, relying on Congressional legislation, and the rules of the House? In other words, has the committee been acting in violation of the rule or without regard to the rule of the House upon the assumption that the House rule was not properly made?

Mr. HASKINS. I did not know what the rule of the House was in that respect, but the committee have been governed by the law.

Mr. MANN. I think I can set the two gentlemen right.

Mr. DALZELL. I am only after information.

Mr. MANN. The rule the gentleman from Pennsylvania refers to says that a bill to refer a claim to the Committee on Claims shall come before the House, and we have on the Calendar to-day joint resolutions to refer claims to the Court of Claims. They are reported from the Committee on War Claims to the House, and are on the Union Calendar; but the law provides, and it is not contradictory to the rule at all, that when any claim is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves an investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, and proofs pertaining thereto, to be transmitted to the Court of Claims of the United States, and so forth, and the Court of Claims shall report back the facts in the case.

Now, if these claims had been brought in in the shape of a bill or resolution referring them to the Court of Claims, they would have to come before the House; but the bills are introduced to pay the claims, and thereupon the committee, under the law, refers the bill to the Court of Claims for a statement of facts. That is the Bowman Act. It is not at all contradictory of the rules; but I may say, in reference to that matter, the reason I ask the gentleman's attention to it is this: It has been the practice to refer certain claims under the Bowman Act, and when a claim could not pass muster under the Bowman Act, then it has been the practice to obtain its reference under the so-called "Tucker Act." The Bowman Act contains this provision:

> Nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

That provision is not in the Tucker Act. When the committee sends a claim to the Court of Claims it is controlled by that provision of law; but when the House, under the Tucker Act, or the Senate, under the Tucker Act, refers a claim to the Court of Claims there is no such provision in the law, and most of the claims that come under the Tucker Act come that way, because they have not merit enough to pass under the Bowman Act. I am glad that this bill is composed mostly of claims under the Bowman Act. It is the strongest argument in favor of it that I have heard about any omnibus claim bills since I have been in the House.

Mr. HASKINS. The gentleman from Illinois concedes that under the Bowman Act a committee of the House, or Congress, has a right to refer these claims to the Court of Claims?

Mr. MANN. Under the Bowman Act any committee can refer any question of fact, except pensions, to the Court of Claims.

Mr. HASKINS. Now, there are but very few claims in this present bill that were referred under a House resolution under the Tucker Act.

Mr. MANN. That brings up a very interesting question. Of course this bill carries only matters which have come through the House. The great majority of these claims, especially claims which have not much merit in them, go to the Court of Claims under the Tucker Act; and there not being the same facility for passing matters through this House under the title of courtesy, they go to another body, and are there referred to the Court of Claims under the Tucker Act. Is it the intention of the gentleman, when this bill comes back to this body, if it should come back loaded down with all sorts of claims under the Tucker Act, with all sorts of claims which have never been referred to the Court of Claims at all, with all sorts of claims which have no merit in them whatever—is it the intention of the gentleman to give the House a fair opportunity for consideration of those claims?

Mr. HASKINS. In reply to the distinguished gentleman from Illinois, I want to say to him and to the Members of this House that I have no knowledge or information as to what the Senate may do to this bill when it goes over to the other end of the Capitol. But so far as I am concerned I propose to act, and so far as I am able to control the War Claims Committee they will act, with perfect fairness and honor toward this House; and if there are any claims in that bill when it gets back to this body that are fishy, as we may say, I propose to have them thoroughly investigated and eliminated from the bill, for I myself will never consent that this Government of ours shall be mulcted out of a single dollar that it ought not to pay.

Mr. MANN. That sounds good to me.

Mr. CLARK of Missouri. I think that ought to establish——

Mr. HASKINS. I am stating to the gentleman from Illinois what my feelings are; but I will not consent to have my patriotism or my honor impugned by him or anyone else. [Applause.]

I reserve the balance of my time.

Mr. MANN. Mr. Chairman, the gentleman is very sensitive of his honor.

Mr. HASKINS. Not at all.

Mr. MANN. Nobody has impugned the gentleman's honor; but if the gentleman thinks his honor is impugned in this House because somebody asks him what he may do under future contingencies, then the gentleman's honor will be frequently impugned. I have no doubt of the gentleman's honor. If I had I should be prepared to delay the passage of this bill to my uttermost endeavors. The gentleman says that he has no knowledge or information as to what will be done with this bill in the Senate. He has no information, but I am sure he has knowledge.

Mr. HASKINS. If I have, I will take advantage of it.

Mr. MANN. Everybody in this body knows that this is a bill to pay war claims. When it comes back to this body it will be a bill to pay any kind of a claim. It will not be confined to war claims. The question comes up at once in the House, if the bill is proposed to be sent to conference, as to who shall be the conferees.

Mr. HASKINS. Will the gentleman yield?

Mr. MANN. In just a moment. I have absolute confidence in the gentleman; but the gentleman is not familiar with claims which come from the Committee on Claims, and to my certain

knowledge, and I think to the knowledge of every other Member of the House, there have been carried in some of the reports of conference committees on omnibus bills in the past, where the bill originated in the War Claims Committee, and came back from the Senate with claims that in the House would come before the Committee on Claims, and were agreed to in conference, the conferees on the part of the House having absolutely no knowledge in reference to the claims, and the committee which had jurisdiction of those claims saw put into the law, in their faces, and in spite of their efforts, claims which they had rejected in the House, claims agreed to by conferees who had no knowledge of the subject at all. Of course I do not say this for the purpose of even hurting the feelings of my distinguished friend, the chairman of the Committee on War Claims, but I want to give him notice that if this bill comes back from the Senate loaded down with all kinds of claims, which had no place in the bill in the first place, and the bill comes before the House again, as far as I am concerned, I shall resist just as far as I can, and make use of every possible parliamentary method to prevent the passage of the bill in that form.

Mr. HASKINS. Mr. Chairman, whatever the gentleman may anticipate, or anyone may anticipate, that the Senate may do with this bill ought certainly not to prejudice the House against the bill which we now have under consideration, but the House should be prepared to act upon it fairly, without any regard whatever to what the Senate may do hereafter.

But, as suggested by the gentleman at my side [Mr. SULZER], "Sufficient unto the day is the evil thereof."

Mr. MANN. That is a very good Democratic doctrine.

Mr. HASKINS. Well, we will adopt it, for it is good Biblical doctrine.

Mr. GAINES of Tennessee. It is mighty good people's doctrine, too. [Laughter.]

Mr. SULZER. The gentleman from Illinois evidently is not as familiar with the Bible as he is with the policies of the Democratic party. [Laughter.]

Mr. MANN. I have not had as much occasion to become familiar with it.

Mr. SULZER. It would do the gentleman a great deal of good to read the Bible. [Laughter.]

Mr. MANN. It has never done the gentleman from New York any good. [Laughter.]

Mr. SULZER. I don't think the gentleman from Illinois is a competent judge of that.

Mr. HASKINS. Mr. Chairman, I want to say that I have labored in the committee room, and the committee has agreed with me, to keep everything out of this bill that we have reported to the House except the finding of the Court of Claims, and if the bill should come back to this House loaded down with spurious and miscellaneous measures that ought not to have a place in the bill at all I will second the efforts of the gentleman from Illinois to prevent action, for I would rather see the bill fail unless it is a fair bill.

Mr. PRINCE. Mr. Chairman, I want to suggest to the gentleman from Vermont, chairman of the Committee on War Claims, that the idea of the gentleman from Illinois that the bill may be loaded down with amendments will apply to any bill that this House passes that goes to the other branch, and it would apply to a bill passed by any committee in the House, as well as any passed by the Committee on War Claims.

Mr. PAYNE. Mr. Chairman, I congratulate the present House that progress is being made. I can remember, not a great many years ago, when I seemed to be very much alone in looking into claims that were presented to the House. I should have been glad in the earlier years to have had the assistance and the leadership of the gentleman from Illinois——

Mr. MANN. I always follow the lead of the gentleman from New York.

Mr. PAYNE (continuing). In looking into the claims that come before the House. Other gentlemen have acquired the same habit, not to speak of individual Members of Congress. The House is getting to that point where it seems to be the desire of the House to look carefully into these claims and where there is less disposition than there used to be in the years that are past to manifest a sort of general feeling that "I have got a claim, and therefore I won't look too closely into other claims in order that they can all go through."

I am glad to see that the new chairman of the Committee on War Claims—although he is an old Member of the House, but new to this particular business—has made such a thorough examination of claims in this bill. I have looked into his report, as far as I have been able owing to the time required for the study of other matters, and I congratulate him on the ability he has manifested in looking into the decisions of the court and, so far as he was able, into the justice and honesty of the claims which he has presented in this bill.

I was a little surprised when he singled out a claim under this bill and said that after further examination he had found that the claim had been paid and settled not a very long time ago. It shows the reason and necessity for the exercise of the most extreme vigilance in looking into these claims. I confess, Mr. Chairman, I do not like to see an omnibus bill go through the House, because I know what that means later when the bill comes up for consideration of the amendments that have been placed upon it. Generally these claims bills come back so padded with amendments that the author of the bill in the House is unable to recognize it, and generally they come back so late, not in the session but in the Congressional term, that the conferees on the part of the House and the Committee on War Claims on the part of the House do not have time to make that thorough and careful investigation that they would like to make. As the gentleman from Illinois has stated, they come back loaded with amendments of simple claims against the Government, arising in various ways, of which the Commitete on War Claims have no knowledge, because the Committee on Claims alone has jurisdiction. To get a knowledge of these new claims they must go into original study in order to find out whether the claims ought to be allowed. Claims under the Tucker Act—claims, as the gentleman has well said, of such a character that they could not have got in under the Bowman Act—come back, or at least appear on the bill, after it has been away from the House a sufficient length of time.

Mr. GAINES of Tennessee. Does the gentleman ask that we should defeat this bill because the conferees may do wrong.

Mr. PAYNE. If the gentleman will possess his soul in patience I will try to make my position understood during the small portion of the hour I am entitled to that I shall use.

Mr. GAINES of Tennessee. Very well; I hope the gentleman makes it clear.

Mr. PAYNE. Mr. Chairman, I have been sometimes a sort of auxiliary member of the committee on conference when a claims bill has been before that committee, and I remember one Congress that I spent most of my time night and day for two or three weeks trying to get a knowledge of claims that appeared for the first time in the bill, finding that the former chairman of the committee had little knowledge of them. After a long struggle, in which compliments were showered upon me not so much by the membership of this House as by some other gentlemen, we succeeded in taking out a good many of the claims that ought never to be in any bill and certainly not in any law ever recognized by the Government of the United States.

I remember the last time we had such a bill before the conference committee that there was one particular claim on that bill which was opposed by the former chairman of this committee; he said he could not allow it any way. I looked into it and I found that the Court of Claims had found that the party was disloyal, and for that reason the Committee on War Claims in the House had refused to agree to it. I found that the Committee on War Claims had reported that claim by a separate bill, which was upon the Calendar. Of course it is but just to say for them that notwithstanding the Court of Claims reported against the loyalty of the claimant, a former Attorney-General of the United States had written a letter or an opinion, in which he seemed to take ground against the Court of Claims, and, I think, contrary to a decision of the Supreme Court, which the gentleman from Vermont [Mr. HASKINS] has included in his report on this bill. I only speak of this to show the gentleman what he has to face. I have no doubt that he will bring the same integrity and ability to the consideration of those amendments when they come here as he has so far given to this bill and to the matters before his committee and as he has ever manifested during the years it has been my pleasure to serve with him as a Member of the House.

Mr. HASKINS. Mr. Chairman, I simply want to say to the gentleman that I do not think he need borrow any trouble about the bill to which he has just referred ever being brought up in the House.

Mr. PAYNE. I am glad to hear that from the gentleman, and that is another assurance which is very grateful to me. I would like to see the honest bills against the United States Government paid. I have been beseeching the Committee on Claims for the last six or eight years to select the claims that were honest and just and which in their opinion ought to be paid, and to bring them in here and put them on the Calendar

early in the session, that they might receive the consideration of the House, and not let some one put in a bill here that ought not to be paid at the end of the Calendar and block the Calendar or force the House to pass the bill, unworthy as it is, in order that it might get at matters which were worthy and which ought to pass. I congratulate the House that the gentleman from Vermont has been selected as the chairman of this committee, and I hope—I know—he will continue in his good work upon that committee. [Applause.]

Mr. DOUGLAS. Mr. Chairman, I would like to ask the gentleman a question. Is it not possible for the Committee on Rules to make some provision and to prevent the very evil at the close of the session to which the gentleman refers?

Mr. PAYNE. Well, I do not know. The Committee on Rules are bound by the rules of the House. The rules of the House have been framed for the purpose of expediting the business of the House, and with twenty or thirty thousand bills introduced and going before the committees, and hundreds of them reported and put upon the Calendar, there must be some method of selecting under the general rules by which those bills can be reached. It is true that in order at some times to prevent a block of business and to deprive the House of the right to consider a worthy measure, the power of the Committee on Rules has been invoked in order to take up under special rule some measure that the House desires to pass. That always creates a great deal of criticism and brings out the annual speech of my friend the gentleman from Missouri [Mr. SHACKLEFORD], which he delivered two or three weeks ago, complaining about the despotism of the Speaker of the House and the Committee on Rules. Now, it is not necessary for the Committee on Rules to provide a different way or a different order for considering the bills on the Private Calendar. The rules provide, and under them the gentleman from Vermont [Mr. HASKINS] to-day made a motion to take up this particular bill out of its order, and the committee seconded his motion and the bill is now before us, although there is at least one other bill and several resolutions from his own committee that precede this upon the Calendar.

Gentlemen will find as they study the rules with the idea of trying to understand them, and the practices of the House with the idea of trying to understand them, that the rules, formed through a long series of years and worked out by the constant practice in this House, to which the best men in the House for fifty years have given their attention in order to have rules that would enable the House to do its business, ever increasing from session to session; if they study these rules they will find that they are most admirably adapted for the business of the House and for the expedition and proper order of the business of the House.

Mr. MACON. Mr. Chairman, as the gentleman from New York has taken up so much time to answer the question of the gentleman from Ohio I will try to cut my remarks short so as not to detain the committee, but I feel I ought to say that I can not understand why it is that Members upon this floor are so prejudiced against war-claims bills. They seem to insinuate that there is some fraud embodied in all war-claims bills that are presented to this House. I do not think they can possibly have any prejudice against them fifty years after the war is over, fifty years after the supplies and property were taken or destroyed by the Union forces from the loyal people of the South.

Mr. PAYNE. Will the gentleman allow me? I want to say if I had the power I would enact this bill into law to-day and without amendment except the one suggested by the gentleman from Vermont. It is only the other things that will get into it before we finally get it through the legislative hopper that have any terrors whatever for me.

Mr. MACON. In response to what the gentleman from New York says I can not help but conclude that he is afraid of the honorable body at the other end of the Capitol. Sir, I am not afraid of that body. I believe they have just as many rights as members of it as we have as Members of the House, and I do not believe that men occupying so exalted stations in life as they do would deliberately and willfully perjure themselves by trying to force upon this body the passage of bills that they knew were dishonest, that they knew had no merit in them. But, sir, getting back to where I was when the gentleman from New York made his inquiry, I will state that I do not believe that we have ever had a pension day in the House but what there was some improper legislation embodied in some one of the many pension bills that have been passed here without question.

There was a time, perhaps, when prejudice wildly and bitterly raged between the North and South, that a son of a southern soldier might have taken the floor to question whether this or that pension was right, exactly, whether or not the applicant was entitled to a pension, but, sirs, that time has passed, and I am glad of it. I am glad to know that no one who comes from the southern side of the Potomac River ever raises his voice on this floor against a pension bill which seeks to give some old soldier or his widow or some of his little children some sort of compensation for the services that that soldier gave to his country fifty years ago. Sir, I do not know about all of the claims that are embodied in this bill, but I do know something about two of them, and in one of them the report shows that in this particular case the following property was taken for the use of the United States Army:

3,000 bushels corn in crib	$3,000
1,000 bushels corn in field	500
10 tons hay	200
47,000 rails	2,348
10 acres timber	500
8 mules	1,400
6 mares	1,050
14 young horses and mules	1,050
30 cattle	1,050
100 hogs	1,050
40,000 feet lumber	1,200
40,000 bricks	400
1,300 pounds of bacon	195
40 acres green corn	480
Board and care of sick soldiers	468
Total	14,891

This was taken, Mr. Chairman, from two minor children who have remained without their money all these years and now the court only finds that they are entitled to receive the small sum of $2,166.67. Is there a Member upon this floor who objects to paying that pitiful sum for provender and supplies taken and consumed by Union soldiers and for care of those soldiers when they were sick? I think not; not one. The other case that I know a little about, Mr. Chairman, is one in which an old negro had three mules of the value of $300 taken from him by Union soldiers nearly fifty years ago—an old negro who happened to be fortunate enough to own three mules by reason of the kindness of his southern master. Now, the Court of Claims says his heirs are entitled to $300 for those mules. Will Members try to defeat a meritorious proposition of that kind? These claims are just and ought to have been paid long ago. In the name of the loyal people of the South who had their property taken from them at a time when it was perhaps necessary to take it, I appeal to the National Government to pay these war claims that are so just and honest.

Mr. HASKINS. I move that the Clerk proceed to read the bill by paragraphs.

The CHAIRMAN. The Clerk will read, if no one else desires to speak.

The Clerk read as follows:

To S. Inman, administrator of the estate of Jacob B. Russell, deceased, late of Ringgold County, $3,210.

Mr. HASKINS. Mr. Chairman, I move to strike out of line 16, on page 7, the word "Ringgold" and insert in lieu thereof the word "Catoosa."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 16, strike out "Ringgold" and insert "Catoosa."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Sarah Ann Dobbs, widow of Nathaniel B. Dobbs, deceased, of Pulaski County, $152.25.

Mr. LANGLEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 13, between lines 10 and 11, insert the following:
"To James N. Hall, of Montgomery County, $750."

Mr. LANGLEY. Mr. Chairman, I am sure that no Member of this House has a higher regard for the distinguished chairman of the committee than I have, nor is there anyone more thoroughly convinced than I am that the committee was entirely conscientious in preparing this bill. In fact, I think that the committee, in its great anxiety to avoid any possibility of including a claim that ought not to be included, has leaned a little too far the other way. This claim of James N. Hall has been certified to Congress from the Court of Claims. The amount due him for his half interest, as given in the finding of fact, is $750. Mr. Hall during the war of the rebellion was engaged in partnership with a Mr. Burroughs in the retail liquor business at Mount Sterling, Ky. Federal troops were

stationed there at the time, and the officer in charge, as stated in the finding of fact, claiming that some of the whisky had been sold to men belonging to his command, in violation of his orders, had the entire stock confiscated and taken away. It was taken away in military wagons, and the general understanding there at the time was, as the proof shows, that it was finally taken to a military hospital located at Mount Sterling for the use of patients in that hospital. The court says in its finding that the evidence does not show to the satisfaction of the court what use was made of the liquors. Now, it is true that there is no specific testimony in the record showing just how the whisky and other liquors thus taken were disposed of. I have taken the trouble to get an abstract of the testimony in the case and I have it here. Major Wood, a distinguished Union officer who is now the United States pension agent at Louisville, Ky., testified that he was there at the time and that the liquors were hauled away by order of Major Benjamin, commanding the Union forces there, and taken toward the quartermaster's department, and that the general understanding was that it was used by the military authorities. The claimant himself testified that the liquors were appropriated and used by the military authorities for hospital patients. Mr. Burroughs, who was the partner of Mr. Hall, also gave substantially the same testimony. I submit to the House that in those days when whisky got into the possession of the officers and men as this did, whether in Kentucky or elsewhere, the presumption that it was not destroyed, but used by them, is so strong that there is no need of offering testimony in support of the proposition. In fact, the presumption I think may be regarded as conclusive. [Laughter.] This Mr. Hall is now an old man. Every dollar of his savings was invested in that business, and this confiscation of his property left him penniless. He was intensely loyal to the Union throughout the rebellion. He has never received a dollar of compensation for this loss. If I had the slightest doubt that his claim was less just than others embodied in this bill I should not offer this amendment. But I feel that this amount, and more, for that matter, is justly due him from the Government, and I believe that the House will so decide. I am sure it would if it knew the facts as I know them. [Applause.]

Mr. HASKINS. Mr. Chairman, I desire to state for the information of the House the reason why this claim was not included in the bill. It is for nine barrels of pure copper whisky, four barrels of pure apple brandy, one barrel of Holland gin, one barrel of ginger wine, and six barrels of spirits, amounting to $3,027. This, it seems, was owned by Mr. Hall, the present claimant, and Mr. Burroughs. The court found as a matter of fact that they were selling liquor to the soldiers that were stationed at Mount Sterling, contrary to military orders, and an order was issued to seize the whisky. It was seized and it was taken away. But the court says that the whisky and liquors were taken away in wagons by said military forces, but what use was made of them does not appear to the satisfaction of the court.

Now, as I stated a while ago, we have included no claims in this bill except those where the court affirmatively found that the property taken went to the benefit of the Federal Army or the Federal Government. There being no finding of fact here, of course we could not well include it in the bill upon the basis that we adopted. Mr. Burroughs upon the preliminary hearing was found to be unloyal, but Hall was found to be loyal, and the court found one-half of that due Mr. Hall, amounting to $750, providing he was entitled to recover anything. And our only objection to the bill is that the court failed to find that the General Government had the benefit of this particular property.

Mr. LANGLEY. Mr. Chairman, just a moment——

Mr. HASKINS. Wait one moment. Of course the gentleman from Kentucky [Mr. LANGLEY] brought me what purports to be an extract of the testimony taken before the Court of Claims, received from the attorney of Mr. Hall. Well, now, that may be all correct, but the committee could not very well assume that to be true which the Court of Claims failed to find.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To John F. Wells, of Mason County, $256.24.

Mr. HASKINS. Mr. Chairman, I move to amend by substituting for the letter "F" in the name the letter "E." It is "John E. Wells" instead of "John F. Wells." It is a misprint at the Government Printing Office.

The Clerk read as follows:

Strike out the initial "F." in line 24, page 14, and insert in lieu thereof the letter "E."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To John Wood, of McCracken County, $880.

Mr. HASKINS. Mr. Chairman, I move to amend on page 20, line 1, by striking out the word "McCracken" and inserting in lieu thereof "Tishomingo."

The Clerk read as follows:

In line 1, page 20, strike out "McCracken" and insert "Tishomingo," so as to read "Tishomingo County."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Susan E. Joyner, Mary E. Roberson, Martha F. Luster, and Jane F. Crump, sole heirs of Joseph Anthony, deceased, late of Sumner County, $4,520.

Mr. HASKINS. Mr. Chairman, I move to amend on page 26, line 10, by striking out the word "Joseph" and inserting in lieu thereof the word "Josiah," so that it will read "heirs of Josiah Anthony."

The Clerk read as follows:

Page 26, line 10, strike out "Joseph" and insert "Josiah."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Charles W. Hewglez, of Wilson County, $580.

Mr. HASKINS. Mr. Chairman, that name should be amended, so as to read "Charles W. Hewgley" instead of "Hewglez."

The Clerk read as follows:

Line 13, page 29, change the spelling of the name to "Hewgley" instead of "Hewglez."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To Robert E. Williams, John T. Williams, Mary E. Williams, George M. Williams, and Ida Williams-Eddy, heirs of estate of Robert M. Williams, deceased, of the city of Dallas, $1,140.

Mr. HASKINS. Mr. Chairman, I have an amendment to offer.

The Clerk read as follows:

Page 32, between lines 15 and 16, insert the following:

"VERMONT.

"To Henrietta V. Dale, widow of John J. Dale, deceased, of Windom County, $124.06."

Mr. HASKINS. This is a finding which has come in since the bill was printed.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To the trustees of the Methodist Episcopal Church of Lamberts Point, $780.

Mr. JONES of Virginia. Mr. Chairman, I have an amendment to offer, on page 34, after line 18, by inserting the following:

To the trustees of Fredericksburg Baptist Church, Fredericksburg, Va., $3,000.

To the trustees of Presbyterian Church of Fredericksburg, Va., $2,625.

To the trustees of St. George's Episcopal Church, Fredericksburg, Va., $900.

To the trustees of the Christian Church of Fredericksburg, Va., $2,125.

The Clerk read as follows:

Insert, after line 18, page 34:

"To the trustees of Fredericksburg Baptist Church, Fredericksburg, Va, $3,000.

"To the trustees of the Presbyterian Church, Fredericksburg, Va., $2,625.

"To the trustees of St. George's Episcopal Church, Fredericksburg, Va., $900.

"To the trustees of the Christian Church, Fredericksburg, Va., $2,125."

Mr. MANN. Let me inquire, does the gentleman offer these as separate amendments?

Mr. JONES of Virginia. I offer it as one amendment.

Mr. MANN. A parliamentary inquiry: Is this one amendment or a number of amendments? I desire to ask if the gentleman offers them as an amendment.

Mr. JONES of Virginia. I offer it as one amendment, with five items, and the fifth one is "to the trustees of St. Mary's Catholic Church, Fredericksburg, Va., $500."

The Clerk read as follows:

To the trustees of St. Mary's Catholic Church, Fredericksburg Va., $500.

Mr. HASKINS. I must object to the insertion of these several amendments in this bill. I understand they are findings of the Court of Claims, but they have never been before the Committee on War Claims, never have been considered by any member of the Committee on War Claims, that I know anything about or have heard of. Not only that, but I notice that these are findings on Senate bills that were referred to the court.

Now, this bill contains nothing but pure and simple findings upon House bills, and I object for the want of jurisdiction of these claims.

Mr. STAFFORD. Do I understand the gentleman to make the point of order on these amendments?

Mr. HASKINS. I make the point of order against them.

Mr. JONES of Virginia. I do not suppose it is necessary for me to discuss the point of order.

Mr. HASKINS. That they are findings that have been had on bills sent to the Court of Claims by the Senate and not by the House, and beyond our jurisdiction.

Not only that, they ought not to be forced into this bill without the committee, or some member of the committee, inspecting these items and examining them.

Mr. JONES of Virginia. The chairman of the committee has stated two distinct propositions. He has raised a point of order against my amendment on the ground that the claims which it embraces were referred to the Court of Claims by the Senate and not by the House. That is one proposition. The other contention of the gentleman is that they ought not to be included in this omnibus bill in any event.

As to the point of order, I do not believe it is necessary for me to discuss that. The items in this bill, as well as those in my amendment, are all findings of the Court of Claims, and whether they were referred to the Court of Claims by this House or by the Senate, or, in cases referred under the Bowman Act, by the Committee on War Claims of this House, is wholly immaterial. The claims are all of the same character, and all having been passed upon by the Court of Claims, it is of no importance as to how they got before that tribunal so they got there properly. It seems to me that a mere statement of that fact disposes of the question of order. I should like to have the Chair rule upon that point before I undertake to reply to the objections urged to the adoption of my amendment.

The CHAIRMAN. Will the gentleman from Vermont, chairman of the committee, state whether this bill contains any other than war claims?

Mr. HASKINS. No; this bill contains nothing but claims growing out of the war—no miscellaneous claims.

Mr. JONES of Virginia. The claims that I ask to have put on the bill all grew out of the war, are all war claims; and I further state, in connection with what the chairman of the committee has said, that bills covering these claims were introduced in the House, and referred by the House to the Committee on War Claims, whether that committee ever examined them or not.

The CHAIRMAN. Will the gentleman from Vermont state whether there is anything to differentiate these claims from the other claims included in the bill, except the fact that they were referred to the Court of Claims by the Senate?

Mr. HASKINS. I know of none, because I have not seen them, and I think it is wrong and highly preposterous on the part of the gentleman to undertake to force into this bill claims which the committee never have passed upon and never have seen, and which no other Member of this House probably, except himself, ever has seen.

The CHAIRMAN. The reports on the bills indicate that they are of the same nature as the claims included in the bill under consideration, and that they were referred to the Court of Claims under the acts known as the Bowman Act and the Tucker Act by the Senate. That being so, the Chair holds that the amendment is germane, and overrules the point of order.

Mr. HASKINS. Then, Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] withheld his discussion on the merits until this decision, so the gentleman from Virginia still has the floor.

Mr. JONES of Virginia. Now, Mr. Chairman, I understand that one of the objections urged by the chairman of this committee to the payment of the claims embraced in my amendment, or at least to their being incorporated in this so-called "omnibus bill," is that they have never been considered by the committee of which he is the honored chairman. Mr. Chairman, as a matter of fact, separate bills were introduced in this House in the Fifty-ninth Congress, bills which had been introduced in a number of Congresses previous thereto, for the payment of each one of these claims, and each of those bills was referred to the Committee on War Claims, and the gentleman knows, what every other Member does—what the difficulty has always been of getting this House to refer these just claims to the Court of Claims. For this reason the almost universal custom has been for Members having them in charge to secure their introduction in the Senate also. The Senate has more than once by a single resolution referred all the claims of this character pending before it to the Court of Claims. It was under such an omnibus resolution that these claims were referred. The rules of this House do not permit of the reference of war claims to the Court of Claims when the Speaker is opposed to even the consideration of such claims, and therefore it is that Members must get them referred in the Senate or not get them referred at all. This in no way affects or detracts from the merits of these claims, and does not, in my opinion, constitute any good reason for opposing their being placed in this bill. They have received the same examination by the Court of Claims that has been given to the claims embraced therein.

On the contrary, it does seem that bills referred by resolution of the Senate have really had more consideration than bills referred merely by the Committee on War Claims without any intervention on the part of the House. These claims are as meritorious as any contained in this bill, and they have received the same consideration at the hands of the Court of Claims, the Government having been represented in every instance by a representative of the Department of Justice. The Court of Claims has carefully considered every one of them and fixed the amount due by the Government.

Mr. DRISCOLL. Will the gentleman allow a question?

Mr. JONES of Virginia. Certainly.

Mr. DRISCOLL. Were there many other claims of the same character referred by the Senate to the Court of Claims?

Mr. JONES of Virginia. There were a great many others.

Mr. DRISCOLL. What became of the other claims?

Mr. JONES of Virginia. I can not answer as to that. I am not familiar with the history of the war claims represented by my colleagues. They were all doubtless passed upon by the court. It may be that in a number of cases the Court of Claims found that the claims were not well founded. The claims embraced in my amendment have been favorably reported on by the Court of Claims and have been referred back to Congress for payment.

Mr. DRISCOLL. Is it expected that the claims referred by the Senate to the Court of Claims and passed upon by the Court of Claims will be sent back to the Senate to be passed upon by the Senate?

Mr. JONES of Virginia. They may be sent back to the Senate for payment, but it is entirely immaterial, in my judgment, which body first considers them. The fact that claims are referred in one body does not preclude, I take it, the other body from first considering the question of their payment. It was perfectly competent, of course, for this House to have passed the reference resolution; but the gentleman from New York knows how difficult it is always to secure the passage of a resolution of that sort here.

Mr. DRISCOLL. Why can not the gentleman get the claims inserted in the bill after it goes to the Senate, where the committee of that body has had a chance to pass upon them?

Mr. JONES of Virginia. I think that the gentleman from Illinois [Mr. MANN] was right when he said the probability is that this bill, if it gets to the Senate, will have these claims put on it there; but the gentleman from Illinois has also said to the House that if the Senate amends this bill by adding to it any considerable number of claims, it will encounter great opposition when it gets back here. The only reason which has been offered for not including such claims as I represent in this bill was that to have done so would have made the bill too large and thus endanger its passage. The same result must follow, no matter where the claims are put on.

Mr. DRISCOLL. Let me ask the gentleman, Are the findings of the Court of Claims, when sent to them from the Senate, sent back to the Senate, and those sent to the Court of Claims by the House referred back to the House?

Mr. JONES of Virginia. I am not sure as to this. I think Senate bills are sent back to the Senate and House bills to this body.

Mr. DRISCOLL. Those referred by the Senate to the Court of Claims are reported back by the Court of Claims to the Senate, are they not?

Mr. JONES of Virginia. I am not entirely familiar with the course which is pursued, but I can say to the gentleman that the omnibus bills which have been reported by the Committee on War Claims heretofore, and which have been passed in this House, have included a great many bills referred to the Court of Claims by the Senate. I think the large majority of the claims heretofore embraced in omnibus bills originating in the House were referred to the Court of Claims by the Senate. My understanding is that after the Court of Claims examines and passes on the bills the committees of the two Houses do not look very carefully into the questions passed upon by the court.

The point I make is that these claims are of exactly the

same character as a number of the claims embraced in this bill, and the mere fact that the claims embraced in this bill were referred by the House or by the Committee on War Claims to the Court of Claims does not, or at least ought not to, give them any better standing in this body than claims referred by a resolution of the Senate. For this reason I think it very unjust to exclude them from this bill. It is because I know the claims embraced in my amendment to be in all respects as just and meritorious as any included in the pending bill that I have offered my amendment. They are of precisely the same character as the church claims in this bill, and they should, in fairness and justice, receive the same treatment. The objection urged against them is purely technical, and it is not, in my judgment, a valid one. All claims of like character and merit should receive the same treatment. It is not just to single out a few church bills and give them this advantage over hundreds of others of equal merit.

Mr. HASKINS. Mr. Chairman, I thank the gentleman from Virginia [Mr. JONES] for the compliment which he has paid the Committee on War Claims when he informs the House that he understands that the committee gave but very little attention and examination to these findings of the Court of Claims. I do not know how it has been heretofore, but during this session of Congress the Committee on War Claims has not taken as conclusive the findings of the Court of Claims, except upon the subject of loyalty and the amount found due; but they have given thorough and careful investigation to every finding that has been reported to the House by the court. Let me say for the information of the gentleman—and he ought to have known it because he has served in this House much longer than I have—that bills emanating in the Senate that are sent down to the Court of Claims are certified back by the Court of Claims to the Vice-President or the presiding officer of the Senate. Bills that originate in the House, after they have been passed upon by the Court of Claims, are certified back to the Speaker of the House. That is the way the Committee on War Claims in the House gets possession of these findings of the court. I think it would be discourteous, to say the least, to the Senate of the United States for this Committee on War Claims of the House to undertake to assume jurisdiction of claims, bills that originate in that body and were sent by that body to the Court of Claims for the finding of facts.

Mr. DRISCOLL. Will the gentleman yield?

Mr. HASKINS. Yes.

Mr. DRISCOLL. The gentleman stated that this committee did not recognize as conclusive the reports or certificates of the Court of Claims in all cases. I would like to ask him whether in any cases this committee has rejected the findings or conclusions of the Court of Claims in any of these cases?

Mr. HASKINS. I have already stated heretofore in the House that we have turned down several of them because the Court of Claims was unable to affirmatively find that the property that was claimed to have been taken went to the use of the Government.

Mr. MANN. Is it not a fact that under this law the Court of Claims makes no recommendation as to whether the claim ought to be paid?

Mr. HASKINS. Yes; they simply make a finding.

Mr. MANN. All they do is to find the facts, and sometimes a case comes before the committee where the court intimates clearly that the claim ought not to be paid, although the finding of facts is there.

Mr. HASKINS. The gentleman is correct about that, and these bills which originate in the Senate and which were certified back to the Vice-President of the Senate ought not to be embraced in this bill at all. A year ago the omnibus bill reported by the Committee on War Claims failed, and one reason was that it included in its findings of the Court of Claims those that were reported to the Senate instead of the House, as well as miscellaneous bills also. I would like to investigate and examine those claims.

Mr. JONES of Virginia. Do I understand the gentleman to say that one reason that that bill failed was because claims of precisely the same character as those put on in the House were put on in the Senate?

Mr. HASKINS. I say it did fail, and it carried such bills.

Mr. JONES of Virginia. I understood the gentleman to say that that is one of the reasons.

Mr. HASKINS. It did not pass.

Mr. JONES of Virginia. I know that, but I do not think the gentleman will assert that as one of the reasons for its failure. It did not pass because it was so large.

Mr. HASKINS. Since this bill was made up I have been besieged by Members of the House who would say, "Why is not such a claim in your bill? There is such a finding of the Court of Claims." We would look it up and find that it was a Senate bill that had been reported back to the Senate, and I would say to the Member that all he had to do was to go over to the Senate and see Senators or members of the Committee on Claims in the Senate, and when this bill gets over there it will be amended by placing in the bill those findings. Another objection that I have to embracing in this bill the findings the gentleman from Virginia [Mr. JONES] has introduced here is this, that I have not seen them. There is not a single finding there in this bill as reported but what I have examined once or twice or three times over, so that I know what is in them, and I can stand here in the face of this House and affirm that I knew what they contained, and I dislike very much to have these claims that have not been investigated by any member of the Committee on War Claims inserted here, and I ask that the committee vote down this amendment.

Mr. SIMS. Mr. Chairman, I hope the amendment of my friend from Virginia will not be adopted, not out of any hostility to the merits of the claims, because I do not know what they are.

The Committee on War Claims agreed to make up the omnibus bill containing only findings of the Court of Claims on references made by the House. Numbers of Members of the House, especially on this side, have besought us to embrace in that bill findings of the Court of Claims on Senate references, and we have refused every one of them, although some I know were from my own State. We did not go into the merits of any of them. They were referred by the Senate, and the preliminary investigation of those findings should first be by the body which referred them, because, possibly, as liberal as that body is, they may turn some of them down, and we may never have to consider them, but it would be very unjust to those Members of the House who have claims exactly in the shape of those of the gentleman from Virginia should we adopt his amendment and not amend the bill immediately so as to bring all of them in, and we could not possibly do it here on the floor of the House; if we do, we take the Court of Claims' findings on faith without any examination. I want to say, Mr. Chairman, as far as I am concerned, that any finding from the Court of Claims on claims sent there by a Tucker Act resolution I do not think should be binding on this House, especially as to whether or not there ought to be an appropriation to pay them, because the court has not expressed any opinion on that matter, has not rendered any judgment, nor have they been asked to do so. I have seen claims passed by resolutions sent by this House under the Tucker Act limiting the court to finding such facts as the author of the bill wanted certified and leaving the court absolutely without expression on anything else. I think they ought to be examined, each and every one of them, and I want to say to my friend from Virginia we do examine these court findings when they come back, especially when referred under a Tucker Act resolution, and if we do not we fail to do our duty, and this House ought to do it. I also want to say that I have not any doubt his claims are correct, in view of his statement of the fact, and in the Senate where they were referred they will be added to this bill and will meet no opposition in this body by the conferees of the House if they are the character of claims that are in this bill, and I take his word that they are. However, he can see where we will be. If we take care of his, we will have to take others in on the statement of the Senate findings, which we have invariably excluded from this bill. For that reason, and for that only, I hope the gentleman's amendment will be voted down.

Mr. WALDO. Mr. Chairman, I do not think the amendment of the gentleman from Virginia should pass——

Mr. JONES of Virginia. Mr. Chairman, I will withdraw the amendment, if the gentleman will yield to me. Mr. Chairman, I was going to say, in view of the statements made by the members of the committee, that these claims and claims of a similar character will be put on in the Senate and that there will be no opposition to just claims of that character on the part of the House when they come back here, I withdraw my amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To Warwick Hutton, administrator of the estate of Samuel Morrison, deceased, late of Randolph County, $1,340.

Mr. HASKINS. Mr. Chairman, I move to amend the bill by striking out lines 1, 2, and 3, on page 35.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 35, lines 1, 2, and 3, strike out the paragraph.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. HASKINS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

A. J., C. C., AND T. W. HODGES.

Mr. HASKINS. Mr. Chairman, I move that the committee take up for consideration the bill (H. R. 14446) for the relief of A. J., C. C., and T. W. Hodges.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. It does not require any motion from the gentleman from Vermont [Mr. HASKINS].

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay A. J., C. C., and T. W. Hodges, of Gonzales County, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $1,175, being for labor performed for the United States upon the written order of W. T. Wilkerson, colonel in United States Army and commanding a post at Columbus, Tex., during the month of August, A. D. 1865.

Mr. HASKINS. Mr. Chairman, the gentleman from Texas [Mr. COOPER], who is a member of the Committee on War Claims, has charge of the bill.

Mr. COOPER of Texas. Mr. Chairman, I ask that the report be read, as it gives all the information necessary about this bill.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on War Claims, to whom was referred House bill 14446, beg leave to report favorably and recommend that said bill do pass.

The facts in this claim, briefly stated, are these: During the year 1865, 108 bales of cotton were seized in Gonzales County, Tex., by the Federal troops and were left temporarily in the possession of A. J. Hodges.

In the month of August, 1865, Col. W. T. Wilkinson, commander of a post at Columbus, Tex., wrote a letter to A. J. Hodges, as follows:

HEADQUARTERS POST,
Columbus, Tex., August 12, 1865.

SIR: I have been informed by Lieutenant Kook that the cotton in your possession is not in a fit condition to be moved. Upon receipt of this order you will please have the cotton rebaled. If you have teams, send the cotton to this place as soon as practicable, for which you will be paid.

Yours, respectfully,
W. T. WILKINSON,
Lieutenant-Colonel, Commanding Post.

Mr. A. J. HODGES.

The original of this letter, with the envelope, is filed with the committee. At this time there was no railroad, and the cotton had to be hauled in wagons to Columbus, a distance of about 100 miles. A. J. Hodges, aided by his two brothers, C. C. and T. W. Hodges, had the cotton repicked and rebaled, purchasing bagging and rope for the purpose, and with teams hauled the 108 bales of cotton to Columbus from the home of A. J. Hodges, in Gonzales County. When they got there with the cotton Colonel Wilkinson was away and they were not paid. The cotton was delivered to Lieutenant Kook. After waiting two or three days for the return of Colonel Wilkinson they returned home without having seen him. Several weeks later A. J. Hodges went to Columbus again to collect his pay. Colonel Wilkinson was still absent, and soon after the camp was broken up, and they never received pay for the work.

The itemized account is as follows:

Labor in repicking and rebaling 108 bales of cotton	$540
Bagging for same	243
Rope for same	90
Hauling said cotton to Columbus	302
Total	1,175

The committee is of opinion the work was done and services rendered, and that these men have never received any pay; that the bill is a reasonable one, for which the Government ought to pay.

Mr. MANN. Will the gentleman yield for a question?

Mr. COOPER of Texas. Yes, sir.

Mr. MANN. We have just passed a bill having something over three hundred claims in it which were referred to the Court of Claims for a finding of facts. What is the objection to having the Court of Claims pass upon this bill if it has merit?

Mr. COOPER of Texas. Except that the facts are already found and proven. The testimony has been submitted to the committee, and the committee have acted and reported that the claim be paid.

Mr. MANN. The only testimony that is stated in the report is what is said to be a copy of an order.

Mr. COOPER of Texas. From a lieutenant-colonel in command.

Mr. MANN. Which I suppose was not obtained from the War Department. There was a letter written by somebody, but no finding of facts in reference to the matter at all. The committee will not pretend to say that it has given careful consideration to the facts in the case.

Mr. COOPER of Texas. Mr. Chairman, the gentleman from Illinois [Mr. MANN] makes the statement that the committee certainly have not carefully considered this bill.

Mr. MANN. I beg the gentleman's pardon. I said they have had no opportunity to carefully consider the facts in the case.

Mr. COOPER of Texas. On that statement I must dispute with him. The facts have been before the committee. The facts were that the claimants were employed to haul and look after this cotton. They performed this service, and they attempted to get their pay. There was no judicial tribunal which had jurisdiction to which they could go. The officer was the only one who could pay, and he left the country and had no opportunity to pay them, and they came to Congress, showing by legitimate and competent testimony that the services were rendered, and that they are entitled to the pay mentioned in the bill. This bill is in the interest of a constituent of my colleague [Mr. BURGESS], and I yield to him for further explanation to the gentleman from Illinois [Mr. MANN].

Mr. HASKINS. Will the gentleman from Texas [Mr. COOPER] yield to a question?

Mr. COOPER of Texas. Certainly.

Mr. HASKINS. It is not true that in the consideration of this bill the old, original letter of Lieutenant-Colonel Wilkinson was presented?

Mr. COOPER of Texas. It is true that the original letter was presented, and is now on file with the Committee on War Claims.

Mr. BURGESS. Mr. Chairman, I would like to say briefly, not only for the benefit of my friend from Illinois [Mr. MANN] but others of my colleagues, that this bill has been considered on the facts by two committees in this House. At a previous session the bill was referred to the Committee on Claims, of which my friend from Kansas [Mr. MILLER] was and is the distinguished chairman. He was of opinion, and so was I, and I am yet, that that was the proper committee to consider this bill. They considered it, made a unanimous report upon the facts, almost identical with this report from this committee—identical in substance and fact—favorably recommending the bill, and it went on the Private Calendar. When the bill came up for consideration under the rule, my friend from Illinois [Mr. MANN] objected then that it ought to go to the Committee on War Claims, and the Chairman of the Committee of the Whole who then occupied the chair sustained the point of order and sent it to that committee. Now, that committee has considered the facts, and they have unanimously made a favorable report upon this bill, and I do submit that in view of such a consideration by two committees, both unanimously and favorably reporting the bill, it would be useless and unfair to protract further settlement of this matter. The facts are brief, and in my judgment will convince a majority of this House that the point of order ought never to have been sustained, in fact, for the reason that it is a payment by the Government for work done after the close of the war. The only fact upon which the point of order could hinge was the one that undoubtedly the cotton upon which the work was done after the war had been taken by the Government during the war.

Cotton in Gonzales County was seized, as it was in a good many other places. This was left in charge of this man A. J. Hodges. After the war closed, as the letter shows date of August 12, 1865, this lieutenant-colonel, then in command of a temporary post at Columbus, about 100 miles by dirt road—and pretty bad ones in those days—wrote this letter asking this man to repick this cotton, rebale it, and haul it to the post at Columbus. In those days we did not have cotton baling down as fine as we have it now. It did not then take very long for a bale of cotton to get in very bad shape, especially if it was exposed, and there were 108 of these bales. This was done by this man, A. J. Hodges, with those that are joined with him in this claim. They repicked the cotton, bought the material, and rebaled it, and tied it and hauled it this 100 miles down to Columbus, and delivered it at the post. Now, this is established by sworn affidavits, which were before both these committees. I have known these three men myself for twenty-five years, and they are as honest and upright citizens as there are in Texas. They performed the work that they were ordered to do by the Government; there is no question about that; the Government got the cotton, and there is no doubt the Government ought to pay what this colonel ordered to be done, and so from my point of view the claim should never have been referred to the Committee on War Claims and has no place before the Southern Claims Commission at all.

Mr. PAYNE. You do not raise any point of order upon that?

Mr. BURGESS. I am arguing against any point of order.

Mr. PAYNE. You are not making the point of order?

Mr. BURGESS. Yes.

Mr. PAYNE. You do? [Laughter.]

Mr. BURGESS. Mr. Chairman, I am not making the point of order. I will try to make the gentleman from New York understand.

Mr. PAYNE. I think I understand you.

Mr. BURGESS. The gentleman from Illinois suggests that this claim ought to go with these other claims to the Court of Claims. I say there is no reason for it to be referred. It only means another delay. These facts are simple and have been established in affidavits before two committees, and I do not know what more we will know if the claim were sent to the Court of Claims and came back.

Mr. KEIFER. I am not opposing your bill. You said this cotton had been seized by the Government during the war. Was the seizure made under what is called the "captured and abandoned property act?"

Mr. BURGESS. Really, I do not know about that.

Mr. KEIFER. What was the form of the seizure that you refer to?

Mr. BURGESS. I do not know about that. I just really assume that it must have been seized in some way. I never inquired into it, because in my view that is utterly immaterial.

Mr. KEIFER. What I am trying to get at is the form in which title was acquired by the Government and what that title was at the time of the employment of these three men.

Mr. BURGESS. Well, really I do not know, and really, in my view of it, I submit to the gentleman from Ohio that would be immaterial in a question relating to the payment of this claim.

Mr. KEIFER. It might be quite different if it turned out the Government had no title at all and this employment was for moving cotton that the Government had no interest in and probably never got any benefit from. It might affect this question. I do not concede that a lieutenant-colonel or a colonel or general in charge of a military post, unless he had special authority from the Treasury Department to deal in such matters, had any right to make such a contract. I am not trying to overthrow your bill, but I want to see what foundation there was for it.

Mr. BURGESS. I really do not know what the particular facts of the seizure were. I suppose it was done as that was usually done.

Mr. COOPER of Texas. I will state to the gentleman from Ohio that the Government received the cotton. The Government ordered this done, and the Government received the cotton, and these men performed the service for the Government under this contract which is shown by this letter.

Mr. KEIFER. Have you a letter, or where is the evidence to show that the Government received the cotton and got the benefit of it?

Mr. COOPER of Texas. I know they got it. Here is the order and the affidavits on file before the committee.

Mr. KEIFER. What is the character of the testimony to show that the Government received it? I will concede that somebody received it.

Mr. COOPER of Texas. It was shown that it was received by the officer.

Mr. BURGESS. It is shown by the affidavits of five different citizens.

Mr. KEIFER. What was the character of the officer?

Mr. COOPER of Texas. Lieutenant-colonel.

Mr. KEIFER. That is not by any means conclusive, but suspicious in the sense that very few officers represented the Secretary of the Treasury in seizing cotton during or at the end of the civil war or could take possession and dispose of captured and abandoned property such as cotton and things of that kind. I do not think the Secretary of War could have given that authority to have done what was done in this case.

Mr. WALDO. Will the gentleman yield for a question?

Mr. KEIFER. Certainly. I am not in control of the time and have no time of my own, but I will yield. [Laughter.]

Mr. WALDO. The gentleman does not mean to intimate that he believes the lieutenant-colonel got the money himself?

Mr. KEIFER. I do not mean to say that; but it may be that nobody got it in the name of the Government.

Mr. BURGESS. I think the gentleman from Ohio, who, as I understand, is a good lawyer, would not say for a minute that we ought to refuse to pay these people because there might have been a failure of title in the Government in the property on which they had worked under the direction of an officer of the Government.

Mr. KEIFER. The officer of the Government must be one authorized to act in such a matter. It seems to be assumed by the gentleman from Texas, and probably by the committee, that a lieutenant-colonel in command of a temporary post has authority to act for the Government in the way of taking possession of property and handling it and, in the name of the Government, selling it and returning the money to the United States Treasury. I say that is, as a general proposition, far from the case. Officers of the Army who did take possession of property always had to have special authority from the Secretary of the Treasury in those times; and although they might have been commanders of armies, they did not have authority to deal with property unless it was by special direction and through an agency extended by the Secretary of the Treasury.

Mr. BURGESS. I think technically the gentleman from Ohio is right on the last ground, but he changes his ground rapidly. His first position was to inquire into the character of the taking of the property as determining liability, and upon that issue I said that there was nothing in it. Now you make a point of the authority of the officer in the case. I do not think the gentleman is making any captious contest about this little bill of mine. I know he is not, because he says he is not; but that would be purely technical. It would be bad faith on the part of the Government to compel people who do work to determine technical questions of authority on the part of a lieutenant-colonel.

Mr. KEIFER. That is the way it is always, in any transaction. You have to find a competent agent to make a contract for an individual, a corporation, or the Government, and he must act within the scope of his agency. But if I were satisfied that the committee were right in reaching the conclusion that the Government of the United States got the proceeds of the sale of this cotton, I would not make any point about whether the agent was authorized to take it or not——

Mr. BURGESS. There is no doubt about that.

Mr. KEIFER. Because in that case it would be held that the Government had ratified the action of the party who assumed to be its authorized agent, and no proof of original authority to act would be required.

Mr. BURGESS. Two committees have decided that the Government did get the money.

Mr. KEIFER. I have not understood from any person that there was any testimony tending to show that this cotton was subsequently sold and that the money went into the Treasury.

Mr. BURGESS. We have the testimony of five credible persons who swear that the cotton was delivered to Lieutenant-Colonel Cook, acting at that post. Now, what the officer did with the cotton we do not know, and, in God's name, how could these citizens know that? I do not know whether the officers embezzled it, or sold it, or whether they turned it over to other officers; but they got the cotton, and I think that is sufficient. Both committees say so.

Mr. KEIFER. I think that throws the only serious suspicion that there is against the claim—that last statement of the gentleman. [Laughter.]

Mr. MANN. Mr. Chairman, the gentleman from Texas, who introduced the bill, and the gentleman from Texas, who reported the bill, both indicate to the House that this bill has received careful consideration from the Committee on War Claims; that the evidence relating to the matter has been presented to that great committee, and that hence the House ought to take the judgment of the Committee on War Claims, based upon the evidence presented to that committee. It is unfortunate perhaps that the record of the bill itself shows that it was introduced in the House on the 28th of January and reported the next day. Everybody in the House knows that it is absolutely out of the question for the committee to have had an opportunity to give careful consideration to the evidence in the case and report it into the House the day after it was introduced.

Mr. BURGESS. Will the gentleman be fair? Will the gentleman kindly yield?

Mr. MANN. I always am willing to yield to the gentleman, if he will possess his soul in patience until I have finished a sentence. I yield to him with pleasure.

Mr. BURGESS. I will be patient, and I will present an explanation that will be perfectly satisfactory, even to the gentleman from Illinois, and that is putting it strongly.

Mr. MANN. Well, I did not yield for the gentleman to throw slurs on me. The gentleman should ask his question, if he wishes to.

Mr. BURGESS. There was no idea of a slur in it.

Mr. MANN. That was the only idea, of course, I am perfectly willing to say. The gentleman and I are good friends.

Mr. BURGESS. Let me make my statement.

Mr. MANN. I will let you make a speech in my time.

Mr. BURGESS. I do not want to make a speech. The facts are these: The bill was introduced early in the session. The original documents, which were in the room of the file clerk, and which had been before the Committee on Claims, were gotten out and filed with that bill.

The chairman of the committee—who is present on the floor, and will verify the facts as I state them—upon examination of the bill concluded that the phraseology of the bill I had introduced was deficient and it was really necessary to change it so that under the ruling of the Treasury officials the money would be paid, and he kindly sent for me and gave me a copy which he had drawn with the correct phraseology and which I introduced, as the gentleman from Illinois has stated, and which was reported the next day, the committee having previously passed upon the substance of the facts of my bill and the proof which accompanied it.

Mr. MANN. I should say that the gentleman's explanation was proof satisfactory and fully exonerates the committee. Now, that does not go to the main objection of the proposition in this bill. We have just passed an omnibus bill containing war claims with over 300 items in it, which has been considered by the Court of Claims, where the Government was represented by counsel, where full opportunity was given for the Government to put in its side of the case, where the facts are ascertained and reported to Congress, and everyone here knows that it is not within the power of the Committee on War Claims in the House, or any other committee, to give consideration to the facts in regard to all the bills before the committee.

Now, why is it sought to take this kind of a claim out of the general rule and send it to the Committee on Claims? My observation in the past has been that when a man had a good claim he asked to have it referred under the Bowman Act; if he had a doubtful claim he asked to have it referred under the Tucker Act; and if he had a thoroughly bad claim he asked to refer it to the committee without any reference to the Court of Claims. That is the suspicious fact about this bill. If it is a good claim it can be reported on after it is passed upon by the Court of Claims.

Mr. COOPER of Texas. Does the gentleman from Illinois insist that this claim could be referred under the Bowman or Tucker Act? Is it that character of claim which could have been referred under those acts?

Mr. MANN. Why, certainly; this bill can be referred under the Bowman Act.

Mr. COOPER of Texas. By Congress.

Mr. MANN. It can be referred by the committee under the Bowman Act.

Mr. COOPER of Texas. Well, for the purpose of concluding the argument, I will admit the fact. [Laughter.]

Mr. MANN. The gentleman from Texas is on the Committee on War Claims; he is a distinguished member of that committee, and a very distinguished Member of the House. I am very glad, by the way, to see him back in the House, because I think he is an ornament to this body. The Bowman Act provides that whenever a claim or matter is pending before any committee in the Senate or House, or before either House, which involves the investigation and determination of facts, etc.—it may be referred to the Court of Claims. Nine-tenths of the claims in the omnibus bill just passed were referred to the Court of Claims under that provision of the law. Why does the gentleman seek to take his claim out and give it a more preferential standing, instead of being willing to pass it through the scrutiny of the Court of Claims?

Mr. COOPER of Texas. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DRISCOLL. Mr. Chairman, may I ask the gentleman from Vermont, chairman of the committee, a question?

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. DRISCOLL. I wanted to ask the chairman of the committee if he recommends the passage of this bill?

The CHAIRMAN. The question is on the motion of the gentleman from Texas to lay the bill aside with a favorable report.

The question was taken, and the motion was agreed to.

WILLIAM WILMOT WHITE.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move to take up the bill H. R. 4763, transferring Commander William Wilmot White from the retired to the active list of the Navy.

The CHAIRMAN. The gentleman from Pennsylvania moves to take up the bill H. R. 4763.

The question was taken, and the motion was agreed to.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to appoint, by and with the consent of the Senate, William Wilmot White, now a commander on the retired list of the Navy, a commander on the active list of the United States Navy, to take rank next above Commander Emil Theiss, United States Navy: *Provided*, That the said William Wilmot White shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That the said William Wilmot White shall not by the passage of this act be entitled to back pay of any kind: *And provided further*, That the said William Wilmot White shall pass a physical examination before said transfer, showing his fitness to enter the active service of the Navy.

The bill was laid aside to be reported to the House with a favorable recommendation.

L. K. SCOTT.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take from the Private Calendar the bill (H. R. 2756) for the relief of L. K. Scott and consider the same at this time.

The CHAIRMAN. The gentleman asks unanimous consent for the present consideration of the bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. K. Scott the sum of $7,500 for royalty upon telescopic sights; and said sum shall be in full satisfaction of all claims in behalf of said Scott, or his estate, against the United States arising from the use of said telescopic sights; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,500 for the purposes specified in this act.

Mr. MANN. Mr. Chairman, I desire to make a parliamentary inquiry. For what purpose has this bill been read?

The CHAIRMAN. The gentleman from Kansas asked unanimous consent for its present consideration, and that consent was granted.

Mr. MANN. Before the bill was read?

The CHAIRMAN. Yes.

Mr. MANN. That is a very unusual proceeding.

The CHAIRMAN. After the title was read the gentleman obtained unanimous consent for its present consideration.

Mr. MANN. It is a very unusual proceeding to ask that the title of a bill be read.

Mr. WALDO. Mr. Chairman, I do not understand that that is a parliamentary situation at all. Under the rule, if the Committee on War Claims or anyone interested in war claims waives the right to proceed, the Committee on Claims has precedence, and there is no such parliamentary situation as stated.

Mr. MILLER. Mr. Chairman, the Chair having decided, I think I shall proceed. There will be no objection on the part of this committee, or especially on the part of the chairman, to any Member of this House objecting to any bills that we present. There is no such pride on the part of the committee that would cause our feelings to be wounded for a single moment if any Member of this House desires to offer any objection to any report that we present. We present only such reports as in our judgment we feel justified in presenting to the Committee of the Whole House.

In brief, I desire to say, in reference to this bill, that it is a bill for the relief of L. K. Scott. L. K. Scott, in 1809, entered into an agreement or contract with the War Department to furnish that Department some telescopic sights. At the time he did not want to sell one or two of these sights without having some assurance that he might sell to the Government a large number of sights, so that he might make a large profit out of his invention, and the War Department agreed with him. He went then to the Patent Office and filed an application for a patent, and took out a patent upon his sights, and then he sold to the War Department these sights. It was understood at the time that a certain number of sights were to be purchased by the Government, but afterwards while a large number of sights had been purchased, not nearly the number that had been agreed upon or talked about were purchased, and the Government finally decided that they could not pay his claim and offered the following as a reason:

The War Department has endeavored to secure payment to Colonel Scott of the sum of $7,500 as royalty of $50 for each of the 150 sights first manufactured in the United States, and such payment has been recommended by the Ordnance Department, the Secretary of War, and the Secretary of State; but as Colonel Scott's claim was not founded upon a legal contract, payment from existing appropriations has been disapproved by the Comptroller of the Treasury.

Colonel Scott was not a citizen of the United States, but was a foreigner, and he entered into a contract with a Department in this country, a Department of our Government, and we feel, as did the Secretary of State, and the Secretary of War, and other officers of the Government, that we ought to keep good faith, especially with citizens of other countries if we do not with our own people. They have recommended this payment, and I move that this bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, this bill is an old familiar friend. I suppose it might get through this time. It has failed

several times before. The facts are—I have not the report before me, for I did not expect this bill to be called up, but I remember them well enough to state them—the facts are that a gentleman living, I believe, in England, having a patent on certain kinds of gun sights, sold certain of his sights to this country. He thought he was going to sell a large number, and it is very likely that the War Department thought they would purchase a large number of sights. He sold two or three to begin with, took out a patent to protect himself in this country, and afterwards the War Department purchased a large number of additional sights from him, but not as many as he thought they ought to purchase. Afterwards his patent ran out, and the Government purchased a number of sights from a firm in Cleveland, Ohio, which sights it was claimed were an infringement, or would have been an infringement, of Scott's patent if that patent had still been in force. That is all there is to the claim. There was no promise on the part of the Government to purchase any number of sights. They never purchased additional sights from him. There is no certainty that the sights furnished by the Cleveland company were even an infringement upon the patent if it had been in force, but here is a proposition to present a gratuity to a man simply because he is not a citizen of the United States.

Mr. HINSHAW. Is the gentleman certain that the patent had ceased to exist or had run out at the time of the purchase of the Cleveland firm?

Mr. MANN. Well, I am not certain about that. I have stated my recollection in regard to it, and the gentleman may correct me about it. I have not read the report in recent months, but my recollection is that that is the case, and if the patent had not run out there would have been no question of the payment of the claim by the Government or by the company that sold the sights to the Government. If the patent had not run out, Warren & Co., or whatever the name was—Warren was a member, I think, of Cleveland—that furnished these sights were perfectly responsible and good for the infringement of the man's patent, if there was an infringement of it. Now, what excuse is offered? None has been offered to us for the payment of this gratuity. There is no claim against the Government, there is no promise on the part of the Government to purchase the sights. All the sights the Government ever purchased from this man they paid him for, and they paid him for some and they paid him his royalty, but because the Government did not purchase as many as he thought the Government ought to purchase from him, therefore we ought to pay the royalty he would have received if we had purchased a much larger number. What justice is there in such a claim? And yet that is the claim before the House.

Mr. MILLER. Mr. Chairman, I want the committee to distinctly understand what there is in this case. This is what the officers say in reference to it:

OFFICE OF THE CHIEF OF ORDNANCE, UNITED STATES ARMY,
Washington, March 16, 1900.

SIR: I have the honor to transmit herewith an estimate, amounting to $7,500, for compensation to L. K. Scott for his telescopic sights procured by this Department. Accompanying the estimate are the papers on which the estimate is based, the action of the War Department thereon, and the decision of the Comptroller of the Treasury (to whom the matter was referred for authority to pay the claim from an existing appropriation), to the effect that if the proposed payment were predicated upon a legal contract, expressed or implied, he would be disposed to give it his approval, but in view of the facts he finds that resort in this case must be had to the legislative department of the Government. The whole correspondence tends to show that the inventor had reason to believe that he would eventually receive from this Government an order for a further supply of sights or a royalty for sights made in this country.

Very respectfully,
A. R. BUFFINGTON,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

Then, again, we have the following:

WAR DEPARTMENT,
Washington, March 22, 1900.

SIR: I have the honor to forward herewith, for the consideration of Congress, an estimate ($7,500) of appropriation required to pay L. K. Scott a royalty for telescopic sights furnished the War Department, and to request that the item may be included in the general deficiency bill.

Very respectfully,
ELIHU ROOT,
Secretary of War.

The SECRETARY OF THE TREASURY.

Then the matter was referred to the Secretary of the Treasury, and he referred it to Congress, asking for an appropriation, and then afterwards Mr. Hay wrote the following:

DEPARTMENT OF STATE,
Washington, December 11, 1903.

The PRESIDENT:

In connection with House Document No. 533, Fifty-sixth Congress, first session, I have the honor to lay before the President a copy of a communication from the British ambassador with reference to a claim of Lieut. Col. L. K. Scott, C. B., late of the Royal Engineers, on account of the adoption by the United States Ordnance Department of a system of sighting of which he is the inventor.

The equitable right of Lieutenant-Colonel Scott to payment for the use of his invention is stated in a report made by the Chief of Ordnance of the United States Army to the Secretary of War on May 11, 1903, a copy of which I also submit herewith.

I do not hesitate, therefore, to recommend that Congress be asked to provide for the payment of the claim in the amount stated by the Chief of Ordnance.

Respectfully submitted. JOHN HAY.

Then, later, Mr. Taft, speaking of the same case in a letter of January 17, 1905, said:

WAR DEPARTMENT,
Washington, January 17, 1905.

SIR: I recommend the passage of the bill appropriating $7,500 to Col. L. K. Scott.

It appears to be the general custom in European countries for those who have invented devices in arms for which generally governments are the only customers not to furnish samples of their new devices, though patented, to any government except upon an agreement that the government will take a large amount of the arms.

Colonel Scott was induced to depart from this custom by the understanding that the Government, if the sample sights proved to be satisfactory, would take a large number within a short time. The Government did take 100 sights, which made a profit to Colonel Scott of about $5,000, but Secretary Root thought that he was entitled to anticipate a much larger sale than this. As a matter of fact, the patent which he took out to protect him expired before the Government used the sights.

Thereafter the Government did use a large number of the sights, some 250. Secretary Root thought it equitable to allow Colonel Scott $7,500 in addition to that which he had already received, and I concur in that recommendation. There is no legal obligation on the part of the Government; the moral obligation grows out of the fact that Colonel Scott was induced to part with two sample sights with the expectation, which then Lieutenant Crozier and Colonel Scott both had, that if the sights proved to be satisfactory the Government would at once purchase enough to equip all the guns in the artillery with them. The truth is that this is what ought to have been done, but through an unjustifiable delay of the officer charged with the duty the sights were not then purchased. When the Spanish war came on it was necessary to manufacture them, and we were enabled to manufacture them quickly and promptly by reason of having obtained the sights from Colonel Scott, when if we had not obtained them we should have had to secure them, if at all, in some surreptitious way.

Very respectfully,
WM. H. TAFT, *Secretary of War.*

The CHAIRMAN COMMITTEE ON CLAIMS,
United States Senate.

I simply ask the committee to adopt the recommendations of Secretary of War Taft, of former Secretary of State, Mr. Hay, and of Elihu Root, Secretary of State at the present time, and the President's indorsement and request.

Mr. PAYNE. Does the gentleman yield?

Mr. MILLER. Certainly.

Mr. PAYNE. I have been looking at the report, Mr. Chairman, and the report in this case refers to the report in the Fifty-ninth Congress, which seems to state the facts as they were understood by the committee at that time. I will read:

In 1889 the War Department ordered from Lieutenant-Colonel Scott, of the Royal Engineers, through Lieutenant Crozier, the representative of the Ordnance Department in London, two Scott telescopic sights for trial. Colonel Scott was unwilling to sell a single sight to the Department without an assurance that in the event of its proving satisfactory the right of manufacture should be purchased or a further supply of sights be ordered to the value of about $100,000. Knowing the difficulties in the way of making any such arrangement, Lieutenant Crozier advised Colonel Scott to seek the protection of the United States patent laws, in order that he might sell a single sight without fear that it would be used as a pattern without proper compensation to him. This course was adopted, and having patented his system May 27, 1890, Colonel Scott furnished the Department with two sample sights, for which he received £79.

Instead of making a contract, he told him to seek the protection of the patent laws.

Subsequently, in 1894, a third sight, slightly modified, was procured. This was subjected to a careful test, as the two previous sights had been, and was found satisfactory. The War Department thereafter purchased 100 sights, for which Colonel Scott was paid £2,500, this price including the royalty of £10 per sight. Pending the delivery of these sights in the spring of 1898 the Spanish-American war broke out and it was not practicable to obtain others abroad.

More sights, however, were urgently needed for the guns in place in the fortifications, and it was found necessary to manufacture them in the United States. On March 22, 1898, an order was placed with Warner & Swasey, of Cleveland, Ohio, for 125 Scott sights, this number being subsequently increased to 150. These 150 sights clearly embodied Colonel Scott's patent, though they differed slightly from sights previously furnished by him.

Colonel Scott's English patent expired November 18, 1895, having run the full term of fourteen years, and his American patent expired contemporaneously with it. No sights, therefore, were manufactured in the United States until after the expiration of the patent, and the War Department, in view of the urgent need for the sights, was justified in placing the order with Warner & Swasey, inasmuch as none of Colonel Scott's legal rights were thereby infringed.

The War Department might have ordered the 150 sights which they ordered at the breaking out of the Spanish war, without paying Colonel Scott anything, because his patent then had already expired.

It thus appears that the United States has adopted and made use of 250 Scott sights, embodying the English patent, and of 185 others modeled somewhat after the same patent—in all, 435 sights. Colonel Scott received royalties only upon the 100 sights made in England.

Now, it seems to be simply a case that after a patent has expired and the United States has paid royalty upon 150 of these patented articles, and then, because they could not get them of him and did not continue to pay it, went to somebody else and got them to manufacture them, therefore here is a claim for a royalty of £10 a sight on these sights that were manufactured in the United States. Certainly the man has not the slightest legal or equitable standing. He knew when the patent expired. He knew it expired in November, 1905. He had the benefit of his fourteen years' patent in Great Britain and for the time it was patented here in this country.

Mr. HACKNEY. Would not this also be extending this patent law if we were to pass this kind of a claim by putting a further time on his patent than what was fixed by the general law?

Mr. PAYNE. That would amount to an extension of the patent law. Of course the House knows it has been the settled purpose of the House not to extend any patent law for our own citizens or citizens abroad. The time was when we used to do that sort of thing by special act, but that bad practice has been broken up and we have not had a single patent extended in this country, no matter how meritorious the device, no matter how late the patentee was in getting it upon the American market, no matter how little money he might have received for the work of his brains. They have established the fact that they will not extend a patent. Then, why come in here and extend this patent?

Mr. MILLER. Mr. Chairman, I yield to the gentleman from New York [Mr. WALDO].

Mr. WALDO. I must beg leave to differ with the gentleman from New York [Mr. PAYNE] who has just spoken, when he says that there are no equitable rights in this case. I am happy to say that our Secretary of State and a former Secretary of the Treasury and the President of the United States agree with me that this is an equitable claim that the United States ought to pay. The question is not a question of patent at all. This inventor had this invention that eventually we were obliged to use by reason of the Spanish-American war by means of an agreement made by our War Department with Colonel Scott, that got that invention for use in this country for the War Department on the agreement that we would pay for whatever we used of them. And General Crozier got him to go and take out a patent. That had nothing to do with the case. We agreed to pay for that invention. The only thing in it is that General Crozier thought we would try to beat him out of it if he did not get a patent. That is what these gentlemen want us to do. This patent has nothing to do with it. We had his invention. We could not have got it without the representations that General Crozier and our officers made to him. We got it, and we used it, and all the officers of the War Department, the Secretary of State, and the President say that we ought to pay him as we agreed to, and that is what I believe, and that is what our committee unanimously believe, and that is why we report that bill here. And that is the reason I think this House ought to vote to pay him.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the chairman announced that the ayes appeared to have it.

Mr. MANN. Division!

The committee divided, and there were—ayes 56, noes 16.

So the bill was ordered to be laid aside with a favorable recommendation.

Mr. HASKINS. I move that the committee rise and report to the House such bills from the War Claims Committee as have been laid aside with a favorable recommendation, including the bill of the Naval Committee.

The CHAIRMAN. The motion to rise and report under these circumstances has precedence.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. PAYNE. Division!

The committee divided, and there were—ayes 33, noes 64.

So the motion was lost.

JOHN P. HUNTER.

Mr. MILLER. I now call up the bill (H. R. 2915) for the relief of John P. Hunter.

The bill was read.

Mr. PAYNE. I make a point of order against that bill. It is not in order at this time. This day has been set apart for consideration of bills on the Private Calendar, giving the War Claims Committee preference. There are other war claims bills on the Calendar.

Mr. MILLER. I only desire to say, in reply to the gentleman from New York, that I have asked unanimous consent to take up this, and the House has granted its consent.

Mr. PAYNE. Oh, no.

Mr. MILLER. I desire to say in reply to the gentleman from New York, that the chairman of the Committee on War Claims has made his report, and there are a number of other war claims bills on the Calendar, and no member of this committee has asked to take those claims up, and when neither the Committee on War Claims nor the members of this committee have asked for their consideration, I have the right to call up these claims, and they have as much right for consideration as any others.

Mr. MADDEN. Mr. Chairman, I want to say that the point of order of the gentleman from New York is not well taken, for the reason that the motion made by the gentleman from Vermont in the House this morning was to the effect that the House resolve itself into Committee of the Whole House for for purpose of considering bills on the Private Calendar, and there was nothing whatever in the motion as to the consideration of bills of the War Claims Committee on the Calendar.

Mr. MANN. But the rules provide in regard to that. Now, this is the situation, it seems to me. I do not think it makes much difference whether these bills are considered to-day or not. Under the rules, the Clerk will proceed to report the bills from the Committee on War Claims on this day in the order in which they appear on the Calendar. The gentleman from Kansas asks unanimous consent to take up one bill. He could ask unanimous consent to take up another bill, otherwise, as I take it, this committee would have to proceed with the bills on the Calendar in the way in which they appear.

Mr. MILLER. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. MILLER. Is there any person asking permission to call up any bill on the Calendar from the War Claims Committee?

Mr. MANN. The gentleman misstates what I say. It is not necessary to ask permission to call up a bill on that Calendar from that committee. When the House goes into Committee of the Whole House on the Private Calendar it is not necessary nor customary for some one to ask unanimous consent to take up or to move to take up a bill. The bill takes up itself in regular order unless otherwise ordered.

Mr. FINLEY. I would like to state to the gentleman from Illinois that I understand unanimous consent is required to consider this bill. I believe in my nine years' experience in the House I have had but two claim bills of this character, and I know this one is meritorious. The gentleman who is named in this case is now on his deathbed, and I hope there will be no objection to its consideration.

Mr. MANN. I can assure the gentleman, so far as I am concerned, I am perfectly willing that all these bills from the committee may be considered in that way.

Mr. FINLEY. I have had only two bills before the Committee on Claims, and I hope this one will be considered, as I have information that the claimant is on his deathbed.

Mr. PAYNE. So far as the point of order is concerned, it is perfectly clear what the order is to-day. It is to take up and give preference to bills from the Committee on War Claims on the Calendar in the order in which they appear. Now, that works automatically, and the only way that can be changed is for some gentleman to ask to take up a particular bill. If the gentleman wants to take up this bill on the Calendar, I have no objection to his asking it; but I want to see the committee proceed in order and not get into a disorderly way, trying to take up these bills out of their order on the Calendar.

Mr. MILLER. I move that the committee proceed to the consideration of the bill for the relief of John P. Hunter.

The CHAIRMAN. The Chair is of the opinion that the point of order made by the gentleman from New York [Mr. PAYNE] is well taken. The Chair is also of the opinion, however, under the order adopted by the House on March 14, 1900, and repeated in every Congress since, that to-day we can not take up the bills reported from the Committee on Claims, except by unanimous consent, so long as there are any war claims on the Calendar.

Mr. MILLER. I ask unanimous consent to take up the next bill on the Calendar.

Mr. PAYNE. Will the gentleman let the bill be read, to see what it is, before consent is given?

Mr. MILLER. Certainly.

The CHAIRMAN. The gentleman asks unanimous consent to the following bill, which the Clerk will report.

The Clerk read as follows:

For the relief of John P. Hunter.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John P. Hunter, late United States marshal for the district of South Carolina, out of any

money in the Treasury not otherwise appropriated, the sum of $308.13, which sum shall be taken and accepted and receipted for in full satisfaction of his claim for services performed by his deputy, H. J. Hickson, in the case of the United States against J. T. Tillman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. I call on the gentleman from South Carolina [Mr. PATTERSON] to make a statement in reference to this bill.

Mr. PATTERSON. Mr. Chairman, this is a claim on the part of the United States marshal for the district of South Carolina, who executed a bench warrant issued by the circuit judge of that circuit upon one J. T. Tillman, in the State of Texas. He arrested Tillman and brought him to Charleston, and when he made out his account for his fees for that service it was rejected upon the grounds that he was not the proper official to perform that duty, that the United States marshal of the district in Texas where this defendant was found was the proper person. He did, however, perform the service as required and brought the defendant to justice.

Mr. FINLEY. Had it not been the practice and the understanding that the law was that the work should be done by Marshal Hunter, and that he should be paid for it, and is it not true that three or four days before the warrant was issued the Comptroller had made a decision in which he held that that was not the law? At the time Marshal Hunter performed this service that decision was unknown to him, and it was only when his account was finally adjudicated that he discovered that this ruling had been made. At the time this service was rendered the practice all over the United States was for marshals to do the work just as Marshal Hunter did it in this case.

Mr. MANN. Is not this a bill to pay a marshal 20 cents per mile for the transportation of a prisoner?

Mr. FINLEY. Ten cents.

Mr. MANN. To pay a marshal and his deputy 10 cents a mile, most of which is profit and does not represent outlay?

Mr. PATTERSON. It is for the mileage of the deputy who serves the bench warrant.

Mr. MANN. This bill has been before the House before?

Mr. FINLEY. Never; only it was favorably reported.

Mr. MANN. But I remember the case in the last session.

Mr. FINLEY. It was reported late in the last session.

Mr. MANN. I was sure that I remembered the case. A marshal and his deputy carried a prisoner across the State line, out of one district into another. If he had remained in the district the law would give him 20 cents a mile for the distance traveled, although we know that it cost him but 3 or 4 cents a mile. Going out of the district, the law did not give it to him, but he still wants it just the same, for the prisoner, for himself, and for the deputy, most of which would be profit if he had received it under the technical provision of the law.

Mr. FINLEY. I call the gentleman's attention to the fact that the course followed by Marshal Hunter was followed by all the marshals in the United States up to December 27, 1894. This work was performed in January, 1895, and but for the decision of the Comptroller, rendered on the 27th of December, there would have been no question about it.

Mr. MANN. Does the gentleman think that so far as equity is concerned a marshal who pays now, in the gentleman's State, I suppose, 2½ or 3 cents a mile railroad fare for himself and prisoner, is entitled to charge the Government 10 or 20 cents a mile?

Mr. FINLEY. I will answer the gentleman from Illinois by saying that I think this bill is in every respect entirely equitable and just.

Mr. MILLER. I simply want to say, as chairman of the committee, that the Comptroller who decided against the allowance of this account did so on the ground that a warrant of arrest does not extend beyond the district out of which it issues. This prisoner had got away and the mashal went after him and brought him back, and they disallowed the fees because the warrant of arrest did not extend beyond the district out of which it was issued. He had to pay the expenses of bringing him back.

Mr. GAINES of Tennessee. The gentleman from Illinois inquires about the equity of the matter. The equity is this. The marshal was sent by the district judge after this prisoner and he went for him and brought him back. He ought to be paid for his work and his mileage. The horse that draws the plow ought to eat the corn. [Laughter.]

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the next bill.

Mr. PAYNE. I want to say to the gentleman that unless this is the last bill I call for the regular order.

Mr. HASKINS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise and report the bills to the House with a favorable recommendation.

The question was taken, and on a division (demanded by Mr. HASKINS] there were—ayes 4, noes 62.

So the motion was lost.

L. B. WYATT.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent for the consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3388) for the relief of L. B. Wyatt.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. B. Wyatt, late postmaster at New Decatur, Morgan County, Ala., the sum of $135.60, in full compensation for fumigating the mails during the yellow-fever epidemic between September 22 and November 12, 1888, made under proper authority.

SEC. 2. That all the proof heretofore taken and now on file in the office of the file clerk may be used in evidence in support of this claim.

The CHAIRMAN. Is there objection?

Mr. PAYNE. I understand, Mr. Chairman, that the chairman of the committee has only six bills that he wants to call up, and that they do not involve a large amount. Inasmuch as it seems to be the temper of the committee to give the gentleman a chance, I shall not object.

Mr. MILLER. I am not sure that there are only six; there may be eight. [Laughter.]

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The bill was laid aside to be reported to the House with a favorable recommendation.

POPE & TALBOT, OF SAN FRANCISCO.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the bill (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pope & Talbot, of San Francisco, Cal., the sum of $3,179.20, in full for damages to their schooner Spokane, injured by the United States revenue cutter Bear off the port of San Francisco, Cal., on the 4th day of June, 1904.

The CHAIRMAN. Is there objection?

Mr. SHACKLEFORD. Mr. Chairman, what is the amount carried in that bill?

The CHAIRMAN. Three thousand one hundred and seventy-nine dollars and twenty cents.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

Mr. SHACKLEFORD. The chairman has asked for unanimous consent. I suppose it will be essential to find out about that first.

Mr. MILLER. I will yield to the gentleman from California to explain it.

Mr. KAHN. Mr. Chairman, the bill has passed the Senate and is a unanimous report. On the 4th of June, 1904, the schooner *Spokane*, near the port of San Francisco, was run into by the revenue cutter *Bear*. At that time an investigation was had, and a board of survey consisting of three captains of the Revenue-Cutter Service made this report:

CONCLUSIONS OF THE BOARD.

The board concludes from the testimony as above cited that the responsibility for the collision rests with the *Bear* for the following reasons:

1. The schooner *Spokane*, under the circumstances and according to the provisions of the Rules of the Road, had the right of way and that she did not violate any of these rules; that her lights were burning and the proper lookout was being maintained.

2. Lack of judgment on the part of the officer of the deck of the *Bear* in attempting to haul up and cross the bow of the schooner against a heavy sea and wind when she was practically lying dead in the water, when a little consideration must have convinced him that there was not sufficient room between the two vessels to make such an attempt successful. The state of the wind and sea and the direction of the *Bear's* head makes it clear, in the judgment of the board, that had the officer of the deck increased the speed of the vessel from "slow" to "full speed ahead" and put his helm astarboard, the *Bear* would have fallen off before the wind and sea and cleared the schooner.

3. In the handling of the vessel the officer of the deck furthermore showed lack of decision as well as lack of judgment by changing the speed of the vessel from "full speed ahead" (which might possibly have cleared them) to "full speed astern" while still directly in the path of the approaching schooner. Such action on his part not only

jeopardized the safety of his own vessel, but would tend to confuse the people on the approaching schooner and nullify any attempt that they may have made or wished to make to avoid the collision.

Respectfully, yours,

F. M. MUNGER,
Captain, Revenue-Cutter Service.
F. TUTTLE,
Captain, Revenue-Cutter Service.
H. B. ROGERS,
Captain, Revenue-Cutter Service.

Mr. SHACKLEFORD. Mr. Chairman, I believe I have no objection to offer.

The CHAIRMAN. Is there objection to the consideration of the bill?

There was no objection.

The bill was laid aside to be reported to the House with a favorable recommendation.

J. A. GALLAHER, ADMINISTRATOR OF JOSEPH H. GALLAHER.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 6515) for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, United States coupon 5–20 bonds, act of March 3, 1865, consols of 1865, Nos. 22421, 22422, 61411, 61412, 61413, 61414, 61415, 61416, 61417, 137836, 137837, 137838, 209608, each of the denomination of $1,000, with interest from January 1, 1872, to date of maturity of the respective calls in which the bonds were included, said bonds and interest coupons alleged to have been lost or destroyed: *Provided*, That the said J. A. Gallaher, administrator, shall first file in the Treasury a bond in the penal sum of double the amount of the principal of said bonds and accrued interest thereon to the date of their maturity, with good and sufficient sureties to be approved by the Secretary of the Treasury, with conditions to indemnify and save harmless the United States from any claim because of the lost or destroyed bonds hereinbefore described and the interest thereon.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN V. JOHNSON.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 13875) for the relief of John V. Johnson.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to take up the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the said John V. Johnson (doing business under the name of the Brooklyn Architectural Iron Works) be, and he hereby is, relieved from any penalty, forfeiture, or claim for liquidated damages under his certain contract with the United States of America, dated on or about the 22d day of December, 1906, to install a steel book stack and gallery in the record vault at the United States Immigration Station, Ellis Island, New York Harbor.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the said John V. Johnson (doing business under the name of the Brooklyn Architectural Iron Works), the sum of $1,800, the full amount due him under said contract without deduction of any penalty, forfeiture, or claim for liquidated damages or otherwise.

With the following amendment:

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the said John V. Johnson (doing business under the name of the Brooklyn Architectural Iron Works) shall be paid the sum of $1,800 from the permanent appropriation 'Expenses of regulating immigration,' in full of the amount due him under said contract, without deduction of any penalty, forfeiture, or claim for liquidated damages or otherwise."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask to have some explanation of this bill.

Mr. WALDO. Mr. Chairman, this bill is for the purpose of relieving this contractor from liquidated damages charged against him by the Department under the contract. The principal trouble that arose was the question as to whether the enamel should be baked upon the stack. The Department insisted that it should be, and thereupon the goods were taken back and a delay occurred from having that enamel baked upon it. Then it was sent back. The Department say they suffered no damages really; they got the thing in proper shape, in the shape they desire, and the only question now is whether this man shall be paid his $1,800, which was his contract, or whether nearly the whole amount shall be taken away from him for liquidated damages. This merely relieves him from the penalty that occurred in having this enamel baked upon the stack, and it is recommended by the Department as being proper. I believe he ought to be paid. It will practically ruin the man if he is not. He is a small manufacturer, and he will receive no pay at all if the penalty is charged against him.

The CHAIRMAN. The Chair hears no objection.

Mr. MILLER. Mr. Chairman, I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. MILLER. I now move that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to.

RELIEF OF COPIAH COUNTY, MISS.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 10075) for the relief of Copiah County, Miss., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the board of supervisors of Copiah County, Miss., the sum of $164.50, in full compensation for costs incurred in defending the suit of the United States against the board of supervisors of Copiah County and the Virginia Bridge and Iron Company in the circuit court of the United States for the southern district of Mississippi, at May term, 1899, held at Jackson, Miss., said suit being instituted to enjoin the board of supervisors of Copiah County from constructing a bridge over Pearl River at Rockport, Miss., which injunction was dissolved by the court and costs adjudged against the United States.

The CHAIRMAN. Is there objection?

Mr. PAYNE. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Kansas if he is sure that this bill was not passed and the amount paid in the last Congress?

Mr. CANDLER. Mr. Chairman, I will state to the gentleman from New York that it did pass the House at the last session of Congress, but it did not become a law, and the amount has not been paid.

Mr. MANN. I may say to the gentleman from New York [Mr. PAYNE] that this bill did pass the House, but it was so bad after the exposé which the gentleman from New York [Mr. PAYNE] and some more of us made in the House that even the Senate would not pass it. [Laughter.]

Mr. CANDLER. Oh, Mr. Chairman, that statement is incorrect, for the reason that it did pass the Senate, but did not reach the President in time to receive his signature.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

HENRY RUSTAN.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 6902) for the relief of Henry Rustan, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Rustan $200, to reimburse him for money paid by him at the direction of the register and receiver of the United States land office at Grand Forks, N. Dak., for making cash entry No. 17064, dated November 28, 1904, when no part of said payment was required, as said Henry Rustan was entitled to patent for the land entered without such payment under section 2291, Revised Statutes, and said sum is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

With the following amendment:

In line 4, in lieu of the words "two hundred" insert the words "one hundred and ninety-six."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. I move that the amendment be agreed to.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HERMAN ANDRAE ELECTRICAL COMPANY, MILWAUKEE, WIS.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 8947) for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid from the proper Indian tribal fund, to the Herman Andrae Electrical Company, of Milwaukee, Wis., the sum of $480, deducted by the Secretary of the Interior as a penalty under contract No. 15042, dated December 4, 1906.

Mr. CRUMPACKER. Mr. Chairman, I desire to have that bill explained. I wish to know something about the facts in connection with this bill.

Mr. PAYNE. Mr. Chairman, before the gentleman gets to that I would like to ask the gentleman from Kansas if he is sure there are not more than six more bills?

Mr. MILLER. I will assure the gentleman from New York that there are not more than six.

Mr. STAFFORD. Mr. Chairman, this bill is to reimburse the contractor for an amount which was deducted because the work was not completed within the stipulated time. The contract provided for the establishment of an electric lighting plant at the Green Bay Indian Reservation and was to have been completed on March 1 last, but was not completed until April 28. Forty-eight days expired and a penalty of $10 a day was exacted as provided in the contract for failure to finish the work on the stated day. The Comptroller held the Indian Commissioner had no discretion whatsoever to relieve the contractor of this penalty, even though the Government had suffered no damage through the delay. Under the contracts that are now being executed discretion is vested in the Secretary of the Interior to relieve the contractors of the penalty when no injury is suffered by the Department. In the present contract no such discretion was lodged with the Department. In this instance no injury was suffered by the Government at all. The letter from the Secretary of the Interior as printed in the report shows that no damage was suffered whatsoever and this bill seeks to reimburse the contractor $480, the amount of the penalty.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken and the motion was agreed to.

J. EDMUND STRONG.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 15070), for the relief of J. Edmund Strong.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to J. Edmund Strong, out of any moneys in the Treasury not otherwise appropriated, the sum of $434.89.

Mr. MILLER. Mr. Chairman, this is a case where a contractor with the Government to furnish Indian supplies could not fulfill his contract within the time prescribed, but shortly afterwards he did fulfill his contract, so the Government was not damaged in any way.

Mr. CRUMPACKER. Did the Department recommend the reimbursement?

Mr. MILLER (reading)—

In view of this fact and the statement that no damage was suffered by reason of the delay, I am of the opinion that the claim as presented is meritorious.

JESSE E. WILSON,
Assistant Secretary.

Mr. MANN. I have no disposition to antagonize this bill any more than the others of this sort, but does the gentleman think it ought to be the policy of the Government to relieve contractors in all cases where they fail to fulfill their contracts at the time they agree to do so?

Mr. MILLER. In answer to that, I will say each case must stand upon its own bottom. I would judge of the case by the conditions surrounding it. In this case it appears it was impossible for him to comply with his contract. The Government admits that no harm came to the Indians and the Government has lost nothing by it, and in such a case I think the claim ought to be paid, and I think the Government ought not to keep out the amount they kept back.

Mr. MANN. I have no doubt there are equities in this case. There were three cases of this kind this afternoon. Does the gentleman's committee have a great many of these claims pending before it, and is it not likely you will have a great many pending if we start out upon the plan of relieving contractors every time?

Mr. MILLER. Mr. Chairman, my attention has not been called to any other of this class of claims before this committee, but I want to call the attention of the committee to the last claim which has just been reported, showing the great injustice that might be put upon a man dealing with the Government of the United States.

Mr. CRUMPACKER. While the gentleman from Kansas is hunting that, let me ask if this is not the rule now? I understand the contracts made since these contracts embody always discretionary power in the head of the Department to relieve, under proper circumstances, the contracting party from forfeiture. These contracts had no such discretion and the Department had absolutely no power to grant relief, and the Department recommends that the relief be granted. If these contracts had contained that provision, relief would have been granted by the Department and the parties would not have been compelled to come to Congress. Upon the strength of that statement I made no further objection, because I thought it was not establishing a bad precedent, in view of the statement made of the change of the character of the contracts.

Mr. MANN. Do I understand the chairman of the Committee on Claims to say that the different Departments of the Government now provide, where liquidated damages are put in a contract, that on failure to perform the contract on time in any case the head of the Department can waive these provisions? Is that the practice?

Mr. MILLER. That is the very reason these people are here—because the Department could not give them relief.

Mr. MANN. I understand the gentleman from Indiana [Mr. CRUMPACKER] suggests that he has information, acquired on the floor here, that the old practice has changed and now the practice is that any Department can relieve——

Mr. MILLER. No Department of the Government has any such authority.

To show the great injustice in claims of this kind, I call attention now to the last bill. The amount of the contract was $1,800, but the amount assessed as penalty was $1,480. There is no question in the world but that the man did everything in his power to fulfill his contract in accordance with the terms thereof, but it was an utter impossibility for him to do it, and yet the Government held back $1,480 on a contract that only called for the payment of $1,800.

Mr. CRUMPACKER. If the gentleman will allow me, in relation to the other proposition, did not the gentleman from Kansas state a short time ago that the contracts that are being made now, instead of making the forfeiture absolute, gave the head of a Department the discretion to relieve the contracting party from forfeiture under proper circumstances? I think, perhaps, that statement was made by the gentleman from Wisconsin [Mr. STAFFORD], however.

Mr. MILLER. I have no such information, and did not make any such statement. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. If the gentleman from Kansas [Mr. MILLER] will allow me for a moment. It has been stated here that this was a penalty and then that it was liquidated damages. If it was a penalty, the Government would not have any right to hold on to it. If liquidated damages, they would have the legal right. And I want to say another thing to the gentleman from Kansas, that he will have to keep a wary eye on these people in the future, because the first thing he knows there will be bills before his committee to pay these gentlemen damages because they were delayed by the Government and could not fulfill their contract in time. And I expect to recognize some of these old friends in the future coming in in that way.

It is not a good practice. We had that same experience years ago about the building of vessels. They would come in here to be relieved from the liquidated damages, and then they would come in for damages because the Government had changed their plans, and things of that kind, which created a good deal of trouble and considerable expense. And I want to warn the gentleman against that sort of thing in the future.

Mr. MILLER. Mr. Chairman, I want to say just a word in reply to the gentleman from New York [Mr. PAYNE]. There are now in the neighborhood of 2,000 claims before the Committee on Claims. It would require many millions of dollars to pay them. Out of more than 2,000 claims the committee have only favorably reported 10 claims so far in this Congress.

Mr. PAYNE. How many have they reported unfavorably?

Mr. MILLER. They have considered a large number of claims that they will hereafter report unfavorably.

Mr. PAYNE. I am glad to have that assurance. I have had it before through other chairmen of the Committee on Claims and the Committee on War Claims that they would report them unfavorably, and I have not seen a great many of those reports. I think we ought to see them. I think it is their duty to the House to do it in order that the House in the future may have at its command the facts which they find out in investigating these claims, that they may guide our great-grandchildren when they are considering these claims many years from now.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas [Mr. MILLER] to lay the bill aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

Mr. HASKINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills, under the order of the House, and had directed him to report some with amendments and some without, with the recommendation that the amendments be agreed to, and that the bills do pass.

LEAVE TO EXTEND REMARKS.

Mr. THOMAS of North Carolina. Mr. Speaker, I have prepared, with considerable care, some facts and statistics in regard to the State of North Carolina, which I desire to print in the RECORD. I ask unanimous consent that I may have leave to print.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BILLS REPORTED FROM THE COMMITTEE OF THE WHOLE.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered upon the bills and amendments, reported from the Committee of the Whole House.

The SPEAKER. The gentleman from Vermont asks unanimous consent that the previous question be considered as ordered on the several bills and amendments that have just been reported. Is there objection? [After a pause.] The Chair hears none.

OMNIBUS CLAIMS BILL.

The first bill reported from the Committee of the Whole House was the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, with amendments.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the amendments will be voted upon in gross.

No separate vote was demanded.

The question was taken, and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

HOUSE BILLS WITHOUT AMENDMENTS PASSED.

The following bills, reported from the Committee of the Whole without amendments, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed:

H. R. 14446. A bill for the relief of A. J., C. C., and T. W. Hodges;

H. R. 4763. A bill transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 2756. A bill for the relief of L. K. Scott;

H. R. 2915. A bill for the relief of John P. Hunter;

H. R. 3388. A bill for the relief of L. B. Wyatt;

H. R. 6515. A bill for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased;

H. R. 10075. A bill for the relief of Copiah County, Miss.;

H. R. 8947. A bill for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.; and

H. R. 15070. A bill for the relief of J. Edmund Strong.

HOUSE BILLS WITH AMENDMENTS PASSED.

In the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally agreed to, the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time and passed.

H. R. 13875. A bill for the relief of John V. Johnson; and

H. R. 6902. A bill for the relief of Henry Rustan.

SENATE BILL WITHOUT AMENDMENT PASSED.

The following Senate bill, reported from the Committee of the Whole without amendment, was ordered to a third reading, read the third time, and passed.

S. 1256. An act for the relief of Pope & Talbot, of San Francisco, Cal.

On motion of Mr. HASKINS, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

By unanimous consent, reference of the bill (H. R. 16511) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, was changed from the Committee on Immigration and Naturalization to the Select Committee on Industrial Arts and Expositions.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 300. An act providing for second homestead entries.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNWELL, for ten days, on account of business engagements.

To Mr. BENNET of New York, for ten days, on account of absence on the business of the Immigration Commission.

ADJOURNMENT.

Mr. HASKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Andrew L. Carter against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lemuel C. Canfield against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hamilton L. Karr against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John D. Longfellow against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William C. Brummett against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry L. Biddle against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Alfred C. Parham, as administrator and in his own right, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to allotments to Indian children on the Rosebud-Sioux Reservation—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy, submitting an estimate of appropriation for the Naval Service under the Bureaus of Equipment and Steam Navigation—to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MALBY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, reported the same without amendment, accompanied by a report (No. 689), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16493) limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof, reported the same without amendment, accompanied by a report (No. 690), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 1081) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims, reported the same with amendment, accompanied by a report (No. 687), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1199) for the relief of William Parker Sedgwick, reported the same without amendment, accompanied by a report (No. 688), which said bill and report was referred to the Private Calendar.

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12476) to place the name of William S. Shacklette on the retired list of the Navy as pharmacist, reported the same without amendment, accompanied by a report (No. 691), which said bill and report were referred to the Private Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3822) for the relief of James Behan, reported the same without amendment, accompanied by a report (No. 692), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1914) for the relief of Richard T. Gott, administrator of Thomas N. Gott, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 1916) for the relief of the council of Zion Evangelical Lutheran Church, of Williamsport, Md.—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7738) granting a pension to John L. Taggart—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7739) granting a pension to Ellis R. Brock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7835) granting an increase of pension to Harriet V. Gridley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARRETT: A bill (H. R. 16622) to provide for the issuance of process from courts of the United States in certain cases—to the Committee on the Judiciary.

By Mr. REEDER A bill (H. R. 16623) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. BONYNGE A bill (H. R. 16624) to extend the provisions of section four of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, authorizing the Secretary of the Interior, with the approval of the President, to contract and agree to patent to the States of Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Utah, to the Territories of Arizona and New Mexico—to the Committee on the Public Lands.

By Mr. FLOOD: A bill (H. R. 16625) to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries—to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLIDAY: A bill (H. R. 16626) authorizing and empowering rural mail carriers to certify pension vouchers for pensioners who reside upon the routes of said carriers, respectively, and for other purposes—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 16627) to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States—to the Committee on Agriculture.

By Mr. RIORDAN: A bill (H. R. 16628) to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: A bill (H. R. 16629) to provide for the erection of a public building at Greensburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16630) to provide for the erection of a public building at Butler, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. DUNWELL: A bill (H. R. 16631) to increase the salaries of the assistant appraisers of merchandise at the port of New York—to the Committee on Ways and Means.

Also, a bill (H. R. 16632) fixing the compensation of the assistant weighers at the port of New York—to the Committee on Ways and Means.

Also, a bill (H. R. 16633) to authorize the Secretary of the Treasury to fix the compensation of day and night inspectors of customs—to the Committee on Ways and Means.

Also, a bill (H. R. 16634) to equalize the salaries of the deputy collectors, deputy surveyors, and the deputy naval officer at the port of New York—to the Committee on Ways and Means.

Also, a bill (H. R. 16635) fixing the compensation of the assistant gaugers in the customs service at the port of New York—to the Committee on Ways and Means.

Also, a bill (H. R. 16636) fixing the compensation of the night inspectors of customs at the port of New York—to the Committee on Ways and Means.

By Mr. GRONNA: A bill (H. R. 16637) to amend section 5192 and repeal section 5195 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. RYAN: A bill (H. R. 16638) to authorize the establishment of a light and fog-signal ship in Lake Erie, south of Point Abino, Ontario, Canada, in United States waters—to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLLS: A bill (H. R. 16639) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut (by request): A bill (H. R. 16640) for the establishment of a 1-cent 2-ounce letter post, and for the simplification of the postal service—to the Committee on the Post-Office and Post-Roads.

Also (by request) a bill (H. R. 16641) for the improvement of the free rural service—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: A bill (H. R. 16642) granting pensions to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii—to the Committee on the Territories.

Also, a bill (H. R. 16644) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii—to the Committee on the Territories.

By Mr. BRADLEY: A bill (H. R. 16645) to create in the War Department a roll to be known as the Volunteer retired list, to authorize placing thereon with retired pay certain surviving officers and enlisted men of the United States Volunteer Army, Navy, and marines of the civil war, and for other purposes—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 16646) authorizing the President of the United States to classify the postmasters, clerks, and employees in the various post-offices of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: A bill (H. R. 16647) for the erection of a replica of John Quincy Adams Ward's statute of Washington—to the Committee on the Library.

By Mr. DENBY: A bill (H. R. 16648) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Michigan—to the Committee on the Judiciary.

By Mr. HARRISON: A bill (H. R. 16649) constituting a commission to investigate consular affairs—to the Committee on Foreign Affairs.

Also, a bill (H. R. 16650) to amend the law of patent designs—to the Committee on Patents.

By Mr. GAINES of Tennessee: A bill (H. R. 16651) to aid the Ladies' Hermitage Association to care for the "Hermitage," the home of Gen. Andrew Jackson, formerly President of the

United States, and collect and purchase the remainder of the Andrew Jackson relics—to the Committee on Appropriations.

By Mr. HAYES: A bill (H. R. 16652) to amend section 11 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States"—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: A bill (H. R. 16653) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. LANDIS: A bill (H. R. 16654) permitting the building of a dam across White River near the village of Decker, in Knox County, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: A bill (H. R. 16730) to further protect depositors in banks, to secure a safe and elastic emergency currency, and to amend the national-bank act and previous amendments thereto—to the Committee on Banking and Currency.

By Mr. LAW: Joint resolution (H. J. Res. 133) authorizing the appointment of William L. Waterman as acting third assistant engineer on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. BURTON of Delaware: Concurrent resolution (H. C. Res. 24) directing the Secretary of War to cause a survey to be made, etc., of Laurel River, Delaware—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 25) directing the Secretary of War to cause a survey to be made, etc., of Christiana River, Delaware—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 26) directing the Secretary of War to cause a survey to be made, etc., of Nanticoke River, Delaware—to the Committee on Rivers and Harbors.

Also, concurrent resolution (H. C. Res. 27) directing the Secretary of War to cause a survey to be made, etc., of Pocomoke River, Delaware—to the Committee on Rivers and Harbors.

By Mr. BENNET of New York: Concurrent resolution (H. C. Res. 28) deploring certain alleged atrocities in Russia—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 16655) granting an increase of pension to Thomas J. Roberts—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16656) granting an increase of pension to Thomas B. Bukey—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 16657) granting an increase of pension to Jerome A. Schutt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16658) granting an increase of pension to Josiah P. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16659) granting an increase of pension to Samuel P. Marlette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16660) granting a pension to Amy G. Marvin—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 16661) granting an increase of pension to John King—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 16662) for the relief of Louis T. Barnes—to the Committee on War Claims.

Also, a bill (H. R. 16663) for the relief of the heirs of John Fornea—to the Committee on War Claims.

Also, a bill (H. R. 16664) for the relief of the estate of Nevin Phares—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 16665) granting a pension to Andrew J. Bierce—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 16666) granting an increase of pension to Charles F. Keyerleber—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 16667) granting an increase of pension to William Inman—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 16668) for the relief of John V. Vikers—to the Committee on the Public Lands.

Also, a bill (H. R. 16669) for the relief of William E. Moses—to the Committee on the Public Lands.

By Mr. DENBY: A bill (H. R. 16670) granting a pension to John Devlin—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 16671) for the relief of the heirs of Wilson Parker, deceased—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 16672) referring to the Court of Claims for adjudication and determination the claims of the widow and family of Marcus P. Norton, and the heirs at law of others—to the Committee on Claims.

By Mr. FLOOD: A bill (H. R. 16673) for the relief of Bland Massie—to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 16674) granting an increase of pension to Amos Sawyer—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16675) for the relief of Commander William S. Hogg, Paymaster Frederick G. Payne, and Civil Engineer Adolfo J. Menocal, of the United States Navy—to the Committee on Claims.

Also, a bill (H. R. 16676) for the relief of the Merchants' Exchange National Bank, of the city of New York—to the Committee on Claims.

By Mr. HACKNEY: A bill (H. R. 16677) to correct the muster roll of Company C, Osage Regiment Missouri Home Guard Volunteers, by adding the name of Hugh P. Conn—to the Committee on Military Affairs.

Also, a bill (H. R. 16678) granting an increase of pension to Henry Dorman—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 16679) granting an increase of pension to C. H. Edgecomb—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 16680) granting a pension to William Cooper—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 16681) granting a pension to Jennie M. Wortham—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 16682) granting an increase of pension to Betsey M. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16683) granting an increase of pension to Adoniram J. Bowen—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 16684) to appoint Holmes E. Offley upon the retired list of the Navy, with the rank of lieutenant—to the Committee on Naval Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 16685) granting an increase of pension to John W. Peel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16686) granting an increase of pension to Griffith Hunter—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16687) for the relief of the heirs of W. N. Hood—to the Committee on War Claims.

Also, a bill (H. R. 16688) for the relief of the heirs of A. M. Harton—to the Committee on War Claims.

Also, a bill (H. R. 16689) for the relief of the Presbyterian Church at Greenville, Miss.—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 16690) granting an increase of pension to Henry C. Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16691) granting an increase of pension to Adeline Summerville—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16692) granting an increase of pension to William I. Curby—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 16693) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of St. George's Episcopal Church, Fredericksburg, Va.—to the Committee on War Claims.

By Mr. KENNEDY of Iowa: A bill (H. R. 16694) granting a pension to Philip Urich—to the Committee on Pensions.

Also, a bill (H. R. 16695) granting an increase of pension to John W. Iler—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 16697) granting a pension to George F. Flinn—to the Committee on Pensions.

Also, a bill (H. R. 16698) granting a pension to Adolph Weil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16699) to remove the charge of desertion from the military record of Simon Nager—to the Committee on Military Affairs.

Also, a bill (H. R. 16700) to remove the charge of desertion from the military record of Franz Gochum (also borne as Jochum and Yochum), alias Frans Molina, alias Franz Molina—to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 16701) granting an increase of pension to Charlotte Nelson—to the Committee on Invalid Pensions.

By Mr. LILLEY: A bill (H. R. 16702) granting an increase of pension to Nellie M. Gaunt—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 16703) granting an increase of pension to William H. Mead—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 16704) granting an increase of pension to John Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16705) granting an increase of pension to Andrew J. Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16706) granting an increase of pension to Forrester W. Dexter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16707) granting an increase of pension to W. H. Pierce—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 16708) granting an increase of pension to James H. Powell—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 16709) granting an increase of pension to Newton Martin Curtis—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16710) granting an increase of pension to Julia E. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16711) granting an increase of pension to Sarah J. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16712) granting a pension to Andrew J. Clark—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 16713) to correct the war record of Edward J. Gallagher, late first lieutenant Company G, Thirty-third Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 16714) granting an increase of pension to Orson Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16715) granting an increase of pension to Robert H. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16716) granting an increase of pension to John F. Whitford—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16717) for the relief of Adam Koogle—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 16718) to pension the survivors of the company of Indian scouts known as the Forsythe Scouts—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 16719) granting a pension to Clara A. Ritter—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 16720) granting an increase of pension to Franklin H. Huffman—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 16721) granting an increase of pension to Carroll J. Harrelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16722) for the relief of the heirs of Erdman Bodenschatz, deceased—to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 16723) making an appropriation for the relief of the victims of the *General Slocum* disaster—to the Committee on Appropriations.

Also, a bill (H. R. 16724) to correct the military record of A. J. G. Kane—to the Committee on Military Affairs.

By Mr. TOU VELLE: A bill (H. R. 16725) granting an increase of pension to Levi Guy—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16726) granting a pension to Rufus W. Cobb—to the Committee on Pensions.

By Mr. WEEKS: A bill (H. R. 16727) authorizing the payment to the administrator of the late Ephraim Perkins, captain, of the value of his three-quarters of brigantine *Eliza* and cargo illegally captured by the French, as ascertained by the Court of Claims—to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 16728) granting an increase of pension to Elizabeth Pensene—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 16729) granting an increase of pension to Charles Kane—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Paper to accompany bill for relief of William W. Angel—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of old soldiers of the war of the rebellion, for legislation increasing pensions—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas B. Bukey—to the Committee on Invalid Pensions.

By Mr. BEDE: Papers to accompany bills for relief of Jerome A. Schutt, Samuel P. Marlette, Josiah P. Davis, and Amy G. Marvin—to the Committee on Invalid Pensions.

By Mr. BOWERS: Papers to accompany bills for relief of Nevin Phares and John A. Fornea—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Portland (Me.) Board of Trade, for legislation to revive the shipbuilding interest—to the Committee on the Merchant Marine and Fisheries.

By Mr. BUTLER: Petition of citizens of Pennsylvania, for S. 3152, for additional protection to the dairy interests—to the Committee on Agriculture.

By Mr. BURKE: Petition of James M. Martin, of New Castle, Pa., for legislation to protect musical composers, as embodied in the Barchfeld bill—to the Committee on Patents.

Also, petition of Brown Shoe Company, against H. R. 13447, relative to postmasters furnishing lists of names from their offices—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Brown Shoe Company, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of citizens of Tama County, Iowa, for legislation prohibiting opium traffic in United States territory—to the Committee on the Judiciary.

Also, petition of citizens of Tama County, Iowa, for an anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Tama County, Iowa, for legislation against shipment of intoxicants in original packages into prohibition territory—to the Committee on the Judiciary.

By Mr. COOK of Colorado: Papers to accompany bills for relief of W. E. Moses and John V. Vickers—to the Committee on the Public Lands.

By Mr. DARRAGH: Petition of H. Oscar Kelley and other members of Bethany Grange, No. 508, of Gratiot County, Mich., against the reduction of tariff schedules as to imports from Philippine Islands—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of executive committee of nautical schools, for Federal Government to share part of expense of nautical schools—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of A. Emerson Palmer, of board of education of New York City, for Federal Government to bear part of expenses of nautical schools—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ESCH: Paper to accompany bill for relief of Charles Mulvaney—to the Committee on Invalid Pensions.

By Mr. FASSETT: Petition of soldiers of the civil war in Thirty-third Congressional District of New York, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. FLOOD: Petition of citizens of Cumberland County, Va., for appropriation to improve the upper Appomattox River—to the Committee on Rivers and Harbors.

By Mr. GARNER: Papers to accompany H. R. 3890—to the Committee on Public Buildings and Grounds.

By Mr. GILHAMS: Petitions of Emery G. Melendy and others, volunteer officers of the civil war, and Benjamin B. Campbell and 11 other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Jacob Newman and many other ex-soldiers of the civil war, for pension legislation to afford better relief for widows of soldiers—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: Petition of Farmers' Union of Erath County, Tex., for Government guaranty of bank deposits and a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petitions of Robert E. Ely, director of League of Political Education, of New York City, and Hamburg-Bremen Fire Insurance Company, against clauses in H. R. 7597 (Crumpacker bill), relative to employment of census clerical force—to the Committee on the Census.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Musical Mutual Protection Union, No. 310, New York City, favoring H. R. 103—to the Committee on Labor.

By Mr. GRAHAM: Petition of officers, directors, and trustees of art museums in United States, for free-art legislation—to the Committee on Ways and Means.

Also, petition of the Brown Shoe Company relative to a parcels-post law (H. R. 13447), in regard to postmasters furnish-

ing lists of names from their offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HACKETT: Petition of citizens of Watauga County, N. C., relative to forest reservations disturbing land titles in any part of said county—to the Committee on Agriculture.

By Mr. HIGGINS: Petition of James Geddes, of Waterbury, Conn., for H. R. 14783, promoting efficiency of the militia—to the Committee on Military Affairs.

Also, petition of Audubon Society of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Musicians' Protective Union of Willimantic, Conn., for House joint resolution 103 (relative to employment of enlisted musicians in competition with local musicians)—to the Committee on Labor.

Also, petition of Central Labor Union of Connecticut, for construction of war vessels in navy-yards—to the Committee on Naval Affairs.

Also, petitions of Company G, First Infantry, of South Manchester; Company M, Second Infantry, of Torrington; Company C, Second Infantry, Company A, Second Infantry, of Waterbury; and Company G, Second Infantry, of Waterbury, Connecticut National Guard, favoring H. R. 14783, for promoting efficiency of the militia—to the Committee on Militia.

By Mr. HINSHAW: Petitions of legal voters of Blauer Crossing, Hubbell, Harbine, and Utica, Fourth Congressional District of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nebraska State Horticultural Society, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Simon Chapman—to the Committee on Invalid Pensions.

By Mr. HOBSON: Paper to accompany bill for relief of Holmes E. Offley—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Petition of 17 old soldiers of Ottumwa, Iowa, for change in pension law so that maximum age pension may be received at 65 instead of 75 years of age—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of William I. Curbey—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: Memorials to accompany H. R. 6146, for a naval station at Pearl Harbor—to the Committee on Naval Affairs.

By Mr. WILLIAM W. KITCHIN: Petition of Pamela Carolina Reade, of Person County, N. C., for an appropriation of $500 to perfect a new water system—to the Committee on Rivers and Harbors.

By Mr. LAFEAN: Petition of Manufacturers' Association of York, Pa., for H. R. 10504, for a special parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of mass meeting of the Poles in New York City, January 23, 1908, against Polish expropriation bill—to the Committee on Foreign Affairs.

Also, petition of North Side Board of Trade, for an annual appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of National Corps, Army and Navy Union, for equalization of pay and increase of pay for Army and Navy officers and men—to the Committee on Military Affairs.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Peter Carroll and others, for the Anthony bill (H. R. 7691)—to the Committee on Claims.

By Mr. MANN: Papers to accompany bills for relief of Andrew J. Clark and Julia E. Hall—to the Committee on Invalid Pensions.

By Mr. MURPHY: Papers to accompany bills for relief of Orson Wright, John F. Whitford, and Robert H. Graham—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of sundry citizens of the First Congressional District of Nebraska, for prohibition of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Nebraska State Horticultural Society, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. RAINEY: Petition of Jacksonville (Ill.) Business Men's Association, favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of Thomas Montgomery and 23 other citizens of the Twentieth Congressional District of Illinois; J. B. Watson and 30 other citizens of Barry, Ill.; and E. S. Marsh and 40 other merchants of the Twentieth Congressional District of Illinois against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of National Association of Retail Druggists, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RHINOCK: Paper to accompany bill for relief of William H. Mullins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. B. May—to the Committee on Pensions.

By Mr. SABATH: Communication from James A. Rose, secretary of state of Illinois, transmitting house resolution No. 88, of the State of Illinois, for passage of the Hamilton bill—giving ex-prisoners of the civil war $50 per month—to the Committee on Invalid Pensions.

Also, petition of officers, directors, and trustees of art museums in the United States, for free art legislation in accordance with H. R. 15268—to the Committee on Ways and Means.

Also, petition of National Funeral Directors' Association, against the practice of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chicago Historical Society, for Bureau of Ethnology to collect and publish information relative to language of the old Indian tribes—to the Committee on Indian Affairs.

By Mr. SIMS: Petition of citizens of Huntingdon, Carroll County, Tenn., for a postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of Gideon S. Smith and 42 other veterans of the civil war, and Phil Kearny Post, No. 53, Grand Army of the Republic, for the enactment of the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of Hinton Miller, for repeal of section 3 of service pension act of February 6, 1907, relative to employment of attorneys—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petitions of Company A, of New Haven; Company G, of Waterbury; and Company M, of Torrington, Second Infantry; and Company G, of South Manchester, First Infantry Connecticut National Guard, favoring enactment of Senate bill 4316 (militia bill)—to the Committee on Militia.

Also, petition of members of the Maennerchor of Ansonia, Conn., against any pending prohibition of interstate commerce liquor measure—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Audubon Society of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of W. C. Sharpe, of Seymour, Conn., against order of the Postmaster-General relative to mailing newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of Jacob Kuykendall—to the Committee on War Claims.

By Mr. SULZER: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of executive committee on nautical schools, for Federal Government to bear part of expense of nautical schools—to the Committee on Naval Affairs.

By Mr. WEISSE: Petition of officers, directors, and trustees of art museums in United States, for free-art legislation in accordance with H. R. 15268—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

MONDAY, *February 10, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CLAPP, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

OFFICERS OF THE NAVY ON DUTY IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 21st ultimo, a list of all line and staff officers of the Navy on duty in Washington, D. C., on July 1, 1905, etc., and also a list of all line and staff officers of the Navy on duty in Washington, D. C., and in any navy-yard or naval station in the United States on January 1, 1908, etc., which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *James*, Robert Palmer, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., *v.* United States;

In the cause of Bernard J. D. Irwin *v.* United States;

In the cause of Mary Elizabeth Very, administratrix de bonis non of the estate of Samuel Very, jr., deceased, *v.* United States;

In the cause of Grand Lodge, Independent Order of Odd Fellows, of the State of Tennessee *v.* United States;

In the cause of the trustees of Rich Creek Baptist Church, of Giles County, Tenn., *v.* United States;

In the cause of the trustees of the Presbyterian Church of Springfield, W. Va., *v.* United States; and

In the cause of the trustees of the Baptist Church of Princeton, Ky., *v.* United States.

The foregoing findings were, with the accompaning papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the House had passed the bill (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2756. An act for the relief of L. K. Scott;

H. R. 2915. An act for the relief of John P. Hunter;

H. R. 3388. An act for the relief of L. B. Wyatt;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased;

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain lands now a part of the Fort Riley Military Reservation;

H. R. 13875. An act for the relief of John V. Johnson;

H. R. 14446. An act for the relief of A. J., C. C., and T. W. Hodges;

H. R. 15070. An act for the relief of J. Edmund Strong;

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho.

H. R. 15372. An act for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts;

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota;

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of a statute of the late Maj. Gen. Alexander Macomb, United States Army; and

H. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement;

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district; and

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Indiana Branch of the National Rivers and Harbors Congress, praying that an annual appropriation of not less than $50,000,000 be made for a period of at least ten years for the development of the rivers, harbors, and channels of the country, and the construction of necessary connecting canals, which was referred to the Committee on Commerce.

He also presented a memorial of the California Harbor, No. 15, American Association of Masters, Mates, and Pilots, remonstrating against the passage of the so-called "Littlefield bill," amending section 4438 of the Revised Statutes so as to make the provisions contained therein inapplicable to masters of sailing vessels of over 700 gross tons, which was referred to the Committee on Commerce.

He also presented the petition of Walter J. Quick, dean and professor of agriculture at the College of Agriculture and Experiment Stations, at Blacksburg, Va., praying for the enactment of legislation admitting to the mails as second-class mail matter periodicals issued at stated intervals by State departments of agriculture, horticulture, entomology, and State crop pest commissions, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Down-Town Taxpayers' Association, of Brooklyn, N. Y., praying for the enactment of legislation providing for the construction at the Brooklyn Navy-Yard of at least one of the proposed new battle ships, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 1, Commercial Telegraphers' Union, of Chicago, Ill., praying for the enactment of legislation to prohibit the mailing of telegrams by telegraph companies accepted for telegraphic communication, and also for an investigation into the condition of the telegraph companies of the country, which was referred to the Committee on Education and Labor.

He also presented a petition of the American Society of Naturalists, praying for the enactment of legislation providing for a biological survey of the Panama Canal Zone, which was referred to the Committee on Interoceanic Canals.

He also presented memorials of the Concordia Singing Society, of Kansas City, Kans.; of the Arion Association, of Wheeling, W. Va.; of the Washington Butchers' Benevolent Association, of Washington, D. C.; of the Harmonia Singing Society, of Chester, Pa.; of the Deutscher Militar Verein and the Turn Verein, of St. Louis, Mo.; of the Liederkranz, Knights and Ladies of Honor, of the Mutual Benefit and Aid Society, and of the South Chicago Turn Verein, all of Chicago, Ill.; of Local Lodge No. 462, of Torrington; of Germania Lodge, No. 338, of Hartford; of Grand Lodge, Order of Sons of Herman, of Connecticut; of the Eintrachat Singing Society, of Wallingford; of Vater John Lodge, Order of Harugari, of New Britain; of the Turn Verein Society of Rockville; of Schider Lodge, No. 338, Order of Sons of Herman, of Bridgeport; of Schaelbischer Maennerchor, of Bridgeport; and of Local Lodge No. 593, Order of Harugari, of Danbury, all in the State of Connecticut; of the German Mutual Aid Society, of Brownsville; of the Turn Verein of St. Paul; of Local Lodge No. 27, Sons of Herman, of New Ulm; of Goethe Lodge, No. 5, Order of Sons of Herman, of Young America; of the Pioneer Maennerchor, of Young America; of German-American Lodge, No. 58, Order of Sons of Herman, of St. Paul; of Philharmonic Society of Winona; and of Local Lodge No. 52, Order of Sons of Herman, of St. Paul, all in the State of Minnesota; of Germania Club, of Reedsburg, Wis.; of Southwest Turn Verein Society, of St. Louis; of the German Pioneer Society, of Wheeling, W. Va.; of Local Lodge No. 652, Deutcher Order der Harugari, of Barre, Vt.; of Arion Gesangverein, of York, Pa.; of Harmony Lodge, No. 37, Order of Sons of Herman, of Grand Island, Nebr.; of Concordia Germania Turner Society, of Moline, Ill.; of the Singing Society of Hermann, Ill.; of Wilhelm Wagner Lodge, No. 250, Order of Sons of Herman, of Freeport, Ill.; of the Germania Beneficial Union, District No. 9, of Reading, Pa.; of Local Lodge No. 2,

Order of Sons of Herman, of Calhoun, Ala.; of the National Turnverein, of St. Louis, Mo.; of the Turnverein of Fort Wayne, Ind.; of the Concordia Singing Society, of Peoria, Ill.; of the Mutual Aid Society of Garden City, Ala.; of the German Beneficial Union, the United German Societies, and the Washington Saengerbund, all of Washington, D. C., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of Woman's Christian Temperance Union of Chautauqua, N. Y., praying for the enactment of legislation to prohibit the importation of opium into the United States, etc., which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade, Baltimore, Md., praying for the enactment of legislation creating a permanent nonpartisan tariff commission, which was referred to the Committee on Finance.

He also presented a petition of Neptune Naval Camp, No. 30, of Brooklyn, N. Y., praying for the enactment of legislation providing for the construction at Government navy-yards of all ships and war vessels of the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the officers, directors, and trustees of sundry art museums in the United States, praying for the repeal of the duty on works of art, which was referred to the Committee on Finance.

He also presented a petition of the Board of Education of New York City, N. Y., praying for the enactment of legislation providing for an annual appropriation for the support of nautical schools, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Harlem Board of Commerce, of New York City, N. Y., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Kingston Council, No. 356, United Commercial Travelers of America, of Kingston, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 523, International Typographical Union, of Tarrytown and Ossining, in the State of New York, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 17, Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers' Union of North America, of Buffalo, N. Y., praying for the enactment of legislation providing for the construction of ships and war vessels at the navy-yards of the United States, which was referred to the Committee on Naval Affairs .

He also presented a petition of the Chamber of Commerce, of Oswego, N. Y., praying for the enactment of legislation to equalize and fix the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service of the United States, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 310, American Federation of Musicians, of New York City, and of Local Union No. 43, American Federation of Musicians, of Buffalo, N. Y., praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented petitions of sundry citizens of Portsmouth, Colebrook, and Concord, all in the State of New Hampshire, of Washington, D. C., of Barton and Edwards, in the State of Kansas, of Moorestown, N. J., of Keithville, La., and of the Woman's Christian Temperance Union of Yonkers, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of the Deutscher Central Verein of Washington, of the Brookland Citizens' Association, and of the North Capitol and Eckington Citizens' Association, all in the District of Columbia, praying for the enactment of legislation providing for the direction and control of public education in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the East Washington Citizens' Association of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill" providing for the direction and control of public education in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Washington Chapter, American Institute of Architects of Washington, D. C., praying for the enactment of legislation providing for the adoption of the Park Commission's plan for beautifying that city as laid down by l'Enfant, which was referred to the Committee on the District of Columbia.

He also presented the memorial of W. W. Neehan, of Concord, N. H., remonstrating against the Postmaster-General's order limiting the credit of weekly newspapers to one year, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Farm Journal, of Philadelphia, Pa., remonstrating against the adoption of a certain amendment to section 2893 of the Revised Statutes, relating to the issuance of periodicals, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of A. B. Gard, of Washington, D. C., remonstrating against the enactment of legislation requiring property owners and tenants in the District of Columbia to remove snow and ice from the sidewalks, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Brightwood Citizens' Association, of the District of Columbia, praying for the enactment of legislation to extend the Ninth street car line to the District line and Takoma, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Brown Shoe Company, of St. Louis, Mo., remonstrating against the enactment of legislation to amend section 549 of the postal laws of the United States, relating to post-offices and post-roads, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER presented petitions of Local Union No. 186, International Typographical Union, of Fargo, N. Dak., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Ardoch, N. Dak., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Hyde Park, N. Dak., praying for the enactment of legislation placing the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

Mr. KEAN presented a memorial of Local Branch No. 71, Glass Bottle Blowers' Association, of Barnegat, N. J., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 132, International Typographical Union, of Camden, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented the petition of Fletcher W. Dickerman, of Newark, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of General Howe Post, No. 31, Department of New Jersey, Grand Army of the Republic, of Woodbury, N. J., remonstrating against the enactment of legislation to abolish certain pension agencies in the United States, which was referred to the Committee on Pensions.

Mr. DEPEW presented a memorial of sundry citizens of Albany, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Albany, N. Y., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Central Trades Assembly, of Elmira, N. Y., praying for the enactment of legislation providing that at least one of the proposed new battleships be constructed in the Government navy-yard in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of the North Side Board of Trade, of New York City, N. Y., praying that annual appropriations be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented a petition of the Harlem Board of Commerce of New York City, N. Y., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Albany, N. Y., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, etc., which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of the Chamber of Commerce of Bellingham, Wash., praying that an appropriation be made for the erection of a public building at that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. WARNER presented the petition of Isaac d'Isay, late captain Twenty-seventh United States Infantry, praying for the enactment of legislation restoring to the Army, with the rank held by them at the time of their discharge, surviving officers discharged under section 3 of the act of Congress approved July 15, 1870, which was referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 3485) granting an increase of pension to Isaac C. Temple, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3668) granting an increase of pension to John H. Estes, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3664) granting a pension to William S. Judkins, which were referred to the Committee on Pensions.

Mr. GAMBLE presented a petition of the Business Men's Club of Rapid City, S. Dak., praying for the adoption of certain amendments to the present interstate-commerce law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of the State of South Dakota, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TALIAFERRO presented a memorial of Local Council No. 376, United Commercial Travelers of America, of Tampa, Fla., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 162, International Typographical Union, of Jacksonville, Fla., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. HEYBURN presented a memorial of sundry citizens of Arco, Idaho, remonstrating against the enactment of legislation providing for the leasing and fencing of the public domain, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of Local Union No. 55, Musical Protective Union, of Meriden, Conn., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civil musicians, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Business Men's Association of Willimantic, Conn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Waterbury, New Haven, and New Britain, all in the State of Connecticut, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

He also presented a petition of the Audubon Society, of Fairfield, Conn., and a petition of the National German-American Alliance, of New York City, N. Y., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the National Funeral Directors' Association of the United States, praying for the enactment of legislation to regulate the practice of throwing overboard the bodies of those who die at sea, which was referred to the Committee on Public Health and National Quarantine.

Mr. LODGE presented a memorial of the editor of the Winchester Star, of Winchester, Mass., remonstrating against the adoption of the order of the Postmaster-General limiting to one year the credit of subscribers to weekly newspapers, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the District Medical Society, of Worcester, Mass., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of the State Board of Trade, of Boston, Mass., praying for the enactment of legislation providing for the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Boston, Mass., praying for the enactment of legislation providing for a 1-cent 2-ounce general letter postage, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Rear-Admiral Henry F. Picking Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented a petition of the New England Drug Exchange, of Boston, Mass., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law" relating to trade agreements, which was referred to the Committee on Interstate Commerce.

Mr. HOPKINS presented a petition of Local Union No. 59, International Typographical Union, of Quincy, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the board of directors of the National Association of Manufacturers, of New York City, N. Y., praying for the adoption of a certain amendment to the national banking laws providing for the issuance of asset currency, which was referred to the Committee on Finance.

He also presented a memorial of Local Branch No. 78, Glass Bottle Blowers' Association of East St. Louis, Ill., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of the National German-American Alliance of New York City, N. Y., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LONG presented a resolution adopted by Chaplain Brown Post, No. 106, Grand Army of the Republic, Department of Indiana, of Valparaiso, Ind., favoring the enactment of legislation granting to the soldiers of the war of the rebellion a pension of $30 per month and to the widows thereof a pension of $12 per month, etc., which was referred to the Committee on Pensions.

He also presented a memorial of 300 citizens of Atchison, Kans., remonstrating against the repeal of the present anti-canteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 243, Typographical Union, of Hutchinson, Kans., and a petition of Local Union No. 121, Typographical Union, of Topeka, Kans., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions and sundry citizens and other organizations of Lyons, Rock, Pawnee Rock, Hutchinson, Newton, Syracuse, Iola, Topeka, Emporia, Phillipsburg, Hewins, Mound Valley, and Chautauqua, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FULTON presented a petition of the Salem Boosters' Club, of Salem, Oreg., praying that an appropriation be made for the support and education of the Alaskan Indians at the Indian school at that place, which was referred to the Committee on Indian Affairs.

Mr. PROCTOR presented the memorial of M. J. Maloney, editor of the Gazette, of Richford, Vt., remonstrating against the enactment of legislation to prohibit publishers of newspapers from extending credit for subscriptions, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented sundry papers to accompany the bill (S. 3787) granting an increase of pension to Ira D. Marston, which were referred to the Committee on Pensions.

Mr. GUGGENHEIM presented the memorial of C. C. Holbrook, of Alamosa, Colo., remonstrating against the enactment of legislation to prohibit labor on buildings in the District of Columbia on Sunday and also against the protection of the

first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BEVERIDGE presented a petition of sundry citizens of Michigan City, Ind., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of the Southern Illinois and Missouri Division of the National German Alliance, praying for the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Home Missionary Society of the Central Avenue Methodist Episcopal Church, of Indianapolis, and of the Woman's Home Missionary Society of Greensburg, in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on the Judiciary.

He also presented petitions of International Typographical Union No. 332, of Muncie; of Local Union No. 143, International Brotherhood of Bookbinders, of Lafayette; of International Typographical Union No. 454, of Huntington, and of the International Typographical Union of Lafayette, all in the State of Indiana, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of Local Branch No. 90, Glass Bottle Blowers' Association, of Loogootee, Ind., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented petitions of the Perry County Union and of Cannelton Local Union, No. 370, of Tell City, in the State of Indiana, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Crescent City Council, No. 14, United Commercial Travelers of America, of Evansville; of Stony Point Grange, Patrons of Husbandry, of Madison, and of Council No. 4, United Commercial Travelers of America, of Indianapolis, all in the State of Indiana, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLLIVER presented petitions of the Tuesday Club of Cedar Falls, of the Woman's Club of Oskaloosa, of the Clio Club of Oelwein, of the Woman's Club of Iowa City, of the Twentieth Century Club of Muscatine, of the Unity Circle of Des Moines, of the Federation of Woman's Clubs of Fort Madison, and of sundry citizens of Independence, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Columbus City and Reinbeck, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of a national interstate anticigarette law, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of more stringent national antigambling laws, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of a national uniform marriage and divorce law, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus City, Iowa, and a petition of sundry citizens of Reinbeck, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus City, Iowa, and a petition of sundry citizens of Reinbeck, Iowa, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of legislation to prohibit the issuance of money orders or registration of letters on Sunday, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of legislation to forfeit a periodical's second-class mail privileges when once ruled out as immoral, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the natives of the Territory of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the congregation of the Amity Presbyterian Church, of Reinbeck, Iowa, and a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes and Government buildings and grounds and ships, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 68, International Typographical Union, of Keokuk, Iowa, and a petition of the joint conference board of the Allied Printing Trades of Des Moines, Iowa, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Reinbeck, Iowa, and a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of legislation to prohibit the traffic in opium in all States and Territories of the United States, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Columbus City, Iowa, praying for the enactment of legislation to prohibit the collection of internal-revenue tax on speak easies in prohibition territory, which was referred to the Committee on Finance.

Mr. LA FOLLETTE presented petitions of sundry volunteer officers of the civil war in the State of Wisconsin, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

PAN-AMERICAN SCIENTIFIC CONGRESS.

Mr. CULLOM presented a resolution of the Association of American Universities assembled in convention at the University of Michigan, Ann Arbor, Mich., which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MICHIGAN.

Whereas the executive committee of the Latin-American Scientific Congress had determined to make the next congress "Pan-American" instead of "Latin-American;" and

Whereas the Chilean Government has extended an invitation to the Government of the United States to participate in this congress, to assemble at Santiago, Chile, in December, 1908; and

Whereas this congress will serve to bring the best thought and experience of America to bear on the great problems common to all the Republics of this continent and will thus serve to strengthen the ties between the American nations: Be it

Resolved by the Association of American Universities assembled in convention at Ann Arbor, Mich., That the Congress of the United States be earnestly requested to make provision for adequate representation at this forthcoming Pan-American Scientific Congress, as recommended in the report of Secretary Root of December 19, 1907, and in the special message of the President of December 21, 1907.

DISTRICT JAIL AND WORKHOUSE.

Mr. GALLINGER. Mr. President, I have here a report made by Samuel W. Curriden, chairman of the charities and correction committee of the East Washington Citizens' Association, regarding the deplorable conditions existing at the jail and workhouse of the District of Columbia.

I wish to add, Mr. President, that I have personal knowledge of the fact that there is a condition existing, especially in the jail in this District, that is a reproach to any civilized community, and I hope that in the near future we may have legislation that will correct it.

I move that the paper be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the year 1907, as required by statute. The same statute provides for the printing of the report, so that no action by the Senate is necessary.

The VICE-PRESIDENT. The report will lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 21. Cassie R. Hatch;
S. 90. Franklin L. Mead;
S. 116. James B. Fox;
S. 117. William W. Daniels;
S. 146. Sarah S. Long;
S. 194. Waldo W. Gifford;
S. 202. Rose L. Gibbon;
S. 402. Henry Kinyon;
S. 538. Mary Beddis;
S. 539. Ellis A. Cloud;
S. 586. Jasper N. Clark;
S. 663. William B. Cole;
S. 688. James A. Minish;
S. 689. Clara M. Foreman;
S. 737. Philo M. Russell;
S. 738. Mary J. McReynolds;
S. 739. Virginia C. Cole;
S. 766. Dorothy M. Van Hart;
S. 770. Henrietta Hayes;
S. 773. Ellen Jenkins;
S. 774. Chauncey Harris;
S. 852. Byron D. Brown;
S. 855. James M. Caswell;
S. 919. George H. Walsh;
S. 1029. Collins Van Cleve;
S. 1061. William O. Pickett;
S. 1170. Mary E. Farnham;
S. 1225. Peter B. Groat;
S. 1312. Duncan M. Vinsonhaler;
S. 1375. Jennie P. Douglas;
S. 1493. Anna R. Shattuck;
S. 1649. Lewis Shampine;
S. 1654. Spencer Phillips;
S. 1678. David Schooley;
S. 1679. Charles W. Salter;
S. 1755. Lewis H. Shiery;
S. 1941. Rosa A. Kinkead;
S. 1957. George Steckenbauer;
S. 1958. Nellie B. Young;
S. 2186. William H. Iliff;
S. 2191. Joseph Fisher;
S. 2206. Mary L. Marpe;
S. 2226. Emeline H. Ewer;
S. 2431. Joseph H. Suits;
S. 2501. Sarah F. Wimmer;
S. 2571. Martin Bahrenburg;
S. 2572. Francis Ashens;
S. 2653. Lavinia Ogden;
S. 2717. Louis H. Leland;
S. 2744. William H. Draper;
S. 2878. James Saunders;
S. 2884. Stephen H. Pulling;
S. 2896. Donna M. Blatter;
S. 3004. Elizabeth P. Collins;
S. 3007. Edmund J. Pickett;
S. 3048. Hattie L. Collins;
S. 3115. Robert Flett;
S. 3198. Charles L. Hewitt;
S. 3223. Hiram W. Shepard;
S. 3243. Henry C. Linn;
S. 3245. John W. Moore;
S. 3431. Louise Ladue Duffield;
S. 3444. Jesse Prickett;
S. 3657. George Young;
S. 3786. Arthur Ricker;
S. 3897. Ruth E. Bannatyne;
S. 3925. Austin Parks;
S. 4000. Louisa S. Wilson;
S. 4058. De Forest Safford;
S. 4073. Thomas S. Ball;
S. 4124. Emma H. Cotton;
S. 4182. Hugh H. Tarbet;
S. 4638. Helen A. Pulsifer; and
S. 4653. Henry Dorman.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 586) granting an increase of pension to Squire J. Carlin, reported it with an amendment in the nature of a substitute, and submitted a report thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 586. Squire J. Carlin;
H. R. 787. Henry McNeil;
H. R. 1035. Henry C. Palmer;
H. R. 1036. Alexander W. Skinner;
H. R. 1058. Sidney S. Byrant;
H. R. 1060. Rhoda Lloyd;
H. R. 1180. Jackson Sizemoure;
H. R. 1487. Herbert F. Brooks;
H. R. 1501. Harrison Burkett;
H. R. 1565. William W. Levering;
H. R. 1884. Henry C. Hoover;
H. R. 1936. David Everitt;
H. R. 1949. David Lemon;
H. R. 1990. Martha Andrews;
H. R. 2101. William H. Mize;
H. R. 2198. Thomas S. Blake;
H. R. 2210. John Horstman;
H. R. 2341. Christopher N. Snyder;
H. R. 2351. Seth H. Phillips;
H. R. 2363. Charles McCoy;
H. R. 2364. Anna M. Bohn;
H. R. 2407. Rodolphus Bard;
H. R. 2408. Frank N. Bement;
H. R. 2425. John M. Essington;
H. R. 2664. Joseph H. Kitzmiller;
H. R. 2687. Joseph V. Stevenson;
H. R. 2755. John H. Nutter;
H. R. 2767. James M. Endicott;
H. R. 2772. Mathias D. Rodocker;
H. R. 2803. William B. P. Turner;
H. R. 2850. Elihu Wheeler;
H. R. 2861. Margaret Cornwell;
H. R. 2864. Ferdinand Stritsman;
H. R. 2899. John Mess;
H. R. 2913. John R. Pahlman;
H. R. 2934. Lucy Ferguson;
H. R. 2935. George W. Fuchs;
H. R. 2940. Frank D. Newberry;
H. R. 2949. William S. O'Brien;
H. R. 2974. William Little;
H. R. 2993. William Hogan;
H. R. 3180. Charles I. Krickbaum;
H. R. 3200. Elston Armstrong;
H. R. 3215. Oliver P. Johnson;
H. R. 3325. Edwin H. Buck;
H. R. 3334. George F. Nichols;
H. R. 3335. Henry Holliday;
H. R. 3337. Elizabeth Evans;
H. R. 3338. Elizabeth James;
H. R. 3341. James R. Grider;
H. R. 3354. Christopher H. Lute;
H. R. 3453. George Taylor, alias George Parks;
H. R. 3454. John C. Peters;
H. R. 3494. Deitrich Bellman;
H. R. 3616. Eli Masters;
H. R. 3628. Charles W. Wheat;
H. R. 3737. Thomas E. Story;
H. R. 3740. James Walters;
H. R. 3767. John H. Bond;
H. R. 3842. William Winter;
H. R. 4105. George W. Hearing;
H. R. 4126. Annie M. Owen;
H. R. 4148. George S. Neill;
H. R. 4150. Charles Miles;
H. R. 4175. Adam Meyer;
H. R. 4189. David Wood;
H. R. 4247. Alexander Beaty;
H. R. 4249. John R. Miller;
H. R. 4311. David Whitten;
H. R. 4315. Mary A. Defendall;
H. R. 4330. Mary J. Baughman;
H. R. 4332. Alonzo Harter;
H. R. 4333. John H. Oakley, alias John Hoyt;
H. R. 4371. Palmer Loper;
H. R. 4405. Miles C. Christy;
H. R. 4485. Jennie S. Risley;
H. R. 4487. Rebecca W. Swain;
H. R. 4516. William Bain;
H. R. 4535. William L. Jaquett;

H. R. 4666. John H. Monk;
H. R. 4695. Mary E. Johnson;
H. R. 4752. Theodore Campbell;
H. R. 4755. George E. Goodrich;
H. R. 4766. Charles P. Leavitt;
H. R. 4767. Milton Ross;
H. R. 4937. Rebecca S. Wishart;
H. R. 5317. Lewis W. Crain;
H. R. 5455. Dallas Vernam;
H. R. 5977. Mary Cross and Anna L. Cross;
H. R. 6046. Edward T. Tucker;
H. R. 6398. Ann Toomey;
H. R. 6484. Samuel L. Bushong;
H. R. 6521. Casper Deschler;
H. R. 6554. Joseph Ralley;
H. R. 6651. John Miller;
H. R. 6827. Morton A. Wilcox;
H. R. 6872. Amos W. Polley;
H. R. 7088. Benson S. Philbrick;
H. R. 7275. Edward N. Burns;
H. R. 7316. George W. Richardson;
H. R. 7333. Deloss Hopkins;
H. R. 7865. Edwin T. Farmer;
H. R. 7884. John Shadinger;
H. R. 8013. Mary E. Young;
H. R. 8088. Thomas Johnson;
H. R. 8237. Henry A. Rice;
H. R. 8249. Jacob Wiler;
H. R. 8462. Henry Smith;
H. R. 8662. Michael McDonald;
H. R. 8774. James R. Batten;
H. R. 9041. John E. Coogle;
H. R. 9060. Daniel S. Graves;
H. R. 9283. Asahel E. Chaffee;
H. R. 9328. Cecilia Quinlan;
H. R. 9573. Cynthia Bridges;
H. R. 10019. Henry Knauff;
H. R. 10168. Mathew B. Reid;
H. R. 10306. Tilghman Scholl;
H. R. 10309. Albert Hoffman;
H. R. 10379. George F. Laird;
H. R. 10411. Albert Butler;
H. R. 10437. Elizabeth B. Thomason;
H. R. 10630. John N. Hubbard;
H. R. 10858. Barbara Popp;
H. R. 10937. J. R. Harwell;
H. R. 11407. Alfred G. Anderson;
H. R. 11856. William Saunders; and
H. R. 13303. Sidney N. Utley.

Mr. KEAN. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 3499) to amend an act entitled "An act to regulate commerce," approved June 29, 1906, to report it adversely, and I ask that it be indefinitely postponed.

Mr. GALLINGER. I will ask the Senator what the subject of the bill is.

Mr. KEAN. It is on the question of passes on transfers.

The VICE-PRESIDENT. The bill will be postponed indefinitely, in the absence of objection.

Mr. KEAN. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 3924) to amend section 1 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, to report adversely thereon, and I ask that it be indefinitely postponed.

Mr. GALLINGER. Will the Senator explain this one?

Mr. KEAN. It also is a bill in reference to passes; passes for newspaper representatives.

The VICE-PRESIDENT. The bill will be postponed indefinitely in the absence of objection.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 4546) to authorize the sale of timber on allotments made to Indians of the Hoopa Valley extension in California, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4406) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Interstate Commerce, to whom was referred the bill (S. 4260) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, reported it with amendments and submitted a report thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 4266) to establish a fish-culture station at Trout Springs, Gallinas Canyon, San Miguel County, N. Mex., reported it with amendments and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Military Affairs, to whom was referred the bill (S. 4050) to authorize the sale of certain parts of Fort Marion Reservation, in the city of St. Augustine, Fla., reported it without amendment and submitted a report thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, reported it with an amendment and submitted a report thereon.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1677) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo., to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let it go over.

The VICE-PRESIDENT. The bill will go to the Calendar.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings, reported it without amendment and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4856) authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by me on the 31st ultimo, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings and bills printed, and bound whenever necessary, for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

The amendment of the committee was, in line 5, after the word "printed," to strike out the words "and bound."

The amendment was agreed to.

The resolution as amended was agreed to.

SURVEY OF NEW SMYRNA INLET, FLORIDA.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the following concurrent resolution, submitted by Mr. BRYAN on the 4th instant, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of New Smyrna Inlet, in the county of Volusia and State of Florida, with a view to deepening the same, and to submit estimates therefor.

SURVEY OF ST. AUGUSTINE HARBOR, FLORIDA.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the following concurrent resolution, submitted by Mr. BRYAN on the 31st ultimo, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey of the harbor at St. Augustine, St. John County, Fla., and the entrance thereto through the North and Matanzas rivers and the Matanzas Inlet, with a view to determining the formation of a channel of a minimum depth of 16 feet and a width of 300 feet, from the city of St. Augustine, across its outer bar, to the Atlantic Ocean, and the cost of construction of necessary jetties, breakwaters, and dredging in order to accomplish said purpose.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 5111) to provide an American register for the steamer *Banes*, which was read twice by its title and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 5112) granting an increase of pension to Dan Manning, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5113) granting an increase of pension to Amos P. Johnson; and

A bill (S. 5114) granting an increase of pension to Henry Beal.

Mr. KEAN introduced a bill (S. 5115) to increase the limit of weight of fourth-class mail matter, to amend the postage rates chargeable thereon, and for other purposes, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. ELKINS introduced a bill (S. 5116) referring the claims of lock masters, lockmen, and other laborers and mechanics employed by the United States Government on the Kanawha River, in West Virginia, to the Court of Claims, which was read twice by its title and referred to the Committee on Claims.

Mr. CRANE (by request) introduced a bill (S. 5117) to investigate and develop methods of treatment of tuberculosis, which was read twice by its title and referred to the Committee on Public Health and National Quarantine.

He also (by request) introduced a bill (S. 5118) granting an increase of pension to William M. Campbell, which was read twice by its title and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5119) granting an increase of pension to Caroline T. Coburn (with the accompanying papers);

A bill (S. 5120) granting an increase of pension to John W. Headington; and

A bill (S. 5121) granting a pension to Florence S. Myers.

Mr. BURNHAM introduced a bill (S. 5122) to provide a rural delivery parcels post for merchandise and other articles mailed on rural delivery routes, and for other purposes, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 5123) to authorize the extension of the public building in the city of Manchester, N. H., and for other purposes, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5124) granting an increase of pension to Edward C. Emerson; and

A bill (S. 5125) granting a pension to Frances B. Holt (with the accompanying papers).

Mr. PILES introduced a bill (S. 5126) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 5127) granting a pension to Maria A. Edie, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 5128) to declare the meaning of section 8 of "An act to enable the people of Utah to form a constitution and State government, and be admitted into the Union on an equal footing with the original States," approved July 16, 1894, and amending the same, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 5129) granting to the Mount Olive Cemetery Association of Salt Lake City, Utah, certain lands in the Fort Douglas Military Reservation, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5130) for the relief of Horatio McIntire, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5131) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street," which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5132) providing for the establishment of a public park at Fort Thayer, in the District of Columbia, which was read twice by its title and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. GAMBLE introduced a bill (S. 5133) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," which was read twice by its title and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 5134) granting an increase of pension to Jasper M. Smith, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5135) for the relief of John Mullin, which was read twice by its title and referred to the Committee on Claims.

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5136) granting a pension to Amelia Xandry;

A bill (S. 5137) granting an increase of pension to Richard C. Vanderford; and

A bill (S. 5138) granting an increase of pension to Elizabeth Waln (with accompanying papers).

Mr. PERKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5139) to provide for the purchase of a site and the erection of a public building thereon at Grass Valley, Cal.; and

A bill (S. 5140) providing for an increase of the limit of cost of the public building at Eureka, Cal.

Mr. FRAZIER introduced a bill (S. 5141) to erect an addition to the post-office and court-house building in the city of Jackson, State of Tennessee, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5142) for the relief of Winslow Hart Reaves, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McCREARY introduced a bill (S. 5143) for the relief of Capt. Hollis C. Clark, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5144) granting an increase of pension to Jincy Powell (with accompanying papers); and

A bill (S. 5145) granting a pension to Mary B. Worley (with accompanying papers).

Mr. BROWN introduced a bill (S. 5146) granting a pension to Mary Uhrig, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5147) granting an increase of pension to Elisha W. Cross; and

A bill (S. 5148) granting a pension to Wilton C. Hall.

Mr. CULBERSON introduced a bill (S. 5149) to enlarge the United States court and post-office building at San Antonio, Tex., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. WARNER introduced a bill (S. 5150) authorizing the Secretary of the Treasury to prepare plans for the building of a memorial amphitheater at Arlington, Va., and for other purposes, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 5151) to regulate interstate commerce in intoxicating liquors, which was read the first time by its title.

Mr. BACON. I ask that the bill be read at length.

The bill was read the second time at length and referred to the Committee on the Judiciary, as follows:

A bill (S. 5151) to regulate interstate commerce in intoxicating liquors.

Be it enacted, etc., That spirituous, vinous, malt, and intoxicating liquors of all kinds within the borders of any State, and also the regulation and control of the same in all particulars and to the fullest extent, are hereby declared to be within the lawful police powers of such State, and, subject to the limitations expressed in this act, to be in all respects as fully subject to the laws of such State wherever and whenever found within the territorial limits thereof, and from whatever source they may come or be derived, as if produced therein, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

SEC. 2. Whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall, by being transported from one State into another

State, become a part of interstate commerce, said liquors are for all the purposes of this act hereby constituted a special class in such commerce, subject to the regulatory powers of Congress, and are hereby declared to be, upon arrival at the place of consignment within the borders of said State, and before delivery to the consignee or other person claiming any title or interest in the same, subject in all particulars and to the fullest extent to the police powers of such State as declared in the first section of this act: *Provided*, That nothing in this act shall authorize any interruption or interference with, by any State or its authority, of the transportation of such merchandise from without such State to the place of consignment within such State: *And provided further*, That it shall be unlawful for any railroad company, express company, or other common carrier, or other carrier engaged in interstate commerce, to deliver or offer to deliver to any person any of such liquors at any other point than the point of consignment, or to unnecessarily and unduly arrest the transportation of such liquors at any other point than the point of consignment, with the intent, either directly or indirectly, to violate the provisions of this act.

SEC. 3. That whenever any spirituous, vinous, malt, and intoxicating liquors of any kind shall be or become a part of interstate commerce, it shall be unlawful for any railroad company, express company, or other carrier, or any officer, employee, or agent thereof, engaged in or in connection with the transportation of such liquors of any kind from one State into another State, to collect, either directly or indirectly, on or before or after delivery from the consignor or consignee, or from any other person, the purchase price or any part thereof of such liquors; and it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid in any manner directly or indirectly to act as the agent of the consignor or consignee, or of the buyer or seller of such liquors, for the purpose in any manner or degree of buying or selling the same, saving only in the actual transportation and delivery of the same, and to the extent as provided in this act, subject in all cases to the full exercise of the police powers of the State into which such liquors are transported.

SEC. 4. That it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, to accept for transportation or to transport from any State into any other State spirituous, vinous, malt, or intoxicating liquors consigned to any fictitious person or to any fictitious name, or without consignment to some person, or after having so accepted or transported any such liquors consigned to any fictitious person or fictitious name, or without consignment to any person, to deliver the same to any person whomsoever except in pursuance of the requirements of the police regulations as aforesaid of the State into which said liquors are thus transported.

SEC. 5. That every railroad company, express company, or other carrier as aforesaid, or any officer, employee, or agent thereof who shall knowingly violate the provisions of sections 3 and 4 of this act, or any part thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not more than $5,000: *Provided*, That any officer, employee, or agent of such company or carrier who shall be convicted as aforesaid shall, in addition to the fine herein provided for, be liable, in the discretion of the court, to imprisonment for a term of not less than one nor more than two years.

SEC. 6. Nothing in this act shall be construed to authorize a State to control, or otherwise interrupt or interfere with, the transportation of liquors intended for shipment entirely through such State and not intended for delivery therein.

SEC. 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Indian Affairs:

A bill (S. 5152) to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency, and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes; and

A bill (S. 5153) in relation to the affairs and property of the Five Civilized Tribes of Indians in Oklahoma and members thereof, and for other purposes.

He also introduced a bill (S. 5154) to provide for the distribution of the reports of the United States circuit courts of appeals and of the circuit and district courts, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WARREN introduced a bill (S. 5155) authorizing the exchange of lands for the enlargement of maneuvering grounds, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 5156) for the relief of the legal representatives of Samuel A. Craddock, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5157) to confirm the Wahiawa Water Company, of Hawaii, the right of way for irrigation purposes, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced a bill (S. 5158) granting an increase of pension to Mary Ferry, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5159) providing for the holding of the United States district and circuit courts at Woodward, Okla., which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5160) to provide for the erection of a public building at Durant, Okla.;

A bill (S. 5161) to provide for the erection of a public building at Ada, Okla.; and

A bill (S. 5162) to provide for the erection of a public building at El Reno, Okla.

He also introduced a bill (S. 5163) to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5164) to provide for the improvement of the Platt National Park, situated at Sulphur, Okla., which was read twice by its title and referred to the Committee on Public Lands.

Mr. CLARKE of Arkansas introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5165) to carry into effect the findings of the Court of Claims in the matter of the claim of the First Baptist Church of Helena, Ark.;

A bill (S. 5166) to carry into effect the findings of the Court of Claims in case of the claim of Joel G. Higgins, Brand Higgins, and estate of Annie G. Higgins, deceased;

A bill (S. 5167) to carry into effect the findings of the Court of Claims in the matter of the claim of the First Baptist Church of Helena, Ark.;

A bill (S. 5168) for the relief of the Old School Presbyterian Church, of Helena, Phillips County, Ark.; and

A bill (S. 5169) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Allen J. Polk, deceased.

Mr. TALIAFERRO introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5170) granting an increase of pension to Martin B. Bartholomew;

A bill (S. 5171) granting an increase of pension to Edward D. Barker; and

A bill (S. 5172) granting an increase of pension to Edward L. Carrington.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 5173) to correct the military record of Jacob M. Cooper; and

A bill (S. 5174) to correct the military record of William R. Van Note.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5175) granting an increase of pension to James E. White; and

A bill (S. 5176) granting an increase of pension to Stephen A. Reed.

Mr. LODGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5177) for the relief of the heirs at law of Daniel W. Sampson, deceased; and

A bill (S. 5178) for the relief of Parsey O. Burrough, who survived Henry S. Hannis, late copartners trading as Henry S. Hannis & Co.

He also introduced a bill (S. 5179) granting an increase of pension to Imogen P. Stone, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5180) granting an increase of pension to Elizabeth M. Rutherford; and

A bill (S. 5181) granting an increase of pension to Newbry Briggs.

Mr. LONG introduced a bill (S. 5182) granting a pension to William H. Thompson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5183) for the relief of the estate of James Childers, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. KEAN introduced the following bills, which were sev-

erally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5184) granting an increase of pension to Peter A. Frey (with the accompanying papers);

A bill (S. 5185) granting an increase of pension to Charles H. Houghton; and

A bill (S. 5186) granting an increase of pension to Margaretha S. Schaffel.

Mr. WARNER introduced a bill (S. 5187) for the relief of the estates of J. W. Gunter and W. H. Gunter, both deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5188) to correct the military record of Otis B. Vanfleet, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5189) granting an increase of pension to Jacob N. Ketcham;

A bill (S. 5190) granting an increase of pension to William E. Julian;

A bill (S. 5191) granting an increase of pension to William Kelly;

A bill (S. 5192) granting a pension to Eliza J. Glover;

A bill (S. 5193) granting an increase of pension to James M. Zumwalt (with the accompanying paper); and

A bill (S. 5194) granting an increase of pension to John H. Herod (with the accompanying paper).

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5195) granting an increase of pension to Nathaniel Finley;

A bill (S. 5196) granting an increase of pension to Charles W. Branson;

A bill (S. 5197) granting an increase of pension to Maggie Olson;

A bill (S. 5198) granting an increase of pension to Ann M. Ellenberger;

A bill (S. 5199) granting an increase of pension to Belle F. Halstead;

A bill (S. 5200) granting an increase of pension to Andrew J. Fryatt;

A bill (S. 5201) granting an increase of pension to Ellenor E. Wells;

A bill (S. 5202) granting a pension to Paris G. Strickland; and

A bill (S. 5203) granting a pension to Sarah J. Boone.

Mr. CULBERSON introduced a bill (S. 5204) to authorize the Interstate Commerce Commission to suspend advances in rates, fares, charges, and classifications of common carriers of interstate and foreign commerce, and to further regulate commerce among the several States and with foreign countries, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. McENERY introduced a bill (S. 5205) granting an increase of pension to Richard S. Harrison, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a joint resolution (S. R. 53) to increase the pay of rural mail carriers, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. CRANE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

WITHDRAWAL OF PAPERS—KATE RANDALL.

On motion of Mr. BORAH, it was

Ordered, That leave is hereby granted to withdraw the papers accompanying the bill (S. 3493) granting an increase of pension to Kate Randall, Sixtieth Congress, first session.

PERSONAL EXPLANATION.

Mr. FORAKER. Mr. President, if the Senate will indulge me, I desire to speak for a few minutes on a question of personal privilege.

On the 14th of January, 1908, the Senate in executive session, at the instance of the two Senators from Ohio, refused to confirm certain post-office appointments which had been made by the President. Interrogated by our friends of the press as to the reason why we had taken such action, I made a statement about in these words, as nearly as I can recall it: "That the action taken meant that there should not be in Ohio any further prostitution of the public patronage for public purposes without its being resented."

That is all I said about it, but it seems to have been enough. A day or two later I saw it stated in the newspapers that the President would prepare and make a full and detailed answer to all the charges that had been made, in the newspapers and otherwise, as to the use of patronage for any improper purpose by himself.

In the morning paper, I refer to the Washington Post, which I have before me, there appears a correspondence between the President and the Hon. Dudley W. Foulke, of Richmond, Ind., formerly a Civil Service Commissioner, as I am informed, and as I recall. In this letter of the President to Mr. Foulke he takes up all his appointments made since the last Congress and accounts for them in detail. He speaks in detail of the Ohio appointments that were rejected.

I might answer specifically, going into details, but, Mr. President, it seems to me that is unnecessary in view of other things that appear in this letter. I omit therefore to answer in detail, in the first place, because it is not very interesting to the people of this country who holds a particular post-office outside of the community in which it is held, and it is less interesting to the people of this country to know the details of a controversy leading up to such an appointment, if there may have been any controversy.

In all such statements of details it may be assumed that there will be found reasonable ground for differences of opinion and for controversy. It would be a fruitless effort, therefore, to undertake to bandy words as to what happened in any particular case, and as to what the particular details were, or what the particular recommendations were, or what were the particular considerations or influences that brought about the appointment.

There is something else, however, that I think I can address myself to with profit in this letter, and in answering that I will have practically answered, without going into details as to all the specific cases that have been mentioned.

I call attention to two general propositions stated in this letter. The President says, among other things:

> My interference with patronage matters in Ohio has been limited to insisting, as I should insist anywhere else, that opposition to the purposes, policies, and friends of the Administration shall not be considered as a necessary prerequisite to holding the commission of the President.

Evidently there is a misuse of language there. I think that what the President intended to say was that agreement with his policies and his purposes, and with the friends of the Administration, should not be taken as a necessary prerequisite to holding the Presidential commission.

The other general proposition is:

> Not an appointment has been made that would not have been made if there had been no Presidential contest impending, and in no case has there been a deviation from the course that I would have pursued had none of those who actually are candidates for the nomination been candidates; nor has a single officeholder been removed or threatened with removal or coerced in any way to secure his support for any Presidential candidate.

These general propositions are important. While the people of the country generally are not interested in the specific details of any particular appointment, they are all interested, and greatly interested, in the general propositions here enunciated. They are all interested to know that in the distribution of the patronage of this country, in the exercise of the tremendous powers of the Executive, there is no improper consideration of any kind involved; that it is all done with an eye single to the good of the public service, as it should be. By the statement of these propositions the President himself recognizes the great importance of their observance, and he also thereby impliedly recognizes the fact that if these propositions have been violated in the distribution of patronage gross wrong has been done to the public service. Therefore it is that I need not dwell upon the elemental propositions. They are all stated or implied by what the President himself has said. The question, therefore, to which I want to address myself is whether or not there has been this observance of these general

propositions or a violation of them by the President in the distribution of the patronage in Ohio.

It is difficult, Mr. President, to prove cases of that character. Ordinarily transactions of that nature rest in parol; they are not reduced to writing; they are not in the form of letters; they are not in evidence that can not be contradicted, that is unimpeachable, that is conclusive when it is produced. But, fortunately, we have one case in Ohio where there is some written testimony, and I propose to offer that. I do not intend to comment upon it, except only to say that it speaks for itself. I do not intend to try to add to it, for it is not necessary to add to it. Either I misapprehend what the President means in the statement I have quoted or I misapprehend the force and intent and purpose of the action he took in the case to which I shall call attention.

I did not charge any responsibility upon the President personally for any misuse of patronage in Ohio. I had in mind what others have been doing. I have supposed all the while that the President was acting upon representations and recommendations made to him without knowledge of the basic facts upon which those recommendations and representations rested.

Now, I come to the case to which I have referred. In October last a recess appointment was made of Charles H. Bryson for postmaster at Athens, Ohio. Mr. Bryson had not sought the appointment. He is the owner and editor of the Athens Gazette. He has been active as a Republican leader in that county for many years. He is a man of the highest character and the very best standing in his county in every respect. Without solicitation on his part, his Representative in Congress, Hon. ALBERT DOUGLAS, recommended him to the President for appointment to be postmaster at Athens. The appointment was made; he gave bond and entered upon the discharge of the duties of his office. In the month of November he had occasion, in connection with the duties of his office, to come to Washington. While he was here, he was, unfortunately for him, interviewed—perhaps not unfortunately, either; I will recall that, and simply say that he was interviewed. In the Washington Post of November 22 appeared the following:

C. H. Bryson, the new postmaster at Athens, Ohio, came to Washington last evening, and in the course of a conversation on political affairs made some frank and extremely interesting observations upon the Ohio situation. Mr. Bryson attended the meeting of the executive and advisory committees of the League of Republican Clubs in Columbus Wednesday, which indorsed Senator FORAKER both for reelection to the Senate and for the Presidential nomination.

"That meeting was enthusiastic, and the dual indorsement of the Senator was a sincere expression of the sentiments of those present," said the postmaster. "The resolutions were adopted unanimously.

"It is now incumbent upon Mr. FORAKER to recognize them by some kind of a declaration or statement of his attitude on the Presidential question, and this is anticipated in a few days. Personally I do not know what the Senator intends to do in regard to making a fight for the nomination, but I think we shall soon know.

"There is no doubt he could secure some of the Ohio delegates to a national convention if he entered upon a canvass. The Senator is much stronger in the State to-day than he was six months ago. Secretary Taft, on the other hand, has lost strength, and could not get a solid delegation. The feeling against FORAKER was due to an emotional state of the public mind, aroused by the fact that he has opposed a few of the President's legislative recommendations and administrative acts.

"But that emotion has subsided, and the people of Ohio, after mature consideration, have come to realize that they were hasty in their judgment. In the place of condemnation there is now an appreciation of his courage in standing out for what he regarded as his conception of his public duty. The speeches he made during the summer and fall did much to dispel the hostile sentiment.

"The situation in Ohio, from a Republican standpoint, is worse to-day than it was when Secretary Taft's Presidential boom was launched. Then the State seemed to be almost unanimous for him; but now there is a sharp cleavage between the two factions which, if not closed up, may throw the State into the Democratic column next fall.

"There should be a compromise, such as was suggested many months ago; this provided for the indorsement of Taft for President and FORAKER for reelection to the Senate.

"Unless harmony is restored the contest will continue until next year, and then Secretary Taft, even though nominated by the national convention, would probably lose the State."

It will be observed that there is nothing said in this interview about the policies of the President; that the most that can be said of it is that the postmaster had indicated a preference for me over Secretary Taft for the support of the Ohio Republicans. There is no word of disparagement of Secretary Taft; there is no word of hostility to him; there is no reference to the Administration; no condemnation of it, direct or by inference.

The postmaster got through with his business here and returned to his home, unconscious of having given offense to anyone. He was very much surprised, therefore, when he received a letter written to him December 5, 1907, from his Representative in Congress, Hon. ALBERT DOUGLAS. I now read this letter:

HOUSE OF REPRESENTATIVES,
Washington, December 5, 1907.

C. H. BRYSON, *Athens, Ohio.*

MY DEAR BRYSON: Yesterday afternoon when I called at the office of Postmaster-General Meyer and was having a talk with him he informed me that the President had sent him a message directing him not to send your name to the Senate as postmaster at Athens.

You can imagine my surprise and regret. Mr. Meyer was very nice and kind about it, but knew nothing more about it.

I went from there directly to the White House and saw Mr. Loeb about it, and found that someone had laid before the President what purported to be an interview with you or remarks made by you published in the newspaper.

Mr. Loeb said to me that of course the President had no disposition whatever to criticise your views, but that he saw no reason for appointing men entirely out of sympathy with his policies to public office, or something to that effect.

Now, my judgment is that you had better come to Washington to see me at once, and let us disabuse the President's mind of any such idea.

I hope to see the President to-day or to-morrow and will be very glad to have you, on receipt of this, wire me whether you will come on immediately.

We can talk over the Glouster matter at the same time; and it will be a pleasure to see you.

Very cordially, yours, ALBERT DOUGLAS.

On receipt of that letter Mr. Bryson telegraphed Mr. DOUGLAS that he would come here a few days later. Thereupon, on receiving the telegram, Mr. DOUGLAS wrote to Mr. Bryson as follows:

HOUSE OF REPRESENTATIVES,
Washington, December 7, 1907.

C. H. BRYSON, Esq., *Athens, Ohio.*

MY DEAR BRYSON: Your telegram came last night at midnight, saying, "Shall be there Sunday or Monday," and I will write a line in the event of its reaching you before you leave Athens; but I will probably wire you this morning asking you to come and see me directly when you are here.

I saw the President yesterday morning and he bluntly told me that I would have to recommend some one else. I begged him not to take any such position until I could talk with him further about it, but he spoke somewhat bitterly.

Meanwhile I have not been able to get hold of the interview and the newspaper clippings which seem to have made the trouble, but doubtless you can help me out when you get here.

Very sincerely, yours, ALBERT DOUGLAS.

On receipt of that letter Mr. Bryson wrote a letter which I shall read in justice to him, and then I want to add, in justice to the President and to everybody else concerned, that Mr. Bryson was, on the 7th day of January, a month after this correspondence, appointed by the President and promptly confirmed by the Senate, and is now holding the office of postmaster at Athens, Ohio. I do not present this to show that any man has been turned out of office, but only to show what pressure was brought to bear upon this man because he had expressed his individual opinion about a matter concerning which he had a right to have an opinion, and to express it anywhere and everywhere, with a view to find fault with him, or to estop him, or to coerce him, to use the language employed in the President's letter, into a different position from that which he felt he had a right to take.

ATHENS, OHIO, *December 7, 1907.*

Hon. ALBERT DOUGLAS, *Washington, D. C.*

DEAR MR. DOUGLAS: I have your letter of to-day, in which you say the President has instructed Postmaster-General Meyer not to send my name to the Senate and that the President has said that he "can see no reason for appointing men to public office entirely out of sympathy with his policies."

You say also that he draws these conclusions from certain interviews of mine published in Washington.

There was only one interview, Mr. President, but the plural word has crept in here by some means without being warranted.

In the interview I said that in my judgment Taft was losing and FORAKER was gaining in Ohio; that a compromise should be reached in the interest of the Republican party; that Taft probably could not carry the State if nominated with present complications, and, finally, that I favored the return of Senator FORAKER to the Senate. All of which is true.

Now, this language constitutes, according to the President's statement, my being out of sympathy with his policies.

In a statement sent to the Commercial Tribune, at Cincinnati, recently, in reply to a question, I stated, without qualification, that I favored "a continuance of the policies of President Roosevelt and a candidate who favored them," but neither my first, second, nor third choice (not a personal choice, nor one made on a basis of State pride, but one made with a view to the very best interests of the Republican party) at that time was Taft. My reason was that I thought he could not be elected and that another could be elected. I have written and have published much in commendation of the policies of President Roosevelt, but not one disparaging statement as to his policies has appeared in my paper with my knowledge, and I think none at all have appeared.

I said when in Washington recently to some of the party leaders anxious as to the success of the party that at that time it looked as though the only chance of party success lay in the hope that Roosevelt would accept a renomination; that if there were another candidate who could be elected future developments must demonstrate the fact; that personally I had so far taken a neutral attitude with only this thought in mind; that I had said to Mr. Vorys that a compromise in Ohio was necessary and that he had agreed with me on the point, and that I still hoped that some harmonious arrangement might be reached.

I have lived through a Democratic Administration in the mining regions here. I know well the suffering and want that go hand in hand with such an administration, and we should be willing to forego both some of the President's policies and anybody's personal wishes in order to keep in power the Republican party, whose time-tried virtues are the foundation of our prosperity. I have further said that, in my judgment, the President has so broken up the Republican party as to make the election of another so improbable that he is now in honor and fairness

duty bound to accept a renomination to prevent the election of a Democrat. He has eliminated from the party, especially with Taft as the candidate, many laborers, many of the business men of the country, and practically all of the colored voters. While he himself has sufficient Democratic following to overcome this, yet he can not transfer this Democratic following to another, even though he be able to nominate him, and his nominee, if he compels a nomination, will lose on his account the three elements above mentioned.

Now, I was indorsed for this appointment, entirely unsolicited, as you know, by many of the leading men of my county and district, and was nominated by you. I ran the gauntlet of a malicious demand for inspection, and was exonerated of all charges. Postmaster-General Meyer and First Assistant Hitchcock approved and recommended my appointment after having gone over the entire matter carefully, and the President appointed me. When I accepted the office I was informed by the Department that all official conduct under the Roosevelt régime is based on merit, and that my standing at Washington would be based entirely on the merit of my official conduct. I have acted accordingly.

Now, the President, because I am disinclined to subscribe to his personal wishes, because I refuse to take up his personal quarrel with Senator FORAKER—whom I have known and respected almost since childhood, in whose capacity and ability as a statesman I have great confidence—orders that my name be not sent to the Senate.

* * * * * * *

I am one of those whom the President can not compel.

* * * * * * * *

Omitting some parts of the letter, I read the concluding part:

That the President's statement, as made to you by Mr. Loeb, is absolutely without foundation there is not the slightest question. Kindly say to the President for me that he is mistaken in point of fact; that I favor his policies, but not his candidate, and shall not so long as I think Bryan can defeat him at the polls; that I shall support for President that candidate whose election seems most probable by the party at the time the matter is determined; that as an individual I shall vote and act, in a political way, according to my own best judgment, with a view always to the best interests of the Republican party, whether my name be sent to the Senate for confirmation or not; that while I continue in an official capacity I shall comply with the general rulings of the Department or tender my resignation; that in my judgment the nomination of his candidate, as I understand the matter, unless much better judgment be displayed in the management in the future, means the party's defeat; that while the salary of this office, which I have held one month, will afford comforts which my family and myself have not heretofore enjoyed, and I regret, principally on their account, to lose; yet we shall sacrifice those comforts rather than that political freedom, now generally conceded to be—and which my life's study, at least, and all of my environment since childhood have taught me to be—not only a privilege, but its absolutely independent exercise a duty also, which unperformed is not consistent with good citizenship or the most elementary principles of patriotism.

The President may have the office for some one who will carry out his personal wishes, but he can not, by hint, or specific instructions, or by general understanding, direct what I shall do in an unofficial capacity.

I trust that you will convey to the President my feelings in the matter, and with assurances of my appreciation of your efforts in my behalf, I remain,

Yours, very truly, C. H. BRYSON.

That is a long letter, but it is certainly a very able letter. It is a very frank letter, very candid—no beating about the bush, but a plain, straightforward statement of his opinion in the exercise of what he conceives to be his right as an American citizen.

I assume that Mr. DOUGLAS laid the matter before the President, and I assume that after full and careful consideration the President concluded that he should make this appointment, as he undoubtedly should have concluded, and for that reason the name was sent here. But this is conclusive testimony in writing that certain actions were taken, certain statements were made, certain influences—menaces, if you please—were brought to bear which did impress those to whom they were directed as an effort to coerce opinion with respect to political matters.

Now, Mr. President, as I said, I do not want to add to that. I can not add to it. It speaks for itself. But I do want to say that with hundreds of letters and with newspaper article after newspaper article I could establish to the satisfaction of any unbiased mind that this case does not stand alone, but is only one of a hundred in the State of Ohio—a hundred is no exaggeration.

Mr. President, I do not care to prolong my remarks unnecessarily. I have said all that I think it necessary for me to say. When I made the statement that the post-office appointments referred to had been rejected for the reason I gave I spoke in good faith. I believed I was stating the exact truth, and I cite this record to show that I am not alone, and I make the statement that I could satisfy any unbiased mind that there are a hundred such cases in Ohio; not that the President has had to do with—I do not mean that—but cases where those representing or claiming to represent the Administration have sought to influence, direct, and control appointments without consultation with, but in direct hostility to, the two Senators who represent that State and whose constitutional duty it is to advise and consent.

We, Mr. President, have a duty in regard to this matter. I wish we did not have. From the day I came into public life public patronage has been a trouble and annoyance; something I would have been glad to have been rid of, something I have taken no pleasure in attending to. But we can not escape it. It is our duty to examine appointments, to consent and advise, and it is our duty, knowing the different communities, knowing the different candidates, knowing those who make the recommendations, to choose between those who are candidates. Every Senator knows that is his duty. Every Senator knows that so long as present usage continues he is compelled to do these things. I have sought since I have been here to do that duty as conscientiously as any other duty I have had to discharge. I have in no instance, so far as I am aware, sought to do otherwise than promote as much as I could the good of the public service by any recommendations I have made. I have never had any complaint from the President or anybody else of any appointment made on my recommendation. I do not mean by that that all are perfect. I am subject to the same infirmities as other men are. I may sometimes be imposed on by the men whom I may recommend, but I have not been consciously imposed on. I think in the main the President seeks to select good men, but for the President to say that there has been no attempt in Ohio to use public patronage to promote political interests is to fly in the face of what is, I may say, the universal belief in our State and almost the universal knowledge in our State. I have not claimed that the President himself was participating in it, but the record I have read speaks for itself and shows that in at least one instance he seems to have had a good deal of the same kind of spirit that has been manifested in the practice to which others have openly resorted.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. Mr. President I submit a report of the conference committee on the urgent deficiency appropriation bill. I will state that it is only a partial report, there being three amendments still in disagreement.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and twelve thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

After the word "That," in line 1 of said amendment, insert the words:

"Not exceeding the sum of five thousand dollars of;"

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 5, 11, and 26.

W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. ALLISON. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, and ask for a further conference with the House on those amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as conferees on the part of the Senate.

ENLARGEMENT OF FREE LIST.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. GORE on the 6th instant, as follows:

Resolved, That it is the sense of this body that the following articles should be placed on the free list by Congress at the present session without awaiting the advice or delay of a tariff commission, to wit: Printing paper and wood pulp; farming implements and barbed wire; mechanics and miners' tools and powder used in mining coal; and petroleum, crude and refined.

Mr. GORE. Mr. President, I desire that the resolution go over, retaining its place.

The VICE-PRESIDENT. The resolution will go over at the request of the Senator from Oklahoma, retaining its place.

ACTION OF NEW YORK CITY BANKS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CULBERSON on the 3d instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if any national banks outside the city of New York complained by telegrams or letters to the Treasury Department, the Secretary of the Treasury, the Treasurer of the United States, or the Comptroller of the Currency, between October 1, 1907, and November 15, 1907, of the refusal of national banks of New York City to pay in cash New York exchange or to respond to calls for reserves; and if so, the Secretary is directed to send to the Senate copies of all such telegrams and letters.

Mr. DEPEW. Mr. President, at the last session of the Senate on Thursday the Senator from Texas delivered an able and thoughtful address in an effort to prove two very serious charges; one that during the recent panic the Secretary of the Treasury had repeatedly violated the law, and the other that the banks of New York City had utilized the help which they had received from Government deposits to encourage stock speculation. These are very grave accusations to come from the distinguished leader of the minority. On examining the subject I have come to the conclusion that he is in error. The adage that figures will not lie has been proven to be false by the text-books of the great political parties. Each of them uses the same tables of the financial officers of the Government, and the one proves that we never enjoyed such phenomenal prosperity, while the other satisfies its readers that our present conditions were never so bad nor the future so hopeless.

Not only the New York bankers, but those of the whole country, were facing a crisis unequaled in our history. It came suddenly and at a time when the Government in its resources, the banks in their condition, and business in its activities were never so sound and strong. It is not difficult to account for the peril or the means by which it was averted. I will say at the outset that the business and financial conditions were saved by the courage, wisdom, and patriotic action of the Secretary of the Treasury and the phenomenal genius of Mr. Pierpont Morgan in associating with him the strongest financiers and bankers and devising the methods to save the situation.

There are 6,600 national banks in the United States and some 11,000 State banks and trust companies. The national banks in the central reserve and reserve cities have a reserve for the security of depositors of 25 per cent, while those in the country have 15 per cent. These national banks had on deposit in round numbers $4,322,000,000. The State banks, savings banks, and trust companies had on deposit about $9,000,000,000. The average reserve in State banks and trust companies against this enormous sum was only about 5 per cent, and that not in gold but in bills. There were in all these institutions about $13,000,000,000 of deposits, payable on demand, while the currency of all kinds in these institutions combined was not much over $1,000,000,000. It will thus be seen that if the millions of depositors who owned these $13,000,000,000 become frightened and want their money at once in cash the machinery of business and commerce stops. It has been found by experience that under our credit system, by which 95 per cent of our commercial transactions are carried on, little cash comparatively is required, except in the fall of the year, when nearly $300,000,000 have to be shipped by the central reserve and reserve cities to the West, Northwest, and South to move the crops. But our banking system is so defective that a shock paralyzes it. The only help available in a crisis must come from the Government, and the resources of the Government are very limited compared with the demand. Confidence must be restored so that the normal relations between the banks and their creditors are established and maintained or our whole fabric goes to pieces. It is here the Government plays a most important part in restoration of confidence, and here the Secretary of the Treasury fills a position of awful responsibility.

A chain is no stronger than its weakest link, and the weak link in the recent situation was the trust companies, with their enormous deposits and limited reserves. There is no question about their soundness and their possession of a large surplus beyond all their obligations to their stockholders and depositors. Nevertheless, while doing a banking business, they were not equipped for a banking emergency. A run was started on the Knickerbocker Trust Company, whose stock was selling at twelve hundred dollars for a hundred-dollar share. The spectacle of millionaires jostling clerks and bank messengers in the rush to get to the window for their money before the cash was exhausted was illuminating. It showed that in a panic human nature works the same with rich and poor. After paying out $8,000,000 the trust company closed its doors. Rumor, nobody can tell from where, within twenty-four hours had precipitated a run upon two other trust companies and some banks. was a question not of weeks, but of hours, when there would be universal suspension of all cash and credit agencies and of all exchanges and business operations. It is idle to say that New York City alone would have been affected. Texas would have been proportionately involved, and so would every State and city in the Union. The crisis was appalling. The bankers met in Mr. Morgan's library, raised and contributed for the threatened trust companies and banks about seventy millions of cash, which was paid out in three days; most of it was hoarded. There disappeared from the banks during this period two hundred and fifty millions in cash, which went into the boxes of safe-deposit companies. In other words, one-tenth of the total circulating medium of the country was locked up within three days. Then Mr. Cortelyou came to the rescue and deposited available money in the national banks until the balance in the Treasury was down to about five millions.

He says in his report that one of the reasons for making deposits in such large amounts in the national banks of New York and other important cities, in addition to the effectiveness of such deposits in financial centers where they would find their way to the points where the need was greatest, was the fact that these banks were able more promptly to obtain the bonds required as security. The emergency was too acute to assign deposits to banks which were not in possession of bonds or could not obtain them promptly, either by purchase or by borrowing from large financial institutions not engaged directly in the business of note issue or the demand of deposits. This action of the Secretary was accompanied by one of the President's characteristic letters, which are read by everyone and understood by all. In this letter the President approves of the issue of fifty millions of Panama bonds immediately available for additional currency. He also approves of the immediate issue of one hundred millions of 3 per cent Government notes running for a year. He then in emphatic language assured the people "that they should stop hoarding money and attend to business." He continued:

There is practically no risk involved in letting business take its own course, and the people can help themselves and the country most by putting back into active circulation the money they are hoarding. The banks and trust companies are solvent. There is more currency in the country to-day than there was a month ago, when the supply was ample. Fifty-five millions of dollars in gold has been imported, and the Government has deposited another sixty millions. These are the facts, and I appeal to the public to cooperate with us in restoring normal business conditions. The Government will see that the people do not suffer if only the people themselves will act in a normal way. Crops are good and business conditions are sound, and we should put the money we have into circulation in order to meet the needs of our prosperity.

The action of the Government in placing $240,000,000 with the banks, and this letter of the President, ringing like a clarion note of confidence in every office, workshop, store, farmhouse, and dwelling of the country, together with the courageous action of the New York bankers and banks in importing gold and helping institutions assailed, stopped the panic and saved the country.

The issue of these securities was lawful and within a fair interpretation of the statute. The Panama bonds must be sold from time to time according to the needs of the canal. Money had been spent on the canal beyond the appropriation and it had to be replaced in the Treasury from funds derived from these bonds. This disposes of the charge on that account. Under the law of 1898 the President is authorized to sell one-year notes for Treasury necessities. The Secretary, it is said, could have drawn this from the banks. Such action would at the time have frightfully increased the panic, and in the financial chaos which would have followed internal revenue and customs receipts would have correspondingly fallen off. So the Secretary strained the interpretation of the law, if you please, but with confidence regained by his action little over fifteen of the one hundred millions were required. Both the bonds and notes were immediately used by the banks for more currency.

The Senator complains that the Secretary in the deposit of Government money neglected Texas, so that his great State received only 4 per cent, but the report of the Comptroller of the

Currency shows that on December 3 the banks of Texas were hoarding the reserve money and required no help. The reserve in the Galveston banks was nearly double the reserve required by law. The Fort Worth banks had nearly 34 per cent, the Dallas banks 27 per cent, the San Antonio banks 38 per cent of reserve currency, while New York banks in their effort to relieve the situation and in their shipment of currency had drawn their reserves down to 22 per cent. Similar conditions to those in Texas prevailed in Indianapolis, Minneapolis, and St. Paul; Wichita, Kans; Omaha, Nebr.; San Francisco, Cal., and Portland, Oreg. I received these figures this morning from the Comptroller of the Currency. The effective relief afforded the whole country by deposits of Government funds in the New York banks at the crisis is illustrated by a statement of the amount of grain and cotton bills bought by a single bank in New York. I use this illustration because the National City Bank is the largest, though others did their full share. During the months of November and December the National City Bank bought for cash over $100,000,000 of bills drawn by country banks against shipment of grain, provisions, and cotton to Europe. This vast sum was furnished to the people in the country at the most critical period of the panic, when to have stopped such shipments would have meant the spread of the panic everywhere and general disaster. The prosperity of the country in its production was such that there was an unusual amount of grain and cotton ready for shipment and a good foreign demand at remunerative prices. The movement was checked and would have been stopped except for the cash and credit to handle it furnished by the National City and other New York banks. These banks of New York had the facilities and the connections which put them in touch with the banks through the whole country, and from long experience and practice in transacting business with these institutions of all the States the New York banks knew how and when and where the business could and should be done. In putting the Government money in what might be called the distributing reservoir of the Republic the Secretary showed statesmanship and financial wisdom.

We are now called upon to criticise and condemn the alleged errors and the tactics of the generals who won the victory. Under our banking laws the country banks are permitted to send three-fifths of their reserves to the reserve and central reserve banks for deposit. If the reserve is fifteen thousand, the bank can send ten thousand of it to New York, keeping only five thousand in its vaults. The central reserve banks can also deposit with the reserve bank one-half of their reserves, so that if it is one hundred thousand there is fifty thousand of it in New York. This money goes to New York for deposit instead of other cities because, as every banker in the most remote community knows, a draft on New York goes anywhere and is as good as currency. The New York banks treat these deposits no differently from other moneys which are left with them. Of course they are loaned. In a crisis like that through which we have just passed, the country banks get in their demand for the return of their deposits in currency after the people on the spot have presented theirs. To respond is impossible, as everyone knows. No bank can transact business and liquidate in a day.

The Senator in his analysis of the mass of figures contained in the report of the Secretary of the Treasury comes to the conclusion that only $10,000,000 went from the New York banks to the banks of the interior. Surely the Secretary of the Treasury is an authority upon whom we must rely, and who, if his reports can be impeached, is unworthy of his office. He certified in his report to the Senate that between October 19 and December 7 the shipment of currency by the New York clearing-house banks, chiefly to the national banks of the interior, was $106,921,700.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. DEPEW. Certainly.

Mr. CULBERSON. The Senator from New York unintentionally, of course, has misstated my position. I did not state that the report of the Secretary showed that the national banks of New York had sent only $10,820,511 to other national banks, but I did say that the report showed that between August 22 and December 3 the net amount which the New York banks owed national banks everywhere was reduced only the amount stated.

I said, in addition, Mr. President, and presented the letters of the chairmen of clearing houses to show it, that the New York City banks did ship money to other national banks, and charged them a premium on it, ranging from $10 per thousand to $40 per thousand, but that they had only sent this amount of ten million and odd dollars to the banks to which they owed money and in liquidation of their indebtedness to those banks.

Mr. DEPEW. Mr. President, the minutia of this statement of the Secretary of the Treasury down to the dollar shows the care and accuracy with which the statement was made.

In regard to the New York banks charging for the currency which they sent, from 3½ to 5 per cent, my own impression is, and I think that will be established when the examination is made, that the money which was sold in New York for a premium of from 3½ to 4 and 5 and I believe at one time 10 per cent, did not come from the banks. There was $240,000,000 in currency locked up in the safe deposits of New York by frightened depositors, and when those depositors thought that the banks were saved, they made money by selling the currency and depositing in banks the checks received therefor.

The Secretary also states that the increase in national-bank deposits, by which the Senator thus refutes this claim of shipments to the interior, represented the transfer of loans and deposits from the trust companies. The Senator attempts to prove the unfair distribution of the Treasury money to the banks of the country by percentages, and charges the Secretary of the Treasury with undue favoritism to New York City. Percentages are always illusive, and yet the Secretary's report is directly the reverse of the conclusions at which the distinguished Senator arrives in his laborious analysis. The Secretary shows that instead of calculating upon action in taking individual States, if you take the New England, Eastern, and Middle West States, including New York, which are directly tributary to New York, that the percentage of deposits from the Treasury to the capital and surplus of the national banks was about 15 per cent; that the banks of the Southern, Western, and Pacific States had a proportion of nearly 18 per cent, while, eliminating New York from the Eastern group, the percentage of the remaining Eastern and Middle Western States was only about 12 per cent, so that in this distribution the Southern, Western, and Pacific States were, on the basis of percentages, 3 per cent better off than New York and its tributary territory and 7 per cent better off than the Eastern and Middle Western States standing by themselves. This passage from the Secretary's report is illuminating:

> In New England, where business is carried on less with borrowed capital than in some other sections of the Union, the average per cent deposited in the national banks of the entire section was only 8 per cent and in Connecticut as low as 3⅞ per cent.

In other words, the great manufacturing State of Connecticut was lower in its averages than the agricultural State of Texas. Again, while Texas had only 4 per cent, the State of Louisiana has 27.4 per cent in deposits in proportion to its national-bank capital and surplus. The financing of the cotton crop is not done at Austin or at Houston, Galveston, or Fort Worth, but at New Orleans. It is an emphatic demonstration of the suddenness with which by heroic measures the panic was stopped that while this currency crisis was so acute in centers great and small all over the country, the little remote villages were not affected. Many of them had from 28 to 36 per cent of reserve money on hand for which they had no use. The farmers had sold their crops at a profit; the storekeepers' bills were promptly paid, and there was little use or demand for money; but in a week, if the panic had continued, they would all have been involved and cut off from the markets of the world.

As to the charge that these Government deposits were used to permit gambling in the stock exchange, these figures are instructive: Business of the stock exchange in 1901 was in bonds, $981,781,000; in stocks, 250,000,000 shares. In 1905, at the height of our prosperity, it was $1,000,000,000 in bonds and 260,220,000 shares of stock. In 1907 it was $540,000,000 in bonds and 196,000,000 shares of stock. In other words, the transactions on the New York Stock Exchange in 1907, including both stock and bonds, were about one-third less than they were in 1905. There was one hundred millions less loaned on collateral or stock-exchange securities than there was in 1901.

The Senator asks what became of this vast amount of deposits from individuals and from country banks and from the Government, and the one hundred millions of gold brought from Europe which was in the possession of the New York banks. The necessities of the railroads, the prosperity of which had outgrown their facilities and equipment, was so great that they required a thousand six hundred millions of dollars. This money was to meet obligations which had already been incurred in terminals, equipment, and extensions for which contracts were out. During the preceding years the credit of these great lines had been such that they found no difficulty in floating their bonds to meet requirements for long periods at 3½ per cent interest. Called upon now to meet their contract obli-

gations, they had to offer short-term notes, bearing interest from 6½ to 8 per cent. They could not afford to put out long-term notes at such figures, because the net returns upon their business would not justify it. The banks financed something over a thousand millions of these notes and then stopped. The industrial corporations had grown so rapidly that the expansion of their business required six hundred millions of money, and the banks financed about one-half of that at high rates of interest. The city of New York found in these tight times that it could not sell bonds at any legitimate figure and so they were borrowers on time loans of millions of money. It is a fact, and a most creditable one, that notwithstanding the abnormal rates of interest upon call loans from day to day, and notwithstanding the securities offered by powerful and solvent corporations at high rates, the banks of New York stood by their commercial customers, and the solvency during the crisis of the merchants and the manufacturers shows that commercial paper received proper consideration.

Bankers do not claim that they are in business for philanthropy or their health. They do not deny that they desire to make all the money they legitimately can, to pay good dividends to their stockholders, and strengthen their institutions by adding to their surplus. But no student of finance can rise from a study of what the bankers, not only of New York but of Chicago and other large cities, did in this crisis without feeling that the banks of the country are officered and managed by wise, level-headed, exceptionally able, and patriotic men. No better public service can be rendered by bank officers and directors than to keep the machinery of commerce going and to maintain strong and solvent the institutions upon which the credit, the business, the employment, and the living of the people depend.

The criticism made by the Senator upon there being more public moneys deposited in the banks of the District of Columbia than there are in the State of Texas is a just indictment, not, as he makes it, of the Secretary of the Treasury, but of the financial system under which we have been living for forty years. Congress is the board of aldermen; the President, the mayor; and the Secretary of the Treasury, the fiscal officer for the District of Columbia. In every State, county, city, village, and town in the country the tax collector deposits the money in the bank the day of its receipt. In this way the people's money is not hoarded, but is continuously at the service of the people. At the same time the tax money is where the public authorities can draw on it as they require it during the year, because taxes, as a rule, are paid that much in advance. The Government, therefore, treats the District of Columbia precisely as municipal authorities everywhere treat their communities. There is no shock to the business of the District by taking out of circulation even for a short time the millions required for taxes.

If, instead of the subtreasury system, the same methods should be adopted by the Government, much of our financial difficulty would be remedied and many of our financial problems would be solved. So long as our laws connect the Treasury so closely with the banks, so long as we make the Secretary of the Treasury legally and morally responsible in a large measure for the condition, not only of the finances of the Government but of the country, we must allow to him much discretion and judge him by the results of his action. He might have followed the strict letter of the law, which the Senator has quoted, and put the $240,000,000 of Government bonds proportionately in each one of the 6,600 banks of the country. The effect would have been, so far as relief was concerned, like meeting a great fire in a great city, where property is likely to be consumed of such value as to impair the business of the whole country, not by concentrating all the resources of the fire department upon the fire and blowing up with dynamite adjoining blocks to prevent its spreading, as they did in San Francisco, but by distributing the fire engines all over the city and demanding them to divide the water equitably among the different wards. The Secretary fearlessly and wisely says he deposited the money where it would be most effective, and the result demonstrated the wisdom of his action.

I was told once by a distinguished Army officer who was in charge of a department that he had in the harbor several large vessels loaded with winter supplies for the soldiers at the posts under his command. A fire broke out on one of the largest vessels. He hired a number of tugs, placed engines on them, and saved the ship and its cargo. When the requisition came to Washington to pay the tugs and firemen it was returned to the general with this indorsement by the Auditor of the Treasury, "Disallowed because, in accordance with the law and the regulations of the Treasury, an estimate had not first been submitted and approved." That Auditor was all right from his standpoint and position and the general was all right from his. One was a cheese parer and the other an empire builder. Congress reimbursed the general.

The disastrous panic in 1866 in England was instantly stopped by the chancellor of the exchequer authorizing the Bank of England to disregard the banking law and issue currency to any extent necessary to meet the emergency.

The offer by the Government of ten millions of Panama bonds and ten millions of 3 per cent notes would have created no impression, but the offer of a hundred and fifty millions meant that the boundless resources of the Government were behind the solvency of the country, and the people thanked God and took courage.

I was reading a few days since a little book called "Human Bullets," in which a lieutenant in the Japanese army describes his own experience at the siege of Port Arthur. It is easy to see from his description that companies, regiments, and brigades were murderously sacrificed in a way which if the siege had failed would have justly condemned the Japanese general as the most merciless and incompetent of commanders, but this bloody struggle won victory for Japan. On the other hand, General Stoessel, the Russian commander, who temporized, saved his troops and his ammunition, and finally surrendered, is on trial before a court-martial for his life. The prosecuting officer of the Government demands upon the testimony that his sword be broken and that he be degraded and shot in the presence of the troops.

The living of 25,000,000 of industrious men and women was at stake. The solvency of every national bank, State bank, trust company, and savings bank was at stake. Twenty-five billions of internal commerce dependent for its free movement not upon the small percentage of cash, but upon credit, was at stake. The panic was stayed. The fire was put out with a minimum of loss. The country has resumed its normal condition. Production is proceeding apace to a market which is growing in eagerness to buy. The Senator cries eloquently, "Let the ten millions only which was sent to the interior ring in the ears of the American people." But it is the action of the Secretary of the Treasury and the New York banks in saving the situation which is ringing in the ears of the American people. One of the best chapters in the financial history of this country will be that the thousand billions of national wealth of the United States remain almost imperceptibly impaired, and that the country is springing like a young giant to larger endeavors and greater triumphs because of confidence restored and hope renewed largely through the wisdom and courage of the Secretary of the Treasury.

BUSINESS METHOD OF POST-OFFICE DEPARTMENT.

Mr. PENROSE. I submit a preliminary report of the Joint Commission on the Business Method of the Post-Office Department and Postal Service under the act of Congress approved March 2, 1907. I move that the report, together with the accompanying documents, statements, evidence, and illustrations be printed and referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

PORTS OF ENTRY IN CONNECTICUT.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (H. R. 9218) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes."

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It extends the privileges of the seventh section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the ports of Norwalk, Stamford, and Greenwich, in the State of Connecticut.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Acting Secretary of State covering a note from the Imperial German Ambassador by which is communicated the acceptance by the International Congress on Hygiene and Demography of the invitation extended to it in pursuance of the joint resolution of Congress approved February 26, 1907, to hold its next session at the City of Washington in 1910.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 10, 1908.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 2915. An act for the relief of John P. Hunter;

H. R. 3388. An act for the relief of L. B. Wyatt;

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 13875. An act for the relief of John V. Johnson;

H. R. 14446. An act for the relief of A. J., C. C., and T. W. Hodges;

H. R. 15070. An act for the relief of J. Edmund Strong; and

H. R. 15372. An act for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts.

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy was read twice by its title and referred to the Committee on Naval Affairs.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain lands now a part of the Fort Riley Military Reservation; and

H. J. Res. 102. Joint resolution authorizing the Secretary of War to furnish three condemned cannon to the mayor of the the city of Detroit, Mich., to be placed on the base of a statue of the late Maj. Gen. Alexander Macomb, United States Army.

H. R. 6515. An act for the relief of J. A. Gallaher, administrator of the estate of Joseph H. Gallaher, deceased, was read twice by its title and referred to the Committee on Finance.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho; and

H. R. 16050. An act to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

H. J. Res. 130. Joint resolution providing for salaries of the Resident Commissioners from the Philippine Islands was read twice by its title and referred to the Committee on the Philippines.

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I call up the bill (S. 3023) to amend the national banking laws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALDRICH. Mr President, the financial crisis from which the country has just emerged, which culminated in a serious panic in October, was the most acute and destructive in its immediate consequences of any which has occurred in the history of the country. Nothing but the heroic measures taken by the representatives of the great business and financial interests of the country, acting in cooperation with the Secretary of the Treasury, prevented a total collapse of private credit and a disastrous destruction of all values. It is impossible to conceive, much less to measure, the losses which would have resulted from such a calamity. The country was saved, by the narrowest possible margin, from an overwhelming catastrophe whose blighting effect would have been felt in every household.

A total collapse was avoided, but the shrinkage in values of securities and property and the losses from injury to business, resulting from and incidental to the crisis, amounted to thousands of millions of dollars.

It is not my purpose to consider the panic of 1907 with a view of indicating the causes which led to the widespread destruction of confidence which characterized it, but I propose to invite your careful attention to some of the lessons of the panic in their relation to our monetary and banking systems.

At the time of each of the financial panics from 1837 to 1893 serious distrust existed in the public mind as to the value or the security of the whole or some portion of the currency. On each of these occasions prior to the adoption of the national banking system, the losses upon unredeemed or unpaid bank notes were very great, and in each case complete disorganization of banks resulted in widespread business demoralization.

It must be apparent that if, in the panic through which we have just passed, there had been any distrust of the value of any of the forms of our currency, or if any doubt had existed of their immediate convertibility into gold or its equivalent, or if the redemption of national-bank notes had depended upon the ability of the national banks to pay them on demand, a fatal crash would have been inevitable.

The panic of 1907 was not, however, either in its inception or in its progress, a currency panic, in the sense to which I have alluded. Our currency, in character, was beyond question.

On the 1st of October, 1907, the amount of money in circulation in the United States, outside of the Treasury, was $2,805,854,374, or $32.46 per capita, the largest amount relatively and per capita in the history of the country. The amount of money in actual circulation, that is, in the hands of the people, outside of the banks and the Treasury, was $19.36 per capita, which was a much greater amount per capita than that held by the people of any other commercial country in the world except France, where the business conditions are entirely different from our own.

The aggregate amount of money in the hands of the people had increased from $877,000,000 in 1897 to $1,666,500,000 in 1907, an actual increase of $789,500,000, and a relative increase of from $12.19 to $19.36 per capita. Our currency, prior to the crisis, was adequate in amount to meet all legitimate demands under normal conditions. It is true that the wonderful development and remarkable industrial growth of the country in the last ten years seemed to render a large and constant increase in the volume of our circulating medium necessary. The character and rapidity of this development and growth can be indicated by a statement of the increase of deposits in our national banks, State banks, savings banks and trust companies, say from $5,111,126,229 in 1897 to $13,099,600,000 in 1907.

The actual increase of the business of the country during this period can also be shown by a comparison of the New York clearing-house transactions, which increased from $13,337,760,947 in 1897 to $95,315,421,237 in 1907. The enormous increase in bank deposits, to which I have alluded, led to a corresponding increase of the lawful money necessary to be held in the reserves of banking institutions of from $628,200,000 in 1897 to $1,106,500,000 in 1907.

Under ordinary conditions, perhaps, the volume of our currency could have been fairly criticised as excessive. It certainly could not be claimed that our system had failed to provide a currency that was satisfactory in quality and adequate in amount to meet all normal or usual demands. But no provision had been made for a class of emergencies which occur with more or less frequency in every country and which we can now see must be provided for. An annually recurring need for additional currency to move crops occasionally creates a demand in excess of the available supply, but the serious defect of our monetary system, as disclosed by our recent bitter experience, is the fact that we have no means whatever for providing the additional issues necessary to meet or to prevent panic conditions. Events having brought this defect to the attention of Congress in the most forcible manner, we can not wisely or prudently fail to give it serious consideration. It is perhaps true that the most complete monetary system will not prevent at times the hoarding of money by frightened bank managers or individuals.

Neither the strength of our monetary system nor the extraordinary efforts which were made to avoid this serious result prevented a general suspension of payments by national banks, with most deplorable and far-reaching results. This suspension commenced in New York on the 26th of October and was followed promptly by a suspension of the banks in Chicago and other localities. The issue of clearing-house certificates followed in most of the principal cities.

A complete disruption of the exchanges between cities and communities throughout the country took place. It is impossible to estimate the losses which were inflicted by this suspension of payments by the banks and the resultant interruption of exchanges. There was financial embarrassment on every hand, and an impossibility of securing the proper funds to move

crops or to carry on the ordinary business of the country. The suspension or disarrangement of business operations threw thousands of men out of employment and reduced the wages of the employed.

During the progress of the crisis, in its more or less acute stages, the following extraordinary steps were taken to avoid final disaster:

First, the Secretary of the Treasury added to bank reserves by increasing the deposits of public moneys in New York and other banks between September 30 and December 7 to the extent of $70,000,000;

Second, clearing-house certificates were issued by the various clearing houses of the country to the extent of about $190,000,000;

Third, checks were issued by clearing houses, banks, and private individuals, intended to be used as currency, and which were so used, to the amount of at least $75,000,000;

Fourth, an enforced enlargement of the bank-note circulation took place, through an exchange of bonds and by other means, from October 1 to January 1 to the amount of $94,759,115;

Fifth, importations of gold were secured amounting, during the period last named, to $107,000,000 and resulting in an enlarged issue of gold certificates in the same period of $66,000,000.

From this it appears that from time to time during the crisis there was an enforced increase in the amount of currency and currency substitutes, not including additional deposits of public moneys in the banks, to the extent of about $467,000,000.

Of the expedients adopted, the use of clearing-house certificates was unquestionably the most effective. I need hardly say that the clearing houses by which these certificates are issued are voluntary associations of banks formed for mutual convenience, assistance, and protection. In many ways the usefulness of these associations has been shown from a public point of view.

The employment of clearing-house certificates for relief in time of financial disturbance commenced in 1860, and has since been repeated from time to time on eight different occasions, ending in 1907.

These certificates, it should be remembered, are only available for settlement of balances between banks in the localities in which they are issued. They are issued upon a deposit of bonds and other securities, the best assets of the bank, made satisfactory in character to the loaning committee of the clearing house. Certificates are issued to the amount of 75 per cent of the value of the securities deposited. Interest is charged by the clearing house to the depositing bank at varying rates from 6 to 9 per cent. They take the place of currency in settlements at the clearing house, increasing, by this means, the amount of money available for other purposes. Their employment has been beneficial at times in preventing a serious disaster, but it has sometimes resulted, as in 1907, in such a derangement of exchanges as to make it doubtful whether, from the standpoint of the public interest, the disadvantages were not greater than the benefits derived from their issue.

The conservative bank officers of New York, for fear of the effect their issue would have upon the credit of that great commercial center, resisted their use, until it became apparent that there was no other means available to prevent general bankruptcy. The scrip issued by clearing houses and by banks and private individuals, in the form of circulating notes, and used as currency, were issued to meet local necessities for payrolls, for moving crops, etc. In the spirit, if not by the letter of our currency laws, these notes should have been taxed 10 per cent on the amount issued.

The great losses which the people of the country suffered from the partial breakdown of our credit system through bank suspensions, and which the abnormal increase in the volume of money and its substitutes—legal and illegal—failed to avert, should lead Congress to seriously consider the question whether it is possible to provide such a legislative remedy as shall prevent the recurrence of these conditions in the future.

If the experience of last year should be repeated—and who can say that this is impossible—the methods of relief that were employed in 1907 will not be available—certainly not to the same extent.

First, it is not at all likely that the Treasury will be in condition to make increased deposits of public moneys in national banks. With the strong probabilities of a considerable deficit, and as a matter of wise policy, Government deposits in national banks must, and I am quite willing to say should be, largely diminished.

Second, the fact that a very large proportion of United States bonds are now held by the national banks, an amount which can not be materially increased, makes it probable that there will be a diminution rather than an increase of national-bank notes based upon United States bonds. In fact, it would be almost, if not quite impossible, to further increase the volume of such notes in case of an emergency.

Third, it is quite possible that we may not be able to command large importations of gold. The very large increase in the exportation of products, with reduced importations, which took place in the last four months of 1907, produced an unusual balance of trade of more than $300,000,000 in our favor, and this fact was of great assistance in making large gold importations possible in the months of November and December. These favorable conditions may not exist again, and it may be much more difficult to induce the foreign banks to acquiesce in gold shipments in our favor. In any event imports of gold can never be made in time to relieve an acute condition of panic.

Fourth, men may not be found in another emergency with the patriotism, courage and capacity of those who, in this crisis, rendered such conspicuous and invaluable service to the financial interests of the country.

Fifth, the suspension of bank payments with its resulting strain upon the credit of the country and its resources will not be tolerated again.

I am quite well aware that financial conditions have vastly improved over what they were six weeks ago, and I think we may feel quite confident that the prolonged period of depression which followed the panic of 1893 may be avoided. It is also quite certain that in all the financial centers within a very short time there will be a great excess of currency, and probably a surplus of loanable capital.

While the general conditions have improved and are improving there are still many causes for disquiet in industrial and financial circles. It is quite probable that there will be considerable additions to the army of the unemployed, and it is quite impossible for any man to predict, with any degree of confidence, what the industrial and financial condition of the country will be next autumn. In any event, if the business interests of the country are left defenseless through the inaction of Congress, the most serious consequences may follow. Under these circumstances I believe it to be the imperative duty of Congress, in their wisdom, to provide some means of escape from another calamitous crisis. The expedients which the responsible officers of the Government and of the great financial institutions were obliged to adopt in the panic of 1907 point the way to effective curative legislation.

There seems to be but one way in which this can be accomplished, namely, by some provision for the authorization of additional notes to be used only in emergencies. The Committee on Finance, with practical unanimity, arrived at the conclusion that it would not be possible to secure this relief by the adoption at this session of any measure which should provide for the thorough revision or reconstruction of our monetary system, however advisable such a course might be from a scientific or practical standpoint. Bankers and students of economics are divided in opinion as to what should take the place of the existing system, if it is to be condemned and superseded, and if a new, comprehensive system, based on scientific principles, is to replace it.

Two plans for general legislation which are prominent in public discussion were considered by the committee.

First, that advocated by many thoughtful students of economic history and teachings, who are led by the experience and practice of other commercial nations to favor some plan for a central bank of issue, which would be in effect a central clearing house with very limited banking functions, under Government control. Personally, I believe that in time this country is likely to adopt such a system, but I agree with other members of the committee that its adoption at this time, or in the near future, is out of the question.

Second, that supported by a large number of bankers and students who maintain that our monetary system will never be placed on the proper basis until the sole power of issuing notes is lodged in the banks, the security for such notes to be based upon a general pledge of the assets of the banks, their convertibility to be undertaken by the banks and to depend upon an insurance fund. This plan involves an entire change in the character of our currency and the ultimate retirement of outstanding United States notes and gold and silver certificates. The committee were unanimous in the opinion that this plan would not be likely to receive the favorable consideration of Congress at this session.

The minority members of the committee, while agreeing with the majority that it was not possible at this time to enter upon a comprehensive plan of legislation, and agreeing further that there was a demand which could not be ignored for an issue of emergency notes, believed that the authorized issue should be in United States notes instead of national-bank notes. The majority of the committee were of the opinion that the further

issue of United States notes at this time would establish a dangerous precedent, and that the approval of their issue, even for temporary and limited purposes, would lead ultimately to a popular demand for a continual enlargement of the issue whenever a reasonable pretext could be found. They further believed that as national-bank notes with convertibility guaranteed by the Government have properly a place in the confidence of the American people from which they can not be dislodged, it would be the part of prudence to use this form of currency.

Those who believe that all issues of currency should be made free from governmental sanction or restriction urge that the Government of the United States should go out of the banking business. While the Government is not and should not be in the banking business the United States Treasury is, and must be for some time to come, by law and custom, a great national bank of issue. All the money in circulation is either issued by the Government directly or under its express authority and regulation, and the Government is and should be equally bound to maintain the parity of all. Bank notes are essentially Government money, the banks being merely the instrumentalities of issue. The widespread diversity of opinion as to the character of general legislation to be enacted, and the further and more significant fact that there is no considerable consensus of opinion on any general or special plan, led the committee therefore to the conclusion that it is not possible, at this time, to enter upon a thorough reform of our entire currency legislation.

The committee, after full consideration, felt that it was safer to follow, in the form of legislation they should recommend, the experience of the great commercial nations, who have found it necessary to provide means to meet or prevent panic conditions by the extension of note issues under different restrictions and conditions from those imposed on ordinary issues.

The German Government gives the Imperial Bank of Germany, which is under the direct control of the Imperial Government, the practical monopoly of the bank-note issues in that country. The Imperial Bank has authority to issue an arbitrary amount, $119,000,000, of notes not covered by specie. A further issue is authorized equal to the amount of specie held. A still further amount may be issued subject to a tax of 5 per cent per annum, the average interest charge in Germany being less than this rate of taxation. Against these additional notes, specie must be held to the extent of one-third of the amount and good bills of exchange against the remaining two-thirds. In recent years and especially during the past year the privilege of increased issues under the 5 per cent provision has been freely used.

The plan for additional notes which the committee recommends for your adoption is substantially the plan of the Imperial Bank of Germany, with a change in class of securities required and a change in the rate of taxation. In its general features the plan of note issues adopted by the German law of 1875 followed the English bank act of 1844, but amending and improving that act, however, by adding the provisions for note expansion that I have explained.

The Imperial Bank of Austria-Hungary, which is also strictly a government bank, has an uncovered issue of $83,000,000, and above that a right to issue to any extent against specie, with a further provision for excessive or supplemental issues subject to a 5 per cent tax. The legislation in this case follows the German plan.

The Bank of England has a right to issue uncovered notes equal to the amount of government securities held by it—$92,250,000—and beyond this authorized limit no notes can be issued unless an equivalent amount of gold coin or bullion is held in the issue department of the bank. The Government of Great Britain has on three occasions in times of stress—in 1847, 1857, and 1866—authorized the suspension of the provisions of the bank act which forbid the further issue of uncovered notes and permitted the bank to issue notes without limit. On these occasions the mere announcement of the fact that the Government had authorized the suspension of the bank act had the immediate effect of relieving the strain and of restoring confidence.

In the severe crisis of 1890, however, the bank act was not suspended. The Bank of England borrowed from the Bank of France and the Bank of Russia large sums in gold, and through the courageous and wise cooperation between the Bank of England and the great joint stock banks and private bankers in London a disaster was averted and British credit was sustained.

In recent years the great foreign banks have usually been able to maintain their reserves and to prevent unfavorable movement of gold and acute financial disturbance, by advances in the rate of interest. While this advance in the rate of discount has proved very efficacious in Great Britain and on the Continent, where the transportation of gold from one country to another is the question of a few hours, and where the business relations of the various countries are very intimate through exchanges, the same remedy could not be made effective here.

In France the conditions are unique. The Bank of France, which has the sole right of issue, held, during the ten years ending 1905, an average reserve of 86 per cent of its outstanding circulation in gold and silver. The average deposits of the bank in recent years have been only a little more than $95,000,000, the average Government deposits $50,000,000, and the amount of notes outstanding at the last available report of the bank, October, 1907, $977,500,000.

When we consider the insignificant amount of deposits and the immense reserves of the bank, it is easy to see that the Bank of France is not likely to be affected by a run either on the part of its depositors or its note holders. The bank has practically a right of unlimited issue, and in times of disturbance this right is freely exercised.

The Committee on Finance believed that the example of Germany was the safest precedent for them to follow, and the one most likely to successfully answer our requirement for a temporary emergency note issue, for a currency which would not be permanent in its character and which would add no new elements to our somewhat complicated currency scheme.

The committee are of the opinion that the bill which they have reported answers these requirements.

It provides for a possible issue in emergencies of $500,000,000 of national-bank notes, redeemable by the United States in lawful money upon presentation at the Treasury. The notes will be identical in character and tenor with the national-bank notes secured by the deposit of United States bonds. They are to be issued to any applying association if, in the judgment of the Secretary of the Treasury, business conditions in the particular locality of the bank demand additional circulation. For the security of the Government the banks are required to deposit in the Treasury State, municipal, or first-class railroad bonds, of a character and in amount satisfactory to the Secretary of the Treasury. Upon State and municipal bonds the bank is entitled to receive notes to the extent of 90 per cent of their value, and upon authorized railroad bonds, 75 per cent of their value.

Notes for the entire amount of the issue are to be prepared at once and deposited in the Treasury or in subtreasuries nearest the places of business of the different banks. It is made the duty of the Secretary of the Treasury to make without delay an examination of the securities which might be available for deposit and to notify the banks of such as would be acceptable to the Government for this purpose. The notes are to be distributed by the Secretary equitably among the banking associations in the several States, upon the basis of the proportion which the unimpaired banking capital and surplus of each State bears to the total capital and surplus of all the banking associations of the United States. These notes are to be taxed one-half per cent monthly, or 6 per cent per annum and can be retired at any time upon the deposit of lawful money or national-bank notes.

The bill authorizes the Secretary of the Treasury to receive any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it and whose net funded indebtedness does not exceed 10 per cent of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes.

The problem before the committee was to find some simple method of remedy and prevention that was merely an extension or supplement to the existing system and that could be provided through the use of existing machinery. The system of issue and redemption, which has existed for forty years, is continued by the terms of this bill. The currency is intended for temporary use only and not to be retained in general circulation, and we have made the most careful provisions for its enforced retirement when not needed. The notes to be issued are nominally national-bank notes, but they are in substance national currency of the United States, issued through the agency of the national banks.

The remedy we provide is simple, prompt, and efficient. At any time within forty-eight hours, if an emergency requires it, $500,000,000 of new money can be put into the channels of trade to allay public excitement and to meet extraordinary demands.

The committee believe that this great fund, placed by the Government at the disposition of the bankers and business men of the country, will have a strong tendency to prevent financial

crises and to preserve public and private credit at home and abroad.

In periods of distrust large numbers of people are controlled by sentiment. Experience has shown that at such a time the strongest element in allaying excitement and creating confidence is the knowledge that a remedy exists which can and will be promptly and effectively applied. The existence of this great fund is like the creation of an ample water supply with effective apparatus to check conflagrations.

The emergency issue we propose should enable the solvent banks of the country to meet at all times their demand obligations and to respond to all unusual but legitimate business demands. It will save bankers and the public alike from further humiliating confessions of general insolvency. It will be used in time of trouble to take the place heretofore filled by clearing-house certificates, and it will render the use of illegal or questionable substitutes for money unnecessary.

The obligation of the Government to redeem the notes of national banks is strengthened and more clearly defined. A definite pledge of convertibility by the Government is required by this act to be printed upon the face of every note. The value of the national-bank notes has always been fixed in the minds of our people by the certainty of Government redemption. No one stops to inquire whether a national bank is located in Maine or Texas, whether its capital is great or small, or whether its financial condition is such as to give credit to its notes.

A new form of notes if issued purely for emergencies and less carefully secured than existing notes, would be discredited at once and their appearance would invite distrust.

There should be no misunderstanding as to the sole controlling purpose of this bill. It proposes by its provisions to prevent panics and furnish the means of relieving panic conditions. We do not claim that it is a universal panacea for all financial ills. It is to give the national banks the means of accomplishing by legal methods that which, in this crisis, they felt compelled to accomplish by illegal and destructive methods, to the great loss of the country. It makes no pretense of providing a new monetary system and tries no new experiment with our currency. It surrounds notes to be issued by safeguards for ultimate payment similar to those now in use.

The measure we offer can be supported without a violation of convictions by those who believe in a central bank of issue, or by the advocates of an asset currency. It will not interfere with the adoption of any general plan of revision in the future.

It recognizes existing conditions and the limitations which an enlightened public opinion has placed upon Congressional action.

I will now ask your attention to certain specific objections which have been made to the bill, criticisms more or less serious in their character, but of such a nature that they should receive our careful attention. The first of these is that the issue of notes proposed would be unprofitable for the banks, and therefore that the rate of taxation fixed in the bill is prohibitive, and consequently that no use will be made of the authority to issue additional notes in times of financial stress. A series of elaborate calculations have been submitted to the committee showing the manner in which the earnings of national banks would be affected by an issue of notes under the provisions of this bill. The criticisms and the computations are based upon a complete misconception of the purposes of the measure, and an erroneous idea of its effect on bank profits.

Public discussion of the bill has turned largely upon the question whether the measure proposed was satisfactory to bank managers, ignoring the fact that the question of the soundness, character, and volume of currency is one in which the public is vitally interested. I must confess that, in considering relief measures, it did not occur to the committee that their first duty was to provide additional profits to the banks. The banks are not applicants for charitable relief. The report of the Comptroller of the Currency shows that the dividends paid by the national banks for the sixteen months prior to June 30, 1907, were at the rate of 13 per cent per annum on their capital and surplus. In the ten years prior to 1901 the average annual rate of dividend was but little over 5 per cent.

The committee were well aware that if the issue of the additional notes provided for should be made a constant source of profit to the banks, the notes would be issued immediately and would become a permanent addition to our currency, and would leave no margin for an increased circulation when the usual flow of currency was interrupted and a new supply demanded. To make proper provisions in emergencies for this supply, and to answer the reasonable expectations of the people of the country when their interests are imperiled, should not involve the necessity of increasing the profits of the national banks.

I have every reason to believe that the overwhelming majority of the national banks, which have been accorded valuable privileges, recognizing their obligations as fiscal agents of the United States, will cheerfully cooperate in carrying out any measure adopted by Congress as a means of relief, without reference to whether their action in this regard would add greatly to their profits. In times of public peril, when great interests were at stake, these banks have given the strongest possible evidence of their patriotism and unselfishness. I decline to believe that the criticisims under consideration reflect the views of thoughtful bank managers. They too keenly appreciate the value of public confidence.

In the recent panic, as I have already stated, there was a general suspension of cash payments by the national banks. The failure of a bank to meet its demand obligations is a violation of every law governing its conduct and existence. The extraordinary forbearance of the people of the country and of the officers of the Government in the face of this violation was perhaps justified from the condition in which the banks found themselves. Bank managers should realize, however, that a repetition of these violations will not be permitted. It would be difficult to exaggerate the injury which would come to the credit of the country and the prestige of our great financial centers, and the losses which would be entailed upon people and industries alike, if the banks of the country should again suspend payments in a period of financial disturbance. There certainly could be no possible justification of a suspension brought about through a refusal on the part of the banks to accept a method of relief adopted by Congress, on the ground that an acceptance would involve a loss of profits to the banks. Our recollections of the happenings of the past three months are too definite to lead us to listen with patience to a discussion by officers of banks in the large cities of the question whether the use of the remedies proposed by Congress would result in large additions to their dividends. We do not intend to place a premium upon that kind of bank management which proposes to make financial disturbance and disaster a source of profit.

As a matter of fact, the effective operation of the bill reported by the committee would not result in a loss to the banks in time of stress or at any other time. We have a right to assume that every well-managed bank will hold a portion of its invested reserves in a class of securities readily convertible into cash. If a bank holds the bonds designated in the bill, there could be no loss on the note issues authorized unless the rate of interest charged by the bank to its customers was less than 6 per cent. If the bank rate was less than 6 per cent no additional notes would be required or issued. To illustrate, we will suppose that a bank with aggregate loans and other investments amounting to $1,200,000 holds $100,000 in the municipal securities which are described in the bill. These bonds would probably pay the bank 5 per cent. These securities would form a part of the bank's best assets, and would constitute from every banking standpoint a judicious investment. Upon a demand for additional notes in times of stress, the bank would deposit in a subtreasury this $100,000 of securities and receive $90,000 in notes. If this addition to the bank's funds should be loaned at 6 per cent there would be neither profit nor loss by the transaction. If they were loaned at a higher rate a profit to the bank would accrue.

The practical effect of the operation of note issue is that the Government loans a bank, taking a portion of its investment securities as collateral, a sum of money, for which it charges, in the form of taxes, one-half per cent per month until the loan is repaid. Under panic conditions it probably would not be possible for a bank to obtain this additional circulation in any other way. It is true that banks in a clearing-house district might secure clearing-house certificates on a similar pledge of securities, but these certificates, as I have already stated, have a very limited use, while the circulating notes we propose are practically, for every purpose except for use as reserves, lawful money.

The second objection urged is that banks generally do not have, and would not purchase and hold, securities of the class which the Secretary of the Treasury is authorized to accept under the provisions of the bill. The committee were of the opinion that they would deserve general condemnation if they did not require, as a basis of the note issue contemplated, the very best available securities.

The plan of the bill restricts the securities to be accepted under its provisions to Government issues and the bonds of railroads that are, by recent legislation, under Government regulation. I think I am justified in designating the bonds of States and communities as Government securities. To sustain the credit and facilitate the borrowing power under proper

condition of the various political divisions throughout the country is quite as important to the general welfare as it is to take steps to maintain the credit of the National Government.

In large portions of the country considerable sums are constantly needed for local improvements, and nothing would bring the benefits of the national banking system more closely to the attention of the great masses of the people than would the willingness on the part of the banks to give value and stability to local securities by their purchase as a basis for security of note circulation.

The committee recommend the use of first-class railroad bonds because they are the only securities, outside of State and municipal bonds, issued by corporations whose public records, showing condition and earnings, as now provided by law, would enable the Secretary of the Treasury to definitely ascertain the value and the safety of the security. In theory and by existing legislation railroad companies are quasi public corporations and under strict governmental control and regulation. Immense amounts of money will be required in the near future in the development of railroads in various parts of the country, especially in the South and West. Anything which the Government can do, within the limits of absolute safety and without any cost to itself, to give a better standing to the railroad securities which must be issued to provide transportation facilities in sections of the country that existing roads do not reach should be done without hesitation.

The securities named find universal acceptance in settlement of obligations. No securities except United States bonds have a better credit and standing in all financial circles. They have a definite value, readily ascertained, on all the great exchanges of the country, and they are always salable under normal conditions at full market price.

These, in brief, are some of the reasons which led the committee to restrict the operations of the bill to the two classes of securities I have named. The objection under consideration in its final analysis rests upon the question whether it is prudent or desirable for what is known as a commercial bank to invest a portion of its own and its depositors' money in this class of securities as a part of their invested reserves. Would it be a hardship to the national banks to require them, if they desire to avail themselves of the privileges conferred by this bill, to hold to a limited extent this class of securities as a part of their assets?

The Congress, in my judgment, might properly, in the wise exercise of its supervisory control over the investments of national banks, require these institutions to invest a portion of their assets in this class of securities, and this without reference to their use as security for possible note issues or United States deposits. This requirement would be in the interest alike of the public and of stockholders.

There is no rule of sound banking that is more inexorable in its character, the violation of which is productive of more disastrous results than that which requires a bank to hold a portion of its assets in first-class convertible securities which will pay a reasonable income, but which can be readily converted into money in time of need without disturbing reserves or commercial loans. Money can usually be had on this class of securities either by sale or hypothecation. Nearly all the destructive bank failures in our own and other countries can be traced directly to a violation of this rule.

The securities required by the bill are of the same class as those required by the Treasury Department as security for the deposit of public money, and a bank having these securities on hand at any time could use them for either purpose, as occasion required.

If all the national banks of the country should hold the entire amount of bonds that would be acceptable for security for note issues to the amount of $500,000,000, it would mean the investment of little more than 6 per cent of the total resources of such banks in this class of securities.

To allege that a relatively small amount of cash is the only reserve necessary for sound banking is to assert a dangerous fallacy. The national banks of the country hold reserves of specie and legal-tender money equal to little more than 10 per cent of their demand obligations.

Common prudence requires that this should be supplemented by a substantial invested reserve in first-class securities. In order to show that the banks themselves recognize this obligation, I will say that the bank statement of the 3d of December, 1907, shows that the national banks held at that time $705,000,000 of bonds and other securities, a large portion of which are of the same general class of securities we have named. They also held bonds, other than United States bonds, to secure the deposit of public moneys, to the value of $185,000,000. They also had a large sum on deposit in other banks, trust companies, etc., presumably at a low rate of interest. The securities covered by the terms of the bill could readily be purchased to-day on a 4 to 6 per cent basis, while the rates on deposits in banks as a general rule are not in excess of 2 per cent.

It is evident that the banks of the country might wisely and without difficulty or loss invest $500,000,000 in first-class State, municipal, or railroad bonds. This investment would be an exercise of that care in management which should characterize institutions which have and expect to retain the confidence of the American people. The wisdom of this course finds ample confirmation in the example of the banks in every commercial nation.

The Imperial Bank of Germany, with a capital of $43,500,000, has an investment of $73,100,000 in Government bonds. The Bank of England, with a capital of $70,500,000, has in its banking department Government securities amounting to $79,000,000, and other securities amounting to $130,000,000. The Bank of France, with a capital of $35,300,000, has Government securities amounting to $65,750,000. The Canadian banks, with a capital of $96,000,000, held, on November 30, 1907, municipal securities to the amount of $20,000,000, Dominion securities to the amount of $9,000,000, and railway bonds to the amount of $41,500,000, making a total of these securities held of $70,000,000. The Canadian banks are also required by law to hold 40 per cent of their reserves in Dominion notes. On the date named they had on hand of these notes $49,200,000.

The evidence is overwhelming that prudent bank managers everywhere invest a considerable portion of their assets in securities of the class which we designate in this bill for the security of note circulation.

There is another fact that should not be lost sight of in this connection. A considerable portion of the national banks of the country have relations, more or less intimate, with trust companies, savings banks, and other financial institutions, that hold very large amounts in securities of this kind. The experience of the banks in the last four months with reference to obtaining bonds to secure deposits of public money shows that it is very easy for the banks who do not choose to hold these securities for investment purposes, to borrow them on reasonable terms if occasion demands. If any bank for any reason peculiar to itself does not desire either to buy or to borrow, as I have already stated, they are not required either to take out the notes or to deposit bonds.

Another objection which is urged is that the taxes imposed by the bill will result in an increased rate of interest on loans, which would necessarily be paid by the borrower, and that this increase in rate would apply not only to loans made possible by the additional issue of notes, but would also apply to the entire amount of loans and discounts made by all the banks. It is further claimed in this connection that the increased rate would lower the prices of products marketed at the time. I think this remarkable claim will disappear upon very slight examination.

The rate of interest in any country or community is fixed by the demand for and general supply of loanable capital. It can not be raised or lowered arbitrarily on a small portion of loans or in one locality without reference to rates on other loans or in surrounding communities. If the banks can recoup from borrowers the sums paid for taxes, to the extent of the new notes issued, and add to their income by a similar increase of rates along the entire line of loans, it is easy to see that the banks, instead of losing by the operations of this bill, would secure inordinate profits. But nothing of the kind would or could happen. Whatever the rate of interest in any community or State may be at the time the notes are issued, there could be no change of rates growing out of the issue of the notes, unless a reduction should take place, following the law of supply and demand, to which I have alluded. That the general law I have stated is the correct one which must apply to this class of transactions, is shown by the experience of Germany and Austria-Hungary, these two countries being the only ones that issue taxed emergency notes, the taxes in each case being 5 per cent, a rate higher than the average rate of discount in those countries.

I quote, in this connection, authorities whose statements will not be questioned:

[Quotation from a letter of Herr Arthur Gwinner, managing director Bank of Germany.]

The overissue, however, did not necessarily cause a rise in the official discount rate, inasmuch as more weight was given to the cause and the manner of the money requirements than to the amount that was used, in deciding upon the policy of the bank, and furthermore, in consideration of an early return to normal conditions the administration of the bank very often, notwithstanding that the overissue was quite important, suffered the lower discount rate to stand and preferred to sacrifice its own profits in paying the tax out of its own pockets.

[Quotation from a letter of Herr Arthur Gwinner, managing director of the Deutsche Bank, Berlin.]

It must not be presumed that whenever the bank has to pay the tax it would raise its rate of discount to the full extent of the tax incurred.

[Quotation from Dr. Leon Ritter von Bilinski, governor of the Austro-Hungarian Bank.]

And also on several occasions when its limitations were reached it maintained a discount rate lower than the legal 5 per cent rate. Thus the cost of the tax was not borne by its clients, but by the bank itself.

It is asserted by objectors that the Government should not exact from the banks a pledge of definite securities, but that it is perfectly safe to accept the general credit and assets of the banks as security. I think it is sufficient answer to this to say that the banks do not follow this rule in their dealings with each other. The various clearing house associations do not accept the credit of individual banks, or a claim against their general assets, as security for advances in the issue of clearing house certificates. They require a pledge of carefully selected securities upon which they advance 75 per cent of their value, and they follow the most rigid rules in enforcing payments. I do not see why the banks should expect the Government of the United States to accept from them different and less valuable securities than those that they require in similar transactions between themselves.

The general assets of a bank, outside of its specie reserves, are composed almost entirely of the debts of individuals, corporations, or governments. It certainly can not be claimed that the definite pledge of the securities representing debts of governments and railroads, which we propose, is not as good security as an indefinite claim upon the mass of individual and corporate evidences of indebtedness which are held by the banks. We can find a good illustration of the difference there would be between a general and a special pledge of securities and of government and bank redemptions in considering the recent bank failures. The notes of these banks are secured by a deposit of United States bonds, and redemption will be made under our law without delay by the Government and without loss to note holders or the Government. If the United States was a general creditor of these banks, the result, as to time or security, would be, to say the least, very questionable. If the convertibility depended on the failed banks discredit would at once attach to the entire issue of notes. Those who propose to base circulation upon general assets claim great advantage for their plan, as they propose to give the note holder a prior lien upon all bank assets, apparently forgetting that the Government now has, and will have by the provisions of this bill, not only a lien upon specific securities, but in addition a prior lien upon the general assets of the bank to secure itself from ultimate loss, if any, growing out of the redemption of notes.

It is also claimed that the holding of the prescribed securities will reduce the loaning power of the banks to the extent to which securities are held. This claim presupposes that there is a fixed sum available for loans to borrowers, and that this amount is equal to the entire loanable resources of the banks. I assume that no bank officer would consider it prudent to invest the entire amount of the capital and deposits of his bank in loans upon one kind of commercial paper. Banks known to have this character of investments would not have the confidence of the public. That every bank should have varied investments, with a certain proportion of liquid assets, is a rule of universal application. If a certain amount of convertible securities reduced the loaning capacity of a bank, that capacity is reduced to a greater extent by its reserves and by the amount of its deposits in banks and other financial institutions. If it involves a loss to invest part of the funds in first-class bonds upon a 4 or 5 per cent basis, it involves a greater loss to continue deposits in other banks at 2 per cent, and a still greater loss in holding a portion of its funds as reserves which pay no interest.

There is another objection which perhaps deserves some attention. It is said that the bill could not be carried into effect as banks would have to take money from their reserves for the purchase of the necessary securities, and that this would involve the use of $100 of reserve money to obtain $75 in notes of an inferior character. This criticism has heretofore been applied, and with equal force, to transactions involving the purchase of United States bonds for a basis of note issue. It is quite certain that no national bank has purchased United States bonds at any time in the last twenty-five years that it has not paid more for the bonds than it has received in notes, and it is also equally certain that none of these purchases were made with money taken from the bank's lawful money reserve. No bank would be permitted, either by law or by the exercise of sound judgment, to invest any part of its cash reserves in any kind of securities in times of panic, or in fact at any other time. When we consider that the average cash reserves form but a small proportion—about 8 per cent—of the resources of the banks, and that the reduction of these reserves below the legal limit would be such an infraction of law as to warrant the Comptroller of the Currency taking possession of the business of the bank, it is easy to see that no such transaction would take place. A conclusive answer to this objection is found in the fact that a large part of the remaining 92 per cent of the bank's resources would be available at all times for use in exchange or for the purchase of these securities.

It has been objected to the provisions of the bill that it would have the effect of unduly and unnaturally increasing the market value of the securities which are to be deposited under its provisions. It was the purpose of the committee to designate classes of securities in volume so large that a criticism of this kind could not be fairly made. There are now outstanding State and municipal bonds which might be deposited under the provisions of the bill to the amount of $2,000,000,000, and judging by our past experience this amount will be rapidly added to by the issue of new securities. Of the class of railroad bonds described, competent authorities estimate that there are at least $2,000,000,000 outstanding. This would make $4,000,000,000 as against a possible maximum purchase of $500,000,000. I do not think that these purchases, even to the full amount, would materially affect the prices of the securities.

Criticism has been made of the notes to be issued that they are "wild cat" and unsound. This criticism may be fairly characterized as absurd. For the safety of the note holder we have, first and most important, a pledge of the credit, resources, and revenues of the United States, which guarantees their convertibility. Second, we have a specific pledge of collaterals of the highest character, with value in excess of the amount of notes issued. Third, we have a prior lien upon all the assets of the bank through which the notes are issued. There is no bank paper money in existence which has more guaranties of safety and soundness than the bank notes provided for by this measure.

The most strenuous objections to the plan of the committee are urged by critics who have elaborate currency schemes of their own to exploit and who see imminent peril to the country and all of its interests if their plans are not adopted immediately. These critics denounce in unmeasured terms our entire monetary system. This system, like that of the other commercial nations, is the result of a process of evolution. It is difficult to conceive of a scheme which would be equally applicable to the needs and demands of the people of every country and at all times. The habits of the people, changes which are made necessary by growth and development, conditions of locality, wealth and population, extent and character of business requirements are some of the elements which must be taken into consideration in determining what monetary system is best adapted to any people. Whenever a monetary system has been adapted or adjusted to meet the business and customs of a people, it should not be changed in haste because theorists disapprove, or bank managers, for selfish interests, declaim against it.

It is true that we have various forms of currency in use, growing out of demands and conditions at different periods of our recent history. United States notes were issued under stress of circumstances at the time of a great war. Our silver dollars and silver certificates are the evidences of a sincere but unsuccessful attempt to restore silver by legislation to its ancient position as a money metal. Our national-bank notes were the creation of men who had fresh in their minds our disastrous national experience with every variety of unsound currency, extending over three-quarters of a century of our history.

It has not been found possible—and I think it is quite as impossible to-day as ever—to provide by legislation for the retirement of any of these forms of currency. Our United States notes hold a position analogous to that of the uncovered national notes of Germany and Canada and the uncovered notes of the government banks of other leading nations. Just as long as the limitation upon their amount is maintained they are not objectionable, and it is difficult to say that they are in any sense a dangerous element in our currency system.

To retire the silver certificates would mean to melt the silver dollars and use the bullion to the extent to which this would be possible, in subsidiary coins, and to sell the remaining silver at its bullion price. I think it is quite safe to say that this step will not be taken. If there were no other interests involved, the position of the United States as the second greatest silver producing country in the world, Mexico being the first, would lead us to refrain from taking a step which would be the disastrous and final blow to the value of silver. Silver cer-

tificates have been given a position by different legislative acts which renders them, in my belief, a perfectly safe element in our currency system. By these enactments other paper money issues are restricted in denominations to $5 and above. It was the purpose of this legislation to give to silver certificates the entire field of small notes, with the belief, which is justified by our own experience and that of other countries, that this provision would relieve the Government from troublesome demands for redemption. It is perfectly certain that until our legislation in this regard is modified we have no reason to anticipate danger from this element of our money supply.

In this legislation Congress was governed by the experience of other nations who have adopted similar expedients for the purpose of keeping in constant circulation a certain portion of their currency. In Germany the Imperial Bank issues no notes of less than 20 marks. Imperial treasury notes in small denominations and gold and silver are used for ordinary circulation. The Canadian banks do not issue notes of less denomination than $5. Dominion notes of Canada occupy the field of small issues. The Bank of England issues no note of less than £5. In France the minimum issue is 50 francs. The minimum issue of the Scotch banks is £1. In each of these countries gold and silver currency supply the place of minor issues.

I believe it is equally safe to predict that our system of national-bank notes will not be changed until, by the payment or substantial reduction of the national debt, the plan of issue shall be necessarily modified or abandoned. Their character will be retained unless Congress shall see fit to bestow the issuing function either upon a central bank or upon the various banking institutions of the country.

It was the declared purpose of the act of March 14, 1900, which reaffirmed the gold standard, to make these various unrelated forms of currency vital parts of a living whole and to make all convertible, at the will of the holder, into gold. There has been up to this time not the slightest indication of a failure to carry out this purpose. The act of 1900 made the gold dollar the unit of value, and made it the duty of the Secretary of the Treasury to maintain all forms of money issued or coined by the United States at a parity of value with this standard. To carry this pledge into effect a reserve fund of $150,000,000 in gold was created, and the entire resources of the country were solemnly pledged to maintain this reserve and to secure the promised convertibility. The entire revenues of the country, its capacity to purchase gold, its power to borrow money by the unlimited issue of bonds and other securities, and the general fund in the Treasury, were all placed at the disposal of the executive officers of the Government to insure continued redemption. From the time of the passage of the act of 1900 to the present moment there has been no question raised in any part of the world as to the value or security of any form of our currency.

One very important provision of this act greatly strengthened the monetary position of the United States among the commercial nations. I refer to the provision making the issue of gold certificates mandatory upon a deposit of gold. As the result of this legislation we have in the Treasury over $800,000,000 of gold, against which an equal amount of gold certificates are outstanding. There can, of course, be no question as to the security of these notes. The existence of this enormous gold fund, available on demand, makes a run upon the Treasury gold, such as that which occurred in 1894, impossible.

The provisions of the act of 1900, which authorized the refunding of the outstanding 3, 4, and 5 per cent bonds of the United States into 2 per cents, were intended not only to strengthen the public credit, but to give a longer lease of vigorous life to national-bank notes. The increase which has taken place in this portion of our circulation has proven the wisdom of Congressional action in this regard.

While our existing currency system may perhaps be fairly characterized as a piece of patchwork, composed of elements which seem, perhaps, diverse and inharmonious, as a whole it has answered well the purposes of this great nation, and none of its elements are dangerous in character. Changing conditions will undoubtedly in the future, as they have in the past, require modifications from time to time. Possibly these changes may necessitate an entire revolution, alike of notes and of the plan for their issue; but we can not lose sight, so far as the present is concerned, of one central and dominant fact—that this great mass of currency, every dollar of which is equal in theory and in fact to the best money of the world, has not in the least degree checked the rising tide of a great nation's progress and prosperity.

The criticism of our currency system which is most frequently urged is that it does not automatically expand and contract to meet the demands of trade and that it is rigid in volume. The framers of the act of 1900 believed, that with a circulating medium of gold and notes equivalent to gold, our currency would respond to the demands and requirements of the business of the country and that we should thus secure the required element of elasticity. If there is no interference, through excessive paper issues, with the well-known law governing the movement and distribution, between nations and communities, of gold and paper currency, limited in amount and convertible into gold, we have a right to expect a natural and normal elasticity in the volume of our currency. Under these conditions we should expect money to flow freely to points where there is the greatest legitimate demand and where it would best perform its work as a medium of exchange.

I think it may be said that an examination of the statistics of the supply and movement of gold will, to a considerable extent at least, be found to justify these anticipations. From these statistics it appears that an average of one hundred millions has been added annually to our stock of gold, and that in the months of greatest demand for currency, namely, the last five months of the year, there was an average excess in each year of imports of gold over exports, from 1900 to 1907, inclusive, of $33,476,415, while during the five months next preceding, when the normal demand for currency was less, there was in each year an average excess of exports over imports during the same period, of $3,712,946.

The discussion of our monetary system usually proceeds upon the theory that national-bank note issues form its most important element. This is by no means the fact. Thirty years ago bank notes formed 41 per cent of our total money. This proportion greatly decreased until it was less than 10 per cent in 1891, 1892, and 1893. The recent rapid increase of note issues has brought the percentage up to about 20, where it now stands. In considering the question of the elasticity of our currency this fact should be remembered, as the fluctuation of this comparatively unimportant portion would have no considerable effect upon general conditions.

In a general way it is undoubtedly important that the volume of money should respond to great industrial and commercial movements, to the great swing of national progress or retrogression, and I believe that our existing system has been found by experience to be as responsive to these changes as any in existence, but I also believe that the value, in so far as it relates to the public interests, of constant changes in volume of note issues is greatly overestimated. In modern times, with the business and bank methods now in use, there is little, if any, connection between the amount of notes outstanding from time to time in a country and the accommodations which banks extend to their customers. Most of the business demands of a community are met by the granting of bank credits, which do not involve in the great majority of cases, at any stage of the transaction, the use of actual currency. It is an elasticity in bank credits responsive to business demands that is usually in the minds of those who demand elasticity. There is a variable demand in every community, for actual notes largely for use in pay rolls and for moving the crops, but the fluctuations in demand for this purpose are not sufficient to require considerable changes in the necessary volume of money.

In antebellum days, when the bank-note issues of the country were not limited by any central authority, elasticity formed the element of greatest danger to the interests of the people. The contraction and expansion of note issues, made arbitrarily to answer the selfish purposes of the banks, was a source of constant annoyance, uncertainty, and loss.

In the early history of banks of discount loans were made upon condition that customers accepted therefor notes of the bank. Except in very rare cases, in communities far away from business centers, this practice has entirely disappeared. In bank practice in commercial and industrial countries a practical but complete separation has taken place between a right of note issue and a general banking business. The function of issuing notes has been directly or indirectly assumed by governments, while banking institutions which do not have the power of note issue have been rapidly absorbing the legitimate business of banking. The line of cleavage between issuing banks and those of discount and deposit is becoming more clearly marked. The separation of functions is the established rule, approved alike by experience and the judgment of economists and practical men of affairs. In France, Germany, and Great Britain private bankers and incorporated banks, who have no power of note issue, do a large part of the banking business of those countries. In the United States the relative proportion of banking business done by the national banks, whose power of note issue is only nominal, has been constantly diminishing, so

that at this time a large portion of the actual banking business of the country is done by State banks of various kinds, and by trust companies, who are not permitted to issue notes. There is no evidence that these institutions are restricted, either in the volume or the profit of their business, by this deprivation, and no attempt is being made by them to have the right which such institutions originally enjoyed restored.

There is much popular misapprehension as to the extent of the actual fluctuations which take place in the volume of a currency in countries where there is no limitation upon note issue.

There is practically no restriction on bank-note issues in France, yet a statement of the average amount of notes outstanding for each month for a series of ten years shows no substantial variation from month to month. In Great Britain, although the business of the country might increase a hundredfold, the volume of actual currency in use might remain unchanged.

I have before me a monthly statement of the outstanding notes of the banks of Canada for a period of ten years. This shows but slight variation from month to month and from time to time. There are no statistics available to show similar variations in the United States. It is impossible to ascertain the actual fluctuation of bank-note currency in the hands of the people from month to month or what relative amount of bank notes are actually in circulation. For instance, a bank might have nominally outstanding $5,000,000 in notes and this amount would appear in the published statement of note circulation; yet there might be times when $4,000,000 of these notes would be in the vaults of the bank and at other times not more than $1,000,000. There is no way of ascertaining what proportion of national-bank notes may be at any time in the hands of the issuing banks.

It may be fairly assumed that the actual fluctuations in the United States, if they could be accurately measured, would be practically along the same lines as those of France and Canada.

In the case of each of these countries, although there have been occasional slight reductions, there has been, for many years, a steady increase in volume of currency.

Elasticity, in our own experience and that of France and Canada, means continuous but irregular expansion. Banks can not be depended upon to contract their issues in the public interests, when competition and their selfish interests lead to an expansion. We should constantly bear in mind the danger of unrestricted expansion. It leads to inflation, and inflation must end ultimately in disaster. Elasticity in monetary volume seems to have a different meaning for each individual critic.

If elasticity in volume of currency is necessary in times of financial distrust, as we believe it is, the bill reported by the Finance Committee answers this demand. The fact that it has the oppositon of a certain class of bank managers is an evidence to my mind that these officers do not really desire elasticity, but a continual and unlimited expansion with the expectation of constantly increasing gains.

A survey of the entire field from the standpoint of experience and results must lead us to the conclusion that while there is no necessity for the immediate reconstruction of our monetary system, there is an imperative demand for some provision for additional notes to be used in emergencies.

Currency legislation can, however, furnish but a partial remedy for existing financial evils. A general demand for a reform in banking methods is quite as insistent in the public mind as that for a modification of our monetary system. The great mass of the men who control the national banks of the country are strong and liberal minded. Their influence and that of the institutions they represent has been helpful in the great work of national development. But these men, intrusted with the management of great financial institutions, which can do so much to make or to mar the prosperity of our country, should realize that they have serious responsibilities with reference to existing conditions and the necessity for reform in banking methods.

I have already alluded to the inadequacy of bank reserves. When we compare the reserves of our banks with the reserves of similar European institutions this inadequacy becomes painfully apparent. But this is not the only—perhaps not the most important—element of weakness in the banking situation. The change which has taken place in the relation of capital to liabilities and to credit expansion naturally causes apprehension in the public mind. It is, of course, true that the great financial centers of the world have all felt the influence of a speculative spirit which has resulted in a general and dangerous overexpansion of bank credits, but this fact only emphasizes and increases our sense of the dangers existing in our own country.

An examination of the changes which have taken place in the relation between the capital of national banks and their loans and discounts in twenty years will furnish evidence of the extent to which an expansion of bank credits has taken place. In 1887 the relation between capital and loans and discounts was as 1 to 2.61; in 1897 it was as 1 to 3.27; in 1907 it was as 1 to 5.22. In twenty years the capital of our national banks increased $318,025,000, and in the same time their loans and discounts increased $3,098,538,000.

There is another disquieting element of quite as serious a nature. It is the discovery that many national banks have been directly or indirectly furnishing capital for speculative ventures. Some of them have been largely engaged in promoting or underwriting questionable business schemes. All of these operations are clearly outside of the scope of legitimate banking and serve to bring discredit upon all of our banking institutions.

The habit of banks in the large cities of paying a high rate of interest upon the deposits of other banks has led to large accumulations of loanable funds in the great commercial centers at times when the demand for trade purposes throughout the country was less than normal. This dangerous accumulation has naturally led many times to speculative and improvident loans.

Our experience in the recent crisis shows that a necessity exists for a closer cooperation between the banks in different parts of the country. I can see no reason why these banks should not establish a central clearing house, a voluntary organization of clearing-house associations which should in a way represent the banking interests of the entire country, which would exert beneficial influence in facilitating and regulating both domestic and foreign exchanges.

But these are matters which must be left largely to the discretion and judgment of bank managers, while the whole question of currency issues is committed to the control of Congress, and we are clearly answerable for any defects or omissions which we have in our power to remedy. If we should fail to take some effective action to provide against crises such as that through which we have just passed, we should assume a grave responsibility, which I feel that we can not afford to take. It is difficult to overestimate the magnitude of this responsibility.

We can not forget that we have to deal with the business and future prosperity of a continent. Our country has a banking power and wealth of resources and a volume of commerce and industry equal to all the commercial world besides. We can not afford to make a mistake that will injuriously affect the credit or the soundness of our circulating medium.

The enactment of the pending bill will furnish evidence that Congress is not unmindful of its serious responsibilities in this regard. There can be no reasonable doubt of the effectiveness of the measure. The committee firmly believe that through its enactment an atmosphere of confidence and feeling of security will be created which will be invaluable in improving business conditions and in giving a new impetus to the work of national development.

SURVEY OF WASHITA RIVER, OKLAHOMA.

Mr. GORE. I ask unanimous consent to call up the Senate concurrent resolution reported from the Committee on Commerce last Thursday providing for a survey of Washita River, Oklahoma.

There being no objection, the concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Washita River, Oklahoma, from the point of its confluence with the Red River to the town of Mountain View, in Kiowa County, Okla., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

REVISION OF THE PENAL LAWS.

Mr. CLAPP. Unless there is some other business pending, I ask that the Senate proceed to the consideration of general orders under Rule VIII.

Mr. HEYBURN. I call for the regular order.

The VICE-PRESIDENT. The Senator from Idaho demands the regular order, which is the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The next section of the bill passed over will be read.

The Secretary read as follows:

SEC. 51. [Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on *the public* lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport *any timber so cut or removed* from said lands, or lumber manufactured therefrom, shall be fined not more than $1,000, *or imprisoned not more than one year, or both.* Nothing

in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.]

Mr. CARTER. Mr. President, I inquire of the Senator in charge of the bill if this section will operate to repeal the law of 1878, allowing miners to cut necessary timber upon the mineral lands of the United States for the development of their mines?

Mr. HEYBURN. Mr. President, in response to the question of the Senator from Montana, I would say that there is an amendment now pending, which is acceptable to the committee, covering the proposition about which he makes inquiry, providing that this section shall not repeal the provisions of the act allowing the cutting of timber. That amendment was pending at the time of the adjournment on the last legislative day.

Mr. CARTER. The committee evidently, therefore, thought that by inference or implication this section might be held to repeal the act of 1878.

Mr. HEYBURN. The committee were of opinion that it would not repeal the act of 1878, but in the abundance of caution the committee are inclined to accept the amendment suggested by the senior Senator from Colorado [Mr. TELLER], if I am right in my recollection, so that no possible controversy may arise hereafter as to the interpretation to be placed upon the section.

Mr. CARTER. I desire, then, to inquire of the Senator if it would inconvenience his management of the bill to permit the section to go over for action at the time the amendment of the Senator from Colorado is taken up? I am free to say that if the amendment proposed by the Senator from Colorado is rejected, I shall insist upon an amendment to this section which will negative any possible implication of repeal.

Mr. HEYBURN. I have no objection whatever to the section going over for further consideration. We will mark it passed over and proceed to section 62.

Mr. McLAURIN. Mr. President, I have an engagement that will take me out of the Chamber when a section is reached that I desire to have amended and upon which I have agreed, I believe, with the Senator in charge of the bill. It is section 95, and was not reserved. I will read the section——

Mr. HEYBURN. I will say if it has not been reserved it will not come up until after we have disposed of all the reserved sections. So the Senator from Mississippi is entirely safe in leaving it until we recur to those sections.

Mr. McLAURIN. With that understanding, then, I will ask that it be taken up hereafter.

The VICE-PRESIDENT. The next section passed over will be read.

The Secretary read as follows:

SEC. 62. [Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, *telephone, or cable line, or system, operated or* controlled by the United States, *whether constructed or in process of construction*, or shall willfully or maliciously interfere in any way with the working or use of any such line, *or system*, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, *or system*, shall be *fined* not more than $1,000 or *imprisoned* not more than three years, or both.]

Mr. HEYBURN. When section 62 was read on a former occasion an inquiry was made by the Senator from New Jersey [Mr. KEAN] as to whether it was sufficiently comprehensive to include the wireless methods of telegraphing. It was the opinion of the committee at that time, and is now the opinion of the committee, that the words "or system" in line 8 are sufficiently comprehensive to include any method or the machinery for carrying into effect any method of communication by either wireless or other telegraphy.

The VICE PRESIDENT. The Secretary will resume the reading.

The Secretary read the next section passed over, as follows:

SEC. 72. [Whoever, being a consul, or vice-consul, *or other person employed in the consular service* of the United States, shall knowingly certify falsely to any invoice, or other paper, to which his certificate is by law authorized or required, shall be *fined* not more than $10,000 and *imprisoned* not more than three years.]

Mr. HEYBURN. The offices of commercial agent and vice-commercial agent have been abolished by law. They are referred to in existing law as within the prohibitions of this section. Having been abolished, they are omitted from the section as reported by the committee, and in lieu thereof certain other words have been inserted which are comprehensive to cover the existing officers and their designation.

The VICE-PRESIDENT. The Secretary will continue the reading.

The Secretary read the next section passed over, as follows:

SEC. 107. *Whoever, being an officer or other person authorized by any law of the United States to record a conveyance of real property or any other instrument which by such law may be recorded, shall knowingly certify falsely that such conveyance or instrument has or has not been recorded, shall be fined not more than $1,000, or imprisoned not more than seven years, or both.*

Mr. HEYBURN. This is a section of new law reported for the purpose of meeting new conditions that have arisen out of the administration of existing law. The section was recommended by the committee because it was necessary to perfect the method for administering the existing law. It brings no new principle of law into the code.

The Secretary read the next section passed over, as follows:

SEC. 108. *Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than $500, or imprisoned not more than one year, or both.*

Mr. HEYBURN. The same as was stated of the preceding section, section 107, is applicable to section 108. It brings no new principle of law into the code, but it provides for a method of carrying into effect existing law and cures certain defects discovered in the administration of existing law.

The Secretary proceeded to read section 112.

Mr. HEYBURN. I think we may, without reading them, pass over sections 112 to 118, inclusive. They are the sections in which is incorporated a provision covering the interval of time between the election and the qualification of a Member of Congress, and I think should not be considered with so light an attendance of the members of this body.

Mr. BACON. Has the Senator any hope that at any time during the consideration of this bill he will have any such attendance as will enable a general consideration of these sections?

Mr. HEYBURN. I do not know of any past experience upon which such a hope might be well founded, and I am perfectly willing at this time or at any time to take up the consideration of the sections.

They involve a simple proposition, Shall the period during which Members of Congress are prohibited from doing certain things be enlarged so as to include the period between their election and the time they take the oath of office? I have not at any time been in any doubt as to my own conclusion upon that subject. I do not know what the sentiment of the Senate would be if it were called upon to express it after a consideration. I do know that so far as I am concerned I am not in favor of widening the scope of existing law.

It is new legislation of a class that I have before had occasion to designate as not being reflective of a very high degree of confidence in the personal conscience of the men who are elected as Members of Congress.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I am inclined to agree with most the Senator says in regard to the labors of the Commission and as to his views thereon, but in this particular instance I differ from him very radically.

The Senator, I presume, recalls the instance in the very recent past which doubtless suggested to the revisionists the necessity for this enlargement of the law. What he says about the distrust which is necessarily implied in this class of legislation may, of course, be said with reference to the existing law. It does indicate that there is a necessity for a law which shall restrain Members of Congress, either of the Senate or of the House, from doing certain things which the law now condemns.

The necessity for that law grew out of the fact that those things were being done by Members of Congress—Senators and Representatives—and they were grossly improper. I quite agree with the implication in the Senator's remarks that they were so improper that no Senator or Representative ought to be guilty of them, and that they ought not to be presumed to be in a frame of mind which would make them guilty of them. Nevertheless, experience has shown that that presumption can not be relied upon.

We know the fact, I think since the Senator has been in the Senate, of a Senator who did what the law said he should not do, but who was exonerated both by the courts and by a committee of this body, if I understood it correctly, upon the ground that, while he had been elected and had received his commission and was drawing the salary attached to the office, he had not been sworn in, and therefore that the law did not apply to him.

I think, Mr. President, that whenever a Senator accepts the office of Senator and receives his commission and begins to draw his salary, there certainly devolves upon him the high obliga-

tion to conform in every way not only to the letter but to the spirit of the law, and if, as we have seen, there is an instance where he has not conformed to the spirit of it, we ought to make the letter of it apply to him and compel him to comply with it.

I am very frank to say, Mr. President, that so far as agreeing with the Senator as to the unwisdom of this enlargement of the law, I think the enlargement which is proposed is one of the very wisest things that I have seen come from that committee. I trust the Senator will stand up with his committee on that subject.

Mr. HEYBURN. I call the Senator's attention to the fact that the language of this section and the others of the same character is much broader than he seems to have noticed. The language as reported is:

Whoever, being elected.

I agree with the Senator that, after a Member of Congress is upon the pay roll, he is to all intents and purposes an officer of Congress; that is to say, he is a Member of Congress. But there is a period more or less extended between the election and the time when he begins to draw his pay and is upon the pay roll. That is the period that is attempted to be covered by these sections. The language I call the Senator's attention to is, "Whoever, being elected."

Mr. BACON. If I understand correctly, while it may be, and doubtless is, as the Senator says, that the section would antedate the period when he began to draw his salary, it would also cover a period between the time of his beginning to draw the salary and the time when he was sworn in, which was the case I had in mind and to which I have alluded.

But I will go further than I did before, when I said when a Senator or Representative began drawing his salary he ought to consider himself as within the obligations of the law. I will go still further back and say that whenever a Senator receives an election at the hands either of the people or of the legislature he ought to feel bound by the same high moral obligation.

Mr. HEYBURN. I should like to submit a legal proposition to the consideration of the Senate, and it is this: What jurisdiction has Congress over a private citizen to say that he shall not, for instance, as in the case referred to by the Senator from Georgia, make a contract to rent a building to the Government for use as a post-office? Where do we get our jurisdiction to distinguish a man who is yet in private life from his fellow-citizens and say that he is not capable of making a contract without being guilty of a crime? That is the question that has always presented itself to my mind.

Up to the time he assumes duty as a public officer he is a private citizen; he has the same right to contract as any other private citizen; and I doubt the power of Congress to make the making of a contract by him the basis of a criminal charge.

Mr. BACON. Mr. President, I think in regard to that that so far as practicing before the Departments is concerned—and that is what this provision relates to—Congress has absolute power to say who shall or who shall not practice before the Departments of the Government. If for any reason there is a certain class of people who should be debarred from that opportunity or that privilege, so long as there is no distinction between individuals, I think Congress has the power. Congress could not say that John Jones should not do so or that Robert Smith should not do so; but it can classify certain portions of the community who, by reason of a particular relationship to the Government or to the Departments, shall be debarred.

Now, it is true that we have no more control over a man who has been elected than we have over a man who has not been elected, so far as his individuality is concerned; but we have a right, when we are prescribing what shall be done before the Departments, to classify the people of the country and to say whether or not they shall be permitted to practice in those Departments. We have a right to say who shall practice in the Pension Bureau or before the Interior Department. I think the ...ht of classification—and I am sure the Senator from Idaho [Mr. HEYBURN] is quite familiar with all the decisions of the Supreme Court on that subject—is one that is very generally recognized, not with reference to this particular class of legislation, but as to all legislation. So long as that legislation confines itself to classes, there is no violation of the general principle that requires uniformity. I think that when we consider the reason of the law—and I call the Senator's attention to it—that such a man has violated it as much—not as much; possibly there is a difference in degree—but he has as certainly violated it in one case as in the other. The purpose is—that is, one purpose at least is—that no man should appear before a Department in the effort to secure certain action by that Department who, by reason of his position as a legislator, is supposed to have more influence with that Department than he would have if he were not a legislator. When a man has been elected a condition of affairs has arisen where he is clothed with an influence which, as a private citizen, he did not before have.

Mr. HEYBURN. Mr. President, I am in entire sympathy with the moral principle expressed in this proposed legislation. I do not believe any man who has been elected a Member of Congress in either House should do any of the things that are forbidden by these sections or any one of them. It is only a question as to the propriety of enlarging by legislation the scope of prohibition that I desired to meet the consideration of the members of this body before it was passed. I have nothing further to suggest.

Mr. BACON. Well, Mr. President, if there was any probability that we were going to have at any time any such attention on the part of the Senate to this proposed legislation as its gravity demands, I should certainly agree with the Senator from Idaho; but I think it must impress everybody—there are very few of us who are here and who are taking part in the proceedings of the Senate in this matter—it must impress everyone as an extremely remarkable thing that in the consideration of a bill which is a part of a series of bills which are to cover the entire statute law of the United Sttaes, the large majority—I will say that in order that those of the minority who are not within the criticism may not apply it to themselves—the large majority of the Senate, and of both sides of the Senate, are paying no more attention to the question of what shall be done or what shall not be done in this important matter than if we were enacting a body of laws for Japan or Kamchatka.

Mr. HEYBURN. Mr. President, it is represented that such confidence is entertained for the conclusions of the committee that it is not deemed necessary by members of the Senate to exercise such close supervision over their work as would be indicated by a larger attendance and a more extended participation in debate. If such is the case, the committee can only feel complimented and the country can take its chances.

Now, I would say, yielding to the suggestion of the Senator from Georgia [Mr. BACON], that sections 112, 113, and 114 having been read, we can pass them under the rule, and it will not be necessary to reread them unless there is some desire that they should be again read. As I have stated, they have been read once before.

Mr. BACON. This afternoon?

Mr. HEYBURN. No; not this afternoon, but on a former occasion. If, however, the Senator desires to have them read, we can proceed with the reading.

Mr. CLAY. Do I understand the Senator from Idaho to say that certain of these sections to which he refers are those we are passing on without considering now?

Mr. HEYBURN. We have just been considering the principle that is involved in those three sections, and it is hardly necessary that they should again be read and considered separately.

Mr. CLAY. But I understand that we are considering these sections now for the last time.

Mr. HEYBURN. We are.

Mr. CLAY. We have not, however, adopted the sections further on, as to which, when they are considered, I desire to be present. They are entirely new matter.

Mr. HEYBURN. No; they are not new matter, except as to some expressions in them.

Mr. CLAY. One of them is practically a new section.

Mr. HEYBURN. We have not yet reached that. I think we are not including the section to which the Senator refers.

Mr. CLAY. Very well.

Mr. BACON. I think that we ought to have every section read. Such Senators as did not happen to be present when the sections were previously read have not had an opportunity to become familiar with their details.

Mr. HEYBURN. Very well. Let the sections to which the Senator from Georgia refers be read.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will read the sections referred to by the Senator from Georgia [Mr. BACON].

The Secretary read as follows:

SEC. 112. [*Whoever, being elected a* Member of *or Delegate to* Congress, *or a Resident Commissioner from any Territory of the United States, shall, after his election and* either before or after he has qualified, *and during his continuance in office,* directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him *or to any person designated by him,* for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House *of Congress* or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, *Delegate, or Resident Commissioner,* shall be *fined* not more than three times the amount asked, accepted, or received, and *imprisoned* not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified

from holding any office of honor, trust, or profit under the Government of the United States.]

SEC. 113. [Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or *Delegate to* Congress, *or Resident Commissioner from any Territory of the United States, after his election and* either before or after he has qualified, *and during his continuance in office,* with intent to influence his *action,* vote, or decision, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress, or before any committee thereof, *or which by law or under the Constitution may be brought before him in his official capacity or in his place as such Member, Delegate, or Resident Commissioner,* shall be fined not more than three times the amount of money or value of the thing so promised, offered, given, made, or tendered, and imprisoned not more than three years.]

SEC. 114. [Whoever, *being elected* a Member of *or Delegate to* Congress, *or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office,* or being an officer or agent of the *United States,* shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, office, or place from the United States or from any officer or Department thereof, for any person whatever, or for giving any such contract, office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, office, or place, shall be fined not more than $10,000 and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void.]

Mr. HEYBURN. Mr. President, I now ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business may be temporarily laid aside. In the absence of objection, it will be so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, February 11, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1908.

SURVEYOR-GENERAL.

Darwin A. Utter, of Weiser, Idaho, to be surveyor-general of Idaho, vice Ernest G. Eagleson, resigned.

UNITED STATES MARSHAL.

Rockwell J. Flint, of Wisconsin, to be United States marshal for the western district of Wisconsin, vice Charles Lewiston, whose term expired February 3, 1908.

SURVEYOR OF CUSTOMS.

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander Stacy Potts to be a captain in the Navy from the 28th day of January, 1908, vice Capt. Leavitt C. Logan, promoted.

Commander James M. Helm, an additional number in grade, to be a captain in the Navy, from the 28th day of January, 1908, with Commander Stacy Potts, promoted.

Commander Cameron McR. Winslow, an additional number in grade, to be a captain in the Navy from the 28th day of January, 1908, with Commander Albert B. Willits, promoted.

Commander Isaac S. K. Reeves to be a captain in the Navy from the 30th day of January, 1908, vice Capt. Conway H. Arnold, promoted.

Lieut. (Junior Grade) Gaston De P. Johnstone to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Midshipman Robert L. Irvine to be an ensign in the Navy from the 31st day of January, 1906, to fill a vacancy existing in that grade on that date.

PROMOTION IN THE ARMY.

Coast Artillery.

Capt. Charles S. Walkley, chaplain, Coast Artillery Corps, to be chaplain with the rank of major from February 6, 1908.

POSTMASTERS.

ARIZONA.

Fred E. Cadwell to be postmaster at Douglas, Cochise County, Ariz., in place of Fred E. Cadwell. Incumbent's commission expired November 17, 1907.

Reuben S. Galusha to be postmaster at Ashfork, Yavapai County, Ariz. Office became Presidential January 1, 1908.

CALIFORNIA.

Enos F. Floyd to be postmaster at San Andreas, Calaveras County, Cal. Office became Presidential January 1, 1908.

Albert L. Paulsen to be postmaster at Weaverville, Trinity County, Cal., in place of Albert L. Paulsen. Incumbent's commission expired January 11, 1908.

Robert M. Richardson to be postmaster at Sacramento, Sacramento County, Cal., in place of Robert M. Richardson. Incumbent's commission expires March 14, 1908.

John W. Wood to be postmaster at Pasadena, Los Angeles County, Cal., in place of John W. Wood. Incumbent's commission expired January 29, 1908.

FLORIDA.

Martin M. Loadholtes to be postmaster at Fort Meade, Polk County, Fla. Office became Presidential January 1, 1908.

GEORGIA.

John I. Fullwood to be postmaster at Cedartown, Polk County, Ga., in place of John I. Fullwood. Incumbent's commission expired December 18, 1907.

Hugh M. Pierce to be postmaster at Moultrie, Colquitt County, Ga., in place of Hugh M. Pierce. Incumbent's commission expired February 3, 1908.

ILLINOIS.

Isaac W. Parkinson to be postmaster at Stockton, Jo Daviess County, Ill., in place of Isaac W. Parkinson. Incumbent's commission expires February 15, 1908.

Frederick H. Richardson to be postmaster at Tampico, Whiteside County, Ill., in place of Frederick H. Richardson. Incumbent's commission expired January 21, 1908.

John R. Snook to be postmaster at Altamont, Effingham County, Ill., in place of John R. Snook. Incumbent's commission expires April 27, 1908.

INDIANA.

Albert Jerome to be postmaster at Montezuma, Parke County, Ind., in place of John G. Lowry. Incumbent's commission expires February 18, 1908.

KANSAS.

Henry Avery to be postmaster at Wakefield, Clay County, Kans. Office became Presidential January 1, 1908.

Ernest Hoefle to be postmaster at St. Paul, Neosho County, Kans. Office became Presidential January 1, 1908.

William A. Morgan to be postmaster at Lansing, Leavenworth County, Kans. Office became Presidential April 1, 1907.

Joshua M. Roney to be postmaster at Norcatur, Decatur County, Kans. Office became Presidential January 1, 1908.

Benjamin L. Taft to be postmaster at Parsons, Labette County, Kans., in place of Benjamin L. Taft. Incumbent's commission expired January 25, 1908.

KENTUCKY.

John W. Breathitt to be postmaster at Hopkinsville, Christian County, Ky., in place of John W. Breathitt. Incumbent's commission expired January 26, 1907.

William J. Manby to be postmaster at La Grange, Oldham County, Ky., in place of Joseph P. Bozarth. Incumbent's commission expired January 11, 1908.

Frank W. Rice to be postmaster at Wilmore, Jessamine County, Ky. Office became Presidential January 1, 1907.

Charles G. Robinson to be postmaster at Earlington, Hopkins County, Ky., in place of Charles G. Robinson. Incumbent's commission expires February 23, 1908.

Will P. Scott to be postmaster at Dawson Springs, Hopkins County, Ky., in place of Will P. Scott. Incumbent's commission expired December 17, 1907.

James W. Thomason to be postmaster at Uniontown, Union County, Ky., in place of James W. Thomason. Incumbent's commission expired January 19, 1907.

Lizzie Vaupel to be postmaster at Morganfield, Union County, Ky., in place of Lizzie Vaupel. Incumbent's commission expired February 18, 1907.

LOUISIANA.

Levi P. Carter to be postmaster at Bunkie, Avoyelles Parish, La., in place of Levi P. Carter. Incumbent's commission expires February 18, 1908.

Charles C. Dow to be postmaster at Bernice, Union Parish, La. Office became Presidential January 1, 1908.

Lou E. Russell to be postmaster at West Monroe, Ouachita Parish, La. Office became Presidential January 1, 1908.

MAINE.

Arthur A. Dinsmore to be postmaster at Dover, Piscataquis County, Me., in place of Arthur A. Dinsmore. Incumbent's commission expired January 26, 1908.

Eugene A. Fairfield to be postmaster at Kennebunk, York County, Me., in place of Eugene A. Fairfield. Incumbent's commission expires March 12, 1908.

John M. Thurlough to be postmaster at Fort Fairfield, Aroostook County, Me., in place of John M. Thurlough. Incumbent's commission expired January 11, 1908.

MARYLAND.

Samuel Hambleton to be postmaster at Rising Sun, Cecil County, Md., in place of Samuel Hambleton. Incumbent's commission expires February 15, 1908.

MISSOURI.

Alfred K. Bailey to be postmaster at Meadville, Linn County, Mo. Office became Presidential January 1, 1908.

Samuel B. Craver to be postmaster at Madison, Monroe County, Mo. Office became Presidential January 1, 1908.

MONTANA.

Edward H. Golden to be postmaster at Walkerville, Silverbow County, Mont. Office became Presidential April 1, 1907.

NEBRASKA.

George B. Guffy to be postmaster at Elgin, Antelope County, Nebr., in place of George B. Guffy. Incumbent's commission expired January 4, 1908.

Mark J. Jones to be postmaster at Elm Creek, Buffalo County, Nebr. Office became Presidential January 1, 1908.

NEW JERSEY.

Richard F. Treweeke to be postmaster at Butler, Morris County, N. J., in place of Richard F. Treweeke. Incumbent's commission expires February 20, 1908.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, Suffolk County, N. Y., in place of John M. Brown. Incumbent's commission expired February 3, 1908.

William W. Worden to be postmaster at Saratoga Springs, Saratoga County, N. Y., in place of William W. Worden. Incumbent's commission expired November 19, 1907.

NORTH CAROLINA.

Thomas E. Wallace to be postmaster at Wilmington, New Hanover County, N. C., in place of Thomas E. Wallace. Incumbent's commission expires March 31, 1908.

OHIO.

Charles H. Clark to be postmaster at Mount Sterling, Madison County, Ohio, in place of Charles H. Clark. Incumbent's commission expires March 2, 1908.

Samuel F. Rose to be postmaster at Clarington, Monroe County, Ohio. Office became Presidential January 1, 1908.

TEXAS.

Charles R. Bone to be postmaster at Beaumont, Jefferson County, Tex., in place of Charles R. Bone. Incumbent's commission expired February 2, 1908.

J. W. Bradford to be postmaster at Mount Vernon, Franklin County, Tex., in place of Wesley C. Parchman. Incumbent's commission expires February 12, 1908.

J. O. Brown to be postmaster at Coleman, Coleman County, Tex., in place of James Gipson. Incumbent's commission expired January 27, 1908.

W. L. Brown to be postmaster at Hamlin, Jones County, Tex. Office became Presidential January 1, 1908.

Crockett Campbell to be postmaster at Lufkin, Angelina County, Tex., in place of Crockett Campbell. Incumbent's commission expires March 28, 1908.

James I. Carter to be postmaster at Arlington, Tarrant County, Tex., in place of James I. Carter. Incumbent's commission expires April 27, 1908.

Carl E. Ericson to be postmaster at El Campo, Wharton County, Tex., in place of Carl E. Ericson. Incumbent's commission expired January 27, 1908.

Clinton J. Farrell to be postmaster at Vernon, Wilbarger County, Tex., in place of Clinton J. Farrell. Incumbent's commission expires February 19, 1908.

Charles H. Farwell to be postmaster at Channing, Hartley County, Tex. Office became Presidential January 1, 1908.

Henry C. Ford to be postmaster at Whitney, Hill County, Tex., in place of Henry C. Ford. Incumbent's commission expired January 27, 1908.

Marion S. French to be postmaster at Alvin, Brazoria County, Tex., in place of Marion S. French. Incumbent's commission expired February 19, 1907.

Robert B. Gordon to be postmaster at Strawn, Palo Pinto County, Tex. Office became Presidential January 1, 1908.

John Harvey to be postmaster at Meridian, Bosque County, Tex., in place of John Harvey. Incumbent's commission expires February 12, 1908.

Covey M. Hughs to be postmaster at Wharton, Wharton County, Tex., in place of Covey M. Hughs. Incumbent's commission expired January 27, 1908.

Fred P. Ingerson to be postmaster at Barstow, Ward County, Tex. Office became Presidential January 1, 1908.

Clarence V. Rattan to be postmaster at Cooper, Delta County, Tex., in place of Clarence V. Rattan. Incumbent's commission expired January 27, 1908.

L. B. Ruth to be postmaster at Howe, Grayson County, Tex., in place of William L. Higginbotham. Incumbent's commission expires February 12, 1908.

Benjamin M. Sheldon to be postmaster at Rockport, Aransas County, Tex., in place of Benjamin M. Sheldon. Incumbent's commission expired February 2, 1908.

Harper Simpson to be postmaster at Edna, Jackson County, Tex., in place of Harper Simpson. Incumbent's commission expired January 27, 1908.

George F. Taylor to be postmaster at Royse City, Rockwall County, Tex., in place of George F. Taylor. Incumbent's commission expired January 27, 1908.

George A. Tohill to be postmaster at Big Sandy, Upshur County, Tex. Office became Presidential January 1, 1908.

Henry T. Vaughan to be postmaster at Mart, McLennan County, Tex., in place of Henry T. Vaughan. Incumbent's commission expired December 17, 1907.

VIRGINIA.

William H. Mosby to be postmaster at Bedford City, Bedford County, Va., in place of William H. Mosby. Incumbent's commission expired January 25, 1908.

Bezer Snell to be postmaster at Brookneal, Campbell County, Va. Office became Presidential July 1, 1907.

WASHINGTON.

George W. Edgerton to be postmaster at Puyallup, Pierce County, Wash., in place of George W. Edgerton. Incumbent's commission expires February 29, 1908.

Judson J. Merriman to be postmaster at Lind, Adams County, Wash., in place of Judson J. Merriman. Incumbent's commission expired February 9, 1908.

James W. O'Connell to be postmaster at Republic, Ferry County, Wash., in place of James W. O'Connell. Incumbent's commission expired February 9, 1908.

John F. Spangle to be postmaster at Cheney, Spokane County, Wash., in place of John F. Spangle. Incumbent's commission expired February 9, 1908.

George Vetter to be postmaster at Sunnyside, Yakima County, Wash., in place of George Vetter. Incumbent's commission expired February 9, 1908.

Lucius L. Wing to be postmaster at Rockford, Spokane County, Wash. Office became Presidential January 1, 1908.

WEST VIRGINIA.

James B. Campbell to be postmaster at New Cumberland, Hancock County, W. Va., in place of James B. Campbell. Incumbent's commission expired February 26, 1907.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 10, 1908.

Jonathan B. Morey to be postmaster at Dansville, in the State of New York.

Arthur J. Hudson to be postmaster at Clifton, in the State of Arizona.

Robert M. Croom to be postmaster at Burgaw, in the State of North Carolina.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1908.

REGISTER OF THE LAND OFFICE.

Hal J. Cole, of Washington, to be register of the land office at Spokane, Wash.

SURVEYOR-GENERAL OF IDAHO.

Darwin A. Utter to be surveyor-general of Idaho.

MARSHALS.

Cornelius C. Duson, of Louisiana, to be United States marshal for the western district of Louisiana.

Rockwell J. Flint to be United States marshal for the western district of Wisconsin.

Eugene R. Hendry, of Hawaii, to be United States marshal for the Territory of Hawaii.

UNITED STATES ATTORNEY.

Robert W. Breckons, of Hawaii, to be United States attorney for the Territory of Hawaii.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Engineer Harvey Fletcher Johnson, of Virginia, to be second assistant engineer in the Revenue-Cutter Service of the United States, with the rank of third lieutenant.

PROMOTIONS IN THE NAVY.

Capt. Conway H. Arnold to be a rear-admiral in the Navy from the 30th day of January, 1908.

Commander Albert B. Willits to be a captain in the Navy from the 28th day of January, 1908.

POSTMASTERS.

COLORADO.

John F. Morgan to be postmaster at Colorado City, El Paso County, Colo.

Jennie Ross to be postmaster at Cheyenne Wells, Cheyenne County, Colo.

CONNECTICUT.

R. Clifford Tyler to be postmaster at Chester, Middlesex County, Conn.

GEORGIA.

Thomas E. Oden to be postmaster at Blackshear, Pierce County, Ga.

IOWA.

Louis F. Bousquet to be postmaster at Pella, Marion County, Iowa.

James B. Martin to be postmaster at West Bend, Palo Alto County, Iowa.

John W. Reed to be postmaster at Waucoma, Fayette County, Iowa.

LOUISIANA.

Charlton Fort to be postmaster at Minden, in the county of Webster and State of Louisiana.

MARYLAND.

Walton C. Orrell to be postmaster at Centerville, Queen Anne County, Md.

MICHIGAN.

Hiram E. Hardy to be postmaster at Big Rapids, Mecosta County, Mich.

John N. McCall to be postmaster at Ithaca, Gratiot County, Mich.

Charles H. Stannard to be postmaster at Dexter, Washtenaw County, Mich.

MINNESOTA.

Clarendon B. Boody to be postmaster at North St. Paul, Ramsey County, Minn.

Joseph C. Chamberlain to be postmaster at International Falls, Koochiching County, Minn.

NEBRASKA.

Horace G. Lyon to be postmaster at Gordon, Sheridan County, Nebr.

NEW HAMPSHIRE.

Horace E. Hurlbutt to be postmaster at Hanover, Grafton County, N. H.

NEW JERSEY.

Leslie I. Cooke to be postmaster at Hackettstown, Warren County, N. J.

Charles F. Hopkins to be postmaster at Boonton, Morris County, N. J.

Daniel M. Merchant to be postmaster at Morris Plains, Morris County, N. J.

NEW YORK.

David Akers to be postmaster at Hillburn, Rockland County, N. Y.

Robert G. Anderson to be postmaster at Freeport, Nassau County, N. Y.

George D. Davis to be postmaster at Mount Kisco, Westchester County, N. Y.

Thomas H. Dickinson to be postmaster at Champlain, Clinton County, N. Y.

Charles T. Jackson to be postmaster at Goshen, Orange County, N. Y.

Marc D. Johnson to be postmaster at Randolph, Cattaraugus County, N. Y.

William Frank Lewis to be postmaster at Arcade, Wyoming County, N. Y.

Thomas A. McWhinney to be postmaster at Lawrence, Nassau County, N. Y.

George M. Nellist to be postmaster at Barker, Niagara County, N. Y.

William A. Reinhart to be postmaster at Inwood, Nassau County, N. Y.

Frank B. Spaulding to be postmaster at Witherbee, Essex County, N. Y.

De Witt C. Titus to be postmaster at Hempstead, Nassau County, N. Y.

Oliver H. Tuthill to be postmaster at Rockville Center, Nassau County, N. Y.

NORTH CAROLINA.

Walter Hollis Everhart to be postmaster at Newton, Catawba County, N. C.

NORTH DAKOTA.

Frederick C. Walther to be postmaster at Berthold, Ward County, N. Dak.

OHIO.

George H. Lewis to be postmaster at Bluffton, Ohio.

OKLAHOMA.

Harry C. Clark to be postmaster at McAlester (late South McAlester), in the county of Pittsburg and State of Oklahoma.

Walter I. Reneau to be postmaster at Tulsa, in the county of Tulsa and State of Oklahoma.

John R. Thomas to be postmaster at Beaver, Beaver County, Okla.

PENNSYLVANIA.

Clark B. Bailey to be postmaster at Elkland, Tioga County, Pa.

Eva J. Beeman to be postmaster at Lawrenceville, Tioga County, Pa.

John W. Beers to be postmaster at Marysville, Perry County, Pa.

N. K. Coller to be postmaster at Leechburg, Armstrong County, Pa.

Joseph A. Fenner to be postmaster at Weissport, Carbon County, Pa.

Alonzo M. Frederick to be postmaster at New Kensington, Westmoreland County, Pa.

Joel M. Hoch to be postmaster at Fleetwood, Berks County, Pa.

Burrell C. Ingraham to be postmaster at Herminie, Westmoreland County, Pa.

Alfred H. Leh to be postmaster at Egypt, Lehigh County, Pa.

John P. Wilson to be postmaster at Manor, Westmoreland County, Pa.

WASHINGTON.

William P. Ward to be postmaster at Rosalia, Whitman County, Wash.

WISCONSIN.

Frank C. Brown to be postmaster at Brandon, Fond du Lac County, Wis.

Walter Kleinpell to be postmaster at Cassville, Grant County, Wis.

INTERNATIONAL OFFICE OF PUBLIC HEALTH.

The injunction of secrecy was removed February 10, 1908, from an authenticated copy of an arrangement signed at Rome on December 9, 1907, on the part of the United States and other powers, for the establishment and regulation of the International Office of Public Health mentioned in article 181 of the International Sanitary Convention signed at Paris on December 3, 1903.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 10, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, February 7, 1908, was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that next week, Thursday and Friday, February 20 and 21, be set aside for the consideration of District of Columbia bills.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Thursday and Friday of next week be set aside for the consideration of District bills. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I understand that this is in lieu of giving up to-day, and you will take no more time of the House than you otherwise would have taken?

Mr. SMITH of Michigan. I think I ought to say that there is some fear that the trackage bill may take more than one day, and I think it would hardly be fair to that legislation, after we had perhaps disposed of eight or ten sections of it, to wait two weeks before the balance of the bill could be disposed of. That is the reason I ask for two days.

Mr. WILLIAMS. I have no objection. In fact, I think we ought to get through with that trackage legislation.

Mr. MANN. This will virtually give the gentleman three days.

Mr. SMITH of Michigan. I am only asking for two days.

Mr. MANN. It will give the gentleman Thursday and Friday of next week, and the following Monday, which is the next regular District day.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNITED STATES COURT, JACKSON, KY.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 9 of "An act to divide Kentucky into two judicial districts," approved February 12, 1901, as amended by the act entitled "An act establishing a United States court at Catlettsburg in the eastern district of Kentucky," approved March 10, 1902, be, and the same is hereby, amended so as to read:

"SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the second Monday in March and the second Monday in October in each year; at Owensboro, beginning on the fourth Monday in November and the first Monday in May in each year; at Paducah, beginning on the third Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in May and the second Monday in December in each year.

"That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Jackson, beginning on the first Monday in March and the third Monday in September in each year; at Frankfort, beginning on the second Monday in March and the fourth Monday in September in each year; at Covington, beginning on the first Monday in April and the third Monday in October in each year; at Richmond, beginning on the fourth Monday in April and the second Monday in November in each year; at London, beginning on the second Monday in May and the fourth Monday in November in each year; at Catlettsburg, beginning on the fourth Monday in May and the second Monday in December in each year, and at such other times and places as may hereafter be provided by law."

SEC. 2. That suitable rooms and accommodations are to be furnished for holding the courts at Jackson, free of expense to the Government of the United States, until such time as a Federal building shall be erected there.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Kentucky at how many additional places does this give terms of the United States court?

Mr. LANGLEY. Only one.

Mr. PAYNE. And that is at Jackson?

Mr. LANGLEY. That is at Jackson, Breathitt County, Ky.

Mr. PAYNE. I see provision is made that they must furnish a place for holding the court.

Mr. LANGLEY. Yes.

Mr. PAYNE. I suppose until the United States builds a court-house there?

Mr. LANGLEY. We should be very glad to have that done sooner or later.

Mr. PAYNE. I suppose that is one of the objects of the bill?

Mr. LANGLEY. That is not the primary object; certainly not. On the contrary——

Mr. PAYNE. What is the object of the bill? It seems to me that six places in one district is putting them in pretty thick. I am not acquainted with the geography of the eastern district of Kentucky.

Mr. LANGLEY. I am.

Mr. PAYNE. That is the reason I am asking the gentleman. Does the gentleman believe it is necessary for the accommodation of the litigants in eastern Kentucky to have this additional place established?

Mr. LANGLEY. I most assuredly do. The letter of the Attorney-General, which is embodied in the report of the committee, concedes that fact. If that were not so, I would not ask for the passage of the bill.

Mr. PAYNE. How far is it from the nearest court that is now held?

Mr. LANGLEY. My recollection is that it is about 50 miles, air line.

Mr. PAYNE. Well, by railroad? People do not fly there when they go to attend court.

Mr. LANGLEY. If they did, they would get a bird's-eye view of as beautiful a specimen of God's handiwork as this country affords and of as noble a people as the world affords. I have forgotten the exact distance by rail, but it is something more than 50 miles, I think. It will accommodate the people of a great many counties in the mountain section of the State, where there are very few railroad facilities, and I believe it would result in a decided saving to the Government in the matter of the transportation of witnesses, prisoners, and others connected with the business of the court. In addition, it would be a great advantage to civil litigants, especially those whose cases are transferred from the State to the Federal court, such as suits over land titles and matters of that kind, which, in some instances, involve hundreds of thousands of dollars. There is much litigation of this character there now and more in prospect.

Mr. PAYNE. I want to say, Mr. Speaker, if I may be allowed, that I shall not object to this bill, largely for the same reason that I did not object to the bill for an additional court or division in Texas the other day; but I want to give notice that I shall examine into these matters more closely hereafter, so far as I am concerned, as an individual Member of the House. I know that there are some places for holding court, even in the State of New York, where they have not had more than one day of court at the terms appointed for several years, and I want to be sure that we are not giving additional places and additional terms of court that are not necessary, and which will only burden the Treasury with expense and will not at all facilitate the administration of justice.

Mr. JENKINS. If the gentleman from Kentucky will yield, I would like to say that this bill was carefully considered by the Committee on the Judiciary, submitted to the Federal judge, submitted to the Attorney-General, and they all approved it and said that it was a practical necessity. That is why the Committee on the Judiciary reported the bill.

Mr. LANGLEY. I thank the distinguished chairman of the committee that reported this bill for furnishing the House with the information that I was just proceeding to give. I can assure the gentleman from New York that the situation which he describes as existing in his own State will not prevail at this court. There will be abundance of business there—much more than at some of the courts now held at other points in the State.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PERKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, and the Clerk will read.

The Clerk read as follows:

To enable the Commissioner of Indian Affairs, from time to time as he may deem necessary, to detail clerks from his office to make special investigations in the field: *Provided*, That while thus absent from Washington under such detail they shall receive a per diem of $3 to cover all expenses, exclusive of transportation and sleeping-car fares, $3,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I would like to inquire of the gentleman in charge of the bill the reason for this appropriation.

Mr. SHERMAN. I believe, Mr. Chairman, that the item is not subject to a point of order, as it is what is often called here "current law." It is in the appropriation bill covering the present fiscal year.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I reserve the point of order. I am willing to discuss it, but it is so clearly subject to a point of order that I am sure the gentleman from New York will concede it.

Mr. SHERMAN. Certainly not. It often occurs that investigations of some matter at some agency or some school is called for on a subject with which some clerk in his office is especially cognizant, and this makes it possible for him to detail that clerk to make an examination into that matter. The same provision was in the last year's bill, and of the $3,000 appropriated $2,100 have been expended, and it has been found of considerable advantage, and it may be a matter of considerable economy, because it might be that no inspector would be where he could be immediately detailed, and it might be necessary to send one from Arizona to Michigan, whereas a clerk could be detailed from the office and make the trip to Michigan and end the whole matter.

Mr. MANN. The gentleman's explanation seems to be perfect. I understand the Commissioner has a plan in mind, if not in practice, transferring clerks from the Department in Washington to various Indian agencies and other points throughout the country, so as to keep up an endless chain of movement of employees, bringing them into Washington a part of the time and away from Washington a part of the time, about which I express no opinion at present. Has this anything to do with that plan?.

Mr. SHERMAN. If there is any such plan, I did not know it. I think the gentleman's information is not correct.

Mr. MANN. My information is derived from the report of the Commissioner.

Mr. SHERMAN. If there be such a plan, this has no connection with it.

Mr. MANN. It is the proviso that makes the paragraph subject to a point of order; can the gentleman tell us what would be the allowance made to one of these clerks while traveling if there was no such proviso in the bill?

Mr. SHERMAN. Not to exceed $3 a day.

Mr. MANN. That is the proviso, that is the law. What would it be if there was no proviso in the bill?

Mr. SHERMAN. There would not be any. There would be no authority to send the man away; and if he did, he would have to go without any allowance for subsistence.

Mr. MANN. Of course the amount appropriated in this item is not large and there can be no gross abuse of it. I am sure the gentleman is aware of the fact that with some Departments of the Government, with some officials of the Government, it is the custom to avail themselves of a similar provision so that a man receives his full salary, is detailed away from Washington, and all the time receives his $3 a day—the cost of his living in addition to his salary, and never supports himself at all out of his salary.

Mr. SHERMAN. I do not know of a case quite as broad as the gentleman states, but of course I am aware that there are officials who have a per diem allowance when absent from Washington, who are away the greater part of the year, and the per diem allowance more than maintains them.

Mr. MANN. I know of cases where people are detailed away from Washington by the year who receive the full salary that they did while in Washington and, in addition, more than the cost of their living as an allowance while they are away by the year. Of course that would not apply to this case.

Mr. STEPHENS of Texas. Will the gentleman from Illinois state what Department that is in?

Mr. SHERMAN. It is not in the Indian Department, and let us not get into a discussion about that.

Mr. MANN. Mr. Chairman, on the gentleman's statement I withdraw the point of order.

Mr. LEAKE. Mr. Chairman, I move to strike out the last word of that paragraph for the purpose of asking the indulgence of the House a few moments only that they may listen to some of the impressions which a new Member gathers from this body. I have been surprised at the usurpation by some of the Members on this side of the House of the prerogatives of the delegates to the Denver convention. I had not supposed that this was the place to nominate a candidate for the Democratic Presidential office, but there are some men who evidently think that this is the time and the place——

Mr. SHERMAN. Mr. Chairman, I rise to a point of order. The gentleman is not discussing the Indian appropriation bill, and we are now under the five-minute rule.

The CHAIRMAN. The point of order is well taken.

Mr. CLARK of Missouri. I wish the gentleman from New York would withdraw his point of order for a moment.

Mr. LEAKE. Let me have three minutes.

Mr. SHERMAN. Mr. Chairman, we have spent ten days in general debate discussing every question under the sun from the Presidency down, and now I do crave the indulgence and time of this committee for part of this day in which to consider this bill. I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained. The gentleman is out of order; he is not speaking to the bill.

Mr. LEAKE. Will the gentleman reserve his objection at the present time and allow me, by unanimous consent, to proceed for three minutes?

Mr. SHERMAN. If the gentleman will give me the assurance that his three minutes will not open up the whole subject so that twenty-five other gentlemen will ask the same indulgence, I am entirely willing to do it.

Mr. LEAKE. Of course I can not assure the gentleman of that.

Mr. SHERMAN. Then I will do this. I will withdraw my objection on the statement that it will be made and not withdrawn with reference to anybody else during the consideration of this bill under the five-minute rule.

The CHAIRMAN. If there is no objection, the gentleman may proceed.

There was no objection.

Mr. LEAKE. Mr. Chairman, as I stated, I have been surprised at the usurpation of the prerogatives of the delegates to the Denver convention, but there are some men who believe that this is the time and the place to nominate the candidate on the Democratic ticket, and lest my silence might be construed as an indorsement of the nomination of Mr. William J. Bryan and his policies, I rise for the purpose of making this protest. If I adopted the example of the distinguished gentleman from Nebraska, I would vehemently condemn him as he did the distinguished Democrat, the Hon. Grover Cleveland, but I shall content myself with admitting that the gentleman is honest, is consistent, and is sincere, a great patriot and moral leader, entitled to the confidence and respect of the American people, but that his familiarity with the decalogue better qualifies him for the pulpit than for the Presidency. [Laughter and applause.] He has taken the big stick from the President of these United States, and, to use his own simile, he is now crucifying the policies of Democracy and American individuality and American ambition on the cross of socialism. [Applause and hisses.] The President himself, being deprived of his big stick, has resorted to the big slipper. I do not think that the American people need a spanking from the President nor a scolding from the distinguished gentleman from Nebraska. I think the condition of the health of the American community is such that we need a doctor, and I hope that one of the two great political parties will get one and that in his prescription of remedies for the cure of our many ills he will not forget, when men condemn the American railroads, that the American railroad system is one of the greatest systems in the world, and that the American business man and that American enterprise are the best on the face of this earth.

Mr. SHACKLEFORD. Will the gentleman permit an interruption?

Mr. LEAKE. When I finish I will. I hope and I believe that one of the great political parties in this country will nominate a specialist in statesmanship, and if that be done this aisle will no longer mark the difference between Republicans and Democrats, but the difference between radicals and conservatives.

Mr. GAINES of Tennessee. Will the gentleman name a doctor? He seems to think that we need one.

Mr. LEAKE. I do not propose to name the doctor. I think that is the privilege of the delegates to the Chicago and the Denver conventions.

The CHAIRMAN. The Clerk will read.

Mr. SHACKLEFORD. When the gentleman talks about the railroads and the good things they have done for the country, did he have in mind Mr. Harriman?

Mr. LEAKE. No; but I refer to the fact that American railroads have given cheaper and better service than the railroads of any other country on the face of the earth.

Mr. HEFLIN. Mr. Chairman, I rise to a point of order. I would like to know in whose time the gentleman is now speaking.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

To enable the Commissioner of Indian Affairs to conduct experiments on Indian school or agency farms, in cooperation with the Department of Agriculture, designed to test the possibilities of soil, climate, and so forth, in the cultivation of trees, grains, vegetables, and fruits not hitherto raised in those neighborhoods, using Indian labor in the process, $5,000.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. SHERMAN. The gentleman, I presume, reserves the point of order to ascertain for what purpose this item is incorporated in the bill. It is the wish of the Commissioner to have this authority so that he may have an investigation made at certain school plants as to what product can be best produced at different sections where the Indians expect to follow agricultural pursuits. There is now at one of the schools in Arizona, one of the schools which are supported under the general appropriation, on a small scale work of this character now carried on, and the Commissioner's desire is to extend that field of experimental work.

Mr. FITZGERALD. Can not the Commissioner do that without tying up to the Agricultural Department? I think the experience of Members has been that once the Department of Agriculture gets any start in some new field it never gets out, but the appropriation grows. Why can not the Commissioner of Indian Affairs do this and if necessary get any advice he

needs without fixing in the law a provision that this Department shall have a hold on this work?

Mr. SHERMAN. If the gentleman will simply move to strike out the language "in cooperation with the Department of Agriculture," I will not oppose the motion.

Mr. MANN. Would it not be better to have the Department of Agriculture to do the entire work? Is it the proposition of the gentleman to start a new series of experimental stations? Every State now maintains an experimental station for this work, supported in full or largely by the United States Government, so that for a few years we will have spent about $50,000 a year for each State. Now, that is one experimental station. Now, does the gentleman propose to incorporate a lot of other experimental stations? The gentleman will know that $5,000 will not conduct one experimental station, much less conduct the number that would be assumed from the reading of the paragraph.

Mr. SHERMAN. Well, the thought was to conduct merely experimental stations at the schools for the benefit of the Indians at that locality, for the benefit of Indians who would not be therefore benefited by an experimental station in the State now conducted under the Department of Agriculture, and for the benefit of reservation Indians as well as for non-reservation Indians.

Mr. MANN. Yes; but do not these schools now do more or less farm work?

Mr. SHERMAN. They do, some of them; many of them. Riverside has a large farm; Haskell has a large farm; many of them have farms where work is conducted now and where the Indians are instructed. One of the points of the Indian school is to give practical instruction. I will say to the gentleman, a while ago, instead of doing all the laundry work at the various schools by machinery, by which process it could be done for less money, we have provided part should be done by hand, so as to teach the girls in the arts of the laundry. It is the attempt at the Indian schools to give a practical, not a theoretical education.

Mr. MANN. Do they not in these schools now engage in the cultivation of trees, grain, vegetables, and fruit?

Mr. SHERMAN. Not, I think, in trees——

Mr. MANN. They certainly plant trees around their reservation?

Mr. SHERMAN. Yes; but not in an experimental way.

Mr. MANN. But the planting of anything is an experimental proposition. It is just as easy to experiment without as with a school. I do not see why these schools can not make experiments under the present appropriation instead of starting in an experimental school at each Indian reservation, because that is all this means if it means anything. For instance, in experimental work that they have in Oklahoma——

Mr. SHERMAN. I think the Commissioner's thought here was to extend that work by showing the measure of work done by the Department in Oklahoma.

Mr. MANN. I would be perfectly willing to see the Department of Agriculture have this work in the agricultural bill as far as I am concerned, provided that experiment was in some particular place, in Oklahoma or Indian Territory, for instance, as to what you can do there where they have not at present, may be, the sufficient means or facilities, but this inaugurates a policy which spreads all over the United States.

Mr. SHERMAN. Why, certainly; why confine it to Oklahoma or Indian Territory? Why not take in Kansas or Nebraska or anywhere else?

Mr. MANN. Because the Indians can not raise any different trees or grains or vegetables than the white man can, and we now have in each of these States a large experimental station conducted at great expense by the Government for the purpose of doing the identical thing. It is not pretended that the Indians will be able to accomplish that which the white people can not accomplish.

Mr. SHERMAN. But it is pretended that the young Indians in schools can be instructed more readily in the arts that it is desired they should be instructed in, in the schools, than it would be to take advantage of the United States agricultural experiment station at some other point within that State.

Mr. MANN. But we now have that power in the schools to conduct these experiments, and the Agricultural Department at all times will be willing to give them the advice that is necessary.

Mr. SHERMAN. Maybe they will and maybe they will not. I do not know about that. I do not know whether that has been tried or not, or whether the request has been made that the Department have cooperation or not.

Mr. MANN. The Department of Agriculture is perfectly willing to give a private citizen good advice. It is perfectly willing to give a municipality or a State advice. I do not think they draw the line on the Indian.

Mr. SHERMAN. I do not think they do, either. I have not found the Department of Agriculture unwilling to give information to an individual.

Mr. FITZGERALD. The object of this provision, it appears to me, is to permit the Department of Agriculture to fasten itself upon this work. At all of these schools there are farmers whose duty it is to instruct the Indian pupils in practical farming. It seems to me that with the outfit they have at each of these places they could very easily utilize some part of the land that is used to cultivate the crops that are known to be successful in the locality, in endeavoring to ascertain whether other crops could be raised. I have no objection to giving the Department whatever money is needed to do that work in connection with the schools, but I have a very strong objection to permitting this other Department, once it gets started, to disregard the law, and getting a hold on the work of the Indian Department.

Mr. MANN. Will the gentleman from New York [Mr. SHERMAN] yield for one question?

Mr. SHERMAN. Yes; certainly.

Mr. MANN. Is the reason for this the fact that the farmers, who are political appointees instead of civil-service appointees, are incompetent, and therefore they need another Department to really make the experiments?

Mr. SHERMAN. I do not think it is, and I am glad the gentleman raised that question. I was in error the other day in saying that the farmers were outside of the classified civil service. They are not outside of the classified civil service, although an educational examination or test is not required. A practical test is required, not an educational one. It really is not an examination at all. The gentleman understands——

Mr. MANN. They are outside of the civil service under the provisions of this bill.

Mr. SHERMAN. The Civil Service Commission have what they call examinations for farmers in the Indian Service, which are not actual examinations requiring educational tests at all. They are simply a submission of a list of questions showing experience and practicability and all that sort of thing.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] insist on his point of order?

Mr. FITZGERALD. I insist on the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. FITZGERALD. It is new legislation. There is no authority in law for the service.

The CHAIRMAN. To what portion does the gentleman object?

Mr. FITZGERALD. From line 22, page 5, to line 4 on page 6.

Mr. SHERMAN. On that question, this is to extend the work of Indian schools. Indian schools are in operation now. I take it the gentleman does not contend that we can not in a certain measure extend the scope of a work which is now being carried on at a particular or all of the Indian schools which have been conducted by the Government for decades.

Mr. FITZGERALD. Mr. Chairman, this authorizes a new service. There is no law that authorizes the Commissioner of Indian Affairs, in cooperation with the Department of Agriculture, to undertake any work in Indian schools or at Indian agencies; and as the gentleman from New York [Mr. SHERMAN] stated, the purpose of this particular paragraph was to enable the Commissioner of Indian Affairs to obtain the cooperation of a Department, which at present has no authority to conduct this work or to engage in it, in connection with the Indian Bureau.

Mr. STEPHENS of Texas. Let me suggest to the gentleman that he can accomplish what he desires by striking out the words "in cooperation with the Department of Agriculture," in lines 23 and 24.

Mr. FITZGERALD. But, Mr. Chairman, if it is designed to have these farms, that are conducted as part of the schools, conduct experimental tests, there is ample authority for it to-day. They can plant any crop they see fit at the schools of instruction; but they can not utilize the money or obtain the cooperation of the Agricultural Department, except so far as that may be given voluntarily under any existing law. Now, it is designed to enable the Agricultural Department to cooperate with this experimental work at Indian schools and at Indian agencies. There is no authority for that to-day. This is an authority, and therefore it is new legislation.

Mr. HACKNEY. Mr. Chairman, I take it the point of order is not well taken. I know of no inhibition in any law against the Agricultural Department doing its work anywhere in the United States. I believe it is a good plan to have the coopera-

tion of the Department of Agriculture in this kind of work. It is very vital work to determine what is best adapted to the soil and what can be best raised in a given country. A very important work is now being carried on by the Department of Agriculture, and I would like to broaden it and invite the cooperation of these two Departments to carry on that work on the Indian land. An appropriation of $5,000 is made for that express purpose. It will be much more economical to the Government to have it done with the conjunction of the two Departments than to be carried on by one alone. For instance, suppose they want some soil experiments or soil analyses. It ought to be competent for the Indian Commissioner to have that work done in Washington by the Agricultural Department, as it could be done much more cheaply that way than in any other way. If they wanted to make any investigation in connection with plant life, it could be done by the two Departments much more economically than by the Indian Commissioner acting singly and alone. It is perfectly competent to provide in this bill where we make an appropriation for that purpose any matter of detail that may affect any agencies of the Government. It is competent in the Indian appropriation bill to say that we have this work on Indian lands go on under the supervision of the Commissioner of Indian Affairs and authorize him to invoke all the other governmental agencies in his assistance. Therefore it is not new legislation.

Mr. MANN. Mr. Chairman, I shall address myself to the point of order only. It seems to me that the paragraph is subject to the point of order for other reasons than the mere fact that the work is to be done in cooperation with the Agricultural Department. The Indian Office is not now authorized by law to conduct experiments "designed to test the possibilities of soil, climate, and so forth, in the cultivation of trees, grains, vegetables, and fruits, etc." It is authorized by law to conduct schools. It is authorized by law to conduct agencies, to conduct farms, but it is not authorized by law to conduct experiments. It is true that experiments may be made in the conduct of the usual method of transacting that business. But it will not do to say that no new authority would be granted as proposed in this bill. It seems to me to be subject to the point of order. If there were a proposition on the agricultural appropriation bill itself, giving to the Agricultural Department, without regard to any specific provision of law, the right to conduct experiments, it would be subject to the point of order. If an item were proposed upon the sundry civil or other bill making an appropriation in aid of experiments or for a new experimental work in addition to the sum provided by law that should be granted to them, it would be subject to the point of order. We maintain agricultural colleges by appropriations made from the General Treasury to a certain extent, and I believe that they should have a certain amount of money for experimental work, and to an extent it is provided by law; but if we undertake to give them more money, without regard to specific law, that would be subject to a point of order, I take it.

Mr. HACKNEY. I will ask the gentleman if he does not concede that under existing law we have the power and the right to appropriate money to teach the Indians agriculture?

Mr. MANN. Why, certainly.

Mr. HACKNEY. Then, if that be true, why should we not be able to advance a few steps in agriculture as well as in other things, if we should have an opportunity to make experiments?

Mr. MANN. Ah, but the gentleman concedes the point when he says if we can advance a few steps. That goes to the merits of the proposition. When you advance a few steps you make new law, and from that very fact it is subject to the point of order, because it provides for new law; it provides a change of existing conditions in the law.

Mr. HACKNEY. Would you tie down the hands of the men you put in charge of that work by old methods which were in vogue twenty-five years ago, or would you allow these instructors to teach new methods and apply new machinery?

Mr. MANN. There is nothing in this item that relates to the question of the gentleman.

Mr. FITZGERALD. This is not to introduce new methods. It is to conduct experiments as to what the soil will produce.

Mr. MANN. This is a specific instruction, to require, or to permit, under the approved idea of experiment stations, that the planting shall be by plats and not in fields—that is, that the whole system of farming shall be different from what it now is; and while it is possible that under their jurisdiction and discretion they might do that, here is a change of authority. It is conferring a new authority upon the Indian Office.

Mr. STEPHENS of Texas. Will the gentleman permit me to suggest that there are different conditions, that this country where the Indians are is an irrigation country, and it requires experiments to ascertain what kind of products can be used to raise crops successfully in that kind of country? I know that in my own district we are expending money for the purpose of ascertaining what benefits can be derived from irrigation, and certainly the Indians should have the same opportunity as the whites have secured. And if the point is made by the gentleman from Missouri that we have the right to teach farming, then the best methods of farming follow, and this only enlarges the scope of the appropriations.

Mr. MANN. I call the gentleman's attention to the fact that I did not make the point of order. He is discussing the merits of the proposition.

Mr. STEPHENS of Texas. I was endeavoring to meet you on the point of order by discussing the merits.

Mr. MANN. I think that is the difficulty always.

The CHAIRMAN. The Chair is ready to rule. The question is not altogether free from doubt, but it seems to the Chair that while the Department of Agriculture undoubtedly has general authority to carry on experiments in the cultivation of trees, etc., the Chair understands that no such authority is now given by law to the Commissioner of Indian Affairs. It was suggested that we have power to carry on schools. That is undoubtedly so; but under the guise of carrying on schools it would be impossible, it seems to the Chair, at least it would be illegal, to give authority to enter into new and altogether different fields of activity. This provision would authorize the Commissioner of Indian Affairs to expend money to test the cultivation of trees, grain, and vegetables in certain portions of the country. As the Chair understands, no such authority is now possessed by the Commissioner of Indian Affairs. In view of that he feels, without discussing the merits, constrained to sustain the point of order made by the gentleman from New York [Mr. FITZGERALD]. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On February 6, 1908:

H. R. 7694. An act to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa.

On February 8, 1908:

H. R. 300. An act providing for second homestead entries.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

That all expenditures of money herein or hereafter appropriated for school purposes among the Indians shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That, except for pay of superintendents, not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Mr. OLMSTED. I move to strike out the last word.

Mr. MANN. I reserve a point of order on this paragraph.

Mr. OLMSTED. I rise merely to obtain from the honored chairman of the committee in charge of the bill——

The CHAIRMAN. The Chair on consideration deems that he can not recognize the gentleman from Pennsylvania, because the gentleman from Illinois [Mr. MANN] has reserved a point of order, and while a point of order is reserved there can be no amendments to the clause.

Mr. OLMSTED. Without offering any amendment, Mr. Chairman, I merely wish to ask for a little information from the chairman of the Committee on Indian Affairs, which information may have a tendency to induce the gentleman from Illinois to withdraw his point of order.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to submit a question. Is there objection? The Chair hears none.

Mr. OLMSTED. I merely want to ask the chairman of the

Committee on Indian Affairs to what schools this limitation of $167 per capita extends, as he understands it?

Mr. SHERMAN. It extends to all specifically appropriated for schools.

Mr. OLMSTED. Does that mean those appropriated for by name in the bill?

Mr. SHERMAN. Yes.

Mr. OLMSTED. And not the reservation schools.

Mr. SHERMAN. I suppose it extends to all schools.

Mr. OLMSTED. Then I wish to ask further whether in his opinion there should not be an amendment in the fourth line on page 7, so that the word "enrollment" should read "attendance?" I find that among the ninety-one reservation schools the attendance is about one-third less than the enrollment; so if we give $167 for the average enrollment we are giving $222 per capita for all pupils who attend.

Mr. SHERMAN. I see the gentleman's point; if the average is taken on the enrollment rather than on the attendance it might make an average of more than $167.

Mr. OLMSTED. Yes; the average attendance of 163 day schools——

Mr. SHERMAN. This does not apply to the day schools.

Mr. OLMSTED. That is what I wanted to find out. The average enrollment of the reservation boarding school was 1,119 and the average attendance was 952. If we took the per capita of the enrollment it would give them something over $200 per capita for pupils actually attending. The same would also apply to the nonreservation schools.

Mr. SHERMAN. I do not object to changing the word "enrollment" to "attendance."

Mr. OLMSTED. If the point of order is not pressed, or after it is disposed of, I may offer the amendment.

Mr. FITZGERALD. I wish to call the attention of the gentleman from New York to the fact that the average cost is about $140, and this limitation is fixed to cover the extraordinary emergency.

Mr. SHERMAN. No; there is another provision covering the extraordinary emergency. The average cost in all the schools, when you take those appropriated for and those sustained by general appropriations, is considerably less than $140.

Mr. FITZGERALD. My recollection is that this language has always been used.

Mr. SHERMAN. It has in relation to specific appropriations for schools, but the point the gentleman from Pennsylvania makes is that he discovers a considerably discrepancy between enrollment and attendance, and therefore he asks that the word "enrollment" be changed to "attendance;" so that the $167 per capita shall apply to the average attendance.

Mr. DOUGLAS. I think you will find that the total enrollment would be better than the average attendance.

Mr. LEAKE. I notice in a part of this paragraph it is provided that the expenditures of all money appropriated among the Indians shall be distributed according to the rule of the Indian Commissioner. Now, there are some appropriations for the acquisitions of buildings and sites; is it the intention that this act shall allow the Indian Commissioner to use such moneys in accordance with the rules that he makes and prescribes?

Mr. SHERMAN. That is already done. The Indian Office has its architectural bureau for the construction of buildings.

Mr. LEAKE. And the acquisition of land is the same?

Mr. SHERMAN. Yes.

Mr. MANN. Mr. Chairman, I make the point of order on the words "or hereafter," page 6, line 5.

Mr. SHERMAN. If the gentleman insists, the point of order is well taken. This is the idea we had in inserting those words. This provision has been carried in every bill for more than a decade, ever since I can remember, and I presume it will be continued, and therefore, it seemed to us wise to make this permanent rather than to lumber up the bill with this provision every year.

Mr. MANN. May I ask the gentleman if that provision was left in so as to make a permanent law, would not the paragraph appear in the bill next year?

Mr. SHERMAN. Certainly not.

Mr. OLMSTED. It would not do any harm if it did.

Mr. SHERMAN. It would not appear in the next bill. There are several paragraphs that were changed in that way last year and that are not in this bill.

Mr. MANN. I think there are some that were made permanent last year that are in this bill.

Mr. SHERMAN. It is an error if there are any. I know in the Book of Estimates there were some put in that way, but there should not be, and in framing the bill we struck them out.

Mr. MANN. I fully agree with the gentleman from New York about shortening up the bill.

Mr. SHERMAN. That is the only theory of it; this provision has been in the bill year after year, and nobody seemed to question it; and if it is put in in this way, another year we can leave out the provision and with that and in other ways we have already shortened up the bill 30 per cent within the last four or five years.

Mr. MANN. Mr. Chairman, on the gentleman's explanation I will withdraw the point or order.

Mr. DOUGLAS. Mr. Chairman, I move to amend by striking out, in line 4, page 7, the word "average" and inserting the word "total," so that it will read "taking the total enrollment for the entire fiscal year."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 4, page 7, strike out the word "average" and insert the word "total," so that it will read "taking the total enrollment for the entire fiscal year."

Mr. SHERMAN. What is the gentleman's theory about that? I should like to hear from him.

Mr. DOUGLAS. Mr. Chairman, my theory is that instead of taking the average enrollment for this $167, the ultimate that the figures would amount to, you should have the total enrollment. As I understand the provision of the bill it is that the education per capita on any one scholar should not exceed $167. Then if you have the total enrollment, you have it exactly. In other words, we should take the total enrollment for the cost per capita.

Mr. SHERMAN. The total enrollment may be 300 and the average enrollment may be 210.

Mr. DOUGLAS. But if you are going to limit it to $167 to each pupil who is taught during the year, you must have it limited to the total enrollment and not to the average. If you limit it to the average enrollment and one-third of the ordinary number is in attendance at any one time, you exceed that $167 obviously.

Mr. SHERMAN. If you take the average for the year, I think it is proper. Heretofore this has been gotten out by taking the average enrollment for a quarter, and it was found that some quarters were much heavier than others of course in enrollment. If you take the average for the year, rather than for any particular quarter, you get at the average enrollment for the year, which is what you want to base your expenditure on and not the total. You want to base it upon the average attendance.

Mr. DOUGLAS. It does not seem so to me. However, I only make the amendment in the form of a suggestion to the chairman, and I withdraw it if he does not agree with me.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to negotiate with the various States in which they are situated for the disposal of any of the nonreservation Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his negotiations to the next session of the Congress.

Mr. DARRAGH. Mr. Chairman, I make the point of order to the paragraph commencing in line 6, page 7, and ending on line 12, inclusive. I make the point that it changes existing law.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. DARRAGH. Mr. Chairman, I scarcely think it necessary to go further than to refer the Chair to Rule XXI, paragraph 2, which reads as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

I would call the Chair's attention further to the fact stated in the report of the committee on page 6, which states that this legislation is new legislation.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the point of order?

Mr. SHERMAN. Mr. Chairman, I do not think I will contend that this is not a legislative provision, but I shall ask the gentleman to reserve the point of order for a minute.

Mr. DARRAGH. I will reserve the point of order.

Mr. SHERMAN. Mr. Chairman, it seems to me that we discussed this question of nonreservation schools pretty thoroughly the other day, and I do not propose to reopen that discussion now. Here is a provision which simply authorizes the Commissioner of Indian Affairs, with the approval of the Secretary, to negotiate with the several States wherein Indian schools are now located, which the Commissioner or the Secretary deems are not necessary for the Service, for the disposal of those schools to the States. There is nothing compulsory about it so far as the State is concerned. If a school located at a given point is not doing good work, is not of benefit to the

Service, it ought not to be continued. If the school is bettering the service, if they are furnishing education which is desired, if those in charge of the administration of Indian affairs believe that the school ought to be maintained, why, then, no negotiation will be attempted. It seems to me, Mr. Chairman, that to invoke the rule to strike from the bill this provision is a confession of weakness on the part of the case of the gentleman who raises the point.

Mr. STAFFORD. Is there anything in the existing law to compel the Commissioner of Indian Affairs to maintain these nonreservation schools?

Mr. SHERMAN. Why, certainly; we specifically appropriate for their maintenance.

Mr. STAFFORD. But there is nothing to compel the Commissioner to maintain a nonreservation school in case there are no Indians to attend that school. It is left to the discretion of the Commissioner, is it not?

Mr. SHERMAN. Of course, if there are no pupils, the Commissioner must close the school.

Mr. STAFFORD. Then we will be confronted with the proposition that the Commissioner could not negotiate for their disposal, when there was no further need for them, unless authority is conferred as by this section.

Mr. SHERMAN. Certainly; but there is now no authority for him to negotiate for the disposal, and this provision vests him with authority to dispose of a school when its usefulness to the Service is no longer apparent.

Mr. OLMSTED. I wish to ask the gentleman whether he understands or intends that the term "negotiate," which is susceptible of a double meaning, will give the Commissioner the absolute right to dispose of a school?

Mr. SHERMAN. Oh, certainly not; the provision expressly states that the Commissioner shall negotiate and report to Congress. It gives the Commissioner no authority whatever except to negotiate, and if he can reach any tentative agreement he shall report to Congress for the future action of that body.

Mr. OLMSTED. The term "negotiate" might be construed to mean to consummate a complete transaction—the sale of the property. I presume the gentleman, to have that point plainly settled, would have no objection to an amendment so phrased as not possibly to be open to that meaning.

Mr. SHERMAN. We say he must report the result of his negotiations to the next Congress.

Mr. OLMSTED. He might report the terms on which he had sold the property.

Mr. SHERMAN. That is not intended at all, and as far as I am concerned, I am entirely willing to have any wording so as to make that absolutely clear, so that no human being can raise any question.

Mr. OLMSTED. My understanding was that of the gentleman, but I asked whether he would be willing to accept an amendment to make it plainer on that point if anyone might deem it necessary.

Mr. DARRAGH. In regard to the merits of the proposition I will say that the term "negotiation" is ambiguous. It means various things. It means a transfer for a valuable consideration, in accordance with Webster's Dictionary upon the desk, to transfer or to sell for a valuable consideration. Now, one could negotiate a sale and report that sale, which was an absolute sale and transfer.

Mr. STAFFORD. Negotiate does not include the idea of consummation. It intends naturally that something must remain before it is completed.

Mr. DARRAGH. Yes; you negotiate a note and you sell that note, do you not?

Mr. STAFFORD. You negotiate a sale, but that does not mean you consummate a sale.

Mr. DARRAGH. The definition given by the dictionary, which I take is full as any authority we have——

Mr. SHERMAN. Will the gentleman from Michigan yield for a moment? So far as I am concerned, I am entirely willing to have any wording inserted here so as to make it absolutely clear that it is not intended to give the Commissioner authority to consummate a sale, but simply to make a tentative arrangement and report that arrangement to Congress for its approval or disapproval.

Mr. DARRAGH. My object in making the point of order was to bring out that fact, and I notice in the report of the committee that the understanding was had by the committee at the time the bill was reported—

giving to the Commissioner of Indian Affairs authority to consult with officials of the various States in which nonreservation schools are located for the purpose of ascertaining whether or not the said States will take over these institutions from the Government free of charge and thereafter conduct them with the proviso that the Indians shall be educated on the same basis as white children.

Now, if authority to negotiate the sale is not given to the Commissioner, I would very cheerfully withdraw the point of order.

Mr. SHERMAN. If the gentleman will be good enough to let me see the provision he is reading from?

Mr. DARRAGH. I have just read from your report.

Mr. HAMMOND. Will the gentleman yield to me for the purpose of offering an amendment to this section? I move to amend this section by——

Mr. SHERMAN. I did not yield to the gentleman to offer an amendment, because we have a point of order pending. I supposed he simply wanted to ask a question.

Mr. OLMSTED. I suggest the gentleman might read his amendment for information.

Mr. FITZGERALD. I desire to suggest to the chairman of the committee that if we make the paragraph read like this there will not be any trouble:

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to ascertain whether and upon what terms it may be possible to dispose of any nonreservation Indian schools which, in his judgment, are no longer of value to the Indian Service, and to report the result of his investigation to the next session of Congress.

I guess that might obviate the objection of these Members of Congress.

Mr. SHERMAN. Will the gentleman from New York [Mr. FITZGERALD] be good enough to let me have that? The gentleman from Michigan [Mr. DARRAGH] is willing to withdraw his point of order on the understanding that that shall be offered as an amendment to this section, or rather as a substitute for the provision.

Mr. DARRAGH. With the understanding that that is to be adopted as read, as a substitute, I withdraw the point of order.

Mr. YOUNG. Will the gentleman permit a question?

Mr. SHERMAN. Let me offer the amendment first. Mr. Chairman, I offer this amendment, then, to strike out, on lines 7, 8, and 9, "to negotiate with the various States in which they are situated for the disposal" and insert in lieu thereof "to ascertain whether and upon what terms it may be possible to dispose;" and then, on line 11, to strike out "negotiations" and insert "investigations."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

On page 7, line 7, strike out the words "to negotiate with the various States in which they are situated for the disposal" and insert in lieu thereof the words "to ascertain whether and upon what terms it may be possible to dispose;" and in line 11 strike out "negotiations" and insert in lieu thereof "investigations."

Mr. YOUNG. If the gentleman from New York will permit, as I understand the present bill provides for the closing of the Mount Pleasant school in Michigan and several others. I wish to ask him if he does not think before such drastic action as that is taken that some provision similar to the one now offered ought to be placed in the bill, so that the matter could have some consideration and examination before those schools are stricken out?

Mr. SHERMAN. I can not answer that in a word. The estimate from the Department reached the committee asking for the appropriations for the continuance of the schools supported as they were last year. After the receipt of these estimates, after the preparation of the bill for presentation to the committee, the Commissioner's report was made to Congress. Then for the first time after the bill had first been printed the committee saw the report of the Commissioner of Indian Affairs, submitted to Congress at its assembling, recommending the discontinuance of nonreservation schools. We had framed a bill, as we always do, based upon the estimates submitted from the Department, so far as appropriations are concerned. Then, on the hearing before the committee, when the Commissioner was present, this matter was discussed, and as we passed from item to item in the bill the Commissioner stated that certain of these schools should be done away with now, and one of them was Mount Pleasant. The Commissioner stated that there were no reservation Indians in Michigan, that these were Indians who had received their allotments and were well advanced in civilization, and were Indians, in the main, of partial blood, and, if I recollect his words, they were to the effect that any visitor looking in upon this school would have difficulty in differentiating it from an ordinary white children's school.

Mr. YOUNG. I should differ very largely from the Commissioner on that statement.

Mr. SHERMAN. I never have seen the school. I do not know anything about it.

Mr. YOUNG. Very many of those Indians come from my own district; and while it is true that they have received their lands in allotment, it is not true that they have advanced to anything like the white man's standard of civilization, and I do not believe that they could be properly educated in the ordinary schools of the State.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SHERMAN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith; advertising, at rates not exceeding regular commercial rates; telegraphing and telephoning; and transporting Indian goods and supplies, including expenses of transportation agents and rent of warehouses, $315,000: *Provided*, That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco: *Provided further*, That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases *decided under* such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid to said land-grant roads: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. This is a new provision. I would like to have the gentleman explain it and tell us what it means.

Mr. SHERMAN. It means to give the Interior Department the advantage which the War Department now enjoys, of having a lower rate for the transportation of its goods on the land-grant and bond-aided railroads of the country. That is, in a word, what is intended by these various provisos.

Mr. SMITH of Arizona. To reduce expenses.

Mr. SHERMAN. In other words, to reduce expenditures.

Mr. MANN. To reduce expenses?

Mr. SHERMAN. Yes; to reduce the cost of transportation.

Mr. STEPHENS of Texas. The gentleman will see that it is only 50 per cent of the ordinary charge.

Mr. MANN. It is not even 50 per cent. I have read this over half a dozen times and I have not been able to ascertain just exactly what it does mean, and so I do not know whether any railroad official would ever determine that fact. Now, in reference to the statement that the payment "shall be out of the moneys appropriated for such purposes only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, said rate not to exceed 50 per cent of the compensation of such Government transportation as shall at that time be charged to and paid by private parties," which means to say that the Government, having passed a rate bill providing that everybody shall enjoy equal privileges, we were not willing to take the privilege of transporting Government freight and paying for it the regular rate, but we confer absolutely upon the Secretary of the Interior the power to say it shall be only 10 per cent of the rate. Of course that means that somebody else has to make it up on that line of road, and the question is whether the Government in transporting freight to the West over land-grant roads shall transport the freight at no expense to the General Government and make the citizens of the towns along the line of the road support the road, or whether it shall reduce the rates through the rate commission so that they shall be the same to all parties.

Mr. STEPHENS of Texas. Permit me to remind you that there was an agreement made between the railroads and the Government at the time they received these benefits.

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. And that is only carrying out that agreement.

Mr. SHERMAN. There was an agreement, as the gentleman from Texas has said, giving to the General Government the power to do what we are doing now in these premises.

Mr. MANN. There was an agreement of that sort, of course, or this provision would amount to nothing. But there was no Interstate Commerce Commission to regulate freight rates upon railroads at that time, and they could charge private customers what they pleased. Now, we have a Commission which is supposed to fix the rates of compensation to the railroad, and yet you propose to say that the Government can not pay more than half of that rate and may pay only 10 per cent.

Mr. SHERMAN. And may pay nothing.

Mr. MANN. Practically.

Mr. SHERMAN. And does pay nothing on some lines in this country. On that railroad running north from San Francisco to Portland, Oreg.—that portion of the Northern Pacific—all that is transported by the War Department is transported without charge under the agreement made with the railroad, in which the Government aid was in a bond issue.

Mr. MANN. It may be perfectly proper that they ought not in that case, but that is not this case.

Mr. SHERMAN. The proposition here is to extend this great benefit to the Indians, and provide that they shall have the full benefit of the act the same as the War Department.

Mr. MANN. Why, these land-grant acts are old; the acts under which they are incorporated are old. We have been shipping Indians freight over the railroads for many years, and this is the first time this provision has appeared in an appropriation bill or anywhere else. What is this proposition?

Mr. SHERMAN. It is a proposition to extend to the Indian Service precisely the same regulations and the same rates that are in operation as far as the War Department is concerned, and gives them the advantage of the contract that was made with the various roads. They are divided into different classes—those that received aid in the way of bonds and those that received aid in the way of land grants. It was thought at the time to be of sufficient consequence to the promoters of the enterprise to make this agreement with the Government. It was believed then, and it is believed to-day, and I believe the gentleman from Illinois believes, that the benefits these roads received from the Government were so great that this perpetual advantage to the United States would not be too great compensation to pay.

Mr. MANN. Why has it not been taken advantage of before? Why does it require an act of Congress for it now?

Mr. SHERMAN. It has been taken advantage of, and we are incorporating the special authority of the law to take advantage of it in all roads with which the United States Government has made an agreement.

Mr. MANN. Now, I am not familiar with the facts of this particular case, but I am familiar enough with the proposition to know this, that after we passed the last rate legislation the Government then was like other people and had to pay the rate that other people had to pay; that the railroads could not bid to change their schedule of rates as they had been doing for the Government. In other words, that since the act of 1887, creating the Interstate Commerce Commission, it has been the policy of the Government to require the railroads to publish their freight rates, and during all that time the Government was an exception and never did pay the freight rates in accordance with the schedule. Now, the Government can not get the railroads to depart from their schedule. The Government advertised for bids expecting that they would get a rate lower than the regular advertised rates, but of course the railroads could not vary from their regular rates. Now, just how far that affects this situation I do not know, but I can see no reason why under ordinary circumstances the Government should require the railroad company, in order to deal justly with the patrons of these lines and treat everybody alike—should insist upon having preferential rates for itself at the expense of the other patrons of the road.

Mr. SHERMAN. Does not the gentleman recall that in the Hepburn bill, with the framing of which he had much to do, he expressly provided that the Government had the right to do this very thing? I have before me the exact language of section 22:

That nothing in this act shall prevent the carriage, storage, or handling of property thereon at reduced rates for the United States.

And so forth. So that in that act of 1906 we expressly gave authority for this sort of thing, and the contracts made with these roads, which were of wonderful and enormous value to them, without which these roads never could have been originally projected or constructed, expressly gave the United States this preference. I see no reason under the law or in justice why we should not avail ourselves of the rights which we

derived for a full and valuable consideration given to these corporations.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I propose to insist on my point of order against a portion of it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. I first insist on the point of order against the word "hereafter" in line 1, page 8, and against the same word, line 12 on the same page, so that if this experiment be made, it shall at least be only for the year.

Mr. SHERMAN. Of course——

Mr. FITZGERALD. And I make the point of order against the word "hereafter" in line 22, page 7.

The CHAIRMAN. The gentleman from Illinois has not yet finished his statement.

Mr. MANN. I make the point of order on the word "hereafter" in line 1 and line 12.

Mr. SHERMAN. Of course I concede that the point of order is well taken.

Mr. FITZGERALD. And I make the point of order against the word "hereafter" in line 22, page 7.

Mr. SHERMAN. I do not think the last point of order lies, in the first place, and in the second place I do not think the gentleman from New York wants to insist on it, even if it does. This is for the continuance of work now in progress. These warehouses are there now and have been for years.

Mr. FITZGERALD. But, Mr. Chairman——

Mr. SHERMAN. Does the gentleman mean to say we can not continue that?

Mr. FITZGERALD. No; but I mean to say that the word "hereafter" changes the law, and makes permanent what is now maintained only in the appropriation acts. I make the point of order on that word, not against the provision continuing the warehouses.

Mr. MANN. My recollection is that that was in the law of last year.

Mr. SHERMAN. I am sorry to say it was not.

Mr. FITZGERALD. My recollection, refreshed by the act of the present year, is that it was not in the law of last year.

Mr. SHERMAN. If the gentleman will reserve his point of order for a moment, let me ask what is his theory in denying the continuance of these warehouses which are already in existence? They are all found useful and necessary.

Mr. FITZGERALD. Why, Mr. Chairman, the gentleman from New York remembers, as I do, that at least one of these warehouses was not continued because it was necessary for the service. It was continued because the man who happened to be at the head of the Department of the Interior came from St. Louis, and insisted on keeping that warehouse where it was unnecessary.

Mr. MANN. There is no doubt about that.

Mr. FITZGERALD. And I shall not consent to a permanent provision of law being made to maintain a warehouse that, as far as I recall, is utterly unnecessary, and which was retained simply for the convenience of a high official of the Government. The reports show that the amount of business done there did not justify its being there. It can be carried in this way, of course, from year to year; but it shall not, if I can prevent it, be permanently enforced on the service, particularly as the man for whose benefit it was maintained is no longer connected with the Government. I think it would be a wise thing to send that warehouse after him.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. Does the gentleman in charge of the bill desire to be heard on the point of order any further?

Mr. SHERMAN. I do not.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For pure vaccine matter and vaccination of Indians, $5,000,

Mr. STEPHENS of Texas. Mr. Chairman, after line 12, page 9, I move to insert the following, which I send to the Clerk's desk.

The Clerk read as follows:

For erecting a monument over the graves of Cynthia Ann Parker and her daughter, Prairie Flower (who were the mother and sister of Quannah Parker, now the chief of the Comanche tribe of Indians in Oklahoma), $1,000, to be expended under the direction of the Secretary of the Interior.

Mr. SHERMAN. Mr. Chairman, I will have to raise a point of order against that. I will reserve the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that Quanah Parker, chief of the Comanche tribe of Indians, is in the city, and yesterday requested me to ask Congress to make this appropriation of $1,000, to erect a monument over the graves of his mother, Cynthia Ann Parker, and his sister, Prairie Flower, who were buried side by side in the Fosterville graveyard, near Poyner Station, in Henderson County, Tex.

Quanah has been a friend of the people of the Southwest, and in my own State so great is the respect for this chieftain that there is a county seat named for him.

Quanah Parker's father's name was Peta Nocona, who was a Comanche chieftain, and there is a town named Nocona, for this Indian, in Montague County, Tex.

There is no doubt but that this Chief Quanah Parker has saved the lives and property of a great many persons in the Southwest, and he is causing his tribe to leave the "war path" as they call it, and has been an invaluable aid in getting them to take and follow the "white man's road," as he calls it.

He now says that he recently lost a son, over whose grave he has erected a monument, but that he has no money to erect a monument over the grave of his mother, Cynthia Ann Parker, and his sister, Prairie Flower.

Quanah Parker has been chief of the Comanche tribe of Indians for many years; he is the friend of the white man, and has been for many years, and he asks this pittance, as a gratuity from the Government, to enable him to put over his mother's and sister's graves a suitable monument.

When he told me that he had not the money to do it himself he manifested great feeling, and said that he thought that a generous Government, for whom he has done so much, should let him have this money to mark the last resting place of his mother and sister.

His mother was captured by the Comanche Indians at Parkers Fort on May 19, 1836, a few days after the battle of San Jacinto was fought.

Parkers Fort was situated on the headwaters of the Navisota Creek, 60 miles from the nearest white settlement and 2 miles from the present town of Groesbeck, Limestone County, Tex. The fort was occupied by six men and several women and children. The Indians shrewdly presented a white flag and sent some of their number to the fort to say that they were friendly.

One of the inmates, Benjamin Parker (who was the father of Cynthia Ann Parker and grandfather of Chief Quanah Parker), let them enter the fort, believing that they were friendly Indians and wanted to make a treaty with the whites, but when he was within their power they treacherously attacked and killed him and immediately captured the fort.

"It was a stockade fort, occupied by several families who had just returned from the flight before the Mexican army, commanded by Gen. Santa Anna. After effecting an entrance into Parkers Fort by pretending to be friendly, the Indians massacred all the men and some of the women and children, carrying away captive Mrs. Plummer and her son, 2 years old; Mrs. Kellogg; Cynthia Ann Parker, then 9 years old, and her brother, aged 6. After leaving the fort the Comanches and Kiowas traveled together until midnight. They then camped, brought their prisoners together, tied their hands behind them so tightly as to cut the flesh, tied their feet together, and threw them on their faces; then gathered around with the bloody scalps they had taken at the fort and commenced their war dance. They danced, screamed, yelled, and stamped upon the prisoners, beating them with bows until the blood flowed from their bruises, and the rest of the night the women had to listen to the cries and groans of the little children. When the tribes parted each of the bands took a captive."

Cynthia Ann Parker was claimed by the Comanche tribe and became their permanent captive. Nothing was heard from her for many years, but in the meantime her relatives and friends and the Texas authorities did everything in their power to ascertain her fate and secure her release, if she was living.

In the autumn of 1860 the Comanches, in force under their chief, Peta Nocona, the father of Quanah Parker and the Indian husband of Cynthia Ann, raided through Parker and adjoining counties and inflicted great distress upon the white settlements.

But in December he was followed and surprised in his own camp on Pease River by a force of 40 Texas Rangers and 20 dragoons of the Regular Army, in all 60 soldiers, under Captain Ross, of the rangers. His camp was captured and many slain. The chief fled at full speed, with another Indian behind him on the same horse, and his wife, with an infant in her arms, on a fleet pony beside him. The captain of the rangers, with one attendant, pursued. They soon overtook the chief's wife, who held up her child and stopped. Leaving her with his attendant, the captain pursued the two Indians on one horse, and, coming up with them, fired with his heavy revolving pistol, killing the

hindmost. The same ball would have also killed the chief, but his shield hanging on his back prevented. The hindmost, in falling, dragged the chief from his horse, but he lit upon his feet and plied his pursuer with arrows, wounding his horse. The wound set the animal to rearing and plunging so violently that the ranger could not aim his weapon. Victory in the single combat seemed on the point of declaring for the savage. His well-directed arrows were sent rapidly; but a random shot from the ranger broke his right arm and disabled him, both hands being indispensable to the use of the bow. The captain's horse becoming quiet, he shot the chief twice through the body, who then walked deliberately to a tree near by and, leaning against it, began to sing a wild, weird song—the death song of his tribe—a custom in many tribes in the presence of certain death.

The captain's men coming up with an interpreter, the chief was summoned to surrender, but he answered by a savage thrust at the captain with his lance held in his left hand. It was plain that he would surrender only to death. The captain directed one of his attendants to "finish him," and the death song ended. The Indian who had been riding behind the chief proved to be a young female, but her sex was not distinguished in the flight, because she was covered with a buffalo robe with only the head visible. The woman taken with the child, the fallen chief's wife, was seen to be a white woman, and she had blue eyes. She wept incessantly and the captain directed the interpreter to tell her that they recognized her as one of their own nation and would not hurt her. She replied that she was not weeping for herself, but for her two boys, who were in the battle, and, she feared, were slain. She was sent to the white settlements, where she was speedily identified as Cynthia Ann Parker, who was captured when 9 years old by the Comanches at Parkers Fort massacre in 1836. She was not reconciled to civilization, and had to be watched to prevent her escape. Her little child, named Prairie Flower, died, and in less than two years she died also and was laid beside her little barbarian. Of her sons, one died on the plains, but the other lived and became the famous chief, Quanah Parker, who now asks, by my amendment to this bill, for $1,000 to erect a monument over his mother's grave.

Captain Ross, the gallant ranger, afterwards became a brigadier-general in the Confederate army, and subsequently governor of the State of Texas, and died a few years ago, universally loved and respected by all Texans. While serving as governor he gave me the above particulars of the capture of Cynthia Ann Parker. This battle ground was but about 20 miles above the town of Vernon, on Pease River, at the mouth of Mule Creek and in Foard County, Tex.

Mr. Chairman, in view of the public service rendered by this Indian chief to the white people on the Texas frontier in causing his tribe to quit the war path and live on their reservation, and the further fact of the suffering of his mother for so many years as a white captive among savages, we should erect a monument to mark the spot of her last resting place. I therefore hope that the gentleman from New York [Mr. SHERMAN] will not insist further upon his point of order against my amendment making this small sum a part of the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, I must insist on the point of order. The matter has not been considered by the committee.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, $1,500: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare in lieu of all other expenses now allowed by law: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I reserve the point of order on the last paragraph. I would like to ask the gentleman in charge of the bill what limitation there is upon what the superintendent of schools may be directed to do under such a proviso.

Mr. SHERMAN. There is no limitation on it. It is a provision that is not often availed of, but I can conceive of a case where a complaint might come in from a section of the country that did not have to do particularly with schools, and the superintendent might be there, and the Commissioner by telegraphing to the superintendent could have that matter promptly and economically investigated and reported on.

Mr. MANN. It seems to me a pretty dangerous power to say that a man shall have such duties to perform as some other officer shall direct, regardless of the scope of his work.

Mr. SHERMAN. It is an authority granted to cover special situations as they arise.

Mr. MANN. It is no more likely to arise in his case than thousands of others.

Mr. SHERMAN. I suppose not. It is a proposition that involves no additional expense and may be a considerable saving to the Government, besides being a provision which would make it possible to get information speedily where otherwise it would not.

Mr. MANN. The gentleman says it would cover no additional expense. He means no additional expense in the way of salary.

Mr. SHERMAN. Nor in the way of expenses.

Mr. MANN. Oh, he might be required to do something for which we had refused to make any appropriation. It is a very unusual provision of law, and unless there is some special reason for it, I do not think it ought to go in. I do not think we ought to fix the duties of an officer by saying that he shall perform such duties as somebody else may impose upon him.

Mr. SHERMAN. The special reason is to make it possible to conduct the affairs of the department with expedition and economy, and it is believed at times it would be desirable under this provision, although I will say to the gentleman from Illinois, that so far as I know, this provision has not been availed of in a good many months at least.

Mr. MANN. I think it ought to go out.

Mr. SHERMAN. I do not know whether it is subject to a point of order.

Mr. MANN. Mr. Chairman, I make the point of order on the last proviso, page 10, lines 23, 24, and 25.

Mr. SHERMAN. Mr. Chairman, that is what we call "current law." It is the provision precisely that was in last year's bill, and has been in every act for a dozen years or more. Under these circumstances I think the point of order does not lie. It has been held over and over again that so-called "current law" is law so far as this rule is concerned.

Mr. MANN. Mr. Chairman, this is law so far as the current appropriation law is concerned until the 30th of June, but when the midnight comes between the 30th of June and the 1st of July this is no longer law, and this bill then takes effect and does not take effect until then.

Mr. SHERMAN. Mr. Chairman, I think that the chairman will find that it has been repeatedly held by the Chairman of the Committee of the Whole House that what is commonly called "current law" is effective so far as the rule is concerned; that a matter that is carried in an appropriation bill this year may be carried in the bill for the next year without violating the rule.

The CHAIRMAN. The Chair has such respect for the parliamentary learning of the gentleman from New York that if the views he has just advanced were uttered by him from the chair, he would certainly hesitate to overrule it, but the Chair feels that as the gentleman is in the position of advocating it, he can not sustain him, and must sustain the point of order.

Mr. SHERMAN. I hope the Chair will permit me to express my appreciation of the encomiums passed upon the gentleman from New York by the present occupant of the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For services of officers at $25 per month each, and privates at $20 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, $200,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on that clause.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I rise for the purpose of offering an amendment, and I think the Chair recognized me before the Chair recognized the gentleman to offer his point of order.

The CHAIRMAN. The gentleman from Wisconsin rose to a point of order and is therefore entitled to preference.

Mr. SHERMAN. Mr. Chairman, I would like to know what the gentleman's point of order is.

Mr. STAFFORD. It is new legislation.

Mr. SHERMAN. Oh, the gentleman is in error. It is not new legislation, in the first place, and in the second place it is a provision for a conduct of the Service during the fiscal year for which all these appropriations are made.

Mr. STAFFORD. Mr. Chairman, I will withdraw the point of order.

Mr. MANN. Mr. Chairman, I renew the point of order. I reserve the point of order for a moment. I would like to ask

the gentleman this question: This seems to provide for maintaining order and prohibiting the illegal traffic in liquor on the several Indian reservations, and within the Territory of Alaska. This would seem to go to the limit of permitting the Secretary of the Interior to use the entire fund in maintaining order in Alaska. Of course, that is not the purpose of the proposition, as I take it.

Mr. SHERMAN. Oh, certainly not.

Mr. MANN. That is the way the language reads. Possibly to that extent it would be subject to a point of order.

Mr. STEPHENS of Texas. I will state to the gentleman that it is the old law, word for word.

Mr. MANN. Well, there have been so many things inserted into this Indian appropriation bill by the body at the other end of the Capitol that many of them are subject to points of order that have been in the law. As I understand, this money is intended to prohibit the illegal traffic in liquor.

Mr. SHERMAN. This money is expended in maintaining the police force on all the reservations in the United States. These police have charge of all minor offenses.

Mr. MANN. How far is it used in Alaska?

Mr. SHERMAN. Very little of it is used in Alaska, a trifling amount. The police have charge of all minor offenses, make arrests, bring the offenders before police judges, which are provided for on all the reservations, and have the cases disposed of. Their duties are to maintain order. That is precisely what they are for. They are used at times in attempting to keep children in the day schools. They are efficient and effective in their service. The better class of Indians, as a rule, are Indian police. We have very few indifferent officials in this service.

Mr. MANN. I notice the salaries are very greatly increased.

Mr. SHERMAN. The salaries were increased a year ago. This continues that increase. The old salaries were $15 per month for the chief, as they call him, and $10 for privates or patrolmen.

The Commissioner found that it was impossible to keep the better class of Indians in the service at this price, and he found the officers who were capable, conscientious, sober, efficient, were resigning all over, and in order to keep the better class of Indians in this service he must increase the pay.

Mr. MANN. Do these Indians at $20 a month give their entire time to this work?

Mr. SHERMAN. Yes; that is their business. The Government furnishes them a uniform, and in some places furnishes them some small ration.

Mr. MANN. I do not insist upon the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

The Clerk read as follows:

After the word "dollars," in line 14, page 11, add:
"The Commissioner of Internal Revenue shall make and preserve a duplicate of the special-tax receipts issued by him to retail liquor dealers and retail dealers in malt liquors, and upon application of the United States district attorney he shall furnish a certified copy thereof, as of a public record, and in all prosecutions for the unlawful sale of intoxicating liquors on the several Indian reservations and within the Territory of Alaska it shall be competent for the Government to prove that the accused has paid such special tax, and such payment when proven shall be prima facie evidence of such unlawful sale."

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that provision.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will ask the chairman of the committee to reserve the point of order for a moment.

Mr. SHERMAN. The gentleman will see so clearly it is against the rule it is hardly necessary, but still I will reserve the point of order for a moment.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the purpose of this amendment is to extend the provisions of the law which we passed two years ago to prosecutions for the violation of the statute against the sale of intoxicating liquors on the Indian reservations. Now, I take it, Mr. Chairman, we are earnest and honest in the purpose we have in the appropriations we make here to suppress the illegal traffic in liquors on the Indian reservations, and yet we have this anomalous situation: We appropriate $25,000 in one place and so much of this $200,000 as is necessary in another place to ferret out violations of this law upon Indian reservations, while the Internal-Revenue Commissioner is issuing to parties who are engaged as retail liquor dealers in these reservations special-tax receipts, generally known as internal-revenue licenses, and when the Government proceeds to prosecute a man on one of these reservations for the violation of the provisions of this law and the district attorney endeavors to get that proof from the revenue collector—proof which would be competent and is competent in all the courts of the States and in the Federal courts—against a man who is charged with having engaged in the retail-liquor business in those reservations, the Internal-Revenue Commissioner declines to give the information and declines to give any collector of internal revenue permission to give the information that would bring these people to justice. Two years ago, after very considerable controversy over the subject, Congress passed a law requiring the Commissioner of Internal Revenue to furnish this testimony for prosecutions before State courts where a man was charged with the illegal sale of liquor, and that is now the law; but it is not the law that a United States district attorney can call for and require him to give this information in prosecutions in the Federal courts, and so we have the anomalous situation that while the Federal Government is appropriating thousands and tens of thousands of dollars every year to enforce the provisions of this bill and the provisions of the Revised Statutes against the unlawful sale of liquor on the Indian reservations another officer of this Government having the proof in his possession that would surely bring the guilty to justice declines absolutely to produce it.

The amendment, of course, is a change of existing law and is subject to the point of order; but I hope, in the interest of orderly procedure; I hope, in the interest of good government, in the interest of the enforcement of the law, and to the end that this money that we appropriate may not be wasted, that the chairman of the committee will not insist upon the point of order.

Before the Indian Territory was admitted, with Oklahoma, to statehood, the report of the Commissioner of Internal Revenue showed the number of these licenses issued to parties there. It is not possible now to determine how many there are who now pay this tax there because it is all set down as Oklahoma. But two years ago, I remember, his report showed that more than 150 parties had paid the special tax as retail liquor dealers and retail dealers in malt liquors in the Indian Territory, and yet he declined to divulge their names to the officers of the law. This, I think, is not only anomalous—it is ridiculous; it is scandalous.

Mr. SHERMAN. Mr. Chairman, this is a matter that has been considered by our committee, and I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

MATRONS.

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed $60 per month, and for furnishing necessary equipments, and renting quarters where necessary, $30,000: *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June 7, 1897.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph and would like to ask the chairman of the committee what this proviso means?

Mr. SHERMAN. That act provides that not more than $10,000 shall be expended for all the purposes at any agency other than a consolidated agency, and at a consolidated agency not more than $15,000 shall be expended, and this proviso simply means that in reaching that total the amount paid to matrons shall not be included. Is that clear?

Mr. MANN. The statement is perfectly clear.

Mr. SHERMAN. The provision in reference to the limitation was one that was made before there were—I was going to say before there were any matrons provided for, but perhaps I may be in error about that—but before there was any considerable sum appropriated for this particular service.

Mr. MANN. Mr. Chairman, on the gentleman's statement I withdraw the point of order.

The Clerk read as follows:

FARMERS AND STOCKMEN.

To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $125,000: *Provided*, That the amounts paid such farmers and stockmen shall not come within the limit for employees fixed by the act of June 7, 1897: *Provided further*, That the Commissioner of Indian Affairs may employ additional farmers at any Indian school at not exceeding $60 per month, subject only to such examination as the Secretary of the Interior may prescribe, said farmers to be in addition to the school farmers now employed.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph. The gentleman from New York [Mr. SHERMAN] stated a while ago that these farmers were in the classified service, and I suppose he has his information from the Commissioner of Indian Affairs. But in this paragraph is the provision that their appointment shall be subject only to such examina-

tion as to qualifications as the Secretary of the Interior may prescribe. Now, that changes the civil-service law absolutely, and I do not see how it is possible for them to take a civil-service examination under that provision.

Mr. SHERMAN. It is not compulsory under that provision, but that provision is the same that we had in last year, and have had in right along. There is an examination prescribed by the Civil Service Commission for a farmer. This of course takes that out from under that.

Mr. MANN. This would make it possible to have these political appointees, and I do not think——

Mr. SHERMAN. It would make it possible—and that is being done—to have as many of them as possible Indians so far as the assistant farmers are concerned. It is the policy of the Bureau, wherever it is possible, to employ Indians in the Service, and as a matter of fact to-day about one-fourth of the employees under this provision are of Indian blood. And the provision makes it possible for the Commissioner to ascertain in such manner as he finds feasible and most convenient whether or not these Indians whom he desires to employ are competent for the employment.

Mr. FITZGERALD. Would it be wise to limit this examination only to the Indian employees?

Mr. SHERMAN. I think it would be better to leave it as it is. It is under this provision that we have been operating for some years. We have a good class of farmers now. The reports all show that the duties are well performed and that the results attained are very satisfactory.

Mr. MANN. Well, the gentleman of course is aware of the fact that there has been a charge—I may judge from an article I saw in a morning paper—that some employees of the Government had been used for political purposes. And I desire to protect, as far as I can, the President from the suspicion, which I believe to be unfounded, that such could be the case, and to prevent political appointments.

Mr. SHERMAN. Oh, Mr. Chairman, I agree with the belief of the gentleman from Illinois [Mr. MANN], but I can not concede that it would be possible, even did we have a President who desired to use patronage to accomplish desired political ends, for these Indian farmers to be used to accomplish such a purpose.

Mr. FITZGERALD. Mr. Chairman——

Mr. SHERMAN. And here is a provision under which we have been operating for a decade, found to be practicable, found to work to the advantage of the Service, under which we have been procuring competent men, honest men, efficient men, sober men, who have produced the results which we desire, who have been of real benefit to the Indians in the line of practical instruction in farming, and in the voeations through which the Indians' livelihood could be obtained, and after a decade of experience, Mr. Chairman, it does seem unwise now to change it.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order against any particular portion of the paragraph?

Mr. MANN. I make the point of order, commencing in line 26, on page 11, "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe," and also on line 12, page 12, "subject only to such examination as the Secretary of the Interior may prescribe."

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard on the point of order?

Mr. SHERMAN. Mr. Chairman, my attention was diverted for a moment, and I do not know what the gentleman raises the point upon.

The CHAIRMAN. It was made against the provision in line 26, on page 11, and line 12, on page 12, "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe," in that it changes existing law, as the Chair understands.

Mr. SHERMAN. Mr. Chairman, while this may not be drawn so that, as it is printed, it is a limitation upon this year's appropriation, which is so intended, it is a very simple matter to change the wording a little bit so that we can accomplish the same purpose with a limitation. I am not arguing the point of order now. I trust under those circumstances that the gentleman will not insist on his point of order and put me to the trouble of framing a limitation upon this appropriation. It is only for this year anyway. This is not permanent.

Mr. MANN. The gentleman, with all his capacity, can not frame a limitation that would cover this so that it would come within the rule.

Mr. SHERMAN. Yes, I can, and so can you.

Mr. MANN. The law provides how these appointments shall be made. Now it is proposed to change that law. There is no limitation in that.

Mr. FITZGERALD. Does the gentleman suspect this Administration would use these employees for political purposes?

Mr. MANN. I do not; but I want to protect the Administration against such a charge, as comes from that side of the House only, that such things are being done, and I feel sure they are not.

Mr. FITZGERALD. The latest information on that question comes from a source very close to that side of the House. I understand it will be in to-night's papers. From what I have heard, there will be some proof. The impression I have received from this colloquy between the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. SHERMAN] is that there was perhaps some suspicion of that kind, that men taken into the Service exempt from the civil service rules had been utilized for the political purposes of one particular candidate of the Republicans against the others. I would regret very much if anything like that should happen.

The CHAIRMAN. The Chair is ready to rule on the point of order, and must sustain it as made.

Mr. SHERMAN. Then I move to amend this, in line 14, page 12, by inserting "Provided no part of the sum herein appropriated shall be expended except only"—I will have to take a little time to prepare the amendment.

Mr. McGUIRE. I would like to say to the gentleman from Illinois that this particular Service is very, very necessary, and in many instances it has been impossible to secure persons who have taken the regular civil-service examination. To my knowledge on many of these reservations where persons have been employed by the Secretary of the Interior or Commissioner of Indian Affairs, they have been immediately superseded upon the presentation of persons who have taken the regular civil-service examination.

Mr. SMITH of Arizona. And who have proven incompetent afterwards.

Mr. McGUIRE. And ofttimes proven incompetent. There is no reservation in my State where this Service can well be dispensed with, and I would like to see the gentleman withdraw the point of order.

Mr. SHERMAN. I now offer as an amendment—

Provided, That no part of the sum herein provided shall be expended except only for such farmers as shall have been found to be qualified upon examination prescribed by the Secretary of the Interior.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert: "*Provided*, That no part of the money herein appropriated shall be expended except only for such farmers as shall have been found to be qualified upon examination prescribed by the Secretary of the Interior."

Mr. MANN. I make the point of order upon the amendment.

Mr. SHERMAN. Clearly, Mr. Chairman, that is a limitation upon this appropriation.

Mr. MANN. Well, of course, if the Chair and the Comptroller of the Treasury should have the same opinion, it is either subject to the point of order or else it amounts to nothing. On the last proposition, of course, the Chair can not pass as to whether it amounts to anything or not. But there are cases where a proposition is in the form of a limitation when it is not any limitation. Now, the proposed amendment would require, as it seems at first blush, the appointment of these farmers in a particular way that would be a limitation, because it is in the form of a limitation, although there is an expenditure of money in this case. It is not the language of limitation, although in the form of a limitation. The effect, if it be a mere limitation, is to say that no part of the money shall be expended because the law now provides how these officials shall be employed; and the test, Mr. Chairman, as to whether it is a limitation is, Will it confer authority upon the Commissioner or Secretary of the Interior to appoint these men at all? If it does confer authority, then it changes existing law. If there is nothing in the amendment which changes existing law, if it gives authority to the Commissioner or the Secretary of the Interior to appoint these farmers at all, then it changes existing law, because it prescribes a method by which they shall be appointed contrary to the provisions of existing law, and the mere fact that it may be in the form of limitation does not affect the question at all. The question is whether it, in fact, changes the law. The law now provides that these officials shall be appointed through civil-service examinations, and certain classes of officials, when they are so directed by the President, are covered into the classified service.

This class of employees, as a matter of fact, are under the provisions of the civil-service law. I presume they are under the terms of the order covering the Indian Service into the classified service. Now, does this amendment change that law?

Does it authorize the appointment of these officials at all in a different manner from the manner now prescribed by law?

Mr. SMITH of Arizona. Will the gentleman from Illinois permit me to ask him a question?

Mr. MANN. Certainly.

Mr. SMITH of Arizona. Aside from his point of order, what objection has the gentleman from Illinois to the appointment of these farmers in this way, in view of the fact that their qualifications and knowledge must be very different? You select a farmer for Oklahoma, one for Dakota, and another for Arizona. It is not a question of the civil service. It can not be for the good of the Service, because the man on the civil-service lists who might draw the premium would not know any more about irrigation when he was assigned to Arizona than I know about the Sanscrit language. I am trying to draw the gentleman's attention to the desirability of avoiding the civil-service appointments in these particular cases. A man whose life has been spent in irrigation knows exactly when to put on water, how much to put on, and everything connected with the work, and I would not give one such man, nor would the gentleman if he could see the difference between them, for all the civil-service men in the world. The Secretary has been selecting men for the performance of this duty who have been doing it fairly well.

Mr. MANN. Is the gentleman aware that the Government proposes to expend during the next fiscal year $20,000,000 or $30,000,000 in irrigation plants, all under civil-service employees?

Mr. SMITH of Arizona. Yes.

Mr. MANN. It seems to me that is an answer to the gentleman.

Mr. SMITH of Arizona. It is not an answer by any means, and I will show you why.

Mr. MANN. We are either making a very grave mistake in expending these many millions of dollars that way, or it seems to me that we can safely expend this small amount of money in the same way.

Mr. SMITH of Arizona. That shows that the gentleman from Illinois, for whom I have the highest possible regard both for his intelligence and his duty-performing service on this floor, can not have and none of us can have a comprehensive view of the whole situation. This country is awfully big. The divergences, even in farming, are as wide apart as the poles. Now, the civil service to which the gentleman refers, in the matter of great irrigation schemes, is a very different matter from teaching a Papago Indian, on a hundred of acres of land, how to raise beans and potatoes.

Mr. MANN. But the gentleman was talking about irrigation, and that is the reason I made the suggestion. If he wants to know about this particular case, I may say to him that under the civil-service law all that is necessary to be done, if there be any reason to take these people out of the classified service, is for the Commissioner of Indian Affairs or the Secretary of the Interior to ask the President to take them out, and the President will issue an order taking them out of the civil service. There is nothing hard about it.

Mr. SMITH of Arizona. Here is the difficulty that confronts us there again. The President may not do it.

Mr. MANN. I do not say now that I am right, or that the gentleman is right. I am willing to leave that to the Department. This would leave it to the Department anyhow.

Mr. SMITH of Arizona. I am leaving a much smaller responsibility to the Department, and that is the selection of this little farmer. I would rather leave that to them than the greater question you suggest. Besides, I can not refrain from saying here that I am very much in sympathy with the gentleman, from one viewpoint of this case, and that is that I have been unable to find a single appointee of this Administration in my Territory, which includes hundreds and hundreds of them, from the governor and through the courts down to the lowest post-office, who is not for Taft or Cortelyou, as the President suggests.

Mr. OLMSTED. Mr. Chairman, I venture to suggest that the amendment offered by the gentleman from New York is a limitation, and that it is not in contravention of the rule. If there is any law or any regulation of the President requiring that farmers shall pass a civil-service examination, this amendment does not seem to me to dispense with that. Certainly no civil-service regulation can compel Congress to appropriate for a man simply because he may have passed the civil-service regulations. We may appropriate the money and put an additional qualification or limitation upon its expenditure. Now, it may very well be that a man who may pass a civil-service examination and be a good farmer in the part of the country from which I come, as I myself am, might not be able to work intelligently on one of these irrigated farms in the West, or vice versa. If the law does require these appointees to be taken from the civil-service list, this amendment does not change that or seek to, but it puts on the added qualification that no man shall be appointed until the Secretary of the Interior is satisfied that he is a good farmer.

Mr. FITZGERALD. I desire to call attention to one authority, on page 358 of the Digest. In the Fifty-ninth Congress, second session, it was decided that:

The House may not, under guise of limitation on a general appropriation bill, grant the whole appropriation for a general service, on condition that an executive officer shall take a certain course as to a specific service.

I have not had time to run through the authorities, but I recall distinctly that it has been held that a provision under the guise of a limitation, which in effect repeals or modifies an existing law, is not a limitation, but is a change of existing law.

Now, this law at present requires that these farmers be appointed after examination by the Civil Service Commission. The object of this provision is to exempt from the operation of the law the particular persons appointed under this provision, and to that extent it in effect operates as a repeal of the law now existing. I submit if that can be done. I recall a case very well where an effort was made to authorize a lease for post-office purposes for a certain period of time. The law provided that leases for such purposes could not be made for more than a certain number of years—I have not the details fixed in my mind—it may have been ten years. An amendment was offered providing that a lease should be made for fifty years, and the Chair ruled, if I recall correctly, that in effect that was a repeal of the law regulating the leases of buildings for post-office purposes and not a limitation under the rule. It seems to me the provision does evade the effect of the law invoked by the gentleman, and does change existing law.

The CHAIRMAN. The Chair is ready to rule. The doctrine of limitation is an interesting and elusive one. Limitations can be imposed by Congress, but still we must be careful that under the form of limitations we do not have the reality of legislation. Where that is the result, then that principle can not be availed of to evade and escape the rule that no legislation shall be contained in an appropriation bill. In this case, as the Chair understands the law to be, there is a statute by which persons who are to be farmers and stockmen, persons provided for by this paragraph, shall be appointed under the rules of the civil service.

The amendment that is offered provides that no part of this money—in other words, none of the employees who, being employed under the terms of this provision, shall be paid—that no money shall be expended unless they shall be found to be qualified upon an examination prescribed by the Secretary of the Interior.

Now, the result would be, as it seems to the Chair, either that no one could be appointed, or, if appointments were made, they must be made in a way not now authorized by law. If this amendment was adopted, if it was put into effect, the necessary result would be, as it seems to the Chair, that these employees, instead of being appointed as the law now requires they should be appointed, would be appointed by a new process, by qualifications that would be regarded as satisfactory to the Secretary of the Interior.

The Chair is unable to see that such a result as that does not amount to a repeal of existing law, and must, therefore, sustain the point of order. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LAWRENCE having taken the chair as Speaker pro tempore a message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, and had further insisted upon its amendments, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, $300,000: *Provided*, That the unexpended balance for the fiscal year 1908 is hereby appropriated and made available for 1909.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word. I notice that last year there was an appropriation of $225,000 for this specific purpose, and it appears upon the face of this bill that there is still an unexpended balance. I have arisen for the purpose of inquiring how many Indians are supported, and in what manner they are supported, and in what manner they are civilized, and what reason there is to increase the appropriation by $75,000.

Mr. SHERMAN. There is no increase in the appropriation; that is an error. That is a combination of items. There are in the neighborhood of 40,000 Indians in Arizona. These Indians have no treaty funds whatever, they substantially have no grass money, they substantially have no revenue of their own save what they receive from their labor, and that is not a trifling sum, I will say; there are many of them that are not what my friend from Arizona would call "good-for-nothing Indians." Many of them are industrious; many of them are substantially maintaining themselves upon an arid piece of land where not even a prairie dog can live.

I have driven for miles and miles—30 and 40 miles—through that Territory on an Indian reservation where there was not a spear of grass or drop of water for the entire distance; not a single thing except some few little scrub cedars. It follows, of course, that in a large population of this kind there must of necessity be a greater or less number of old and decrepit, more or less that are sick, and there must be more, not less, who require some aid to sustain themselves. We have for years and years appropriated considerable sums for the general assistance of all these Indians in Arizona. The amount that was unexpended from the appropriation for the year closing July 1 last was $10,057, and the amount appropriated for the present year—$153,000—has already been expended, and substantially the entire balance it has expended and has been provided for——

Mr. OLMSTED. I did not intend to move to decrease the appropriation, but I simply wish to understand it.

But I will call the attention of the gentleman from New York to the fact that I was correct, as appears from page 1021 of Statutes at Large for last year, in my statement that the appropriation for this very specific purpose and in the identical language was $225,000. There may be abundant reason why it should be increased.

Mr. STEPHENS of Texas. Will the gentleman permit me to give the reasons given by the Secretary of the Interior? He says that these increases exist for the reason that "our work among those Indians has grown tremendously with the development of the country, and all we need now is to keep the work moving for the next few years, and we shall then have most of these Indians independent and caring for themselves." Permit me to add also that formerly these Indians lived in the mountains by hunting and fishing to a little extent, and that some of them had small farms along the streams, and the gentleman from Arizona [Mr. SMITH] will bear me out in the statement that a great deal of the water in the upper parts of these streams has been diverted from those farms by white men who have taken up the land there.

Mr. OLMSTED. The gentleman thinks that the further appropriation is necessary?

Mr. STEPHENS of Texas. I think so.

Mr. OLMSTED. I withdraw the pro forma amendment.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the proviso contained in lines 13 to 16. I wish to inquire first how much unexpended balance of the year 1907——

Mr. SHERMAN. Ten thousand dollars was unexpended at the close of the year 1907. In this year $153,000 had been expended up to the first of January, 1908. The expenditure of practically the entire balance had been provided for. At the end of the year where there is as large a sum as that appropriated there is usually a small balance. We had this up before when the gentleman was a member of the committee, and I am very sorry he is not now on the committee. I have missed him every year since he has left; he was a very useful man there, and is a very useful man everywhere. We have always had this provision in, and it makes it easier in the bookkeeping of the Department to run the same thing along rather than to close it up.

Mr. FITZGERALD. What I desire to call to the attention of the gentleman from New York [Mr. SHERMAN], in spite of his flattering statement, is that if the appropriation is made in this way, it is utterly impossible to keep track of what is expended in any fiscal year. The unexpended balance provided for in this appropriation for one year is to be carried over to the next year, but why should not this service be estimated for by the Indian Office, and the Office compelled, as nearly as possible, to do the service for the amount appropriated? If it is unable to do it, let them come and ask for a deficiency appropriation like every other part of the public service. There would be no trouble, upon a proper showing, in having the necessary money appropriated, but in this way, if a large sum is unnecessary in the present fiscal year, the Department not only has the increased appropriation, which I have no doubt is necessary, given for the next year, but it has in addition a sum of money that the committee and the Congress did not have in contemplation when it was appropriating for this service. It seems to me that this particular service, like all other parts of the Government service, if it is able by economy to save money in any fiscal year, should turn that money back into the Treasury and have the money for special service appropriated directly with the knowledge of the House.

Mr. SHERMAN. That economy is practiced in the Indian Bureau is evident from the fact that in almost every instance, item after item, all through this bill there is a balance turned back into the Treasury at the end of the fiscal year.

Mr. FITZGERALD. That would demonstrate either that there was economy or else that the persuasive powers of the officials were very great.

Mr. SHERMAN. Possibly both. But there has been economy used. The gentleman was a member of the Indian Committee at the time when we went through the Indian bill from page 1 until the close, going into the most minute details about every particular fund, ascertaining how funds even as small as $500 were expended, every detail of it, and every item, and that we pared down at that time to an amount considerably lower than had ever been appropriated for these several items before, and while we did not this year go into details to the extent that we did at the time to which I refer, or to the same extent that we did last year, we asked in a general way in reference to these funds and it was our conviction—the conviction of the committee—that in each instance the fund appropriated was about the minimum that it was safe to appropriate. I do not regard it as a matter of prime consequence whether this proviso is in or out. I believe there will be a small surplus at the end of the fiscal year. I believe it will be smaller than the surplus at the end of the last fiscal year. It was only $10,000, and I do not think it is a matter of great consequence whether the Bureau is permitted to spend that or whether it be turned back into the Treasury, but they have done it heretofore, and I see no special reason for striking it out now.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. MANN. The appropriation last year was $225,000?

Mr. SHERMAN. Yes.

Mr. MANN. The item in the bill is $300,000, an increase of $75,000?

Mr. SHERMAN. Yes.

Mr. MANN. Does not the gentleman think with the increase there will be sufficient funds if we give that without appropriating the unexpected balance?

Mr. SHERMAN. Yes; I think so.

Mr. MANN. The gentleman appreciates this fact that it is impossible for the proper officials to endeavor to keep track of the amount of appropriations each year and to keep track of all unexpended balances of appropriations, so that no one can tell how much the appropriations are for the next fiscal year if this becomes the habit.

Mr. SHERMAN. I think the gentleman is right about that.

The CHAIRMAN. Does the gentleman from New York insist upon his amendment?

Mr. FITZGERALD. I had hoped, Mr. Chairman, the chairman of the committee would agree to the amendment, because it is unusual, not only in the bill, but in all bills. The chairman of the committee states truly that there is economy in the Service. The amendment does not in any way strike out the appropriation, but it merely enables those who desire to ascertain the amount of money expended in any particular year for any particular service to obtain it without difficulty. Under this system it is an utter impossibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. SMITH of Arizona. Mr. Chairman, in my momentary absence from the Hall I learned that my friend from Pennsylvania [Mr. OLMSTED] has raised a question as to the expenditure of the appropriation in this bill for education of the Indians in Arizona. When I conceive of how much it means and how appropriately every dollar of it is spent in that country, while the gentleman of Pennsylvania is as ignorant of that as I am of any virtue that emanates from Carlisle as an Indian educational institution, I say it seems quite proper it should have come from that source. Now, there is no education in this country that I know of—I claim to be somewhat familiar

with the Indians, and especially "the Indians." I am not talking about the extinct tribe of Fennimore Cooper Indians that never did exist; I am talking about the Indians such as live to-day, the blanket Indian of the reservation—and if you will double the fund you give to Arizona in this bill and cut that much off from Carlisle, you will do something toward the elevation of the Indian in the next hundred years. I do not expect much short of that. I want the $10,000 to remain in this bill, and I congratulate the party having the expenditure of the money in charge on having saved that much, but they can spend $1,000,000 in Arizona upon the education of the Indian in irrigation enterprises alone, and ought to do it and cut off every single one of the foreign schools in order to do it. Now, this ought to remain here, every dollar of it, and in this connection, if the chairman were present at the time, I would ask the amount of the additional appropriation for Arizona——

Mr. HACKNEY. Seventy-five thousand dollars.

Mr. SMITH of Arizona. Only $75,000——

Mr. FITZGERALD. Mr. Chairman, there is no effort being made to reduce the appropriation.

Mr. SMITH of Arizona. I know that, but I am trying now to make an effort to call the attention of the committee to the fact that we have not made the appropriation half enough. That is all; I do not expect any accomplishment from what I say now, but in order to give, as far as I can, some little light on a matter upon which I claim to know something more than the men in the eastern part of the country, I say we can take a million dollars and expend it in irrigation for the Indians of the Maricopa tribe alone and do more for Indian education than you will do under the present condition with every dollar expended in this whole bill; and the idea of cutting it down or the suggestion of a reduction in the Arizona appropriation comes from Pennsylvania, when there is not an Indian in his State, nor an Indian of the kind I speak of within 600 miles of his State, for him to question the propriety of the appropriation to Arizona, where I have over thirty thousand under my daily observation.

I have no particular sympathy with the individual Indian. I have no reason to have such sympathy, and I am referring to the blanket tribal Indian. I have a thousand reasons to feel the other way. But I do confess to some sort of sympathy for the elevation of the mass if perchance it ever can be elevated. I hope the $10,000 will be left in the bill, for there may be necessities that will arise in a minute where they could properly expend it in the education of elevation of the Indian on his native heath.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

Mr. OLMSTED. Mr. Chairman, it seems to me a little singular that the gentleman from Arizona should be so sensitive. Nobody has moved to cut down the appropriation. He evidently has not read the clause himself. I see nothing about any item of $10,000 in it. It certainly is not singular that a Member of this House, charged with some duty toward his constituents and toward the whole people, when only $225,000 was appropriated last year for the purpose and only $155,000 of it used, should ask an explanation why $300,000 should be appropriated this year. It certainly is quite within reason for any gentleman on the floor to inquire why. I rose for the purpose of asking the gentleman from Arizona [Mr. SMITH]. When I rose before I supposed that he would explain it, but he has not done so yet. I would like to know why it requires nearly double the amount this year that was expended last year, when last year they did not spend the whole amount appropriated. I have not objected to the appropriation and have not sought to cut it down. I am not attacking any appropriation because it happens to go to the gentleman's Territory instead of to my State. He wants to keep all the appropriation in his Territory. I have heretofore endeavored to explain why a small portion of it can be and is judiciously expended elsewhere. I merely rise here to inquire why it is necessary to appropriate twice as much this year when they could not expend all that they had last year?

Mr. SMITH of Arizona. If the gentleman from Pennsylvania [Mr. OLMSTED], for whom I have great personal regard——

Mr. OLMSTED. I am sure of that.

Mr. SMITH of Arizona. If the gentleman will permit, I will say that I was informed when I stepped into the Hall that he had attacked the appropriation on this bill by someone probably who had not paid proper attention to the gentleman's remarks. That being the statement made to me, I replied in the manner that the RECORD will show. It was only on the information that I had received that the gentleman had made an attack on the appropriation, and the RECORD will show, as the gentleman's statement shows, that that was not a fact. So it is a closed incident, and if I have said anything in the least that was out of the way or that could possibly have offended the most delicate sensibilities of my friend, I want him to consider it as not having been said.

Mr. OLMSTED. Mr. Chairman, I beg to assure the gentleman from Arizona [Mr. SMITH] that my most delicate sensibilities are not in the slightest degree offended.

Mr. MANN. I hope the RECORD will show that both of the gentlemen are for the flag and the appropriation. [Laughter.]

Mr. SHERMAN. I do not want the RECORD to show an error. The gentleman from Pennsylvania [Mr. OLMSTED] applied the figures to a wrong period. I stated to the gentleman that $153,000 has been expended during the first six months of the present fiscal year out of the $225,000. In other words, during the first six months of this year the expenditure of the appropriation would indicate that the additional appropriation for next year was necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

FORT MOJAVE SCHOOL.

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, Ariz., and for pay of superintendent of said school, $35,000;
For general repairs and improvements, $3,000;
For repair of water system, $3,000;
For purchase of steam boiler, $2,000;
In all, $43,000.

Mr. MANN. Mr. Chairman, I raise a point of order on that. I do not know whether they consider that to be one paragraph or five.

Mr. SHERMAN. Well, we generally consider that one paragraph, for the schools, Mr. Chairman.

Mr. SMITH of Arizona. That is one paragraph.

The CHAIRMAN. What is the gentleman's point of order?

Mr. MANN. First, the gentleman of course knows that heretofore the law fixed the salary. There is no limitation in this bill upon that salary. A year or two ago the gentleman had a plan for readjusting the salaries of these superintendents which, as far as I am concerned, I am inclined to think is a good one. I would like to inquire of the gentleman, while it seems to me subject probably to a point of order, though not certainly, if that is for the purpose of permitting the Department to readjust the salaries of the superintendents of the schools, and, if this is the intention, to increase these salaries?

Mr. SHERMAN. Mr. Chairman, the purpose is to permit a readjustment if it be necessary, but not increase. The maximum in each case which it was possible to heretofore fix is the present salaries. In other words, so far as this school, the Fort Mojave School, is concerned, the total is obtained by multiplying the number of pupils by $167 and adding thereto $1,600, which is the amount that we appropriated last year for the pay of the superintendent.

In practice the Commissioner says this: Here is a school where an appropriation of $1,600 was made for the superintendent. The superintendent has been there, we will say, for seven, eight, or nine years, until he has become one of the most efficient and capable superintendents in the Service. The only possible way for him to receive any advancement is to be transferred to some other school where there is a larger attendance and a greater salary provided. The new superintendent who goes in to take his place may be a man who has not been a superintendent of an Indian school at all. The Commissioner's idea is this, that it is not right and not for the good of the Service to have this new man begin at the salary that the former superintendent had at the end of, say, half a dozen years' service; and under this provision it is possible for the Commissioner to fix the salary of the new incumbent at, we will say, $1,000 or $1,200 and year by year, from time to time, increase the salary until the maximum of $1,600 may be reached; and in that way it offers an inducement to the new superintendent to bring his school up to the highest point of perfection. That is what is sought to be attained by this change of the provision, and not the increase of the salary of any superintendent.

Mr. MANN. How, then, is the maximum salary fixed? Why does the gentleman say there is a maximum salary where there is no salary carried in the law?

Mr. SHERMAN. There is no maximum general salary. The salary has heretofore been fixed for each superintendent, and in confirmation of this policy in each instance in every school we have multiplied the number of pupils by $167 and added the amount which has heretofore been appropriated for the superintendent.

Mr. MANN. Then it would not be necessary to multiply by 167 and then provide the compensation, as there is no maximum fixed by law.

Mr. SHERMAN. There is no maximum fixed by law, and it would be well to fix it. I think the provision that we brought in here a year or two ago was better than this, but the same end is sought to be attained, and nothing except that is sought to be attained in this provision, and in practice it will be attained. No superintendent will be receiving greater compensation than was provided for him last year.

Mr. MANN. I withdraw the point of order.

Mr. OLMSTED. I move to strike out the last word. If I may, without offending the sensibilities of my friend from Arizona——

Mr. SMITH of Arizona. Be very tender with them, for I might get mad.

Mr. OLMSTED. I would like to ask the gentleman whether this is one of those terrible nonreservation schools for the education of the Indians for which there is said to be no authority or reason whatever? I would like to have him explain, in view of his statement recently about the Indians that you must pick them all up and educate them in the mass or leave them all in mass in the mire, why it requires to maintain the Indians an average of $212.50 to educate them in this school, taking all the items, whereas for Carlisle there are something less than $164 appropriated, and that includes the salary of the superintendent and all matters of repairs, and also includes the transportation of pupils, which is furnished to this Arizona school freely. I assume the chairman of the committee and his committee have considered the matter, and it is all right, but I would like to hear what the gentleman from Arizona has to say about it and how he reconciles it with those ideas that he has expressed on the education of the Indians in nonreservation schools.

Mr. SMITH of Arizona. Inasmuch as the gentleman does not object to it, I have no desire merely to entertain the House or him. [Laughter.]

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

PHOENIX SCHOOL.

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400;
For general repairs and improvements, $8,000;
In all, $127,400.

Mr. OLMSTED. I want to hear from the gentleman from Arizona with reference to this provision.

The CHAIRMAN. Does the gentleman make a motion?

Mr. OLMSTED. I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. OLMSTED. That slight amendment will not offend my friend from Arizona at all. It merely strikes out the word "dollars." [Laughter.]

Mr. SMITH of Arizona. I will consent, if you will consent to the same thing at Carlisle.

Mr. OLMSTED. With the exception of Carlisle, this is the largest nonreservation school in the United States. It is located in a State that has nine reservation schools, and I think ten or fifteen—I may not be accurate as to the number—of day schools supported by the Government.

Mr. SMITH of Arizona. How far is this from a reservation?

Mr. OLMSTED. I do not know.

Mr. SMITH of Arizona. That is what I thought.

Mr. OLMSTED. I do know that after the gentleman from Arizona offered an amendment that no pupil should be transported over a hundred miles, he suddenly got to work on his arithmetic and withdrew his amendment, so I assume that some of his Indians would have to go more than a hundred miles.

Mr. SMITH of Arizona. No; not one at Phoenix has to go over 30 miles.

Mr. OLMSTED. Whatever distance they go, they have their transportation paid by the Government, making an expenditure per capita of $181 and transportation expenses besides, as against something less than $164 at Carlisle, including transportation. I withdraw the amendment.

Mr. MANN. How many pupils are there at Carlisle?

Mr. OLMSTED. One thousand and twenty-six pupils enrolled and $164,000 appropriated.

The Clerk read as follows:

TRUXTON CANYON SCHOOL.

For the support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200;
General repairs and improvements, $1,000;
In all, $19,200.
For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, $1,500.

Mr. OLMSTED. I move to strike out the last word. I wish to inquire whether this is a reservation or a nonreservation school?

Mr. SMITH of Arizona. What do you care?

Mr. SHERMAN. All of the schools specifically appropriated for are nonreservation schools.

Mr. OLMSTED. This school is enumerated by the Superintendent of Indian Affairs under the head of "Reservation schools," on page 37 of his report, and is so carried. That is the reason why I make this inquiry.

Mr. SMITH of Arizona. Do you object to nonreservation schools?

Mr. OLMSTED. No; I am in favor of them.

Mr. SMITH of Arizona. What do you object to this for?

Mr. OLMSTED. I want to find out about it.

Mr. SMITH of Arizona. You are in favor of both kinds.

Mr. SHERMAN. It is a nonreservation school.

Mr. OLMSTED. I want to call attention to it, because it costs $181, exclusive of transportation, to take the Indians to this school, as against something less than $164 per capita at Carlisle, including transportation.

The Clerk read as follows:

COLORADO.

GRAND JUNCTION SCHOOL.

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., and for pay of superintendent, $35,000;
General repairs and improvements, $6,000;
In all, $41,000.
For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, $1,000.

Mr. HAGGOTT. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After line 7, page 16, insert the following:
"Fort Lewis School: For the support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., and for pay of superintendent, $35,000;
"For general repairs and improvements, $3,700;
"For gas plant, $5,000;
"In all, $43,800."

Mr. MANN. I reserve the point of order against that amendment.

Mr. HAGGOTT. This amendment, which I have just offered, is to retain the Fort Lewis School in southwestern Colorado. This school is situated near three Indian reservations, the Southern Ute, the Apache, and the Navajo. It is in close community with all three reservations. We provide for a capacity of 200 pupils. The entire enrollment last year was 242 pupils. The average attendance was 192 pupils. The school is excellently situated to accommodate the reservations named, and is well equipped in every respect. So far as the average cost for the education of these Indian children is concerned, it compares with the cost of the education of Indian pupils in other schools. I move the adoption of the amendment.

Mr. SHERMAN. Mr. Chairman, inasmuch as the committee has seen fit, or has been good enough, to acquiesce in my suggestion incorporating in the bill a provision under which the Secretary of the Interior can negotiate and dispose of the Indian schools, I think I shall not oppose incorporating in the bill again the items of the three schools that have been stricken out by the committee. [Applause.] I do want to say that in regard to this particular school, as I recall the hearings, the Commissioner states that one of the Senators from Colorado had reported to him that the State of Colorado would be very glad to enter into some arrangement by which they could take over the school. If that be correct, under the provision we have agreed to, in another year the school may be disposed of. Until something further is done, and inasmuch as we are appropriating for all but two or three of the schools which were stricken out, I shall not oppose an insertion in the bill of the items for the support of these three schools. But I propose in this connection to move to strike out the item of $5,000 in this amendment for a gas plant. I do that for the reason that if we are to dispose of this school, we can do it quite as well without the additional expenditure of $5,000 for a gas plant. Whatever light provision there is there now it has been sufficient to carry on the school for some years, and certainly it can go another year without detriment to the Service without the gas plant provided for by that amendment. So I move, as an amendment to the amendment, to strike out the $5,000 provided for the gas plant.

The CHAIRMAN [Mr. OLMSTED]. That can be offered after the point of order is disposed of.

Mr. MANN. Is there any authority of law for the construction of this gas plant?

Mr. SHERMAN. There is no specific authority of law, but this is a school that belongs to the Government, and it is possible, I expect, under the rules of the House, to make such provision as we think is necessary for the betterment of the buildings and for their safety and for their care. I assume that the item for an additional gas plant is such an item as could be put in without violating the rule, and therefore I have not raised the point of order, but I do think the item ought to go out.

Mr. MANN. It seems to me that authority must be provided somewhere for the construction of the plant and building. If you could provide for a gas plant, you could provide for an electric plant; if you could provide for a gas plant you could provide for power and heating plant, or any of the things that may go without authority of law.

Mr. SHERMAN. The gentleman from Illinois knows that that has been done over and over again—that we can add to a plant which is now in existence.

Mr. MANN. Is there a plant there now?

Mr. SHERMAN. Certainly.

Mr. MANN. Then this is an addition to the gas plant?

Mr. SHERMAN. Oh, no; perhaps I have misled the gentleman or I do not understand the gentleman. There is no gas plant there, but there is a school plant there. Other means of lighting are now provided. However, I think that can all be avoided.

Mr. MANN. I think the provision for a gas plant is subject to a point of order.

Mr. BUTLER. Will the gentleman yield?

Mr. SHERMAN. Certainly.

Mr. BUTLER. I wish the gentleman would gratify my curiosity by answering one question. Why is it that the gentleman does not oppose now the amendment offered by the gentleman from Colorado when it seeks to make provision for this school?

Mr. SHERMAN. I thought I had made myself clear on that subject.

Mr. BUTLER. Then I beg the gentleman's pardon. I always listen to the gentleman with interest, but I did not hear him.

Mr. SHERMAN. I said that inasmuch as provision had already been made in this bill for the disposal of all schools the Department might think unnecessary hereafter, and that inasmuch as that provision required a report to be made thereon at the next session of Congress before anything definite was done, it seemed to be reasonable to continue the schools now in existence, and therefore I would not oppose the insertion in the bill of the provision for the schools that had been stricken out.

Mr. BUTLER. Until some definite plan is made.

Mr. SHERMAN. Until something definite is brought in.

Mr. HAGGOTT. Mr. Chairman, I will accept the amendment.

Mr. SHERMAN. Then, Mr. Chairman, as I understand, the gentleman from Colorado asks unanimous consent to amend his amendment by striking out the provision to which I refer.

Mr. HAGGOTT. Yes.

The CHAIRMAN. Is there objection to considering the amendment as amended? [After a pause.] The Chair hears none. The Chair understands the gentleman from Illinois has withdrawn his point of order?

Mr. MANN. Mr. Chairman, I have not withdrawn it as yet; but as I do not wish to embarrass the Chair, especially the present occupant of the chair [Mr. OLMSTED], by having him hold that the Carlisle Indian school is not in order, I withdraw the point of order. [Laughter.]

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Colorado as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Indians formerly of Lemhi Agency, Idaho: For the second of twenty installments, as provided in agreement with the Indians of Fort Hall and Lemhi agencies, Idaho, approved February 23, 1889, to be used by the Secretary of the Interior for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho, in such manner as the President may direct, $4,000.

Mr. SHERMAN. Mr. Chairman, I desire to offer an amendment for Idaho, and it should come in on line 5 on page 17. I ask unanimous consent to return to that page for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to the preceding page for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 5 on page 17 insert:

"That the Chicago, Milwaukee and St. Paul Railway Company, of Idaho, is hereby authorized to locate, subject to the approval of the Secretary of the Interior, an additional station ground, not to exceed 200 feet in width by a length of 3,000 feet, west of Plummer, upon its located line in the Coeur d'Alene Indian Reservation, in the State of Idaho: *Provided*, That full compensation therefor shall be determined and paid under the direction of the Secretary of the Interior in accordance with the provisions of the act of March 2, 1889 (30 Stat. L., 990)."

The CHAIRMAN. I would like to ask the reason for this.

Mr. SHERMAN. Mr. Chairman, the law under which rights of way can be procured through Indian reservations provides that stations can not be placed nearer together than 10 miles. There is a station at Plummer, and in order to locate the next station west at the point desirable it comes about a quarter of a mile within the 10-mile limitation, and therefore this authority is asked.

Mr. MANN. This will in no wise injure the Indian reservation?

Mr. SHERMAN. Not at all. It is a benefit to it, and the question of compensation is left entirely with the Interior Department, where the law leaves it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

IOWA.

SAC AND FOX SCHOOL.

For support and education of 80 Indian pupils at the Indian school on the Sac and Fox Reservation, Iowa, and for pay of superintendent, $14,560;

For general repairs and improvements, $600;

In all, $15,160.

Mr. SHERMAN. Mr. Chairman, I have an amendment which I wish to offer there, but which I have not at hand at present. I ask unanimous consent to return to this paragraph later.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the paragraph may be passed for the present and that he may return to it later for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SACS AND FOXES OF THE MISSOURI. (TREATY.)

For support of a school, per fifth article of treaty of March 6, 1861, $200.

Mr. DARRAGH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 4 on page 21 insert:

"MICHIGAN.

"MOUNT PLEASANT SCHOOL.

"For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $51,800;

"For general repairs, and improvements, $4,000;

"In all, $55,800."

Mr. DARRAGH. Mr. Chairman, the amendment I send to the Clerk's desk, if inserted in the bill, appears in the exact language in which it appeared in the first print of the bill. It restores the appropriation provided for in the estimates. Notwithstanding the statement that it has been reported that the school was not necessary, an investigation of the facts will show that the school is necessary and that fully one-half of the pupils now in attendance will be unable to attend schools of any character or receive any education to fit them for the exercise of citizenship, except at this school, unless some other provision were made by the State or by some other authority. In view of the statement made by the chairman of the Committee on Indian Affairs, the gentleman from New York [Mr. SHERMAN], that no objection would be made to the restoration of the item, it is entirely unnecessary to explain further the necessity for the amendment which I offer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To complete the drainage and survey of the ceded Indian lands in Minnesota, $10,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the last paragraph. May I ask the gentleman from New York whether this drainage scheme is one that is in operation?

Mr. SHERMAN. Which is the item to which the gentleman refers?

Mr. MANN. Lines 8 and 9, page 21, for the drainage and survey of the ceded Indian lands in Minnesota.

Mr. SHERMAN. Oh, that is something that is in operation now. The gentleman from Minnesota [Mr. STEENERSON] desires to be heard upon that, but he does not seem to be here now. It is to continue a work that is now in progress for drainage or reclamation of a large area of land. I can not say from memory just what we have expended—$15,000, I think, already, and this $10,000 will not be sufficient to complete the work, and it is for the purpose of continuing it.

Mr. MANN. Well, it says "to complete."

Mr. SHERMAN. It will not complete the work, in my judgment. Mr. Chairman, I will ask the gentleman from Minnesota [Mr. STEENERSON], who is the father of this proposition, to explain it.

Mr. STEENERSON. Mr. Chairman, the so-called "ceded Chippewa lands" in Minnesota were ceded under the act of 1889, and neither the school-lands grant nor the swamp-lands grant to the State attached to any land in this region. The lands were subject to homestead entry at $1.25 an acre. They have now been open to entry for about eighteen years and only about half of them have been taken because they were low and swampy, and it was thought in 1906 that it would be desirable to have a drainage survey made, and an appropriation of $15,000 was made to have that survey made to determine whether these lands could be made available for settlers by drainage. The $15,000 was spent and the land was surveyed, and last year another $10,000 was appropriated and the survey continued. Elaborate reports were made, and they stated in their last report that they can complete the survey with another $10,000, and that is about all that can be said about it.

Mr. MANN. May I ask the gentleman who owns this land?

Mr. STEENERSON. The title is in the United States in trust for the Indians. The proceeds of $1.25 an acre go to the Indian fund.

Mr. MANN. If this appropriation is for the purpose of making this land available so that it can be taken or purchased by people, why should not the Government be reimbursed for the expense?

Mr. STEENERSON. I understand this is a reimbursable appropriation.

Mr. MANN. Not the way it stands; there is no provision in here for reimbursement of this expense. This is a direct appropriation out of the Treasury of the United States.

Mr. STEENERSON. I think the other two appropriations were reimbursable.

Mr. SHERMAN. The original act, as I recall, required that the sums appropriated for carrying out this work should be reimbursable to the Treasury out of the sale of the lands when the sale was made.

Mr. STEPHENS of Texas. I think that is correct; that is my understanding of the matter.

Mr. MANN. There was an act outside of the appropriation bill?

Mr. STEPHENS of Texas. When the first appropriation was made and the work begun this act was passed authorizing it to be reimbursed.

Mr. STEENERSON. Yes; the act of June 21, 1906, authorized the drainage survey to be made to determine the feasibility of draining these lands. The result of the work, if it shall be done, will be that the land will be made valuable for farming and disposed of under the homestead law, but if nothing is done and the lands left as they are they will never be sold, and not only will the Indians get nothing for the land, but they will impede the settlement and development of that whole region of country.

Mr. HINSHAW. If the gentleman will permit, this survey will not result in the sale of these lands unless it is followed up by further appropriations to drain them?

Mr. STEENERSON. No.

Mr. MANN. That is what this is for; to drain them. This is for drainage as well as the survey; that is what it says.

Mr. HINSHAW. Does this contemplate there will be anything further than to complete the survey?

Mr. STEENERSON. That is all—to complete the survey and determine whether or not drainage would be feasible. This paragraph should read "for drainage survey," and not "drainage and survey."

Mr. HINSHAW. So it would have to be followed by further appropriations, which would then be reimbursable, I suppose, to drain these extensive lands so they might be suitable for settlement?

Mr. STEENERSON. Exactly.

Mr. MANN. Well, the item reads—and I leave it to the House to say what it means—"to complete the drainage and survey of the ceded Indian lands in Minnesota." Now, if there is no provision of law already made for the drainage of this land and simply a provision of law for a survey to ascertain whether they can be drained, then it is subject to the point of order. I am not willing to have the House commit itself to a proposition of a drainage scheme unless it knows what it is doing. I beg to ask the gentleman from New York what is the original provision.

Mr. STEENERSON. This drainage survey was authorized in the Indian appropriation bill of 1906, and the present item is only for the completion of that survey, upon which the Government has already spent $25,000, and the Secretary of the Interior has estimated it will cost $10,000 to complete it. That is why the item is here.

Mr. SHERMAN. I haven't it before me at this minute.

Mr. MANN. I thought the gentleman had.

Mr. SHERMAN. If you will pass this informally, we will send for it. Mr. Chairman, I suggest that we pass this without prejudice.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the paragraph be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Arizona. Mr. Chairman, I move to strike out the last word. The other day I submitted some remarks on this Indian appropriation bill and inadvertently they were sent to my rooms for revision. I had no idea of that, and I did not see them in time to put the matter in the RECORD at all that night; and I ask unanimous consent of the committee, not only to put the remarks in the RECORD, but to submit some general observations on the Indian question.

The CHAIRMAN. The gentleman from Arizona [Mr. SMITH] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For preliminary surveys, plans, and estimates of irrigating systems to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of under the act of April 23, 1904, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," and to begin the construction of the same, $50,000, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation. The purchaser of any lands irrigable by an irrigation system hereunder constructed shall pay, in addition to the payments required by section 9 of said act for perpetual water right, the actual acre cost of such system in fifteen equal annual installments to be paid to the receiver of the local land office. The failure to make any two payments shall work a forfeiture of the rights acquired by the purchaser, and he shall lose the money previously paid and the water right to the land, but it may be purchased by another person, who shall thereafter acquire the land in question at such a price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally determined. The funds arising hereunder shall be paid into the Treasury of the United States and added to the proceeds derived from the sale of the lands. The land susceptible of irrigation under the systems herein provided for and owned by or allotted to Indians in severalty shall be deemed to have a right to so much water as may be required to irrigate said lands, without cost to the Indians, so long as the title, legal or equitable, remains in said Indians, but any such lands leased for a longer term than three years shall bear their pro rata part of the cost of the maintenance of the system that may be constructed, and when the Indian title is extinguished these lands shall also bear their pro rata cost of maintenance. When the payments required by this act are made for the major part of the lands that can be irrigated from a system, the management and operation of such irrigation work shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such regulations as may be acceptable to the Secretary of the Interior, in accordance with the statutes of the State of Montana. The water rights acquired or provided for herein shall be appurtenant to the lands irrigated.

Mr. MANN. Mr. Chairman, I make a point of order on the last paragraph. If the gentleman wishes me to reserve it, I will do so.

Mr. SHERMAN. I wish the gentleman would reserve it.

Mr. MANN. I reserve the point of order, Mr. Chairman. I am not familiar enough with the irrigation law to say whether this conforms with the provisions of the law that we have now, where the land is under the Reclamation Service, but I know that this does not conform with the law that provided for these irrigation plants. Now, is it proposed to have different schemes for different irrigation plants?

Mr. SHERMAN. It is proposed to have this for this irrigation plant. Just wherein it differs from the general irrigation project—the law providing for a general irrigation project—I can not say. The gentleman apparently knows. I have not looked into it. I do not know where the difference exists.

Mr. MANN. We passed an act upon the subject in reference to this particular irrigation plant, as I remember it. They say that that is not sufficient to proceed with the irrigation work. Now, it certainly is not desirable to have a different phase of the law to apply to different irrigation plants as to the rights of the settlers.

Mr. SHERMAN. The act that we passed, to which the gentleman refers, was an act providing for survey and allotment and disposal of the property. The land is largely arid land. Now, it is proposed to provide an irrigation project by which it will make the land productive and to reimburse the Treasury for the cost of providing this irrigation project from the lands when sold, it being believed that the irrigation project will not only make the lands much more valuable for the Indian allotments, but it will make land that is practically of no value now to the Indian allottees valuable, and make it possible for them to maintain themselves on it, and the surplus disposed of to settlers will make those lands enough more valuable so that the Treasury will be reimbursed for the expenditure in providing the irrigation project.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. SHERMAN. Yes.

Mr. FITZGERALD. What part of the bill, if any, has that provision to enable the Secretary of the Interior to organize a corporation by which the Crows shall engage in the cattle business?

Mr. SHERMAN. We have not any such provision in this bill.

Mr. FITZGERALD. The Secretary of the Interior recommends it very forcibly, and I have been trying to locate it and can not do so.

Mr. SHERMAN. It is not in the bill.

Mr. FITZGERALD. It is not in the bill?

Mr. SHERMAN. No. Mr. Chairman, I will incorporate in the RECORD the letter of the Secretary of the Interior transmitting this item, and have it read, if the gentleman from Illinois [Mr. MANN] desires.

Mr. MANN. Let us have it read.

Mr. SHERMAN. I will ask the Clerk to read this letter.

The CHAIRMAN. The Clerk will read the letter referred to by the gentleman from New York [Mr. SHERMAN].

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 20, 1907.

SIR: The act of April 23, 1904 (33 Stat. L., 302), provides for the survey and allotment of lands embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment.

The reservation is situated in a semiarid region, so that irrigation is essential to successful farming. The Indian Office has made several investigations to ascertain the cost of constructing irrigation works on the reservation for the benefit of the Indians, but no definite plans for the irrigation of the entire irrigable area have ever been made.

During the last summer the Director of the Reclamation Service, under my informal authority, made a hasty reconnoissance of the reservation, but the funds available were insufficient to make a thorough investigation.

As the allotments are nearly completed and the surplus lands will be opened in the near future, the preliminary surveys and estimates for an adequate system of irrigation should be made and the work begun at the earliest possible date. I therefore have caused to be prepared the accompanying draft of an item appropriating $50,000 for the preliminary surveys, plans, and estimates of irrigation systems to irrigate the lands of the reservation and to begin the construction of the same, the entire cost of the work to be reimbursed from the proceeds of the sale of the lands.

I recommend that it receive the favorable consideration of the Congress.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] insist on his point of order?

Mr. MANN. Mr. Chairman, I think I will have to insist on the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MANN. I make the point of order commencing with line 15, page 24, with the words "the purchaser," to the end of the paragraph.

Mr. SHERMAN. I concede the point of order is well taken, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, before we pass from that, I wish to call the attention of the chairman of the committee to the fact that as this item is now, it provides for preparation of plans and construction of irrigation ditches in the unallotted surplus lands, yet there is no provision that the purchaser of the surplus lands shall pay for the cost of irrigation.

Mr. SHERMAN. This is for preliminary surveys of allotted lands of the Indians and unallotted irrigable lands to be disposed of.

Mr. FITZGERALD. Out of the bill has gone the provision which will require the purchaser of the unallotted lands to pay the cost of irrigation.

Mr. MANN. Well, of course there will have to be legislation before these lands are sold.

Mr. SHERMAN. This is for the preliminary surveys, and the lands will have to be disposed of by legislation which will hereafter be provided, and in this case it will provide that the cost shall be reimbursed to the Treasury.

Mr. MANN. There is no loss to the Government, and there will have to be legislation before the land is sold.

Mr. SHERMAN. No question about that.

The Clerk read as follows:

For interest on $78,340.41, at 5 per cent per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, $3,917.02.

Mr. HINSHAW. Mr. Chairman, I offer the following amendment, or paragraph, to follow line 4, page 28.

The Clerk read as follows:

Insert after line 4, page 28:

"For the purpose of rewooding and repiling the present old bridge across the Niobrara River, between the Santee and Ponca reservations, Nebr., supplying the same with new ice breaks, but using the ironwork of the old combination bridge, the sum of $12,000, or so much thereof as may be necessary, the work to be done under the direction and supervision of the War Department."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order against that provision.

Mr. HINSHAW. Mr. Chairman, this bridge was built by the Government, so that I do not believe the point of order lies. This came with a recommendation from the Secretary of the Interior after this bill was reported. The people at that agency wanted a new bridge built across the Niobrara, between the Santee and Ponca reservations, at an expense of $21,000 to $55,000. The Secretary of the Interior disapproved that, but does approve of the expenditure of $12,000 for the purpose of rewooding and repiling the present old bridge, which has become practically useless, and submitted the estimate in the following letter:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 30, 1908.

Hon. J. T. BOYD,
House of Representatives, Washington, D. C.

SIR: Referring to several letters received from Superintendent Meagley of the Santee Agency, Nebr., in relation to the building of a bridge across the Niobrara River, between the Santee and Ponca reservations, and to your letter of the 21st instant on the same subject, I have to say, after careful consideration of this matter, that I do not look with favor on the expenditure of from $21,000 to $55,000 for a new bridge on the plans submitted by Superintendent Meagley. However, besides the project of a new bridge he submits an estimate for "rewooding and repiling of the present old bridge with new ice breaks, but using the ironwork of the old combination bridge, between $11,000 and $12,000," which, it seems to me, would meet the requirements, and I inclose herewith, for your personal use, draft of legislation which would be sufficient, I think, if enacted.

Very respectfully, C. F. LARRABEE,
Acting Commissioner.

This letter, as will be observed, is addressed to my colleague [Mr. BOYD] the Representative of that particular district in this House. In reference to the point of order, if the gentleman insists upon it, which I hope he will not, I think, this bridge having been built by the United States and having been constructed by authority of law, that the rebuilding or remodeling of the same bridge would not be subject to the point of order that it is contrary to law. In any event, I hope the gentleman will not insist on it. I would like the gentleman from that district in Nebraska, who is more familiar with it than I am, to be heard in reference to this matter.

Mr. BOYD. Mr. Chairman, this appropriation asked for by the Commissioner of Indian Affairs is for the purpose of rewooding and repiling the bridge which was built by the Government some years ago connecting the Ponca and Santee reservations. The agent first asked that the Government build a new bridge, but this proposition did not meet with the approval of the Commissioner of Indian Affairs. He has, however, recommended the appropriation asked for in this amendment for the purpose of rewooding and repiling the present bridge; and it does seem to me that this is a continuation of a present Government undertaking, and is not subject to a point of order. This bridge is on Indian lands; lands that pay no tax for the maintenance of county government. The bridge is about 900 feet in length, and is the only means of crossing the river that the Ponca Indians have. I trust that the House will acquiesce in the amendment.

Mr. SHERMAN. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

Mr. HACKNEY. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 28, after line 10, insert the following:

"CARSON SCHOOL.

"For support and education of 300 Indian pupils at Carson City, Nev., and for the pay of superintendent, $51,900;

"For general repairs and improvements, $5,000;

"In all, $56,900."

Mr. HACKNEY. Mr. Chairman, I will state to the committee that this is one of the schools that were stricken from the roll, which have been described by the chairman of the committee, and we feel now that this ought to be restored along with the other schools. In the amendment I have included the estimates made by the Secretary with one exception. I have eliminated the lighting system. He estimated $1,500 for that purpose, and

we thought that it would not be necessary to make an installment of a new lighting system, but simply to appropriate for the general repairs and the support of the school. I hope the amendment will be adopted.

Mr. STEPHENS of Texas. Mr. Chairman, I hope this amendment will be adopted, this being the last of the three schools that were stricken from the bill. I have always opposed, and do not change my opposition now, to the keeping up of these nonreservation schools; but inasmuch as we have in this bill a provision that the Secretary of the Interior shall determine, where situated, etc., which can be dispensed with, and that will enable him to dispose of these schools to the States in which they are situated, I am willing to withdraw my objection to the nonreservation schools at present and to permit all three of these to be put back in the bill. The Carson school has as much merit as either one of the others.

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the board of county commissioners of Ormsby County, Nev., for damages to the public road caused by the breaking of the dam belonging to the Indian school at Carson City, Nev., the sum of $70 from an unexpended balance of the appropriation "Indian school, Carson City, Nev., 1907," not required for other purposes.

Mr. MANN. Mr. Chairman, I make a point of order on the last paragraph.

Mr. SHERMAN. Will the gentleman reserve the point of order?

Mr. MANN. I will reserve the point of order.

Mr. SHERMAN. I will ask the Clerk to read a letter from the Secretary of the Interior, transmitting the item.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1908.

THE CHAIRMAN COMMITTEE OF INDIAN AFFAIRS,
House of Representatives.

SIR: I have the honor to inclose herewith, for insertion in the Indian appropriation bill for 1909, an item covering payment to the board of county commissioners of Ormsby County, State of Nevada, of $70 for damages to the public road caused by the breaking of the dam belonging to the Carson City Indian Industrial School, Nevada, and respectfully recommend that it be so inserted.

The superintendent of the school has called attention to the local conditions. He says that the damage could be neither foreseen nor prevented, and declares that the amount of repair work done by the county was such as to make the account presented an exceedingly reasonable one for the materials and labor used to rebuild the road. His recommendation is therefore submitted for your favorable consideration.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

Mr. MANN. I see no reason why, because a road is damaged somewhere by an institution supported out of the General Treasury, that that particular land should pay for the damage. If it had been a private individual he would not have been expected to pay the damage. I insist on the point of order. This is a claim against the Government, if it is anything.

The CHAIRMAN. Does the gentleman from New York wish to be heard?

Mr. SHERMAN. I do not.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

NORTH CAROLINA.

CHEROKEE SCHOOL.

For support and education of 160 pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $28,220;
For general repairs and improvements, $500;
In all, $28,720.

Mr. CRAWFORD. I move to strike out the last word. I will ask the chairman of the committee how it is that that appropriation has been reduced from $44,000 to $28,000 for the Cherokee training school?

Mr. MANN. It was $28,320 last year.

Mr. CRAWFORD. It was $44,800, I think, last year. The estimates show that amount.

Mr. MANN. No; $28,320.

Mr. CRAWFORD. Is it the same as it was last year?

Mr. MANN. Yes.

Mr. HACKNEY. The gentleman from Illinois is mistaken. It was $44,000 last year.

Mr. SHERMAN. The total appropriation last year was $44,000. There was an item appropriating $15,000 for the construction of a boys' dormitory. That was why the total was larger than it is this year. The same number of pupils were appropriated for last year as this year.

Mr. CRAWFORD. One hundred and sixty?

Mr. SHERMAN. Yes; but we gave that special appropriation of $15,000 for the construction of new buildings.

Mr. CRAWFORD. Do you give all that was estimated for this year?

Mr. SHERMAN. Yes; this is what has been estimated for.

Mr. CRAWFORD. I have been hoping that some provision would be made for a partition of the lands of these Indians. It has been recommended by the superintendent, and they have lands there that are absolutely worthless and unprofitable, as it is used.

If it were now divided among them there would be 50 acres per capita, and a fund has been recovered from the United States in a recent suit which gives them $400 per capita. I think it would be a suitable time to divide these lands among them.

Mr. SHERMAN. It goes without saying that if the gentleman from North Carolina will introduce a bill to that effect the committee will give it consideration. Of course it would not be appropriate to put such an item in this bill.

Mr. CRAWFORD. I understand. I merely want to inquire whether it is the purpose of the Government to make citizens of them.

Mr SHERMAN. It is the policy of the Government to make citizens of all Indians.

Mr. CRAWFORD. These Indians are now civilized, they speak the English language in the main, they have churches and cemeteries, and they are amenable to the laws of the State.

Mr. STEPHENS of Texas. What tribe is it?

Mr. CRAWFORD. The Cherokees. Known as the "Eastern Cherokees."

Mr. MANN. How many of them are there?

Mr. CRAWFORD. Fifteen hundred. They have a reservation and schools, and I think it would be a good idea in the future to divide the lands among them and let them have the responsibility of citizenship.

Mr. CAMPBELL. How many acres of land have they?

Mr. CRAWFORD. Sixty-three thousand acres.

Mr. HINSHAW. Do any of them exercise the right of voting?

Mr. CRAWFORD. Yes; and have for years.

Mr. SHERMAN. How do they have the right to vote? They are not allotted Indians.

Mr. CRAWFORD. They have been left there and have been absorbed, so to speak; they have been voting for twenty years.

Mr. SHERMAN. I am glad to know that you allow somebody to vote down there. [Laughter.]

Mr. CRAWFORD. There has been too much voting, and we have been eliminating. Under an amendment to the constitution of 1900 these Indians were disfranchised; prior to that, however, a decision of the Supreme Court, in which they were held to be the wards of the nation, disfranchised them. Since the amendment to the constitution they have not been entitled to vote, except such as can read and write.

Mr. HINSHAW. Do they pay taxes?

Mr. CRAWFORD. No; they do not.

Mr. CAMPBELL. That land is not now taxed?

Mr. CRAWFORD. No. I want to say that the Indians, in my judgment, ought to be put on their own responsibility. They go to the Carlisle and Hampton schools and elsewhere and then come back and are not much improved; they are lost among their people. I think we ought to encourage them to work and establish homes. My observation is that those who have gone to Carlisle and other colleges come back, and we have more trouble with them in the courts than with those who remain and are educated at the home school. That is the result of it; they do not obey the law, as a rule. I have often defended them in the courts. They ought to be obliged to work and put upon their own resources, and then they would become good citizens. I am sure many would.

They are in need of these lands, and they need the money to improve the lands. Not long since the Government consented to a sale of about thirty-odd thousand acres of their lands, and they got the money for it, $250,000, which is held and controlled under the supervision of the Government. They want the money and they want the $600,000 that is held for adjustment of claims. I would like for this committee to inaugurate some method by which a division or partition of the lands could be had.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRAWFORD. Certainly.

Mr. MANN. How do these Indians make use of this land? What do they do with it?

Mr. CRAWFORD. Nothing; they have a little patch, a little garden, and a cottage, and they live in their little homes.

Mr. MANN. Sixty-three thousand acres of land and fifteen hundred people; a little cottage and a garden wouldn't cover very much. What is done with the balance of it?

Mr. CRAWFORD. It is forest and timber land.
Mr. MANN. They keep it for hunting?
Mr. CRAWFORD. No; the hunting is not worth anything. The Government has consented to the sale of some of it. Thirty-odd thousand acres were sold last year for $245,000, which has been held by the Government for their use, an indefinite kind of use. So long as there is any money in sight, so long as they have the hope of getting money, they will not do anything.
Mr. CAMPBELL. Would the gentleman be in favor of discharging them as wards?
Mr. CRAWFORD. Yes; that is just what I want to do.
Mr. HINSHAW. Has the gentleman introduced any bill to allot the lands in severalty?
Mr. CRAWFORD. No.
Mr. HINSHAW. Has anybody else introduced any such bill?
Mr. CRAWFORD. No; it has been recommended by the superintendent of schools in his report to the Commissioner of Indian Affairs.
Mr. HINSHAW. Does the gentleman think that the Indians would take care of themselves and become good citizens if they had the lands allotted and the money divided?
Mr. CRAWFORD. I think so; many of them would.
Mr. HINSHAW. They have sufficient civilization?
Mr. CRAWFORD. Yes.
Mr. CARTER. Are they full-blood Indians or mixed?
Mr. CRAWFORD. Full blood and mixed. Most are full blood.
Mr. SHERMAN. Let me call the attention of the gentleman to the allotment act:

That in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, either by treaty, stipulation, or by virtue of act of Congress or Executive order, setting apart the same for their use, the President of the United States be, and he is hereby, authorized, wherever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause such reservation, or any part thereof, to be surveyed or resurveyed if necessary, and to allot to each Indian located thereon one-eighth of a section of land.

Why is not that broad enough to cover the gentleman's Indians. Why is not the better course under that provision for the gentleman to pursue, to call upon the administrative officers of the Government to examine into this question and see if these lands ought not to be allotted?
Mr. CRAWFORD. I do not think this is a reservation in that sense.
Mr. MANN. Is this agricultural or forest land?
Mr. CAMPBELL. Forest.
Mr. SHERMAN. Is it all forest land?
Mr. CRAWFORD. Yes; a large percentage is forest land. It is valuable on account of the timber. This is not a reservation in the sense that the law designates, in that it was purchased by money belonging to these Indians out of a fund that had accumulated in the Treasury of the United States after the treaty of 1835 and subsequent treaties, and the Government used that money and bought the lands known as the "Qualla Reservation," and located them on the reservation. Prior to 1895 they lived promiscuously through this section, but the Government purchased all the lands of the white people inside this particular boundary, and paid for them, and moved the whites out of this reservation, some 75,000 acres—100,000 acres at that time.
Mr. STEPHENS of Texas. Will the gentleman permit me to suggest that, in my judgment, the best plan for him is to formulate a bill covering the condition of the Indians and allotting the lands among them, and providing that if one Indian gets a valuable piece of land and another gets a piece of land that is not so valuable, then that the distinction be made, as we have done in a great many instances in the West, that the one receiving the land which is less valuable shall receive more acreage. I think that a bill along that line is proper.
Mr. CRAWFORD. The gentleman means a partition proceeding?
Mr. STEPHENS of Texas. No; let Congress do it by act. The gentleman will find several acts, especially in Oklahoma and Indian Territory, of a similar nature.
Mr. CRAWFORD. I wanted to ascertain whether there is to be any definite policy on the part of the Government in regard to the future of these Indians.
Mr. STEPHENS of Texas. I can suggest to the gentleman that in the Creek lands in Indian Territory he will find legislation along that line.
The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.
The Clerk read as follows:

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200;
For general repairs and improvements, $2,000;
In all, $20,200.

Mr. FITZGERALD. I desire to reserve the point of order to this provision. Is this a new school?
Mr. SHERMAN. Yes.
Mr. FITZGERALD. Is it a nonreservation school?
Mr. SHERMAN. Yes.
Mr. FITZGERALD. Is the gentleman going to recommend that we provide another nonreservation school?
Mr. SHERMAN. It has been provided for, and we are simply appropriating for its maintenance this year, for the education of children there. The school is there.
Mr. FITZGERALD. And no children in it?
Mr. SHERMAN. No; it is just completed.
Mr. FITZGERALD. Will they need any children in view of the fact that the Commissioner thinks that half a dozen others should be abandoned?
Mr. SHERMAN. I think there will be no trouble in filling the school with 100 pupils.
Mr. FITZGERALD. There is no trouble in filling any school that will be built, even if one was built in every State in the Union. There might be some trouble, but they would find the pupils. Does the gentleman think that we should start in now with this as a new school in view of the fact that we have already adopted a provision looking toward discontinuing the schools that have been in existence for some time? Will this not only add another difficulty to the abandonment of these nonreservation schools?
Mr. SHERMAN. Well, but the school is there. We have made the mistake, if mistake it be, of providing for a school there, buying a plant, erecting buildings, making provision for the education and maintenance of a limited number of pupils there. Now, the plant is there. The question is, Shall we utilize what we have expended our money for?
Mr. MANN. The plant is there, but the school is not there.
Mr. SHERMAN. The plant is there, but no pupils have ever been educated there; it is a new plant.
Mr. MANN. Does the gentleman believe, in view of the recommendation of the Commissioner, it is advisable to open a new Government reservation school for the purpose of turning it over to the State or somebody else?
Mr. SHERMAN. I should think it would be better to use the plants we have until we dispose of them.
Mr. MANN. The Commissioner says it is not advisable to use the other plants we have if we can get rid of them.
Mr. SHERMAN. Of course, the Commissioner says so, and I am fond of the Commissioner; he is a fine man, and I called his attention to this inconsistent proposition that came to the committee from the Department. He sends to us through the Treasury Department and through the head of his own Department, the Secretary of the Interior, estimates that all of these schools be continued, and then he sent to us a report in which he most vehemently inveighs against their continuance.
Mr. MANN. And then he winds up by saying, if the gentleman will pardon me, that there are certain difficulties in doing away with all of these schools (page 29 of his report)—

Because the Government has built up a system which changed conditions have rendered no longer effective or good, there is no reason why it should continue pouring out its money in the same interest when it can put this money to better use elsewhere. This is poor economy, and worse progress.

Now, why, in the face of that, did we open a new school?
Mr. SHERMAN. The school was estimated for. I presume the estimates originated in the Indian Bureau; they certainly passed through the hands of the Secretary of the Interior and the Secretary of the Treasury and reached us, and that is why the item is in the bill.
Mr. MANN. Oh, I understand while the distinguished gentleman from South Dakota——
Mr. SHERMAN. North Dakota.
Mr. MANN. The distinguished gentleman from South Dakota was a member of the Committee on Indian Affairs, there were several items put into the bill for the benefit of the Dakotas which might have well been left out, but is that a reason why, when the Commissioner of Indian Affairs reports against these things, we ought to proceed further with the iniquity, as he would call it.
Mr. SHERMAN. Well, I do not characterize it by such a term as that; I do not consider it an iniquity. I do think that the creation of several of these schools was ill-advised. I have

believed for some years that we ought not to extend this system of nonreservation schools, and I have opposed the creation of new school plants, sometimes successfully, and, as I recollect it, sometimes unsuccessfully, and I think this is one of the instances in which I was not successful in my opposition. I have felt for some little time that we had all the nonreservation schools needed, even for a continuance of that system, and therefore I have opposed the creation of new schools, but this one is here——

Mr. GRONNA. As I understand it, the Commissioner has not recommended against this particular item, has he?

Mr. SHERMAN. Oh, he has not recommended against any particular item, except in the hearing before the committee he did specifically state four or five schools could be readily dispensed with.

Mr. GRONNA. I also find in the report that the Wahpeton School last year had $35,300, and this year $20,200, so that by allowing this $20,000 for this school the appropriation will not be any larger for the State than it was last year.

Mr. MANN. The gentleman is in error about the amount allowed for the support of the school last year. For Wahpeton the amount allowed for the support of the school last year was $18,300, not $30,000.

Mr. GRONNA. I mean it was $18,000 for maintenance, $2,000 for general repairs, and $15,000 for specific purposes.

Mr. MANN. That is what it was last year. The extra amount was for a specific purpose last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. In view of the statement made, I move to strike out the paragraph, commencing line 18 down to and including line 24, page 32.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, strike out all of lines 18 to 24, both included.

Mr. FITZGERALD. Mr. Chairman, it seems to me, from the statement of the chairman of the Committee on Indian Affairs, that the Secretary of the Interior and the Commissioner of Indian Affairs have given an illustration of how not to conduct a great Department of the Government. The gentleman from New York [Mr. SHERMAN] states that in the regular estimates submitted to Congress estimates were submitted for all the nonreservation schools. The report of the Commissioner of Indian Affairs recommends that most of them be abandoned. The Secretary of the Interior, in his report which I have, says, speaking of Indian schools, that—

> The educational work among the Indians demands most earnest consideration by Congress. The Commissioner has shown clearly his reasons for recommending the discontinuance of almost all the nonreservation schools. The experiment of placing Indian children in schools far removed from their natural surroundings has not been a success. The amount of money spent in such schools would be of very much greater permanent advantage if expended on the reservation for the purpose of teaching the boys and girls how to do things which they naturally will have to do as men and women.

Yet, in spite of the fact that the Commissioner has demonstrated to the satisfaction of the head of the Department of the Interior that practically all of the nonreservation schools, some twenty-seven in number, be abandoned, yet they are asking $22,000 to start a school at a plant in which pupils never yet have been instructed. The movement was initiated by the Commissioner of Indian Affairs to commence the discontinuance of these nonreservation schools. They must be discontinued some day, and yet Representatives from every State in which these nonreservation schools are located immediately protest against the commencement of the policy. Within the past six years to my knowledge the action of Congress in allotting lands among the Indians has made inadvisable the sending of the Indians from their allotments to the nonreservation schools. I am convinced from some information that I obtained in a visit to a number of reservations that the money spent in the reservation day schools is of much greater advantage in the development and civilization of the Indian than the money spent in these nonreservation schools. I could speak of some instances. I met an Indian from Carlisle at Asbury Park. He was a member of the Carlisle Indian band. He was 27 years of age and he had been twelve years in the Carlisle school. He was taking special courses in music and football, and I undertake to say that in a great many of these schools, despite the fact that Carlisle has done excellent work, there are Indians in these schools who are there not for the benefit that they will derive from the course of studies, but they add materially to the means of advertising the schools. This Indian was an Indian from my State, from the Seneca Reservation, and he had 60 per cent, at least, of white blood in him. Yet the Government was paying for his maintenance and supposed education at Carlisle.

I believe that it would be a great mistake to start this school. It will pay the Government to let it stand there idle until after an investigation it may be determined what can be done with it. I believe it would be a great benefit to the Government if by any means the State of North Dakota would agree to accept the entire plant for nothing and use it for public school purposes. We would be relieved of an institution that will be useless to us, and the money that will be spent there can well be spent to better advantage elsewhere.

Mr. GRONNA. I hope this amendment will not prevail. This school has been built. The buildings are there, and they have a sufficient number of pupils to attend school. I can see no reason why an appropriation should not be made for this school as well as the other schools in the State.

Mr. MADDEN. Do I understand the gentleman to say that he hopes the House will allow authority for the construction of the school?

Mr. GRONNA. It has already been constructed.

Mr. MADDEN. I understood the gentleman to say it had not.

Mr. GRONNA. This is for the maintenance.

Mr. HINSHAW. How close to Bismarck is this proposed school?

Mr. GRONNA. I do not know exactly. About a mile; it is very close to Bismarck.

Mr. HINSHAW. And how close to the school is the Indian reservation?

Mr. GRONNA. Not very far from there. I understand a few Indians are living on the Fort Abraham Lincoln Reservation, and at Cannon Ball a large number of Indians have their homes.

Mr. HINSHAW. And that is not far from Bismarck?

Mr. GRONNA. No; and a large number from the Standing Rock Agency will attend this school.

Mr. HINSHAW. And will that afford a hundred pupils?

Mr. GRONNA. From the best authority that I have; yes.

Mr. HINSHAW. Where are the Indians on the reservaton now being educated—the young Indians?

Mr. GRONNA. Nowhere, that I know of, except at the reservation schools.

Mr. MADDEN. This is not on the reservation?

Mr. GRONNA. No; but it is not a great distance from the reservation.

Mr. MADDEN. They have some schools on the reservation that will do what is required to be done, have they not?

Mr. GRONNA. No; not what is required to be done.

Mr. MADDEN. Why not have another school on the reservation?

Mr. GRONNA. It has been deemed expedient and for the best interests of the Indians to have this school at Bismarck.

Mr. MADDEN. Is it intended to teach them the higher branches of education in this school, the same as in a high school?

Mr. GRONNA. This institution will be like all other nonreservation schools. It will afford the same opportunity to the students. Every facility is there for the education of 100 pupils.

Mr. MADDEN. Well, you mean, really, that the scholars are to be educated outside of the reservation?

Mr. GRONNA. Yes.

Mr. MADDEN. Well, I thought it was the policy of the Indian Office to abolish all the nonreservation schools as rapidly as they could be abolished.

Mr. GRONNA. Well, I do not know as to that.

Mr. MADDEN. Is not that recommended by the Commissioner of Indian Affairs?

Mr. GRONNA. I do not believe that the Commissioner of Indian Affairs has recommended that that course should be pursued with reference to this particular school.

Mr. MADDEN. As I understood, the chairman of the committee said that he endeavored to prevent the establishment of this school, but that he was run over, notwithstanding his opposition.

Mr. GRONNA. The gentleman is mistaken; this school has been established.

Mr. MADDEN. Did I understand the chairman of the committee that that was the case?

Mr. SHERMAN. I think the gentleman understands me correctly. I had opposed for several years the establishment of nonreservation schools, and this was one that was established, and I opposed it with the others.

Mr. MADDEN. And they established it notwithstanding your opposition?

Mr. SHERMAN. Yes.

Mr. MADDEN. And your opposition was based on what you thought was good business judgment?

Mr. SHERMAN. That was what I said, substantially.

Mr. GRONNA. But this does not include the construction of the building.

Mr. SHERMAN. Oh, certainly not.

Mr. GRONNA. It is simply for maintenance.

Mr. SHERMAN. I thought I had made that very clear. The buildings are there; every facility is there for the accommodation and education of a hundred pupils.

Mr. SMITH of Arizona. How far is the schoolhouse from the reservation?

Mr. MADDEN. But there is $18,000 for maintenance and $2,000 for repairs.

Mr. SHERMAN. We always provide a small general fund from which little additions can be made, such as a board sidewalk or any little repairs necessary.

Mr. MANN. Do I understand the urgent deficiency bill, which has just come over from the Senate conferees, makes an appropriation to deepen the well for water at that place?

Mr. SHERMAN. Well, I did not know that was in the deficiency bill.

Mr. MARSHALL. Mr. Chairman, perhaps I will be permitted to say a word in connection with this amendment, in view of the fact that I am on the committee and of the fact that I was somewhat instrumental in having this school established. The school is a new one. It is true that the chairman of the committee opposed its establishment, but the school is there, and properly so, and it ought not to be put in the class of what are termed nonreservation schools, because it is surrounded by Indian reservations, all of them very close at hand, and there is no question but what this school will be overflowing with voluntary pupils and that it will be far better for their education than sending them three, four, or five hundred or a thousand miles away to strange surroundings. They are practically in sight of their homes and where their relatives can reach them and they can visit their homes.

Mr. SMITH of Arizona. Are there any schools on the reservations?

Mr. MARSHALL. There are day schools on each one of the reservations.

Mr. STAFFORD. What superior advantages has this nonreservation school over the reservation schools for educating the Indians?

Mr. MARSHALL. The same advantage over a day school that a high school would have over an ordinary district school.

Mr. STAFFORD. Is it intended to make this a technical and higher education school, rather than an ordinary grade school?

Mr. MARSHALL. This school will, of course, teach among other things the higher branches. In addition the pupils learn the white man's ways of living and are taught the domestic arts.

Mr. MADDEN. It costs $167 on nonreservation schools and $50 on reservation schools, does it not?

Mr. MARSHALL. That depends whether it is a day school or boarding school.

Mr. SHERMAN. Oh, certainly not. They all receive the same in the reservation schools as the nonreservation schools; but this is a boarding school, and the gentleman understands that it costs more than $50 at a boarding school.

Mr. MADDEN. Oh, certainly, to board the pupil.

Mr. SHERMAN. And this is a boarding school.

Mr. MADDEN. How much does it cost per annum?

Mr. SHERMAN. One hundred and sixty-seven dollars is the limit, and you must understand that the $167 not only clothes and feeds and houses and keeps him, but furnishes the use of books and all that sort of thing.

Mr. MADDEN. How much of this $167 does the pupil pay?

Mr. SHERMAN. Not any.

Mr. MADDEN. Then, why is it that we should not only feed and clothe him, but house him and furnish him with books?

Mr. SHERMAN. We clothe and feed and educate him and furnish him with books because the Indian was here upon this soil before the white man came [applause], and because we have always believed and have always maintained that a moral obligation existed that we should always do what was necessary for the civilization and betterment of the Indians who are growing up and for the care and burial of those who are going out of the world. [Loud applause.]

Mr. MADDEN. What is the net result?

The CHAIRMAN. The gentleman from North Dakota is entitled to the floor.

Mr. MARSHALL. I yield to my colleague.

Mr. MADDEN. I want to ask the gentleman this question.

Mr. GRONNA. I want to say to the gentleman from Illinois that the Indians on these particular reservations are an educated class of Indians. I could show the gentleman letters from some of these Indians that would surprise him.

Mr. MADDEN. What becomes of them after they become educated?

Mr. GRONNA. There are many of these Indians who go to farming. They are farming on the Devils Lake Indian Reservation, a few are on the Fort Abraham Lincoln Reservation, and on many other reservations in the State, and they are good farmers at that.

Mr. MADDEN. Does the gentleman think we are justified in establishing boarding schools and paying $167 per annum for each pupil when we can educate them in all the branches that will make them as intellectual as they are required to be for farming purposes or for other purposes on the reservation as we can in the boarding schools?

Mr. MARSHALL. Mr. Chairman, this question of whether the Government should feed and clothe and house and educate these Indians does not enter into the question as to whether the schools should be reservation or nonreservation schools. It has no bearing on the amendment. There are many schools just exactly like this one, reservation and nonreservation, where Indians are fed and clothed and housed and cared for in every way, and justly so, as the chairman of this committee has so well said.

Mr. MADDEN. Let me ask you this question, then: Are there any such schools on the reservation that are within 2 or 3 miles of this proposed school?

Mr. MARSHALL. There are no such schools on the reservation that are nearest to this particular school, but there are many such schools on reservations in the United States and some on reservations in our State, some of which I have visited.

[The time of Mr. MARSHALL having expired, by unanimous consent it was extended five minutes.]

Mr. MARSHALL. There is some logic in the arguments of those who oppose the nonreservation schools. I am not altogether in sympathy with the maintenance of a certain class of nonreservation schools, where the Indians are taken entirely away from their environment into another climate and conditions that are wholly strange to them. But here is a school surrounded by reservations near at hand. In taking an Indian to Bismarck, he is, to all intents and purposes, at home amid familiar scenes. His relatives and friends can visit him, and he can occasionally return home, for that matter, and it would be an outrageous thing to refuse to maintain a school as well located as this, the Government having just expended a hundred thousand dollars or more, on any such argument as would apply against the ordinary nonreservation schools. Along with its other advantages of location is coupled the important fact that Bismarck is the capital of our State, and the young men and women have before them constantly the object lesson in government—by no means a small factor. There are few schools more wisely located than the Bismarck school, and it is the plain duty of Congress to support it well. I therefore hope, Mr. Chairman, that this amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. DOUGLAS. Mr. Chairman, I rise to ask unanimous consent of the House to take a very few moments to speak of a matter which is personal to myself and I think somewhat in the nature of a question of personal privilege.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to address the committee on a question of personal privilege.

Mr. MANN. For how long?

Mr. DOUGLAS. For five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLAS. Mr. Chairman, there occurred an incident to-day in this building, but not in this Chamber, which seems to call for a word from me, not only, perhaps, on my own behalf, but on behalf of others. A distinguished gentleman from my own State read in the presence of a distinguished body assembled in this building certain letters which had passed between myself and a man at Athens, Ohio, whom I had recommended to the President for appointment to be postmaster at that place. How the distinguished gentleman came by those letters I do not know, and therefore I do not characterize it. How he happened to read this correspondence, which was private so far as I was concerned, I do not know, and so I will not characterize that. But perhaps because he did not have all the letters—I trust and believe that this was so—he failed to read one of them, which I ask may be read at the Clerk's desk. The per-

son to whom the letter is addressed is the man in Athens of whom I have spoken.

The Clerk read as follows:

DECEMBER 10, 1907.

C. H. BRYSON, Esq., *Athens, Ohio:*

MY DEAR BRYSON: Your letter dated December 7 came to hand yesterday, and I confess that I am a little embarrassed about answering it, for although it is addressed to me, it seems something like an inspired attack upon the President and designed for publication.

Really, my dear Bryson, you hardly treated my letter of December 5 fairly, and do you not make a mountain of a molehill?

The whole of the paragraph of my letter from which you quote is as follows:

"Mr. Loeb said to me that of course the President had no disposition whatever to criticise your views, but that he saw no reason for appointing men entirely out of sympathy with his policies to public office, or something to that effect."

I then added:

"Now, my judgment is that you had better come to Washington to see me at once, and let us disabuse the President's mind of any such idea."

In other words, I felt sure, knowing the facts, that you were not out of sympathy with the President's policies, and I asked you to come here in order that we might disabuse the President's mind of such an impression.

As I said to you in a subsequent letter, I had not seen, nor have I seen, the newspaper articles and interviews which I understood had been called to the notice of the President, so whether you quete them fully or not I can not say; at the same time I feel very sure, from what I know of the manliness and fairness of the President and what I have seen of his generosity in regard to the opinions of others as to men and measures, it could not have been simply your quoted opinion in regard to Taft or FORAKER, or that Taft could not carry Ohio under "present complications," or that you favored Senator FORAKER'S return to the Senate that alone occasioned the President's action.

In regard to the statement that you quote as having been recently sent by you to the Cincinnati Tribune in regard to the President's policies, it is possible that this had not come to the attention of the President, and it was this and other matters that I desired to call to his attention if you had come and given me the opportunity.

With all you say concerning the desirability of continuing the Republican party in power, especially in the interests of the laboring men and others, I need hardly say that I quite fully agree, and doubtless the President would also agree. At the same time I do not at all agree with you either that Taft could not carry Ohio or that he could not, if nominated, be elected by an overwhelming majority in the electoral college.

However, I am not called upon in this connection to defend the President generally, or his policies, or to demonstrate the strength of Judge Taft before the people of this country. At the same time there is a remark in your letter which seems to me so patently and notoriously incorrect that I can not refrain from simply referring to it. You say: "The President wants no strong men. There is no place in his code for them." With such men about him as Root, Taft, Cortelyou, Garfield, and a host of others, devoted to him personally, holding up his hands in maintaining the interests of the people in every way and in every quarter, it is idle, if not preposterous, to say that he does not want strong men about him. No President in our time has had such faculty for selecting and winning the devoted allegiance to himself and to his work as President Roosevelt.

In conclusion let me say that while I thank you for your very kindly and truthful way of treating any differences between ourselves, present or past, in regard to our choice for the Presidency, I think the more kindly and simple way for you to treat my letter of December 5 was just as it was meant, and that was to give you a friendly opportunity to do what we were both interested in doing, since I had sent your name unsolicited by you to the President, to come here and correct what seemed to be a mistaken impression concerning you at the Executive offices.

Meanwhile I remain, very sincerely, yours,

ALBERT DOUGLAS.

Mr. DOUGLAS. Mr. Chairman, this correspondence was read in connection with certain criticisms of the President and of his alleged disposition not to appoint men to office unless they favored a certain man for the Republican nomination for President. I simply want to say that having received the letter to which this letter just read was a reply and in which the writer, Mr. Bryson, insisted that, while he favored rightly the policies of the President, he had not been in favor of the nomination of Mr. Taft, but had been exceedingly friendly to another distinguished gentleman from Ohio; I say upon receipt of that letter I went to see the President, and not finding him I talked to Mr. Loeb, the secretary of the President, and frankly communicated to him the substantial contents of the letter read by the distinguished gentleman at the other end of the Capitol, and in spite of that and with a knowledge of that, the President nevertheless sent Bryson's name to the Senate and he was confirmed and is now postmaster at Athens, Ohio. [Applause.] I say I think it was due to more than myself to make this explanation, because, in my judgment, the whole incident, from beginning to end, illustrates—not the disposition of the President to wage hostile war upon men who are not of his way of thinking, but rather with the same generosity and broadmindedness which I spoke of in the letter just read, to appoint men who are, as I then thought this man to be, and still trust him to be, a man in every way fit to attend to the business as postmaster at Athens, Ohio. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3024. An act to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be lieutenant-general United States Army;

S. 3388. An act to correct the military record of William A. Hinsch; and

S. 627. An act to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, $25,000.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 14, page 33: "That section 2 of the act of Congress approved June 5, 1906, entitled 'An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian Reservation in Oklahoma Territory,' is hereby so modified and amended as to read, 'That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit shall draw 4 per cent interest per annum; and the principal and interest shall be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.'

"The funds derived from the sale of the land as provided in the act of June 28, 1906 (34 Stat. L., 550) shall be deposited and expended in the same manner."

Mr. SHERMAN. Mr. Chairman, I raise the point of order on the amendment that it is a legislative provision.

Mr. FERRIS. I hope the gentleman will reserve the point of order.

Mr. SHERMAN. I will reserve the point of order until the gentleman makes an explanation.

Mr. FERRIS. I have just sent to the desk an amendment to the Indian appropriation bill which I am sure needs and deserves the attention of this committee. It is offered in the interest of the Kiowa, Comanche, and Apache Indians of my district in Oklahoma. I offered it, believing this committee had a true desire to avoid any omission in this bill that would work a hardship to the real beneficiaries of the measure. This matter was for the first time called to my attention yesterday by the chief of the Comanche tribe of Indians, the chief of the Kiowa tribe of Indians, and an educated Indian that accompanied them to interpret and assist them.

While it seems to be true that this matter has never been urged before the Indian Committee in a proper way, still the matter was referred to them by a letter from the Secretary on December 11, 1907, dealing with the matter quite fully. A copy in full is herewith set out at length:

[Senate Document No. 88, Sixtieth Congress, first session.]

DISPOSITION OF MONEY ARISING FROM SALES OF LAND IN KIOWA COMANCHE, AND APACHE INDIAN RESERVATIONS IN OKLAHOMA.

Letter from the Secretary of the Interior with respect to the disposition of the money arising from the sales of land in the Kiowa, Comanche and Apache Indian reservations in Oklahoma.

December 11, 1907.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 10, 1907.

SIR: I have the honor to invite your attention to the following acts passed by the Fifty-ninth Congress, first session, relative to the sale of the lands of the Kiowa, Comanche, and Apache Indians in Oklahoma:

"Act March 20, 1906 (34 Stats. L., 80).—An act for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma.

"Act June 5, 1906 (34 Stats. L., 213).—An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory.

"Act June 28, 1906 (34 Stats. L., 550).—An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla."

The act of March 2, 1906, provided that the land should be surveyed into lots, blocks, streets, etc., and after appraisal to be sold at public auction to the highest bidder—"the net proceeds of the sales shall be deposited in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians, with interest to be paid them at the rate of 4 per cent per annum or shall be paid to them per capita, in the discretion of the Secretary of the Interior."

The act of June 5 and 28, 1906, relative to the sale of 505,000 acres of grazing and wood lands provides:

"That the money arising from the sale of such lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit of money shall draw 4 per cent per annum; and the principal and interest of said deposit shall be expended for the benefit of said Indians in such manner as Congress may direct."

The United States Indian agent for the Kiowa, Comanche, and Apache Indians has recommended that the acts of June 5 and 28, 1906, be so amended that the principal and interest may be expended for the Indians in such manner as the Secretary of the Interior may deem for their best interests, which recommendation meets with the approval of the Commissioner of Indian Affairs.

If the two acts referred to are so amended, they will then conform

with the act of March 20, 1906, in so far as each relates to the disposition, by the Secretary of the Interior, of the proceeds from the sale of the lands. For the period ended June 30, 1907, there has been received from the sale of the lands under the acts of June 5 and 28, 1906, the sum of $846,397.93, but no receipts under the act of March 20, 1906, from the sale of the town lots, had been deposited in the Treasury. You will see that although the Indians now have a large sum in the Treasury to their credit, it can not be used until the Congress has so directed or the law as it now exists is amended.

There is attached hereto an item modifying and amending the acts of June 5 and 28, 1906, which is transmitted to the Congress for insertion in the Indian appropriation bill for 1909.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

The PRESIDENT OF THE SENATE.

ITEM.

That section 2 of the act of Congress approved June 5, 1906, entitled "An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian Reservation, in Oklahoma Territory," is hereby so modified and amended as to read: "That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit shall draw 4 per centum interest per annum; and the principal and interest shall be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct."

ITEM.

The funds derived from the sale of the land as provided in the act of June 28, 1906 (34 Stat. L., 550), shall be deposited and expended in the same manner.

You will be interested to observe that the only change made in existing law is that it empowers the Secretary of the Interior to distribute the funds belonging to these Indians rather than require them to procure an act of Congress each time that necessity demands a distribution thereof. It only affects the money that belongs to these identical Indians under existing law. The urgent necessity for this amendment was presented to me yesterday. On yesterday the chief of the Comanche tribe of Indians, Quanab Parker, the chief of the Kiowa tribe of Indians, Apheatone, and an Indian educated at Carlisle school, from Oklahoma, named Lone Wolf, came here as a delegation to present this matter. They gave me this series of facts that, I think, will be interesting to this committee. They tell me that heretofore money has been available for distribution among them to the amount of $50 per capita each six months, that the last two payments, by reason of their money not being available to them under existing law, were cut down from $50 to $30, and at this time there is within their reach only $13 per capita. They bring this situation to my attention, and I take it that I am doing right in bringing it to the attention of this committee.

They say that their credit and expenditures were based upon the amount they had received in the past. They expected to receive $50 at the last payment, six months ago, which was in September, and $50 each at the next succeeding payment, which is now due. Those payments were cut by reason of the fact that the two funds, one of which contains $1,500,000 and the other $870,000, approximately, were not available except by act of Congress. Congress at that time did not have this condition of affairs called to its attention and it did not at that time for some reason make sufficient appropriation for these Indians. That left an amount to them which according to their regular quota they had been receiving. Last fall the hard times came and merchants refused to extend credit to the Comanche and Kiowa Indians. The Indians had expected to receive $50 each and in lieu thereof they received only $30. That left them in debt and the winter months coming on and their stock thin in flesh, and spring is now coming on and their payment is due. They need the money to buy the necessaries of life; they need the money to buy farming tools and agricultural implements, seeds, and to pay their honest debts.

That being true, these people who are not educated and able to come and present this matter to the chairman of the committee in the manner that it should be—those Indian citizens who have not been able to call the attention of their representatives to the matter in time as it should be, so it could be submitted to the committee, come here at this late time, diffident and backward as they are and uneducated as they may be, and now ask that this Congress permit them to have their money as they have heretofore done and to let it come through the Secretary of the Interior. The only effect that my amendment has is that we let the Secretary of the Interior pay it to them as he thinks proper and right, and inasmuch as there is only $13 apiece to pay them at this semiyearly payment, now it is wholly insufficient. The Secretary has written a long letter on this situation. I will not consume the time of the committee to read it all, but I will read his conclusion, so that you will readily see it is necessary and that it is an important matter. He says:

The United States Indian agent for the Kiowa, Comanche, and Apache Indians has recommended that the acts of June 5 and June 28, 1906, be so amended that the principal and interest may be expended for the Indians in such manner as the Secretary of the Interior may deem for their best interests, which recommendation meets the approval of the Commissioner on Indian Affairs. If the two acts referred to are so amended they will conform with the act of March 20, 1906.

I may say that relates to their town-lots sale, and there is no money in that fund at all—

In so far as that relates to the disposition by the Secretary of the Interior of the proceeds from the sale of lands for the period ending June 30, 1907, there has been received from the sale of the lands under the acts of June 5 and June 28, 1906, the sum of $846,397.93; but no receipts under the act of March 20, 1906, from the sale of town lots has been deposited in the Treasury. You will see that although the Indians now have a large sum in the Treasury to their credit, it can not be used until the Congress has so directed, or the law as it now exists is amended. There is attached hereto an item modifying and amending the acts of June 5 and June 28, 1906, which is transmitted to the Congress for insertion in the Indian appropriation bill for 1908.

That is the identical amendment I sent to the desk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I thank the chairman of the Committee on Indian Affairs, because this is a matter that comes home to my people. I am familiar with the situation. I live within 10 miles of the Indian chief who is now here. They are all within my district and within my county, practically all of them. Now, summing this matter up, it amounts simply to this: It merely lets the Secretary of the Interior make these payments to those people as they need them and obviates the necessity of having Congress pass a bill every time these uneducated but honest and unsuspecting people want a little payment of this money, which is their own. Now, I hope it will not be the disposition of the chairman, by reason of it coming up in an irregular way, to raise the point of order, thereby making this committee guilty of an omission of which I do not believe they desire to take advantage.

I again submit perhaps it was not presented to the committee as it should have been done. I do submit it was referred to the committee at least back in December of last year, so I am not blaming the committee or trying to censure them for not including it in the appropriation bill, neither do I desire to lay the blame at my own door or at the door of any of my colleagues, for it is a matter that these people did not call to my attention at the time the Committee on Indian Affairs was making up the appropriation bill. That their education and business attainments would not permit them to properly bring it before you, I confess is true, Mr. Chairman, so I ask now in the interest of these people that Congress permit this money, their own money, if you please, to be paid to them through the Secretary of the Interior, who knows and is in closer touch with their wants and necessities than this Congress is to-day; that at times, particularly when this Congress is not in session, the Secretary of the Interior can do justice, and properly so, to these people in the disposition of their own money. I desire again to say I hope the chairman of the committee, even though it comes here irregularly and perhaps was not properly presented to his committee in a regular way, will not take advantage of the matter. These people have come a long way to present this important matter to the American Congress, and I submit if not presented in shipshape their status affords ample opportunity for a dispensation of any harsh or rigid parliamentary rule. The Indian Office asks for this relief, a matter which the Secretary of the Interior asks for and approves; a matter which I, as their Representative in Congress, living within 10 miles of the chief of that tribe and in the middle of the entire tribe, ask for on my own responsibility to have this right accorded to the Secretary of the Interior, to the end that justice may be done. [Applause.]

Mr. SHERMAN. Mr. Chairman, I dislike exceedingly to invoke the rule against the amendment offered by the gentleman from Oklahoma. It is almost painful to do it after listening to his earnest and eloquent appeal in behalf of these Indians, but the proposition, Mr. Chairman, that his amendment permits is a distribution of a fund which is measured by millions and it is a matter which has not yet received the attention of the Committee on Indian Affairs, and I think I would not be justified, Mr. Chairman, in charge of this bill, in withdrawing the point of order, because I am sure, Mr. Chairman, the committee have the right to expect me to protect them as a whole in all of these matters of such great consequence as this——

Mr. STEPHENS of Texas. Will the chairman please let me suggest one thing?

Mr. SHERMAN. Yes; I will yield to the gentleman, although I was in the middle of a sentence.

Mr. STEPHENS of Texas. I am very anxious these Indians should have the relief they are asking for, and I desire to ask if the chairman will not consent to a change of the amendment so we could limit the amount say to fifty or a hundred thousand dollars and relieve them of their present pressing wants.

Mr. SHERMAN. Mr. Chairman, the chairman of the committee would not feel justified in withdrawing the point of order against an amendment which involves the possibility of so great an expenditure. I am willing to do this much, Mr. Chairman. I am entirely willing that this matter—it is almost time for the committee to rise—to go over until the morning with the point of order pending against it, and in the meantime to consult with the members of the Committee on Indian Affairs and see if the majority of them will authorize me to agree upon some amendment to accomplish the end which the gentleman from Oklahoma desires.

Mr. FITZGERALD. Before the gentleman does that I desire to call attention to this fact. The original act provided that this money should be expended as Congress directs. The Secretary of the Interior simply asks us that a slight amendment be passed to take that power away from Congress and place it in his hands. The Committee on Indian Affairs will not be able to make any agreement that will permit that to be done on this Indian bill. I want to call the gentleman's attention to this fact. I recollect being in Oklahoma and investigating claims of $450,000 that were held there by traders against the Osage Nation, who traded with the nation with the anticipation of the money being collected under certain distributions. About half of the claims, as I recollect, were repudiated by Congress, and I shall insist that the Committee on Indian Affairs take plenty of time to determine in what manner the three or four million dollars to be realized from the sale of their land should be distributed.

Mr. SHERMAN. Oh, certainly. I agree with the gentleman. My thought in suggesting that it go over until to-morrow morning was not to permit the Secretary to have authority to disburse this entire fund, running into the millions, but that we might reach an agreement by which the Secretary might be authorized at the present time to distribute perhaps $50,000 or $100,000 of it. That was all that I had in mind.

Mr. FITZGERALD. There is nothing in the letter which shows any necessity, except a desire of the Department to have this control which Congress, when it deliberated upon this letter, refused to give it.

Mr. MANN. I suggest to the gentleman from New York [Mr. SHERMAN] after he consults the members of his committee about withdrawing the point of order, he had better consult the opinion of the House upon the subject, too.

Mr. SHERMAN. Of course, Mr. Chairman, every Representative has the same right with every other Representative as to raising a point of order on any proposition. But I was raising the point of order here as representing the committee rather than as an individual, which I would do about any amendment of any consequence on this bill, of course. After that, of course, the gentleman from Illinois [Mr. MANN] or my distinguished colleague from New York [Mr. FITZGERALD] could raise a point of order, and, if either of them say now that it will be impossible for us to bring in any modified provision which they will consent to having incorporated in the bill, I will not ask unanimous consent to have it go through.

Mr. MANN. Let me ask the gentleman from New York [Mr. SHERMAN] if it would not be feasible for the gentleman from Oklahoma [Mr. FERRIS] to present a bill and have it considered by the committee and reported to the House, covering this question?

Mr. SHERMAN. It would be feasible, most certainly; and let me say in that connection that the Committee on Indian Affairs have had at least two meetings since they reported their appropriation bill, at which this matter could have been presented, and they could have passed on the subject and instructed the chairman or some other member of the committee to offer a proposition as a committee amendment.

Mr. FERRIS. If the gentleman will yield for just one word, I think I suggested the reason for that.

Mr. SHERMAN. Certainly, the gentleman did.

Mr. FERRIS. And the very object of legislation, I believe, is to reach contingencies and Indian frailties, and it is one of those frailties that I do not hold anybody responsible for, and neither do the Indians.

Mr. SHERMAN. But the gentleman's proposition is so awfully broad. It is not simply to permit the Secretary to give to each of them now $50, but his amendment provides that the Secretary can distribute all the interest and all of the principal.

Mr. FERRIS. If the gentleman will permit me, I desire to say as to his suggestion as to taking it over until to-morrow, if he will let me bring those Indian chiefs before him and present the matter to him, I think he will join with me in presenting it to this House much more forcibly than I was able to do.

Mr. SHERMAN. Mr. Chairman, with a point of order pending, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PERKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 15219—the Indian appropriation bill—and had come to no resolution thereon.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Acting Secretary of State covering a note from the Imperial German ambassador by which is communicated the acceptance by the International Congress on Hygiene and Demography of the invitation extended to it in pursuance of the joint resolution of Congress approved February 26, 1907, to hold its next session at the city of Washington in 1910.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 10, 1908.*

AMERICAN PASSPORTS IN RUSSIA.

Mr. CAPRON. Mr. Speaker, I desire to introduce a privileged resolution from the Committee on Foreign Affairs, and I ask that the resolution, together with the communication of the Department of State and the regulation, be printed, and I desire to give notice that I will call it up to-morrow morning.

Mr. MANN. Can we have the resolution reported, Mr. Speaker?

The SPEAKER. Does the gentleman from Rhode Island [Mr. CAPRON] desire to have it printed in the RECORD?

Mr. CAPRON. It was the desire of the committee that it be printed in the RECORD.

The SPEAKER. The resolution and the report?

Mr. CAPRON. The resolution and the letter from the Department of State.

The SPEAKER. The report covers the letter from the Department of State.

Mr. CAPRON. Yes, sir.

The SPEAKER. Is there objection?

Mr. MANN. Can we have the title of the resolution reported, so that we can have some idea of what it is?

The SPEAKER. The Clerk will read.

The resolution was read, as follows:

House resolution 223.

Resolved, That the Secretary of State be, and he hereby is, requested to communicate to this House, if not incompatible with the public interests, the correspondence relating to negotiations with the Russian Government concerning American passports since the adoption of the resolution by the House of Representatives relating to that subject on the 21st day of April, 1904; and also a copy of the circular letter issued by the Department of State to American citizens advising them that upon the Department receiving satisfactory information that they did not intend to go to Russian territory or that they had permission from the Russian Government to return, their application for passport would be reconsidered; and also a copy of the notice accompanying such letter issued by the Department of State, dated May 28, 1907.

The letter and notice are as follows:

DEPARTMENT OF STATE,
Washington, February 8, 1908.

The Hon. ADIN B. CAPRON,
Chairman of the Subcommittee, Committee on Foreign Affairs, House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of February 5, bringing to this Department's attention a resolution introduced in the House of Representatives February 4 by Mr. GOLDFOGLE, of New York, asking that the Secretary of State be requested to communicate, if not incompatible with the public interests, copies of correspondence with the Russian Government concerning the validity of American passports since the adoption by the House of Representatives of the resolution of April 21, 1904, on that subject; also a copy of the circular letter and notice issued by the Department to American citizens who desire to proceed to Russia.

In the volume of Foreign Relations of the United States for 1904, page 790, may be found the beginning of the correspondence between this Government and the Russian Government when the resolution of April 21, 1904, was submitted to that Government.

It is not deemed compatible with the best public interests at this time to communicate the subsequent correspondence.

I inclose a copy of the printed circular or notice now in use and which, before the introduction of the resolution, had been substituted for the former circular, to which some objections were made.

I have the honor to be, sir,
Your obedient servant,

ELIHU ROOT.

RUSSIA.

Notice to American citizens, formerly subjects of Russia, who contemplate returning to that country.

Under Russian law a Russian subject who becomes a citizen of another country without the consent of the Russian Government is deemed

to have committed an offense for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but an American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

No one is admitted to Russia unless his passport has been viséed, or indorsed, by a Russian diplomatic or consular representative.

ELIHU ROOT.

DEPARTMENT OF STATE,
Washington, January 25, 1908.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

JOINT COMMISSION ON POST-OFFICE.

Mr. OVERSTREET. Mr. Speaker, I desire to submit a preliminary report from the Joint Commission appointed by Congress in reference to investigating the business methods of the postal system, with the request that it be printed and referred.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Preliminary report of the Joint Commission on the business methods of the postal service under act of Congress approved March 2, 1907.

Mr. OVERSTREET. This is simply to be printed and referred under the rules.

Mr. WILLIAMS. Will the gentleman object to its being printed in the RECORD?

Mr. OVERSTREET. Oh, this is a very voluminous report. It submits the report of the expert accountants, and it is presented at this time to make public the investigation had thus far.

The SPEAKER. Does the gentleman desire it to be printed and recommitted?

Mr. OVERSTREET. Mr. Speaker, it will be printed, under the rules of the House, with a limited number of copies. I have no request to make at this time for additional copies.

The SPEAKER. The gentleman desires to have it referred to the Committee on the Post-Office and Post-Roads?

Mr. OVERSTREET. It was submitted for reference and to be printed.

Mr. FITZGERALD. How does it come in? It is not privileged.

Mr. OVERSTREET. It is for the purpose of giving information to the House. It is a preliminary report.

Mr. FITZGERALD. But the gentleman has no right to make that report in that way, unless it is privileged under the rules, and I have been trying to get the attention of the Chair to make that objection.

The SPEAKER. The gentleman asks unanimous consent to make the report.

Mr. OVERSTREET. That is what I do.

Mr. WILLIAMS. And have it published as a document?

Mr. OVERSTREET. I made the request simply for the purpose of making it public.

The SPEAKER. And that it be printed and referred to the Committee on the Post-Office and Post-Roads?

Mr. OVERSTREET. That was the request I made. In order to permit gentlemen to hear me again, I renew it. I ask unanimous consent to submit a preliminary report from the Joint Postal Commission on the business methods of the Department, and ask that it be printed and referred. Now, under the rules when such a document is reported, there are a limited number of copies printed—I think about 1,600—and if there should be a demand at a later day for a greater number of copies, provision could be made by either a joint resolution or an order to reprint, but at the present time the only purpose is to have it printed and referred.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the document is referred to the Committee on the Post-Office and Post-Roads and ordered to be printed.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3024. An act to authorize the President of the United States to appoint Gen. Oliver O. Howard, retired, to be lieutenant-general United States Army—to the Committee on Military Affairs.

S. 3388. An act to correct the military record of William A. Hinsch—to the Committee on Military Affairs.

S. 627. An act to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909—to the Committee on Ways and Means.

REDUCTION OF SKILLED LABOR IN NAVY-YARDS.

Mr. FOSS. Mr. Speaker, I desire to submit a privileged report.

The Clerk read as follows:

Resolved, That the Secretary of the Navy inform the House of Representatives why a considerable reduction is being made in the skilled labor force employed at the Washington Navy-Yard and at other navy-yards of the country.

The report (by Mr. Foss) was read, as follows:

The Committee on Naval Affairs, to whom was referred the resolution (H. Res. 227) requesting the Secretary of the Navy to inform the House of Representatives why a considerable reduction is being made in the skilled-labor force employed at the Washington and other navy-yards of the country, having had the same under consideration, report as follows: In line 1, after the word "Navy," insert the words "be requested to." In line 2 strike out all after the word "Representatives." Strike out all of lines 3 and 4 and add the following: "If not incompatible with the public interests, what reduction, if any, has been made in the skilled-labor force employed in the Washington and other navy-yards and the reason therefor."

When so amended, the committee recommend that the resolution do pass.

Mr. FOSS. I call for the adoption of the report, Mr. Speaker.

Mr. PAYNE. Does the gentleman make that as a privileged report?

The SPEAKER. Without objection, the amendments will be agreed to, and the resolution as amended agreed to.

Mr. MANN. I raise the point of order upon that proposition, Mr. Speaker.

Mr. WILLIAMS. Too late.

The SPEAKER. The Chair does not understand the gentleman.

Mr. MANN. I raise the point of order on this resolution, that it is evident it is not privileged.

Mr. FOSS. Mr. Speaker, I think it is too late to make the point of order.

Mr. WILLIAMS. The point of order is too late.

Mr. MANN. I made the point of order as soon as the resolution was read.

Mr. WILLIAMS. No; the Speaker said that without objection the amendment would be adopted and the resolution agreed to, and so declared it.

Mr. DALZELL. The resolution asks for the Secretary's reasons, does it not?

Mr. MANN. Yes.

The SPEAKER. The Chair would state that the resolution was reported as a privileged resolution, and so announced by the gentleman from Illinois, and it had to be read to find out what it was. Certain amendments were reported, and then the Chair stated that, without objection, the amendments would be considered as agreed to, and the resolution as amended agreed to; but the Chair is of the opinion, under the conditions, that the gentleman from Illinois [Mr. MANN] is in time if he desires to make his point of order upon the resolution.

Mr. MANN. The resolution is not a privileged resolution. Very plainly, both the original resolution and the resolution as amended——

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. The resolution provides that the Secretary of the Navy shall give the reasons why he does certain things, and that is not privileged. It is not calling for information as to facts. The first part of the resolution is privileged; the latter part is not, as I take it. He might write a book under that request.

The SPEAKER. The Chair will suggest that the matter go over until after the reading of the Journal in the morning. The Chair would like to examine the point of order.

Mr. FOSS. Mr. Speaker, I have no objection to the matter going over, but I do not expect to be here to-morrow morning, and for that reason I have brought it in this evening. If it is a privileged resolution, it must be reported within this time.

The SPEAKER. The Chair will hear the gentleman on the point of order, if the gentleman desires.

Mr. WALDO. Mr. Speaker, I suggest to the gentleman that he strike out the request for reasons, and make it read that the Secretary be requested to state the facts for such reduction, and he will get what he wants, and it will be privileged.

Mr. FITZGERALD. This does not ask for an opinion; it asks for reasons, and the reasons must be facts. Therefore this is privileged. It is not what the Secretary may imagine. The resolution calls for the facts upon which the discharges of these men were based.

Mr. MADDEN. The gentleman from New York is anxious for some reasons to be given which will enable him to make a speech, I suppose.

Mr. FITZGERALD. I doubt his ability to give reasons, but he can state the facts.

The SPEAKER. Without intimating an opinion as to whether the point of order is or is not well taken, the Chair would prefer that the matter go over until to-morrow morning.

Mr. FOSS. Then, Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The gentleman, pending the point of order, asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. MANN. Mr. Speaker, it seems to me very bad practice to ask a Department to give the reasons why they do so and so. There is a method of communicating with Congress. They can communicate the facts; but if we start out asking each officer of the Government why he does thus and so, we enter upon a very bad practice, and therefore I object.

CHURCH CLAIMS IN THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I have filed the report of the Committee on Insular Affairs on the bill H. R. 16143, the Catholic Church claim bill for the Philippine Islands; and the gentleman from Virginia [Mr. JONES], who is not here to-day, asked me, in his absence, to request five days' leave for the minority to file their views.

The SPEAKER. The gentleman asks five days' leave to the minority upon the bill referred to to file their views. Is there objection?

There was no objection.

LEASING OF CERTAIN MINERAL LANDS.

By unanimous consent the Committee on the Public Lands was discharged from the further consideration of the bill (H. R. 3967) permitting the Secretary of the Interior to lease certain mineral lands, and the same was referred to the Committee on the Judiciary.

ENROLLED BILLS SIGNED:

The Speaker announced his signature to enrolled bills of the following titles:

S. 4048. An act granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

S. 2929. An act to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington.

COURT OF APPEALS, DISTRICT OF COLUMBIA.

By unanimous consent, the Committee on the Public Lands was discharged from the further consideration of the bill (H. R. 16090) relating to jurisdiction on appeals in the court of appeals of the District of Columbia in cases relating to public and Indian lands, and for other purposes, and the same was referred to the Committee on the Judiciary.

ADJOURNMENT.

Mr. HINSHAW. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of certain works in the Light-House Establishment and recommending legislation for an increase of limit of cost—to the Committees on Appropriations and Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Chief of Ordnance recommending legislation in relation to mileage of ordnance officers—to the Committee on Military Affairs and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for installation of a card index system for the records of the Pension Bureau—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for certain works in the Light-House Establishment not heretofore authorized—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a report as to rents received from property on square No. 143 in Washington, D. C.—to the Committee on Ways and Means and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for completing light-house on Staten Island and raising the West Bank Light—to the Committee on Appropriations and ordered to be printed.

A letter from the superintendent of the Washington, Alexandria and Mount Vernon Railway Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of reappropriation of certain balances to the credit of works in the light-house department—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a report as to rents received from property on square No. 324 in Washington, D. C.—to the Committee on Ways and Means and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *James*, Robert Palmer, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Perry Rennoe, administrator of estate of Reverdy A. Rennoe, against The United States—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SULZER, from the Committee on Patents, to which was referred the bill of the House (H. R. 15841) to amend section 4896 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 695), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BYRD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes, reported the same with amendment, accompanied by a report (No. 693), which said bill and report were referred to the Private Calendar.

Mr. PARSONS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12803) allowing Chandler Bassett to perfect final proof in his homestead entry, reported the same without amendment, accompanied by a report (No. 694), which said bill and report were referred to the Private Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands, reported the same with amendments, accompanied by a report (No. 696), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4469) granting a pension to Mary E. Rice—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16545) granting an honorable discharge to Thomas G. Le Grand—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16546) granting an honorable discharge to George W. Grigsby—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16547) to remove the charge of desertion and correct the military record of William Cameron—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 16731) to regulate the price of mileage tickets on railway transportation companies doing an interstate commerce business—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: A bill (H. R. 16732) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States—to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 16733) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, a bill (H. R. 16734) to compensate civilian Government employees for personal injury in line of service—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 16735) in relation to the affairs and property of the Five Civilized Tribes, and so forth—to the Committee on Indian Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 16736) to provide for the erection of a public building at Asbury Park, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. FULTON: A bill (H. R. 16737) to provide for allotments of certain members of the Arapaho tribe of Indians—to the Committee on Indian Affairs.

By Mr. TOWNSEND: A bill (H. R. 16738) to provide for the preparation of plans for a memorial amphitheater at Arlington, Va., and for other purposes—to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 16739) to provide compensation for injuries to employees solely engaged in interstate and foreign commerce, to which the regulative power of Congress extends under the Constitution of the United States, and to create a Commission of Injury Awards and granting powers to said Commission—to the Committee on the Judiciary.

By Mr. McHENRY: A bill (H. R. 16740) supplementary to and amendatory of the act of May 9, 1902, entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1906,'" defining the duties of dealers in oleomargarine and other imitation dairy products; defining offenses against said act and prescribing penalties therefor—to the Committee on Agriculture.

By Mr. SMITH of Texas: A bill (H. R. 16741) to authorize the Interstate Commerce Commission to suspend advances in rates, fares, charges, and classifications of common carriers of interstate and foreign commerce, and to further regulate commerce among the several States and with foreign countries—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 16742) providing for granting pensions to telegraph operators who rendered service to the Union Army or Navy during the civil war—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes—to the Committee on Indian Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16744) to increase the compensation of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 16745) to prevent payment of special tax on retail liquor dealers under assumed or fictitious name, and so forth—to the Committee on Ways and Means.

By Mr. UNDERWOOD: A bill (H. R. 16746) to authorize T. H. Friel or assigns to construct a dam across Mulberry Fork of the Warrior River—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: A bill (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street"—to the Committee on the District of Columbia.

By Mr. PORTER: A bill (H. R. 16748) amending an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906—to the Committee on Rivers and Harbors.

By Mr. BARCHFELD: A bill (H. R. 16749) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: A bill (H. R. 16750) to prohibit and to prescribe the punishment for the shipping and carrying in interstate commerce, in certain cases, of intoxicating liquors, as constituting a special class of commodities, and to forbid and prescribe the punishment for the issuing of and the collecting or accepting of any tax or fee for any authorization or permit to sell any such liquor in any State or part of a State wherein the sale thereof is prohibited by the constitution or law of the State, and for other purposes—to the Committee on the Judiciary.

By Mr. CHANEY: A bill (H. R. 16751) to aid in the erection of a memorial monument to Pocahontas at Jamestown, Va.—to the Committee on Appropriations.

Also, a bill (H. R. 16752) relating to a plaster model of an equestrian statue of Gen. John A. Rawlins—to the Committee on Appropriations.

By Mr. BEALL of Texas: A bill (H. R. 16753) to establish a subtreasury at Dallas, Tex.—to the Committee on Ways and Means.

By Mr. BRICK: A bill (H. R. 16754) to provide for the purchase of a site and the erection of a public building thereon at Juneau, in the Territory of Alaska—to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 16755) to provide for the free importation of wire fencing, and for other purposes—to the Committee on Ways and Means.

By Mr. BRICK: A bill (H. R. 16756) to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899—to the Committee on the Territories.

By Mr. BURLEIGH: A bill (H. R. 16757) for the incorporation of the Brotherhood of St. Andrew—to the Committee on the District of Columbia.

By Mr. PATTERSON: A bill (H. R. 16758) to prevent the issuance by any judge of any court of the United States, inferior to the Supreme Court, of any writ of injunction, habeas corpus, or prohibition in any case wherein the validity of a law of any one of the United States, or the act of any officer of any such State done, or required to be done, in pursuance of such law, is called in question—to the Committee on the Judiciary.

By Mr. CAULFIELD: A bill (H. R. 16759) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations—to the Committee on Indian Affairs.

By Mr. HOWARD: A bill (H. R. 16760) to provide for the erection of a public building at Elberton, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16761) to provide for the erection of a public building at Monticello, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. BRANTLEY: A bill (H. R. 16762) to provide for the erection of a public building in Dublin, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16763) to provide for the erection of a public building in Way Cross, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. HOWARD: A bill (H. R. 16764) providing for the remodeling and enlarging of the public building at Athens, Ga., and the building of an addition thereto and to appropriate money therefor—to the Committee on Public Buildings and Grounds.

By Mr. GILL: Joint resolution (H. J. Res. 134) for the relief of Midshipman Archibald G. Stirling—to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Concurrent resolution (H. C. Res. 29) directing the Secretary of War to cause to be made a survey of New Smyrna Inlet, Florida—to the Committee on Rivers and Harbors.

By Mr. MANN: Resolution (H. Res. 230) for the payment of a janitor to the press room of the House—to the Committee on Accounts.

By Mr. HOWELL of New Jersey: Resolution (H. Res. 231) to increase the pay of the employees on the folders' roll—to the Committee on Accounts.

By Mr. HAUGEN: Resolution (H. Res. 232) for the payment

of a janitor to the Committee on Expenditures in the Interior Department—to the Committee on Accounts.

By Mr. LOWDEN: Memorial of the legislature of Illinois, requesting Congress to pass the Hamilton bill—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 16765) granting a pension to Phila L. McIlvain—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 16766) granting a pension to D. Jasper Lentell—to the Committee on Pensions.

Also, a bill (H. R. 16767) granting a pension to Charles J. Tribble—to the Committee on Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 16768) granting a pension to Catharine J. Thomas—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 16769) granting an increase of pension to George W. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16770) granting land to Anna Johnson—to the Committee on the Public Lands.

By Mr. ANSBERRY: A bill (H. R. 16771) granting an increase of pension to Stephen Lowe—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 16772) granting a pension to Laury Charlottie McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16773) granting an increase of pension to John H. Blessing—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 16774) for the relief of Parsey O. Burrough, who survived Henry S. Hannis, late copartners, trading as Henry S. Hannis & Co.—to the Committee on Claims.

By Mr. BRODHEAD: A bill (H. R. 16775) granting a pension to Anna J. Cottingham—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 16776) granting an increase of pension to Mack Million Trotter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16777) granting an increase of pension to Jonathan N. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16778) granting an increase of pension to F. P. Robinson—to the Committee on Pensions.

Also, a bill (H. R. 16779) granting an increase of pension to John Forrister—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 16780) correcting the military record of Amos M. Barbin—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 16781) granting an increase of pension to John Williams—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16782) granting an increase of pension to Andrew J. Northrup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16783) granting an increase of pension to John W. Chancellor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16784) granting an increase of pension to John Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16785) granting an increase of pension to Elisha Cooley—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 16786) granting an increase of pension to Jason Densmore—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 16787) to remove the charge of desertion from the military record of Michael Coveny, alias Michael Dowling—to the Committee on Military Affairs.

By Mr. DUREY: A bill (H. R. 16788) granting an increase of pension to Orramell T. Bostwick—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 16789) to pay to the heirs of Lieut. Col. John McIntosh, late of McIntosh County, Ga., certain moneys due for his services in the war of the American Revolution—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 16790) granting an increase of pension to Arthur Sirey—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 16791) for the relief of George W. Lawrence—to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 16792) granting an increase of pension to Henry Lamp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16793) granting an increase of pension to William Bair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16794) for the relief of the legal representatives of George D. Herman, deceased—to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 16795) granting an increase of pension to Alexander S. Fair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16796) granting an increase of pension to Frederick Niefenegger—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 16797) for the relief of the heirs of Thomas J. Noakes, deceased—to the Committee on War Claims.

By Mr. GILHAMS: A bill (H. R. 16798) granting an increase of pension to John A. Soliday—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 16799) granting an increase of pension to Alice Dittman—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 16800) granting an increase of pension to Henry A. Harkins—to the Committee on Invalid Pensions.

By Mr. GRIGGS: A bill (H. R. 16801) granting a pension to St. Elmore Middleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16802) granting a pension to Polly Giddens—to the Committee on Pensions.

Also, a bill (H. R. 16803) granting a pension to William Abt—to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 16804) granting an increase of pension to George W. Edson—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16805) for the relief of Samuel J. Lutholtz—to the Committee on War Claims.

Also, a bill (H. R. 16806) granting a pension to Horace G. Shull—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 16807) granting an increase of pension to Elias Dedmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16808) granting an increase of pension to George G. Morrison—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16809) granting an increase of pension to Erastus Mack—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 16810) granting an increase of pension to Simpson Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16811) granting an increase of pension to Marian W. Brasier—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 16812) for the relief of the estate of John W. Spradlin—to the Committee on War Claims.

Also, a bill (H. R. 16813) for the relief of the estate of J. W. Fisher—to the Committee on War Claims.

Also, a bill (H. R. 16814) granting an increase of pension to James A. Hicks—to the Committee on Pensions.

Also, a bill (H. R. 16815) granting an increase of pension to Mary Bright—to the Committee on Pensions.

Also, a bill (H. R. 16816) granting an increase of pension to Almilda A. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16817) granting a pension to Daniel Ladd—to the Committee on Pensions.

Also, a bill (H. R. 16818) granting a pension to W. W. Baldwin—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16819) granting a pension to Ophelia Turner—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 16820) for the relief of David B. Dowdell—to the Committee on War Claims.

Also, a bill (H. R. 16821) for the relief of Emma P. Barbour—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 16822) granting an increase of pension to Ransom B. Hunter—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 16823) granting an increase of pension to Benjamin F. Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16824) granting a pension to J. M. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16825) for the relief of Elijah Patrick—to the Committee on War Claims.

Also, a bill (H. R. 16826) for the relief of John Henry—to the Committee on War Claims.

Also, a bill (H. R. 16827) for the relief of James Stafford—to the Committee on War Claims.

Also, a bill (H. R. 16828) for the relief of the legal representatives of J. M. Fidler—to the Committee on War Claims.

Also, a bill (H. R. 16829) for the relief of the administrator of the estate of James K. Hunter—to the Committee on War Claims.

Also, a bill (H. R. 16830) for the relief of the heirs of William Ragan—to the Committee on War Claims.

Also, a bill (H. R. 16831) granting an increase of pension to Henry M. Gibbs—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 16832) for the relief of the estate of Howell Tatum, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16833) for the relief of the estate of John Tittle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16834) for the relief of David E. Tatum—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 16835) granting an increase of pension to Romanzo A. Nichols—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 16836) for the relief of heirs of C. E. Rosser, deceased—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 16837) granting an increase of pension to Mary Ellen Lauriat—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 16838) to correct the military record of Capt. George H. Lovett—to the Committee on Military Affairs.

Also, a bill (H. R. 16839) granting a pension to Sophia G. Eckman—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 16840) granting an increase of pension to George W. Minkler—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 16841) granting a pension to John Kennedy—to the Committee on Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 16842) granting an increase of pension to Thomas C. Crabtree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16843) granting an increase of pension to Samuel O. Stanley—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 16844) granting an increase of pension to Thomas Radford—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 16845) granting an increase of pension to Jennette E. Royce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16846) granting an increase of pension to Ann E. Parmelee—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 16847) for the relief of heirs of George A. Barbee—to the Committee on War Claims.

Also, a bill (H. R. 16848) for the relief of heirs of John Nicholson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16849) for the relief of heirs of C. H. Hicks, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 16850) granting an increase of pension to W. R. Marsee—to the Committee on Invalid Pensions.

By STERLING: A bill (H. R. 16851) for the relief of certain Indians by blood for identification as Mississippi Choctaws and enrollment on the legal rolls of the Choctaw Nation or tribe of Indians—to the Committee on Indian Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 16852) for the relief of Thomas Finley—to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 16853) for the relief of Rebecca P. Tyus or her heirs—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 16854) for the relief of James Easson—to the Committee on War Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 16855) granting an increase of Pension to Larkin B. Richerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16856) granting an increase of pension to Edwin French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16857) granting an increase of pension to James M. Royer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16858) granting an increase of pension to Cornelius McGuire—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Retail Merchants' Association of Pennsylvania, favoring present postal rate of 16 cents per pound—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany a bill authorizing an examination and survey of Indian Creek, Ashtabula County, Ohio—to the Committee on Rivers and Harbors.

Also, petition of local unions Nos. 270 and 250, International Typographical Union, for removal of duty on white paper, etc.—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Phila L. McIlvain—to the Committee on Invalid Pensions.

By Mr. ADAIR: Paper to accompany bill for relief of William J. Crouch—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: Papers to accompany bills for relief of John Q. Hickman, Thomas F. Pratt, and Marion H. Mostinger—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Catherine J. Thomas—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Paper to accompany bill for relief of Stephen Lowe—to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of Typographical Union No. 121, of Topeka, Kans., for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Sarah K. Stebbins and 300 other citizens of Atchison, Kans., against reestablishment of the canteen—to the Committee on Military Affairs.

Mr. ASHBROOK: Paper to accompany bill for relief of Orodine Drake—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of Georgia Woman's Christian Temperance Union, of Savannah, Ga., for Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. BURKE: Paper to accompany bill for relief of John Hartman, alias William Johnson, alias David Stiers—to the Committee on Military Affairs.

Also, petition of American Antiboycott Association, against restricting rights of any court of equity in the issuance of injunctions—to the Committee on the Judiciary.

Also, petition of Immigration Aid Commission of the Council of Jewish Women, against educational clause in anti-immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Allentown Manufacturing Company, of Allentown, Pa., approving of no legislation inimical to the present prosperous condition of business—to the Committee on Interstate and Foreign Commerce.

Also, petition of officers, directors, and trustees of art museums in the United States, for free art—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of the Winthrop Budget, against Post-Office Department denying right of publisher to extend credit for subscriptions to patrons of his publication—to the Committee on the Post-Office and Post-Roads.

Also, petition or memorial of Robert H. Gardiner and others, for legislation permitting incorporation of the Brotherhood of St. Andrew—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of Peter Carroll and others, for H. R. 7691, for adjustment and payment of accounts of laborers, workmen, and mechanics arising under the eight-hour law of June 24, 1868, and May 18, 1872—to the Committee on Claims.

Also, petition of B. Rockwell Merchandise and Grain Company, against H. R. 13447—to the Committee on the Post-Office and Post-Roads.

Also, petition of officers, directors, and trustees of art museums, for free art—to the Committee on Ways and Means.

Also, petition of National Funeral Directors' Association, against burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Solomon Commercial Club of Solomon, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Brown Shoe Company against H. R. 13447—to the Committee on the Post-Office and Post-Roads.

Also, petition of Encampment No. 1, Union Veteran League, three-year volunteers, favoring H. R. 4930 (Union prisoners' pension bill)—to the Committee on Invalid Pensions.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Farmers' Grain, Live Stock, and Cooperative Mercantile Association, favoring Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wyandotte Woman's Christian Temperance Union, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Rev. T. M. Jackson, Jennie E. Foresman, C. W. Foresman, F. E. Yantes, F. M. Watts, Mrs. Alice G. Young, and A. A. Huntsinger, against sale of intoxicants in all public buildings of the United States—to the Committee on the Judiciary.

Also, petition of National German-American Alliance, for repeal of the canteen law—to the Committee on Military Affairs.

By Mr. MAYNARD: Papers to accompany bill for a monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

By Mr. CAPRON: Petition of library of Brown University, of Providence, R. I., favoring H. R. 11794—importing copies of foreign books duty free—(previously referred to the Committee on Patents)—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of National Board of Trade, for a national incorporation law—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of volunteer officers of civl war, of Janesville, Wis., for H. R. 6288, for a volunteer officers' retired list—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Memorial of Farmers' Institute of Montcalm County, Mich., opposed to the reduction of tariff on imports from Philippine Islands—to the Committee on Ways and Means.

By Mr. DE ARMOND: Paper to accompany bill for relief of James M. Pickett—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of American Antiboycott Association, against restricting rights of any court of equity in the issuance of injunctions—to the Committee on the Judiciary.

By Mr. ESCH: Petition of National Funeral Directors' Association of the United States and the Wisconsin Funeral Directors and Embalmers' Association, against the custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Wisconsin, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commandery of the State of Wisconsin, Military Order of Loyal Legion, against abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of New York Produce Exchange, against Federal inspection of grain (previously referred to the Committee on Ways and Means)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Anacostia Citizens' Association, for improvement of the Anacostia River flats—to the Committee on the District of Columbia.

Also, petition of Board of Education of New York City, favoring Federal Government bearing half of the expense of nautical schools—to the Committee on Naval Affairs.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of officers and directors of art museums of the United States, for removal of duty on art works—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of James L. Stevens—to the Committee on Pensions.

Also, papers to accompany bills for relief of George Rawlings, David Phillips, and W. H. Cleveland—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of W. T. Williamson and many other citizens of Pennsylvania, for S. 3153, protection of dairy interests—to the Committee on Agriculture.

By Mr. FOSTER of Illinois: Papers to accompany bills for relief of John Shoaff and Henry A. Clubb—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: Petition of International Typographical Union No. 444, of Princeton, Ind., for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

Also, petition of Crescent City Council No. 14, of Evansville (Ind.) Commercial Travelers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Indianapolis Board of Trade, for increase of pay of officers and enlisted men in Army—to the Committee on Military Affairs.

By Mr. FULLER: Petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Brown Shoe Company, against H. R. 13447, relative to post-offices giving out names of patrons—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Wool Growers' Association, relative to forest reservations and various subjects—to the Committee on Agriculture.

Also, petition of Wallace P. Groom, for currency legislation—to the Committee on Banking and Currency.

Also, petition of Marvin Campbell, for legislation guaranteeing bank deposits—to the Committee on Banking and Currency.

By Mr. FULTON: Paper to accompany bill for relief of James B. Houston—to the Committee on War Claims.

By Mr. GOLDFOGLE: Petition of New York Produce Exchange, against Federal inspection of grain (previously referred to the Committee on Ways and Means)—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of the Brown Shoe Company, against H. R. 13447, relative to furnishing lists of names by post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Stephen Mummery, of Brooklyn, N. Y., for the Kittredge copyright law—to the Committee on Patents.

By Mr. GRAHAM: Petition of Joseph R. Craig and others, against abolition of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Charles D. Wellach, deprecating legislation unfavorable to present business conditions—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Leonard C. Martin—to the Committee on Claims.

Also, petition of Excelsior Express and Standard Cab Company, for legislation helpful to transfer companies—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany a bill to regulate commerce, amendment to interstate-commerce bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Ware, for H. R. 11562 (return of collateral inheritance tax to Stevens Institute of Technology)—to the Committee on Claims.

Also, petition of immigration aid committee of the Council of Jewish Women, against educational clause of the anti-immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Ph. Hamburger Company against Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of E. G. Barie and Charles K. Beach, for S. 2802, relative to overtime claims of letter carriers—to the Committee on Claims.

Also, petition of Allentown Manufacturing Company, against legislation inimical to business prosperity—to the Committee on Interstate and Foreign Commerce.

Also, petition of William Barclay Parsons, for H. R. 11562 (return of collateral inheritance tax to Stevens Institute of Technology, of Hoboken, N. J.)—to the Committee on Claims.

Also, petition of American Antiboycott Association, against restricting rights of courts in injunctions—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Bristol-Phoenix, of Bristol, R. I., against a portion of Postmaster-General's order of December 4, 1907—to the Committee on the Post-Office and Post-Roads.

Also, petition of town council of South Kingston, R. I., for H. R. 6169, relative to promotion of efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Live Stock Association for a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petitions of Star of Boston Lodge, No. 209, I. O. B. A., and Hebrew Independence Club, of Boston, Mass., against the Latimer immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRONNA: Petitions of Woman's Christian Temperance Union of St. Thomas, N. Dak., and citizens of Ardoch, N. Dak., for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petitions of Typographical Union No. 311, of Grand Forks, N. Dak., and Typographical Union No. 168, of Fargo, N. Dak., for repeal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

Also, petition of Woman's International Missionary Union, of District of Columbia, for legislation prohibiting importation and sale of opium, and for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMLIN: Paper to accompany bill for relief of Ishmeal Lee—to the Committee on War Claims.

By Mr. HAMILTON of Iowa: Petition of W. H. Taylor and others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDY: Soldier's affidavit in support of H. R. 16184, granting an increase of pension to James Cochran Key—to the Committee on Pensions.

By Mr. HARDWICK: Petition of Woman's Christian Temperance Union of Savannah, Ga., favoring the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. HAY: Paper to accompany bill for relief of Samuel J. Sutholtz—to the Committee on War Claims.

By Mr. HENRY of Texas: Petition of Ben L. Griffin and others, citizens of Texas, for currency legislation—to the Committee on Banking and Currency.

By Mr. HEPBURN: Petition of College Springs (Iowa) Presbytery, for the original-package bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Petitions of old soldiers of the civil war and members of the Grand Army of the Republic, favoring H. R. 13261, pensioning widows of soldiers of civil and Mexican wars; also for H. R. 4805, pensioning widows of soldiers at same rate as their deceased husbands—to the Committee on Invalid Pensions.

Also, petitions of citizens of Garrison, Wymore, Western, and Yutan, all in the State of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of General Howell Post, Grand Army of the Republic, of Woodbury, N. J., against abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: Paper to accompany bill for relief of Mitchell Hunt—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of David B. Dowdell—to the Committee on War Claims.

By Mr. KELIHER: Petition of trustees of Massachusetts Agricultural College, for legislation for the War Department to continue detail of Army officers to land-grant colleges—to the Committee on Military Affairs.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of officers, directors, and trustees of art museums, for repeal of duty on art—to the Committee on Ways and Means.

Also, petition of joint board of Allied Printing Trades, for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Northeast Drug Exchange, for amendment of Sherman antitrust law allowing agreements not detrimental to public interests—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Star of Boston Lodge, No. 209, I. O. B. A., and Ward 9, Hebrew Independent Club of Boston, Independent Order of United States Jewish Citizens, against immigration legislation that provides for an educational test, head tax, etc.—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of citizens of Cape Vincent, N. Y., for a residence and boathouse for the keeper of the breakwater light at that place—to the Committee on Appropriations.

By Mr. KÜSTERMANN: Petition of Wisconsin Funeral Directors and Embalmers' Association, against the custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFEAN: Petition of Manufacturers' Association of York, Pa., against enactment of the census bill (H. R. 7597)—to the Committee on the Census.

By Mr. LASSITER: Petitions of merchants of Clarksville, Blakestone, Lawrenceville, Victoria, and Boydton, all in the State of Virginia, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of Maritime Association of Port of New York, for Senate bill 25 (efficiency of Life-Saving Service) and H. R. 31 (light and fog signal in New York Harbor)—to the Committee on Interstate and Foreign Commerce.

Also, petition of executive committee of nautical schools, for Federal Government to bear one-half expense of nautical schools—to the Committee on Naval Affairs.

By Mr. LEVER: Petition of Local Union No. 177, of the Columbia Printing Pressmen's Union, of Columbia, S. C., for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of National Funeral Directors' Association of United States, against custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of officers, directors, and trustees of art museums, for free art—to the Committee on Ways and Means.

Also, petition of executive committee on nautical schools, for Federal Government to bear one-half expense of same—to the Committee on Naval Affairs.

Also, petition of Remsen Manufacturing Company, Brooklyn, N. Y., for national registration of automobiles—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: Petition of Local Union No. 48, of International Typographical Union, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of National Funeral Directors' Association, for legislation to do away with the custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of McClanahann Post, No. 330, Grand Army of the Republic, of Monmouth, Ill., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. McMILLAN: Paper to accompany bill for relief of George W. Minkler—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of National Board of Trade, for appropriation of $50,000,000 annually for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: Petition of E. O. Tingley and others, of California, for an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of City Club of Los Angeles, against the Crumpacker bill, relative to method of appointment of employees of the Census Bureau—to the Committee on the Census.

By Mr. NORRIS: Petition of E. Ewel, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: Petition of citizens of Dauphin County, Pa., for S. 3152 (additional protection to dairy interests)—to the Committee on Agriculture.

By Mr. REEDER: Petition of Robert Anderson Post, Grand Army of the Republic, No. 45, of Smith Center, Kans., for the Sherwood pension bill (H. R. 7625)—to the Committee on Invalid Pensions.

Also, petition of L. M. Solt, of Logan, Kans., relative to bill before Congress giving Interstate Commerce Commission power to regulate the service to live-stock shipments—to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: Petition of National Building Trades (thirty-eighth annual meeting), for a uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petitions of Company F, First Infantry, of New Britain, and Company E, Second Infantry, of New Haven, Connecticut National Guard, favoring H. R. 14783, for promoting efficiency of the militia—to the Committee on Militia.

Also, petition of Meriden Musical Protective Union, favoring H. J. Res. 103 (enlisted musicians versus civilian musicians)—to the Committee on Labor.

By Mr. SPIGHT: Papers to accompany bill for the relief of C. H. Hicks, of Marshall County, Miss.—to the Committee on War Claims.

Also, papers to accompany bill for relief of estate of John Nicholson, of Marshall County, Miss.—to the Committee on War Claims.

Also, papers to accompany bill for the relief of estate of George A. Barber, of De Soto County, Miss.—to the Committee on War Claims.

By Mr. STERLING: Paper to accompany bill for relief of Thomas F. Walsh—to the Committee on Claims.

By Mr. SULZER: Petition of National German-American Alliance, against interstate liquor legislation—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Mary T. Jennings—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Petitions of Wells Post, No. 451, Grand Army of the Republic; Union Veterans' Legion, No. 78, and citizens, all of Columbus, Ohio, for H. R. 6288—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Joseph R. Craig, president of Grand Army Association of Philadelphia, Pa., and vicinity, on behalf of 43 Grand Army of the Republic posts, representing 10,000 old soldiers and sailors, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. WOOD: Petition of Robert W. Pryor and J. M. Rusby, for H. R. 11562, for repayment of collateral inheritance tax to the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

SENATE.

TUESDAY, *February 11, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the trustees of the Presbyterian Church of Clarksburg, W. Va., *v.* United States;

In the cause of C. A. Jarred, administrator of the estate of Leroy Noble, deceased, *v.* United States;

In the cause of the trustees of the Evangelical Lutheran Church of Burkittsville, Md., *v.* United States;

In the cause of the Tonoloway Baptist Church, of Fulton County, Pa., *v.* United States;

In the cause of the trustees of the Methodist Episcopal Church of Philippi, W. Va., *v.* United States;

In the cause of the trustees of the First Baptist Church of Danville, Ky., *v.* United States; and

In the cause of the Corporation of the Methodist Episcopal Church of Hancock, Md., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes; further insists upon its disagreement to the amendments of the Senate numbered 5, 11, and 26; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. VREELAND, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 485. An act to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk of said court, and for other purposes;

S. 1256. An act for the relief of Pope & Talbot, of San Francisco, Cal.;

S. 2929. An act to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington; and

S. 4048. An act granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Emmans Male Choir, of Fort Wayne, Ind.; of the German Library Association, of Wilmington, Del.; of the German Club of Norfolk, Va.; of Eintracht Lodge, No. 26, Order of Sons of Herman, of Beemer, Nebr., and of Robert Blum Lodge, No. 46, Independent Order of Odd Fellows, of Hermann, Mo., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Olympia, Wash., praying that an appropriation be made for the erection of a public building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Retail Hardware Association of the State of Minnesota, praying for the enactment of legislation providing for a revision of the present tariff law relative to the products of iron and steel, which was referred to the Committee on Finance.

Mr. PLATT presented memorials of sundry citizens of New York City, N. Y., remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented a memorial of William G. Mitchell Post, No. 559, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies in the United States, which was referred to the Committee on Pensions.

He also presented a memorial of Local Branch No. 62, Glass Bottle Blowers' Association, of Poughkeepsie, N. Y., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of the Methodist Episcopal Church of Fitzwilliam, of the Woman's Christian Temperance Union of Fitzwilliam, in the State of New Hampshire; of the Woman's Christian Temperance Union of Bergen County, N. J., and of Milton M. Thorne, of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the memorial of Washington Topham, of Washington, D. C., remonstrating against the passage of the so-called "Dolliver bill" providing for the direction and control of public education in the District of Columbia, which was ordered to lie on the table.

Mr. PERKINS presented a petition of sundry citizens of Vallejo, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union of Berkeley, Cal., remonstrating against the enactment of legislation providing for the reestablishment of the Army canteen, which was referred to the Committee on Military Affairs.

He also presented a memorial of certain officials of the Grand Army of the Republic in the State of California, remonstrating against the proposed abolishment of the branch pension agency located at San Francisco, in that State, which was referred to the Committee on Pensions.

He also presented petitions of sundry retail druggists of Eureka, Oakland, Berkeley, Emeryville, San Pablo, Concord, Crockett, Fruitvale, Stockton, Fresno, Longbeach, Monrovia, Sacramento, Oak Park, and San Jose, all in the State of California, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of Local Union No. 202, International Typographical Union, of Seattle, Wash., praying for the removal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the establishment of a bureau of mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

Mr. TELLER presented petitions of Local Union No. 586, of Greeley; of Local Union No. 425, of Canyon City, of the International Typographical Union; of Local Union No. 67, of Colorado Springs, and of Local Union No. 13, of Denver, of the International Stereotypers and Eelectrotypers' Union, all in the State of Colorado, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of the Lumber Dealers' Association of Colorado Springs, Colo., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the United States Monetary League, of Denver, Colo., remonstrating against the enactment of legislation providing for asset, credit, or flexible currency, which was referred to the Committee on Finance.

Mr. DICK presented a memorial of Local Branch No. 17, Glass Bottle Blowers' Association, of Massillon, Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Alliance, Ohio, praying for the enactment of legislation providing for the building of all battle ships in Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Mines of Los Angeles, Cal., praying for the establishment of a bureau of

mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

He also presented a petition of the National German-American Alliance, Missouri and Southern Illinois Division, of St. Louis, Mo., praying for the enactment of legislation to repeal the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Wells Post, No. 451, Department of Ohio, Grand Army of the Republic, of Columbus, Ohio, and a petition of sundry volunteer officers of the civil war in the State of Ohio, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Rhodes Glass and Bottle Company, of Massillon, Ohio, and a memorial of Local Council No. 1, United Commercial Travelers of America, of Columbus, Ohio, remonstrating against the enactment of legislation to secure the use of rural mail equipment and to place the rural service on a paying basis, and also against the consolidation of third and fourth class mail matter, etc., which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 2, German-American Printers' Union, of Cincinnati; of Local Union No. 62, International Printing Pressmen's Union, of Columbus; of Local Union No. 54, International Typographical Union, of Dayton, and of Local Union No. 56, International Printing Pressmen's Union, of Cleveland, all in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. LA FOLLETTE presented a petition of Local Union No. 324, International Typographical Union, of Wisconsin, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. DIXON presented the petition of H. A. Balfour and 128 other citizens of Montana, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a petition of Company L, First Infantry, Connecticut National Guard, of Willimantic, Conn., praying for the enactment of legislation to promote the efficiency of the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Society of Christian Endeavor of the South Congregational Church, of New Britain, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Germania Lodge, No. 11, Sons of Herman, of Norwich, Conn., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented memorials of the Germania Maennerchor Society, of Cairo; the Turnverein Vorwaerts of Chicago; the German Union of Freeport; the German Society of Freeport; the Verein Saxonia of Chicago; the Chicago Concertino Club, of Chicago; the Joliet Sharpshooters' Association, of Joliet; the Social Liedertafel Singing Society, of Chicago; the Melomania Lodge, No. 330, German Order of Hargari, of Chicago, and the Willan Rifle and Gun Club, of Chicago, all in the State of Illinois, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of Captain Charles V. Gridley Camp, No. 94, Sons of Veterans, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service of the United States, which was referred to the Committee on Naval Affairs.

Mr. HEMENWAY presented petitions of Local Union No. 143, International Brotherhood of Bookbinders, of Lafayette; of Local Union No. 64, International Typographical Union, of Lafayette, and of Local Union No. 454, International Typographical Union, of Huntingdon, all in the State of Indiana, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of Cressy City Council, No. 14, United Travelers of America, of Evansville, Ind., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Woman's Home Missionary Society of Central Avenue Methodist Episcopal Church, of Indianapolis, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of Local Union No. 12, Electrotypers' Union, of Milwaukee, Wis., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of Charles C. Sniteman and 78 other citizens of Neillsville, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Wisconsin Funeral and Embalmers' Association, of Milwaukee, Wis., praying for the enactment of legislation to regulate the practice of throwing overboard the bodies of those who died at sea, which was referred to the Committee on Public Health and National Quarantine.

Mr. BURKETT presented a petition of the Nebraska Dairymen's Association, of Gibbon, Nebr., praying for the enactment of legislation providing for the teaching of agriculture in all State normal schools, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Bethany, Nebr., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

IRRIGATION IN IMPERIAL VALLEY, CALIFORNIA.

Mr. FLINT. I present a paper prepared by C. E. Tait, irrigation engineer, on irrigation in the Imperial Valley, California, its problems and possibilities. I move that the paper be printed as a document, together with the accompanying illustration.

The motion was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I present certain statistics bearing on the pending banking bill. I move that they be printed as a Senate document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts; and

A bill (H. R. 15247) to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River near the city of Coeur d'Alene, Idaho.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 2742) for the relief of Joseph J. Lichty, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md.;

A bill (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre; and

A bill (S. 1702) to reimburse H. R. King.

Mr. STEPHENSON, from the Committee on Claims, to whom was referred the bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, reported it without amendment and submitted a report thereon.

Mr. FLINT, from the Committee on the Geological Survey, to whom was referred the bill (S. 4171) to provide for continuation of investigations of the rivers and water resources of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations, which was agreed to.

Mr. STONE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2729) for the relief of H. A. Eldred, reported it with amendments and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 2248) for the improvement of the United States National Cemetery at Mexico City, Mexico, reported it with amendments.

BILLS INTRODUCED.

Mr. DIXON introduced a bill (S. 5206) to provide for the erection of a public building at the University of Montana, at Missoula, Mont., and the establishment of a Weather Bureau station therein, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. BROWN introduced a bill (S. 5207) for the relief of William Radcliffe, which was read twice by its title and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 5208) for the relief of the estate of James S. Wilson, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS (by request) introduced a bill (S. 5209) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. SCOTT introduced a bill (S. 5210) granting an increase of pension to Asa S. Hugill, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5211) for the relief of Sarah A. Sutton, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 5212) to authorize the Secretary of the Interior to convey by fee-simple patent certain lands in the Otoe and Missouria Reservation, Okla., to the Society of Friends, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CLAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5213) for the relief of the estate of James Hosford, deceased;

A bill (S. 5214) for the relief of the heirs of Francis H. McLeod; and

A bill (S. 5215) for the relief of Andrew J. Davis (with accompanying papers).

He also introduced a bill (S. 5216) granting an increase of pension to Dora Raine Willcoxan, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5217) to amend an act entitled "An act to extend to certain publications the privileges of second-class mail matter as to admission to the mails," approved June 6, 1900, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. CULBERSON introduced a bill (S. 5218) for the relief of the legal representatives of David Tooke, which was read twice by its title and referred to the Committee on Claims.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5219) granting an increase of pension to Lucinda H. Battles;

A bill (S. 5220) granting an increase of pension to Samuel Chapman;

A bill (S. 5221) granting a pension to George Rigler;

A bill (S. 5222) granting a pension to William J. Alexander;

A bill (S. 5223) granting an increase of pension to William L. Jordan; and

A bill (S. 5224) granting an increase of pension to W. T. Swift.

He also introduced a bill (S. 5225) authorizing the restoration of the name of James S. Ostrander, late first lieutenant, Eighteenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 5226) for the relief of James Broiles, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5227) granting an honorable discharge to Seth Wardell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5228) for the relief of John T. Brickwood, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 5229) granting a pension to Ellen Bernard Lee, which was read twice by its title and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5230) granting an increase of pension to Thomas Wallace; and

A bill (S. 5231) granting an increase of pension to James S. Yates.

Mr. ALDRICH introduced a bill (S. 5232) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, which was read twice by its title and referred to the Committee on Finance.

Mr. DILLINGHAM introduced a bill (S. 5233) granting an increase of pension to Lorenzo W. Shedd, which was read twice by its title and referred to the Committee on Pensions.

Mr. TELLER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5234) granting an increase of pension to John Milburn (with accompanying paper);

A bill (S. 5235) granting an increase of pension to Albert W. Brewster (with accompanying paper);

A bill (S. 5236) granting an increase of pension to Harvey Conley;

A bill (S. 5237) granting an increase of pension to Walter A. De La Matyr;

A bill (S. 5238) granting an increase of pension to Agnes B. Otis; and

A bill (S. 5239) granting an increase of pension to George Towers.

Mr. CLAPP (for Mr. KITTREDGE) introduced a bill (S. 5240) granting an increase of pension to Charles E. Perry, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5241) granting an increase of pension to Amanda Ewing, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5242) for the relief of Genevieve Griswold Kennon; and

A bill (S. 5243) for the relief of the heirs of Abner J. Leavenworth, deceased.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5244) granting an increase of pension to Robert E. Banks (with an accompanying paper);

A bill (S. 5245) granting a pension to Jennie Betts Coruns (with an accompanying paper);

A bill (S. 5246) granting an increase of pension to David Warner;

A bill (S. 5247) granting a pension to Hattie E. Goodwin;

A bill (S. 5248) granting a pension to James Johnson; and

A bill (S. 5249) granting an increase of pension to James M. Miller.

Mr. PROCTOR introduced a bill (S. 5250) granting an increase of pension to Philip Ward, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 5251) for the relief of F. V. Lesieur, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 5252) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon, which was read twice by its title and referred to the Committee on Claims.

Mr. LA FOLLETTE introduced a bill (S. 5253) to establish a fish-cultural station in the State of Wisconsin, which was read twice by its title and referred to the Committee on Fisheries.

Mr. FLINT introduced a joint resolution (S. R. 54) authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment proposing to appropriate $10,000 for the construction of a wagon road on the Hoopa Valley Indian Reservation, Cal., intended to be proposed by him to the Indian appropriation bill, which was re-

ferred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for the purchase of suitable tracts or parcels of land, water, and water rights and for the construction of necessary ditches, flumes, and reservoirs for the purpose of irrigating lands occupied by Indians in California, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $2,000,000 to be used for clerk hire in post-offices of the third class, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to House bill 15372, known as the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to House bill 15372, known as the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

OFFICERS IN THE CIVIL WAR.

Mr. CULBERSON. Mr. President, the War Department has caused to be printed two very interesting memoranda prepared in the Military Secretary's office, War Department, one being a memorandum relative to the general officers in the armies of the United States during the civil war, 1861–1865, and the other being a memorandum relative to the general officers appointed by the president of the Confederate States in the armies of the Confederate States, 1861–1865. There is considerable demand for these pamphlets, and as the supply has been exhausted I ask that each of them may be printed as a Senate document.

Mr. CLAPP. We can not hear what the Senator says.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent that two pamphlets presented by him be printed as a document. One relates to the general officers of the United States Army during the civil war and the other to the general officers of the army of the Confederate States.

Mr. CULBERSON. I ask that they may be printed separately.

The VICE-PRESIDENT. The request is that they be printed separately. The Chair hears no objection, and it is so ordered.

FORT PECK INDIAN RESERVATION LANDS.

Mr. DIXON. The bill (S. 208) for the survey and allotmeut of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment, was reported by me with amendments from the Committee on Indian Affairs on the 6th instant. Serious errors occur in the printed bill, and I ask for a reprint.

The VICE-PRESIDENT. Without objection, it is so ordered.

RECORDS OF UNITED STATES HISTORY.

Mr. LODGE submitted the following concurrent resolution, which was referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the American Historical Association be requested to include in its next annual report to the Secretary of the Smithsonian Institution a statement of the gaps now existing in the published records of the United States history and a plan for so directing the documentary historical publications of the Government as to supply these deficiencies.

HOUSE BILL REFERRED.

The bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, was read twice by its title and referred to the Committee on the Judiciary.

SALARIES IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress estimates for salaries in the Executive Departments and establishments prepared by the Committee on Grades and Salaries under the Executive order of June 11, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 11, 1908.*

SURVEY OF ST. AUGUSTINE HARBOR, FLORIDA.

Mr. BRYAN. I ask unanimous consent for the present consideration of the concurrent resolution on the Calendar, providing for a survey of the harbor of St. Augustine, Fla., and the entrance thereto, etc.

The VICE-PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The Secretary read the concurrent resolution submitted by Mr. BRYAN on the 31st ultimo and reported by Mr. CLARKE of Arkansas, from the Committee on Commerce, on the 10th instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey of the harbor of St. Augustine, St. Johns County, Fla., and the entrance thereto through the North and Matanzas rivers and the Matanzas Inlet, with a view to determining the formation of a channel of minimum depth of 16 feet and a width of 300 feet from the city of St. Augustine across its outer bar to the Atlantic Ocean, and the cost of construction of necessary jetties, breakwaters, and dredging in order to accomplish said purpose.

The concurrent resolution was considered by unanimous consent and agreed to.

SURVEY OF NEW SMYRNA INLET, FLORIDA.

Mr. BRYAN. I ask unanimous consent for the present consideration of the concurrent resolution on the Calendar providing for a survey of New Smyrna Inlet, Florida.

The VICE-PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of New Smyrna Inlet, in the county of Volusia and State of Florida, with a view to deepening the same, and to submit estimates therefor.

Mr. KEAN. Mr. President, let us have the regular order.

The VICE-PRESIDENT. The Calendar, under Rule VIII, will be proceeded with.

SNAKE RIVER DAM, WASHINGTON.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as first in order on the Calendar.

Mr. HEYBURN. I ask that the bill may go to the Calendar, under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX at the request of the Senator from Idaho.

BOUNTY LAND FOR SURVIVORS OF FLORIDA SEMINOLE INDIAN WAR.

The bill (S. 1407) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies of the Florida Seminole Indian war was announced as next in order.

Mr. KEAN. Let the bill go over. Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. It will go to the Calendar under Rule IX at the request of the Senator from New Jersey.

Mr. KEAN subsequently said: I ask that Senate bill 1407 be restored to the Calendar under Rule VIII.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TALIAFERRO. I ask that the bill may be now considered.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the provisions of the existing bounty-land laws to include the officers and enlisted men and the officers and men of the boat companies who served during the Florida Seminole Indian war of 1856 to 1858, inclusive, and to the widows of such persons.

Mr. KEAN. Now let us have the report read.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary read in part the report submitted by Mr. TALIAFERRO on the 27th ultimo, the entire report being as follows:

The Committee on Pensions, to whom was referred the bill (S. 1407) to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war, have examined the same and respectfully report the bill back and recommend that the bill do pass.

A precisely similar bill (S. 5924) was introduced in the Fifty-ninth Congress and was favorably reported by the Senate Committee on Pensions and was passed by the Senate, but no action was taken on the bill by the House of Representatives. The report made in the Fifty-ninth Congress is adopted by the committee, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 5924) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war, have examined the same and report:

The purpose of this bill is to include within the benefits of existing bounty laws the officers and enlisted men of the Florida Seminole Indian war of 1856–1858, and the officers and men who served in boat companies during that war, and also their widows.

The present laws provide bounty land of 160 acres for services of at least fourteen days, or participation in battle, in any war in which the United States was engaged between 1790 and March 3, 1855. No provision is made for any war since March 3, 1855.

A brief statement of the several bounty-land acts and what service is required to give title thereunder, and also of the number of military land warrants issued by the Pension Bureau up to June 30, 1904, is contained in the Annual Report of the Commissioner of Pensions, dated August 1, 1904, page 15. That statement is as follows:

SEC. 19.—BOUNTY-LAND WARRANTS.

It is a part of the duty of the Pension Bureau to issue military bounty-land warrants under the laws governing the same.

There have been several acts of Congress granting land as bounty for military service, but at present these acts are all obsolete except three—

Act of February 11, 1847 (9 Stat. L., 123).
Act of September 28, 1850 (9 Stat. L., 520).
Act of March 3, 1855 (10 Stat. L., 701).

The two above acts of 1847 and 1850 are practically obsolete now, there having been but six issues under them (840 acres) in five years.

Service to give title to bounty land must have been for at least fourteen days or in a battle prior to March 3, 1855; and if in the Navy or Regular Army must have been in some war in which the United States Government was engaged.

The following table shows—

Number of military bounty-land warrants issued and acres granted yearly for the past five fiscal years.

Grade of warrants.	Year ending June 30—					
	1904.		1903.		1902.	
	Number.	Acres.	Number.	Acres.	Number.	Acres.
Act of 1847:						
160 acres	2	320	1	160		
40 acres			1	40		
Total	2	320	2	200		
Act of 1850:						
160 acres	1	160	1	160		
Total	1	160	1	160		
Act of 1855:						
160 acres	50	8,000	10	1,600	9	1,440
120 acres	11	1,320	6	720	2	240
80 acres	3	240	1	80		
Total	64	9,560	17	2,400	11	1,680

Grade of warrants.	Year ending June 30—			
	1901.		1900.	
	Number.	Acres.	Number.	Acres.
Act of 1847:				
160 acres				
40 acres				
Total				
Act of 1850:				
160 acres				
Total				
Act of 1855:				
160 acres	9	1,440	13	2,080
120 acres	1	120	3	360
80 acres			1	80
Total	10	1,560	17	2,520

Summary, five years.

	Number.	Acres.
Act of 1847	4	520
Act of 1850	2	320
Act of 1855	119	17,720
Total	125	18,560

Total issued in fiscal year of 1904, 10,040 acres.

SEC. 20.—EPITOME OF BOUNTY-LAND HISTORY.

In the next section is submitted a report showing the total number of bounty-land warrants of all classes issued since the Revolutionary war, and the number of acres represented. Warrants issued directly from the General Land Office under special acts of Congress and on account of the Virginia military land grants satisfied by the United States after the cession of the Northwestern Territory, which aggregate a very large number of acres, are not of record in this Bureau, and are not included in this report.

The Revolutionary war and war of 1812 bounty-land acts expired by limitation June 26, 1858. These wars are included, however, in the act of March 3, 1855. The act of March 22, 1852, was superseded by the act of 1855.

The act of February 11, 1847, and supplemental acts provide 160 acres for enlisted men of the Mexican war who enlisted for a period of not less than twelve months and served out the term of their enlistment, unless sooner discharged for disability; 40 acres for those who enlisted for less than twelve months. Beneficiaries: First, soldier; second, widow and children; third, father or mother; fourth brothers and sisters.

The act of September 28, 1850, provides for officers in the Mexican war and officers and enlisted men in all other wars from 1790 to September, 1850. Beneficiaries: First, soldier; second, widow; third, minor children; fourth, father or mother; fifth, brothers and sisters.

The act of March 3, 1855, officers and enlisted men, and, under certain conditions, nonenlisted persons who served fourteen days or were engaged in battle in any war between 1790 and March 3, 1855, are entitled to 160 acres; and section 2425, Revised Statutes, provides that when a warrant for less than 160 acres has issued under any prior act an additional warrant shall issue for such quantity of land as will make in the whole 160 acres.

In explanation of any discrepancy which may exist between this and former reports as to the number of warrants issued under the act of March 3, 1855, it is stated that in former reports it appears to have been assumed that the number of the last warrant represented the total number of warrants issued.

The Commissioner of the General Land Office, in his report of outstanding warrants which have never been presented for location, appears to have assumed the same thing. A careful examination shows, however, that for various reasons 127 serial numbers have not been used and that the last serial number is just that much in advance of the number of warrants actually issued.

According to the report of the Commissioner of the General Land Office for the year ending June 30, 1902, there were then outstanding 19,680 warrants for 2,227,000 acres.

SEC. 21.—TOTAL ISSUE OF BOUNTY-LAND WARRANTS.

The following table gives the total number of military bounty-land warrants issued up to July 1, 1904:

Grade of warrants.	Warrants issued.		Remarks.
	Number.	Acres.	
War of the Revolution, acts prior to 1800.	16,663	2,666,080	Estimated average, 160 acres.
War of 1812, acts prior to 1850.	29,471	4,891,520	1,101 320-acre warrants included.
Mexican war, act of 1847:			
160 acres	80,686	12,909,760	This estimate does not include 2,726 $100 Treasury certificates issued in lieu of 160-acre warrants, and 460 $25 certificates in lieu of 40-acre warrants; in all, certificates amounting to $284,100 in lieu of warrants aggregating 454,560 acres.
40 acres	7,585	303,400	
Total	88,271	13,213,160	
Mexican, 1812, and Indian wars:			
Act of 1850—			
160 acres	27,449	4,391,840	
80 acres	57,717	4,617,360	
40 acres	103,978	4,159,120	
Total	189,144	13,168,320	
Act of 1852—			
160 acres	1,223	195,680	
80 acres	1,699	135,920	
40 acres	9,070	362,800	
Total	11,992	694,400	
Act of 1855—			
160 acres	115,521	18,483,360	
120 acres	97,077	11,649,240	
100 acres	6	600	
80 acres	49,480	3,958,400	
60 acres	400	24,000	
40 acres	541	21,640	
Total	263,030	34,137,290	

SUMMARY.

	Warrants issued.		Remarks.
	Number.	Acres.	
Revolutionary war	16,663	2,666,080	Now obsolete.
War of 1812	29,471	4,891,520	Do.
Act of 1847	88,271	13,213,160	
Act of 1850	189,144	13,168,320	
Act of 1852	11,992	694,400	Do.
Act of 1855	263,030	34,137,290	
Total	598,571	68,770,770	

The report of the Commissioner of Pensions, dated August 28, 1905, page 18, shows that the number of bounty-land warrants issued during the year ending June 30, 1905, was 41, and during the five years preceding that date, 151. His report of total number of land warrants granted up to July 1, 1905, is as follows:

"BOUNTY-LAND WARRANTS.

"During the past fiscal year 41 military bounty-land warrants were issued, granting 6,320 acres of land. The number of warrants issued during the last five years was 151, granting 22,680 acres.

"Service to give title to bounty land must have been for at least fourteen days, or in a battle prior to March 3, 1855; and, if in the Navy or Regular Army, must have been in some war in which the United States Government was engaged.

"The following table shows the total number of bounty-land warrants of all classes issued since the Revolutionary war and the number of acres granted up to July 1, 1905:

Grade of warrants.	Warrants issued.		Remarks.
	Number.	Acres.	
War of the Revolution, acts prior to 1800.	16,663	2,666,080	Estimated average, 160 acres.
War of 1812, acts prior to 1850.	29,471	4,891,520	1,101 warrants included of 320 acres each.
Total	46,134	7,557,600	
1812, Mexican, and of 1847:			
160 acres	80,687	12,900,920	This statement does not include 2,726 $100 Treasury certificates issued in lieu of 160-acre warrants and 460 $25 certificates in lieu of 40-acre warrants; in all, 454,560 acres.
40 acres	7,585	303,400	
Total	88,272	13,213,320	
1812, Mexican, and Indian wars:			
Act of 1850—			
160 acres	27,450	4,392,000	
80 acres	57,717	4,617,360	
40 acres	103,978	4,159,120	
Total	189,145	13,168,480	
Act of 1852—			
160 acres	1,223	195,680	Superseded by act of 1855.
80 acres	1,699	135,920	
40 acres	9,070	362,800	
Total	11,992	694,400	
Act of 1855—			
160 acres	115,558	18,489,280	
120 acres	97,079	11,649,480	
100 acres	6	600	
80 acres	49,482	3,958,560	
60 acres	359	21,540	
40 acres	541	21,640	
10 acres	5	50	
Total	263,030	34,141,150	

SUMMARY.

	Warrants issued.		Remarks.
	Number.	Acres.	
Revolutionary war	16,663	2,666,080	Now obsolete.
War of 1812	29,471	4,891,520	Do.
Act of 1847	88,272	13,213,320	
Act of 1850	189,145	13,168,480	
Act of 1852	11,992	694,400	Superseded by act of 1855.
Act of 1855	263,030	34,141,150	
Total	598,573	68,774,950	

"This table does not include warrants issued directly from the General Land Office under special acts of Congress and those issued on account of the Virginia military land grants satisfied by the United States after the cession of the Northwestern Territory, which are not of record in this Bureau."

Since March 3, 1855, there has been no additional legislation authorizing grant of bounty-land warrants, and no provision has been made for those who fought in the early Indian wars subsequent to that date. The Seminole Indian war, for which this bill proposes to make provision, was fought by Regular and Volunteer troops under direction of United States military authorities. That the services rendered by these troops were as arduous and important in results as the services of troops in any of the Indian wars prior to March 3, 1855, for which provision is made by existing laws, is undoubted, and there is abundant evidence thereof.

It appears from the official records that hostilities in the Seminole Indian war of the late fifties began December 20, 1855, with an attack on an exploring party under the command of Lieut. G. L. Hartsuff, Second Artillery, by a party of Indians. The war was declared closed in a proclamation of Col. Gustavus Loomis, Fifth Infantry, commanding Department of Florida, dated May 8, 1858.

The report of the Secretary of War for 1856 contains the following remark concerning the Seminole Indians:

"These Indians have within the past year given repeated evidence of their hostility, and the Department has made the necessary arrangements to carry on a vigorous campaign against them during the present season. As large a force as the demands of the service in other quarters will permit has been concentrated in Florida for this purpose, consisting of four companies of the First Artillery, ten companies of the Fourth Artillery, the Fifth Regiment of Infantry, and a limited number of volunteer militia."

In his annual report for the year 1857 the Secretary of War said:

"The Indian war in Florida claimed the attention of a strong force, composed mainly of the Fifth Infantry and Fourth Artillery, during the spring and early part of the summer. This war has been prosecuted with all the vigor which the character of the country and that of the enemy would admit of. The country is a perpetual succession of swamps and morasses, almost impenetrable, and the Indians partake rather of the nature of beasts of the chase than of men capable of resisting in fight a military power. Their only strength lies in a capacity to elude pursuit.

"Exigent affairs in the West demanded the removal of those two regiments from Florida to the Territory of Kansas; but they have been replaced by volunteers, and the pursuit of the Indians has been continued by the latter troops up to the present time. The services rendered by these volunteer troops have been spoken of in terms of merited commendation in the reports of officers in command."

The Adjutant-General, in his report for the year 1857, said:

"The exigencies of the service in Kansas and Utah compelled the Department to withdraw the Fourth Artillery and the Fifth Infantry from Florida at a time when the operations being prosecuted by these regiments appeared to give good promise of a speedy and succcessful termination of the campaign against the hostile Seminoles, in which they were engaged. The companies of the First Artillery in Florida and the volunteers which, on the transfer of so large a portion of the Regular force to other duties, it was found necessary to call into the service of the General Government have been actively employed during the past season. The hiding places resorted to by the Indians have been penetrated, and hostile parties have in several instances been so closely pressed by the troops as to barely escape capture."

In respect to pensions, the officers and enlisted men of all of the early Indian wars and their widows have the same status. The first Indian war service act, approved July 27, 1892, provided for the Black Hawk war, Creek war, Cherokee disturbances, and the Florida war with the Seminole Indians from 1832 to 1842. The second Indian war service act, approved June 27, 1902, extended the provisions of the first act to practically all of the other various early Indian wars down to 1858, inclusive. The troops who were given pensionable status under the first act—of July 27, 1892—had title to bounty-land warrant under the act of March 3, 1855, they having rendered service in a war prior to that date, and there are but few of them who have not availed themselves of the bounty of the Government in this respect. Many of those also who were given pensionable status by the second service act—of June 27, 1902—also obtained bounty land for their service, the only exception being those who rendered service subsequent to March 3, 1855.

By no parity of reasoning can this discrimination be defended, particularly with regard to those who fought in the Seminole Indian war of the late fifties, in whose behalf this legislation is proposed. Those troops performed their part worthily and with equal valor, and their recognition for similar benefits is but just and equitable.

The services of the officers and men of the boat companies for which this bill also makes provision were exceptionally arduous and hazardous and, under the conditions obtaining in Florida, absolutely necessary.

These companies were recruited for service in the everglades, bays, and swamps of Florida. They were armed and equipped as soldiers and acted under orders of a Regular Army officer. The rules and regulations applicable to them were those in force with the regularly enrolled soldiers of the United States. They were thoroughly acquainted with the country, and without their effective aid the war would have been greatly prolonged, the service of the Regular troops proving futile in the tracking and pursuit of the hostile Indians. They were the men able to track the Indians to their strongholds in the everglades; they served as guides, boatmen, trailers, and their service was hazardous in the extreme and subjected them to hardships and exposures unusual even in that region. Wagon masters and teamsters who were employed under direction of competent authority in time of war in the transportation of military stores and supplies were given title to bounty-land warrants by the act of March 3, 1855, and the services of the officers and men of the boat companies of the Seminole Indian war are eminently more worthy of recognition.

No definite statement can be made of the number likely to be benefited under the provisions of this bill. In January, 1900, the Commissioner of Pensions estimated the number of survivors of the Seminole war, from 1842 to 1858, as 1,002 and the number of widows at 700. That was six years ago, and in the very nature of things their number is considerably less now. It is about fifty years since this war was fought; its survivors are old and gray, and their numbers rapidly diminish each succeeding year.

The Florida boat companies numbered about 300 officers and men, and it is safe to predict that there will not be as many as 100 beneficiaries from them under this bill.

In money this legislation will cost the Government nothing. It simply extends the existing bounty-land laws to a few worthy soldiers, who settled once and for all the Indian troubles in Florida and won for peaceful habitation a large part of that territory. It has been only within a few years past that they have been rewarded with pensions, and it but seems fitting and proper that they should be put on the same footing as to bounty land as the survivors of the other early Indian wars.

Your committee commend the legislation as just and equitable and recommend the passage of the bill.

Mr. KEAN. Perhaps the Senator from Florida can give me the information I desire on this subject without having the entire report read. What I desire to know is how much land will it take and what is the scope of the bill?

Mr. TALIAFERRO. The report ought to show what the Pension Bureau has to say on the subject. There are some twelve or fifteen hundred of these pensioners in the State of Florida. The bill seeks to put them in the exact attitude of pensioners of every other Indian war.

The act of 1855 gave to the survivors of the Indian wars land bounty up to that period, and the bill seeks to continue it so as to take in the period from 1855 to 1858.

Mr. KEAN. And it would take about 140,000 acres of land?

Mr. TALIAFERRO. I do not know exactly, but possibly.

Mr. KEAN. Would it take 250,000 acres?

Mr. TALIAFERRO. No; I should say not 250,000 by any means, but possibly 150,000 acres.

Mr. KEAN. If fifteen hundred people get 160 acres each, it would take 240,000 acres.

Mr. TALIAFERRO. The lands, I understand, come from Florida.

Mr. KEAN. Are they all in the State of Florida?

Mr. TALIAFERRO. I understand they are all in the State of Florida. That is my understanding.

Mr. KEAN. If the land that is to be taken is confined to the State of Florida, of course I have nothing to say on the subject.

Mr. TALIAFERRO. That is my understanding.

Mr. HOPKINS. The Senator had better offer an amendment of that kind.

Mr. KEAN. Will the Senator from Florida agree to amend the bill so as to provide that the lands shall be taken in the State of Florida?

Mr. TALIAFERRO. I did not catch what the Senator said.

Mr. KEAN. That the lands shall be taken exclusively in the State of Florida.

Mr. TALIAFERRO. That is my understanding of it. There are over half a million acres of Government land in the State of Florida, and they would hardly go out of the State to extend these bounty-land laws to pensioners when the land was in the State.

Mr. KEAN. Then, would it not be as well to amend the bill so as to provide that the land shall be taken entirely within the State?

Mr. TALIAFERRO. The bill in its present form passed the Senate in the last Congress. It is now in exactly the form it was in at that time. I hope the Senator will not insist on an amendment.

Mr. KEAN. I think it ought to be amended so as to take the lands in the State of Florida.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment.

Mr. KEAN. I move to add as an amendment the following proviso:

Provided, That the lands so taken shall be in the State of Florida.

Mr. BACON. On the matter of public lands, I should like to ask the Senator from New Jersey if he knows of any instance in which heretofore there has been such a limitation upon any such grant of land to a particuler State?

Mr. KEAN. I think in Arkansas, in Louisiana, and in other States.

Mr. BACON. It has been done in former instances?

Mr. KEAN. I think so.

Mr. BACON. Is the Senator sure of it? The Senator says he thinks so, but if he has any definite information I would be glad to have him furnsh it.

Mr. KEAN. The only definite information would be obtained by looking up the actual statutes, but I think it has been done.

Mr. BACON. If the Senator has definite knowledge of the fact that such has been the practice, then I can see no reason why it should not be followed in this instance, but if it has not been done heretofore it seems to me that there should not be a difference made in this case.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Florida?

Mr. KEAN. Certainly.

Mr. TALIAFERRO. There has been no provision of this sort incorporated in the other land-bounty acts giving lands to the survivors of the Indian wars. If these men are entitled to the land in Florida, and it should be possible under this act for them to get it elsewhere, I see no reason why there should be any exceptions made against them and that they should be confined to one State when others have been permitted to get land in another State.

I am not contending that they will go to another State, but even if that should prove to be the case I see no reason why there should be a discrimination against these men, and I hope the Senate will reject any amendment looking to a discrimination against them. The purpose of the bill is to put them on a footing with the survivors of other Indian wars. Nothing more is asked, and nothing less should be extended to them.

Mr. CLARK of Wyoming. I assume, of course, that these survivors are entitled to the relief proposed to be given by the bill, because it has undoubtedly gone through the scrutiny of the Pension Office and through the committee's scrutiny. I think the Senator from New Jersey, upon reflection, will see that it would be unjust to offer an amendment; that it would be not only unjust to these survivors, but unjust to other States having public lands within their borders.

We are all of us seeking, as far as we can, to put the lands in our States in private ownership, in small holdings, and I know, as far as the State which I in part represent is concerned, we will gladly welcome the taking of 160 acres each by a good many people, whether survivors of the Indian wars or not, within the confines of the State.

Mr. KEAN. But these are not homesteaders.

Mr. CLARK of Wyoming. Even if they are not homesteaders, a man who has 160 acres of land makes some beneficial use of it, whereas, if it is not taken by anyone, no beneficial use whatever is made of it. I think the Senator will see the manifest injustice of throwing a restriction around it.

Mr. KEAN. I will not insist on the amendment.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING TECHNOLOGY BRANCH.

The next business on the Calendar was the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey.

Mr. KEAN. Let that go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from New Jersey.

AMENDMENT OF NATIONAL BANKING LAWS.

The bill (S. 3023) to amend the national banking laws was announced as next in order.

Mr. HOPKINS. Let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar, under Rule IX, at the request of the Senator from Illinois.

STEWART & CO. AND A. P. H. STEWART.

The bill (S. 3843) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart was announced as next in order.

Mr. HOPKINS. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar, under Rule IX, at the request of the Senator from Illinois.

O BAH BAUM.

The bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER FLEMING.

The bill (S. 1893) granting an honorable discharge to Peter Fleming was considered as in the Committee of the Whole. It directs the Secretary of War to grant an honorable discharge to Peter Fleming, late of Battery E, Third Artillery.

Mr. KEAN. Ought not the bill to be amended so as to provide that no pay, bounty, or other allowance shall accrue?

The VICE-PRESIDENT. Does the Senator from New Jersey move that amendment?

Mr. KEAN. I do. I move to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT RILEY MILITARY RESERVATION LAND.

The bill (S. 3157) to authorize the War Departemnt to transfer certain land belonging to the Fort Riley Military Reservation to the State of Kansas was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized and directed to grant to the State of Kansas the right, title, and interest of the United States in and to a tract of land, not to exceed 1 acre of ground, whereon is located the ruins of the old station building which was the first Kansas Territorial capitol at Pawnee, now included in military reservation of Fort Riley, Kans., for the preservation of said ruins as a historical relic, the metes and bounds of said tract to be determined by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS C. CHAPPELL.

The bill (S. 1699) for the relief of Thomas C. Chappell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "Fort," to strike out "Armistea" and insert "Armistead, and the strips

of land lying between said sea wall and the said tract of 12.47 acres, approximating 1.28 acres," so as to make the bill read:

Be it enacted, etc., That when Thomas C. Chappell shall convey a good and perfect title in fee to the United States to the following three pieces or parcels of land in Anne Arundel County, State of Maryland—

First. The land on which the sea wall was built by the United States on the north and east fronts of a tract of land in said county containing 12.47 acres, now a military post and known as Fort Armistead, and the strips of land lying between said sea wall and the said tract of 12.47 acres, approximating 1.28 acres.

Second. The land on which the United States has built a wharf, extending from said post or fort to the navigable portions of Patapsco River.

Third. A tract of 31.20 acres of land, having a front on the said river and lying west of and adjoining said 12.47 acres and being the land which said Chappell claims to have sold to the United States in July, 1900, and has brought suit in the Court of Claims for the alleged purchase price thereof.

And when the said Chappel shall further receipt in full for and relinquish all claims against the United States for and on account of use of, damage to, and trespass on the properties of said Chappell now pending in the War Department in sundry and divers claims, there shall then be paid by the Secretary of the Treasury to the said Chappell the sum of $21,048 out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. SCOTT. I observe that the chairman of the Committee on Military Affairs is not in the Chamber, neither is the Senator from Maine [Mr. HALE], who proposes to offer an amendment to this bill. I ask that the bill may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from West Virginia.

SURVEY OF CAPE FEAR RIVER, NORTH CAROLINA.

The next business on the Calendar was the concurrent resolution submitted by Mr. OVERMAN on January 27, 1908, and reported by Mr. SIMMONS, from the Committee on Commerce, January 30, 1908, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet, and of sufficient width, and to submit a plan and estimate of cost of such improvement; such plan and estimate shall embrace the said increased depth and width over and above the existing project, and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

FISH-CULTURAL STATION IN OKLAHOMA.

The bill (S. 3426) to establish a fish hatchery and biological station in the State of Oklahoma was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, in line 5, after the word "fish-cultural," to strike out "and biological;" and in line 9, after the words "by the," to strike out "United States Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor," so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Oklahoma, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in said district to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Oklahoma."

FISH-HATCHING AND FISH-CULTURE STATION IN TENNESSEE.

The bill (S. 4455) to establish a fish-hatching and fish-culture station in the State of Tennessee was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-hatching and fish-culture station in the State of Tennessee, at a suitable point in the discretion of the Secretary of Commerce and Labor, including purchase of site, construction of buildings, and equipment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARINE FISHERY STATION ON PACIFIC COAST.

The bill (S. 3433) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to establish at some suitable point on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region; and for the necessary surveys, purchase of land, erection of buildings and other structures, and the proper equipment of such a station it appropriates $50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH HATCHERY IN OREGON.

The bill (S. 439) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, on page 2, line 3, after the words "period of," to strike out "five" and insert "two," so as to make the bill read:

Be it enacted, etc., That the following-described premises, to wit: All that portion of that certain island situated in Snake River and commonly known as Morton Island, which, when the public surveys shall have been extended so as to include the same, shall be within the boundaries of the southwest quarter of the southwest quarter of section 14 and the south half of the south half of section 15, in township 18 south, of range 47 east of the Williamette meridian, in the State of Oregon, be, and the same is hereby, granted to the State of Oregon, for the use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That in case said State of Oregon shall at any time for a period of two years fail to maintain and operate a fish hatchery on said premises, or on some part thereof, then the grant hereinbefore made of said premises to said State shall terminate, and said premises, and the whole thereof, shall revert to the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and empowered to ascertain and determine whether or not such hatchery is being maintained and operated on said premises, and if he shall at any time determine that, for a period of two years subsequent to the passage of this act, the State of Oregon has failed to maintain and operate a fish hatchery on said premises, he shall make and enter an order of record in his Department to that effect, and directing the restoration of said premises, and the whole thereof, to the public domain, and such order shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of the grant aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARINE BIOLOGICAL STATION ON FLORIDA COAST.

The bill (S. 3351) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with amendments. The first amendment was, in section 1, page 1, line 3, after the word "the," to strike out "Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor;" in line 5, after the words "establish a," to strike out "fish-cultural and;" in line 6, after the word "on," where it first occurs, to strike out "or near;" and in the same line, after the word "on," where it occurs the second time, to strike out the words "or near," so as to make the section read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized, empowered, and directed to establish a biological station on the Gulf of Mexico at a point on the coast of the State of Florida, to be selected by him in said State: *Provided*, That the State of Florida donates and transfers, free of cost, to the Government of the United States necessary land and water rights upon which may be erected such buildings, wharves, and other structures as may be necessary for the proper equipment of said station.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 9, after the words "by the," to strike out "Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor," so as to make the section read:

SEC. 2. That the professors, instructors, and students of the several land-grant, agricultural, and mechanical colleges of the United States shall be admitted to said station to pursue such investigation in fish culture and biology as may be practicable, without cost to the Government, under such rules and regulations as may be from time to time prescribed by the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, in section 3, line 13, after the words "sum of," to strike out "one hundred" and insert "fifty," so as to make the section read:

SEC. 3. That for the necessary surveys, erection of buildings and other structures, and for the proper equipment of said fish-cultural and biological station, the sum of $50,000, or so much as may be necessary, be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a marine biological station on the Gulf coast of the State of Florida."

PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

The bill (S. 4032) to establish the direction and control of public education in the District of Columbia was announced as next in order on the Calendar.

Mr. KEAN. Let that bill go to the Calendar under Rule IX, Mr. President.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The bill will go to the Calendar under Rule IX, at the request of the Senator from New Jersey.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4740) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

William P. Damon, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, $36;

Nathan H. Landers, late second lieutenant Company H, Twenty-ninth Regiment Maine Volunteer Infantry, $36;

Joel Brown, late of Third Battery, Kansas Volunteer Light Artillery, $30;

Lewis T. Penwell, late of Company B, Seventy-third Regiment Indiana Volunteer Infantry, $30;

Noah Greer, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, $30;

Joseph Marsh, late of Company K, First Regiment New Jersey Volunteer Cavalry, $30;

Henry, alias Halden, Hanson, late of Company G, Twelfth Regiment Iowa Volunteer Infantry, $30;

Andrew F. Kenyon, late of Company E, Fourteenth Regiment New York Volunteer Heavy Artillery, $30;

Catherine Kolb, widow of George Kolb, late of Company F, Third Regiment, and Company K, Forty-fourth Regiment, Wisconsin Volunteer Infantry, $12;

Samuel D. Chase, late of Company H, First Regiment Michigan Volunteer Infantry, $24;

William J. Showaker, late of Company F, Twenty-seventh Regiment, and Company I, One hundred and ninety-eighth Regiment, Pennsylvania Volunteer Infantry, $30;

Mary E. Edmondson, widow of Sylvester Edmondson, late of Company D, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, $8;

Susan A. Vantine, widow of Joseph E. Vantine, late of U. S. S. *North Carolina*, *Richmond*, and *Princeton*, United States Navy, $12 per month and $2 per month additional on account of each of the minor children of the said Joseph E. Vantine until they reach the age of 16 years;

William C. Shook, late of Company D, Seventy-fourth Regiment Indiana Volunteer Infantry, $40;

Edward C. Ellet, late second lieutenant Company A, First Regiment Mississippi Marine Brigade Volunteer Infantry, $30;

William J. Downin, late hospital steward, Thirty-first Regiment Indiana Volunteer Infantry, $24;

William Morrison, late of Company G, Seventy-ninth Regiment New York Volunteer Infantry, $12;

Catherine J. V. Racey Young, widow of J. Morris Young, late colonel Fifth Regiment Iowa Volunteer Cavalry, $12;

Victoria Ficker, former widow of John Stotzheim, late of Company C, Twenty-fourth Regiment Wisconsin Volunteer Infantry, $8;

William W. Payton, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, $30;

Mary J. Martin, widow of Robert B. Martin, late captain Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, $20;

John Sargent, late of Company A, First Battalion Fourteenth Regiment United States Infantry, $30;

Josephine E. Peabody, widow of Warren A. Peabody, late musician, First Brigade Band, Second Division, Ninth Army Corps, $12;

Charles W. Foss, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $24;

Hattie T. Atwood, widow of Ambrose L. Atwood, late of Company K, Ninth Regiment Rhode Island Volunteer Infantry, $12;

Elizabeth W. Shaw, widow of James Shaw, late colonel Seventh Regiment United States Colored Volunteer Infantry, $30;

Robert P. Faris, late of Companies G and B, Forty-seventh Regiment Illinois Volunteer Infantry, $24;

J. Rock Williamson, late of Company G, One hundred and fifth Regiment Illinois Volunteer Infantry, $24;

Frederick A. Heebner, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, $24;

Charles Clark, late of Company K, Eleventh Regiment Minnesota Volunteer Infantry, $24;

Mary C. Mulholland, widow of Charles Bradley Mulholland, late acting third assistant engineer, United States Navy, $12;

John H. Vickery, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, $24;

Eliza J. Roberts, widow of David F. Roberts, late of U. S. S. *North Carolina*, *Niagara*, and *Anacostia*, United States Navy, $20: *Provided*, That in the event of the death of Jona H. Roberts, helpless and dependent child of the said David F. Roberts, the additional pension herein granted shall cease and determine;

Josephine E. Wooster, widow of Samuel R. Wooster, late major and surgeon, First Regiment Michigan Volunteer Cavalry, $20;

James Ennis, late of Company A, Fourth Regiment Wisconsin Volunteer Cavalry, $30;

James B. Wolgemuth, late of Company H, Seventy-third Regiment Illinois Volunteer Infantry, $24;

William S. Clark, late of Company K, Third Regiment New Jersey Volunteer Infantry, $24;

William A. Gile, late captain Company D, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, $30;

John A. Hodson, late of Company B, Fourth Regiment Missouri State Militia Volunteer Cavalry, $30;

Lucretia Wilson, widow of John W. Wilson, late second lieutenant Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, $16;

Legare Potter, late first lieutenant Company K, Fourth Regiment Wisconsin Volunteer Cavalry, $24;

Stephen J. Hook, late of Company F, Forty-second Regiment Wisconsin Volunteer Infantry, $30;

Alonzo D. Holland, late of Company M, First Regiment Michigan Volunteer Engineers and Mechanics, $24;

John Sirrine, late of Company C, Seventieth Regiment New York Volunteer Infantry, and Company D, Second United States Cavalry, $30;

Jesse F. Logsdon, late of Company A, First Regiment Oregon Volunteer Infantry, $24;

Lewis C. Cleavinger, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, $24;

Paul Stowell, late of Company G, One hundred and fifty-seventh Regiment New York Volunteer Infantry, $24;

William Weston, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, $30;

John Chase, late of Company K, Thirty-ninth Regiment Massachusetts Volunteer Infantry, $30;

John Allman, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, $36;

Nelson Moore, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, $30;

Joseph M. Feather, late of Company F, Seventeenth Regiment West Virginia Volunteer Infantry, $24;

Ambrose P. Phillips, late of Company G, Eleventh Regiment Maine Volunteer Infantry, $24;

Alfred W. Wright, late of Company H, and first lieutenant Company B, Eighteenth Regiment Illinois Volunteer Infantry, $30;

Isabella Ann Irvin, widow of Charles H. Irvin, late captain and assistant quartermaster, United States Volunteers, $20;

John S. Landon, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, $24;

Lavinia B. Persons, widow of Henry S. Persons, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, $16;

Charles S. Leonard, alias Abner L. Wilcox, late of Company B, Second Regiment United States Infantry, $24;

Ida L. Read, widow of Burleigh C. D. Read, late of Company B, One hundred and thirty-second Regiment Ohio National Guard Infantry, $12 and $2 per month additional on account of the minor child of said Burleigh C. D. Read until he reaches the age of 16 years;

John A. Van Pelt, late of Company D, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, $24;

Hugh H. McCurry, late of Company F, First Regiment Wisconsin Volunteer Infantry, $40;

Celia A. Smith, widow of Sidney G. Smith, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, $12;

George M. D. Wells, late of Company K, Fifteenth Regiment, and Company F, Tenth Regiment, West Virginia Volunteer Infantry, $30; and

William H. Stiles, late of Company G, Twelfth Regiment Maine Volunteer Infantry, $30.

Mr. McCUMBER. I move to amend by striking out the item from line 23 on page 7 to the end of line 2 on page 8.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 7, after line 22, it is proposed to strike out the following:

The name of William A. Gile, late captain Company D, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. The reason for this amendment is the death of the soldier named.

The amendment was agreed to.

Mr. McCUMBER. I also move to amend on page 8 by striking out the item from line 3 to line 6, inclusive.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, after line 2, it is proposed to strike out the following:

The name of John A. Hodson, late of Company B, Fourth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. The reason for this amendment is the death of the beneficiary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGE, ARKANSAS.

The bill (H. R. 14040) to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce" was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 6, after the word "routes," to strike out "across the Pacific Ocean or to ports of the South Atlantic" and insert "to South America, to the Philippines, to Japan, to China, and to Australasia," so as to make the bill read:

Be it enacted, etc., That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act.

The amendment was agreed to.

Mr. CLAY. Mr. President, I should like to ask the Senator in charge of the bill to explain it. Is it the same as the bill we discussed at the last session?

Mr. GALLINGER. Mr. President, I will say to the Senator that it is an entirely different bill. This bill simply extends the mail act of 1891 to ships of the second class; that is, it gives them the same pay that ships of the first class are now receiving. In other words, under the existing law ships of 20 knots receive $4 per mile on the outward voyage. This bill proposes to amend that law by giving the same compensation to ships of the second class, which are ships of 16 knots an hour.

It is believed that this legislation will result in establishing lines of steamships, one at least to Australasia and two at least to South America, the cost of which will not be in excess, as it is believed, of the profits that are now derived from our ocean mail service.

I will say to the Senator that an elaborate report has been made, which I trust he has had time to read. The Committee on Commerce were not much divided on this question. It is not in the nature of a subsidy, which has been so strongly opposed, but it is simply extending a law which has been in operation since 1891 and concerning which, so far as I know, no objection has ever been raised.

Mr. CLAY. I will say to the Senator——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. With pleasure.

Mr. CLAY. I will say to the Senator that I have not read the report. I have only read the bill. I think I received the report this morning, but I have been so busy that I have not had time to read it. I do not know what position I shall take in regard to the bill until I can carefully consider it. Does the Senator want it passed on now?

Mr. GALLINGER. Certainly not, unless the Senate is ready to act on it. I have no disposition to crowd the bill unduly.

Mr. CLAY. I will say to the Senator that I have no disposition to delay the bill if it deals simply with mail facilities and proposes merely to give better mail facilities.

Mr. GALLINGER. That is absolutely all it does.

Mr. CLAY. That is a different matter from the subsidy bills we have been discussing in previous Congresses. If the Senator will let the bill go over, I will have no objection to naming a day for its consideration.

Mr. GALLINGER. Mr. President, acting on the suggestion of the Senator from Georgia, I ask unanimous consent that on Monday next, after the routine morning business, this bill may be taken up for consideration.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be taken up for consideration on Monday next after the close of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

SHELBY COUNTY, TEX.

The bill H. R. (6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND CALUMET RIVER BRIDGE, INDIANA.

The bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POWELLS RIVER BRIDGE, TENNESSEE.

The bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.

The bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States Navy-Yard in the city of Washington, D. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and directed to construct a single branch track or siding from its present main line, at some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue SE. and 1,000 feet westerly therefrom; thence extending by a curve in a southwestwardly direction across square south of 1080, to Fifteenth street, east; thence southwestwardly on a line generally parallel to the center line of Water street, at such distance between the center line of Water street and the present approved north bulkhead line of the Anacostia River as shall be approved by the Commissioners of the District of Columbia, crossing Fifteenth street SE., Fourteenth street SE., Thirteenth street SE., Twelfth street SE., M and N streets SE., and Virginia avenue; thence in a southwestwardly direction, by curve or otherwise, as the Commissioners of the District of Columbia shall approve, crossing Twelfth street SE. and square south of 1001 to the north abutment of the Anacostia River bridge at the foot of Eleventh street SE.; thence passing under the north end of the said Anacostia River bridge at such point as may be determined by the Com-

missioners of the District of Columbia; thence across Eleventh street SE., square 979, Tenth street SE., square 955, and Ninth street SE., on a line generally parallel to the north bulkhead line of the Anacostia River, as now approved, and between it and 100 feet distant therefrom, as may be determined by the Commissioners of the District of Columbia, to a connection with the track system of the United States navy-yard.

SEC. 2. That the location of said track, and the grade thereof, and the plans of construction outside of the United States navy-yard, shall be approved by the Commissioners of the District of Columbia, and the said Commissioners are also authorized and empowered to make from time to time all needful regulations for the movement of trains, cars, and locomotives over the same.

The Philadelphia, Baltimore and Washington Railroad Company shall also pave such crossings or other portions of public space occupied by said track and 2 feet exterior to the rails thereof, as the Commissioners of the District of Columbia may require, and keep the same in repair at all times. In case it shall be determined at any future time to locate or carry any public street or highway across said track the cost and expense thereof shall be borne and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, its successors and assigns, in the manner provided in section 10 of the act of Congress providing for a Union Station in the District of Columbia, and for other purposes, approved February 28, 1903.

SEC. 3. That it shall be the duty of the Commissioners of the District of Columbia, and they are hereby authorized and empowered, whenever they consider it a public benefit, to grant the Philadelphia, Baltimore and Washington Railroad Company permission to lay, maintain, and use sidetracks and sidings from the branch track herein authorized south of said branch track between Twelfth and Fifteenth streets east, and also into squares 955, 979, south of 1025, and east of 1025, and south of 1001, and south of 1048: *Provided*, That such tracks or sidings shall be laid and maintained under the direction of the said Commissioners in such manner as to least interfere with the free and unobstructed use of the public streets.

SEC 4. That the entire cost and expense of obtaining the necessary right of way and the entire cost and expense of constructing the branch track herein authorized and the connections necessary at or in the navy-yard shall be paid and defrayed by the Philadelphia, Baltimore and Washington Railroad Company, but the said Philadelphia, Baltimore and Washington Railroad Company shall not acquire any riparian rights by reason of the location of said track through public space or through any right of way necessary to be acquired.

SEC. 5. That where the line as approved by said Commissioners lies within the bed of any public highway or through any public space, said company is hereby given the right to occupy such portion of said highway as may be approved by said Commissioners, and where such approved route crosses private property the said railroad company is hereby authorized to acquire a sufficient right of way by purchase, and in the event that said right of way can not be purchased at a price satisfactory to said railroad company, authority is hereby conferred upon said railroad company to condemn the land necessary for such right of way, in the manner and by the method and processes provided by sections 648 to 663, both inclusive, of the Revised Statutes relating to the District of Columbia, which said sections, despite any repeal thereof, are hereby continued in full force and effect, for the purposes contemplated by this act, and are especially enacted to like effect as if the same were incorporated herein at length: *Provided*, That in every case where an assessment for damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of compensation to be paid.

SEC. 6. That the construction of the track or siding herein provided for shall be begun within six months from the date of the passage of this act, and shall be completed within two years from said date, and pending such construction the said Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its present track connection with the United States Navy-Yard by means of a single track on K street and Canal street SE., either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, but at the expiration of said two years said railroad company shall at its own expense remove said present track connection and restore the surface of the streets over which the same is laid, to the approval of said Commissioners.

SEC. 7. That all acts or parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

SEC. 8. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER subsequently said: Mr. President, while I was necessarily absent from the Chamber, Senate bill 3976 was passed by the Senate. I desire to enter a motion to reconsider the vote by which that bill was passed. I will not ask that the motion be acted on now, but simply ask to have it entered.

DURHAM W. STEVENS.

The bill (S. 3528) for the relief of Durham W. Stevens, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Durham W. Stevens, or his personal representatives, $1,983.06, in full satisfaction of his claim for services as chargé d'affaires ad interim at Tokyo from October 25, 1878, to May 21, 1879.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBPŒNAS FOR WITNESSES IN UNITED STATES COURTS.

The bill (S. 3526) to amend section 876 of the Revised Statutes, was considered as in Committee on the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert:

That section 876 of the Revised Statutes of the United States be, and the same is hereby, amended, so as to read as follows:

"SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That in civil causes the witnesses living out of the State or Territory in which the court is held do not live at a greater distance than 100 miles from the place of holding the same."

Mr. TELLER. Mr. President, I should like to know who reported the bill.

The VICE-PRESIDENT. The bill was reported by the Senator from Oregon [Mr. FULTON].

Mr. TELLER. I should like to have some explanation of it.

Mr. FULTON. I will say to the Senator that I reported the bill, and if he wishes I will explain it.

Mr. TELLER. I wish the Senator would explain how it changes existing law.

Mr. FULTON. It changes existing law in this respect, Mr. President, that under the existing law a subpœna in a civil cause can not be served upon a party outside of the district where the court is held at which he is to appear if his place of residence is over 100 miles from the place where the court is to be held, even though it be in the same State. This bill proposes to change the existing law, so that a subpœna may be served on him at any place in the State where the court is held without regard to the distance. But if he goes beyond the State, of course, the rule regarding distance still obtains.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly.

Mr. SUTHERLAND. Mr. President, the proposed amendment appears to be the same as the existing law, with the exception of the proviso. The original law, as well as the amendment, reads:

SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district.

But the proviso as it is proposed to be amended inserts the words "State or Territory" in place of "district." My recollection is that it has been held that the courts of the Territories are not United States courts, but legislative courts.

Mr. FULTON. I think the courts in the Territories have jurisdiction.

Mr. SUTHERLAND. Yes; the courts of the Territories created by Congress have jurisdiction over cases in which the United States is a party and, indeed, I think any cases where the district and circuit courts of the United States have jurisdiction——

Mr. FULTON. Yes.

Mr. SUTHERLAND. But they are not United States courts, as I understand.

Mr. FULTON. I think the Senator is correct about that. They are legislative courts. They are not constitutional courts, but it does not seem to me that that would affect the matter. The bill was originally drawn by ex-United States Attorney-General Griggs, but it has been changed somewhat. It had, as I recall, the words in regard to the Territories in the bill. I think the Senator from Utah is correct that there are no constitutional courts in the Territories. That is my recollection of the decision. But I do not think that would affect the matter any. I do not see any objection to leaving it in there.

Mr. HEYBURN. I move to amend the amendment by striking out in line 20, on page 2 the words "or Territory."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY.

The bill (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company, of Illinois, was considered as in Committee of the Whole. It proposes to pay to the Chicago, Peoria and St. Louis Railway Company of Illinois $2,835.45, being the amount of internal-revenue tax on certain high wines erroneously appropriated by the Navy Department at Indian Head.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JURISDICTION OF CIRCUIT COURTS.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, was considered as in Committee of the Whole.

Mr. HEYBURN. Mr. President, I should like to have some explanation of the bill. I do not know that I have any objection to it, but I want to know what are the provisions of the section in the act of 1875. I have it not before me. The bill was reported by the Senator from Arkansas [Mr. CLARKE]. It is rather far-reaching in its effect. There is no discrimination as to the character of the defendant. A party might be a nominal defendant residing in some obscure part of the State, and suit might be brought against the real defendant, joined with the nominal defendant, and he be compelled to travel the entire length of the State for the purpose of defending the action. I think the bill should be explained.

Mr. TELLER. The Senator who reported the bill is not present.

Mr. HEYBURN. I observe that he is not present.

Mr. TELLER. I suggest that the bill go over.

Mr. HEYBURN. I think it had better go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as the next business in order on the Calendar.

Mr. KEAN. Let the bill go over, Mr. President.

Mr. GAMBLE. I trust objection will not be made to the bill. It is a matter of very great importance to that section of the State. There is a large region far removed from land-office facilities, and it is a matter of the highest importance to a large number of people in the northwestern part of the State. It is a short bill and is favorably recommended by the Department.

Mr. KEAN. I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

WHITE EARTH BANDS OF CHIPPEWA INDIANS IN MINNESOTA.

The bill (S. 4734) to provide for the transfer of a certain fund from "depredations upon public lands" to the credit of the White Earth bands of Chippewa Indians in Minnesota was considered as in Committee of the Whole. It directs the Secretary of the Treasury to transfer to the credit of the White Earth bands of Chippewa Indians in Minnesota the sum of $19,694.48, the proceeds of litigation with the Commonwealth Lumber Company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL EXPOSITION AT TOKYO, JAPAN.

The bill (S. 4639) to provide for the participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, page 2, after the word "and," in line 6, to strike out "the Secretary of State shall appoint;" and, in line 10, before the word "quarterly," to insert "at least," so as to read:

That the President be, and is hereby, authorized in accepting the invitation of the Imperial Japanese Government for the Government of the United States to participate in the Great National Exposition to be held in Tokyo from April 1 to October 31, 1912, to appoint, by and with the advice and consent of the Senate, a commissioner-general, who shall represent the United States at that exposition, and, under the general direction of the Secretary of State, shall make all needful rules and regulations in reference to contributions from the United States, and control the expenditures incident to and necessary for the proper installation and exhibit thereof, and the President, by and with the advice and consent of the Senate, is authorized to appoint an assistant commissioner-general, who shall assist and act under the direction of the commissioner-general, and shall perform the duties of the commissioner-general in the case of his death, disability, or temporary absence; and a secretary, who shall act as disbursing agent and shall perform such duties as may be assigned to him by the commissioner-general and shall render his accounts at least quarterly to the proper accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 6, before the word "hundred," to strike out "two thousand five" and insert "three thousand six," so as to read:

The commissioners herein provided for shall serve during the entire calendar year 1912, and they shall be paid for such service $3,600 each, which payments shall be in full for all compensation and personal and traveling expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILLIP HAGUE, ADMINISTRATOR.

The bill (S. 2027) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of," to strike out "$13,740.66, for" and insert "$1,742.66, in full of all claims by reason of," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phillip Hague, administrator of the estate of Joseph Hague, deceased, late of New York City, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $1,742.66, in full of all claims by reason of loss, pilotage, towage, demurrage, and costs by him expended to estimate repairs of the brigantine *Mary Margaret*, by being run into by the United States transport steamer *Belvidere* in the harbor of Galveston, Tex., on September 19, 1865.

The amendment was agreed to.

Mr. BACON. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. FULTON. The report is an extremely long one.

Mr. BACON. If the Senator can state it in substance it will be better.

Mr. FULTON. There is a good deal more embodied in the report than there should have been, as I observe in looking it over.

The facts in brief in regard to this claim are these: In 1865 the U. S. transport *Belvidere* was at the dock in Galveston and the brig *Mary Margaret* was lying at the same dock. The transport was ordered into quarantine and started to leave the dock. Conflicting orders were given, and instead of moving out properly she backed into the brig, committing damages which a board of survey composed of three officers of the Army found to aggregate $1,500.

The Department was ready to pay that sum, but the owners declined to receive it. So the matter hung along from time to time, and finally the Department held that by reason of the lapse of time it could not pay at all. Then the claimants came to Congress, presenting, as I recall it now, a claim for some $13,000. But the committee in investigating it finally concluded that the evidence was very clear that the damage of $1,500 was a legitimate claim. In addition to that we allowed $241.60 for towing the brig to some place to which she had to go—I do not recall now, but I think to some other wharf or place where she was to be repaired. We thought that was probably an item which should properly be allowed in addition to the $1,500 to cover the damages.

Mr. BACON. The claim, then, has been reduced from thirteen thousand to the amount stated in the bill?

Mr. FULTON. It has been reduced from something over thirteen thousand to $1,741.66.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

The bill (S. 3941) to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885, was considered as in Committee of the Whole. It proposes to amend the section named so as to read as follows:

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000 or be imprisoned not exceeding one year, or both, for each offense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF TIMBER ON ALLOTTED INDIAN LAND.

The bill (S. 4548) to provide for the sale of timber on allotted and unallotted Indian land, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment, on page 2, to strike out lines 5, 6, 7, 8, and 9 in the following words:

Timber on unallotted lands of any reservation may also be sold under such regulations as may be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as the Secretary of the Interior may direct.

The amendment was agreed to.

Mr. TELLER. I move to strike out all after line 9 on page 2 of the bill. This is an unusual and extraordinary proposition and ought not to be enacted into law.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment which will be stated.

The SECRETARY. It is proposed to strike out all after line 9, on page 2, in the following words:

The Secretary of the Interior shall have authority to call on the Forest Service for assistance in carrying into effect the provisions hereof, and of any regulations he may prescribe hereunder, and also to determine what expenses shall be paid from the proceeds of the sale of the timber, whether on allotted or unallotted land.

Mr. GAMBLE. I reported the bill from the Committee on Indian Affairs. We have no objection to the amendment offered by the Senator from Colorado.

Mr. TELLER. I merely want to say that I think the mixing of the jurisdiction of one Department with another would work badly, and there is no need of it. This is in rather a curious form:

The Secretary of the Interior shall have authority to call on the Forest Service.

Of course the Forest Service is under the Agriculture Department. This is a mixing of authority which I do not think is advisable. I ask that the words be stricken out.

Mr. GAMBLE. I will state that the bill is a Department measure, having been drawn by the Department, and was introduced by the junior Senator from Pennsylvania [Mr. KNOX], and this of course was desired by the Department.

Mr. TELLER. Under certain conditions the Department of the Interior may call upon the Department of Agriculture without any authority of law.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARTER. I suggest that the title be amended to conform to the character of the bill as passed. It will be observed that the title reads, "For the sale of timber on allotted and unallotted Indian land."

Mr. CLAPP. Yes; let the title be amended.

Mr. CARTER. The bill has been amended by striking out "unallotted." I therefore move to amend the title by striking out the words "and unallotted."

The title was amended so as to read: "A bill to provide for the sale of timber on allotted Indian land, and for other purposes."

OFFICE OF CAPTAIN IN PHILIPPINE SCOUTS.

The bill (S. 652) to create the office of captain in the Philippine Scouts was announced as the next business in order, and was read.

Mr. BACON. Does the bill come from the Military Affairs Committee or from the Committee on the Philippines?

The VICE-PRESIDENT. The bill was reported from the Committee on Military Affairs.

Mr. BACON. As I understand, this is to create a sort of general office of the grade of captain, which will not be attached to any particular company. Is that the change that is proposed? Of course, we have had organizations of Philippine Scouts in the Philippine Islands for the last eight years. I simply ask for information. I do not know that there is any reasonable objection to that arrangement.

Mr. WARNER. The chairman of the Committee on Military Affairs having the bill in charge is not in the Chamber at present, and I suggest that the bill be passed over without prejudice.

Mr. BACON. Not losing its place.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

SITE OF FORT LEE, PALISADES, NEW JERSEY.

The bill (S. 2669) providing for the acceptance of a donation of certain land situated at the Palisades, in the State of New Jersey, was considered as in Committee of the Whole. It authorizes the Secretary of War to accept on behalf of the United States a donation of certain land situated at the Palisades, in the State of New Jersey, containing about 2¼ acres, which land is known as the site of Fort Lee and was used and occupied as a fortification by the Continental Army in the Revolutionary war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF PHILIPPINE SCOUTS.

The bill (S. 651) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts was considered as in Committee of the Whole. It proposes to reimburse the enlisted men of the Philippine Scouts for certain sums of money intrusted by them to Lieut. Andrew Shea, Philippine Scouts, for safe-keeping and for transmission to their families in the Philippine Islands, which sums were embezzled by Shea and fraudulently converted to his own use, and appropriates $3,600 for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD THROUGH THREE TREE POINT MILITARY RESERVATION.

The bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, was announced as next in order.

Mr. KEAN. I understand that the Senator from Washington [Mr. PILES] desires to be present when this bill is considered.

The VICE-PRESIDENT. The junior Senator from Washington is in the Chamber.

Mr. PILES. I should like to have the bill passed over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar, at the request of the Senator from Washington.

COMPENSATION OF INSPECTORS OF CUSTOMS.

The bill (S. 4066) authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment in line 6, after the word "Boston," to strike out "and Philadelphia" and insert "Philadelphia, and San Francisco," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to increase the maximum compensation of inspectors of customs not to exceed $6 per diem, at the ports of New York, Chicago, Boston, Philadelphia, and San Francisco and such other ports as he may designate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT HALF MOON BAY, CALIFORNIA.

The bill (S. 2483) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATERIAL AND EQUIPMENT FOR PANAMA CANAL.

The joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal was announced as next in order.

Mr. FRYE. Let the joint resolution be passed over without prejudice.

The VICE-PRESIDENT. The joint resolution will be passed over without prejudice, at the request of the Senator from Maine.

FORT PECK INDIAN RESERVATION LANDS.

The bill (S. 208) for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment was considered as in Committee of the Whole.

The Secretary proceeded to read the bill, and before the reading was concluded——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALDRICH. Does the Senator from Montana desire to have the pending bill completed?

Mr. DIXON. Yes; the reading is nearly completed.

The VICE-PRESIDENT. The Secretary will continue the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. BACON. Mr. President, I do not want to delay the bill a moment, but it seems to be one of very large scope. I should like to have some Senator in charge of it give a word of explanation about it, as to the amount of land involved, and so forth.

Mr. DIXON. I will state, in reply to the Senator from Georgia, that this is a bill which opens to allotment to Indians in severalty their lands on the Fort Peck Reservation in Montana, and provides for the sale of the surplus lands. Last summer a special agent of the Indian Department visited these Indians and held a conference with them, and this bill is the result of the agreement made by the inspector with the Indians at that time.

The original bill was prepared in the office of the Commissioner of Indian Affairs, and afterwards referred to the Secretary of the Interior for his report. Sundry amendments proposed by the Secretary's office as to an irrigation scheme were referred back to the Committee on Indian Affairs and adopted. Those are the amendments which are offered to the bill as prepared originally by the Indian Office.

Ninety-five per cent of the male adult Indians signed the agreement. The Commissioner's office is favorable, the Secretary of the Interior has returned a favorable reply, and there is no objection to the measure anywhere along the line.

It embraces an area of country larger than the State of Delaware. There are 1,800,000 acres of land now occupied by less than 2,000 Indians. They are to be allotted land in accordance with their agreement, and the rest of the land will be thrown open to settlement. That is the bill.

Mr. BACON. I was struck by the fact that there seemed to be a very large irrigation programme laid out, and some $200,000, if I caught the reading correctly, are appropriated simply for surveying and the making of plans.

Mr. DIXON. The larger part of the appropriation is to reimburse for sections 16 and 36, which go to the public school fund in accordance with the universal legislation along that line. The appropriation of $100,000 to make the preliminary survey and to commence the work is to be reimbursable to the Government from the sale of the lands. So the Government will not be out one penny. It is to be reimbursed under the terms of the bill.

Mr. BACON. I understand that; I got that from the reading; but the thing that I had some little curiosity about was that the mere matter of plans would cost $100,000. I suppose it involves the surveys.

Mr. DIXON. The surveys and the commencement of the work, and the Treasury is to be reimbursed.

Mr. TELLER. Mr. President, as the Senator from Georgia says, this is an important bill. It is a local bill in many respects, and it deals with the question of the occupation of land by the Indians as well as the occupation of land by certain white people.

The Senator who has the bill in charge, the chairman of the Committee on Indian Affairs, has some amendments which he proposes, amendments which, I think, will improve the bill and will do away with the objection I would otherwise make to the bill. But on page 7 of the bill I find the following in the amendment of the committee:

> A right to the use of water acquired under the provisions of this act shall be appurtenant to the lands irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

That is not a question that we have anything to do with in Congress. It is purely a question of State regulation, and that clause must go out. Then it will be consistent with all the legislation we have made heretofore except in one case, where the courts in one State have ignored the provision. In the reclamation act there was a provision which said that the waters should be appurtenant. In one State at least the courts have held that that is a question for the State, and they have ignored it. I shall move to strike out lines 8, 9, 10, and 11.

Mr. DIXON. That amendment to the amendment will be agreed to when it is reached. After consultation with the chairman of the Committee on Indian Affairs I will submit an amendment. I will state that most of the amendments are merely to correct misprints in the bill. They were in the original amendment.

The VICE-PRESIDENT. The amendments reported by the Committee on Indian Affairs will be stated in their order.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 3, after the word "such," to insert "lands as may be irrigable therefrom, or necessary for irrigation works, and also," so as to make the section read:

> That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and to cause an examination of the lands within such reservation to be made by the Reclamation Service and by experts of the Geological Survey, and if there be found any lands which it may be deemed practicable to bring under an irrigation project, or any lands bearing lignite coal, the Secretary of the Interior is hereby authorized to construct such irrigation projects and reserve such lands as may be irrigable therefrom, or necessary for irrigation works, and also coal lands as may be necessary to the construction and maintenance of any such projects.

The amendment was agreed to.

The next amendment was, in section 2, line 19, before the word "acres," to strike out "40" and insert "20," so as to read:

> SEC. 2. That as soon as all the lands embraced within the said Fort Peck Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations, and who may rightfully belong on said reservation; that there shall be allotted to each member 320 acres of grazing lands and an additional allotment of not less than 2½ acres or more than 20 acres of timber land: *Provided*, That should it be determined as feasible, after examination, to irrigate any of said lands, the allotments may be 20 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes, as the allottee may elect; and to pay the costs of the examinations provided for herein and for the construction of irrigation systems to irrigate lands which may be found susceptible of irrigation, there is appropriated $200,000, to be immediately available, the cost of such examination and systems to be reimbursed from the proceeds of sales of the lands within the said reservation.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 3, after the word "reservation," to strike out the following:

> *Provided further*, That the Indians and settlers on the surplus lands, in the order named, shall have a preference right for one year from the date of the President's proclamation opening the reservation to settlement, to appropriate the waters of the reservation, which shall be filed on and appropriated under the laws of the State of Montana, by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments, and by the settlers under the same law. At the expiration of the one year aforesaid the irrigation systems constructed and to be constructed shall be operated under the laws of the State of Montana, and the title to such systems as may be constructed under this act, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: *And provided further*, That the ditches and canals of such irrigation system may be used, extended, or enlarged for the purpose of conveying water to any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: *And provided further*, That when any irrigation system constructed under authority of this act is in successful operation, the cost of operating it shall be equitably apportioned among the lands irrigated, and when the Indians have become self-supporting to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deductions being made for the amounts received from the disposal of the lands within the reservation aforesaid: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

And to insert the following:

> *Provided, however*, That any land irrigable by any system constructed under the provisions of this section be disposed of subject to the following conditions: The entryman or owner shall, in addition to the payments required by section 8 of this act, be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, with a view to the return of all moneys expended thereon, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.
>
> The entryman of lands to be irrigated by said system shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay the charges apportioned against such tract, but the commutation provisions of the homestead laws shall not apply to entries of lands under such irrigation system, nor shall any such lands be subject to mineral entry or location. No right to the use of water shall be disposed of for a tract exceeding 160 acres to any one person, and the Secretary of the Interior may limit the areas to be entered at not less than 40 nor more than 160 acres each.
>
> A failure to make any two payments when due shall render the entry and water-right application subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys paid thereon. The funds arising hereunder shall be paid into the Treasury of the United States and be added to the proceeds derived from the sale of the lands. No right to the use of water for lands in private

ownership shall be sold to any landowner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of such land, and no such right shall permanently attach until all payments therefor are made.

All applicants for water rights under the systems constructed in pursuance of this act shall be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary of the Interior, and the failure to pay such charges when due shall render the water-right application and the entry subject to cancellation, with the forfeiture of all rights under this act as well as of any moneys already paid thereon.

The Secretary of the Interior is hereby authorized to fix the time for the beginning of such payments and to provide such rules and regulations in regard thereto as he may deem proper. Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally fixed.

The land irrigable under the systems herein provided, which is owned by or has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such lands without cost to the Indians so long as the title, legal or equitable, remains in said Indians; but any such lands leased for a longer term than three years shall bear their pro rata share of the cost of the operation and maintenance of the system under which it lies, and when the Indian title is extinguished such lands shall also bear their pro rata cost of operation and maintenance.

When the payments required by this act have been made for the major part of the lands irrigable under any system and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior, subject to the provisions hereof for the furnishing of water rights for the irrigation of Indian lands without cost except as provided for operation and maintenance.

A right to the use of water acquired under the provisions of this act shall be appurtenant to the lands irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

Mr. DIXON. I move to amend the amendment of the committee by striking out all of line 1 after the word "tract," all of line 2, and all of line 3 to the word "nor," in the following words:

But the commutation provisions of the homestead laws shall not apply to entries of lands under such irrigation system.

The amendment to the amendment was agreed to.

Mr. DIXON. Now let the amendment suggested by the Senator from Colorado be stated.

The SECRETARY. On page 7 in the amendment of the committee strike out lines 8, 9, 10, and 11, in the following words:

A right to the use of water acquired under the provisions of this act shall be appurtenant to the lands irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Mr. President, I should like to direct the attention of the Senator from Montana to a feature in the amendment just read, which has been forcibly brought to notice as to the same class of settlers recently in our State. I notice that the payment extends in this case over a period of fifteen years. During that time this property will never be taxable or contribute anything to the maintenance of the State government, because the title will remain in the Government of the United States. I have just succeeded in having that difficulty in the State of Idaho adjusted, so that at the end of five years settlers may prove up; but I did not catch in the reading of this bill that there was any option given to the parties to prove up at the end of five years. I would suggest to the Senator from Montana the embarrassment that will arise from having in communities a large quantity of property which can not be taxed for school purposes or for any other purpose.

Mr. DIXON. Mr. President, I will say, in reply to the suggestion of the Senator from Idaho, that to cover that phase of the case there is a provision in this bill that the settlers may commute their homestead entries and receive patents for their lands at the expiration of the commutation period of fourteen months, as now provided by the general land laws.

Mr. HEYBURN. Very well.

The next amendment of the Committee on Indian Affairs was, in section 3, on page 7, line 16, after the word "Indians," to insert:

and the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than 40 acres of said land at the present settlement of Poplar, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlement.

So as to make the section read:

SEC. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, and the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than 40 acres of said land at the present settlement of Poplar, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlement.

Mr. DIXON. Mr. President, I would say that that section is covered by a proposed amendment striking out and inserting. It was a mistake made by the printer.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 8, section 4, line 3, before the word "persons," to strike out "three" and insert "five;" in line 6, after the word "follows," to strike out "one commissioner" and insert "two of said commissioners;" in line 7, after the word "be," to strike out "a person" and insert "persons;" in line 9, before the word "resident," to strike out "one" and insert "two;" in the same line, after the word "resident," to strike out "citizen" and insert "citizens;" so as to make the section read:

SEC. 4. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of five persons to inspect, classify, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior, said commission to be constituted as follows: Two of said commissioners shall be persons holding tribal relations with said Indians, one representative of the Indian Bureau, and two resident citizens of the State of Montana.

The amendment was agreed to.

The next amendment was, on page 8, section 5, line 15, before the word "dollars," to strike out "five" and insert "eight," so as to make the section read:

SEC. 5. That within thirty days after their appointment said commissioners shall meet at some point within the Fort Peck Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary not to exceed $8 per day.

The amendment was agreed to.

The next amendment was, in section 7, on page 9, line 5, after the word "appraisement," to strike out "of all;" in line 16, after the word "Indians," to insert "or by reservation or withdrawal under the provisions of this act," so as to make the section read:

SEC. 7. That when said commission shall have completed the classification and appraisement of said lands, and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the general provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or by reservation or withdrawal under the provisions of this act or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral lands within said reservation, not exceeding two sections in any one township, which selections must be made within the sixty days immediately prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of $1.25 per acre.

The amendment was agreed to.

The next amendment was, on page 11, section 9, line 25, before the word "equal," to strike out "four" and insert "five;" so as to read:

SEC. 9. That entrymen under the desert-land law shall be required to pay one-fifth of the appraised value of the land in cash at the time of entry, and the remainder in five equal annual installments, as provided in homestead entries; but any such entryman shall be required to pay the full appraised value of the land on or before submission of final proof, etc.

The amendment was agreed to.

The next amendment was, on page 12, section 10, line 18, after the word "reservation," to strike out "under" and insert "deemed practicable for;" so as to make the section read:

SEC. 10. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation deemed practicable for irrigation projects deemed practicable under the provisions of the act of Congress approved June 17, 1902, known as the reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value as provided in this act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians.

The amendment was agreed to.

The next amendment was, in section 11, on page 13, line 4, after the words "from the," to strike out "taking effect of this act" and insert "date of President's proclamation to entry;" so as to make the section read:

SEC. 11. That all lands hereby opened to settlement remaining undisposed of at the end of five years from the date of President's proclamation to entry shall be sold to the highest bidder for cash at not less than $1.25 per acre, under regulations to be prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest

bidder for cash, without regard to the minimum limit above stated: *Provided*, That not more than 640 acres shall be sold to any one person or company.

The amendment was agreed to.

The next amendment was, in section 12, on page 13, line 22, after the words "Indians or," to strike out "reserved" and insert "withdrawn;" so as to make the section read:

SEC. 12. That the lands within said reservation however classified, shall, on and after sixty days from the date fixed by the President's proclamation opening said lands, be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws at not less than the price therein fixed and not less than the appraised value of the land, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to Indians or withdrawn under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 14, on page 14, line 10, after the words "SEC. 14," to strike out:

That the Secretary of the Interior is hereby authorized and directed to set apart from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe. The net proceeds derived from the sale of such lands shall be deposited in the Treasury of the United States to the credit of the Indians.

And to insert:

That such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proofs as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry, in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than $10: *And provided further*, That said lots when surveyed, shall approximate 50 by 150 feet in size.

The amendment was agreed to.

The next amendment was, in section 15, on page 16, line 21, after the word "shall," to strike out "upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act" and insert "within three years after the completion of the irrigation systems to be constructed under the provisions of section 2 hereof," so as to make the section read:

SEC. 15. That after deducting the expenses of the commission of classification, appraisement, and sale of the lands, and such other incidental expenses as may necessarily be incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with the provisions of this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe, to draw 4 per cent per annum, the principal and interest to be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in their education and civilization, the construction and maintenance of irrigation ditches, should such be determined as feasible and beneficial to said allottees, and suitable per capita cash payments. The remainder of all funds deposited in the Treasury realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, within three years after the completion of the irrigation systems to be constructed under the provisions of section 2 hereof, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 16, on page 17, line 5, after the word "appropriated," to insert "in addition to the amount appropriated in section 2," so as to make the section read:

SEC. 16. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in addition to the amount appropriated in section 2, the sum of $100,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana, and for lands reserved for agency and school purposes, at the rate of $1.25 per acre; also the sum of $100,000, or so much thereof as may be necessary, to be immediately available, to enable the Secretary of the Interior to survey, allot, classify, and appraise the lands in said reservation as provided herein, and also to defray the expense of the appraisement and survey of town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

The amendment was agreed to.

Mr. DIXON. I now offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In section 2, on page 7, line 11, strike out the period at the end of the committee amendment and insert:

All appropriations of the waters of the reservation shall be made under the provisions of the laws of the State of Montana.

The amendment was agreed to.

Mr. CLAPP. I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The first amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 7, line 16, after the word "Indians," it is proposed to strike out the committee amendment, as follows:

And the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes and to survey, lay out, and plat into town lots, streets, alleys, and parks not less than 40 acres of said land at the present settlement of Poplar, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlement.

And in lieu thereof to insert:

And also such of said lands adjacent to the right of way of the Great Northern Railway as are necessary for the use of the Great Northern Railway Company in the construction and maintenance of water reservoirs for use by said railway company in the operation of said line of railway; and the Secretary of the Interior is authorized and directed, when surveyed, to issue patents to said Great Northern Railway Company for the said lands embraced within said reservoir sites to the Great Northern Railway Company upon payment by said company of the sum of $2.50 per acre, the money so paid to be deposited in the Treasury of the United States to the credit of said Indians.

The VICE-PRESIDENT. Without objection, the vote by which the committee amendment from line 16 to 25, on page 7, was agreed to will be regarded as reconsidered, and the committee amendment disagreed to. The question now is on the adoption of the amendment submitted by the Senator from Minnesota [Mr. CLAPP], which has been stated.

Mr. CURTIS. I should like to ask the Senator in charge of the bill a question. Do I understand that the measure now pending was drawn in the Department?

Mr. DIXON. Yes.

Mr. CURTIS. Then, how does it come that there are so many amendments proposed to the bill?

Mr. DIXON. I will say to the Senator from Kansas that the bill originally was framed in the Indian Office, after which it was referred to the Secretary of the Interior for his approval. These amendments, principally referring to the system of irrigation which the engineers want to construct there, are amendments suggested by the Office of the Secretary of the Interior to the bill as prepared by the Commissioner of Indian Affairs.

Mr. CURTIS. Has the Senator offered, or have the committee offered, any amendments not approved by the Department?

Mr. DIXON. None whatever, except the amendment relating to station tanks of the Great Northern Railway, which was overlooked when the bill was prepared.

Mr. CURTIS. I notice in that amendment that there is a provision that this land shall be conveyed to the railroad exclusively for the use mentioned in the amendment, which is for water tanks.

Mr. DIXON. That is the purpose of the amendment, I will say to the Senator.

Mr. CURTIS. There is no limit in the right or the use?

Mr. DIXON. I will say to the Senator from Kansas that, at the request of the chairman of the Committee on Indian Affairs, these amendments were accepted by the Committee on Indian Affairs.

Mr. CLAPP. Mr. President, I will say to the Senator from Kansas that probably only an acre or two of land would be embraced. However, I will move to amend the language by inserting after the word "patents" the words "exclusively for the purposes aforesaid."

Mr. CURTIS. That is right.

The VICE-PRESIDENT. Where does the Senator from Minnesota desire to have inserted the amendment which he has proposed?

Mr. CLAPP. After the word "patents" in the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "patents," in the amendment, it is proposed to insert the words "exclusively for the purposes aforesaid," so as to read:

When surveyed, to issue patents exclusively for the purposes aforesaid to said Great Northern Railway Company for the said lands, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. In section 14, on page 14, line 10, after the words "SEC. 14," it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 40 acres of said land at the present settlement of Poplar, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlement.

The amendment was agreed to.

Mr. TELLER. Mr. President, I desire to call the attention of the Senator in charge of the bill to the language contained in the amendment on page 6, line 10, where it reads:

As the Secretary of the Interior may determine, but not less than the cost originally fixed.

That leaves to the Secretary of the Interior to fix the price at anything above that sum. I move to insert in line 10, after the words "less," the words "nor more," so as to read:

But not less nor more than the cost originally fixed.

Mr. CLAPP. There is no objection on the part of the committee to the amendment.

The VICE-PRESIDENT. The Senator from Colorado [Mr. TELLER] asks unanimous consent that the vote by which the amendment, which he proposes to amend, was agreed to be reconsidered. Without objection, it is so ordered. The Senator from Colorado now proposes an amendment, which will be stated.

The SECRETARY. In section 2, on page 6, line 10, after the words "not less," it is proposed to amend the amendment of the committee by inserting "nor more," so as to read:

Upon the cancellation of any entry or water-right application, as herein provided, such lands or water rights may be disposed of under the terms of this act and at such price and on such conditions as the Secretary of the Interior may determine, but not less nor more than the cost originally fixed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BACON. Mr. President, I should like to ask the Senator from Montana a question. I notice in the first section of the bill there is this language:

And if there be found any lands which it may be deemed practicable to bring under an irrigation project, or any lands bearing lignite coal, the Secretary of the Interior is hereby authorized to construct such irrigation projects and reserve such lands as may be irrigable therefrom, or necessary for irrigation works, and also coal lands as may be necessary to the construction and maintenance of any such projects.

The question to my mind—I must confess I am not familiar with the bill; it was impossible to follow the reading very closely, and it has been equally impossible to examine it since on account of its length—the question which occurred to my mind was whether the only reservation of coal lands is to be the reservation such "as may be necessary in the construction and maintenance of any such projects."

Mr. DIXON. Mr. President——

Mr. BACON. For instance, if the Senator will pardon me a moment, if it should be found that there are extensive coal deposits in Montana, is it the design of this bill that these lands shall be disposed of in the same manner as lands in which there are no coal deposits, except so far as they may be requisite, or the proceeds of which, I suppose, may be requisite, for use in the construction and maintenance of irrigation works?

Mr. DIXON. No. I will say to the Senator from Georgia that that section merely provides for this condition of affairs: Some parts of the reservation are underlaid with lignite coal. The Missouri River flows along the southern boundary of the reservation, and there is a vast area of Missouri River bottoms that the reclamation engineers think can only be irrigated by a pumping station. At the city of Williston, N. Dak., just 40 miles east of these lands, they constructed such a pumping station for irrigation last year, and they reserved two sections of lignite coal lands where the engines were situated in order to secure the power to pump the water. The provision giving the Secretary power to reserve such coal lands as may be necessary in the construction and maintenance of such irrigation projects merely gives him the right to reserve such lignite coal lands for use as fuel to make the power for pumping the water. At the Williston, N. Dak., station I think they reserved two sections of lignite lands for that purpose. That is all that is contemplated by that section of the bill.

Mr. BACON. Mr. President, I understand that; I understand, of course, that the purpose of that section is to reserve such of the coal lands as may be needed in the construction and maintenance of irrigation works; but what I desire to know is this: Suppose that, in addition to that, there are large areas in which this coal is to be found, is it the design that they shall be disposed of in the same manner and at the same price as common lands upon which there is no coal?

Mr. DIXON. Oh, no; they are to be disposed of under the general provisions of the public-land laws of the United States. The provision has no reference to coal lands other than those which are to be reserved for pumping purposes.

Mr. BACON. Well, I am not very familiar with the public-land laws of the country. Does the Senator refer to the public-land laws with reference to coal lands?

Mr. DIXON. Yes, sir.

Mr. BACON. The provisions of this bill will put coal lands in this reservation under the same control and restrictions as those which are now provided by law for coal lands situated on other public lands of the United States.

Mr. DIXON. The same as on other public lands of the United States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3023) to amend the national banking laws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALDRICH. Mr. President, I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment with the purpose of having the formal committee amendments acted upon to-day.

Mr. BAILEY. Mr. President, I suggest—and the suggestion applies more to this side of the Chamber than to the other—that I presume the Senate would be full immediately if it were understood in the committee rooms that this bill was being taken up for amendment, and, if it be agreeable to the Senator from Rhode Island, I suggest that he say that to-morrow he will ask that the bill be taken up for amendment.

Mr. ALDRICH. My present purpose is only to have the formal amendments of the committee agreed to, but no contested amendments, and with the understanding that the bill shall be open to amendment hereafter in every respect.

Mr. BAILEY. And that it will not be necessary now, of course, to offer amendments which individual Senators may desire to offer.

Mr. ALDRICH. Certainly not. My only purpose is to have the formal amendments reported by the committee adopted to-day.

Mr. BAILEY. I have no objection myself, Mr. President, to that course being pursued.

Mr. ALDRICH. I have no purpose——

Mr. BAILEY. I think probably there are none of the committee amendments that will provoke any discussion at all, certainly no serious discussion.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill, which had been reported by the Committee on Finance with amendments.

The first amendment reported by the Committee on Finance was, on page 1, line 10, after the words "United States," to strike out:

The Comptroller of the Currency, if in his judgment business conditions demand such additional circulation and the condition of the association making the application warrants the issue, may approve such application, and shall determine the time of issue and shall fix the amount, within the limitations hereinafter imposed, of such additional circulating notes to be issued.

And insert:

The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same, and shall determine the time of issue and fix the amount, within the limitations hereinafter imposed, of the additional circulating notes to be issued. In order that the distribution of notes to be issued under the provisions of this act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: *Provided, however*, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary

of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

Mr. BURKETT. Mr. President, I should like to ask the Senator from Rhode Island to explain a matter which, it seems to me, might present a difficulty. I have no doubt that he has had it called to his attention and considered it, but I do not have the information. Near the bottom of page 2 there is a provision for the distribution of this currency to various States in accordance with the amount of the unimpaired capital of the national banking associations of each State, etc., in the proportion it shall bear to the entire unimpaired capital of the national banking associations of the United States. Then comes the following proviso:

Provided, however, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country.

It has occurred to me in reading the bill over that this provision might be a source of trouble in case of a financial flurry. Take, for instance, the last flurry that we had in October. These flurries usually start in some particular section of the country. Ordinarily they start in New York before any financial panic reaches the western part of the country. I think we all know that within five days before the 28th of October last no bank west of the Mississippi River would have thought of making a request for any additional circulation, and yet previous to that time the banks of other sections of the country might have asked for additional circulation. Under the terms of this bill, could not the Secretary of the Treasury have said two or three weeks before the emergency came that, there being no request from certain other States, therefore all might be assigned to some particular State or to a certain section of the country?

It seems to me that that contingency might arise. I do not know that it is a dangerous one. I suppose the committee thought of it.

Mr. ALDRICH. If the Senator from Nebraska will read the concluding words of the section he will see that the States must be in the same section of the country. In other words, Nebraska's quota could not be assigned to New York. Nebraska's quota or some portion of it might be assigned to Iowa if Nebraska did not ask for it. The States must be in the same section of the country. The committee were of the opinion that that was about as definitely as it would be wise to make the distribution. If there was a demand in New York and no demand in New Jersey or in Connecticut, and an emergency existed, the Secretary of the Treasury would have a right to assign some portion of the quota of New Jersey or of Connecticut to New York, but not to Ohio, not to Illinois, and not to Nebraska.

Mr. BURKETT. I had read the last words of the provision, I will say to the Senator. The word "section" is not very definite. I used the very broad illustration, the territory west of the Mississippi. New York, New Jersey, and Delaware might be construed to be a "section." That section might be entitled to a certain proportion of all the additional currency that could be issued in the United States. A panic might start in New York City, and, large as is the proportion of the banking business in New York City, it might need all there was of the quota of that section, and thus deprive other localities.

I do not raise the question, of course, with the idea of offering any amendment, but I wanted to know if the committee has considered it?

Mr. ALDRICH. We gave the matter very careful consideration, and in our opinion it is properly guarded by the language used.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Finance.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was on page 3, section 1, line 9, after the words "amount to," to strike out "75 per cent of the market value, as fixed by the Treasurer of the United States, of the bonds so deposited" and insert:

Seventy-five per cent of the market value of any railroad bonds and 90 per cent of the market value of any other bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

So as to read:

Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in section 2 of this act as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, equal in amount to 75 per cent of the market value of any railroad bonds and 90 per cent of the market value of any other bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury, such additional circulating notes to be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes.

Mr. DOLLIVER. Mr. President, I have had some inquiry as to whether the term "railroad bonds" in this connection includes the bonds of railroads other than steam roads. In our section of the country we have growing up a very interesting system of long-distance interurban electric railroads. There is one which is over 140 miles long. I have received an inquiry from those people whether this provision is intended to include their securities.

Mr. ALDRICH. I will say that the amendment on the fifth page covers the interrogatory of the Senator from Iowa, and we have not reached that. It was my purpose to pass it over this morning, the committee themselves having under consideration an amendment to that particular provision. But this particular clause applies only to the percentages of advances.

Mr. BAILEY. Mr. President, this statement in the RECORD would be apt to mislead some one who was searching for what we are trying to do and who was endeavoring to ascertain our intent from the RECORD. There is no manner of doubt that this bill excludes interurban railroad bonds, and, so far as I am concerned, I want them excluded. Indeed, I want to exclude all railroad bonds. But the Senator from Iowa [Mr. DOLLIVER], who was so efficient in helping to pass the recent amendment to the interstate-commerce law, will recall that the jurisdiction of the Government was limited to those carriers who conduct their business by rail—or partly by rail and partly by water—by steam railroads. I simply put this in the RECORD so that it will not be hereafter supposed by anybody that we did not know what we were doing or that we had done something that we had not intended to do.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BAILEY. Certainly.

Mr. GALLINGER. I am not so sure the Senator from Texas, who is accustomed to be very accurate, is quite accurate in this matter. As I understand, the Interstate Commerce Commission has practically taken jurisdiction of the street railways of the District of Columbia.

Mr. BAILEY. If so, it must be under some law relating to the District of Columbia, over which we exercise exclusive jurisdiction, and not under its general authority.

Mr. GALLINGER. I do not so understand it. I understand that under the rate law, which was passed during the last Congress, the Interstate Commerce Commission has notified these railroad companies that they must comply with certain conditions which they will impose, on the ground that those railroads run beyond the District of Columbia into the adjoining States, and hence they come under the jurisdiction of the Interstate Commerce Commission.

I have been so informed; and if that be so, I think we ought to be extremely careful in the phraseology of this bill, because I think it would be a great misfortune to have the bonds of railroad corporations of that kind included. I have been disposed to agree with the Senator from Texas that we go perhaps a little too far in including the bonds of steam railroads, but we certainly ought to be extremely careful not to let these interurban roads and street railroads, such as there are in the District of Columbia, be included in the bill. I think it is a matter which ought to be inquired into very carefully before the bill is finally passed upon.

Mr. BAILEY. I am sure that Congress never had in contemplation when it passed that act that under it the Interstate Commerce Commission should burden itself with regulating the fares and the practices of the street railroads of this city, or even the street railroads that in many other instances cross State lines; but if it be true that the Interstate Commerce Commission has assumed that jurisdiction, then the next step will be to require the companies to report.

Mr. GALLINGER. Certainly.

Mr. BAILEY. And when they do report they will bring themselves within this provision. It has been some little time since I examined that act as we passed it; but it seems to me the phraseology of it was such as to confine it not only to railroads, but to steam railroads. Still, however, I can easily understand how a body eager for more jurisdiction might insist that they were railroads, the same as those that are operated by steam.

If there has been any such order entered by the Commission, or if the Commission has asserted any such power, then I think probably the committee has not sufficiently guarded this question. As great a convenience as these interurban railroads are, and as welcome as they are to every community, I think they have not yet been tried sufficiently and they have not demonstrated both their earning capacity and their permanent value enough to have their securities accepted as the basis of our currency. Like the Senator from Iowa [Mr. DOLLIVER], I have had some inquiries about it, and at least one of those inquiries came from some gentleman whose efforts to construct and operate such a railway I heartily applaud and sincerely wish success, but I would not be willing to see their securities accepted as a basis for this currency, because if the steam railroads determine to do it they can operate so as to reduce enormously the earning capacity of these interurban roads.

It may be the steam railroads will attempt, as they have done in New England, to buy the interurban roads and operate them for the passenger service and operate the steam roads for the freight service. I am not perfectly sure but that that would be a very successful conclusion for them all to reach. The interurban service for reasonable distances is more comfortable, or at least it is freer from many objections than is steam railroad travel, and where the two systems serve the same territory I am not perfectly certain that in time it will not go to the point that one will be used entirely for the passenger travel and the other for the freight traffic; and that will come about whether the railroads undertake to buy the other roads or not.

My own opinion is that the steam railroads ought not to be permitted to buy the electric roads, because they are plainly parallel and competing so far as the passenger traffic is concerned. If it shall happen, as it probably will, that the electric railroads become the main arteries of travel for people who want to go short distances, then in time probably their securities will be as well established in the market as the securities of steam railroads are now, but until that time does come surely we ought not to make a provision of doubtful wisdom still more doubtful by adding to the general description of railroad bonds the bonds of these new and, as we must all concede, yet experimental enterprises known as trolley railroads.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Maryland?

Mr. BAILEY. Certainly.

Mr. RAYNER. I do not desire to interrupt the Senator from Texas, but there are several decisions in the States holding that the word "railroads" includes the electric railways in the State, without specifically naming them.

Mr. BAILEY. I am aware there are decisions of that kind, but I think that with the lawmaker, as with the average man when he talks about railroads, he does not have in contemplation either street railroads or trolley railroads.

Mr. RAYNER. I want to say to the Senator from Texas that I entirely agree with him. I am opposed to putting in railroad bonds at all.

Mr. BAILEY. I am glad to know we have the concurrence of the Senator from Maryland on that point. The other side are going to put them in this bill.

Mr. RAYNER. I understand that.

Mr. BAILEY. Those who have the majority and the power that the majority gives are going to put them in, and if they are going in the bill I want them guarded as much as possible.

I do not expect this bill to be as good as it would be if we on this side could make it, but I am anxious to make it as good as it is possible to be made by the majority on the other side. I think the proceedings of the committee will show that the Democrats on the committee made no factious opposition. They sought no delay. They were ready to proceed. If they could not make the bill as good as it ought to be—and that could not be expected, as we were in the minority—our purpose was to make it as good as possible, so that if at last we could not vote for it—and that of course has to be settled by each man for himself, because it is not a party question and ought not to be made a party question—we should have helped to the best of our ability to improve it. What we could not get out we sought to improve. Not being able to get the railroad-bond provision out of it, I want to make it as safe as possible.

While I am on my feet and on that subject I venture to express the belief that this railroad-bond provision is too narrow if a provision for railroad bonds is to be made in the bill. If you want merely security, and if you are going to ignore the objection which most of us feel to basing our currency upon the bonds of these quasi-public corporations; if you reject that principle and provide for it, then all you want is ample security, security of tested and demonstrated value.

Now, there are millions of railroad bonds in this country which are not only good security, but good enough for the most prudent business man and those charged with the management of estates to invest their trust funds in, which would be excluded by the narrow provisions of this bill; and without suggesting and without intending to suggest that there was any sectional consideration, because I do not believe that influenced a single member of the committee, yet it is true that under the provisions of this bill there are but two railroads that traverse the South and serve the Southern people whose securities could be accepted—the Louisville and Nashville Railroad and the Illinois Central, the latter not being in its full sense a southern property, beginning as it does in the city of Chicago, chartered as it was by the great State of Illinois, and serving other sections besides our own. But so far as I have been able to examine it and to ascertain the facts up to this time the Illinois Central and the Louisville and Nashville railroads are the only two southern roads whose bonds could be accepted under this provision. I sincerely hope that the chairman of the committee and the majority of the committee, if they intend to allow railroad bonds to be used at all, will consent to an amendment that will at least permit the transportation companies of our southern and southwestern country to share whatever benefits may be derived from a provision of that kind.

But, Mr. President, I did not take the floor to discuss that question. I took the floor merely to answer as best I could the inquiry of the Senator from Iowa [Mr. DOLLIVER] and to express the hope that if there is any doubt about the acceptance of trolley-line railroad bonds in this bill, that doubt will be entirely removed.

Mr. ALDRICH. Mr. President, the provision describing railroad securities to be accepted under the provisions of this act is found on the fifth page of the bill, and I stated when I reported the bill to the Senate that the committee had under consideration modifications of that section. At the suggestion of the Senator from Virginia and the Senator from Texas, as the Senator from Texas will remember, that matter was passed over with the understanding that we would, in committee, take up the question of the final description of railroad bonds to be received, and that later we would report such an amended provision for the consideration of the Senate.

I intended, when these provisions on the fifth page were reached, to ask that they be passed over, with the understanding that the committee would at a subsequent day, before the bill passed from the consideration of the Senate, propose certain amendments. The amendment now under consideration simply provides as to the percentage to be advanced on the different classes of securities.

Mr. CULBERSON. Mr. President, I should like to ask the Senator from Rhode Island a practical question with reference to the amendment on page 3, to which attention is being invited. Lines 11, 12, 13, 14, and 15 read as follows:

> Seventy-five per cent of the market value of any railroad bonds and 90 per cent of the market value of any other bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

What I desire to know from the Senator in charge of the bill is, as a practical question, how the Secretary of the Treasury will arrive, or is supposed to arrive, at this market value? Will he take the valuation upon the stock exchange, or how will it be determined? I should like to have a practical idea how, in the opinion of the chairman, the Secretary of the Treasury will arrive at this market value.

Mr. ALDRICH. I take it for granted the Secretary of the Treasury will use all the available means at his command to ascertain the market value. For instance, take the first mortgage bonds of the Union Pacific Railroad. They are quoted every day and many times a day on all the great exchanges of the country. The market value is easily ascertainable for almost all the railroad bonds that are for sale, especially of the classes which we have indicated in this bill. I think there is no practical difficulty in the Secretary ascertaining the value.

Mr. BURKETT. Mr. President, I should like to call attention to one point in connection with this matter. I am not so much disturbed about how the Secretary of the Treasury will ascertain the market value of the bonds as I am about another proposition. It seems to me we are establishing in these lines a new basis. If I understand it properly, heretofore the par value has always been taken; and in these lines we base the issue upon the market value. I understand, of course, that on bonds other than Government bonds you can not rely so surely on the par value always as regulating the amount of circulating notes that can be safely issued. But it does occur to me, as I read the provision, that there ought to be added to those three lines somewhere a limitation that in no event shall the issue

be greater than 75 per cent or 90 per cent, as the case may be, of the par value of the bonds.

I take it these bonds come within the clause on the next page—State, city, town, county, municipality, district, and so forth. Now, suppose one of those bonds had a market value of 120. Ninety per cent would be 10 per cent off. The bank could issue notes against those bonds to the extent of 108. We would be in rather an anomalous condition, it seems to me, having guaranteed the payment of currency to the amount of 108, if those bonds should happen to come due in our hands with a par value of only 100.

While we may have to take the market value as the basis on which to issue circulation, it ought never to be issued, in excess of whatever limit we apply, on the par value. While I have not an amendment prepared now, I think before the bill is disposed of—I understand it will be open to amendment—I think there should be an amendment of the character I have indicated, and if I can draw one to suit me I think I will offer an amendment to that section.

Mr. LA FOLLETTE. Mr. President, I ask leave to have printed in the RECORD, for information, an amendment which I will later offer to the pending bill.

Mr. ALDRICH, Mr. SCOTT, AND OTHERS. Let it be read.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the amendment proposed by the Senator from Wisconsin be read. The Secretary will read, as requested.

The SECRETARY. After the word "act," in line 25, on page 5, it is proposed to insert the following:

Provided, That no mortgage bonds of any railroad company shall be accepted as security for any circulating notes provided for in this act unless the fair value and cost of reproduction of the physical property of such railroad shall have been previously ascertained by the Interstate Commerce Commission and certified to the Secretary of the Treasury as hereinafter provided; *And provided further*, That the Interstate Commerce Commission shall investigate and ascertain the fair value and cost of reproduction of the physical property used for the convenience of the public of every railroad engaged in interstate commerce as defined in section 1 of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906. For the purpose of such an investigation the Interstate Commerce Commission is authorized to employ such engineers, experts, and other assistants as may be necessary. Such investigation shall be commenced not later than June 1, 1908, and shall be prosecuted with diligence and thoroughness and the results thereof reported to Congress at the beginning of each regular session. Such valuation shall show the value of the property of every railroad as a whole and the value of its property in each of the several States or Territories or the District of Columbia. Every such railroad shall furnish to the Commission from time to time, and as the Commission may require, maps, profiles, contracts, reports of engineers, and other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said railroad, and every such railroad is required to cooperate with the Commission in the work of the valuation of its property in such further particulars and to such extent as the Commission may direct. The Commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the conditions of the property of said railroads and ascertain the fair value thereof and from time to time, as may be required for the regulation of railways and their rates and services, under the provisions of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, or for the purpose of determining the value of any railroad bonds as security for circulating notes provided for by this act, revise and correct its valuation of railway property. To enable the Commission to make such changes and corrections in its valuation, every railroad engaged in interstate commerce, as defined in section 1 of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, is required to report currently to the Commission and as the Commission may require all improvements and changes in its property and to file with the Commission copies of all contracts for such improvements at the time the same are executed.

Whenever the Commission shall have completed the valuation of the property of any railroad, and before said valuation shall become final, the Commission shall give notice by registered letter to the company or companies owning or operating said railroad, stating the valuation placed upon the several lines of road and classes of property of said company used by it for the convenience of the public, and shall allow the company or companies twenty days in which to file a protest of the same to the Commission. If no protest is filed within twenty days, said valuation shall become final.

If notice of contest is filed by any railroad, the Commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto presented by such railroad in support of its protest so filed as aforesaid. If after hearing any contest of such valuation under the provisions of this act the Commission is of the opinion that its valuation is incorrect, it shall make such changes as shall make the same a fair valuation of such physical property, and shall issue an order making such corrected valuation final. All final valuations by the Commission shall be prima facie evidence of the fair value of the railroad property in all proceedings under this act and under the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906. Upon a written request therefor, the Commission shall certify to the Secretary of the Treasury its final valuation of any railroad when the same shall have been determined.

Mr. LA FOLLETTE. The amendment having been read at the desk, it will of course be printed in the RECORD, not as offered at this time, but printed.

In the same way I submit another amendment and ask that it be read. It is a necessary amendment with the one first offered.

The VICE-PRESIDENT. In the absence of objection the Secretary will read the amendment.

The SECRETARY. In lines 11 and 12, page 3, strike out the words "seventy-five per cent of the market value of any railroad bonds" and insert in lieu thereof the following:

Seventy-five per cent of the par value of any railroad bonds, but not more than 75 per cent of the value of the physical property upon which such bonds are secured, such value to be ascertained and determined by the Interstate Commerce Commission.

Mr. MCLAURIN. I was about to make the suggestion a few minutes ago which was made by the Senator from Nebraska [Mr. BURKETT] with reference to the par value of these bonds, or rather I was about to make the inquiry of the Senator from Rhode Island in charge of the bill whether under this valuation more than 75 per cent of the par value of the railroads could be issued, or more than 90 per cent of the par value of State and municipal bonds, etc. The fact is, I started to interrupt the Senator from Rhode Island while he was on the floor to ask him whether in his judgment this could be done.

I wish to ask another question while I am on the floor, and that is whether under the rules of the Senate an amendment to an amendment of the committee can now be offered?

The VICE-PRESIDENT. It is in order.

Mr. MCLAURIN. Then I offer this amendment——

Mr. ALDRICH. If the Senator will pardon me for a moment, it was my purpose to have these formal amendments of the committee first acted upon and then have the bill printed as amended with the understanding, by unanimous consent, that amendments could be offered to the text of the bill as amended as though it were the original text of the bill, so that amendments can come into any portion of the bill at any time. I think that is probably the method which would be most convenient for Senators, it being my purpose that amendments of any character shall be offered to any provision of the bill at any time.

Mr. MCLAURIN. I do not wish to obstruct the mode of procedure that has been mapped out by the Senator in charge of the bill with reference to the amendments of the committee, but I will call the Senator's attention to the amendment I was about to offer. On the suggestion made by the Senator, I will withhold the amendment at this time, with the understanding, if that is the rule of the Senate, that afterwards an amendment to this amendment——

Mr. ALDRICH. Will be in order.

Mr. MCLAURIN. Will be in order.

The VICE-PRESIDENT. The Chair so understands.

Mr. MCLAURIN. This is the amendment——

The VICE-PRESIDENT. The Chair would state that the Senator may offer his amendment and have it printed and it will lie on the table to be offered to the bill at the proper time.

Mr. MCLAURIN. On the suggestion of the President I will pursue that course. I should like, though, to read the amendment I have. It is to insert after the word "Treasury," in line 15, the following, to wit:

Such valuation not to be in any event more than the par value of such bonds.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. DANIEL. Mr. President, I desire to give notice of an amendment, on page 5, after the word "earnings," in line 9, to strike out the words:

And which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds.

And to insert instead thereof:

And which has paid regularly and continuously for five years next preceding the deposit of its bonds the interest due on all its bonds.

I will state briefly the object of this amendment. It will be seen that the text of the bill requires that bonds offered as security for the currency to be issued shall be of a railroad which regularly and continuously paid on its entire capital stock for a period of not less than five years previous to the deposit of its bonds not less than 4 per cent. In issuing the currency it is not necessary nor may it be wise to look to what they pay on stock. The question is as to the validity and value of the bonds. I think it would be sufficiently secured, if we are to have railroad bonds as a basis of currency, by the assurance of its having paid the interest on its bonds for a period of five years.

I will further explain the amendment when it comes up, if necessary.

Mr. ALDRICH. It was impossible for me to hear the amendment suggested by the Senator from Virginia, and I will ask that it may be read at the desk.

The VICE-PRESIDENT. The Secretary will read the amendment to be proposed by the Senator from Virginia.

The SECRETARY. On page 5, line 9——

Mr. ALDRICH. That has not yet been reached, I will say, but I should like to have the amendment read for the information of the Senate.

Mr. DANIEL. I will state the amendment. It requires bonds of a railroad "which has paid regularly and continuously for five years next preceding the deposit of its bonds the interest due on all its bonds," having no regard to whether it has paid interest on stock or not.

Mr. ALDRICH. I would suggest to the Senator from Virginia, if it suits his pleasure, that that amendment be referred to the Committee on Finance, that it may take it into consideration in connection with the other amendments to the clause.

Mr. DANIEL. Mr. President, I will ask that it be referred to the Committee on Finance.

The VICE-PRESIDENT. The amendment to be proposed by the Senator from Virginia will be printed and referred to the Committee on Finance.

Mr. McCUMBER. I should like to ask the Senator in charge of the bill why the words "market value" are used instead of the words "actual value." I can see a good reason, to my mind, why we should use the words "actual value" instead of "market value." The market value may change materially from one month to another. The market value of all these securities has changed very materially in the last two or three months. The word "actual" has a meaning which gives greater stability to the matter of the value rather than the words "the market value" of the securities.

Mr. President, I can see one very strong reason against the use of the words "market value." We will take the bonds of any one of the greater railways which have paid, we will say, a net income of $6,000,000 annually upon $100,000,000 of bonds. Everyone would agree that those bonds were worth their face value. Under manipulation or under great pressure it might be possible that they would be raised above their par value. Then, if the bonds became due, as many of them might become due, in periods of great prosperity, such as we have had in the last two or three years, on the supposition that prosperous conditions would continue indefinitely as they had been continuing, they would bond the same property for $150,000,000 or $175,000,000. The great amount of property interest that is back of those valuations might hold them up for a time, at least until the bonds were disposed of, so that bonds representing only $100,000,000 or $125,000,000 of actual property might be sold for par or even above par, when $150,000,000 or $175,000,000 of bonds were issued upon the same property.

It seems to me that the word "actual" there would answer every possible purpose. It would give the Secretary of the Treasury the right to determine not what the bonds were sold for from day to day, but to go back over a period of years and see what interest those bonds paid and what the railway paid over and above the interest of its bonds in dividends upon the stock.

That is the only true basis of value. The value of any property is what that property will bring in as an income over a large number of years, and not what it may be sold for to-day under one condition and sold for to-morrow under another condition.

It seems to me that the Secretary of the Treasury should not only have that privilege, but it ought to be his duty to investigate carefully what those bonds are earning year in and year out for a definite number of years, rather than what they may be sold for to-day or to-morrow.

Mr. BURKETT. I should like to ask the Senator a question right on that point.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. BURKETT. I ask the Senator if he does not think that what a thing, whether farm lands or bonds of railroads, or horses, brings in the open market in the rough and ready contest between men who are dealing in that sort of property is about as good barometer of what the actual value of that thing as you can express in the English language?

you can express it in the English language?

Mr. McCUMBER. My own observation and my own experience are exactly the opposite of that. I will take the farm lands of the country to-day, for instance. In my section of the country they have increased from three times to five times their value in the last six or seven years. Now, that same farm property as an income producer produces no more to-day than it did five or six years ago upon one-third of the value.

Under the great wealth that has been secured in the past few years, under the methods of speculation in these most prosperous times, our farm lands have run up at least 50 to 60 per cent more than the real values, and the result is that at the present valuations of farm lands in all the northwestern part of the country they could not possibly pay an income upon the investment.

If, instead of that, we were to determine the valuation of the farm not by what it sold for, but by the net income from it for the last fifteen years, we would then have a proper basis of valuation, and the one true basis of valuation, in my opinion.

I assume, Mr. President, that money in this country on the average is worth about 6 per cent. An industrial plant, therefore, that has paid $6,000 net for eight or ten years may be safely said to be worth $100,000. If it has paid only 6 per cent and there are bonds against it to $150,000, though those bonds to-day or to-morrow or for the last two or three years sell at par, they are not worth par as an investment-bearing income.

As I said before, I think the only proper way to arrive at the value of any property is to determine what income it will bring, not only in good times but under poor conditions in the country.

Mr. BURKETT. I will ask the Senator, then, if in his State loan companies make loans on the actual value he speaks about, or do they make them in proportion to what the land is worth to-day in the market?

Mr. McCUMBER. I did not care about going into the question of land matters over the United States under the great advance in valuations. I will say to the Senator, however, that in the case of most of the farm lands in the country that have been sold from two to three times above their old values mortgages have been given back. It has not represented always cash; sometimes partial cash, and sometimes a mortgage for the balance. I know they will not pay a good income upon the mortgages that are now against them, based upon these excessive values.

Mr. BURKETT. I did not mean to say anything on this point, because what I said a moment ago, when I made the remarks on what the percentage should be based upon, has always occurred to me as the proper rule—that is, it should not be in excess of the par value. I think, perhaps, I expressed my ideas then. I have never perceived that there is so much difference between the actual value and the market value as the Senator has just indicated. It seems to me, as I said, that the best barometer of the actual value of a thing is what it will bring in the open market, where the man who has the money to invest figures it up from every economical standpoint and sets its value on it. The very land that the Senator speaks of in his State as having trebled in value is to-day being valued for sale, and for loan, and for obligation of every sort, not upon the hypothetical basis he suggests of actual values, but upon the real market value. As I said in the question I put to him, it seems to me that the words "market value" are about the best index of what the value of a thing is that you can get words in the English language to express.

Mr. McLAURIN. Mr. President, I wish to state what is, I think, the trouble about the issuance of notes to banks on railroad bonds. The market value and the real value, the actual value of property, are the same. The value of property is what it will bring in the market. There is a distinction between the worth of anything and its value, but there is no distinction between the actual value and the market value.

Now, the trouble with these railroad bonds and the issuance of notes to banks or to anybody else on railroad bonds is that their market value may be one thing one day and another thing another day, and their market value may be a great deal in excess of the actual worth, and the Government may thereby lose; or, as the Senator from Rhode Island said yesterday in presenting the bill, the Government could not lose, because it would have a lien upon all the assets of the bank. Then the depositors would have to lose, because their deposits would be a part of the assets of the bank and would go to make up the amount that the Government is to obtain after exhausting these securities.

Mr. ALDRICH. Will the Senator from Mississippi permit me?

Mr. McLAURIN. Certainly.

Mr. ALDRICH. I call the attention of the Senator from Mississippi to the provisions in lines 16, 17, and 18, on page 5:

May with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit.

That was intended to cover the precise case he is talking about. So if there was variation in the price of these securities the Secretary might require an additional deposit or a change of securities, if he so desired.

Mr. McLAURIN. I had read that provision, Mr. President.

Mr. ALDRICH. I would say to the Senator from Mississippi that in my observation there never was any such change as he suggested in first-class securities, such as are called for by the bill.

Mr. McLAURIN. But the Senator recognizes the fact that there is a difference between the value and the worth of property.

Mr. ALDRICH. That depends. It depends upon what kind of property or bonds is under consideration.

Mr. McLAURIN. There may be a difference?

Mr. ALDRICH. Yes; there might be a difference, possibly owing to panic conditions or otherwise, but there is no difference that I can ascertain, in my judgment, between the actual value and the market value of bonds of this character.

Mr. McLAURIN. I do not myself see any difference between the actual value and the market value of bonds, but I can see a very great difference between the actual and market value, which I conceive to be identical, and the actual worth of the bonds.

Mr. ALDRICH. The actual worth of the bonds would depend, I imagine, upon the interest of the party who was deciding that question. The owner of the property would say that the bonds were worth a much larger sum perhaps than the Senator from Mississippi would say, judging from the small surroundings of the bonds, the income, etc. There might be a wide difference of opinion about the worth of the bonds between the Senator from Mississippi and myself, for instance.

Mr. McLAURIN. I should say that the worth of a bond would depend a great deal upon the amount of the railroad property back of the bonds.

Mr. BAILEY. Mr. President, I think the Senator from Mississippi [Mr. McLAURIN] is entirely right in contending that in no event should the bank be permitted to issue currency beyond the 75 per cent of the par value of the railroad bonds.

Mr. ALDRICH. That is not the suggestion of the Senator from Mississippi, as I understood the Senator.

Mr. BAILEY. It is the Senator's amendment.

Mr. ALDRICH. As I understood the Senator's amendment, I shall not object to it. I think it a very proper amendment. It is not, however, I think, just what the Senator from Texas thinks it was.

Mr. BAILEY. I examined it, and the purpose of it, as I read it, is that in no event shall a bank be permitted to issue currency beyond 75 per cent of the par value.

Mr. ALDRICH. No; I think not.

Mr. BAILEY. And if they should fall below the par value, then they must keep it up to 75 per cent of the market value. I will read to the Senator from Rhode Island from a very carefully prepared proposition on this very subject, which would have covered the very case. I say "carefully prepared," of course, in a jocular way, because it is one I prepared myself; but I sought to require that they should always keep the cash value up to 90 per cent and in no case exceed 90 per cent of the par value. I phrased it this way:

Provided, That in no case shall the deposits made under this act exceed 90 per cent of the par value of said securities: *And provided further*, That the cash value of said securities shall at all times exceed the amount deposited by 10 per cent.

That operated both ways. If the securities should be worth 125, they could still only deposit 90 per cent. This substitute of mine deals only with the municipal and State securities, and they could still issue only 80 per cent of the par value; but if after they were deposited or before they were deposited, they should depreciate to 90 per cent of their par value, then they could use them only to the extent of 90 per cent of their cash value. In other words, they might go as high as they pleased, the Government would only treat them as worth 100 cents on the dollar; but if they should diminish in their value, then the Government would recognize the action of the market and conform to it, and require the banks to keep on deposit at least securities of a cash value of 10 per cent above the amount deposited by the Government.

Of course, this bill providing for the issue of money by the banks, instead of the deposit of money by the Government, would be subject to the same limitation. I had no doubt the Senator from Rhode Island would accept the amendment of the Senator from Mississippi, and I think he will find, upon examining the Senator's amendment, that it was intended to do precisely what I suggest, to prevent more than the par value under any circumstance and to preserve the cash value when that is below the par value.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. BAILEY. Certainly.

Mr. FLINT. I should like to ask the Senator from Texas this question: If he makes it mandatory upon the Secretary of the Treasury at all times to have bonds of such value as he has stated, would not the result be that in the time of a panic, when the bank was short of funds, it would be required to go out and buy additional bonds to make its circulation good?

Mr. BAILEY. Mr. President, that might be a hardship on the bank, but we were not drafting this bill for the benefit of the banks. If the bank gets from the Government the currency which under this bill it might get, or the deposits which it might get under the substitute, and if the securities it deposited in either event, to secure the notes in one and the deposits in the other, should depreciate, surely the Senator from California would not regard it as a hardship on the banks to ask them to make their collateral good? The bank would demand that of the Senator from California; the bank would demand that of any customer whose note it might hold; indeed, the usual form of the note which we all have to sign when we borrow money from a bank is that they can call for additional security whenever they please, and, if we do not answer their call, they can sell our collateral—some of them without notice, and all of them upon proper notice. Surely the Senator from California can not consider it a hardship to apply the same rule to the bank that the bank applies to all its customers.

Mr. FLINT. I would answer the Senator from Texas by stating that back of the bonds is the bank itself. If at the time money is sought for, at the time when the bank is struggling to pay its depositors, it is required to go out and buy additional securities to make its circulation good, the very purpose of the act would be destroyed. As I understand, the purpose of this bill is, to a certain extent, to help the banks as well as the people, but if we provide such a drastic measure the effect will be whenever additional circulation is needed that the banks will have to go out and get additional securities to make good their circulation, and will only receive 75 or 90 per cent of the value of the securities in currency, and instead of being a benefit it would be a great injury.

Mr. BAILEY. Mr. President, it is sincerely to be hoped, and it is certain that if the expectation of those who framed this legislation is realized, there will be no serious decline in the value of securities or other kinds of property when the power of this act is once invoked; in other words, when you begin to supply the country with $500,000,000 of fresh money to take the place of the money which has been hoarded, you at once arrest the tendency to further lack of confidence, and I think it reasonably certain the lowest value of these securities will have been reached before they are used.

Of course, I recognize that there may come an unprecedented catastrophe in which $500,000,000 of new money would not be sufficient, and I am frank to say that, if I had the power, I would make the amount a thousand million dollars instead of $500,000,000. None of it would be used until the requirements of the country became imperative, because no bank could pay 6 per cent until the emergency arose.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. CLAY. With the Senator's permission, I wish to call his attention to one fact in regard to this bill. Under our national banking laws now, as I understand, national banking associations are authorized to issue circulation to an amount equal to the par value of the United States bonds deposited by them. They can issue circulation to an amount equal to 25, 40, 50, or 100 per cent of the value of their capital. The national banking laws as they exist to-day leave largely to the discretion of the national banking associations the amount of national-bank notes that shall be placed in circulation. I have always thought that that was a mistake. I believe that we ought to have required circulation equal to their capital stock.

Take the bill of the majority of the committee. It does not go even as far as the national banking laws at the present time go. Under the provisions of this bill, as reported by the majority of the committee, the national banking associations which are now in existence, or that may be organized hereafter, can, if they desire to do so, issue this $500,000,000 currency, half that

amount, a fourth of it, or none of it. In other words, we leave it entirely to the discretion of the national banking associations of the country to say whether or not any of these notes shall be issued. I ask the Senator from Texas, Are we not leaving entirely to the national banking associations of this country how much paper money shall be in circulation, how many national-bank notes shall be issued and placed in circulation as money, and is it not a very dangerous discretionary power to exist anywhere except with the Government?

Mr. BAILEY. Mr. President, the Senator from Georgia and myself are in thorough agreement on that question, and in the substitute which I have drawn and which at the proper time I shall offer I have not left it to the discretion of the banks whether the necessary currency shall be issued. My substitute commands the Secretary of the Treasury to deposit it with the banks. Of course it may be said that they can not be compelled to receive the deposit and give the security, but I answer that, if they refuse, they would be forever deprived of their privilege of acting as depositaries of public funds.

The Senator from Georgia has stated correctly that, under the law at present, the national banks may issue circulation equal to 25 per cent of their paid-up capital stock, or may issue notes equal to 100 per cent of their paid-up capital stock; but, as a matter of fact, the banks have only issued upon an average about 60 per cent of the amount which they could issue. The reason they have not done so, in my judgment, is the high price of the bonds. There are probably outstanding now in United States bonds a few thousand dollars less than the total capitalization of the national banks, and therefore the national banks could not under the law issue the full $901,000,000 which they would have been entitled to issue on the 3d day of December, that, as I now recall, being the full amount of their capital stock.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. BAILEY. I do.

Mr. TALIAFERRO. Mr. President, I should like to ask the Senator from Texas if it is not a fact that there is an abundance of United States bonds to justify Congress in requiring the banks to issue 50 per cent of their capital stock in currency, or to provide that no national bank shall avail itself of the provisions of this act which has not issued 50 per cent of its capital stock in currency, and thereby shown its good faith in trying to supply the need of the country for money?

Mr. BAILEY. Mr. President, I think undoubtedly that is true, and I believe this bill requires that they shall have taken out not less than 50 per cent. I know there was some discussion at one time in the committee on the proposition to require them to take out even more than that, and it was the Senator from Florida who insisted upon that course.

Mr. President, I now call attention to the fact that there is an insufficient supply of United States bonds to enable the banks to issue all the currency which under the law they might issue for the purpose of emphasizing my belief that Congress must finally establish a currency system not based upon the public debt of the United States. I belong to that old school who do not believe that a public debt is a public blessing. I belong to that older and, as I believe, wiser school, that believes that it is the duty of a government, as it is of an individual, to discharge its interest-bearing obligations as rapidly as possible. When we do reach the time when the bonded debt has been discharged, we are face to face with either a governmental issue of money or a bank issue based upon the assets of the banks.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. CLAY. I desire to ask the Senator from Texas another question. I have seen the statement made in the public press that it would be impossible to carry out the theory suggested by the Senator from Texas, for the reason that if the $500,000,000 of Treasury notes were issued redeemable in gold it would be impossible to redeem them, and in the event of a run on the Treasury that it would be too great a strain on the gold reserve. I will ask the Senator this: If I understand the bill which the majority of the committee reports, it provides for the banks issuing $500,000,000 of national-bank notes. If $500,000,000 of national-bank notes should be issued under the provisions of this bill, is it not true that all those notes would be redeemable in gold? In other words, the Government will guarantee the redemption of these additional notes; these additional bank notes are directly redeemable in Treasury notes, and the Treasury notes are redeemable in gold. How could there be any greater strain on the gold reserve by the issuing of Treasury notes than there would be by the issuing of national-bank notes under the provisions of this bill?

Mr. BAILEY. Mr. President, so far as it concerns the stock of gold in the Treasury, it is precisely the same whether the banks issue the $500,000,000 or the Government issues it. The notes issued under the provisions of this bill are redeemable in lawful money, and lawful money is redeemable in gold. In other words, the man holding a national-bank note can demand that the Government redeem it, and the Senator from Rhode Island has provided in this bill that upon demand the Government must redeem the note. He demands the redemption of his note. It is redeemed in lawful money, which, we will say in this instance, is a note of the United States, and he takes a note of the United States and then demands gold across the Treasury counter. If a conspiracy should be organized against the gold reserve of the Treasury, the $346,000,000 of United States notes now in circulation are ample to enable men to accomplish the purpose of that conspiracy. In other words, with $346,000,000 of Treasury notes, commonly known as "greenbacks," now outstanding, a raid upon the Treasury gold stock could be made just as successfully as it could with this additional $500,000,000.

Senators—well, I will not say Senators, because I will not assume that Senators make arguments except according to their convictions—but the people outside of the Senate who characterize my proposition as the recrudescence of greenbackism are either ignorant or worse, if, indeed, anything can be worse than ignorance in the discussion of a public question. Every dollar of the $500,000,000 which the bill I shall offer as a substitute proposes to issue is redeemable in coin, and there is only gold coin provided for now as redemption money. For a man to talk about our proposal as an effort to revive the old doctrine of the greenback party, which was not for redeemable money at all, as everybody knows, but which was for an irredeemable money, is absurd. Those good but misguided people simply proposed to write upon the face of a piece of paper the legend, "This is a dollar," and compel everybody to take it as a dollar. We propose no such absurdity as that now. We propose to issue the note of the Government supported by the pledge of the Government to redeem it. What do you gentlemen propose to issue? The note of the bank sustained and supported by the promise of the Government to redeem it if the bank does not. We propose as good a note as you do, as good a note as can be offered to the public.

Mr. President, at some future time I shall discuss this question, but I want to say to the Senator from Georgia now, and to all the Senators, that if I had the power there would be but one kind of paper money in this country by the 1st of next January. I would retire the bank notes and substitute for them the Government notes. I would retire the gold certificates and substitute for them the notes of the United States, and I would retire them without the least disturbance. I would simply provide that hereafter whenever a gold certificate should come into the Treasury in the ordinary course of collection it should be canceled and that in its place a Treasury note should be issued. Then I would take the gold now held in the Treasury against that gold certificate, and I would transfer that gold over to the general gold redemption fund, now held in the Treasury for the redemption of greenbacks, and in twelve months I would thus retire the gold certificates. I would have a gold reserve fund of approximately $900,000,000 in the Treasury of the United States, and surely every man will agree that with a Treasury reserve of $900,000,000 in gold we could easily carry two and a half billion of United States notes.

Our present system is a patchwork, and nothing but the unshaken confidence of the American people in the American Government has ever made it tolerable. A man goes into one place and he gets one kind of paper money; he goes into another place and gets another kind of paper money. There ought to be only one kind of paper money. Every dollar of it, of course, ought to be as good as any other dollar, but our whole financial system is one of shreds and patches, put together from time to time as the exigencies of the country have required. We ought to have a harmonious system, and there ought to be no notes in circulation in these United States except those issued by the sovereign power of the General Government and sustained by its taxing and other powers.

The time will come, and it is not very far distant, when the people of the United States will retire the greenbacks and have only a bank circulation or the people of the United States will retire the bank notes and have only a Government circulation. As between the two I would have small hesitation. I believe the right to coin and issue money is a sovereign power, and I would no more vote to authorize the banks to issue our

paper money than I would vote to lease the mints to a mining corporation and authorize them to coin our metallic money. That issue we will meet. We are not prepared, probably, to settle it now, and I am very well content that it must not be settled now, because it probably can not be wisely settled at this time. If we had to deal with it and dispose of it now, I very much fear that the banks would be clothed with this great and sovereign power, and I also very much fear that the Government would be compelled to become the guarantor of the bank notes.

When that time does come, if it shall come, after a thorough and intelligent discussion of the question, I have no doubt, Mr. President, what the judgment of the American people will be. When I say the judgment of the American people, I do not use that phrase as demagogues sometimes use it. I do not mean that the unthinking people who lack substance and intelligence will determine it; but I believe that the brain, the enterprise, the thrift, and the patriotism of the American people will ordain a system under which the American Government shall resume its great and sovereign function of coining and issuing money.

I want to say to the Senator from California that the statement he made a moment ago is a dangerous one to be made to the public at this time. He reminds the people that when these notes are issued, if these securities should depreciate, and if the Government should be left without ample collateral to protect these notes, the note holder has a prior lien upon the assets of the bank. That is a dangerous doctrine. That is the doctrine which makes asset currency so dangerous.

Mr. FLINT rose.

Mr. BAILEY. If the Senator will let me finish—if in a time of financial storm and stress, when men lack confidence in their bankers and in their banks, they are to be told that the men who hold the bank notes have a prior lien upon the deposits of the bank, you will intensify the depositors' distrust and you will compel a run upon the banks, actuated by the haste of men to withdraw what belongs to them before it is made the subject of a prior lien.

That is the folly of the men who talk about asset currency. The moment there was a breath of suspicion to disturb the financial and industrial and commercial repose of the country, the banks most subject to distrust would be the first ones to issue notes; and when a bank, already the subject of its depositors' suspicion, began to increase its liabilities, it would also begin to increase the fear of its depositors. You can not make a depositor leave his money in a bank whose solvency is open to question while he sees that bank issuing paper, every dollar of which is a prior lien against his deposit account. The inevitable effect of an asset currency, or any currency which gives the holder of a note a superior lien on the deposits of the bank, will be to intensify the depositor's distrust, because it reduces the depositor's security.

I was brought up in an old-fashioned way to believe that when a man's solvency was under question, the way to remove the question was for him to reduce his liabilities; but the modern doctrine is: Whenever there is any doubt about your ability to pay what you owe, increase your debts, and that will remove the suspicion. That is the inherent vice of an asset currency, and it would be a grave mistake to pass this bill and leave in the public mind any thought that the funds held back by the bank to satisfy its depositors might be required by the note holder for the redemption of its notes.

Mr. LODGE. Mr. President, I merely desire to give notice that at the proper time I shall offer the amendment which I send to the desk, which I ask may be read and printed.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. After the word "taxes," in line 5, page 5, section 2, it is proposed to insert:

Bonds of the government of the Philippine Islands, bonds of the city of Manila, and bonds of railroads in the Philippine Islands, the principal or interest of which has been guaranteed by the government of the Philippine Islands in accordance with authority conferred by the laws of the United States.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. LODGE. Mr. President, in connection with the amendment and for convenience of reference, I desire to have two statements printed in the RECORD. I do not care to have them read. They are statements of the bonded indebtedness of the Philippine Islands.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the statements referred to by him be printed in the RECORD. In the absence of objection, it is so ordered.

EXHIBIT A.

Bonds authorized and issued for the Philippines.

Title of bond.	Authorized by Congress.	Amount of issue.	Date issued.	Amount bid.	Payable.	Due.
Friar land bonds	Act of July 1, 1902	$7,000,000	Jan. 11,1904	107.577	1914	1934
Philippine public improvement bonds:						
First issue	Act of Feb. 6, 1905	2,500,000	Mar. 1,1905	109.06	1915	1935
Second issue	do	1,000,000	Feb. 1,1906	108.3747	1916	1936
Manila sewer and water:						
First issue	Act of July 1, 1902, as amended by act of Feb. 6, 1905	1,000,000	June 1,1905	109.5625	1915	1935
Second issue	do	2,000,000	Jan. 2,1907	109.1 for $15,000 109 for $30,000 105.777 for $1,955,000	1917	1937

To meet the interest and principal on these bonds ample sinking funds have been provided, and the bonds are now held on the market, notwithstanding the present depression, at prices well above those for which they were originally sold, as indicated above under the heading "Amount bid."

EXHIBIT B.

With reference to the "bonds of railways, the principal of which or the interest upon which has been guaranteed by the government of the Philippine Islands," it is well to state that the only bonds which have been issued under this clause are the bonds of the Philippine Railway Company, to which a concession has been granted under the terms of an act of Congress approved February 6, 1905.

Under this the total liability which the Philippine government may incur shall not at any time exceed $1,200,000. This of course fixes the maximum liability of the government. As a matter of fact, under the concessions heretofore granted, it will not exceed $600,000. It may be well to state here that the revenues of the Philippine government exceeded the total expenditures in the past fiscal year by $2,900,000.

Mr. BACON. Mr. President, I desire to ask the Senator from Rhode Island whether or not, in the deliberations of his committee, the question of including Territorial bonds as a security was considered? I will state to him before he replies that my inquiry is induced by the fact that I have had letters from bankers, who state that they hold Territorial bonds which are good security and which they desire to have included among those bonds to be recognized as legitimate security. I do not know whether or not the committee have considered the subject, and I thought, before offering the amendment, I would make the inquiry.

Mr. ALDRICH. Mr. President, as I have already stated, the committee have under consideration at the present time certain amendments to the provision in regard to the security to be received. The question was before the committee at one time, but there was a difference of opinion as to whether Territorial bonds of some classes should be received. The committee have not yet decided that question; but I hope at a later day we may present provisions that will be satisfactory to Senators upon that point.

Mr. BACON. Mr. President, I understand it is unnecessary that I should offer any formal amendment if the committee has the matter under consideration.

The VICE-PRESIDENT. The question is on agreeing to the pending amendment.

Mr. BACON. Mr. President, I understood the statement of the Senator from Rhode Island to be that he desired at this time to have action upon the formal amendments in order that the bill might be printed.

Mr. ALDRICH. In that form?

Mr. BACON. In that form, leaving the provisions open in all particulars to amendments. I suppose the necessary conclusion from that is that, in permitting the amendments to be acted upon and adopted, we are in no manner to be considered as having agreed to any one of them, but to having simply allowed it to be passed in that way in order that the Senator may get the bill printed in the shape in which he desires it.

The VICE-PRESIDENT. The Chair understands that the amendments, if agreed to——

Mr. BACON. Would be open to amendment.

The VICE-PRESIDENT. Would stand as amended unless further amended.

Mr. BACON. I understand that fully, but as the amendments are now to be put to a vote, and as some of us may not agree to all of these amendments, I thought it well that the statement should be made that they are now being agreed to simply pro forma.

Mr. HEYBURN. Mr. President, I should like to have a little fuller understanding in regard to the status of these amendments. Under the rules that govern us, if they are agreed to as we are now proceeding to consider committee amendments, it would seem to me that they would not be open to consideration again in Committee of the Whole, but that any attempt to amend them would have to be considered in the Senate after the bill had been reported by the Committee of the Whole. If that is not true, then I am mistaken as to the rules that govern the consideration of a bill before this body.

The VICE-PRESIDENT. The Senator from Idaho is correct under the rules of the Senate, but the Senator from Rhode Island asked a modification of the rules to the effect that the amendments, although agreed to in the manner now proposed, shall be open to further amendment in the Committee of the Whole.

Mr. HEYBURN. That was the statement which I sought to bring forth, that further amendments might be made in Committee of the Whole. It had not been so stated, so far as I had heard. The statement had merely been that it would be subject to further amendment. Of course that would be true in the Senate, but the understanding should be distinct that the bill should be treated in Committee of the Whole as though these amendments had not been considered at this time or acted upon.

I am unable to see that anything is to be gained by acting upon these amendments at this time, because it merely means that we are going to act twice upon the same question, which is repugnant to all rules of legislation. We have rules governing us as to the consideration of committee amendments; that when they are once adopted upon the reading of the bill for their consideration they can not be further considered in Committee of the Whole. Now, we are undertaking—by unanimous consent, perhaps, although unanimous consent has not been asked in the regular way—to pass upon these amendments in the Committee of the Whole, and then with the tacit understanding—that is perhaps as far as it goes—that the action of to-day shall be treated as a nullity.

I see nothing to be gained by that course. It seems to me we might just as well consider the committee amendments as we do on other occasions in regard to other bills, as we reach them, and when we have acted upon them under the rules which govern this body in its legislation, let that action stand until the bill comes before the Senate reported from the Committee of the Whole. It may result in some confusion or misunderstanding if we vote as we were proceeding to do, at the instance of the Chair, upon this amendment at this time and adopt it, making a record which shall govern us. I say frankly that it has been my intention to suggest some amendments and to differ with the committee in some slight particulars in regard to these proposed amendments; and it seems to me we are as ready now as we will be after the bill is again printed to take up these amendments. It seems to me we should proceed with a thorough understanding and entirely within parliamentary rules in passing these amendments.

Mr. ALDRICH. Mr. President, probably I failed to state clearly what my purpose was. I certainly must have, from the statement of the Senator from Idaho [Mr. HEYBURN]. I stated that I desired, if that was the pleasure of the Senate, to have the Senate consider and dispose of the formal amendments made by the committee. If there is any Senator who objects to any one of those amendments, I certainly shall be very glad to have it passed over. My purpose was to have the formal amendments reported by the committee, which were not objected to, made now, so that the bill might be printed in that form and the whole scheme of the committee be before the Senate in a straightforward form. I then intended, as I stated before, to ask the Senate to have that bill considered as the original text, subject to amendment in Committee of the Whole and everywhere else, as it would have been if it had been reported as a substitute instead of in the form in which it was presented.

If anybody objects to any one of these amendments, I am quite willing that it shall be passed over and considered at a subsequent time. If the Senator from Idaho, or any other Senator, is not ready to vote upon any of these amendments offered by the committee, and he believes that the convenience of the Senate would be better served by adopting some other plan, I have no objection. I have no purpose except to get at this question in the most expeditious way and in the way which will be most convenient to Senators.

Mr. HEYBURN. I am not certain that under the parliamentary law which governs this body it is possible to proceed as is suggested by the Senator from Rhode Island. His long experience in this body and his familiarity with parliamentary practice doubtless qualify him for expressing an opinion which should have more weight than any opinion I might entertain. But still it is necessary as we proceed in matters of this importance that even those of us least advised should understand exactly the situation which this bill occupies before this body.

Mr. President, I do not know that even by unanimous consent we can pass, or rather, in the language of the Senator, adopt, the amendments proposed by the committee and then again consider them as in Committee of the Whole. Perhaps no one would raise an objection, but it would make an unusual record in the consideration of a bill.

Mr. ALDRICH. I will say to the Senator from Idaho that it has been done many times in my experience in the Senate.

Mr. HEYBURN. Then I have no doubt that it was done under a tacit understanding that the rules would be considered suspended for that purpose.

Mr. ALDRICH. All unanimous consents are suspensions of the rules to that extent.

Mr. HEYBURN. Yes. Already some committee amendments have been read and passed rapidly which I desire shall be further considered before they are considered as having been adopted by this body.

The Senator from Rhode Island has used the term that these amendments of the committee be "adopted" at this reading. When an amendment is adopted, it is squarely within the rule which prohibits it from being further considered in Committee of the Whole. So we had better see that our record is straight. It is just as convenient to consider these amendments at this time as at another time, and the mere fact of reprinting the bill is a matter of minor importance. The bill is now printed in very convenient form for consideration. The amendments of the committee are indicated by the character of type. I would not like to feel that these amendments, which have been read to-day and in a perfunctory way passed or said to have been adopted, were not open to further consideration in this body as in Committee of the Whole, because there are some of them to which I desire to give further consideration.

While I would not assume to advise the older Senators in charge of this bill as to the proper manner of proceeding, I would suggest that we must protect ourselves in the right to consider this bill with that deliberation and thoroughness which seems to us proper.

A statement came from the Senator from Rhode Island that the committee proposed suggesting further amendments to this bill. It seems to me that also is not warranted under parliamentary practice. The bill has been reported to the Senate by the committee, and the committee's connection with it has been determined; and unless the Senate should refer it back to the committee, the committee can not make further amendments. We should like to feel when we take it up for consideration that we are proceeding under the ordinary and accepted parliamentary rules of this body; that we have before us all that the committee has to report; and then when we reach an amendment proposed by the committee, we shall consider it.

The bill has been read the first time for the information of the Senate, and I for one desire that as each committee amendment is reached it shall either be passed over for further consideration or that it shall be considered, and not that it shall be announced by the President that it is adopted.

I for one do not desire that any amendment of the committee which has been read to-day shall be considered as adopted, or that the record shall show that it was adopted, until it has been discussed to the satisfaction of the members of the Senate. I make this statement that there may be no misunderstanding in the future.

I now ask that any order or statement that may have been made that any amendment has been adopted shall under the suggestion of the Senator from Rhode Island be taken as a mere formality, and that we may be entitled at this time or at any subsequent time during the consideration of this bill in the Committee of the Whole to discuss any amendment—those that have been passed to-day and those that have not been reached—because I desire when these amendments are reached to submit such views as I may have in regard to them.

Mr. ALDRICH. Mr. President, I ask unanimous consent that the amendments of the committee, with the exception of the amendment in lines 6, 7, and 8 on page 5, may be considered as adopted pro forma, with an understanding, by unanimous

consent, that the bill shall then, in Committee of the Whole, as an original bill, be open to any amendment to any part of the bill; and then I will ask that the bill be printed with the amendments as made.

Mr. HEYBURN. I should like to inquire of the Senator from Rhode Island if, when he employs the term "adopted" in asking unanimous consent that the amendments, with the exception of the one in section 5, be considered as adopted, he uses it in its full parliamentary sense?

Mr. ALDRICH. I will use any word the Senator from Idaho, in his wisdom, thinks proper. I will say "accept;" that the amendments shall be accepted pro forma. I will make it apply to all amendments in the bill that have been "adopted" or otherwise, as the Senator may see fit. I have no desire to use any word that is obnoxious to the Senator from Idaho.

Mr. HEYBURN. I move to reconsider the action of the Senate in adopting any committee amendment that has been read to-day.

The VICE-PRESIDENT. The Chair will first put the request of the Senator from Rhode Island for unanimous consent. The Chair asks the Senator from Rhode Island kindly to restate his request.

Mr. ALDRICH. My request is that the amendments of the committee to the bill, with the exception of the amendment on page 5 with reference to the description of bonds to be accepted, be considered as accepted pro forma, with an understanding that the bill after that acceptance shall be open to amendment in Committee of the Whole as an original bill.

Mr. CULBERSON. I desire to inquire if that includes the amendment on page 11, to strike out?

Mr. ALDRICH. I am quite willing to except that also if the Senator from Texas desires it.

Mr. CULBERSON. I do. I think that is an important amendment which the committee has made, and personally I should vote against the amendment. I do not desire to be understood as agreeing that that amendment shall be accepted.

Mr. ALDRICH. All right. I will except also the amendment at the top of page 11.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the amendments of the committee, excepting the amendment on page 5, lines 5, 6, 7, and 8, and the amendment on page 11, be accepted pro forma, and be open to future amendment.

Mr. CULLOM. In Committee of the Whole?

Mr. ALDRICH. In Committee of the Whole.

The VICE-PRESIDENT. In Committee of the Whole, as though not agreed to. Is there objection?

Mr. HEYBURN. I wish to make a parliamentary inquiry. Under what rule of parliamentary law can we accept the amendments of the committee that have not been read in any other way than as they are ordinarily accepted under parliamentary law? What rule of this body authorizes us to accept amendments of the committee pro forma that have not been read?

Mr. ALDRICH. I will allow the bill to be read through, and then make the request. I am quite aware that the technical objection made by the Senator from Idaho is a good one, perhaps, and I will ask to have the bill read and then prefer the same request.

Mr. HEYBURN. I do not desire to be captious, certainly, in this matter. I only desire that no amendment shall be given any status that it would not have had the statement not been made that the amendment of the committee is accepted. I desire that the status of the committee amendments should remain exactly as it would have stood before this body had that statement not been made from the Chair.

The VICE-PRESIDENT. Does the Senator from Rhode Island withdraw his request?

Mr. ALDRICH. I do not. I am willing to have the Senator from Idaho object, if he desires. I do not withdraw it.

The VICE-PRESIDENT. Does the Senator from Idaho object to the request?

Mr. HEYBURN. I object.

The VICE-PRESIDENT. Objection is made.

Mr. BACON. Mr. President, this is a matter of some little importance, as it affects what is the ordinary method of procedure in the Senate.

Mr. ALDRICH. I withdraw the request, Mr. President.

Mr. BACON. I understand that. I will say that I am on the side of the Senator from Rhode Island, in order that he may not misunderstand what I propose to say.

The Senator from Rhode Island has proceeded in the way which is entirely usual in this body. In a large parliamentary assembly rigid adherence to parliamentary law is necessary, that the body may proceed with some degree of accuracy and intelligence in the consideration of measures; but in a small body like the Senate it is perfectly practicable to proceed in some generally understood and recognized and consented-to way which may not be strictly in accord with parliamentary law.

Senators will recall that in the consideration of all measures of importance here, where they are of any length, such, for instance, as appropriation bills or the rate bill upon which we were engaged in the last Congress, it has been the universal custom to proceed just as the Senator from Rhode Island proposed to proceed to-day; and the adoption of an amendment, with a full understanding that it does not preclude further amendment to that amendment, while in absolute violation of strict parliamentary law, is in accord with what will, in a small body like this, result in attaining the end in the easiest way.

Mr. President, the only reason why I mention the matter after the Senator from Rhode Island has withdrawn his request is that if the Senator from Idaho can make effectual an objection of this kind to the extent that what we have heretofore adopted as the usual procedure must hereafter be discarded, we will be reduced to great inconvenience if we are hereafter to adhere strictly to the rules of parliamentary law.

This is a body where the highest rule is the rule of consent, and most of the work of the Senate is done by consent; and where it is consented to that we shall adopt amendments with a view to having the bill put in its most convenient shape thereafter to be amended, in what way will anybody be prejudiced and in what way will any amendment to which a Senator objects be put in a position where he can not subsequently reach it by amendment as perfectly as it could be if we did proceed in the technical way that the Senator from Idaho now proposes.

I think, in order that we may hereafter do as we have done in the past, and that we may proceed with this bill and with future bills as we have done in the past, it is important that the Senate should adhere to the practice which it has heretofore adopted, of a convenient, easy way of disposing of measures in a small body like this.

Mr. HEYBURN. I would inquire for information whether or not under parliamentary law, an amendment of the committee having been adopted and passed by, the bill could be amended by reconsidering that amendment which had been adopted? Now, it is not sufficient to have the right to amend the bill as though it were originally in Committee of the Whole, but we want the right reserved to consider amendments of the committee. I desire to know whether or not it would be held that an amendment which attacked the entire amendment that had been adopted was an amendment within the reserved right suggested by the Senator from Rhode Island. That is a parliamentary inquiry which is not without some force. We want the full right, should our judgment dictate that we should exercise it, to resist the adoption of amendments of the committee; not to amend them, but to resist their adoption, and if we have waived that by sitting quietly by to-day while it is announced that an amendment of the committee is adopted, it is now time we knew it. This is the time to know it.

I am not inclined to invoke parliamentary law in its strictest sense. I have no purpose in doing so inimical to the consideration of this bill or the final result. I only desire that before these amendments proposed by the committee are adopted that they shall be considered and discussed and voted upon. Of course we would have a right to amend the bill in Committee of the Whole, but not, under the parliamentary law that governs us, should anyone see fit to invoke it, as though these amendments had not been adopted. We would not have a right to resist or attack the entire amendment of the committee.

Mr. GALLINGER. You would have in the Senate.

Mr. HEYBURN. In the Senate we would, but we prefer to reserve that right under the broader rule of the Committee of the Whole. Of course any opposition to the amendments or to the bill can be made in the Senate after the Committee of the Whole has reported it. But I want the discussion and the parliamentary right retained as fully as to every part of this bill as though no amendment of the committee had been adopted.

No more important measure will be before us. We have time enough to consider the amendments now, as much time as we will ever have, and we had better proceed slowly from the beginning of the bill, taking up the amendments as we reach them, and discuss them, and then after the amendments are disposed of we will discuss the bill as amended in Committee of the Whole and then again in the Senate under the more restricted rule that pertains to that body.

Mr. ALDRICH. Mr. President——

Mr. HEYBURN. I have a motion before the Senate. However, I yield to the Senator from Rhode Island.

Mr. ALDRICH. I do not ask the Senator to yield to me. I will take the floor in my own right whenever the Senator from Idaho is through.

Mr. HEYBURN. I have moved a reconsideration of the votes by which committee amendments have been adopted. That motion is before the Senate.

Mr. ALDRICH. Mr. President, three-quarters of the business of the Senate is done by unanimous consent, and that business can be at any time interrupted or delayed indefinitely by objections of Senators. The right to object, of course, is a sacred right in this body. I certainly have no disposition to try to do anything against the wishes of Senators upon this question. I am quite willing to have the Senate vote, if it sees fit, upon the question of reconsideration. None of the amendments already adopted is an amendment to which I think any Senator would object.

Mr. BACON. And no amendment has been adopted which under the unanimous-consent agreement asked for by the Senator from Rhode Island could not be reached by a motion to strike out.

Mr. ALDRICH. That is right.

Mr. BACON. It is absolutely within the control of the Senate.

Mr. FULTON. I also understand that under the rules by which we were working an amendment may be offered to any of the amendments which have been accepted.

Mr. ALDRICH. Certainly.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho, that the vote by which the amendment was heretofore agreed to be reconsidered.

The motion was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the pending amendment reported by the Committee on Finance.

Mr. HEYBURN. I should like to have the amendment stated.

The SECRETARY. On page 3, lines 9, 10, and 11, it is proposed to strike out "75 per cent of the market value, as fixed by the Treasurer of the United States, of the bonds so deposited," and insert:

Seventy-five per cent of the market value of any railroad bonds and 90 per cent of the market value of any other bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

Mr. HEYBURN. Mr. President, I understand that if we adopt this amendment of the committee we accept the provision including railroad bonds among those that may be deposited as a basis of circulation. I do not believe we are ready to adopt that as an amendment. The Senate having voted not to reconsider its action adopting the previous amendment, it seems to me quite important that at this time we consider the amendment before us. The amendment proposed by the committee is that circulation may be issued to the extent of 75 per cent of the market value of any railroad bonds and 90 per cent of the market value of any other bonds so deposited.

Mr. President, the market value of a number of railroad bonds which, under the rule stated in this bill, would be available, is as much as 20 above par. I have a list of some of the bonds that would be considered available for this purpose. For instance, the Central of New Jersey bonds were quoted on last Saturday at 126. That would be taken to be the market value of those bonds, because they bring that in the market. Is the Senate ready to adopt an amendment of the committee which says that circulation may be issued against those bonds at 126, on a basis of 75 per cent?

Mr. McLAURIN. Will the Senator allow me to interrupt him?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I have an amendment to that amendment limiting the issuance to 75 per cent of the par value of the bonds, which, as stated by the Senator from Texas correctly, is intended to prohibit the issuance of more than 75 per cent upon the par value and less than 75 per cent of the par value if the actual worth of the bonds should be less than the par value. I am opposed to the issuance of bank notes upon any railroad bonds, but I understand that under the unanimous consent, which was asked by the Senator from Rhode Island, after the bill shall have been read as in Committee of the Whole, and after all these amendments shall have been adopted, if they shall be adopted, it will be in the power of the Senate, upon the motion of any member of the Senate, to strike out that whole amendment.

That was the unanimous-consent agreement which was requested by the Senator from Rhode Island, and, as I said. I think it would be better for us to give that unanimous consent until we get through the reading of the bill. Then, when we shall have gotten through with the reading of the bill and the formal adoption of the amendments, we can treat the bill, as suggested by the Senator from Rhode Island, as if it were an original bill, with the permission of any Senator to move to strike out the whole provision or any other provision of the bill.

Mr. HEYBURN. Mr. President, I understand that now to be the rule of action, established by unanimous consent. When I objected to unanimous consent I did not do it in a captious spirit or intend to delay the consideration of the bill or to interfere with the plan of procedure which had been outlined by the Senator from Rhode Island. In making the objection I intended to take advantage of the opportunity of determining exactly the status of the bill and the manner in which it was to be considered.

Mr. President, I called attention to this provision at this time because it contains in it a recognition, in the enumeraton of securities, of railroad bonds. Of course an amendment would be proper, striking out that portion of the amendment; in other words, an amendment to the amendment would be proper when the bill is being considered as in Committee of the Whole under the unanimous-consent agreement or the present agreement.

But it certainly is important at the beginning of the consideration of this bill that there shall be no uncertainty as to its status at any time. This is the second reading of the bill. It has a status given to it by the parliamentary law that governs us. While we may by unanimous consent proceed along other lines or under other rules than those established by the fundamental law which governs us, yet it is quite important that there should be no uncertainty as to the extent to which the unanimous consent is intended to apply.

I do not intend at this time to discuss the provision giving railroad bonds the status of Government bonds as a basis of circulation. I do expect at a future time to consider that question. I need hardly say that I am opposed to such a financial system, and I shall oppose the recognition of railroad bonds as a legitimate basis for the issuance of circulation guaranteed by the Government.

Mr. ALDRICH. Mr. President, the question whether railroad bonds shall be accepted under the provisions of this act comes up in the paragraph on the fifth page of the bill. If the Senator thinks it is involved here, I am quite willing to pass the amendment over with an idea that the provisions on the fifth page shall be considered first. I therefore ask that this amendment may be passed over for the accommodation of the Senator from Idaho.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the pending amendment, on page 3, be passed over. Without objection, it is so ordered. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill, at line 15, page 3.

The next amendment of the committee was, in section 1, page 3, line 20, after the word "notes," to strike out the following:

Provided, That the amount of such additional circulating notes delivered at any time to any association shall not in any case exceed the limit fixed for such issue by the Comptroller of the Currency: *And provided further.*

The amendment was agreed to.

The next amendment was, on page 4, line 1, after the word "association," to insert "including notes;" and in line 2, after the word "bonds," to strike out "or otherwse" and insert "as now provided by law, and notes secured by other bonds as provided by this act;" so as to read:

Provided, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds, as now provided by law, and notes secured by other bonds as provided by this act, shall not at any time exceed the amount of its unimpaired capital and surplus.

Mr. HEYBURN. I ask that that amendment be passed over. That also carries with it the feature of the railroad bonds.

Mr. ALDRICH. I beg the Senator's pardon; it does not.

Mr. HEYBURN. It says "other bonds."

Mr. ALDRICH. Other bonds may be bonds of States or cities.

Mr. KEAN. "As provided by this act."

Mr. HEYBURN. This act provides for the issuance of circulation upon railroad bonds, and the term "other bonds," as I read it, is intended to distinguish bonds other than national bonds.

Mr. ALDRICH. If railroad bonds are not provided in this act, it will not apply.

Mr. HEYBURN. It will not if they are not provided, but as the bill is reported of course it applies to them.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 8, after the word "than," to strike out "two hundred and fifty" and insert "five hundred," and in line 9, after the word "dollars," to strike out the following proviso:

And provided further, That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this section shall have the approval of the Secretary of the Treasury.

So as to read:

And provided further, That there shall not be outstanding at any time circulating notes issued under the provisions of this act to an amount of more than $500,000,000.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 14, after the word "Treasury," to strike out "may" and insert "shall;" in line 18, after the word "issued," to strike out "for municipal purposes;" in the same line, after the word "city," to insert "town;" in line 19, before the word "county," to strike out "or;" in the same line, after the word "county," to insert "other legally constituted municipality or district;" in line 20, after the word "existence," to strike out "as a city or county;" in line 21, after the word "of," to strike out "fifteen" and insert "ten;" in line 24, after the word "it," to strike out "and which has at such date more than 20,000 inhabitants as established by the last national census;" on page 5, line 2, after the word "net," to insert "funded;" in line 3, after the word "of," to strike out "the" and insert "its," and in the same line, after the word "property," to strike out "therein," so as to read:

That the Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in the preceding section bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed 10 per cent of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes.

Mr. STONE. I desire to ask the Senator from Rhode Island whether the language in line 19, "or other legally constituted municipality or district," would cover bonds issued by school districts, and was so intended?

Mr. ALDRICH. Unquestionably they are covered by it. That was the intention of the committee.

The amendment was agreed to.

The next amendment was, in section 2, on page 5, line 6, after the word "company," to strike out "not including street railway bonds" and insert "which, in compliance with existing law, reports regularly to the Interstate Commerce Commission a statement of its condition and earnings, and," so as to read:

Or the first-mortgage bonds of any railroad company, which, in compliance with existing law, reports regularly to the Interstate Commerce Commission a statement of its condition and earnings, and which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than five years previous to the deposit of the bonds.

Mr. ALDRICH. I ask that the sentence commencing with "or" after the semicolon in the fifth line down to the word "bonds" in the twelfth line may be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was continued.

The next amendment of the Committee on Finance was, in section 2, page 5, line 13, after the word "Treasury," to strike out "may" and insert "shall;" in line 16, after the word "may," to insert "with such approval," and in line 19, after the word "deposit," to insert "It shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the municipal and railroad securities authorized to be accepted under the provisions of this section, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act," so as to read:

The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this act, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities or require any association to change the character of the securities already on deposit. It shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the municipal and railroad securities authorized to be accepted under the provisions of this section, and he shall from time to time furnish information to national banking associations as to such bonds as would be acceptable as security under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 26, after the word "That," to insert "the legal title of;" in the same line, after the word "bonds," to insert "whether coupon or registered;" and on page 6, line 4, after the word "them," to strike out "with a memorandum to that effect attached to or written or printed on each bond, and signed by the cashier or some other officer of the association making the deposit," and insert "under regulations to be prescribed by the Secretary of the Treasury," so as to read:

That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of this act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 3, on page 6, line 9, after the word "the," to strike out "Comptroller of the Currency, or by a clerk appointed by him for that purpose," and insert "Treasurer or any assistant treasurer of the United States," so as to read:

A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association.

The amendment was agreed to.

The next amendment was, in section 3, on page 6, line 20, after the word "sixty-seven," to insert "and sections 5224 to 5234, inclusive," so as to read:

The provisions of sections 5163, 5164, 5165, 5166, and 5167 and sections 5224 to 5234, inclusive, of the Revised Statutes, respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of this act.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 17, after the word "bonds," to insert "of the United States," so as to read:

And such associations having on deposit bonds of the United States bearing interest at a rate higher than 2 per cent per annum shall pay a tax of one-half per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds.

The amendment was agreed to.

The next amendment was, in section 5, page 9, at the end of the section, to strike out the following proviso:

Provided, That the provisions of this section shall not apply to United States bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof.

The amendment was agreed to.

The next amendment was, in section 6, page 10, line 8, after the word "cashier," to strike out "Upon request of any national banking association the" and insert the word "The;" in line 9, after the word "currency" to insert "acting;" in line 11, after the word "shall," to insert "as soon as practicable;" in line 14, after the words "stock of," to strike out "such association" and insert "the national banking associations;" in line 17, before the word "association," to strike out "the" and insert "each," and in the same line, after the word "association," to strike out "making the request," so as to read:

The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to 50 per cent of the capital stock of the national banking associations; such notes to be deposited in the Treasury or in the subtreasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law.

The amendment was agreed to.

The next amendment was in section 8, page 11, line 1, after the words "SEC. 8," to strike out "That national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per centum of their deposited liabilities, shall hereafter hold at all times at least two-thirds of such reserve in lawful money. The," and in line 6, before the word "provisions," to insert "That the;" so as to make the section read:

SEC. 8. That the provisions of section 5191 of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries.

Mr. ALDRICH. I ask that that amendment may be passed over.

The VICE-PRESIDENT. Without objection the amendment will be passed over.

The next amendment was, on page 11, after line 9, to insert the following as an additional section:

SEC. 9. That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States authorized by this act shall have the approval of the Secretary of the Treasury.

The amendment was agreed to.

Mr. ALDRICH. I ask that the bill as amended be printed.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the bill as amended be printed. Without objection it is so ordered.

Mr. BAILEY. I should like to inquire if that means it is to be printed with these amendments merely appearing as amendments or as part of the original text?

Mr. ALDRICH. I think it would be better to have them printed as a part of the original text.

Mr. BAILEY. I think so. That is what I was going to suggest.

Mr. ALDRICH. Leaving only the two amendments that have been reserved.

Mr. BAILEY. And printing them as amendments?

Mr. ALDRICH. Yes; printing those as amendments.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 12, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 11, 1908.

UNITED STATES ATTORNEY.

Thomas Ward, jr., of Colorado, to be United States attorney for the district of Colorado, vice Earl M. Cranston, resigned.

REGISTER OF LAND OFFICE.

William Miller, of Minnewaukon, N. Dak., to be register of the land office at Devils Lake, N. Dak., vice Michael H. Brennan, resigned.

APPOINTMENT IN THE ARMY.

Coast Artillery Corps.

Quartermaster-Sergt. Clarence E. Seybt, Third Company Coast Artillery Corps, to be second lieutenant from January 1, 1908.

PROMOTIONS IN THE NAVY.

Midshipmen to be ensigns.

Hiram L. Irwin,
William R. Furlong,
Gerald Howze,
William O. Spears,
Ernest Durr,
John H. Newton, jr.,
Anthony J. James,
William E. Eberle,
Wilhelm L. Friedell,
Walter E. Reno,
John J. London,
Ross S. Culp,
William Baggaley,
Halford R. Greenlee,
John E. Atkinson,
Virgil Baker,
Henry A. Orr,
Alexander S. Wadsworth, jr.,
Benjamin H. Steele,
Kenneth Whiting,
Charles M. Austin, and
John E. Pond.

Assistant paymasters with the rank of lieutenant.

Benjamin H. Brooke,
Thomas J. Bright,
Emory D. Stanley,
Lewis W. L. Jennings,
Brantz Mayer,
Swinton L. Bethea,
Edward R. Wilson,
William G. Neill,
Harry E. Collins,
John H. Gunnell,
Emmett H. Tebeau,
Charles E. Parsons,
William J. Hine,
Kenneth C. McIntosh,
Francis J. Daly,
Roland W. Schumann,
Franklin P. Williams,
Leon N. Wertenbaker,
John J. Luchsinger, jr.,
Eugene H. Douglass,
Robert K. Van Mater,
William S. Zane, and
James C. Hilton.

Assistant naval constructors with the rank of lieutenant.

Ross P. Schlaback,
George S. Radford,
James L. Ackerson,
Donald R. Battles,
Richard D. Gatewood,
Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher, jr.,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, jr.,
Emory S. Land,
James Reed, jr.,
Edwin G. Kintner,
Alexander H. Van Keuren,
Paul H. Fretz, and
Roy W. Ryden.

Ensign Julius C. Townsend to be a lieutenant (junior grade) in the Navy from the 2d day of May, 1907, upon the completion of three years' service.

Lieut. (Junior Grade) Julius C. Townsend to be a lieutenant in the Navy from the 2d day of May, 1907, to fill a vacancy existing in that grade on that date.

Asst. Surg. Lewis H. Wheeler to be a passed assistant surgeon in the Navy from the 22d day of April, 1907, upon the completion of three years' service.

Asst. Surg. Lewis H. Wheeler to be a passed assistant surgeon in the Navy from the 22d day of April, 1907, upon the completion of three years' service.

Charles L. Moran, a citizen of Massachusetts, and Arthur C. Stanley, a citizen of Wisconsin, to be assistant surgeons in the Navy from the 10th day of February, 1908, to fill vacancies existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1908.

COLLECTOR OF INTERNAL REVENUE.

Robert O. Eaton, of Connecticut, to be collector of internal revenue for the district of Connecticut.

POSTMASTERS.

FLORIDA.

Harry C. Budge to be postmaster at Miami, Dade County, Fla.

Simeon C. Dell to be postmaster at Alachua, Alachua County, Fla.

George Glass to be postmaster at High Springs, Alachua County, Fla.

Charles J. Schoonmaker to be postmaster at Cocoa, Brevard County, Fla.

NEW YORK.

Frank E. Colburn to be postmaster at Medina, Orleans County, N. Y.

Mortimer N. Cole to be postmaster at Castile, Wyoming County, N. Y.

Dudley S. Mersereau to be postmaster at Union, Broome County, N. Y.

Eugene P. Strong to be postmaster at Bay Shore, Suffolk County, N. Y.

NORTH CAROLINA.

Willis P. Edwards to be postmaster at Franklinton, in the county of Franklin and State of North Carolina.

PENNSYLVANIA.

Otto E. Enders to be postmaster at Elizabethville, Dauphin County, Pa.

Elam M. Stauffer to be postmaster at East Greenville, Montgomery County, Pa.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 11, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REDUCTION OF SKILLED LABOR IN THE NAVY-YARD.

The SPEAKER. Yesterday, just before adjournment, a point of order was made to a resolution reported from the Committee on Naval Affairs, which was briefly argued. The Chair sustains the point of order, and it is proper, very briefly, to assign the reasons therefor.

The provision of the resolution offered by the gentleman from Illinois, calling upon the Secretary of the Navy to state his reasons for the action referred to, presents a new aspect of a principle already settled. The House from its earliest history has exercised and cherished its prerogative of calling on the Executive for information and documents. In 1792, at the very beginning of the Government, the House decided that the Secretaries of the President's Cabinet should not be called personally to the floor of the House to give information, and concluded that written information should be furnished instead. From that time until this no Cabinet officer has given information on the floor of the House, although they have been frequently called before committees to testify, either voluntarily or by subpœna.

Resolutions calling for written information and for documents have in the later years of the House been given a privileged status, but the precedents show that this privilege has been confined within somewhat strict lines. It is allowable to call upon the head of a Department for a statement of facts within the knowledge of his Department, but whenever an attempt has been made to call for opinions or to direct the officer to make an investigation it has been held that these provisions destroy the privilege of the resolution of inquiry.

It is not necessary to cite here the precedents in these cases, as they are well known to the membership of the House.

The Chair is of the opinion that a call upon an executive officer for a statement of his reasons is likewise out of harmony with the principles governing the use of these resolutions. It would tend to create discussion and debate between the executive and legislative branch and would not assist in the orderly and proper transaction of the public business.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to strike out the last four words of the resolution, "and the reasons therefor." I understand that under the decision of the Chair the resolution would then become privileged.

The SPEAKER. The gentleman from Illinois asks unanimous consent for present consideration of the resolution upon condition that the words "and the reasons therefor" be stricken out. Is there objection? [After a pause.] The Chair hears none. The question now is on the committee amendments with the words indicated stricken out.

The amendments were agreed to.

The resolution as amended was agreed to.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the urgent deficiency appropriation bill, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read in lieu thereof.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) "making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "One hundred and twelve thousand dollars;" and the Senate agreed to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

After the word "That," in line 1 of said amendment, insert the words: "not exceeding the sum of five thousand dollars of;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 5, 11, and 26.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H. R. 14766, making appropriations to supply urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment numbered 1: Strikes out the appropriation of $1,500 proposed by the Senate for paper for checks.

On amendment numbered 2: Appropriates $112,000 instead of $107,000, as proposed by the House, and $142,000, as proposed by the Senate, for furnishing the new municipal building in the District of Columbia.

On amendment numbered 3: Authorizes the use of not exceeding $5,000 of the appropriation for expenses of operating the compulsory education law in the District of Columbia for the purchase of necessary articles and supplies for instruction of ungraded classes.

On amendment numbered 4: Appropriates $2,475.80, as proposed by the Senate, for the Columbia Hospital for Women.

On amendments numbered 6 and 7: Makes a verbal correction in the text of the bill and appropriates $283,335, as proposed by the Senate, for additional clerical force in the Bureau of Supplies and Accounts of the Navy Department.

On amendments numbered 8, 9, and 10: Appropriates, as proposed by the Senate, $3,500 for suppressing the traffic in intoxicating liquors among the Indians, $50,000 to the credit of the Lower Brule, Sioux Indians, South Dakota, and $60,000 for surveys and allotment to Indians of lands of the Flathead Indian Reservation.

On amendments numbered 12, 13, 14, 15, 16, 17, 18, 19 and 20: Inserts the several appropriations proposed by the Senate for expenses of that body.

On amendments numbered 21, 22, 23, 24, and 25: Appropriates $6,401.47 for payment of judgments of the United States courts that have been certified to Congress and as proposed by the Senate.

On amendments numbered 27, 28, 29, and 30: Appropriates for additional judgments of the Court of Claims certified to Congress since the passage of the bill by the House.

On amendment numbered 31: Appropriates $52,237.75, as proposed by the Senate for payment of awards of the Spanish Treaty Claims Commission which have been duly certified to Congress.

On amendments numbered 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70: Appropriates, as proposed by the Senate, for payment of accounts audited under the law and certified since the passage of the bill by the House.

The committee of conference have been unable to agree on the following amendments of the Senate, namely:

On amendment numbered 5: To pay John H. Bankhead $1,875 for services as a member of the Inland Waterways Commission.

On amendment numberd 11: Providing for payment of expenses in the case of the United States against Hyde, Dimond, Benson, and Schneider, in the District of Columbia.

On amendment numbered 26: To pay interest on judgment in favor of the Atlanta Machine Works against the United States.

J. A. TAWNEY,
E. B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report of the conference committee.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. TAWNEY. I will yield to the gentleman from Illinois.

Mr. MANN. I believe the Senate inserted an item of $75,000, or such a matter, for contingent expenses in the Senate. Is that one of the items agreed to?

Mr. TAWNEY. It is.

Mr. MANN. I know it is not customary for the House to interfere in such matters, but this is a very large deficiency. I think the House ought to know something in reference to it. A very grave abuse grew up, as it seemed to many Members in this body, about the contingent fund. What is the excuse for it?

Mr. TAWNEY. Mr. Speaker, I will say that the facts in regard to the contingent appropriations for the Senate are these: Under the current law for the fiscal year 1908 Congress appropriated $100,000 for contingent expenses for the Senate, and for the House $50,000, and a deficiency for the remainder of this year of $25,000. So that the appropriation for the contingent expenses of the House will be $75,000 for the current year, with a membership of 400, including Delegates and Resident Commissioners, while the Senate membership is 92. This additional deficiency makes the total appropriation for the current year on account of the contingent expenses of the Senate $175,000, or $100,000 greater than the contingent expenses of the House.

Your conferees asked for an explanation of this, and what has occasioned this enormous increase, but, as usual, we were unable to get any specific information; there was nothing said as to there being any great emergency or any unusual circumstances occurring during the year that necessitated this increase. They wanted it because they wanted it, and that is about the only answer that the conferees on the part of the House could elicit.

Mr. LITTLEFIELD. I would like to inquire what the normal sum is in the Senate. This is apparently an abnormal sum.

Mr. TAWNEY. They have been receiving $100,000 and a deficiency of about $25,000 to $50,000 annually. The expenditures for contingent purposes in the Senate have always exceeded the contingent expenses in the House. That is the only explanation that I can give, Mr. Speaker. There is no question but what there is necessity for some inquiry into this matter, but it is an inquiry this House is powerless to make or initiate. This shows an enormous expenditure under the head of contingent expenses in the other branch of the legislative department of this Government.

Mr. LITTLEFIELD. I would like to inquire of the gentleman whether this House can not make it by declining to agree to an appropriation of that kind until the information is furnished?

Mr. TAWNEY. Mr. Speaker, that experiment has been tried so frequently without any result except failure, that it was abandoned long before I came to the Committee on Appropriations. The House has been obliged ultimately to agree. To not do so would result only in delaying the final enactment of this law carrying these appropriations, the enactment of which is absolutely necessary on account of the urgent demand for some of these appropriations. They should become available at the earliest possible time, notably the Panama Canal deficiency.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to agree to the report.

The question was taken, and the motion was agreed to.

Mr. TAWNEY. Mr. Speaker, I now move that the House further insist upon its disagreement to amendments Nos. 5, 11, and 26.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House do further insist on its disagreement to the Senate amendments indicated.

Mr. TAWNEY. Mr. Speaker, a word of explanation. These three amendments are as follows: The first is a Senate amendment appropriating $1,875 for the payment of the services of Mr. BANKHEAD, formerly a Member of the House and now a member of the Senate, while he served as a member of the Inland Waterways Commission during the summer of 1906. The second amendment that I ask the House to further insist upon its disagreement to is No. 11, which authorizes the payment of the expenses incident to the prosecution of the Hyde-Benson case in the District of Columbia out of the general appropriation for judicial expenses. The third amendment, No. 26, is a Senate amendment proposing to pay interest on a claim upon which judgment was obtained, the interest allowed being the amount from a certain date to the date of the entry of the judgment, aggregating about $437. The last amendment, Mr. Speaker, No. 26, the House conferees declined to agree to for the reason that it is not, and never has been, the policy of the Government to pay interest on claims prior to the entry of judgment. This action was brought under the Tucker Act on a contract, alleging default on the part of the Government of the United States, and the plaintiffs in the action succeeded in establishing to the satisfaction of the court the fact of the default and the damages which were sustained by reason thereof, and judgment was allowed in the sum of $3,344, with legal interest from the date of the default down to the date of the rendition of the judgment. The matter as presented to the conferees was that the Attorney-General refused to certify the judgment to Congress as he is required to do by law for an appropriation. Instead of certifying, as we were told, the full amount of the judgment, including the interest and costs, the Attorney-General certified only the principal carried in the judgment, omitting to certify the amount for interest or the amount for costs. Upon inquiry of the Attorney-General I received a copy of the letter which was presented by Senator CLAY to the Senate, the Senator who offered the amendment in the Senate, a letter addressed to the attorney of the plaintiffs in the case, in which letter are cited the decisions of the Supreme Court on the question; but here is the important information which the conferees did not have when in conference, and which prompts me now to ask that the House further insist upon its disagreement. The Acting Attorney-General at that time, Mr. H. M. Hoyt, says:

> I might add that when the judgment in the case under consideration was certified to Congress, legal interest from December 2, 1899, with costs of suits, was included in the certification. Congress saw fit to ignore this implied recommendation that interest be paid, and appropriated for the amount of the judgment with interest at 4 per cent therefor, from the date of the rendition thereof only, thus recognizing the principle of law stated in the case above cited. * * * I find, however, that no appropriation has been made covering the costs, etc.

The fact is, this has previously been referred by the Attorney-General to Congress for an appropriation for principal and interest, and also for the costs. Now, Congress having had this matter certified, and having refused in the past to appropriate for this interest, I think we are justified in insisting further upon this disagreement.

Mr. UNDERWOOD. Mr. Speaker, may I ask the gentleman from Minnesota a question?

Mr. TAWNEY. Yes, sir.

Mr. UNDERWOOD. Mr. Speaker, I understand there is an item in this conference report in reference to my former colleague in this House [Senator BANKHEAD]. I would like to ask the gentleman if he proposes to allow a separate vote on that item?

Mr. TAWNEY. I suppose it is within the power of any Member of the House to ask for a separate vote on any of these amendments. I shall give an opportunity to the gentleman if he desires it.

Mr. UNDERWOOD. I would like to ask the gentleman, when he reaches a convenient time, if he will allow me a few minutes?

Mr. TAWNEY. I will yield to the gentleman from Alabama.

Mr. RICHARDSON. I would like to ask the gentleman a question

Mr. TAWNEY. Yes, sir.

Mr. RICHARDSON. Was not the Commissioner of the Bureau of Forestry on that Inland Waterways Commission?

Mr. TAWNEY. The Commissioner of the Bureau of Forestry? I do not know; I think he was, but I am not certain.

Mr. RICHARDSON. Is the compensation of any other individual who was a member of that Waterways Commission excepted to except that of Senator BANKHEAD?

Mr. TAWNEY. There is no other member of the Inland Waterways Commission for whom it is proposed to appropriate money to pay either for his services or for his expenses. Mr. BANKHEAD is the only member of that commission for whom an appropriation is asked to compensate him for the time served on that commission.

Mr. RICHARDSON. Will you allow me one more question? You do not object to giving me the reasons why there is opposition to this payment, do you? What reasons are urged for not paying it?

Mr. LITTLEFIELD. That is what I wanted to ask; I would like to have a full statement of just what the circumstances are.

Mr. TAWNEY. Mr. Speaker, the Inland Waterways Commission was appointed by the President of the United States very soon after the adjournment of the last Congress. On the last day of the session of the last Congress it was proposed to authorize by a joint resolution the creation or the appointment of this commission. A resolution for that purpose was offered in the House. It did not receive consideration. Now, the law,

section 3679 of the Revised Statutes, as amended by the act approved February 27, 1906, reads as follows:

Nor shall any Department or officer of the Government accept voluntary service for the Government or employ services in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

It is plain, Mr. Speaker, from the language of this section, that without express authority of law no Department and no executive officer of the Government can lawfully accept voluntary services or appoint any person to a position that has not been created by law; that being so, and the resolution proposing to authorize the appointment of this commission having failed to pass, there was, therefore, absolutely no authority for the appointment of this commission. Under this statute it is not within the power of any officer of the Government to create any obligation whatever imposing upon the Government or upon Congress the duty of appropriating any money to meet the same. For these reasons, Mr. Speaker, I do not feel that the House is justified in acquiescing in the unauthorized appointment of this by agreeing to this Senate amendment and appropriate money for either the services or the expenses of this or of any other member of this commission.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield? The gentleman states that there was no authority for the appointment of this commission. Should he not say its appointment was prohibited by law?

Mr. TAWNEY. I have read the law, which I think every Member of this House is capable of interpreting for himself. I regret, in answer to the gentleman from New York, to say that, in my opinion, the employment of services of this character is prohibited by the statute which I have just read. I do not criticise or question the motives of the Chief Executive in appointing this commission. I do not say this by way of criticism; I simply state it as a fact, that under the existing law there is no authority for the creation of this commission, and, therefore, there is no authority for appropriating any money for either the expenses or compensation of any member of the commission. If the law did not prohibit the appointment and we made the appropriation, we could not then be charged with acquiescing in the doing of that which was prohibited by law; otherwise that charge can be successfully made. That, Mr. Speaker, is all that I care to say in regard to this amendment.

Mr. LITTLEFIELD. I would like to inquire, Mr. Speaker, who are the other members of the commission?

Mr. TAWNEY. I can not give the personnel of the commission. I will say, however, it is my understanding that every other member of the commission was either a Member of the House, a member of the Senate, or a person holding some office in the Government.

Mr. LITTLEFIELD. And receiving a salary?

Mr. TAWNEY. And receiving the compensation provided by law.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman what was the total amount of increases added by the amendments of the Senate.

Mr. TAWNEY. A little over $300,000.

Mr. HEPBURN. Now, I understand the committee have yielded to all of those amendments except an item of about $1,000 and an item of $400?

Mr. TAWNEY. No; the gentleman is mistaken. The Senate has receded from its amendments on a number of these items. For example, they added $42,000 for furnishing and equipping the Municipal Building in this city. They yielded all of it, with the exception of $5,000, increasing the amount from $107,000 to $112,000. Then there were one or two other minor matters, but the increases added by the Senate principally were the audited accounts certified to the Senate after the passage of the urgent deficiency bill in the House. The principal increases, as the gentleman will see from the printed bill, are claims allowed by the Auditor for the War Department subsequent to the passage of the bill in the House, claims allowed by the Auditor for the Interior Department, claims allowed by the Auditor for the State and other Departments, and, I think, claims allowed by the Auditor for the Treasury Department. Those are all additional amounts.

Mr. HEPBURN. The House could vote down the proposition of the gentleman now pending and it would still appear that the House was represented in the conference and that the conferees of the House were not, using a common phrase, entirely "skunked."

Mr. TAWNEY. Yes, sir.

Mr. LITTLEFIELD. Not absolutely submerged.

Mr. CRUMPACKER. I would like to submit an observation or two in relation to the statement that the Inland Waterways Commission was appointed in violation of an express statute, and a highly penal one at that. I have the section of the law that the gentleman from Minnesota [Mr. TAWNEY] quoted in the course of his remarks. And, if I understand the authority or the object of the Inland Waterways Commission, it is not covered by this statute at all. It is not within its purpose or spirit. I understand that the Inland Waterways Commission was a commission selected by the President to secure information for his use, perhaps, and for the use of the country, for its instruction, respecting one of the important resources of the United States. It is on the same legal status as was the commission selected to investigate the anthracite coal controversy in Pennsylvania several years ago. I think the President of the United States does have the right to select a volunteer commission to seek information for the benefit of the President, at least, without violating any statute. The waterway commission was not, from the standpoint of the law, in the employment of the Government. It was a voluntary commission, seeking information for the benefit—personal or official benefit—of the Chief Executive, in order that he might make the necessary recommendations to the Congress that the Constitution of the United States requires of him.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LIVINGSTON. Mr. Speaker——

Mr. CRUMPACKER. I will yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Will you please give the authority the President has, in face of direct law, to do this thing?

Mr. CRUMPACKER. My position is that there is no direct law prohibiting it, and that it is within the incidental powers of the President. The President, in seeking information for his official duties, may use any reasonable means he sees fit. This commission was not serving the Government, it was not in the employment of the Government in the sense of the law, but it was in the employment of the President.

Mr. LIVINGSTON. Does the gentleman understand the President has the right to commit this House to an appropriation in the face of law?

Mr. CRUMPACKER. Not by any manner of means. I do not understand that the President is asking the House to pay this claim as a legal demand. This commission was purely a voluntary commission selected by the President, without express authority of law, but it is not, I repeat, forbidden by law.

Mr. FITZGERALD. Out of what appropriation were the members of this commission paid?

Mr. CRUMPACKER. I assume they are not to be paid out of any appropriation unless one be made therefor.

Mr. FITZGERALD. They have been paid out of an appropriation.

Mr. CRUMPACKER. The Congress of the United States makes a great many appropriations for claims for which there is no legal basis. It does it repeatedly at every one of its sessions. There may be no law authorizing the payment of the expenses of this commission, and there is no law requiring the Congress to pay any compensation to any one of its members. I am not disputing that proposition, but the statement was made here that this commission was appointed by the President of the United States in direct violation of the law. That is the proposition I took the floor to controvert. It is quite a serious charge to make that the President of the United States has violated a penal law of the country. It is clear to any one who has taken the pains to examine the law in question that the charge is wholly unfounded.

Mr. FITZGERALD. I wish to inquire if the gentleman will give the information, if he has it, out of what appropriation the expenses so far incurred have been paid?

Mr. CRUMPACKER. Well, the gentleman from New York is a member of the Committee on Appropriations, and I know he has infinitely more knowledge upon that subject than I. I do not know out of what appropriation the expenses of this commission have been paid, or whether they have been paid at all. If they have been paid without authorization of Congress they were improperly paid. This statute applies purely to the heads of Departments accepting voluntary services from others for the Government.

Mr. TAWNEY. If the gentleman will read the law——

Mr. CRUMPACKER. I have read it.

Mr. TAWNEY (continuing). It states "or any executive officer."

Mr. CRUMPACKER. But "for the service of the Government," employment "for the Government." This employment was not "for the Government." It was not authorized for the Government any more than the investigation of the coal strike or the industrial situation at Goldfield.

Mr. TAWNEY. Then, on your own statement, why should Congress be compelled to pay the expense?

Mr. CRUMPACKER. I do not say that Congress should pay the commission. I do not contend that this claim ought to be paid. I admit there is no legal liability on the part of the Government. It is not a public claim. It is discretionary with Congress whether it shall be paid. I simply took the floor to urge that the commission was not appointed in violation of law.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. CRUMPACKER. Certainly.

Mr. BUTLER. I ask him if there was any authority by the Executive to authorize these expenses to be paid?

Mr. CRUMPACKER. I do not know of any express authority except it was the general authority the Executive has to obtain information in such proper channels as he may deem advisable.

Mr. BUTLER. Was there any implied authority?

Mr. CRUMPACKER. Why, there may be no authority, but there is no law prohibiting the President from seeking information through any proper channels.

Mr. TAWNEY. In reply to the gentleman, I want to call his attention to the fact that he predicates his whole argument upon the statement that this law relates to service "for the Government." Now, the gentleman from Indiana is not entirely correct. I am not inclined to give this statute a technical construction for the purpose of finding a basis upon which to refuse this appropriation. I have endeavored to give the statute the most liberal construction possible. I want to call the attention of the House to the fact that there is no language in this law which will justify the construction of the gentleman from Indiana that these services were personal to the Executive and are therefore not prohibited by this statute. The language is:

> Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal services in excess of that authorized by law, with the exception of certain emergency involving loss of life or the property of the Government.

If these services were not rendered for the Government, why are we asked to pay for them?

Mr. CRUMPACKER. These all constitute services for the Government.

Mr. TAWNEY. Services for the Government or personal service.

The gentleman from New York stated the expenses of this Commission have been paid. My information is to the effect that the expenses of this Commission have not only not been paid, but can not be paid under section 3681, which reads as follows:

> No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.

Now, here is an express statute which prohibits the accounting officers of the Government from paying any claim made by or on account of any commission, with only one exception, and that exception relates to the contingent fund connected with the foreign intercourse of the Government.

Now I yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman from New York stated a few minutes ago that payment had been made out of the Public Treasury to members of this Inland Waterways Commission and that he and other members of the committee, if I understood him correctly, were unable to ascertain the fund from which payment had been made.

There is no evidence, is there, to show that any payment whatever has been made to any member of this Commission from any fund whatever?

Mr. TAWNEY. No; there is no evidence to show it, and under this statute which I have just read I do not think any payments could possibly pass the auditing officers of the Government.

Mr. MADDEN. So far as the Appropriations Committee knows, no member of the Commission has made claim for any payment except the gentleman whose bill is now before the House.

Mr. TAWNEY. That is true, Mr. Speaker.

Mr. FITZGERALD. The gentleman said that I had stated that some of the expenses of this Commission had been paid out of the public funds.

Mr. TAWNEY. I so understood the gentleman to say.

Mr. FITZGERALD. The gentleman is evidently aware of the source from which I had that information. Has he since investigated and ascertained that no payment was made?

Mr. TAWNEY. I have since investigated, and find that no expense of that Commission has been paid from any appropriation whatever. The information upon which I made the statement to the gentleman from New York on yesterday was contained in a letter which indicated that those expenses had been paid; but upon further inquiry I find that the matter in the letter that I spoke of referred to the other members of the Commission receiving compensation for their services, and not expenses.

Mr. FITZGERALD. I should like to have it understood that my statement was inadvertently based upon that information.

Mr. TAWNEY. Yes.

Mr. MANN. The gentleman stated a while ago that he thought all the members of this Commission were officeholders of some sort, and drawing salaries, except Senator BANKHEAD.

Mr. TAWNEY. I have been so informed.

Mr. MANN. Does the gentleman know who the secretary of the Commission is?

Mr. TAWNEY. I do not.

Mr. MANN. Doctor McGee, I believe, is the secretary of that Commission. If he is holding any office under the Government it is a new thing to me.

Mr. HUMPHREYS of Mississippi. He is Chief of the Bureau of Ethnology, is he not?

Mr. MANN. The gentleman from Mississippi says he is Chief of the Bureau of Ethnology. He has not been connected with that bureau for years, and never was the chief. He is living in St. Louis, or was until he came to Washington this winter, and I only asked for the purpose of ascertaining whether, in order to pay him, he had been given some other position.

Mr. TAWNEY. I can not enlighten the gentleman from Illinois on that. As this matter came up on the Senate amendment, I had no opportunity to know, until conferring with the other branch of the legislative department as to what the facts were in regard to the personnel of the Commission; but I am now informed that the gentleman from Alabama [Mr. BANKHEAD] was the only member of the Commission who was not an officer of the Government during the time that that Commission was serving. The officers of the Commission, including the secretary, I do not know, and I do not know whether he is connected with the Government at all or not, or whether he received any compensation.

Mr. UNDERWOOD. Will the gentleman from Minnesota yield to me ten minutes?

Mr. TAWNEY. I yield ten minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I desire the attention of the House, because I think this report puts my former colleague [Mr. BANKHEAD] in a wrong position. I do not think that the report shows the true position he took in reference to this matter, and I do not think this House ought to misjudge one of the old Members of this House and a former colleague of many of us.

I want to say to the gentleman from Minnesota that I was a member of his committee, a member of the Deficiency subcommittee when the statute that he refers to was written. There is not any question in the world, there is no doubt whatever, that that statute was not written to limit the executive authority of the President of the United States, because this body has no power to limit his executive functions. He derives his powers from the Constitution of the United States and not from us, and he has the power to appoint commissions or agents to investigate for him great public matters whenever he desires to do so. As to the question of pay, as to whether they shall serve for nothing or whether we shall pay them after he appoints them, that is another question, and I do not dispute at all that this House has the right to reject the payment of this claim if it desires to do so.

But that the appointment of the Inland Waterways Commission was violation of law is another question. The statute that the gentleman refers to was to prevent the executive officers of this Government from creating deficiencies in their Departments and for no other purpose. I was on the committee when the law was written, aided in its writing, and aided in its passage, and I know for what purpose it was created. It was created purely for the purpose of preventing an executive officer of this Government from running in debt in his Department and then calling on Congress to pay that indebtedness, and had no reference whatever to the President of the United States.

Now, I ask the House to consider the facts as to the appointment of Mr. BANKHEAD on this Commission. The President of the United States conceiving that it was his duty as Chief Magistrate of this land to get behind the great public sentiment in the United States with reference to building up and develop-

ing the waterways of the country, concluded that it was wise to appoint a commission to investigate and lay the facts as to the development of the waterways of the United States before him. He desired able and experienced men to represent him on that Commission, and in the selection of the Commission he selected every man an officer of the United States except one. Every man that he named on that Commission was receiving pay from the Federal Government except Mr. BANKHEAD, Mr. BANKHEAD was not an applicant for that position. The appointment sought him and not he the appointment. He was out of Congress, his Senatorial term had not begun, and he informed me, and I know it to be true that he informed the President when he was offered the appointment on the commission that he could not afford to take this place without compensation. The President told him that he would recommend to Congress—not that he would pay it, he could not pay it and he knew he could not pay it—but he told him that he would recommend to Congress that he be paid a reasonable compensation for his services and expenses on that commission. It was with that understanding that Mr. BANKHEAD accepted service on this commission, giving his time to the Government.

Mark you, it was not for one moment the understanding that the President of the United States had a right to make a contract that would bind this House, and he did not do it. But the President of the United States asked Mr. BANKHEAD to serve on this commission because Mr. BANKHEAD had been the senior Democratic member of the River and Harbor Committee, because he had been a man of lifelong experience in this work, because he wanted the services of Mr. BANKHEAD, and Mr. BANKHEAD told him that under his financial condition he could not afford to take the time to devote to that service without compensation. Now, it is up to the House, not to pay a legal debt—nobody contends that it is a legal obligation, but the Government has received his services, and it has been the precedent for many years to pay these commissions. You paid for the strike commission, you have paid one hundred obligations contracted by the Executive before without him consulting you in advance. You have got a right to pay this if you want to, and I just want this House to understand that the President of the United States asked this man to serve, that Mr. BANKHEAD did not ask for the appointment, and the President said that he would recommend to the House to pay the bill. You have a right to pay it if you want to, and as for myself I shall vote to pay it under the circumstances.

Mr. TAWNEY. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, before proceeding I want to call the attention of the chairman of the Committee on Appropriations to the amendments that are disagreed to. I want to find out what the ground was upon which they refused to agree to the Senate amendment which appropriates money for the purpose of paying the expenses of prosecuting Hyde and others, whether the conference committee refused on the ground that there shall be no money appropriated for this purpose or whether upon the ground that it shall be appropriated to be paid for in part by the District of Columbia.

Mr. TAWNEY. I will say to the gentleman from Ohio that the conferees on the part of the House declined to recede and concur in the Senate amendment for the reason that when I asked for unanimous consent that the Senate amendments to the urgent deficiency bill be taken from the Speaker's table and sent to conference I was asked if the House would be given an opportunity, if consent was granted, to vote for this proposition, and I promised the House that an opportunity would be given, and in order to keep faith with the House we brought the proposition back here for the House to dispose of as it sees fit.

Mr. KEIFER. I am under the impression that the House bill provided for substantially the same thing as is provided for in the Senate amendment.

Mr. TAWNEY. Exactly the same thing.

Mr. KEIFER. If it is the same proposition as in Senate amendment 11 upon which the conferees of the two Houses are unable to agree, I do not understand why the Senate did not agree to the House proposition.

Mr. TAWNEY. The House proposition was not before the Senate for the reason that it went out on a point of order.

Mr. KEIFER. Then I do not understand why the House conferees did not agree to the Senate proposition, which is substantially the same as embodied in the original bill reported by the Committee on Appropriations.

Mr. TAWNEY. Because the House conferees promised that they would not agree to it, but would bring it back here to the House.

Mr. KEIFER. I do not know to whom the promise was made.

Mr. TAWNEY. It was made to the House.

Mr. LIVINGSTON. I want to say that one of the conferees objected to agreeing to the Senate amendment for the reason that we have had additional information since the bill was before the House.

In other words, if you will pardon me, this whole case went before Judge Stafford last spring, and the Government expended $25,000 in bringing Government witnesses here, and Judge Stafford ruled that this case could not be tried in the city of Washington and must be tried in the State of California, where the crime was committed. We had that additional information.

Mr. KEIFER. Mr. Speaker, I am always willing to be interrupted by the gentleman from Georgia [Mr. LIVINGSTON], but he is talking about another proposition or another case.

Mr. LIVINGSTON. That is the Hyde-Benson case that the gentleman is talking about.

Mr. KEIFER. He is talking about other cases. I understand that indictments have been found under the direction of the Attorney-General of the United States in the courts of the District of Columbia against Hyde, Dimond, Benson, and Schneider.

Mr. LIVINGSTON. That is the case I refer to.

Mr. KEIFER. Well, the gentleman is referring to cases that have never been tried by the judge he refers to, because they are still pending in the United States court in the District of Columbia. The question, Mr. Speaker, that seems to trouble the gentleman is whether or not we should not sit here as a high court of justice to determine in advance whether the Attorney-General of the United States and the Federal court of this District would be right if they held that the venue for the trial of these persons was in the District of Columbia. I understand the proposition is, and this is the claim made by the defendants' attorneys, that the defendants ought not to be put on trial so for from home. If we do not make this appropriation they won't be put on trial here, or anywhere. They claim that the venue is somewhere else. As a general proposition, in every criminal case there is but one venue, or but one place of jurisdiction, and that is where the crime was committed, and the Attorney-General and those that have had these cases in charge have procured indictments in the United States courts in the District of Columbia. They desire to put these indicted persons on trial in the District of Columbia, where they believe the court has jurisdiction. Then the question of venue will be tried and not disposed of, as the gentleman from Georgia suggests, by somebody, as here, injecting the suggestion that there is no venue at all. It is absurd to ask us to sit here and in advance determine for the court and the Attorney-General and everybody else that the court in the District of Columbia has no jurisdiction to try the case at all, because the crime, in our opinion, was committed somewhere else. This is unusual. The question of venue probably can not be raised upon the indictments in these cases by demurrer or motion, but we will have to depend upon the testimony taken before the judge upon the trial of these defendants, when it will develop whether or not the essential element of the crime was committed in this District or somewhere else. Probably it must depend entirely upon the testimony on the trial to a court and jury, and we are asked to sit in judgment now and say:

> Oh, no; it is our humble judgment that there is no venue; some man said so, and we ought to acquit these men on the floor of the House of Representatives on the indictments without a trial, no matter whether they are guilty or not.

That is the proposition that we are confronting now. The original appropriation bill was right. This is right. We ought to appropriate the necessary money to carry on these prosecutions. If they fail, they will be like other criminal prosecutions that are failing in all the courts, State and Federal, all over the land. I do not know; I can not myself sit in judgment upon the question now and determine whether there is venue in the District of Columbia or somewhere else. This is not the place to take the testimony on the question of where the crime was committed, if one was committed. If it was alleged to be in California we would have the same proposition, that there is no venue out there, and in no case would there be any prosecution anywhere.

Mr. LIVINGSTON. Mr. Speaker, I would ask the gentleman what he has to say about the constitutional right that the defendants have to be tried where the crime was committed?

Mr. KEIFER. Everybody agrees with that. That does not follow the constitutional right alone, but it belongs to the legislation of the land. That rule is older than the Constitution of the United States. It had its foundation in the common law and the laws of England, and we are not determining that question; but the gentlemen object, some of them, to this appro-

priation because the court might find that the constitutional right to be tried was in the District of Columbia. We know if the court on the trial should find that the crime was not committed in the District of Columbia that the venue will fail and jurisdiction will fail, and for the purposes of the trial the defendants will be acquitted.

Mr. LIVINGSTON. If the gentleman will pardon me for one more suggestion——

Mr. KEIFER. Certainly.

Mr. LIVINGSTON. The United States Government is perfectly able out of her immense resources to pay the expenses of the prosecution, but who will pay the thousands and thousands of dollars unnecessarily brought upon the defendants by bringing their witnesses all the way from California? Who is going to take care of that?

Mr. KEIFER. I understand the proposition of the gentleman from Georgia [Mr. LIVINGSTON] is this, that when this body meets to make appropriations to carry on criminal trials in Federal courts, it ought to first inquire whether it will not be a hardship upon the indicted party to try him at all.

Mr. LIVINGSTON. No; the gentleman misstates the position.

Mr. KEIFER. That is the proposition the gentleman claims that we are brought here to meet and decide.

Mr. LIVINGSTON. The gentleman misstates the position. The first thing to inquire is this, Where is the man's right under the Constitution to be tried? If it is in California and you undertake to force it into this District, then the question of expenses comes up and properly comes up.

Mr. KEIFER. We come back, Mr. Speaker, to the same question we started with, and that is whether or not, having found indictments in the District of Columbia Federal court, which on their face, I presume, show that the proper venue is here, the indicted parties must be brought here and tried as is usual.

Mr. TAWNEY. Mr. Speaker, I just want to say one word in answer to the gentleman from Alabama [Mr. UNDERWOOD] on the amendment, which I ask the House to further insist upon its disagreement to. This matter rises far above any personal consideration of his colleague or any personal desire to compensate him for the time that he served on this Commission. If it was a matter of personal favor to his former colleague [Mr. BANKHEAD] I would be as willing as any other man to extend any favor that I possibly could; but under the circumstances, Mr. Speaker, the services of the gentleman from Alabama upon this Commission were without authority of law, and for Congress to appropriate this money in this instance would be virtually acquiescing in the unauthorized creation of this Commission.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes, sir.

Mr. UNDERWOOD. Does the gentleman see any distinction between the creation of this Commission and the creation of the Strike Commission some years ago?

Mr. TAWNEY. I do not recall all the circumstances under which the Strike Commission was created.

Mr. UNDERWOOD. But I mean as a matter of law and——

Mr. TAWNEY. Nor is it clear to my mind that there is any analogy whatever between the Strike Commission and this Inland Waterways Commission. When that Commission was appointed human life and property were involved, while the appointment of this Commission involved nothing of the kind. With all due respect to the gentleman from Indiana [Mr. CRUMPACKER], their appointment was official, not personal. The services of this Inland Waterways Commission were rendered for the Government; they were to render services for the Government, and in the other instance the Commission was appointed voluntarily for the purpose of settling a dispute between certain industries and their employees which threatened the most serious consequences to life and property.

Mr. UNDERWOOD. But both Commissions were appointed for the purpose of obtaining information for the President of the United States, and he so stated in appointing them, and, if I am not mistaken, the gentleman from Minnesota voted as I did. I voted with him to pay the Strike Commission for their services and expenses rendered.

Mr. TAWNEY. That proposition is not at all analogous to the one we are considering. I ask now, Mr. Speaker, for a vote on my motion.

Mr. PRINCE. Mr. Speaker——

Mr. TAWNEY. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. PRINCE. Is not there a contingent fund that the Executive has at his disposal out of which this money can be paid, as it was in the nature of advice or information obtained by the Executive for the good of the Government?

Mr. TAWNEY. I know of none and I know of no way whereby the expenditure, even if there was a contingent fund, could be paid under section 3681, which prohibits the accounting officers from passing any accounts on account of expenses incurred by or on account of any commission.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. How much time have I remaining, Mr. Speaker?

The SPEAKER. Six minutes.

Mr. TAWNEY. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the amendment covering the Hyde-Benson case proposed by the Senate is the item which went out of the bill in the House on the point of order. Briefly, it presents two propositions: First, as to whether Congress shall depart from its present established custom, that the United States and District shall each pay half the expense of the courts of the District, and for the United States to pay the entire expense for the trial of this case. I can see no reason given why, when the United States at large pays half the expense of the trial of the will cases, the real estate cases, the ordinary chancery cases, the justice of the peace, as it were, cases in the courts of the District, where nine-tenths of the business is local—I can see no reason why when we pay half of their local court expenses they should not pay half the expense in this case. That is one aspect of the proposition. The other is this: I trust that no Member of this House who is as poor as I am will ever be called upon to be carried 3,000 miles across the country to be tried on a conspiracy charge, where the venue might be laid in perhaps a half dozen places, and have the Government pour out its treasure to bring witnesses across the continent when the party accused has no money with which to bring his witnesses. The Government could have tried the case in the District of Columbia or in the United States courts in California——

Mr. KEIFER. How do you know?

Mr. MANN. The man has no discretion in the matter. If he is tried here the Government pours out a fund of $60,000. For what? To bring the witnesses across the continent. A few years ago many of us thought that the great State of Kentucky was a little bit oppressive when it appropriated $100,000 to aid in the prosecution of the assassin of a governor of that State, but the cause there was much more extreme than it is here when it is proposed to appropriate $60,000 to bring the witnesses of the Government across the continent and leave the poor defendants to bear the expenses for their own witnesses. It is not justice. It is not the proper way to try cases. It were better that these men, who may be guilty, should go free than that the doctrine should be established that the great Government of the United States should have the opportunity to convict a man because he was too poor to bring his witnesses to court.

Mr. NEEDHAM. Will the gentleman yield for an interruption?

Mr. MANN. Certainly.

Mr. NEEDHAM. Can not he apply to the judge to pay his expenses?

Mr. MANN. He can not, as I understand it.

Mr. NEEDHAM. The United States district attorney told me this morning that he could if he made a showing that he was unable to do it.

Mr. MANN. That is a case in the District, but that case, as I understand it, does not apply to this case at all.

Mr. TAWNEY. Mr. Speaker, I now ask for a vote, unless a separate vote is demanded.

Mr. UNDERWOOD. Mr. Speaker, I demand a separate vote on amendment No. 5, and move to recede and concur in the Senate amendment.

The SPEAKER. The Chair is not clear whether the gentleman from Minnesota [Mr. TAWNEY] demanded the previous question.

Mr. TAWNEY. I did not demand the previous question.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] demands a separate vote on amendment No. 5. The Clerk will report the amendment.

Mr. TAWNEY. On that, Mr. Speaker, I demand the previous question.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry. I ask if it is not in order, even if the previous question is demanded, to move to recede and concur, as that has precedence over the motion to nonconcur?

Mr. TAWNEY. I am not trying to cut out the gentleman from making that motion.

Mr. UNDERWOOD. Then I have no objection.

Mr. TAWNEY. I understand if the previous question is ordered that he can move to recede and concur.

The SPEAKER. The Chair will say that there was a decision of that kind made by Speaker Reed upon a war measure, founded upon the Digest as it was at that time, and the Digest so stated. But subsequent examination of the authority referred to showed that precedent did not sustain the Digest. Since that time the Chair will state that the ruling has perhaps been followed, but it is not necessary for the Chair to intimate what the ruling might be under those conditions, because the question does not arise. The gentleman from Minnesota [Mr. TAWNEY] says that he has no desire to cut out the motion, and perhaps the previous question would cover both motions.

Mr. UNDERWOOD. Then, if the gentleman withdraws the motion to allow me to make the other motion, I move to recede and concur in amendment No. 5.

Mr. TAWNEY. On that I ask the previous question.

The SPEAKER. That would take precedence of the other, as it brings the two bodies together if the motion should be agreed to at this stage, the previous question not having been ordered. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House do recede from its disagreement with the Senate as to amendment No. 5 and concur in the amendment.

Mr. TAWNEY. Mr. Speaker, that is the amendment, I will say for the information of the House, appropriating $1,875 for the services of Mr. BANKHEAD.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

No. 5. Page 17, after line 22, insert:
"To pay John H. Bankhead for his services as a member of the Inland Waterways Commission, from March 14 to June 18, 1907, $1,875."

The SPEAKER. The question is on the motion of the gentleman from Alabama, that the House do recede from its disagreement and concur in the amendment which has just been read.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. UNDERWOOD. I ask for a division.

The House divided, and there were—ayes 56, noes 101.

So the motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Minnesota, to further insist on disagreement to amendment No. 5.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division on that.

The House divided, and there were—ayes 117, noes 12.

So the House determined to further insist on its disagreement.

Mr. NEEDHAM. Mr. Speaker, I move that the House recede from its disagreement and concur in amendment No. 11.

The SPEAKER. The gentleman asks a separate vote on amendment No. 11. The Clerk will report the amendment.

The Clerk read as follows:

All expenses that may be incurred and otherwise chargeable to the United States and District of Columbia in the approaching trial of the case of the United States against Hyde, Dimond, Benson, and Schneider in the District of Columbia shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

The SPEAKER. What is the motion?

Mr. NEEDHAM. My motion is to recede and concur.

Mr. TAWNEY. My motion is that the House further insist on its disagreement.

The SPEAKER. The motion of the gentleman from California takes precedence.

Mr. NEEDHAM. Is not that debatable? I desire to discuss the motion.

The SPEAKER. The gentleman from Minnesota is recognized and has control of the time. Does he yield to the gentleman?

Mr. TAWNEY. I yielded to the gentleman from California to make that motion. If he desires to discuss it for five minutes, I will yield him five minutes.

Mr. NEEDHAM. Mr. Speaker, I called at the office of the United States district attorney for the District of Columbia this morning and obtained from him a statement in regard to this case, which I will ask the Clerk to read in my time.

The Clerk read as follows:

The indictment in the Hyde-Benson case was returned in the District of Columbia, for the reason that the proof of acts by the defendants in furtherance of the conspiracy charged relates chiefly to this District and shows that the conspiracy was in continuous existence and active operation in this District during the entire period covered by the indictment. This is not true as to any other judicial district.

Selections under the act of June 4, 1897, while required to be filed originally in the land office of the land district where the selected lands were situated, had to be forwarded by the local land officers to the General Land Office in this District for consideration and action. Here only could the selections be examined and approved for patent, and here only could the patents issue. Here it was therefore, by bribery of Government officials in the General Land Office, and by other acts in part apparently lawful and in part unlawful and criminal, that the most important acts in furtherance of the conspiracy were performed, and were continuously performed for more than three years. One of the defendants remained in this city in the performance of such acts for more than a year, and another visited the city frequently during the time and here performed similar acts.

The acts done by the defendants elsewhere than in this District, within the period covered by the indictment, related chiefly to the filing of the selection applications and required proofs in the numerous local land offices throughout the public-land States—a few in one land district, a few in another, and a few in another, and so on, covering tracts of land in nearly every land district of the United States. The ultimate object of all such acts, however, was the securing of patents from the General Land Office of this District for the selected lands, and here it was that the defendants were moved to and did put in their most criminal and most effective work. The evidence of this is entirely clear, whereas it is not clear whether the selection applications and proofs, as to most of the lands covered by the indictment, were filed in the aforesaid local land offices by one or more of the defendants, or by innocent purchasers from them of the supposed and apparent right of selection.

As a general rule, the supposed right of selection was sold by the defendants to other persons before the selection applications would be filed, and in very many, if not in most, instances the purchaser would himself file the selection application in the local land office, though usually in the name of one of the defendants or in the name of some one acting for them. This rendered it exceedingly difficult, if not absolutely impossible, to fix the venue, with any degree of certainty as to the proof, elsewhere than in the District of Columbia.

The investigation disclosed very little correspondence or other transactions as between the defendants and the local land officers throughout the country, and such as was secured was of doubtful sufficiency upon which to base jurisdiction.

The evidence disclosed very few, if any, acts in furtherance of the conspiracy done in the northern district of California within the period of the statute of limitations, which fact rendered it wholly inadvisable to undertake to sustain an indictment in that district. The same is true of the district of Oregon.

Upon the whole case the officers in charge of the investigation deemed the course determined upon to be not only wise and proper, but the only course that could be pursued with any degree of safety to the interests of the Government.

Mr. NEEDHAM. Mr. Speaker, that statement shows that this conspiracy was to obtain title to public lands, or the right to select public lands in every public-land State in the United States, and this conspiracy was entered into and carried out in the city of Washington. Now, the practical question before the House is, Will we give the Government sufficient money to bring these defendants to trial? There is not sufficient in the general fund of the District, and the United States Government, and unless Congress appropriates the money, these defendants will come and demand an immediate trial, knowing that the law officers have not the money with which to try them, and they would thus be able to escape trial.

This is one of the most gigantic conspiracies, in my judgment, in all the land-fraud cases, and it is in the interest of public justice that Congress should give sufficient money to try this case. I do not believe there is anything in the contention of the gentleman from Illinois [Mr. MANN]. The United States district attorney informed me this morning, unless I misunderstood him, that if these defendants should come into court and say that they were not able to obtain their witnesses, by reason of their poverty, they could have the compulsory process of the Government. If I am correctly informed, Hyde and Benson are wealthy men and entirely able to pay any expense to which they are put in these cases.

Mr. Speaker, unless this appropriation is given there will be a great miscarriage of public justice, in my judgment.

Mr. PAYNE. Will the gentleman allow me to ask him a question? I have heard it stated—I do not know how it is—that if these cases are not tried in the District of Columbia at present, the statute of limitations will run, with the cases to be brought in other States.

Mr. NEEDHAM. My understanding is that there is no probability of their trial, except under the present indictment.

Mr. HAYES. I will ask my colleague whether or not this case referred to in this bill is the same case that went to the Supreme Court a little time ago on a writ of habeas corpus, and reported in volume 199 of the United States Reports?

Mr. NEEDHAM. I understood they did.

Mr. HAYES. Well, Mr. Speaker, then it occurs to me that it is extremely doubtful, according to the language of this decision, which I have before me, whether these defendants could ever be convicted. It appears to be reasonably conclusive from the reading of this opinion that they could never be convicted, and therefore the appropriation to bring witnesses here would be a waste of public money.

Mr. NEEDHAM. That is a matter for the Department of Justice to consider.

Mr. HAYES. Now, the Supreme Court has made a decision——

Mr. LITTLEFIELD. On what ground does the gentleman make that statement?

Mr. NEEDHAM. My colleague refers to a part of the dissenting opinion of Justice Peckham, making an insinuation——

Mr. HAYES. If the gentleman will permit me——

Mr. NEEDHAM. As I understand it, my colleague refers to a part of the dissenting opinion of Mr. Justice Peckham to the effect that that might be the case; but the majority opinion of the court, as I understand it, carries no such insinuation; and in answer to my colleague I want to say that that is a matter for the Department of Justice to determine, and it is not for Congress to withhold a sufficient fund for trial.

Mr. HAYES. Will the gentleman from Minnesota yield to me a few minutes?

Mr. TAWNEY. I yield three minutes to the gentleman from California.

Mr. HAYES. Mr. Speaker, I have no doubt that the statement of my colleague is correct in regard to these men. I believe that they are fully as guilty—some of them, at least—as he claims, and yet I am a little in doubt as to whether this House ought to make this appropriation or ought to recede from its position as to this amendment. These cases are cases of conspiracy to defraud the Government of the United States, and from this opinion of the Supreme Court, which I will not undertake to read to the House, I conclude that there is no question but what this conspiracy was hatched in the State of California or in the State of Oregon and not in the city of Washington, and that one overt act only was committed here. Now, the Supreme Court of the United States has repeatedly held that in conspiracy cases of this kind, where the overt act occurred does not matter, that the venue would lie where the conspiracy was formed, and that the overt act might be committed in Canada, in England, on the high seas, or any place—that that does not affect it.

This case came before the Supreme Court on a writ of habeas corpus, and a majority of the court refused to look into the evidence upon which the indictment was based to determine whether or not there was probable cause for bringing this indictment. Mr. Justice Peckham, with whom concurred Mr. Justice White and Mr. Justice McKenna, maintained that they should go behind the indictment and look into the evidence, and he apparently did go behind the indictment and look at the evidence.

Mr. LITTLEFIELD. What was the question raised before the court in this case?

Mr. HAYES. The question was that there was not probable cause that the offense charged had been committed. It was claimed that the evidence did not show any offense to have been committed in the District of Columbia.

Mr. LITTLEFIELD. That is, that the indictment ought not to have been found on the facts?

Mr. HAYES. Yes; that there was no proof that any conspiracy was ever formed in the District of Columbia, and the court held that they could not go behind the indictment on a writ of habeas corpus to determine that fact. That was the holding of the majority of the court, but Mr. Justice Peckham claimed that they should go behind it. In delivering his opinion he uses this language, which I beg to read to the House:

The right—

To have this determined—

is none the less when the want of probable cause rests upon the conclusive evidence of the absence of the defendants from the District of Columbia at the time when the indictment alleges the conspiracy was formed in such District. If defendants were not then there, they could not be guilty of the crime charged in the indictment. This case is an extreme illustration of the very great hardship involved in sending a man 3,000 miles across the continent, from California or Oregon to this District for trial, where he has to bring his witnesses, and where on such trial it will appear that the court must direct an acquittal because the averment of the formation of the conspiracy in Washington, D. C., is shown to be false, to a demonstration.

Mr. NEEDHAM. That is from the dissenting opinion?

Mr. HAYES. Yes; but it is from the men who investigated the evidence upon which the indictment was formed.

Mr. LITTLEFIELD. And your point is that the majority of the court did not discuss the evidence at all?

Mr. HAYES. Did not discuss the evidence at all; refused to discuss it. Therefore it must be apparent, it seems to me, that an appropriation of this kind to bring all these witnesses here will be a waste of public money if Mr. Justice Peckham is correct.

Mr. TAWNEY. Will the gentleman from California permit a question?

Mr. HAYES. Certainly.

Mr. TAWNEY. Can the gentleman or any other lawyer in this House suggest how the question of jurisdiction can be authorized to be brought before the Supreme Court of the United States for determination before trial in order to determine the question of jurisdiction in advance of the trial, and therefore save the expense of the trial both to the Government and to the defendants? If there was any way whereby that could be done, it could be agreed to in conference, and I would be perfectly willing to do it. In view of the decision of the Supreme Court I admit that it is practically impossible to authorize that investigation by the Supreme Court into the facts for the purpose of determining the question of jurisdiction without having the evidence before it.

Mr. KEIFER. Mr. Speaker, I want to say to the chairman that the very case the gentleman from California [Mr. HAYES] cites answers the inquiry of the chairman of the Committee on Appropriations. It holds that there is no way to determine in advance of the trial the question of venue or jurisdiction; that the court can not go behind the indictment. That is the whole question we are dealing with here.

Mr. PAYNE. If the gentleman will allow me.

Mr. HAYES. I will yield to the gentleman.

Mr. PAYNE. There has grown up in our State in recent years a practice allowed by the court in criminal procedure for the court to order the minutes before the grand jury of all the testimony taken to be reported to the court for the use of the defendant, and on those minutes a motion is made to quash the indictment because of the insufficiency of the evidence. Now, whether that suggestion will help the conferees in any way I do not know. We have that practice, which has grown up out of the code of criminal procedure in our State. There is a stenographer before the grand jury, and all the evidence is taken down, and this is frequently resorted to. The attorney for the prisoner asks for an inspection of the minutes of the evidence before the grand jury, and that is brought into court, and if it is deemed insufficient to sustain an indictment a motion is made in court to quash the indictment for that reason.

Mr. KEIFER. That is in the gentleman's own State; does he know of any other State in the Union that has that procedure?

Mr. PAYNE. I do not know; we have had it for the last five or six years.

Mr. HAYES. Mr. Speaker, I am not enough of a lawyer to frame, on the spur of the moment while on my feet, a statute or law that will meet the objection of the gentleman from Minnesota. I want to say that some of these men——

Mr. LITTLEFIELD. What is the date of the indictment?

Mr. HAYES. I have forgotten the date; it is something like 1904.

Mr. LITTLEFIELD. Is the gentleman familiar with the facts so that he can answer this question? Is this appropriation asked for this particular case or is it because the general appropriation for the maintenance of the court has been exhausted? Is it necessary for the trial of these cases that this particular appropriation should be made?

Mr. TAWNEY. I will say that the expenses incident to the trial of this case will create a deficiency of $60,000 in the general appropriation for the maintenance of the court.

Mr. LITTLEFIELD. That deficiency will be in the appropriations for the trial of criminal cases in the District?

Mr. TAWNEY. Yes; in so far as it is proposed to pay all the expenses incident to the trial of these cases out of the general fund appropriated for the judiciary, one-half of that expense is charged to the District of Columbia and the other half to the General Government.

Mr. LITTLEFIELD. And it is proposed in this case that the General Government shall pay it all?

Mr. TAWNEY. Yes.

Mr. LITTLEFIELD. In the other cases the Government pays one-half of the expense?

Mr. TAWNEY. Yes.

Mr. HAYES. I would like two minutes more.

Mr. TAWNEY. I will yield to the gentleman from California two minutes.

Mr. HAYES. Mr. Speaker, I desire to say that I do not think this appropriation will be effective to accomplish the purpose. That is why I doubt the wisdom of our receding in this case. Secondly, I recall that one of the principal objections that our forefathers urged against King George was that he took defendants across the water to be tried for offenses far away from their homes and far away from the places where the offenses were committed. I doubt whether this House wants to put itself on record as approving proceedings of this kind—taking defendants far away from the place where the offense was committed and bringing them here for trial at great expense to themselves and to the Government.

Mr. LITTLEFIELD. I would like to inquire whether indictments have been found elsewhere. It seems that offenses have been committed in other States under other jurisdictions.

Mr. HAYES. I am not able to state whether any indict-

ments for this particular offense have been found, but at least one of these defendants has been convicted in the State of California for some of these land frauds and has been sentenced, and other indictments are pending there, as I have stated.

Mr. LITTLEFIELD. For the same conspiracy?

Mr. HAYES. Perhaps not for the same conspiracy, but a conspiracy of the same sort. I have no doubt that if the evidence is sufficient they will be convicted in California just as easily as in Washington.

Mr. BUTLER. Mr. Speaker, I would like to ask a question. If this appropriation is not made, will the cases be tried in the District of Columbia?

Mr. HAYES. I do not know.

Mr. NEEDHAM. No; they can not try them without an appropriation or a provision of this kind.

Mr. TAWNEY. Mr. Speaker, I will yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I know next to nothing about these cases, and I know nothing about the defendants or their lawyers, but I have called to my mind very vividly a year or two ago what could be done in a case like this. A former Member of this House, who had been Commissioner of the Land Office after he had served a previous term in Congress, was indicted for these land frauds. After a long trial in the District here, where he was compelled to pay the expenses of his witnesses across the continent, he has gone back home acquitted, bankrupt, his property all gone, his position gone, and everything taken away from him by the Government which he had served; and, having been ruined financially on the trial of the case here in this District, he is to be tried at home upon some case of the same sort. His property and means were all taken away from him in obtaining an acquittal in the District here.

Mr. NEEDHAM. Let me ask the gentleman if that was not for destroying public records in the District of Columbia?

Mr. MANN. Oh, I am not saying whether that case had to be tried here or not. They could have tried him there. I am speaking of the result of the case—brought across the continent upon an indictment which, when presented to the jury with the evidence, was disposed of in a few minutes' time. Nobody pretended, after the evidence was in, that there was any case against Binger Hermann in the District of Columbia, but he has gone home, ruined financially, to endeavor to defend himself at home against new indictments, with the whole power of the National Treasury against him, and because of his case, so far as I am concerned, I never will knowingly vote to drag a man from California to be tried in the District of Columbia when the offense is such that it could be tried in California, where he lives, as well as in the District of Columbia. Perhaps the venue might lie in both places.

Mr. KEIFER. No; it is not possible, and never was.

Mr. MANN. Oh, well, in a conspiracy case——

Mr. KEIFER. A conspiracy case does not differ from any other.

Mr. MANN. If there is any venue anywhere in this case, it is in California, and not in the District of Columbia, if there is only one venue; but a conspiracy case may often be tried in a dozen different places.

Mr. BURLESON. But what about these cases being barred by the statute of limitation?

Mr. MANN. I know nothing about that.

Mr. TAWNEY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from California, that the House recede from its disagreement to the Senate amendment and agree to the same.

The question was taken, and the motion was rejected.

Mr. TAWNEY. Mr. Speaker, I now ask for a vote on my motion, that the House do further insist upon its disagreement to the Senate amendment numbered 11.

The question was taken, and on a division (demanded by Mr. MANN) there were—ayes 110, noes 7.

So the motion was agreed to.

Mr. TAWNEY. Mr. Speaker, I now move that the House do further insist on its disagreement to Senate amendment No. 26.

The SPEAKER. The Clerk will report the amendment.

The Clerk again reported the amendment.

The SPEAKER. The question is on the motion of the gentleman from Minnesota.

The question was taken, and the motion was agreed to.

Mr. TAWNEY. Mr. Speaker, I move that the House ask for a further conference.

The motion was agreed to.

The Speaker appointed the following conferees on the part of the House: Mr. TAWNEY, Mr. VREELAND, and Mr. LIVINGSTON.

AMERICAN PASSPORTS IN RUSSIA.

Mr. CAPRON. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report the following resolution, which I send to the desk and ask to have read:

The Clerk read as follows:

House resolution 223.

Resolved, That the Secretary of State be, and he hereby is, requested to communicate to this House, if not incompatible with the public interests, the correspondence relating to negotiations with the Russian Government concerning American passports since the adoption of the resolution by the House of Representatives relating to that subject on the 21st day of April, 1904; and also a copy of the circular letter issued by the Department of State to American citizens advising them that upon the Department receiving satisfactory information that they did not intend to go to Russian territory or that they had permission from the Russian Government to return, their application for passport would be reconsidered; and also a copy of the notice accompanying such letter issued by the Department of State, dated May 28, 1907.

Mr. CAPRON. Mr. Speaker, a member of the committee has expressed a desire to speak upon this resolution. I desire to withhold a motion to lay the resolution on the table pending an opportunity for the gentleman to address the House. I ask unanimous consent that twenty minutes on a side be allowed for a discussion of this motion which I propose to make, if it is necessary to have any side.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent that twenty minutes be allowed on a side. Is there objection?

There was no objection.

The SPEAKER. The Chair will ask who is to control the time. Is the time to be in control of the gentleman from Rhode Island?

Mr. CAPRON. Yes.

The SPEAKER. Who is to control the twenty minutes on the other side?

Mr. HARRISON. I suppose, Mr. Speaker, that that time should be in my control.

Mr. CAPRON. I propose to yield twenty minutes to the gentleman from New York [Mr. HARRISON], after a word in explanation. In view of the fact, Mr. Speaker, that this resolution was referred to the Department of State and in its reply it is stated that it is not deemed compatible with the best interests at this time to communicate the subsequent correspondence with the Russian Government, the committee decided upon the motion which I shall subsequently make, to ask that it be laid on the table. I now yield twenty minutes to the gentleman from New York [Mr. HARRISON].

The SPEAKER. One moment. Whoever is recognized as being opposed to the motion which the gentleman gives notice he will make at the expiration of forty minutes, or so much time thereof as may be taken, is entitled to recognition in his own right. Does the gentleman yield his own time in addition to the other twenty minutes?

Mr. CAPRON. I do not so understand it.

The SPEAKER. Then the Chair will recognize in his own right the gentleman from New York.

Mr. CAPRON. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Rhode Island reserves the balance of his time.

Mr. HARRISON. Mr. Speaker, as a member of the Committee on Foreign Affairs, I protest against the tabling of this resolution. The resolution was introduced by my colleague from New York [Mr. GOLDFOGLE] and is an inquiry into the administration of the Department of State. It inquires, as has appeared from the Clerk's reading, first, as to the negotiations between our Government and the Government of Russia since the presentation of the resolution passed by the House of Representatives four years ago (April 21, 1904), and secondly, as to the issuance by the Department of State of a certain circular letter and circular accompanying it, which I will send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

CITIZENSHIP.

DEPARTMENT OF STATE,
Washington, ———, 190–.

SIR: The Department is in receipt of an application for a passport of ——— ———, from which it appears that —— born in ———. Your attention is invited to the inclosed notice to former subjects of Russia who contemplate returning to that country, from which you will perceive that it is a punishable offense under Russian law for a Russian subject to obtain naturalization in any other country without the consent of the Russian Government. While this Government dissents from this requirement, it can not encourage American citizens whom it is likely to affect to place themselves within the sphere of its operation. *Upon receiving satisfactory information* that —— not intend to go to Russian territory, *or that —— permission from the Russian Gov-*

ernment to return, the application for a passport will be reconsidered immediately.

Returning the application, the certificate of naturalization, and the sum of $1 (——).

I am, sir, your obedient servant,

——— ———,

Chief, Bureau of Citizenship.

[Inclosure.]

RUSSIA.

Notice to American citizens formerly subjects of Russia who contemplate returning to that country.

A Russian subject who becomes a citizen of another country without the consent of the Russian Government commits an offense against Russian law, for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but an American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

Jews, whether they were formerly Russian subjects or not, are not admitted to Russia unless they obtain special permission in advance from the Russian Government, and this Department will not issue passports to former Russian subjects or to Jews who intend going to Russian territory unless it has assurance that the Russian Government will consent to their admission.

No one is admitted to Russia without a passport, which must be viséed, or indorsed, by a Russian diplomatic or consular representative.

ELIHU ROOT.

DEPARTMENT OF STATE, *Washington, May 28, 1907.*

Mr. HARRISON. Mr. Speaker, I wish to make it clear to the House that in this circular of May 28, 1907, the Department of State refuses the American passport not only to former subjects to Russia who have become naturalized American citizens, but also specifically to all Jews in the United States. Now, this is a most surprising and deplorable chapter of American diplomacy. Four years ago in the House of Representatives I had occasion to make an address upon the question of the dishonoring by Russia of the American passport. At that time, and largely as the result of the efforts of my colleague from New York [Mr. GOLDFOGLE], a resolution passed the House of Representatives requesting the President of the United States to renew negotiations with foreign Governments where discrimination is made between different classes of American citizens on account of their religious faith and to secure uniformity of treatment for all American citizens alike. This is a question which is very near to the hearts of the American people. It touches very closely upon our national honor, and it challenges that political equality forged for us in the blood and sweat of our revolutionary forefathers. But a short time ago it seemed that the question was about to be solved in a way satisfactory alike to our sentiment and our honor, but now our rights have been surrendered, our position has been abandoned and by the very persons appointed to defend it.

The question at issue was, and is, Shall the bearer of an American passport, holding in his hand the highest evidence of American citizenship, be halted, examined as to his religious faith, subjected to inquisition and humiliation, and, finally, because of that religious faith, denied admission to the boundaries of an Empire with which we are at peace and which is bound to us by the most solemn of treaties?

I call the attention of the House to the fact that the right of American citizens to travel and sojourn in Russia is not dependent upon the whims and fancies of an unhappy autocrat, but is based upon rights secured to us by the treaty of 1832 and approved by the enlightened conscience of the civilized world. That treaty gave to Americans and to Russians the reciprocal right to travel and sojourn in the territory of the other country and while there to have the same security and protection as natives of those countries. The right of Americans to enter Russia is therefore so plain that he who runs may read, and yet from the very language of this unequivocal clause of the treaty the Russians, with characteristic duplicity, have within this generation asserted a right to exclude a whole class of American citizens simply on account of their religious faith. They now claim that, having themselves adopted stern repressive laws against Hebrews in the Empire, long after the date of this treaty, the Americans of Jewish faith are not entitled to any more privileges in Russia than their own Jewish subjects. Against this intolerable assumption we have always protested with indignation. They dare not, of course, subject our citizen to the violence and persecution to which the Russian Jew is accustomed, so they shut the door in his face, the treaty notwithstanding.

At the time of the adoption of the treaty Jews in Russia were treated with great justice and consideration. Clouds of ignorance and superstition which had for centuries weighed upon the land had been dispelled by Catherine the Great. In her reign explicit toleration of all foreign religions was a fundamental policy of the Empire. Then came the partition of Poland, and through participation in that historic crime Russia suddenly acquired an enormous Jewish population. At first, and for many years, they were well treated. A wise and beneficent internal policy promoted the assimilation of the Jews into the Rusian Empire. Jewish agricultural colonies were founded. The Hebrews were urged to enter the universities as one of the best methods of breaking down Jewish exclusiveness. Foreign Jews of good repute were invited to domicile themselves in Russia and to purchase and lease real estate there. Down to 1860—for nearly eighty years—and especially under those enlightened rulers, Nicholas the First and Alexander the Liberator, the Jews were a favored people in Russia. In those days of liberality and toleration the treaty of 1832 was concluded with the United States. What warrant, then, is there for the assertion of the latter-day Russian bureaucrats that the right was conferred upon them under this treaty to harass, humiliate, and reject a whole class of American citizens whose sole crime, in their eyes, is a profound and conscientious belief in the Hebrew religion? Not one shade of reason, not one atom of truth or justice, can be found in such an argument. If any American statesman of 1832 had dared to advocate this treaty, believing that thereby he conferred upon a foreign government a contemptible pretext for a religious inquisition and discrimination among our citizens, he would have been swept out of public life with the scorn of his contemporaries. A course so undemocratic, so unrepublican, so un-American, so utterly subversive of our principles of government would have entitled him to national dishonor.

Russian officials, fifty years later, when a change of heart had come over them and fanatical despotism had obscured their reason, invented this pretext and clothed it with the dignity of an international argument. Russia has entirely reversed her attitude toward the Jews and inaugurated a reign of terror which has ground them between the millstones of poverty and despair. In place of generous and beneficent legislation, repression and secret police regulations reduced the Jews to misery. They have become the pity of the world. A tangled web of more than a thousand laws and police ordinances surrounds the Russian Jew to-day, so that he is hardly able to say whether he has any rights at all but the bare right to exist, and even of that he may be deprived.

Russian official stupidity has aroused a mighty and vexatious Jewish question. At first it began with legislation. In 1882 new laws prohibited Jews from buying or renting lands outside the cities and incorporated towns. Restrictions in 1891 were made more severe. To-day the entire Jewish population of Russia—some 5,000,000 of people are crowded into the cities of the southwestern border, in what is known as the "Pale." Here they live in the greatest distress and poverty. Education in Russian universities is practically denied them. Public and professional careers are almost closed to them. Freedom to move from town to town is withheld, and to crown all periodic "pogroms" or semiofficial massacres are instituted, in which whole regions within the Pale have been devastated with the sword, the rifle, and the torch. And the end is not yet. The antisemitic agitation is constantly going on, secretly encouraged by the authorities.

During the year 1906, according to official figures, 22,000 people were injured in the antisemitic outbreaks, most of which were promoted by Governmental agents. I wish to make it plain that this is a matter for which the Russian Government is entirely responsible. Left to himself, the Russian moujhik is amicable and able to live at perfect peace with his Jewish neighbors. It is now believed that the highest persons in the Empire are in sympathy with the movement.

At first, no doubt, some of the agitation was due to economic causes. The sobriety, self-denial, and foresight of the Israelite gave him an enormous advantage over the boozy, procrastinating Russian peasant. But restrictive regulations have now removed the question from the realm of economics. The Jew no longer under the law has the power of industrial competition. The recent massacres were inspired by official hatred and religious fanaticism. Writing in 1893, our minister to Russia, Mr. Andrew D. White, assigned as causes of agitation against the Jews:

> Vague inherited prejudices with myths and legends like those of the Middle Ages.

Mr. Speaker, I have gone into the distressing subject of the present condition of the Jew in Russia to contrast his unhappy lot to-day with his favorable situation in 1832, when this treaty was entered into. But much as they arouse our sympathy, our first efforts must be directed toward the protection of our own citizens. We have even interfered in the past in the internal administration of foreign countries on behalf of oppressed Jews. Shall we do less for our own citizens? Rus-

sian official fanaticism must not be visited upon Americans. Russian police regulations may not be invoked in contravention of treaty rights. Every American must be accorded the same reception at the borders of Russia. An American Jew must be able to say:

Keep me out at your peril, or keep out all Americans if you dare.

Their local laws must be subordinated to our treaty rights. Mr. Blaine, in defending these rights, wrote, on July 29, 1881, about the expulsion of American Jews from St. Petersburg:

The obligation of a treaty is supreme and the local law must yield. * * * Where a treaty creates a privilege for aliens in express terms it can not be limited by the operation of domestic law without a serious breach of the good faith which governs the intercourse of nations. * * * The Government of the United States concludes its treaties with foreign States for the equal protection of all classes of American citizens.

This vigorous and patriotic letter followed shortly after a resolution of the House of Representatives of June 10, 1879, protesting against discriminations against American Jews in Russia. It was followed some years later by a reference to the subject by President Cleveland in his annual message of December 2, 1895, and has been the cause of much correspondence ever since, notably by Secretary of State Hay, the greatest, perhaps, of all our foreign Secretaries since John Quincy Adams. Mr. Hay said in his letter to Mr. William Wilson, July 17, 1902, that the United States—

can admit no such discrimination amongst its own citizens and can never assent that a foreign State of its own volition can apply a religious test to debar any American citizen from the favor due all.

The culminating point in all these negotiations was reached in 1904, when the House of Representatives adopted the resolution referred to at the beginning of my remarks, requesting President Roosevelt to renew negotiations with a view to putting an end to this obnoxious practice.

That resolution was transmitted to the Russian Government by Ambassador McCormick, and his letter of transmittal is so clear, so forcible, and so manly that I do not hesitate to pronounce it the most American of all this chapter of diplomacy. Mr. McCormick wrote:

This resolution voices not only the feelings of the people, but also a principle which lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live question with us and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States. Aside from the belief that the treatment accorded by Russia to many of our most reputable citizens is needlessly repressive, public opinion, as your excellency knows, plays a large part in the foreign relations as well as domestic affairs with us, and when underneath this public opinion there lies an important principle, as is the case in the United States, it can not be left out of account by those who have maintained the close relations which it is desired by my Government to see maintained with this great Empire and her august ruler.

Strong words those, strong and manly words, and worthy of the American nation. But what has been the result of them? "Montes gravidunt mus ridiculus exit." All our years of diplomatic labor, the half-veiled threats of Ambassador McCormick in transmitting the resolution of this House have all come to—what? They have come to this circular of May 28, 1907, and letter issued by the Department of State. Not only have we abandoned our position, but there is no need now for Russian officials to enforce at the frontier the stern edict of their Emperor; our own Secretary of State is willing to do it here for them in the Department of State, forbidding to our own citizens their passports and withholding the protection of our own Government. And why? Because, forsooth, they are Jews! What name, I ask you, is signed at the bottom of that circular? Is it the name of Nicholas II, Czar of all the Russias? No; it is the name of Elihu Root, the American Secretary of State.

Formerly the Russian consul-general in New York performed this odious duty for his imperial master—lately this Department of State did it for him. Here is what a former Secretary of State—Gresham—wrote on the subject:

It is not constitutionally within the power of this Government or any of its authorities, to apply a religious test in qualification of the equal rights of all citizens of the United States.

And that it was—

impossible to acquiesce in the application of such a test, within the jurisdiction of the United States by the agents of a foreign power.

And that it was—

repugnant to the national sense.

He could not foresee that our own Department of State was so soon to perform that function for the Russian agents. Nor did Mr. Bayard, when in 1885 he wrote to Mr. Emmet as follows:

There is no law of the United States requiring a passport to state when a naturalized citizen left the country of his birth. * * * A different course might imply that the right of the foreign government to participate in or make the naturalization of its subjects conditional was acknowledged here. This it has never been and probably never will be. * * *

How could he have foreseen that twenty-three years later his prophecy would be confounded?

Mr. Speaker, I challenge the legal right of the Department of State to have issued this circular of May 28, 1907, and the accompanying letter. No precedent can be found for such an action. No law can be cited in support of it. The passport is primarily a certificate of citizenship; it is granted as a matter of right to every American citizen who chooses to apply for it. I have here a list of the cases in which passports have been denied by the Department of State to individuals upon the ground that those individuals were personally unworthy. Never a precedent where a class of citizens was excluded on account of their religious faith. I will read to the House these half dozen precedents.

Passports have been refused when the person applying for them "was hostile to the Union," or where the person was "engaged in violation of the laws of the United States," or where the person was "one of the criminal classes," or where the person was a "contumacious fugitive from justice," or where the person was an "anarchist," or a "Mormon missionary," or a person who "while abroad has a purpose to reside indefinitely in a foreign country or fails to show a reasonable intention to return to the United States."

Now, search that list of reasons for refusing a passport to American citizens, and find, if you can, the classes in which the Secretary of State would place the worthy and respectable Hebrews of America. Is it as "hostile to the Union" that he refuses them their passports? I ask you to search the lists of our military service, and that question will answer itself. Is it as "anarchists" that they are refused the passport, when they are known the world over as the most industrious and conservative of citizens?

Mr. Speaker, I deny categorically and absolutely the right of the Department of State to have issued this circular of May 28, 1907, and I deny further their pretension to make inquisition into the religious belief of an American citizen. If they can not secure for American citizens rights secured to us under our treaty, if they must make one of the sovereign rights of the American citizen conditional upon the assent of a foreign emperor, let them say so, and let them face the people upon that issue. I want to picture to you gentlemen what this means. Not only is it a matter of offense and insult to the Hebrews of the United States who are native born and who may have figured in some of the most memorable and honorable chapters of our history, but it is also applicable to a whole class of American citizens who were formerly subjects of Russia. One-eighth of the immigration to the United States nowadays is composed of Russian Jews. Not a family in Lithuania but has some near relative in the New World. Tens of thousands of them have fled from the land of oppression. A new exodus has taken place from under a taskmaster more stern and more severe than the Pharaoh Rameses. Tens of thousands of these people now far from the bayonets and shouts of the Cossacks, far from the scenes of riot, of murder and sudden death, are safely housed in our hospitable land, helping to upbuild the prosperity of us all. Shall we debar them forever from all chance of returning to the scenes of their childhood? Can we deny them the right to carry back to those whom they have left behind some message of hope for the future? Are we to deny them the right to take legal succession to property in Russia? This is inconsistent with our assertion of sovereignty. It is repugnant to our principles of national policy.

In the middle ages, throughout so-called "Christendom," the Jew was obliged to wear a ring of bright color upon his breast and upon his back, so that the children playing in the street might pause to point him out and to make mock of him. Today, in the twentieth century, in a land grown great because of our fundamental equality of religious faith, our own Department of State has affixed the Jewish badge. Down through the corridors of time comes ringing the old cry of "Hep, hep!" Shall we tolerate its echoes in our own Department of State? Shall we have the world to know that officially we have two classes of citizens, the one the Gentile and the other the Jew? That the former is the full citizen and the latter only a citizen by grace of the Secretary of State and the Emperor of Russia? Or shall we restore to the title of American citizen the glory which is its birthright?

Now, I want for a moment to take up the letter of the Secretary of State of last Saturday, which is introduced here for the purpose of blocking this inquiry. I wish to say to you gentlemen on the Republican side that this is not a partisan matter.

It has never been so treated before. You had a plank in your last national platform upon the subject, and so had we. In my service in the House I have never seen any evidence of an effort to bring the question of partisanship into the matter, and I beg you that, as it has not been so in the past, it shall not be now. I ask you to join us in saying that the Secretary of State shall not strangle by his premature and unsatisfactory answer to the resolution of inquiry asking for information that we are entitled to have. This gentleman [Mr. Root] is the most noted and skillful and successful apologist of modern times, but this is a very weak apology he has written here. He has furnished us with a circular, which, he says, has been substituted for the offensive circular. That substitution took place on the 25th of January, after the other circular had been published eight months, and after my colleague [Mr. GOLDFOGLE] had gone to the bureau of citizenship and called their attention to the words of the circular, which contained much offense, and had vigorously protested in the name of the Hebrews of America. This is no answer to the resolution of inquiry, nor does it give any reason why there should be so much mystery or sanctity thrown around a discussion of our relations with Russia. It is quite evident that nothing has been done by the Department of State since 1904.

Now, gentlemen, in the days of the old Roman Empire, the proud boast of "Civis Romanus sum" was respected throughout the civilized world, from the borders of Parthia to the Ultima Thule of Britain. I ask you to restore to Americans the glory that is theirs, so that it shall be recognized throughout the modern world that the proudest boast of our day is the statement, "I am an American citizen." [Loud applause.]

I reserve the balance of my time.

Mr. CAPRON. Does the gentleman desire to use his time at this time?

Mr. HARRISON. I reserve the remainder of my time.

Mr. CAPRON. Then I yield such time as I have remaining to the gentleman from Illinois.

[Mr. LOWDEN addressed the House. See Appendix.]

Mr. HARRISON. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has three minutes.

Mr. HARRISON. Mr. Speaker, I was very much edified by the interesting disquisition that the gentleman has made upon the war of 1812, but it does not seem to me that he has covered half the question now at issue in his reply. He did not touch on the circular of May 28, 1907, which is the one really under discussion.

Mr. LOWDEN. May I interrupt the gentleman?

Mr. HARRISON. I have only three minutes. The gentleman can reply in his own time.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HARRISON. I want to ask the gentleman how he can justify the Secretary of State in refusing, not only to naturalized American citizens who were formerly Russian subjects, but to all American Hebrews, the right to have a passport unless a foreign power shall give consent before the passport is issued? He has furnished a very interesting historical discourse, which has given me much useful information, but he has not answered the question at issue at all.

Now, gentlemen, I appeal to you to get an answer out of the Department of State which shall be a real answer. Why did they publish the circular of May 28, 1907? What justification had they for doing so, and why did they subsequently and secretly retract it without informing the man who had protested at the bureau of citizenship and thus had brought about this inquiry—my colleague from New York [Mr. GOLDFOGLE]? Why did they do it, except to forestall the resolution of inquiry? If it was right for them for eight long months to publish a circular saying that "this Department will not issue passports to former Russian subjects or to Jews who intend going to Russian territory unless it has assurance that the Russian Government will consent to their admission," why did they retract it secretly and hurriedly last week? We are entitled to know what this means. You, gentlemen, are not here merely as individuals; you are here as Represenatives of the great American people. You represent millions of Americans who are entitled to know what is going on in this matter. I tell you there was a time not very long ago when the Congress practically managed the foreign affairs of this country, but to-day, at the suggestion of the Secretary of State that it would now be indiscreet to inquire into his doings, you propose meekly to bow your heads and receive the rod. That is not American. I appeal to you, gentlemen, to put this resolution of inquiry through and get all the information that the Department of State has on the subject. [Applause.]

Mr. CAPRON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. CURRIER). The gentleman from Rhode Island has eleven minutes remaining.

Mr. CAPRON. I yield such time to the gentleman from Illinois as he desires.

[Mr. LOWDEN addressed the House. See Appendix.]

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Speaker, I ask for the same privilege.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CAPRON. Mr. Speaker, I think it is a sufficient reply to the inquiry of the gentleman from New York, my colleague on the committee, to say that the purpose of the circular from the State Department to which he referred was simply for the protection of American citizens of Russian-Jewish descent who might, if free passports were given them, get themselves into conflict and trouble with the Russian law, one sentence of which I ask permission to read from the Secretary of State's report:

> Under the present Russian law a subject who becomes a citizen of another country without the consent of the Russian Government is deemed to have committed an offense for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

Mr. SULZER. Will the gentleman yield for a question?

Mr. CAPRON. Considering the short time I have, it does not seem best for me to get into a discussion of international law with the gentleman from New York, who is so thoroughly versed upon that subject, and therefore I ask him to excuse me from yielding.

The SPEAKER pro tempore. The gentleman from Rhode Island declines to yield.

Mr. CAPRON. I would say that a statute of that kind standing, as has been stated, on the basis of a lack of an international treaty regarding this subject, would seem to determine the action of the House to be all sufficient; but, with the State Department in the midst of negotiations which have not been completed, and such negotiations involving the correspondence in regard to the general subject, it not yet being a settled question, I ask any intelligent gentleman in this House if he would think it wise at this time for the State Department to promulgate this tentative arrangement which has progressed so far that within a few days a circular has been issued from the Department that passports will be granted generally to anyone who applies, and will not be refused, as they have been for the past four years, because of their desire to protect naturalized citizens from any oppression that might come to them in that country where conditions are so unsettled as they are in Russia.

Mr. GOLDFOGLE. Mr. Speaker——

Mr. CAPRON. Well, Mr. Speaker, if the gentleman has something which is really unpleasant, I would like to hear it. [Laughter.]

Mr. GOLDFOGLE. I did not catch the remark of the gentleman from Rhode Island.

Mr. CAPRON. It is not necessary to repeat it. I have yielded, and I will be glad to answer any question that I can.

Mr. GOLDFOGLE. The gentleman from Rhode Island, who is so thoroughly conversant with the procedure of this House and the form of resolutions, especially when they relate to foreign affairs, will perhaps answer this inquiry. The gentleman from Illinois [Mr. LOWDEN] seemed to take exception to that portion of the resolution that called upon the Secretary of State to inform this House, if not incompatible with the public interest, as to certain things. Does not the gentleman from Rhode Island recognize the fact that that is the regular, customary, uniform way of wording a resolution?

Mr. CAPRON. The resolution or the reply?

Mr. GOLDFOGLE. The resolution.

Mr. CAPRON. Why certainly, and I should say that under the circumstances and from my experience covering some years,

as the gentleman has said, that it ought to be the stereotyped reply to very many resolutions of this kind. I believe there is nothing more that I desire to say and I therefore move that the resolution do lie upon the table.

Mr. HARRISON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HARRISON. May I ask the privilege of unanimous consent for such gentlemen on this side of the Chamber as desire to print their remarks in the RECORD, to be accorded that privilege for the next five days.

Mr. CAPRON. I shall object.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that members have five days in which to print remarks, and to that request the gentleman from Rhode Island objects. The question is on the motion of the gentleman from Rhode Island, that the resolution do lie upon the table.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. Will the Speaker withhold the stating of that motion for a second?

The SPEAKER pro tempore. The question is not debatable.

Mr. YOUNG. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The regular order is demanded. The question is on the motion of the gentleman from Rhode Island that the resolution do lie upon the table.

The question was taken, and a division was demanded by Mr. SULZER.

The House divided, and the Speaker announced that 56 had voted in the affirmative.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House, I believe that we had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 120, nays 101, answer "present" 7, not voting 161, as follows:

YEAS—120.

Acheson	Dawson	Hull, Iowa	Norris
Alexander, N. Y.	Douglas	Humphrey, Wash.	Olcott
Allen	Draper	Jenkins	Olmsted
Bannon	Dwight	Jones, Wash.	Overstreet
Barchfeld	Edwards, Ky.	Kinkaid	Parsons
Barclay	Englebright	Knapp	Payne
Bates	Esch	Knowland	Perkins
Beale, Pa.	Foster, Vt.	Küstermann	Porter
Birdsall	Foulkrod	Lafean	Pray
Bonynge	Fuller	Langley	Prince
Brownlow	Gaines, W. Va.	Law	Reeder
Burke	Gardner, N. J.	Lawrence	Reynolds
Burton, Del.	Gilhams	Lindbergh	Roberts
Butler	Greene	Littlefield	Smith, Iowa
Calder	Gronna	Longworth	Snapp
Campbell	Hale	Lovering	Stafford
Capron	Hall	Lowden	Steenerson
Cary	Harding	McCall	Stevens, Minn.
Caulfield	Haskins	McCreary	Sulloway
Chapman	Haugen	McGuire	Taylor, Ohio
Cocks, N. Y.	Hayes	McKinney	Thomas, Ohio
Conner	Henry, Conn.	Madison	Tirrell
Cooper, Wis.	Hepburn	Malby	Volstead
Cousins	Hinshaw	Mann	Waldo
Crumpacker	Howell, N. J.	Miller	Wanger
Currier	Howland	Moon, Pa.	Washburn
Cushman	Hubbard, Iowa	Moore, Pa.	Weeks
Dalzell	Hubbard, W. Va.	Morse	Weems
Darragh	Huff	Mouser	Wheeler
Davis, Minn.	Hughes, W. Va.	Needham	Young

NAYS—101.

Adair	Dixon	Houston	Rucker
Adamson	Ellerbe	Howard	Russell, Mo.
Alexander, Mo.	Ferris	Hughes, N. J.	Russell, Tex.
Ansberry	Finley	Hull, Tenn.	Sabath
Ashbrook	Flood	Humphreys, Miss.	Shackleford
Bartlett, Ga.	Floyd	James, Ollie M.	Sheppard
Beall, Tex.	Foster, Ill.	Johnson, Ky.	Sherwood
Bell, Ga.	Fulton	Kelliher	Sims
Booher	Garner	Kimball	Slayden
Bowers	Garrett	Kipp	Smith, Mo.
Brantley	Gill	Lamar, Mo.	Smith, Tex.
Brodhead	Goldfogle	Leake	Stanley
Burgess	Gregg	Lloyd	Stephens, Tex.
Burnett	Hackett	Maynard	Sulzer
Byrd	Hackney	Moon, Tenn.	Talbott
Candler	Hamill	Moore, Tex.	Tou Velle
Carter	Hamilton, Iowa	Nicholls	Underwood
Clark, Fla.	Hammond	O'Connell	Wallace
Clark, Mo.	Hardwick	Padgett	Watkins
Cockran	Hardy	Page	Webb
Cooper, Tex.	Harrison	Peters	Williams
Cox, Ind.	Hay	Pujo	Wilson, Pa.
Cravens	Heflin	Randell, Tex.	Wolf
Crawford	Helm	Rauch	
Davenport	Henry, Tex.	Rhinock	
Denver	Hitchcock	Rothermel	

ANSWERED "PRESENT"—7.

Boutell	Gaines, Tenn.	Ransdell, La.	Small
Denby	Goulden	Sherman	

NOT VOTING—161.

Aiken	Ellis, Oreg.	Kennedy, Ohio	Parker, S. Dak.
Ames	Fairchild	Kitchin, Claude	Patterson
Andrus	Fassett	Kitchin, Wm. W.	Pearre
Anthony	Favrot	Knopf	Pollard
Bartholdt	Fitzgerald	Lamar, Fla.	Pou
Bartlett, Nev.	Focht	Lamb	Powers
Bede	Fordney	Landis	Pratt
Bennet, N. Y.	Fornes	Laning	Rainey
Bennett, Ky.	Foss	Lassiter	Reid
Bingham	Foster, Ind.	Lee	Richardson
Boyd	Fowler	Legare	Riordan
Bradley	French	Lenahan	Robinson
Brick	Gardner, Mass.	Lever	Rodenberg
Broussard	Gardner, Mich.	Lewis	Ryan
Brumm	Gillespie	Lilley	Saunders
Brundidge	Gillett	Lindsay	Scott
Burleigh	Glass	Livingston	Sherley
Burleson	Godwin	Lorimer	Slemp
Burton, Ohio	Goebel	Loud	Smith, Cal.
Calderhead	Gordon	Loudenslager	Smith, Mich.
Caldwell	Graff	McDermott	Southwick
Carlin	Graham	McGavin	Sparkman
Cassel	Granger	McHenry	Sperry
Chaney	Griggs	McKinlay, Cal.	Spight
Clayton	Haggott	McKinley, Ill.	Sterling
Cole	Hamilton, Mich.	McLachlan, Cal.	Sturgiss
Cook, Colo.	Hamlin	McLain	Tawney
Cook, Pa.	Hawley	McLaughlin, Mich.	Taylor, Ala.
Cooper, Pa.	Higgins	McMillan	Thomas, N. C.
Coudrey	Hill, Conn.	McMorran	Townsend
Craig	Hill, Miss.	Macon	Vreeland
Davey, La.	Hobson	Madden	Watson
Davidson	Holliday	Marshall	Weisse
Dawes	Howell, Utah	Meyer	Wiley
De Armond	Jackson	Mondell	Willett
Diekema	James, Addison D.	Mudd	Wilson, Ill.
Driscoll	Johnson, S. C.	Murdock	Wood
Dunwell	Jones, Va.	Murphy	Woodyard
Durey	Kahn	Nelson	
Edwards, Ga.	Keifer	Nye	
Ellis, Mo.	Kennedy, Iowa	Parker, N. J.	

So the motion was agreed to.

The Clerk announced the following pairs:

Upon this vote:

Mr. TOWNSEND with Mr. SPIGHT.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. STURGISS with Mr. SMALL.

Mr. STERLING with Mr. ROBINSON.

Mr. SOUTHWICK with Mr. RYAN.

Mr. SLEMP with Mr. SAUNDERS.

Mr. SCOTT with Mr. RICHARDSON.

Mr. RODENBERG with Mr. REID.

Mr. POLLARD with Mr. PRATT.

Mr. PEARRE with Mr. POU.

Mr. MUDD with Mr. PATTERSON.

Mr. MARSHALL with Mr. NICHOLLS.

Mr. MADDEN with Mr. RAINEY.

Mr. MCMORRAN with Mr. MCHENRY.

Mr. MCLAUGHLIN of Michigan with Mr. MCDERMOTT.

Mr. MCKINLEY of Illinois with Mr. MACON.

Mr. LANDIS with Mr. MCLAIN.

Mr. LAFEAN with Mr. LINDSAY.

Mr. KENNEDY of Ohio with Mr. LEWIS.

Mr. KENNEDY of Iowa with Mr. LEVER.

Mr. KAHN with Mr. LEGARE.

Mr. HOWELL of Utah with Mr. LEE.

Mr. HOLLIDAY with Mr. LASSITER.

Mr. HILL of Connecticut with Mr. LAMB.

Mr. HAWLEY with Mr. LAMAR of Florida.

Mr. HAMILTON of Michigan with Mr. CLAUDE KITCHIN.

Mr. GOEBEL with Mr. GORDON.

Mr. GILLETT with Mr. HILL of Mississippi.

Mr. GARDNER of Michigan with Mr. GRANGER.

Mr. FOSTER of Indiana with Mr. GODWIN.

Mr. FOSS with Mr. WILLIAM W. KITCHIN.

Mr. FORDNEY with Mr. HOBSON.

Mr. ELLIS of Oregon with Mr. GLASS.

Mr. DUNWELL with Mr. GILLESPIE.

Mr. DIEKEMA with Mr. FAVROT.

Mr. DAWES with Mr. EDWARDS of Georgia.

Mr. COUDREY with Mr. DAVEY of Louisiana.

Mr. COLE with Mr. CRAIG.

Mr. CALDERHEAD with Mr. CARLIN.

Mr. BURTON of Ohio with Mr. DE ARMOND.

Mr. BURLEIGH with Mr. CLAYTON.

Mr. AMES with Mr. AIKEN.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. BEDE with Mr. BARTLETT of Nevada.

Mr. BENNETT of Kentucky with Mr. CALDWELL.

Mr. BINGHAM with Mr. BURLESON.

Mr. BRICK with Mr. FITZGERALD.

Mr. WATSON with Mr. WILEY.

Mr. WOODYARD with Mr. WILLETT.

Mr. VREELAND with Mr. JOHNSON of South Carolina.
For the day:
Mr. FAIRCHILD with Mr. JONES of Virginia.
Mr. FASSETT with Mr. LENAHAN.
Mr. SMITH of Michigan with Mr. HAMLIN.
Mr. ANDRUS with Mr. MURPHY.
Mr. COOPER of Pennsylvania with Mr. THOMAS of North Carolina.
Mr. LOUDENSLAGER with Mr. LIVINGSTON.
For the remainder of this session:
Mr. WEISSE with Mr. KNOPF.
Mr. BENNET of New York with Mr. FORNES.
Mr. SHERMAN with Mr. RIORDAN.
Mr. ELLIS of Missouri with Mr. RANSDELL of Louisiana.
Until further notice:
Mr. MALBY with Mr. MEYER.
Mr. DAVIDSON with Mr. SPARKMAN.
Mr. BRADLEY with Mr. GOULDEN.
Mr. DENBY with Mr. SHERLEY.
Mr. BOUTELL with Mr. GRIGGS.
Mr. POWERS with Mr. GAINES of Tennessee.
Mr. SHERMAN rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SHERMAN. For the purpose of correcting or changing a vote. My attention was distracted for the moment when my name was called, and I inadvertently voted "no." I intended to vote "aye." I see I am announced as being paired with the gentleman from New York [Mr. RIORDAN], so I desire to withdraw my vote and simply state that if Mr. RIORDAN was present I should vote "aye," and he would vote "no." I desire now to vote "present."

The SPEAKER pro tempore. Call the gentleman's name.

The Clerk called Mr. SHERMAN's name, and he answered "present."

Mr. GAINES of Tennessee. Mr. Speaker, I voted "no," and I am paired. I desire to withdraw my vote and answer "present."

The SPEAKER pro tempore. Call the gentleman's name.

The Clerk called the name of Mr. GAINES of Tennessee, and he answered "present."

Mr. PATTERSON. Mr. Speaker, I would like to have my vote recorded.

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. PATTERSON. I would like to have my vote recorded.

The SPEAKER pro tempore. Was the gentleman present and in his seat and listening when his name was called or should have been called?

Mr. PATTERSON. I was just walking on the floor of the House when my name was passed.

The SPEAKER pro tempore. The Chair does not hear the gentleman.

Mr. PATTERSON. I was not in my seat; I was just walking in on the floor of the House when my name was called.

The SPEAKER pro tempore. Was the gentleman on the floor of the House and listening when his name should have been called?

Mr. PATTERSON. I was not.

The SPEAKER pro tempore. The gentleman can not be recorded as voting.

Mr. RANSDELL of Louisiana. Mr. Speaker, I inadvertently voted "no." I forgot for the moment that I was paired with Mr. ELLIS of Missouri.

The SPEAKER pro tempore. Call the gentleman's name.

The Clerk called the name of Mr. RANSDELL of Louisiana, and he answered "present."

The result of the vote was announced as above recorded.

On motion of Mr. CAPRON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

REPORT OF COMMITTEE ON GRADES AND SALARIES.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress estimates for salaries in the Executive Departments and establishments prepared by the committee on grades and salaries under the Executive order of June 11, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 11, 1908.*

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committe of the Whole House on the state of the Union for the further consideration of the bill H. R. 15219, the Indian appropriation bill, Mr. PERKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill. Does the gentleman from New York press the point of order?

Mr. SHERMAN. Mr. Chairman, I insist upon the point of order I raised yesterday at the time the committee rose.

The CHAIRMAN. The gentleman from New York insists upon his point or order. Does the gentleman from Oklahoma wish to be heard upon the point of order?

Mr. FERRIS. I do not desire to resist the point of order, but I have an amendment which I think is in keeping with the wishes of the committee, and offer this as a substitute therefor.

The CHAIRMAN. The point of order is sustained. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Insert, after line 14, "That the Secretary of the Interior be, and he is hereby, authorized to pay, or cause to be paid, out of any money in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians of Oklahoma an amount of money, the total of which shall not exceed $100 per capita, to the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma. This shall not apply as a limitation on any former powers vested in the Secretary with reference to the funds to the credit of said Indian tribes."

Mr. MANN. Mr. Chairman, I reserve the point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. FERRIS. Mr. Chairman, I desire, gentlemen of the committee, to state again succinctly why I offered the amendment yesterday and why I withdrew it to-day and offer in lieu thereof the amendment which I have just sent to the desk. The parties for whom this relief is asked consists of the Kiowa, Comanche, and Apache Indians of southwestern Oklahoma. The lands belonging to these Indians have already, save their own allotment of 160 acres each, been recently sold and the money placed in the Treasury subject to disposition as Congress may direct.

For the past series of years the Indians of those three tribes have been paid from past annuities and other sources out of their own money, $50 each every six months. The last two payments, as I am informed by the Commissioner and likewise by the Indian chiefs, who are here in person and have presented the matter to me at length, were cut short by reason of the money not being available—their own money. Yesterday I thought, inasmuch as Congress was not at all times in session and as these payments fell due at times when Congress could not give them the relief and dictate how those funds should be paid to them as a necessity demanded them, I asked that the Secretary of the Interior be empowered to pay this money to them in installments as they needed it. It has been suggested by the chairman of the Committee on Indian Affairs and other gentleman who are familiar with the situation that that is further than Congress would now like to go. I therefore offer the amendment that I just sent to the desk, which only permits the Secretary of the Interior to pay them now about the amount that they have failed to receive in the past to make up the usual payment they should have received at each of the former six months' payments. And I want to say as another reason why this is urgently urged that at this time the only money available for the Kiowa, Comanche, and Apache Indians, even though they have a large fund in the Treasury that belongs to them as proceeds of the sale of their lands, is $13 each.

Now, the last two payments being cut short and this payment cut down to $13 works a great hardship on those three Indian tribes. I do not believe it is the disposition of this committee to ask for any technical ruling on the part of the Chair to cut them out of that relief. I said on yesterday that perhaps this is a kind of eleventh-hour concession, and perhaps this is coming at a time when I should not take the time of the committee to bring it up, but, on the contrary, should go to the committee with it in the regular way. But these people are uneducated. They can not speak English. They do not know their rights, and they do not present them in a formal way. But I take it that there should be no proper objection to this House acting now, because of the spirit and the purpose of this act, and every other appropriation act for Indians, is certainly to benefit the situation, and surely a technical reservation of a point of order should not be made against it, even though it was not properly presented. If this amendment will now be offered and be ac-

cepted and received, the Secretary of the Interior may pay over to them $100 each, which will just about make up for the amount that their payments fell short in the past, and let them have their money that is now due and which they have reason to expect they would get.

I want to say one word more, and I do not want to consume too much time, to show why it is eminently necessary that this be done. They had reason to believe by precedent and former payments that they were going to get $50 apiece at the last semiyearly payment. They did not get it. That left the Indians in debt. The recent money stringency came on, and it left them in debt in the fall of the year, and all through the winter they have been in debt; their stock has been without a sufficient amount of feed, and their children and their people are really suffering in Oklahoma to-day, with money in the Treasury.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Another important reason why this should be done is that their lands have all be sold excepting their individual allotment of 160 acres each. Anyone who is familiar with the way the Comanche, Kiowa, and Apache Indians have lived knows that it has not been their custom to live on their own individual allotments, but now that the other lands have been sold and taken up, it becomes necessary for them to settle and take up residence on their own individual allotments.

That being true, they need money with which to build fences, they need money with which to build houses, and they need money to buy feed. The spring of the year is coming on, and I hope the gentleman will not insist on his point of order against this very necessary amendment. The chiefs are here, who will corroborate everything I have said. I took them to the committee room this morning to fully bear out every word I had said, but through unfortunate circumstances, I did not get a chance to present the matter in full to the chairman of the committee, by reason of his being detained. In addition to that, as was suggested yesterday, this matter is earnestly recommended in a letter from the Department of the Interior, that was sent to the Committee on Indian Affairs on December 11 last. So it is not an entirely new matter. It is something that the Indian Commissioner wants, the Department of the Interior wants, and I believe it is a matter that justice demands on the part of the Indians.

Mr. MANN. Will the gentleman tell us how much there is of this fund in the Treasury that belongs to these Indians?

Mr. FERRIS. It consists of two funds. One fund is $1,500,600; the other fund is some eight hundred and sixty-odd thousand dollars; I am not sure about the last, but I am about the first; neither of which is available for the Indians.

Mr. MANN. That is the principal, and the payment is the interest on these funds?

Mr. FERRIS. The interest on the fund has been paid out to these Indians, and to such an extent that the Commissioner informed me just before convening to-day that every cent that was due would only give the Indians about $13 a piece on this payment.

Mr. MANN. How many of these Indians are there?

Mr. FERRIS. About 3,700 in the three tribes.

Mr. MANN. Three thousand seven hundred; and the interest is apportioned among them. How much does it amount to a year?

Mr. FERRIS. I can not answer the gentleman with mathematical accuracy, but the Commissioner informed me that it would only amount to $13 a piece.

Mr. MANN. But it goes to a very much wider question. These Indians, as I understand it, and the gentleman can inform me if it is not so, draw 4 per cent interest for this fund in the Treasury?

Mr. FERRIS. That is correct.

Mr. MANN. This proposition is to invade the principal? Now, these Indians have been paid, you say, out of the interest $50 semiannually?

Mr. FERRIS. That is not the interest on this fund alone, but from the sale of some lands, etc.

Mr. SHERMAN. The total interest to-day of this investment fund, money in the Treasury, is $75,031, and their income from other sources other than gratuities is $32,132; in other words, $107,000.

Mr. MANN. That is about $300 apiece.

Mr. SHERMAN. Oh, no; about $30 apiece.

Mr. FERRIS. Three thousand seven hundred of them.

Mr. MANN. And then they get the interest on this fund?

Mr. FERRIS. And that only semiyearly; yes.

Mr. MANN. Now, then, we have allotted to these Indians their lands in severalty, 160 acres; now, do you propose, after the allotment is made, that we shall support them out of their property? Is that to be the policy the gentleman advocates for his part of the country—that we shall allot the Indians their lands in severalty to the extent of a homestead of 160 acres, and then agree to pay them interest as their little current money, chicken feed, as it were, and as soon as that is done propose to invade the principal? What will they have to live on after the property is gone?

Mr. STEPHENS of Texas. If the gentleman will allow me, these Indians have wild lands, and unless they can have money they can not break up these lands, and unless they break them up they can not be cultivated, and they will not be able to make their improvements and not be able to improve their situation.

[Here the hammer fell.]

Mr. FULTON. I ask that the gentleman may have five minutes more.

Mr. McGUIRE. Mr. Chairman, in answer to the gentleman from Illinois, I want to say that what the Indian wants is an understanding as to what shall be done with him. The policy as to these Indian tribes has been to pay them $50 per capita semiannually. The last two payments have not amounted to $50. I do not know just exactly what the payments were. But the understanding with the Department was that these payments would regularly be $50. That is all that they ask; all they are asking now. The disposition of the Indian is such that he wants to know what he may expect. He has been given to understand that he might expect these $50 payments twice a year.

Mr. MANN. Well, but was he given to understand that this amendment proposes to give $100?

Mr. McGUIRE. That is what I am coming to. In conference with the Commissioner of Indian Affairs yesterday, his statement was that they should like to pay these Indians now enough to make $50 semiannually. That would satisfy the Indians.

Mr. MANN. Well, now, is it not a fact that they were paid $30 at the last semiannual payment?

Mr. McGUIRE. I do not know as to that; I think that was the amount.

Mr. MANN. And they were only short $20?

Mr. McGUIRE. At that one payment.

Mr. MANN. And that there is now money sufficient to pay them $13?

Mr. McGUIRE. About $13.

Mr. MANN. So that that would be $37 as the total, and here is a proposition to pay them $100.

Mr. McGUIRE. My impression is that there is another payment of $50 that they did not get in full.

Mr. MANN. The gentleman may have that impression; my impression is that that is not the case.

Mr. McGUIRE. The gentleman may be right; I can not say as to that; but, Mr. Chairman, there has never been a time and will never come a time when these Indians are more in need of this money than now. They have received and taken their allotments; they are attaining civilization rapidly. They have never been able to reach a point where they could cultivate their lands; they are needing the money to make the improvements, and there never can come a time when they will be as much in need of this money as at this time.

There has been some depression there. They have exhausted their means; they have exhausted their credit; they are badly in need of this payment, and I hope the gentleman will not make the point of order.

Mr. MANN. Can the gentleman tell us how the depression affects the community?

Mr. McGUIRE. I suppose the same way as it affects every other community.

Mr. MANN. I fail to understand how it is affecting any community in that respect.

Mr. HULL of Iowa. How it affects this question.

Mr. McGUIRE. It affects the Indian as it affects everybody else.

Mr. MANN. Well, how? The money that they are entitled to is in the Treasury.

Mr. McGUIRE. These Indians have had local credit. They have been able to go to the banks and get money.

Mr. MANN. I guess that is the trouble. They have had credit, and now they are in debt, and they want the Government to advance them a part of their principal to pay their debts with, if I am correctly informed.

Mr. FERRIS. Oh, no.

Mr. MANN. And it is not the Indians as much as it is the other people who are anxious about this.

Mr. McGUIRE. These Indians have not incurred an indebtedness beyond what they had a right to expect they would be able to meet. They have been securing these $50 payments, and they have had the right to expect that these payments would continue, because they had been given to understand that. Now that the payments are reduced, it is no fault of the Indian. He has incurred an indebtedness that he can not pay, and that indebtedness has destroyed his credit, and that is the condition of the Indian at this time; and I say if we ever expect to give them the money which is theirs, we should give it to them now. This money is in the Treasury of the United States; it belongs to the Indians, and they have asked for it through their representatives, and it seems to me, if we ever expect to give it to them, there is no better time than now.

Mr. MANN. Did we not enter into a treaty—not a regular treaty, but an arrangement—with them, providing how this money should be invested; that it should be put into the Treasury and that we should pay them interest on it?

Mr. McGUIRE. There is no doubt that this money is in the Treasury, but not by any treaty.

Mr. MANN. Not a regular treaty, but an arrangement.

Mr. SHERMAN. Oh, yes; the gentleman from Illinois is right. We entered into an agreement with them.. Call it a treaty, or whatever it is. Mr. Chairman, if I may have the floor for a minute, the proposition here is a broad one, it seems to me as the gentleman from Oklahoma [Mr. McGUIRE] has stated. We did enter into an agreement with these Indians, by which they parted with the title to their lands, and we did undertake to dispose of the lands for the Indians. Some of them have been disposed of and some of them not. The various members of the tribes have taken allotments. We have disposed of part of their lands, which have not yet all been paid for. The agreement provided that a portion of the money derived should be distributed in per capita payments to the Indians, which has been done. It provided further that a million and a half dollars should be deposited in the Treasury to the credit of these Indians and that they should receive 5 per cent interest. More money, however, has been derived from the sale of these lands than the most optimistic had ever dared to expect, so that there has already been paid in for the benefit of these Indians more than the million and a half dollars which we agreed to keep for them and pay them 5 per cent interest on and more than the amount that was distributed per capita. Now the condition is present, as the Commissioner of Indian Affairs told me to-day, where these Indians are in need of some of the principal of their own money to help them out in building homes, and in breaking up the soil, and in preparing to make their allotments productive. They are here themselves, by representatives of the tribe, asking that a certain portion of the money be paid to them. What they ask is $100 per capita to be distributed, amounting to between $300,000 and $400,000. It is a question with us now whether we shall recognize the fact that these particular Indians are in need of the use of some of their principal, which is an amount in excess of the amount we originally contemplated would be in the Treasury for their benefit. I hope I make myself clear.

Mr. MANN. I get the distinction, but I think very few people will ever get it, if the precedent is once established, I will say to the gentleman. We get the distinction under his magnetic influence now.

Mr. SHERMAN. No; we have done the same thing for other Indians, and I trust we will again. I am not one of those who, like my distinguished friend from Iowa, Mr. Lacey, in the last Congress, was in favor of providing for the distribution of the thirty-odd million dollars of principal of the trust funds to the Indians and get rid of this fund.

I did not favor that bill then, and I do not favor it now. I did not favor distributing the entire proceeds of this trust fund to various tribes per capita. I did think it was wise to vest authority in the Secretary to pay to the individual Indian his proportion of the trust fund deposited in the Treasury when he had demonstrated his capacity to care for his own property, but that is not here.

This is not establishing a precedent. We have heretofore paid the Indians a portion of the principal fund which was in the Treasury to their credit when the conditions arose which demonstrated that it was for the best interest of the Indians that it should be done at a particular time. Now, the administrative part of the Government, who are more familiar with the business there than I am—I do not know that they are more familiar than is my colleague from Oklahoma—but they are more familiar than am I or the gentleman from Illinois, and the gentleman from Illinois is talking for a principle, as I understand—the Department urges me to-day most strongly to favor this proposition upon the ground that it is for the present best interests of these particular tribes and, as the Commissioner believes, for their ultimate good.

Mr. MANN. May I ask the gentleman from New York a further question?

Mr. SHERMAN. Certainly.

Mr. MANN. Are these the only tribes where this proposition is to be made?

Mr. SHERMAN. There is not in the bill a provision, but somebody suggested to me that they might perhaps offer an amendment to distribute the principal fund to the Sac and Fox Indians and the Iowas, but there is nothing in the bill to that effect, and I do not know that the amendment will be offered.

Mr. MANN. Does the gentleman think this precedent will not involve us in trouble?

Mr. SHERMAN. It is not a precedent. It is not a precedent unless doing the same thing over and over and over again is re-establishing a precedent. This precedent, as the gentleman calls it, has already been established; we have heretofore been doing the same thing.

Mr. MANN. Dividing up the Indian fund?

Mr. SHERMAN. Not the whole fund.

Mr. MANN. The partial fund?

Mr. SHERMAN. We have heretofore paid the Indian tribes a portion of their trust funds when conditions have arisen that Congress believed warranted such action.

Mr. MANN. Does the gentleman believe that if the land had not sold for a high price and made the Indians hungry for money there would have been anybody here asking for that money?

Mr. SHERMAN. Perhaps not; but if not, there would be many people here asking us to increase by a large measure the gratuity which we give the Indians. We formerly granted to these Indians as a gratuity a sum much larger than we have been doing of late.

Mr. GAINES of Tennessee. Why are they in such a bad condition?

Mr. MANN. I thought these Indians were all rich.

Mr. SHERMAN. They are comparatively rich. Here is in the neighborhood of $3,000,000 to be divided among 3,800 Indians. I do not know what their measure of wealth is, but I think a per capita of $1,000 is pretty large.

Mr. MANN. Each one has a homestead?

Mr. SHERMAN. Yes.

Mr. MANN. And unallotted lands besides?

Mr. SHERMAN. No; no unallotted lands. Those have been sold, and that is where this money comes from.

Mr. MANN. Somebody said that there was a lot more of unallotted land.

Mr. SHERMAN. That is error.

Mr. GAINES of Tennessee. Will the gentleman tell me why the Indians are in this bad financial condition?

Mr. SHERMAN. They are not in any deplorable condition. They have accepted allotment, and it is hoped they will work out the allotment until they have made farms and built little homes on them. I sometimes get tired, Mr. Chairman——

Mr. GAINES of Tennessee. The gentleman never looks it. [Laughter.]

Mr. SHERMAN. I thank the gentleman. I was going to say that I sometimes get tired at the suggestions made here that the Indian is such a miserable creature. Why, I have seen thousands and thousands of white men in my own State that I would trade off in a minute for a half a dozen Indians. [Laughter.] There are some Indians that are no good, the same as a lot of white people that are no good, but the gentleman from Tennessee must understand that we have to be helping white people all the while. Every county in his own State maintains a poorhouse. How many times has the gentleman personally been called on by his constituents to put his hand down in his pocket and help a man out to buy a plow or rethatch a church? [Laughter.]

Mr. GAINES of Tennessee. The gentleman does not want me to take up the balance of the session, does he? [Laughter.]

Mr. BUTLER. Will the gentleman allow me to ask a question?

Mr. SHERMAN. As soon as I get through with the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, I want to say that I am on the side of the Indians. I never have thought that we treated them exactly right. It seems to me from what the gentleman from Oklahoma [Mr. FERRIS] has said that the

Indian now needs some money. I can see that, and I am talking seriously. What do we have? We have, first, the banks all shut down as against the Indian and the white man, too, and not only that, but the Indians have the Treasury doors shut against them. The gentleman from Oklahoma and his colleague [Mr. McGUIRE] have said that they now need money—to do what? To buy seed and to buy farm machinery. What I am trying to elucidate is this: Is their condition now such as that the Government should do something unusual, extraordinary, but of course not unwise?

Mr. SHERMAN. Why, this is not unusual or extraordinary other than that we are going to give them some of their own money instead of taking money out of the Treasury of the United States for their assistance.

Mr. GAINES of Tennessee. Now, if they have not enough seed or can not get any seed to go to farming, and they have money here—trust funds—we certainly ought to give them their money.

Mr. SHERMAN. Well, that is what we are trying to do.

Mr. GAINES of Tennessee. Or let the Secretary of Agriculture send them out some seed.

Mr. SHERMAN. Well, that is what we are trying to do.

Mr. GAINES of Tennessee. Well, I am for it. [Laughter.] I am glad that we have struck seed, Mr. Chairman, and I hope it will not be "wild oats."

Mr. MANN. Mr. Chairman, I would like to make a further inquiry.

The CHAIRMAN. The Chair will suggest that debate on this amendment is exhausted.

Mr. SHERMAN. I ask unanimous consent that the gentleman may proceed for five minutes.

There was no objection.

Mr. MANN. I would like to know whether this hundred dollars is all principal or part principal and part interest, and whether the intention is to pay them more than they have usually been getting?

Mr. FERRIS. I believe, in response to the gentleman's question, that I can state the facts. The situation is this: Their regular six months' payment, their semiannual payment, is now due in February. Next fall, next September, when the next payment comes due, this Congress will not be in session, and, as the gentleman will note, my amendment does not seek to give the Secretary any authority other than to make this payment for them. He will then leave any little accumulations of interest that may be to try and come as near as possible to making their usual payment next September, when there is no one to appeal to who will be able to help him out.

Mr. MANN. Is the gentleman satisfied that they will not construe this as a precedent as to the amounts that they are to receive? Heretofore they concluded they were to have $50 every time because they got it the first time. Will they not now think that they are to get $100 every time?

Mr. FERRIS. Of course I can not answer that question. I can only say that for the past six years, from their pasture annuities and their rentals and grass money, and other little items that they have accumulated on their public lands, which have since been sold, they have been able to pay them $50 semiyearly. At the last payment they were not able to do this, and that leaves them in a deplorable condition, and they ask to have enough of their own money to start them off on their allotments.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, I suggest that we now go back and dispose of the two little matters we passed over informally, with the agreement to go back. I ask to go back to page 18, and I offer the following amendment to follow line 9, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 18 on page 18:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rebok & Cramer, a copartnership composed of Philip K. Rebok and Hiram W. Cramer, of Toledo, Iowa, the sum of $716, found due them by the Secretary of the Interior under contract dated October 2, 1905, for construction of laundry building and water system at the Sac and Fox Indian School, Iowa, under the appropriation heretofore made for said purpose."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. SHERMAN. If the gentleman will permit me, I will make an explanation. In 1905 a provision was made for certain additions at this agency and contracts were let for various improvements, and amongst other contracts a contract with these gentlemen named in the amendment amounting to considerably over $3,000, was made for a water supply. The bids were accepted on the 7th day of September, but the contract was not forwarded to the bidders until the 7th of October and was not approved by the Secretary until the 24th of October, although the contract provided that the work should be completed by the 1st of December. The contractors immediately communicated with the Indian Office, asking if the penalty embraced in the contract, $6 a day, would be enforced if the work was not completed in time. The Indian Office replied for them to go ahead as fast as they could and that all the conditions would be considered at the time of settlement. The contractors did not finish their work until one hundred and thirty-odd days after the 1st of December. At the time of settlement there was deducted from the amount due $816, or $6 a day, for the time they were behind. They accepted the money which was sent and then protested to the Department, calling their attention to the letters which were written, etc., and the Department at once said, Why, this was a mistake; that a hundred dollars was all they ought to have retained from this contract price to cover any possible loss that could have been occasioned the Government by reason of this failure to comply with the contract.

Mr. MANN. I am satisfied.

Mr. SHERMAN. Very good. The gentleman from Illinois states he is satisfied with the explanation. This is to pay, not the full amount, but the amount less the $100 which the Department states should have been retained. The gentleman from Illinois withdraws his point of order.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. No; I do not.

The CHAIRMAN. The point of order is waived. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Now, Mr. Chairman, if you will turn to page 21, lines 8 and 9, there was an error made in the printing of the bill which gave rise to the discussion the other day and to the misunderstanding. The item should be "to complete a drainage survey," not "drainage and survey," but inasmuch as there is no provision here for reimbursement, I have redrawn the provision and I offer an amendment, which I send to the Clerk's desk, to take the place of lines 8 and 9.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21 strike out lines 8 and 9 and insert in lieu thereof the following:

"To complete the drainage survey provided for under the act of June 21, 1906, $10,000: *Provided*, That said amount shall be reimbursed to the Treasury of the United States from the funds in the Treasury belonging to said Indians derived from the sale of lands under the act of January 14, 1889."

Mr. MANN. Mr. Chairman, I make the point of order that is pending against the language on page 21, lines 8 and 9, which is clearly subject to the point of order in the language in which it is framed, which is explained to be a mistake, so the point of order might as well be sustained and then the gentleman can offer his amendment.

Mr. SHERMAN. Very good.

The CHAIRMAN. Very well; the point of order is sustained and the gentleman from New York offers an amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to issue a patent to the Bureau of Catholic Indian Missions for the southeast quarter of the northeast quarter of section 6, township 28 north, range 24 east of the Indian meridian, Indian Territory, the same having been set apart to the Roman Catholic Church for church and school purposes by the Quapaw National Council, on August 24, 1893, and said church having maintained a church and school thereon since that date.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MONDELL. The amendment is at the end of line 10, page 34.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized and directed to issue a patent to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America for and covering the following-described lands, amounting to approximately 160 acres, now and for many years reserved for and occupied by the said board of missions as an Indian school, to wit: The northwest quarter of the southeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 8, township 1 south, range 1 west of the Wind River meridian, on the Wind River Reservation, in Wyoming: *Provided*, That the said patent shall not issue until the Indians of the said reservation have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

Mr. SHERMAN. I raise the point of order that this amend-

ment is not germane to this portion of the bill. We are now under the State of Oklahoma. The amendment should be offered when we reach Montana.

Mr. MANN. Mr. Chairman, I reserve the point of order on the merits of the amendment, then.

Mr. MONDELL. I withdraw the amendment, Mr. Chairman, for the present.

The Clerk read as follows:

For interest on $200,000, at 5 per cent, per second article of treaty of October 21, 1837, $10,000.

Mr. McGUIRE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, in lieu of lines 1, 2, and 3, insert:
"And the Secretary of the Interior is hereby authorized and directed to pay per capita to the Sac and Foxes of the Mississippi tribe of Indians in the State of Oklahoma the balance of the Sac and Fox of the Mississippi and Oklahoma trust fund now to their credit in the United States Treasury, under such rules and regulations as he may prescribe."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. McGUIRE. Mr. Chairman, this amendment is one passed upon by the committee. It is the unanimous report of the committee, and it is recommended by the Secretary of the Interior. The Sac and Foxes are Indians in an advanced state of civilization. I think they have about $800,000 besides this $200,000 which comes from the sale of their lands. My judgment is, in view of the state of civilization attained by these Indians, they ought to be paid all their money. They would be better citizens if they had all their money.

Mr. FITZGERALD. Mr. Chairman, there is a dispute about the ownership of this money, is there not?

Mr. McGUIRE. As to the Sac and Foxes?

Mr. FITZGERALD. Yes.

Mr. McGUIRE. Well, there is some dispute between the Indians in Oklahoma and the Indians in Iowa.

Mr. FITZGERALD. And there is some litigation pending as to the disposition of that fund?

Mr. McGUIRE. As to a certain amount of money, but there is, I think, about $800,000 left after this.

Mr. FITZGERALD. My recollection is the claim of the Sac and Foxes of the State of Iowa is much in excess of the amount of money that would be left if this money is distributed.

Mr. McGUIRE. If the gentleman will pardon me, he is mistaken, I think, about that. There is about $800,000 left, I am advised.

Mr. FITZGERALD. I may be mistaken. It is some time since I refreshed my recollection, but will the gentleman state the amount involved in this litigation between the Iowa Sac and Fox Indians and the Oklahoma Sac and Fox Indians?

Mr. McGUIRE. I do not remember just at the moment, but my recollection is it is about $300,000.

Mr. FITZGERALD. It seems to me that my recollection is equally as good as the gentleman's recollection.

Mr. McGUIRE. I think perhaps that is true. I do not know why it should not be. I am not disputing the proposition.

Mr. FITZGERALD. Until I have an opportunity to satisfy myself on my own investigation I shall insist upon the point of order.

Mr. McGUIRE. Then, Mr. Chairman, may this be passed until the gentleman from New York has an opportunity to investigate?

Mr. FITZGERALD. I imagine that this bill will be enacted into law by that time.

Mr. McGUIRE. I do not know how long it would take the gentleman to investigate.

Mr. FITZGERALD. I am not sure, I will say to the gentleman from Oklahoma; except I will say that items of this character on these appropriation bills should be in the bills, so that Members will have an opportunity to investigate them at their leisure and not be compelled to devote time they desire to utilize in other ways in attempting to straighten out their recollection.

Mr. McGUIRE. I desire to say it is no fault of the Indians. They ought to have the money. It is theirs by right. It is held only in trust by the Government of the United States. They would be better Indians and better citizens if they had all their money.

Mr. FITZGERALD. There is a great difference of opinion as to whether they should have it or not. I am of this opinion, based upon my investigations, that when we finish dividing the trust funds of the Indians we will then support them out of the general funds in the Treasury.

Mr. McGUIRE. I ask the gentleman if he knows anything about the Sac and Fox Indians of Oklahoma? They are good farmers in the adjoining county to the one in which I live.

Mr. MANN. If they are good farmers, what do they want with the money?

Mr. McGUIRE. What does anybody need their money for, whether red or white?

Mr. MANN. If they are good farmers, why do they need this money?

Mr. McGUIRE. Because they are entitled to it.

Mr. MANN. Is it not a question as to whether they are entitled to it or not?

Mr. McGUIRE. They are entitled to it under the law.

Mr. FITZGERALD. Oh, no; the gentleman is mistaken.

Mr. McGUIRE. It is held by the Government of the United States in trust for them. This money was received for lands sold by these Indians, and this was by their treaty left with the Government until they called for it, and they call for it now.

Mr. FITZGERALD. The gentleman is clearly mistaken.

Mr. McGUIRE. I do not know whether that is so.

Mr. FITZGERALD. This money was left with the Government to be utilized for the benefit of the Indians as the Government thought best.

Mr. McGUIRE. Under treaty stipulation.

Mr. FITZGERALD. Nobody would ever contend that the ward of a guardian has the right to demand the money that is held in trust for him. Now, I would not be willing to have a fund of $200,000 distributed among Indians until at least a careful investigation has been made as to all the conditions surrounding the distribution.

Mr. McGUIRE. But I will say that in this case a careful investigation has been made by the Interior Department, and I am perfectly conversant with the situation there.

Mr. FITZGERALD. The gentleman may be correct that the Interior Department has made a careful investigation, but the gentleman certainly does not mean to say that he has made an investigation recently. I have been interested in the various claims to this fund. My recollection is not very fresh about it, as it is some years since I looked into the matter. The gentleman says he has made a thorough investigation of the matter. His recollection is not very keen. I admit that I have not looked into it for about four years. I can say to the gentleman that I have seen, personally, some of the Sac and Fox Indians in Oklahoma and have seen what they have been doing.

Mr. McGUIRE. The gentleman has made a trip through Oklahoma?

Mr. FITZGERALD. Oh, yes.

Mr. McGUIRE. How many times has he been there?

Mr. FITZGERALD. Only once.

Mr. McGUIRE. How long has it been; how long since you were there?

Mr. FITZGERALD. Seven years.

Mr. McGUIRE. Does the gentleman know that he saw any of the Sac and Fox Indians?

Mr. FITZGERALD. I saw them on that trip; maybe not in the State, but in some parts where I was. I am willing to confess that my recollection may be at fault; that I can not recall the facts with great accuracy; it may be that the gentleman is in the same position.

Mr. McGUIRE. I am very glad the gentleman has such a clear conception of my knowledge of the condition of these Indians and their requirements. There are some things I confess in reference to the amount of the money that is claimed by the Iowa Sac and Fox. I may not have a correct recollection as to the amount of the claim of the Sac and Fox of Iowa against these Indians, or the amount in dispute, but I am ready to say at this time that it is by no means what these Indians have in the Treasury of the United States held in trust for them, and that there is an abundance of money left if this appropriation is made to satisfy any debt or any claim the Iowa Sac and Fox may have against the Oklahoma Indians.

Mr. STEPHENS of Texas. Is there any litigation pending for this fund? I believe there is a litigation of the Sac and Fox of Iowa, and as I understand they have been turned down by the Department. In what court is that litigation pending?

Mr. McGUIRE. I am not prepared to say.

Mr. STEPHENS of Texas. And what is the amount involved?

Mr. McGUIRE. I think about $300,000.

Mr. STEPHENS of Texas. Would that interfere with what you are asking here?

Mr. McGUIRE. It would not interfere in any way with the amount we are asking for here.

The CHAIRMAN. Does the gentleman from New York insist on the point of order against the amendment?

Mr. FITZGERALD. I do.

The CHAIRMAN. Does the gentleman from Oklahoma care to be heard on the point of order?

Mr. McGUIRE. I do not.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For interest on $800,000, at 5 per cent, per second article of treaty of October 11, 1842, $40,000: *Provided*, That the sum of $1,500 of this amount shall be used for the pay of a physician and for purchase of medicine;

In all, $51,000.

Mr. McGUIRE. Mr. Chairman, I offer the amendment which I ask the Clerk to report.

The Clerk read as follows:

After line 10, page 36, insert:

"That the Secretary of the Interior is hereby authorized and directed to pay per capita to the Iowa tribe of Indians in the States of Kansas and Oklahoma, under such rules and regulations as he may prescribe, the balance of the Iowa trust fund in the United States Treasury: *Provided*, That the Oklahoma branch of Iowas shall receive such an amount of this trust fund as will equalize for them the payment made to the Kansas branch under the act approved May 27, 1902 (32 Stat. L., 267)."

Mr FITZGERALD. I reserve the point of order on that.

Mr. McGUIRE. Mr. Chairman, this is a committee amendment, passed unanimously by the committee and recommended by the Secretary of the Interior.

The large majority of these Iowa Indians,I think eighty-eight in number, are good farmers. They desire the rest of their money. I think this includes all the money held in trust by the Government of the United States for them.

Mr. TAWNEY. What is the amount of money?

Mr. MANN. The gentleman, of course, is well aware that members of the committee can not tell by hearing an amendment of that sort read—at least, I can not—what it means. Will the gentleman tell us? That is one trouble about offering these amendments without having them printed.

Mr. TAWNEY. I should like to have the gentleman answer the question I asked him as to the amount of the trust fund that remains in the possession of the Government.

Mr. McGUIRE. The amount of it is $78,000. This is recommended by the Interior Department.

Mr. MANN. What is it that is recommended? I could not tell by hearing the amendment read.

Mr. McGUIRE. The amendment provides for giving these Indians the $78,000 yet remaining in the Treasury of the United States, dividing it in severalty among them.

Mr. MANN. What Indians?

Mr. McGUIRE. The Iowa Indians in Oklahoma. There are only eighty-eight of them.

Mr. SHERMAN. This fund is rather different from the one we passed a moment ago.

Mr. MANN. Has this any relation to the other?

Mr. SHERMAN. None at all. The fund that the gentleman has reference to has already been capitalized. It requires no appropriation at all. The other fund did. This proposition—if the gentleman from New York [Mr. FITZGERALD] will give me his attention, as I understand he is interested in this—is not to capitalize the fund. This is a fund that has already been capitalized, and the proposition of the gentleman from Oklahoma is to distribute the fund that has been capitalized.

Mr. FITZGERALD. It is utterly impossible to ascertain what it is from the reading of the amendment. It provides for the equalization of payments and many other things. I am inclined to feel that, as a Member of the House, I am entitled to an opportunity to know what is proposed to be done with these funds, and I intend to make an effort to investigate them to my own satisfaction. If these items were presented to the Committee on Indian Affairs in time, in a proper way, and the committee passed on them unanimously, they would be in this bill, and Members of the House would have ample opportunity to investigate and satisfy themselves. Unless Members take the precaution to give such opportunities they may have to suffer the disadvantage of having their items go over until Members can investigate them.

The CHAIRMAN. Does the gentleman from New York make the point of order? The gentleman has already reserved the point.

Mr. FITZGERALD. If the discussion has ended, I make the point of order.

Mr. McGUIRE. I have no disposition to discuss it further if the gentleman is going to insist on his point of order.

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. The chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For clerical work and labor connected with the leasing of Creek and Cherokee lands, for mineral and other purposes, and the leasing of lands of full-blood Indians under the act of April 26, 1906, $40,000: *Provided*, That the sum so expended shall be reimbursable out of the proceeds of such leases and shall be equitably apportioned by the Secretary of the Interior from the moneys collected from such leases.

Mr. DAVENPORT. Mr. Chairman, I make the point of order to the proviso beginning in line 23 and extending to the end of line 26 on the ground that it is new legislation and contains a change of existing law and the treaty with the tribes. I make it as to the entire proviso.

Mr. SHERMAN. Mr. Chairman, it seems to me that that can not go out on a point of order. We are proposing here to appropriate, to do certain work for the benefit of certain Indians, certain funds that are to come into our hands for these Indians. We are to be the trustee for them. We are acting for them. Now, we propose to do certain work for them and to advance the money to do that work with, and when the work is completed to reimburse ourselves out of the money that comes from that fund. I do not quite see upon what theory the gentleman figures that that proviso is obnoxious to the rule.

Mr. DAVENPORT. I would like to ask the gentleman a question.

Mr. SHERMAN. Very well.

Mr. DAVENPORT. I would like to ask the gentleman if in the act of Congress providing that the full bloods could lease their lands with the approval of the Secretary of the Interior, if that same act does not provide that the Government shall furnish the machinery without taking any money from any fund for that purpose?

Mr. SHERMAN. There was no such specific provision or agreement whatever.

Mr. DAVENPORT. Does not the law say that it shall be done with the approval of the Secretary of the Interior?

Mr. SHERMAN. It does.

Mr. DAVENPORT. Does it not appropriate money of the Government to put it in force?

Mr. SHERMAN. To start the machinery, it does.

Mr. DAVENPORT. Does the gentleman believe that it is right or fair or equitable to take from the lessors the royalty that may come into the hands of the Indian agent, royalties derived from the development of the property, to pay the clerical force for leasing the land?

Mr. SHERMAN. I think it is fair, and I usually look at all these matters from the point of view of the Indian. My leaning is toward the Indian and against the Government so far as the expenditures in their behalf are concerned; but I do think it is fair, after we have expended hundreds of thousands of dollars, aye, a million dollars, for the benefit of these Indians down in the Territory, after we have brought conditions down there to a higher state than they were ever in before, after we have cared for the Indians, provided a force covering a period of more than a dozen years to perfect allotments to them and assisted them in every way, in the way of schooling and all that—I do think it is fair that now we should provide that some portion of this be refunded to the United States. My only regret is that we have not long ago provided that a part of this expenditure for the Territory should be reimbursable to the Treasury.

Mr. DAVENPORT. Let me ask the gentleman if from the beginning of the treaty of 1833 up to the present time there has ever been a dollar expended for either of the Five Civilized Tribes that was not carried in the original agreement with them for the sale of lands east of the Mississippi?

Mr. SHERMAN. Oh, the gentleman covers a whole lot of time about which I can not speak, but I know we have expended money amounting to more than a million dollars for these Indians that was not provided directly and specifically by any treaty obligations.

Mr. DAVENPORT. Will the gentleman state for the information of the House in what branch of the department it was spent?

Mr. SHERMAN. Mr. Chairman, if I may have a minute or two. Fifteen years ago we found a situation in the Indian Territory which was deplorable. We found that a condition of disorder and unrest was prevalent; that crime was rampant; that debauchery, fraud, and corruption were prevalent on every hand. We found there a Territory with Indians on thousands of acres of the most fertile land within the boundaries of the United States; lands that produced oil and coal and minerals and lumber, producing almost anything that you could produce on the most fertile soil in this country, and peopled by these so-called "civilized Indians."

We found it was necessary to step in and no longer let this situation blot our civilization. We found we could not longer

tolerate that condition of things which stood as a wall opposing progress. Before I had anything to do with Indian affairs Congress saw fit to provide for a Commission for the Five Civilized Tribes, early known as the "Dawes Commission." That Commission proceeded to the Territory and for a half dozen years or less made every attempt to negotiate treaties with the various tribes, and they, of their own volition or misguided by their white brothers who had come in there to feed off their ill-gotten gains from the Indians, blocked every attempt to negotiate treaties with them. Then Congress, finally taking the position that it had the right to legislate in any matter wherein the best interests of the Indians were at stake, legislated in reference to breaking up the tribal relations and allotting the land down there to the individual members of the several tribes, and when finally those tribes discovered that the strong arm of the Government was raised, that they no longer could continue their career of debauchery and crime, which reached to the extent of corruption, even to the selling of their own rights—selling rights which were of great value for trifling sums in cash; when they discovered that the Government was determined to wipe out that pest hole, then the Five Civilized Tribes finally, in 1898, entered into agreements with the United States Government.

Mr. DAVENPORT. Will the gentleman answer me this question——

Mr. SHERMAN. Yes. I had not got through, but I am always ready to stop.

Mr. DAVENPORT. I want to ask the gentleman if there was an acre of land held by any of the Five Civilized Tribes when the original act was passed in 1893 that was not directly bought and paid for by their having sold lands in the Eastern and Southeastern States.

Mr. SHERMAN. They had title to all the 6,000,000 acres of land in the Territory. There is no question about that.

The CHAIRMAN. The committee will rise informally.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Speaker having resumed the chair, Mr. BINGHAM, from the Committee on Appropriations, reported the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BURLESON. Mr. Speaker, in the absence of the gentleman from Georgia [Mr. LIVINGSTON], I desire to reserve all points of order.

The SPEAKER. The gentleman from Texas reserves all points of order.

Mr. BINGHAM. Mr. Speaker, I desire to state that I shall call up the bill immediately upon the conclusion of the Indian appropriation bill now under consideration.

Mr. KEIFER. Mr. Speaker, I wish in that connection to give notice that my former notice with reference to taking up the pension appropriation bill at the conclusion of the hearing of the bill now under consideration is withdrawn, so that the pension appropriation bill will not be taken up until later.

The SPEAKER. The committee will resume its sitting.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Chairman, we entered into agreements with the several tribes in 1898. We passed what has been called the "Curtis Act," providing that allotments be made to the Indians of the various tribes, providing that prior to those allotments we should determine who were the citizens of the various tribes entitled to share in the lands and in the funds of these Indians. We had made one or two supplementary agreements with the Indians, and we had proceeded through the proper administrative offices to change the situation in the Territory, so that we made it possible a year ago to add another star, to admit a new State to the Union, which never could have been done until conditions were absolutely changed from what they were when we entered the Territory in 1893. In doing all this, Mr. Chairman, we have expended almost two and a half millions of dollars, of which a trifling sum has been reimbursable to the Treasury of the United States. The work had progressed so far that two years ago we thought it possible to dispense with the Commission to the Five Civilized Tribes, and that was done. Changed conditions, made necessary by reason of added legislation and court decisions, induced us to extend the statutory provisions under which the Five Civilized Tribes Commission had theretofore acted, and these same provisions apply under the direction of the Secretary of the Interior, who was authorized to appoint a single Commissioner, and the work has been continued down to the present time.

So that to-day we have completed allotments to the tribe called the "Seminole tribe." We have done a majority part of the work necessary to allot for all the other tribes in the Territory—the other four tribes. A surplus of lands will exist amongst all the tribes save the Seminoles after allotment has been made to all the Indians. Provision has been made for the disposal of this surplus land. Allotment to the individual members of the various tribes has been equalized in value, and provision has been made that at the conclusion of allotment the balance of the land be sold, and that then all allottees shall have their allotments equalized. In other words, I should have said all lands have been or will be appraised, and any Indian whose allotment of 160 acres is worth $4,000, for instance, must have taken from his proportion of the trust funds enough so that that will be reduced to the general equalization valuation of an allotment. That work is now in progress. It will take from one to two years more, possibly three, to complete that work. Two or three years ago we passed the high-water mark of appropriation for this Service. This year the appropriation carried in the pending bill is less than one-half what it was two or three years ago.

Next year, I am glad to say, the appropriation may again be cut in two, and that not to exceed two more bills will carry any appropriation for this work in all human probability, and the question now raised by the gentleman from Oklahoma is that all of this labor, covering more than a decade, after the expenditure of two and a half million dollars for the benefit of these various tribes, the suggestion the gentleman from Oklahoma makes is that we are committing an outrage by providing that this sum of $40,000 be reimbursed from the sale of the surplus lands after allotments are concluded.

Mr. DAVENPORT. Will the gentleman allow me to ask a question?

Mr. SHERMAN. Certainly.

Mr. DAVENPORT. I would like to ask the gentleman whether that provision, if right and justice should enter into it, should not provide it may be reimbursed by charging a definite sum against the lessor and the lessee both. There are thousands of leases——

Mr. SHERMAN. It is to be reimbursed out of the surplus funds; it is not to be charged against the individual.

Mr. DAVENPORT. But, my dear sir, it is, and I can show where since June last they have collected more than $30,000—where they have paid the fiddler, so to speak——

Mr. SHERMAN. And they danced while they were paying.

Mr. DAVENPORT. No, sir; they had the other man's hand down in their pockets while they were paying.

Mr. SHERMAN. I think they have danced for a half dozen years at our expense, and I think it is time some portion should be reimbursed to the Treasury.

Mr. DAVENPORT. I would like to ask the gentleman this question. The gentleman and myself disagree upon that. I would like to ask the gentleman if you will report this as new legislation? I will be glad enough to discuss the question intelligently with you upon the floor of this House as to whether it has been at the expense of the Government of the United States or of the civilized tribes in that country.

Mr. SHERMAN. Oh, it is not new legislation. This is a provision in reference to a sum which is appropriated for expenditures during the next fiscal year, and that is all there is of it. Mr. Chairman, I ask for a ruling on the point of order.

Mr. DAVENPORT. I am willing.

The CHAIRMAN. Before ruling, because the question is of some embarrassment, owing to certain circumstances to which it is not necessary to allude, I will ask the chairman of the committee for some information. As I understand, the question is this. The embarrassment of the Chair is in determining exactly what existing law is. There was, as the Chair understands, passed in 1906 a statute which authorized the Indians to lease certain lands. That is correct, as the Chair understands it. If I make any misstatement, I hope the chairman of the committee will correct me.

Mr. DAVENPORT. The Chair is correct; it was April 26, 1906.

The CHAIRMAN. That authorized the Indians to lease these lands, but the Chair does not find in that bill any provision directing or authorizing the Government to be at the expense of that leasing, and furnish either the clerical work or labor. So the provision, to the Chair, seems to be merely an authorization by which the Indians could at their own trouble and at their own expense go on and make leases. Is that what the gentleman from Oklahoma understands the situation to be?

Mr. DAVENPORT. I beg the Chair's pardon. I did not understand the question.

The CHAIRMAN. That the law of 1906 merely authorizes the Indians themselves to make leases of this character?

Mr. DAVENPORT. That is the contention under the act of June 28, 1898, commonly known as the "Curtis Act," whereby it was provided that under certain conditions they might lease their holdings in that country.

The CHAIRMAN. The present bill, instead of leaving the Indians to do that themselves, makes an appropriation of the sum of $40,000 to pay the expenses of the work, the Government appearing and doing the work itself, and imposing as a condition that if the Government pays that expense the Government shall be repaid. Wherein does the gentleman from Oklahoma [Mr. DAVENPORT] claim that that changes the existing law? What change does that make in the law which is now on the statute book?

Mr. DAVENPORT. I make two contentions. If it does change the Curtis bill and the act of 1906, which provided it might be done with the approval of the Secretary of the Interior, then it is new legislation, appropriating money, and therefore has no business in the bill.

Mr. SHERMAN. It refers simply to an appropriation for the next fiscal year. It is not continuous. It has reference simply to this one appropriation.

Mr. DAVENPORT. It is an appropriation each year, and there is no law back of it to authorize it.

The CHAIRMAN. The gentleman from Oklahoma [Mr. DAVENPORT] is not making a point of order to the entire provision?

Mr. DAVENPORT. Only to that portion of the bill that enacts to appropriate the money of the lessors to pay the expense of the entire work of that clerical force.

The CHAIRMAN. He does not object to the Government advancing the money? He only objects to the Government being repaid for the advance?

Mr. DAVENPORT. If the Chair will excuse me, I have not gotten that far yet. When we get that far I will——

The CHAIRMAN. The Chair is asking for information now.

Mr. DAVENPORT. No; I do not at this time.

Mr. SHERMAN. The Chair has before him the act of 1906?

The CHAIRMAN. Yes; but we have not the Curtis bill to which the gentleman has referred.

Mr. SHERMAN (reading): "After the approval of this act, and so forth, leases and contracts shall be made in certain ways, subject to the approval of the Secretary of the Interior, and shall be absolutely void and of no effect without such approval."

The CHAIRMAN. Now, of course, that does not say how the expenses in connection with these leases are to be paid.

Mr. SHERMAN. Certainly not.

Mr. DAVENPORT. If the Chair will permit me, I will make this suggestion. Indeed, it does not, because there is a general appropriation each year, and has been ever since we had a Secretary of the Interior, to meet the expenses of his office and of his clerical force.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] claim that under the law as it is in force to-day the Secretary of the Interior, if he incurred these expenses, would have any right to take the amount thus spent out of the moneys received from the leases?

Mr. SHERMAN. Not without authority from the Congress so to do; no.

The CHAIRMAN. Then how does the gentleman claim that that does not change the law now existing?

Mr. SHERMAN. But, Mr. Chairman, this is an appropriation simply for the coming fiscal year. That is all. And we appropriate for next year for certain work to be done. And then we say, "Done during that year," practically as a limitation on the appropriation, that the money so expended shall be reimbursed to the Treasury from the proceeds derived from the leases over which the Secretary of the Interior has exercised supervisory power.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Yes.

Mr. MANN. Has the Government any control over the proceeds of these leases?

Mr. SHERMAN. No.

Mr. MANN. Then here we are taking control over them.

Mr. SHERMAN. We are reimbursing ourselves from the funds derived from a certain process for work which we have undertaken to do as a part of the process.

Mr. MANN. Yes; but we do some work for the man voluntarily and then take our pay out of the money that passes through our hands that belongs to him. If that does not change the law I do not know what would.

Mr. FLOYD. Will the gentleman from New York [Mr. SHERMAN] yield for a question?

Mr. SHERMAN. I will.

Mr. FLOYD. Is there any provision in the annual appropriation bill providing that the Government shall be reimbursed in the same way as provided in this bill?

Mr. SHERMAN. Yes; I think so. I want to see positively. Let me look for one moment. Yes; in the last appropriation bill there was precisely this provision.

The CHAIRMAN. Where is that found?

Mr. SHERMAN. It is on page 36 of the law—the Indian appropriation act passed in 1907 and expiring the 1st of July next.

The CHAIRMAN. What section does the gentleman read from?

Mr. SHERMAN. Why, it is the section just precisely as this is. I will send it to the Chair in just a second. The Clerk will hand it to the Chairman.

The CHAIRMAN. Does the gentleman from New York think that provision changing the law last year would extend over to the law of the present year?

Mr. SHERMAN. The gentleman from New York suggested the other day to the Chair that various Chairmen of the Committee of the Whole had so ruled heretofore, but the present occupant the other day held it different.

The CHAIRMAN. In reference to the particular case the present occupant of the chair ruled on the other day the Chair feels very confident, but the present one is very embarrassing. The gentleman claims no authority of law except such as the clause contained in the bill of last year.

Mr. SHERMAN. I claim no other provision.

The CHAIRMAN. Well, the Chair is ready to rule, and though he is very loath himself to so rule, yet, after consultation with a gentleman who is an excellent authority and who seems to be very clear, the Chair sustains the point of order.

The Clerk read as follows:

For clerical work and labor connected with the sale of inherited and other lands, Five Civilized Tribes, $15,000: *Provided*, That the sum so expended shall be reimbursable out of the proceeds of such land sales, and shall be equitably apportioned by the Secretary of the Interior from the moneys collected from such sales.

Mr. DAVENPORT. I desire to make the point of order on the proviso, commencing with the word "*Provided*," in line 3.

Mr. SHERMAN. Let me ask the gentleman if he would like to strike out the whole provision?

Mr. DAVENPORT. No, sir; but I want the proviso stricken out, and I will answer the gentleman by saying that we do not want the Secretary of the Interior to be permitted to go on and sell these inherited lands, because we have courts of equity and of law where they are just as competent to take care of the interests of these people as the Secretary of the Interior, who is 1,600 miles away.

Mr. SHERMAN. But we have already provided the terms under which these lands shall be disposed of, and we have already placed that under the authority of the Secretary of the Interior.

Mr. DAVENPORT. I claim that they should have their affairs administered as any other American citizen would have in the courts that are there established.

Mr. SHERMAN. Mr. Chairman, I assume the Chairman's ruling will be the same as on the last proviso, and I shall not attempt now to induce him to change his opinion.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, $25,000: *Provided*, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

Mr. MANN. Mr. Chairman, I reserve the point of order on the proviso.

Mr. SHERMAN. Mr. Chairman, there are no clerks now employed in the Indian Office under this proviso, and I do not know that any will be.

Mr. MANN. Then I make the point of order upon the proviso.

Mr. SHERMAN. I shall concede that the point of order is well taken, of course.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children of the Five Civilized Tribes, and for the purpose of carrying this provision into effect the sum of $10,000, or so much thereof as is necessary.

Mr. STEPHENS of Texas. I offer an amendment, Mr. Chairman, and I desire to state that the amendment is subject to the point of order, but I hope it will not be made, for the reason that a great many people are entitled to citizenship, and they could possibly, by a continuance of the acts of August 15,

1894, and June 30, 1895, have their names restored to the rolls. A great many of them have already obtained judgment in the courts of the Indian Territory. These judgments have been stricken from the rolls by the court recently appointed and known as the "citizenship court," and therefore I desire to offer this amendment for the purpose of placing these individuals back on the rolls.

Mr. MANN. Mr. Chairman, I do not wish to lose any rights by having the amendment debated before it is presented.

Mr. STEPHENS of Texas. I understand the gentleman from the Iroquois tribe of Chicago would make the objection to the amendment, and if not he, the chief from Tammany would.

The Clerk read as follows:

Amend, at end of line 9, page 38, by adding the following, viz:

"That the provisions of an act approved February 6, 1901 (chapter 217, United States Statutes at Large, Fifty-sixth Congress), entitled 'An act amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,"' be, and the same is hereby, extended to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes; and in order to make said act applicable to any person claiming any such right in said property said act is hereby amended to read as follows:

"SEC. 2. That all persons who are in whole or in part of Choctaw or Chickasaw blood or descent, and who are entitled to share in the common property of the Choctaw or Chickasaw Indians under any treaty with said Indians or law of Congress, or who claim to be so entitled under any treaty, grant, agreement, or act of Congress, or who claim to have been unlawfully denied or excluded from participating in the common property of the Choctaws or Chickasaws to which they claim to be lawfully entitled by virtue of any treaty, grant, agreement, or act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper district or circuit court of the United States; and said district and circuit courts are hereby given jurisdiction to hear, try, and determine any action, suit, or proceeding arising within their respective jurisdiction and involving the right of any person, in whole or in part of Indian blood or descent, to share in the common property of said Choctaw or Chickasaw Indians under any treaty, grant, agreement, or law of Congress (and in said suit the parties thereto shall be the claimant as plaintiff, and the Choctaw and Chickasaw nations or tribes jointly as party defendant); and the judgment or decree of any such court in favor of any claimant to share in the common property of said tribes shall have the same effect, when properly certified to the Secretary of the Interior, as if such judgment or decree had been allowed and approved by him: *Provided*, That the right of appeal shall be allowed to either party as in other cases, and that no act of Congress or agreement limiting the time in which an application or assertion of right should be made shall operate to defeat the rights of any person entitled to share in the said common property under any treaty with or grant to said Indians.

"SEC. 3. That the plaintiff shall cause a copy of his petition, filed under the preceding section, to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail copies of same, by registered letters, to the principal chief or governor of the Choctaw and Chickasaw nations, respectively, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letters. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Choctaw and Chickasaw nations in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Indian governments or tribes, and to file a notice of any counter claim, set-off, claim for damages, or other demand or defense whatsoever in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

"SEC. 4. That whenever it shall appear to the satisfaction of the court in which the proceedings has been instituted that there is in the possession of any Department of the Government or of any bureau, division, or commission thereof or thereunder, any record or records material to the proper determination of the issue being heard, or about to be heard, the head of the Department in which such record is kept shall, upon request of the judge of said court, transmit a certified copy of the record or records on file in his Department to the clerk of the court to be used at the trial of the case without any charge therefor: *Provided further*, That all records in the possession or custody of any Government officer or Department or division, bureau, or commission thereof or thereunder pertaining or appertaining to the rights of any such claimant shall, upon request of the claimant or his authorized attorney, be open to inspection: *Provided further*, That all suits brought under the provisions of this act shall be commenced within six months after the passage of this act, and the court, upon the request of either the plaintiff or defendant, shall advance any suit instituted under the provisions of this act on the dockets thereof to as early hearing as is consistent with the rights of the parties and the interests involved."

Mr. SHERMAN. Mr. Chairman, I raise the point of order against the amendment. It is a sweeping legislative provision. I think it requires no argument to convince the Chair that it is subject to a point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to extend my remarks in the RECORD and to file a brief and argument.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, this amendment is identical with a bill introduced by me in this Congress, H. R. 15649, The object of the bill is to afford an opportunity to about 10,000 persons, admittedly of Choctaw and Chickasaw Indian blood and descent, and who allege that they have a vested right in the common property of the Choctaw and Chickasaw Indians by reason of their Indian blood and descent, but have been denied their property rights by administrative officers charged by law with the duty of ascertaining their Indian blood and descent and determining their rights through:

1. Error of law;
2. Gross mistake of fact;
3. Fraud committed by said administrative officers to secure the benefits of the Act of Congress approved February 6, 1901, and which act is now in force in every State in the Union, and applicable to every Indian claimant, excepting only the members of the Five Civilized Tribes and the Quapaw Indians, which tribes were expressly excepted from the operations of said act. The Choctaws and Chickasaws are in the "Five Civilized Tribes."

Mr. Chairman, I now desire, as part of my remarks, to submit the following statement and brief by attorneys for many persons seeking enrollment under my bill:

TREATY OF 1820 WITH CHOCTAWS.

On October 18, 1820, the United States Government, through its representatives regularly appointed, negotiated a treaty with the Choctaw Indians, then residing on their reservation, which formed a part of the territory included in the now States of Alabama and Mississippi, which treaty was duly ratified by the Senate of the United States and proclaimed as a law January 8, 1821 (7 Stat., 210). By Article one of said treaty the Choctaws ceded to the United States "a small part" only of their lands then occupied by them and situated East of the Mississippi River. (See preamble to treaty, Indian Laws and Treaties, vol. 2, p. 133.) By Article two of said treaty the Government ceded to the Choctaw Nation the identical lands the title to which is now in controversy, and certain additional lands, heretofore sold by the Choctaws and Chickasaws, the proceeds derived from which are also the subject of this controversy.

The object of the Government in entering into the treaty of 1820 and the cession of the Western lands to the Choctaw Nation was for the purpose of effectuating the removal of the Indians west of the Mississippi River, which object failed of accomplishment. The Government had not then determined upon a definite policy with reference to the removal of the Indians. The enactment of legislation for the removal of the Indians East of the Mississippi River was being persistently and strongly urged upon Congress by the people of the then States of the Union. The Presidents of the United States, in their annual and special messages to Congress, were repeatedly urging upon Congress the necessity of declaring, through appropriate legislation, a definite Indian policy which would accomplish the removal of all the Indians then located in the Eastern States to the territory west of the Mississippi River. President Jackson, in his annual message to Congress, under date of December 8, 1829 (Messages and Papers of the Presidents, vol. 2, pp. 256–259, inclusive), reviews the condition of the various Indian tribes, points out the necessity for the inauguration of a new policy, and recommends to Congress the enactment of legislation setting apart "an ample district west of the Mississippi * * * to be guaranteed to the Indian tribes as long as they shall occupy it. * * * There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes."

ACT OF MAY 28, 1830.

In response to this message of President Jackson and in compliance with the demands of the people of the several States, Congress, at that session, passed the act approved May 28, 1830 (4 Stat. L., p. 411), providing for an exchange of lands with Indians, section 3 of which is as follows:

"SECTION 3. *And be it further enacted*, That in the making of any such exchange or exchanges, it shall and may be lawful for the President to solemnly assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same."

Under this act of Congress no title in fee simple to the Indians could be conveyed by the President of the United States. Every reservation west of the Mississippi River given an Indian tribe in exchange for the lands which the Indians held east of the Mississippi River was, under the provisions of this act of Congress, an exchange merely of the possessory right and did not and could not operate to pass a fee simple title. In every case where the Indian tribe or nation holds a fee simple title (as in the case of the Cherokees, Creeks, Seminoles, and other Indian tribes), the fee-simple conveyance was made pursuant to the express terms and provisions of special treaties with each of the Indian tribes.

The attempt on the part of the authorities of Alabama and Mississippi to enforce the State laws against the Choctaws and the encroachment of the white settlers upon their lands culminated in the Choctaws, on the 17th day of March, 1830 (and prior to the enactment of the act approved May 28, 1830), submitted to President Jackson a draft of a proposed treaty for the cession of all their lands east of the Mississippi River to the United States; the conveyance by the Government to them of a FULL AND PERFECT TITLE IN FEE SIMPLE to the western lands, and their removal thereto.

President Jackson redrafted the proposed treaty—making many changes and alterations in practically all of the articles except article 1, which provided for the conveyance of the western lands to the Choctaws—in which draft it was expressly stated that the title to be conveyed must be a FULL AND PERFECT TITLE IN FEE SIMPLE, and on the 6th day of May, 1830, he transmitted the two drafts of the proposed treaty, accompanied by a protest signed by certain persons

claiming to be full bloods, and a special message explanatory thereof, to the Senate of the United States, and requested the views of the Senate with reference to the terms upon which it might be advisable to conclude a treaty with the Choctaws. (Messages and Papers of the Presidents, vol. 2, p. 479.)

Articles 1 and 30 of the proposed treaty, as drafted by the Choctaws and transmitted to President Jackson, provided in part as follows:

"ARTICLE 1. The United States shall secure to the said Choctaw Nation of red people the perpetual peaceful possession of all that tract of country known and described in a treaty as the Choctaw land, west of the Mississippi River, embraced in the following lines and limits, viz: * * * and immediately on the ratification of this treaty a patent shall be issued by the President of the United States GRANTING AND TRANSFERRING to the said Choctaw Nation of Red People a FULL AND PERFECT TITLE IN FEE SIMPLE to all the land within the before-described limits, and FOREVER WARRANTING AND DEFENDING THE PEACEABLE POSSESSION OF THE SAME TO THE CHOCTAW NATION, THEIR DESCENDANTS, and CITIZENS.

* * * * * * * *

"ARTICLE 30. This treaty is the only proposition that the Choctaw Nation will ever make to the United States, and proposes the only terms on which the said nation will emigrate to the West; * * *."

Article 1 of the treaty proposed by the Choctaws, as amended by President Jackson and submitted to the Senate, was as follows:

"The United States shall secure to the said Choctaw Nation of red people the perpetual peaceful possession of all that tract of country known and described in a treaty as the Choctaw lands, west of the Mississippi River, embraced in the following lines and limits, viz:

* * * * * * * *

"And so soon after the ratification of this treaty as Congress shall authorize it a patent shall be issued by the President of the United States GRANTING AND TRANSFERRING to the said Choctaw Nation of Red People a FULL AND PERFECT TITLE IN FEE SIMPLE to all the land within the before-described limits, and FOREVER WARRANTING AND DEFENDING THE PEACEABLE POSSESSION OF THE SAME TO THE CHOCTAW NATION AND THEIR DESCENDANTS."

The Senate Committee on Indian Affairs stated in its report to the Senate that, after fully considering all the documents transmitted by the President relative to the proposed treaty with the Choctaws, it did not deem it admissible to recommend the ratification of the treaty, for, among other reasons, that one of the documents transmitted was a protest from one of the districts of the Choctaw Nation; that as the treaty had not been negotiated by Government officers after a poll of the nation, the committee had no way of knowing what percentage of the Choctaw people were in favor of making any treaty with the United States, and therefore recommended that the Senate advise the President by resolution not to "make or ratify" the proposed treaty. On May 27, 1830, the Senate adopted the following resolution:

"Resolved, That the Senate do advise the President of the United States not to make or ratify the treaty which the Choctaw Indians have proposed in the project submitted to him dated the 17th day of March, 1830, and which accompanied his message to the Senate on the 6th instant." (Executive Journal, vol. 4, p. 111.)

PRESIDENT JACKSON'S REPRESENTATIONS TO THE CHOCTAWS AND CHICKASAWS.

President Jackson thereafter advised the Choctaws of the action of the Senate and informed them that he would meet the Choctaws and Chickasaws at Franklin, Tenn., and personally inform them of the policy and intentions of the Government, in order that a treaty might be negotiated which would be acceptable to the Senate.

President Jackson, accompanied by Secretary of War John H. Eaton and Gen. John Coffee, arrived at Franklin, Tenn., on Monday, August 23, 1830. The Choctaws were not present. The Chickasaws, who were assembled, were addressed by President Jackson at some length, in which address the President urged the Chickasaws to consent to remove west of the Mississippi, and as an inducement to them pointed out that their new homes west of the Mississippi would be the property of THEM AND THEIR CHILDREN. The President said:

"Determine what may appear to you best to be done for the benefit of yourselves and your children. The only plan by which this can be done, and tranquillity for your people obtained, is that you pass across the Mississippi to a country in all respects equal, if not superior, to the one you have. Your Great Father will GIVE IT TO YOU FOREVER, that it may belong to YOU AND YOUR CHILDREN, while you shall exist as a nation, free from all interruption." (Senate Doc. 512, vol. 2, p. 240, 23d Cong., 1st sess.)

On the 26th of August the President and his associates met the Chickasaw delegates. J. McLish, Secretary of the Chickasaw Nation, delivered the reply of the Chickasaws to the address of the President, in part, as follows:

"FRIENDS AND BROTHERS: Our Father, the President, has communicated to us through you (Major Eaton and General Coffee) his earnest desire to make us a prosperous and happy people. To accomplish this great object, that is to us so desirable, he proposed to give us a country west of the Mississippi in exchange for the country we now possess, IN FEE SIMPLE, or, to use his own words, 'AS LONG AS THE GRASS GROWS AND WATER RUNS.'" (Senate Doc. 512, vol. 2, p. 244, 23d Cong., 1st sess.)

President Jackson then instructed his Commissioners, Secretary of War John H. Eaton and Gen. John Coffee, to continue the negotiations with the Chickasaws, and then proceed to Mississippi and conduct negotiations with the Choctaws, with the object in view of entering into treaties with both tribes, and especially instructed his Commissioners "TO ACT LIBERALLY TOWARD THEM."

On September 15, 1830, Secretary of War John H. Eaton and Gen. John Coffee arrived at the Indian agency at Dancing Rabbit Creek, Mississippi, in pursuance of the instructions of President Jackson. Negotiations looking to the formulation of a treaty with the Choctaws were immediately thereafter commenced. (Journal of Proceedings, Senate Doc. 512, vol. 2, p. 251, 23d Cong., 1st sess.)

On September 18, 1830, Secretary of War John H. Eaton and Gen. John Coffee advised the Choctaws at the treaty grounds as follows:

"BROTHERS: We have come a considerable distance to meet you, under the direction of your Great Father. He had invited you to meet and shake hands with him in Tennessee, that, AS A FRIEND AND A FATHER, HE MIGHT SPEAK WITH YOU. He was informed at Washington City that you desired it. Arriving at home, he sent Major Donley to you with news of his wishes, of his desire to converse with you on matters of deep and lasting interest to your nation. You refused to come, and returned for answer that you could not. Well might your Great Father then have said: 'I will no more try to preserve you, but leave you to live as you can under the laws of the States.' When thus he was about to determine to leave you and no more persuade you to a course of happiness, a messenger reached him, bearing from two of the three districts of your nation a memorial entreating that Commissioners might be sent. ANXIOUS STILL FOR THOSE WHO HAD FOUGHT BY HIS SIDE IN BEHALF OF HIS COUNTRY, he determined to yield that request and to send those who would SPEAK HIS WISHES FREELY AND CANDIDLY, and thereby prove the desire he entertained to preserve you, notwithstanding his previous friendly offers had been rejected.

* * * * * * * *

"BROTHERS: In 1820, by a treaty made with you at Doak's Stand by your present Great Father, an extensive and fine country was GIVEN TO YOU FOR THE USE OF YOUR PEOPLE. It was a gift to you, for the country you ceded to the United States was paid for fully. It was the understanding at the time that the Choctaws would remove; and on that account was it that a large, salable, and fertile country was provided for your nation and your people. Ten years have passed by and you are still here. The country intended for you yet remains wild and unsettled.

"BROTHERS: A fertile country beyond the Mississippi, and another possessed here, is more than you should expect. If you will not remove other Indian tribes may desire to do so; and, where they shall elect to settle, a home must be furnished; others wanting it, the country should not remain a desert. YOU MUST DECIDE WHICH YOU WILL TAKE AND WHICH YOU WILL LIVE UPON; BOTH COUNTRIES YOU CAN NOT POSSESS—IT IS UNREASONABLE TO EXPECT IT. If you prefer to live under our laws and customs, remain and do so, AND SURRENDER THE LANDS ASSIGNED TO YOU WEST OF THE MISSISSIPPI, or otherwise remove to them. THERE YOUR GREAT FATHER CAN PROTECT YOU; and there undisturbed and uninterrupted by the whites, you can enjoy yourselves and be happy, now and for years to come. Rest assured you can not be so here. But, if you think differently, then continue where you are. After the present time we shall no more offer to treat with you. You have commissioners in your country for the last time. Hereafter you will be left to yourselves, and the laws of the States within which you reside; and, when weary of them, your nation must remove as it can, and at its own expense. Whatever you may determine upon, whether to remove or to remain, our earnest and sincere wishes are that you may be happy and contented. For you we have the best feelings; our complexions are different, but our hearts and our nature are the same. The Great Spirit above is our common Father; He has made us all and we are all His."

Wednesday, 22.—"The Commissioners met the council at 10 o'clock, the chiefs and their captains present, except Netuchache, who was reported to be sick from the bite of a spider. Order and silence being had, the Commissioners proposed, for their consideration and approval, the outlines of the treaty they were willing to enter into. It is as follows."

* * * * * * * *

"The chief, Leadstone, inquired if the present treaty was to be considered as retaining former treaties and their provisions, or as repealing all former treaties, and the present one only to be relied on? The answere was, that it was desirable fully to embrace everything; that the PRESENT MIGHT be considerd the ONLY TREATY that was to be looked to; that, excepting former annuities ALL PREVIOUS TREATIES WERE TO BE CONSIDERED AS REVOKED AND SET ASIDE. The council then separated."

Thursday, 23.—"This morning the Commissioners were informed that the Indian committee appointed to consider the terms proposed were about to reject them and refuse to treat; that it was represented to them there was but one spring—and only one—in the country west of the Mississippi; and that the laws of a State had already been extended over the Cherokees who had removed there.

"The Commissioners returned for answer that the representations were wholly incorrect; that there was no State near to where the Cherokees lived, or within many miles of them or the country owned by the Choctaws; that the information was by evil-minded persons, intended to deceive and to prejudice their minds, and requested that they would meet to receive their explanations. The answer was, that at 12 o'clock they would again meet in council, and desired the presence of the Commissioners."

Twelve o'clock—"The Commissioners attended at the council house and received, through the chairman of the committee, Peter Pitchlyn, their determination and report. They stated their great surprise at being informed their Father had understood they were in distress and dissatisfied, and were surprised at being informed they could not retain the lands which by the Treaty of 1820 had been secured to them; that they had concluded not to treat for a sale of their lands. The report being received, the Secretary of War rose and made an address to them verbally before the council; told them of their situation and condition, and the impossibility, on the part of their Great Father, to prevent the operation of the laws over them; that they had been badly advised, and were putting reliance in persons who, while they professed to be their friends, would be sure to forget them in the hour of difficulty and trial. Their object, he well knew, was to claim the best bargain they could, and the Commissioners were prepared to give them one, in all respects liberal, to the extent that they could hope the Senate of the United States would ratify. The Government intended this as the last treaty ever to be held with them, and it certainly was the last time that Commissioners would ever appear in their nation to talk with them on the subject. They had come as friends, and at their own request, to protect them from injury, not to cavil with them about prices. As for their lands, the Government cared nothing, for they had enough. Their object was merely the possession of the country, with out regard to anything of value or profit to be obtained from the sale of them. He called their attention to a printed letter to the War Department from two of three of their districts, and which two of their principal chiefs had signed, in which they had said most feelingly that they were distressed, and could not possibly live under the laws of the State, and begged that Commissioners might be sent to their nation to conclude a treaty. For them now to state differently showed their insincerity and deception. That thereafter their complaints would not be regarded, because they could not be confided in. The Secretary of War requested them to understand that their removal was to be a matter for their own reflection and judgment; unless they really believed, in consenting to emigrate, their happiness could be promoted, he begged them not to think of removing; that they must go freely and of their own accord or not at all. They had to-day declared that they were unwilling to remove. He supposed that they had arrived at the conclusion that they could remain where they were and live under the laws of Mississippi, and of course the Commissioners had nothing more to say or to advise. They would now take their leave and go home. It was a matter of regret, he said, that their judgment had

erred so much in the decision they had made. Throughout the language of all of them had been that they could not live under the white man's laws. If such was not their deliberate opinion, why had they avowed it, and why did they solicit the President to send Commissioners to treat with them when they could not but know it was attended with great expense? He said he well knew that many of them could live anywhere where he could; their education and intelligence authorized him to say and believe so; but the common, uninstructed Indian could not. For them to live under laws which they could neither read nor be made to understand was expecting too much. And what are they to do under the decision just pronounced? Will they resist the laws? The sheriff must enforce them. Will they oppose him with their guns and tomahawks? While the Choctaws could raise one warrior to resist there would be found one hundred or one thousand to one to oppose that resistance and to enforce the law. These are things which seriously they should have considered before their decision was pronounced. The Commissioners, he said, had nothing further to remark, but to take leave of them and go home, and accordingly they retired from the council.

"Shortly afterwards they were waited upon by several persons of the committee, with a request that they would not leave the treaty ground; that they had considered of the remarks which had been made to them, and had no doubt, if the Commissioners would remain a few days longer, that a treaty could be made. To this the Commissioners assented."

Saturday, 25th, 9 o'clock.—"The committee on the part of the Indians handed in a plan presenting the grounds upon which they were willing to treat. It contained various objectionable features, and among others a proposition to create a perpetual stock of $5,000,000 at an interest of 5 per cent, but redeemable at the pleasure of the Choctaw Nation after twenty years. The Commissioners returned for answer that the terms had been fully considered and that some of them were inadmissible, but that at 11 o'clock they would meet the chiefs and warriors in council and state to them there what they were willing and disposed to do."

Eleven o'clock.—"The council met; present, the Commissioners, three chiefs, captains, and warriors of the nation, when the following terms were proposed and interpreted.

* * * * * * *

"The foregoing having been read and explained, the three chiefs and others of the principal men addressed the council and urged the acceptance of the terms which were offered. The explanations being made, the council broke up."

Sunday, 26th.—"Some conference at the Commissioners' quarters took place this morning between the chiefs and some of the captains and headmen in which SEVERAL ALTERATIONS AND ADDITIONS WERE MADE TO THE TERMS PROPOSED."

Monday, 27th.—"A meeting at the council house took place to-day. The treaty as drawn up was submitted, interpreted, and explained, and at 1 o'clock it was signed." * * *

TREATY UNDER WHICH APPLICANTS CLAIM.

Articles 1 and 2 of the treaty as drafted by the Commissioners representing the Government of the United States and the changes and interlineations made before the treaty was signed, as shown by the original document on file in the office of the Secretary of State, are as follows:

"ARTICLE 1. Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, chiefs and warriors of the Choctaw Nation of Red People; and that this may be considered the * * * treaty existing between the parties all other treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

"ARTICLE 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence * * * to the source of the Canadian fork; if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along the line to the beginning.

"The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825. The grant to be executed as soon as the present treaty shall be ratified." [*Indicates matter scratched out.]

SPECIAL OBJECT IN USE OF WORD "DESCENDANTS."

It will be observed that President Jackson, Secretary of War John H. Eaton, and Gen. John Coffee, throughout their conferences and negotiations with the Indians, repeatedly solemnly assured the Indians that if they would treat with the United States and move to the western reserve, the Great Father, desirous of dealing liberally with his Indian children, "WILL GIVE IT TO YOU FOREVER, THAT IT MAY BELONG TO YOU AND YOUR CHILDREN," or "WE WILL GIVE IT TO YOU AND YOUR CHILDREN FOREVER IN FEE SIMPLE." It will further be observed that after the treaty had been drafted by the Secretary of War John H. Eaton and Gen. John Coffee, at the insistence of the Indians there was the following interlineation made in article 2: "The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River IN FEE SIMPLE TO THEM AND THEIR DESCENDANTS, TO INURE TO THEM WHILE THEY SHALL EXIST AS A NATION AND LIVE ON IT."

Why did the Indians insist upon the use of the word "descendants" when President Jackson, Secretary of War Eaton, and General Coffee had at all times been talking about the Choctaws and their CHILDREN? Because "DESCENDANTS" was the only word to be found in the vocabulary of the English language that would include "THEIR CHILDREN." The word "HEIRS," as technically used and defined, or any other word known to legal phraseology, WOULD HAVE EXCLUDED ALL THE CHILDREN OF THE THEN LIVING CHOCTAWS FROM PARTICIPATING IN THE PROPERTY. These people in 1830 were living in a state of nature, and continued to live in such a state for many years thereafter, as appears from the written decisions of our courts.

In the case of Wall *v.* Williamson (11 Ala., 839), tried in the year 1842, it appeared in evidence that, by the Choctaw law, the husband could dissolve the relationship at pleasure, and a marriage of this kind, within the limits of the tribe, was held valid.

The court further says:

"That marriage among the Indian tribes must be regarded as taking place in a state of nature; and if, according to the usages and customs of the particular tribe, the parties are authorized to dissolve it at pleasure, the right of dissolution will be considered a term of the contract."

In the same decision the court says:

"If permanency is to be regarded as an essential element of marriage by the law of nature, it is clear that all such connections which have taken place among the various tribes of North American Indians, either between persons of pure Indian blood or between half-breeds, or between the white and Indian races, must be regarded as mere illicit intercourse, and the offspring be considered as illegitimate; for it appears to be well established by historians and travelers, as well as by the reported testimony in judicial proceedings occurring in the courts of some of our States, that in most of the tribes, perhaps in all, the understanding of the parties is that the husband may dissolve the contract at his pleasure. In a work published by Mr. Schoolcraft concerning the manners and customs of the North American Indians, under the authority of the Government of the United States, the writer says: 'The marital rite is nothing more, among our tribes, than the personal consent of the parties, without requiring any concurrent act of priesthood or magistracy, or witness; the act is assumed by the parties without the necessity of any extraneous sanction except parental consent. Presents are, however, often made if the parties are able. It is also disannulled and the wife dismissed from the wigwam whenever the husband pleases, or the marital state is continued under the evils of discord or a state of polygamy. The latter is, however, the usual method among the hunter and prairie tribes. BUT THE TIES OF CONSANGUINITY ARE STILL STRICTLY ACKNOWLEDGED; CHILDREN BECOME POSSESSED OF THEIR NATURAL RIGHTS AND FAMILY TRADITION TRACES THESE TO THEIR REMOTEST LINKS.' In Robertson's History of America (book 4) the same peculiarity is noticed as characterizing the contract of marriage as it prevailed among the natives of South America."

In a statement of fact the court refers to the testimony of witnesses relative to the Choctaw tribal marital customs. It says:

"Another witness introduced by the plaintiff stated that he had inquired into and informed himself as to the laws and customs of the Choctaws. The tribe had no written laws. They married and unmarried at pleasure, a man frequently having several wives. When a man found a woman he wished to marry he made her a present of a blanket and she became his wife. When he wished to dissolve the marriage he abandoned her. The husband took no part of the wife's property by marriage, and she retained all the rights of a femme sole."

In an earlier case between the same parties and reported in the Eighth Alabama, the court says, in referring to the tribal laws and customs relating to and controlling marriage and divorce among the Choctaws:

"Whatever may have been the capacity of the husband to abandon his wife and thereby to dissolve the marriage, if both had become residents of Alabama after the tribe had departed from its limits, it is very clear that the same effect must be given to a dissolution of the marriage by the Choctaw law as given to the marriage by the same law. By that law it appears that the husband may at pleasure dissolve the relation. His abandonment is evidence that he has done so. We conceive the same effect must be given to this act as would be given a lawful decree in a civilized community dissolving the marriage. HOWEVER STRANGE IT MAY APPEAR AT THIS DAY THAT A MARRIAGE MAY THUS EASILY BE DISSOLVED, THE CHOCTAWS ARE SCARCELY WORSE THAN THE ROMANS, WHO PERMITTED THE HUSBAND TO DISMISS HIS WIFE FOR THE MOST FRIVOLOUS CAUSES." (Story, Confl. of Laws, 169.)

The supreme court of the State of Missouri in the case of Johnson *v.* Johnson's Administrator (9 Mo. Reports, p. 88) reaffirmed the holding of the Alabama supreme court in the two cases above referred to, and from that day to this not a single decision can be found of any court holding to the contrary.

TREATY DULY RATIFIED.

On the 24th day of February, 1831, the treaty was duly ratified by the Senate of the United States, approved by President Jackson, and proclaimed as a law.

UNDERSTANDING OF CONTRACTING PARTIES WAS THAT CONVEYANCE SHOULD BE IN FEE SIMPLE.

The Government of the United States, by the second article of the treaty of 1830, stipulated and agreed with the Choctaws that the grant should be made in fee simple, and such was unquestionably the understanding of the Indians and the representatives of the Government, both before and after the negotiation and ratification of the treaty. In the case of The United States *v.* The Choctaw Nation (179 U. S., pp. 531–535; 45 L. ed., pp. 306, 307), Mr. Justice Harlan, delivering the opinion of the court, ably and exhaustively reviews the various decisions of that court relating to the construction of treaties with Indians, and then quotes from Mr. Justice Story in the Amiable Isabella (6 Wheat., 1, 71, 72; 5 L. ed., 191, 208), which he says is applicable to the construction of treaties with Indians, as follows:

"We are to FIND OUT THE INTENTION of the parties by just rules of interpretation applied to the subject-matter; and having found THAT our duty is to follow IT as far as IT goes and to stop where THAT stops, whatever may be the imperfections or difficulties which IT leaves behind. * * * In the next place, this court is bound to GIVE EFFECT TO THE STIPULATIONS OF THE TREATY IN THE MANNER AND TO THE EXTENT which the parties have DECLARED, and not otherwise."

In this case (United States *v.* Choctaw Nation, 179 U. S., pp. 511–517) the court recites at length the correspondence between the Indians and the Government officers before the signing of the treaty, and then says:

"We have made this extended reference to the correspondence between the Indians and the officers of the United States for the purpose, not only of showing that the Choctaws had no claim, legal or equitable, to territory west of the one hundredth degree of west longitude, but indicating the situation and relation of the parties when the treaty of 1855, to be presently referred to, was concluded."

In the case of the New York Indians *v.* United States (170 U. S., p. 34; 42 L. ed., p. 939) the court refers to the correspondence between the Indians and the Government officers after the signing of the treaty, and then says:

"While none of these documents are of great importance in themselves, they serve to indicate very clearly that in the mind of the Executive and departmental officers the rights of the Indians, under the treaty of Buffalo Creek, were continuously recognized as just claims against the Government."

We have hereinbefore called attention to the proposed treaty prepared by the Choctaws and transmitted to President Jackson, and

by him redrafted and sent to the Senate, which formed the basis of the treaty of 1830, under which this grant was made. The Choctaw draft, article 1, provided:

"And immediately on the ratification of this treaty, a patent shall be issued by the President of the United States, GUARANTEEING AND THANSFERRING to the Choctaw Nation of Red People A FULL AND PERFECT TITLE IN FEE SIMPLE to all the lands within the above-described limits, and FOREVER WARRANTING AND DEFENDING the peaceable possession of the same to the Choctaw Nation, their descendants, and citizens."

And by article 30 it was declared:

"This is the only proposition that the Choctaw Nation will ever make to the United States, and proposes the only terms on which the said Nation will emigrate to the West."

The above terms proposed by the Choctaws leave no room to doubt that they expected, and would accept nothing short of a patent issued by the President of the United States guaranteeing and transferring to the Choctaws a full and perfect title in fee simple, and forever warranting and defending the same.

It is equally evident from President Jackson's redraft of the treaty that he intended to convey a perfect title in fee simple. His draft of the proposed treaty as transmitted to the Senate provided:

"ARTICLE 1. * * * And so soon after the ratification of this treaty as Congress shall authorize it a patent shall be issued by the President of the United States GRANTING AND TRANSFERRING to the said Choctaw Nation of Red People A FULL AND PERFECT TITLE IN FEE SIMPLE to all the lands within the before-described limits and FOREVER WARRANTING AND DEFENDING THE PEACEABLE POSSESSION OF THE SAME to the Choctaw Nation and their descendants."

The correspondence between the Government officers and the Choctaws and Chickasaws immediately preceding the signing of the treaty in 1830 and the interlineations made therein before signing (hereinbefore set out) also clearly show an intention on the part of the Government to convey the lands in fee simple and an understanding on the part of the Choctaws that they were to receive nothing short of a fee-simple title.

Let us now consider the correspondence following the ratification of the treaty of 1830 for the purpose of ascertaining the understanding of the Government officers as to the nature of the title conveyed to the Indians. On December 30, 1831, Secretary of War John H. Eaton and Gen. John Coffee, who negotiated the Treaty of 1830 with the Choctaws, addressed the Chickasaws at Franklin, Tenn., in part as follows (Senate Doc. No. 512, vol. 4, pp. 15, 16, 23d Cong., 1st sess.):

"BROTHERS: The country which your Great Father proffered you is no longer his. It has been ceded to other tribes, and now the only alternative before you is to obtain by PURCHASE a portion of the CHOCTAW LANDS. They are your neighbors, friends, and brothers, and have it to spare. A hope is entertained that, mindful of their ancient friendships and being possessed of a larger country than they can ever want, they will not fail to accommodate you, if your wishes be made known to them in an earnest, frank, and proper manner. Now is the time to act. Decline, and put it off to some future time, and it may be too late. The wants and condition of the Chickasaws being frankly and fully made known, their Choctaw brothers will not turn away and leave them to suffer. Their Great Father will not think so unkindly of them as to suppose they will refuse, when he is willing to make them a reasonable and fair compensation for their liberality."

At the council house, Chickasaw Nation, January 15, 1832, the Chickasaws, in reply to Generals Coffee and Eaton, said:

"We are aware that the COUNTRY OFFERED TO US AT THAT TIME IS NO LONGER THE PROPERTY OF THE UNITED STATES. We are sorry for it. Having from our first acquaintance confided in the talks delivered by the United States authorities, we are disposed to acknowledge that the only hope that now remains for us to avoid a state of things the realities of which we would deeply deplore is to endeavor to ACQUIRE A PORTION OF THE CHOCTAW LANDS."

On December 6 Secretary of War John H. Eaton and Gen. John Coffee addressed the Chickasaws at Oaka Knoxabee Creek, in part, as follows (Senate Doc. No. 512, vol. 4, p. 17, 23d Cong., 1st sess.):

"One hope remains—the CHOCTAWS near whom you have so long resided, POSSESS A COUNTRY to the west infinitely greater in extent than is required for their use and wants. * * *

"Your Great Father, anxious to advance the interest and happiness of his red children of the Chickasaws will cheerfully assist them in RENDERING A FAIR EQUIVALENT TO THEIR CHOCTAW BROTHERS FOR WHATEVER PRIVILEGE OR SETTLEMENT THEY MAY BE DISPOSED TO GRANT. * * *"

By the laws of the United States no contract for the purchase of land can be entered into by Indians except in the presence of Commissioners who represent the Government.

In an address to the Choctaws and Chickasaws Secretary of War John H. Eaton and Gen. John Coffee, at Oaka Knoxabee Creek, December 7, 1831, said (Senate Doc. No. 512, vol. 4, pp. 18, 19, 20, 21):

"The COUNTRY WEST OF THE MISSISSIPPI, WHICH IS SECURED BY THE TREATY OF DANCING RABBIT, is sufficient for an infinitely greater population than the Choctaws have. The population of each nation being united, more land will be possessed than is sufficient for the uses and purposes of both. * * *"

"We speak to you by instructions from your Great Father. * * *

"BROTHERS: We come to visit you as friends. We earnestly desire your prosperity and seek no other object. WE HAVE NOT HERETOFORE DECEIVED YOU NOR WILL WE NOW. A new era is opening upon your people. Our desire is, by disclosing obvious truths, to awaken you to a necessity of your essential interests. Concede to your Chickasaw brothers a portion of your country. By doing so both will be benefited. Assent, and the condition of each will be improved; but refuse and your older brothers will be constrained to languish under that state of things—submission to the white man's laws—which you have already confessed your people could not bear, and which, consequently, has occasioned their removal from the land of their fathers.

"But the territory OWNED by the Choctaws is fully equal to that which they and the Chickasaws together occupy on this side of the Mississippi and superior in climate and fertility of soil. * * *

"Or, if this be not acceptable to both nations, and a defined plan of government can not be agreed upon, then for consent to be given, and for an agreement to be made, that the Chickasaws shall occupy, and independently hold, such portion of the CHOCTAW COUNTRY AS MAY BE APPROVED BY THEIR BROTHERS, THE CHOCTAWS. For this liberality your Great Father will consent to PAY what may be considered reasonable and proper. Whatever assistance we can render, in forming with you a plan of government and union for the advancement and prosperity of both nations, will (if requested) be cheerfully given. In the meantime, until a plan be agreed upon, let your brothers, the Chicasaws, participate in YOUR LANDS. * * *"

Here we find the Secretary of War, charged by law with the administration of Indian affairs, speaking for the President, and being the person who negotiated the treaty of 1830 for the Government, assuring the Choctaws and Chickasaws that he has not theretofore deceived them, and will not, and informing the Chickasaws that the "COUNTRY WHICH YOUR GREAT FATHER PROFFERED YOU IS NO LONGER HIS," and that they must treat with the Choctaws in order to secure a portion of the lands which the "CHOCTAWS OWN."

There is no doubt that the Choctaws, by the third article of the treaty of 1830, made an absolute, unconditional, and immediate surrender of all their title to the lands east of the Mississippi to the Government of the United States, and it is unreasonable to assume that they expected or intended that the conveyance to them of the lands west of the Mississippi should be anything less than a fee simple. The language used in the treaty clearly imports that an immediate and irrevocable grant shall be made to the Choctaws. In the case of New York Indians *v.* United States (170 U. S., p. 19, 42 L. ed., pp. 933–934) the court says:

"There can be no doubt that the cession by the Indians of their interest in the Wisconsin lands, in the first article of the treaty, was an absolute, unconditional, and immediate grant, and it is improbable that the Indians would have consented, or that the United States would desire, that they should accept from the Government a mere promise to set apart for them in the future the tract in Kansas. If we are to adopt such a construction it would follow that the title of the Indians, not only to the tract in Kansas, but to the lands in Wisconsin, was made dependent upon their removal to their new home. While it might be reasonably contended that their failure to remove should result in a cancellation of the treaty and a restoration to them of their rights in the Wisconsin lands, that construction is precluded by the language of the first article, which contains a present and irrevocable grant of the Wisconsin lands and puts it beyond their power to revoke the bargain." * * *

TREATY PROVIDED FOR SPECIAL GRANT AND SPECIAL INDIAN POLICY FOR CHOCTAWS.

That article two of the treaty of 1830 provided for a special grant to the Choctaws of the lands west of the Mississippi not only appears from the express language used therein, but is so declared by the Supreme Court of the United States in the case of the United States *v.* Choctaw Nation (179 U. S., p. 508, 45 L. ed., p. 297). Mr. Justice Harlan, delivering the unanimous opinion of the court, said:

"It can not be doubted that the purpose of article 2 of the treaty of 1830 was to provide for a SPECIAL GRANT to the Choctaws of the lands intended to be ceded to them by article 2 of the treaty of 1820 and no others."

GRANT MADE NOT IN EXACT CONFORMITY WITH TREATY.

On the 24th day of February, 1831, the treaty was duly ratified by the Senate of the United States and approved by President Jackson. On the 26th day of May, 1831, President Jackson executed under his hand and seal "three grants on parchment" for the lands which it was provided by article 2 of the treaty should be conveyed to the Choctaws, as appears from the following communication (Senate Doc. 512, vol. 2, p. 304, 23d Cong., 1st sess.):

DEPARTMENT OF WAR,
OFFICE INDIAN AFFAIRS,
June 9, 1831.

SIR: I transmit herewith, by direction of the Secretary of War, three grants on parchment from the President of the United States to the Choctaw Nation, for the lands assigned to said nation west of the Mississippi by the late treaty, one for the principal chief of each district of the nation. You will deliver them, accordingly, when you meet the chiefs to pay the annuity, or at any other convenient opportunity.

I am, etc., SAMUEL S. HAMILTON.

Col. WILLIAM WARD, *Choctaw Agent.*

The grant made by President Jackson to the Choctaws was as follows:

"Whereas on the 27th day of September last a treaty was concluded at Dancing Rabbit Creek between Commissioners duly appointed on the part of the United States and the Choctaw Nation of Indians; and the same, having been ratified by the Senate, was officially promulgated on the 24th of February, 1831, which treaty, in the second article, stipulates 'that the United States, under a grant specially to be made by the President, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning.'

"Now, in pursuance of said treaty, and of the powers and authority vested in me by an act of Congress approved the 28th day of May, 1830, entitled 'An act to provide for an exchange of lands with the Indians residing in any of the States or Territories and for their removal west of the Mississippi River,' said country as is described in the second article of said treaty, is hereby granted and assigned to said Choctaw Nation of Indians to the extent and after the condition of tenure therein declared, and liable to no transfer or alienation except to the United States.

"In testimony hereof, and that the same may be carried into effect, I have signed this grant with my own hand, and cause it to be certified under the seal of the War Department, this 26th day of May, 1831, and of the State Department.

ANDREW JACKSON.

By the President:
E. LIVINGSTON, *Secretary of State.*
By the President of the United States:
JOHN H. EATON, *Secretary of War.*

We are advised by the officers of the State, War, and Interior Departments that this grant is not of record in their respective Departments, and the copy hereinabove set out is taken from Senate Document 512, volume 2, pages 304 and 305, Twenty-third Congress, first session. Neither have we, after repeated inquiries at the Departments of the Government and diligent search of all Government documents and papers bearing on this subject, been able to secure any reference to this grant other than in the one instance in which it appears in the Senate document.

This grant was not in conformity with the established rules and

forms of conveyancing, nor strictly in conformity with the terms and provisions of the treaty, and after diligent search we have been unable to find any correspondence or explanation of any kind. We assume that the Government officers considered it defective, for in 1842 President Tyler caused to be issued under his hand and seal a patent reading as follows:

"PATENT.

"The United States of America, to all to whom these presents shall come, greeting:

"Whereas, by the second article of the treaty began and held at Dancing Rabbit Creek, on the fifteenth day of September, in the year of our Lord one thousand eight hundred and thirty (as ratified by the Senate of the United States, on the 24th of February, 1831), by the Commissioners on the part of the United States and the Mingoes, chiefs, captains, and warriors of the Choctaw Nation, on the part of said nation, it is provided that 'the United States under a grant SPECIALLY to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation' a tract of country west of the Mississippi River, IN FEE SIMPLE TO THEM AND THEIR DESCENDANTS, to inure to them while they shall exist as a nation and live on it: Beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825.

"Now, KNOW YE, that the United States of America in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant, unto the said Choctaw Nation, the aforesaid 'tract of country west of the Mississippi,' to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, AS INTENDED, 'TO BE CONVEYED' by the aforesaid article, IN FEE SIMPLE TO THEM AND THEIR DESCENDANTS TO INURE TO THEM while they shall exist as a nation and live on it, liable to no transfer or alienation except to the United States or with their consent." (Recorded, vol. 1, p. 43, General Land Office.)

The Supreme Court of the United States recognizes this latter patent as the instrument by which the grant was made in the case of United States *v.* Choctaw Nation (179 U. S., p. 522, 45 L. ed., p. 302) wherein the court says:

"The treaty closed this dispute forever; if it had not been closed by previous treaties and by the SPECIAL GRANT OF 1842 made pursuant to ARTICLE 2 of the TREATY OF 1830, and which as we have said estopped the Indians from claiming any lands not within the limits of the United States."

FEE-SIMPLE TITLE CONVEYED.

The inhibition which the Government officers attempted to place upon the transfer or alienation of the lands by adding at the end of the habendum clause of the patent the words "liable to no transfer or alienation except to the United States, or with their consent," was not binding upon the Choctaws. No administrative officer possessed the constitutional power to include in the patent any restrictions upon the grantee not authorized by the treaty. This proposition is elementary and needs no elaboration by argument or citation of authority for its support.

Nor did the words appearing in both the treaty and the patent, "TO INURE TO THEM WHILE THEY SHALL EXIST AS A NATION AND LIVE ON IT," reduce the estate conveyed to less than a fee, as has been contended by those who have opposed the rights of these people. The grant, as we will presently conclusively show, was to the Choctaw Nation, in TRUST, for the EXCLUSIVE USE AND BENEFIT OF THOSE PERSONS COMPRISING THE CHOCTAW COMMUNITY ON THE DAY THE TREATY WAS RATIFIED and was to INURE to THEM and THEIR DESCENDANTS. Let us analyze the words of the treaty and the grant and ascertain therefrom their true meaning and intent. The grant was: "To the Choctaw Nation * * * in fee simple to them and their descendants," which vested in the Choctaw Nation, as trustee, the "full and perfect" legal "title in fee simple" and in "them and their descendants" the "full and perfect" equitable "title," and for the purpose of defining the LIFE of the TRUST these words of LIMITATION were added:

"To inure to them while they shall exist as a nation and live on it."

When the Choctaw Nation—the TRUSTEE—ceased to exist, and the PERSONS for whose BENEFIT the TRUST was CREATED ceased to live upon the land as a nation, the fee could no longer INURE but would pass to, and vest in, the then living beneficiaries under the grant, thus completely merging the legal title formerly held by the TRUSTEE with the equitable title held by them, and the members of the former cestui que trust would then be seized in fee of their property.

But this condition has never occurred. The TRUSTEE—the Choctaw Nation—has continued in being and the grant has continued to INURE.

As it has been contended with such fervor that the grant was not a FEE SIMPLE, we shall trespass upon your patience with a more extended argument on this question and the citation of authorities which seem to us conclusive.

In the case of the New York Indians *v.* United States (170 U. S., p. 20, 42 L. ed., p. 934) the court in determining the nature of the title acquired by the Indians under a treaty which provided for a grant "IN FEE SIMPLE" and in the habendum clause of the treaty, *Provided always*, THAT SUCH LANDS SHALL REVERT TO THE UNITED STATES IF THE INDIANS BECOME EXTINCT OR ABANDON THE SAME," said:

"In this case if the habendum clause were alone considered, there could be no doubt whatever that the Indians would take a present title to a FEE SIMPLE. There is certainly no conflict between the granting and habendum clauses. Admitting that the former, if standing alone, would engender a doubt as to when the grant should take effect, the habendum clause removes that doubt and imports a present surrender of a defined tract."

Throughout this decision the court refers to the title of the Indians under this grant as a FEE SIMPLE, and cites previous decisions of that court in which the words "hereby cede and relinquish," or "agree to set apart," or "shall be allotted for, and given to," or "shall have their right," and other similar expressions in treaties and grants have been held by that court as conveying a fee-simple title.

It has been contended by attorneys for the nations and the Government of the United States that the treaty of 1830, under which petitioners claim title, must be construed in the light of the act of Congress approved May 28, 1830, in strict conformity with the general governmental Indian policy as therein declared, and not otherwise. This contention we submit is little short of an absurdity.

While the treaty in 1830 with the Choctaws, under which petitioners claim title, and the act of Congress approved May 28, 1830, sought to accomplish a common object, viz, the removal of the Indians, very different instrumentalities were employed, and a court is not to be governed in the construction of the treaty of 1830 by the provisions of the act of Congress, particularly where the provisions of the treaty differ widely, as they do, from the provisions of the act of Congress.

Mr. Justice Clifford in delivering the opinion of the Supreme Court in the case of Holden *v.* Joy (84 U. S., 21 L. ed., pp. 532–533), in deciding a controversy arising from a grant of land to the Cherokees, the patent to which was issued under the act approved May 28, 1830, but which patent was not in conformity with the provisions of the treaty providing for the grant of land, says:

"Much reason exists to suppose that Congress, in framing those provisions, had in view the stipulations of the treaty concluded two years earlier, and it is equally probable that the President and Senate in negotiating and concluding the two treaties of later date were largely governed by the several provisions in that act of Congress, BUT THEY WERE NOT CONTROLLED BY THESE ENACTMENTS, as is evident from the fact that the later of the two contains many stipulations differing widely from the provisions of that act, as, for example, the United States, in the supplemental article enlarging the quantity of land set apart for the accommodation of the nation, expressly covenant and agree TO CONVEY THE ADDITIONAL TRACT TO THE SAID INDIANS AND THEIR DESCENDANTS BY PATENT, IN FEE-SIMPLE TITLE, and the article does not contain any such provision as that contained in the third section of the act of Congress that the land shall revert to the United States if the Indians become extinct or abandon the territory. (4 Stat. L., 412; 7 Stat. L., 480.)

"ATTEMPT IS MADE IN ARGUMENT TO SHOW THAT THE LAST-NAMED TREATY WAS NEGOTIATED BY FORCE OF THE ACT OF CONGRESS TO PROVIDE FOR AN EXCHANGE OF LANDS WITH THE INDIANS, BUT IT IS CLEAR THAT THE PROPOSITION CAN NOT BE SUSTAINED, AS THE TREATY DIFFERS WIDELY IN MANY RESPECTS FROM THE PROVISIONS OF THAT ACT OF CONGRESS. Doubtless the intent and purpose were the same—to quiet the disturbances and to induce the Indians remaining in the States and Territories to emigrate and settle in the district of country set apart for them without the limits of the several States and organized Territories—but the treaty, though concluded to promote the same object as the act of Congress, adopts very different instrumentalities."

FEE STIPULATED FOR IN TREATY OF 1830 CAN NOT BE LIMITED OR RESTRICTED BY PROVISIONS OF ACT OF MAY 28, 1830.

By the treaty of February 14, 1833, the United States agreed to convey to the Cherokee Nation, under the provisions of the act of Congress approved May 28, 1830, 7,000,000 acres of land. In 1835 (7 Stats., 478) the Government entered into another treaty with the Cherokees, whereby it renewed its pledge to convey the said 7,000,000 acres of land to the Cherokee Nation, and also agreed to convey to the said Indians and their descendants by patent in fee simple 800,000 acres of land which was known as the "neutral lands" in Kansas.

Article 3 of the treaty provided (vol. 2 Indian Treaties, p. 441):

"The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the outlet and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States ACCORDING TO THE PROVISIONS OF THE ACT OF MAY 28, 1830."

The patent issued to the Cherokee Nation recited that the conveyance of both tracts was made pursuant to the act of May 28, 1830. In litigation that arose involving title to the neutral strip, which the treaty provided should be conveyed to the said Indians and their descendants by patent in fee simple, it was contended by counsel that as the Cherokees had not resided on these lands under the provision in the patent inserted in conformity with the act approved May 28, 1830: *"Provided always*, That such land shall revert to the United States if the Indians become extinct or abandon same" the lands had reverted to the United States.

In passing upon this question, the Supreme Court of the United States, speaking through Mr. Justice Clifford, said (84 U. S., 21 L. ed., 536):

"Two objections are made to the title of the appellee as affected by that treaty, in addition to those urged to show that the prior treaty between the same parties was inoperative and invalid. It is contended by the appellant that the Cherokee possessory right to the neutral lands was extinguished by the seventeenth article of the treaty, which undoubtedly is correct, but the conclusion which he attempts to deduce from that fact can not be sustained—that the Cherokee Nation abandoned the lands within the meaning of the last condition inserted in the patent by which they acquired the same from the United States.

"Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. BY THE TREATY THE UNITED STATES COVENANTED AND AGREED TO CONVEY THE LANDS IN FEE-SIMPLE TITLE, AND IT MAY WELL BE HELD THAT IF THAT CONDITION REDUCES THE ESTATE CONVEYED TO LESS THAN A FEE, IT IS VOID."

The conveyance being in fee simple, the Government could not attach a condition subsequent that would impair the right of the grantee to sell, lease, incumber, or otherwise dispose of the estate granted. In the early history of this country this question was settled, and the decisions of the early courts have never been called in question until the last few years, when the idea seems to have become almost universal, except with the judiciary, that Congress and the Executive can do almost anything with reference to private rights.

In the case of De Payster *v.* Michael (Am. Dec., vol. 57, p. 474), Chief Justice Ruggles, delivering the opinion of the court of appeals of New York, said:

"But it is a well-established principle that where an estate in fee simple is granted, a condition that the grantee shall not alien the land is void. Littleton says: 'Also, if a feoffment be made on this condition that the feoffee shall not alien the land to any, this condition is void: because when a man is enfeoffed of lands or tenants, he hath the power to alien them to any person by law. For if such a condition should be good, then the condition should oust him of all power which the law gives him which should be against reason, and therefore such a condition is void.' (Section 360.)

"Coke, in his commentary on this section, adds: 'And the like law is of a devise in fee upon a condition that the devisee shall not alien,

the condition is void; and so it is of a grant, release, confirmation, or any other conveyance whereby a fee simple doth pass.' (Co. Lit., 223a.) The language of Mr. Cruise is: 'A condition annexed to the creation of an estate in fee simple, that the tenant shall not alien, is void and repugnant to the nature of the estate given; for a power of alienation is an incident inseparably annexed to an estate in fee simple.' (Cru. tit., 13, c. 1, sec. 22.) 'The right of alienation passes by the grant of the fee as perfectly as if it were given by the express terms of the grant. Without such right the estate granted would be neither a fee simple nor any other estate known to the law. Lands granted in fee on condition that the grantee shall not enjoy the lands, or shall not take the profits of the lands, or on condition that the heir of the grantee shall not inherit the lands, or on condition that the grantee shall not do waste, or on condition that his wife shall not be endowed—in all these and the like cases the condition is void as repugnant to the estate.' (Shep. Touch., 131.) 'A condition annexed to an estate given is a divided clause from the grant, and therefore can not frustrate the grant precedent, neither in anything expressed nor in anything implied which is of its nature incident and inseparable from the thing granted.' (Stukeley *v.* Butler, Hob., 170.)

"The reason why such a condition can not be made good by agreement or consent of parties is, that a fee-simple estate and a restraint upon its alienation can not, in their nature, coexist. The ownership of the fee can not exist in one person while the ownership of the right of alienation of its fruits exists in a different person. This is a principle older than the common law of England. Grotius, b. 1, c. 6, sec. 1, says: 'Since the establishment of property, men who are masters of their own goods have by the law of nature the power of disposing of or of transferring all or any part of their effects to other persons; for this is the very nature of property; I mean of full and complete property;' and therefore Aristotle says: 'It is the definition of property to have in one's self the power of alienation.'

"That this principle was at an early day engrafted upon the common law and applied to estates in fee, we have the authority of Littleton, as above cited, and of Coke, 2 Inst., 65. By the common law, it is against the nature and purity of a fee simple 'for the tenants to be restrained from alienation.' But the rule of common law on this point is not founded exclusively on principles of natural law. It rests also on grounds of great public utility and convenience, in facilitating the exchange of property, in simplifying its ownership, and in freeing it from embarrassments, which are injurious, not only to its possessor, but to the public at large."

RESIDENCE ON LAND UNNECESSARY.

That it was not the intention of the contracting parties to make the RIGHT of a person to share in the lands conveyed to the Choctaw Nation in trust DEPENDENT UPON RESIDENCE ON THE LAND conclusively appears from article 14 of the treaty of 1830, under the second article of which treaty the grant was made. Article 14 of the treaty provides:

"EACH CHOCTAW HEAD OF A FAMILY BEING DESIROUS TO REMAIN AND BECOME A CITIZEN OF THE STATES SHALL BE PERMITTED TO DO SO by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. PERSONS WHO CLAIM UNDER THIS ARTICLE SHALL NOT LOSE THE PRIVILEGE OF A CHOCTAW CITIZEN, BUT IF THEY EVER REMOVE ARE NOT TO BE ENTITLED TO ANY PORTION OF THE CHOCTAW ANNUITY."

The Choctaw who remained in Mississippi and Alabama, or who did not remove with the Choctaws to the western lands, FORFEITED ONLY HIS RIGHT TO SHARE IN THE ANNUAL ANNUITIES of twenty thousand dollars, which by article 12 were to continue for the period of twenty years, and other annual payments provided for in other articles of the treaty, which annuities were given in lieu of a definite sum to be paid to the Choctaws by the Government in ADDITION to the western lands ceded the Choctaws by the United States. The ALLOTMENT OF LAND in Mississippi and Alabama was given to EVERY PERSON who desired to remain IN LIEU OF ANY RIGHT TO SHARE IN THESE ANNUITIES. But it was expressly provided in the above article that the PERSON REMAINING SHOULD NOT FORFEIT HIS RIGHT IN THE WESTERN LANDS BY REASON OF HIS FAILURE TO REMOVE. AND THEREFORE RESIDENCE ON THE LAND WAS NOT A CONDITION PRECEDENT, AND THEREFORE NOT NECESSARY TO ENABLE THE PERSON TO SHARE IN THE TRUST PROPERTY.

THE GRANT TO THE CHOCTAWS WAS IN PRÆSENTI.

"THERE BE, AND IS HEREBY GRANTED" are words of absolute donation and import a grant in præsenti. This court has held that they can have no other meaning. * * * They vest a present title. * * * (Leavenworth, etc., R. R. Co. *v.* U. S., 92 U. S., 733; 23 L. ed., 637; St. Joseph, etc., R. Co. *v.* Baldwin, 103 U. S. 427, 26 L. ed., 597; M., K. & T. Ry. Co. *v.* Kansas & Pacific Co., 97 U. S., 24 L. ed., 1097.)

"HAVE GIVEN AND GRANTED, AND BY THESE PRESENTS DO GIVE AND GRANT," the language used in the patent, constituted a GRANT IN PRÆSENTI, and they could have no other meaning.

It is a settled rule of construction that if from all the language of a statute or treaty it is apparent that Congress intended to convey an immediate interest it will be construed as a grant in præsenti. (New York Indians *v.* U. S., 170 U. S., pp. 15, 16; 42 L. ed., p. 932.)

In the case of Wallace *v.* Adams (143 Fed. Rep., 8th circuit, p. 723) Mr. Justice Sanborn, in referring to the cases reviewed and analyzed by the Supreme Court of the United States in its decision in New York Indians *v.* United States, says:

"The opinions in the cases cited are limited to rulings that grant to designated persons or classes of persons are grants in præsenti, and that after they have taken effect the rights to the property have vested so that they may not be lawfully destroyed by legislation without compensation."

In the case at bar the grant was in PRÆSENTI in FEE SIMPLE to the Choctaw Nation, as TRUSTEE for the use and benefit of a designated class of persons, i. e., ALL THOSE PERSONS COMPRISING THE CHOCTAW COMMUNITY AT THE DATE OF THE RATIFICATION OF THE TREATY OF 1830, AND INURED TO THEIR DESCENDANTS.

Let us analyze the language used in the treaty and made the operative words of the grant. The grant was "to the Choctaw Nation * * * in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The personal pronoun "them," referring and relating to all those persons then comprising the Choctaw community of Indians, and the word "descendants," meaning:

"Any person who is descended from another; anyone who proceeds from the body of another, however remotely." (American and English Enc. of Law, p. 641.)

And the word "inure," meaning:

"1. To pass into use.

"2. To take or have effect.

"3. To serve the use or benefit of." (Bouvier and Universal dictionaries.)

The grant, was, therefore, IN PRÆSENTI in FEE SIMPLE to the Choctaw Nation as TRUSTEE for the use and benefit of all THOSE PERSONS THEN COMPRISING THE CHOCTAW COMMUNITY OF INDIANS AND ANY PERSON DESCENDED FROM THEM OR WHO PROCEEDED FROM THE BODY OF THEM, HOWEVER REMOTELY, and no other person.

CHOCTAW NATION HELD LANDS AS TRUSTEE.

The draft of the treaty prepared by the Choctaws and as amended by President Jackson, which formed the basis of the negotiations which resulted in this treaty, the Journal record of the negotiations leading up to the signing thereof, hereinbefore set out, and the language used in the second article of the treaty as ratified, clearly import an intention on the part of both of the contracting parties to CREATE A TRUST and to LIMIT THE TRUST PROPERTY exclusively to the USE and BENEFIT of all THOSE PERSONS THEN COMPRISING THE CHOCTAW COMMUNITY AND THEIR DESCENDANTS.

But even if the language of the treaty admitted of doubtful construction, it must be given the construction which is most favorable to the Indians.

"THE LANGUAGE USED IN TREATIES WITH INDIANS SHOULD NEVER BE CONSTRUED TO THEIR PREJUDICE." (Worcester *v.* Georgia, 6 Pet., 582; 8 L. ed., 508.)

"When a treaty admits of two constructions, one restricting as to the rights that may be claimed under it and the other liberal, the latter is to be preferred." (Shanks *v.* Dupont, 3 Pet., 242.) SUCH IS THE SETTLED RULE OF THIS COURT."

So said Mr. Justice Swayne in delivering the opinion of the court in the case of Hauenstein *v.* Lynham (100 U. S., 47; 25 L. ed., 629) and citing the above referred to decision by Mr. Justice Story.

Certain it is that such was the understanding and intent of the grantor, the Government of the United States, for the language of the patent (prepared by the Government officers, presumably under the direction of that eminent lawyer, Daniel Webster, then Secretary of State) clearly created a trust by conveying the lands in fee simple to the Choctaw Nation for the use and benefit of them and their descendants. The habendum clause of the patent reads:

"To have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, AS INTENDED 'TO BE CONVEYED' by the aforesaid article, 'IN FEE SIMPLE TO THEM AND THEIR DESCENDANTS, TO INURE TO THEM while they shall exist as a nation and live on it.'"

In the case of New York Indians *v.* United States (170 U. S., pp. 19–22; 42 L. ed., p. 934) Mr. Justice Brown, speaking for the court, said:

"The object of the habendum clause is said to be 'to set down again the name of the grantee, the estate that is to be made and limited, or the time that the grantee shall have in the thing granted or demised, and TO WHAT USE.' (Sheppard's Touchstone, 75.) It may explain, enlarge, or qualify, but can not contradict or defeat the estate granted by the premises, and where the grant is uncertain or indefinite concerning the estate intended to be vested in the grantee, the habendum performs the office of defining, qualifying, or controlling it." (Jones, Real Prop., 563; Devlin, Deeds, 215.)

The words "AS INTENDED TO BE CONVEYED IN FEE SIMPLE TO THEM AND THEIR DESCENDANTS," and the word "INURE" (meaning "to serve to the use or benefit of") were sufficient to fasten a trust upon the conscience of the trust donee. In the case of Randolph *v.* East Birmingham Lamp Company (Am. St. Rep., vol. 53, p. 67; 104 Ala., 355) Mr. Justice Haralson says:

"IN ALL CASES, as has been held, POWERS OR TRUSTS MUST BE CONSTRUED ACCORDING TO THE INTENTION OF THE PARTIES, TO BE GATHERED FROM THE WHOLE INSTRUMENT (1 Perry on Trusts, sec. 248; Kerr *v.* Verner, 66 Pa. St., 326; Guion *v.* Pickett, 42 Miss., 77). And when a gift in a will is expressed to be for the 'USE AND BENEFIT' of another, or to be at the disposal of the donee, for himself and children,' or 'toward his support and family,' or 'to enable the donee to provide for and maintain' his children, or where the gift is expressed to be made 'to the end' or 'TO THE INTENT' and the donee should apply it to certain purposes, the terms thus employed have been held sufficient to fasten a trust upon the conscience of the trust donee." (Hill on Trustees, *66, *67.)

The Choctaw Nation having been previously repeatedly recognized by the United States Government as fully possessed of authority to take and hold, in its own name and for its own use, real or personal property, and to sell, alienate, or otherwise dispose of same, and pass a valid title thereto, and being specially recognized as possessing such powers by the second and third articles of the treaty of 1830, there can be no question as to its authority to hold the property conveyed as TRUSTEE.

In the case of Commissioners of the Sinking Fund *v.* Walker (Am. Dec., vol. 38, p. 435, 6 Howard, 143) Mr. Chief Justice Sharkey, of the supreme court of Mississippi, says:

"Before the statute of uses, 27 Hen. VIII, c. 10, there was a limitation or restriction as to those who could stand seized to uses, but since the passage of that statute trusts have been adopted to supply the place of uses, and the former inability to stand seized to a use no longer prevails. The general rule now is that all persons capable of confidences and of holding real or personal property may hold as trustees. CORPORATIONS MAY NOW HOLD AS TRUSTEES, although they could not be seized to a use before the statute." (Willis on Trustees, 32–38, Law Lib. * * *)

Continuing, the justice says:

"A trust is said to be 'an obligation upon a person arising out of a confidence reposed in him to apply property faithfully and according to such confidence.' (Willis on Trustees, 2.) To constitute a direct trust there must be a conveyance or transfer to a person capable

of holding it; there must also be an object or fund transferred and a cestui que trust or purpose to which the trust fund is to be applied. NO PARTICULAR WORDS ARE NECESSARY TO CONSTITUTE A TRUST, BUT IF IT BE THE PLAIN INTENTION OF THE PARTIES TO CREATE A TRUST IT WILL BE REGARDED AS SUCH."

In the case of Estate of Smith (Am. State Rep., vol. 27, p. 641; 144 Pa. State, 428) Mr. Justice Clark says:

"THERE IS NO CERTAIN FORM REQUIRED IN THE CREATION OF A TRUST. * * * If the declaration be in writing, it is not essential, as a general rule, THAT IT SHOULD BE IN ANY PARTICULAR FORM. IT MAY BE COUCHED IN ANY LANGUAGE WHICH IS SUFFICIENTLY EXPRESSIVE OF THE INTENTION TO CREATE A TRUST. * * * 'Three things, it has been said, must concur to raise a trust—sufficient words to create it, a definite subject, and a certain or ascertained object; and to these requisites may be added another, viz, that the terms of the trust should be sufficiently declared.' (Bispham's Equity, 65, citing Cruwys *v.* Colman, 9 Ves., 323; Knight *v.* Boughton, 11 Clark & F., 513. * * *.) The intention must be plainly manifest and not derived from loose and equivocal expressions of parties, made at different times and upon different occasions, but any words which indicate with sufficient certainty a purpose to create a trust will be effective in so doing. It is not necessary that the terms 'trust' and 'trustee' should be used. The donor need not say, in so many words, 'I declare myself a trustee,' but he must do something which is equivalent to it and use expressions which have that meaning, for however anxious the court may be to carry out a man's intention, it is not at liberty to construe words otherwise than according to their proper meaning." (Richard *v.* Delbridge, L. R., 18 Eq., 11–13.)

In Hearley *v.* Nicholson (L. R., 19 Eq., 233) Vice-Chancellor Bacon says:

"It is not necessary that the declaration of a trust should be in terms explicit, but what I take the law to require is, that the donor should have evinced by his acts, which admit of no other interpretation, that he himself had ceased to be, and that some other person had become, the beneficial owner of the subject of the gift or transfer, and that such legal right of it, if any, as he retained was held in trust for the donee."

"The one thing necessary," says the same learned judge in Warriner *v.* Rogers (L. R., 16 Eq., 340), "to give validity to a declaration of trust, the indispensable thing, I take to be that the donor or grantor, or whatever he may be called SHOULD HAVE ABSOLUTELY PARTED WITH THAT INTEREST WHICH HAD BEEN HIS UP TO THE TIME OF THE DECLARATION, SHOULD HAVE EFFECTUALLY CHANGED HIS RIGHT IN THAT RESPECT, AND PUT THE PROPERTY OUT OF HIS POWER, AT LEAST IN THE WAY OF INTEREST." The acts or words relied upon must be unequivocal, plainly implying that the person holds the property as trustee. (Martin *v.* Funk, 75 N. Y., 134; 31 Am. Rep., 446. * * *)

The trust created was not only for the USE and BENEFIT of those persons then in esse and members of the Choctaw community in 1830, but was equally for the use and benefit of "DESCENDANTS" YET UNBORN. It is not necessary that the cestui que trust should be in existence in order to create a trust estate. The designation of a trustee capable of taking the legal title to the lands and the designation of a person or CLASS OF PERSONS, for whose benefit the trust was created, was sufficient. In the case of Salem Capital Flour Mills Company *v.* Stayton Water-Ditch and Canal Company (Fed. Rep., vol. 33, p. 153) the court says:

"The natural persons constituting this association, partnership, or company, and calling themselves collectively the 'Wallamet Woolen Manufacturing Company,' were in existence at the date of the deed and capable of taking the beneficiary interest in the grant. THE DESCRIPTION OF THEM AS STOCKHOLDERS IN 'A CERTAIN JOINT STOCK COMPANY WAS A SUFFICIENT DESIGNATION OF THEM. (Friedman *v.* Goodwin McAll., 149.) But if this were otherwise, and THERE WAS NO CESTUI QUE TRUST OR USE IN EXISTENCE AT THE DATE OF THE DEED, nor until the actual incorporation of the woolen company in the December following, THE OBJECTION IS NOT WELL TAKEN. Mr. Washburn (2 Washb. Real Prop., 3d ed., 173), after a careful review of the authorities, says: 'IT MAY BE LAID DOWN AS A GENERAL PROPOSITION THAT IT IS NOT NECESSARY, IN ORDER TO CREATE A TRUST ESTATE, THAT A CESTUI QUE TRUST SHOULD BE NAMED WHO IS IN BEING.' And again (Id., 198) he says: 'A TRUST MAY BE VALID AND EFFECTUAL WHERE A TRUSTEE IS NAMED, ALTHOUGH THE CESTUI QUE TRUST MAY NOT THEN BE IN ESSE, PROVIDED SUCH CESTUI QUE TRUST SUBSEQUENTLY CAME INTO BEING.' (See also on this point Ashhurst *v.* Given, 5 Watts and S., 328; Urket *v.* Coryell, id., 60.)"

In the case of Heermans *v.* Schmaltz (Fed. Rep., vol. 7, pp. 573, 574) the court says:

"As to all the beneficiaries named in the supplementary instrument, there can be no doubt that the trust is sufficiently expressed and defined; but it is claimed that the persons who are to take under the second clause of the instrument, and those who are to receive property under the residuary clause, in case any of the persons named therein die before the decease of the grantor, should have been designated by name, and this omission leaves the trust so far unexpressed and undefined as to invalidate the instrument as a conveyance in trust. I am unable to concur in that view. Most of the ultimate recipients of the property named and the proportions they are to receive are stated.

"The trusts are all clearly defined. In the two instances in which it is provided that distribution shall be made among the children of certain persons there is designation of A CLASS OF BENEFICIARIES. The grantor in such a case could not know when the trust is created, who of the class whom he desired to share in his property might be living at his death, or the names of such persons, or whether there would be children of some other beneficiary named surviving him; and I do not think it is the meaning or intention of the statute that the failure to name in every instance the person whom he might desire in certain contingencies to ultimately share in his estate—THE CLASS IN WHICH SUCH PERSON WOULD BELONG SPECIFICALLY DESIGNATED—should be held to defeat the conveyance as a valid trust instrument, on the ground that it does not fully express and clearly define the trust; and on the whole, I am of the opinion that by the instruments in question an active trust, valid under the statute, was created, and that the plaintiff was made the trustee of an express trust, clothed with the legal title to the premises in controversy."

PROPERTY IN CONTROVERSY REPEATEDLY DECLARED BY CONGRESS, ADMINISTRATIVE OFFICERS, AND THE COURTS TO BE "TRUST PROPERTY."

Not only have the words "AS INTENDED TO BE CONVEYED" and the word "INURE" (meaning to serve to the use or benefit of), as used in both the treaty and the grant ALWAYS BEEN HELD by the courts AS FASTENING A TRUST UPON THE CONSCIENCE OF THE TRUST DONEE—the Choctaw Nation—but the property in controversy has been repeatedly declared to be TRUST property in the reports of Congress, in the reports of administrative officers, and in the decisions of the highest court of this land.

Chief Justice Fuller, in the statement of fact in the case of Stephens *v.* Cherokee Nation (174 U. S. 43 L. ed., p. 1043), refers to and quotes from a report of a Senate committee, composed of Senators TELLER, of Colorado; Platt, of Connecticut, and Roach, of South Dakota, which visited the Choctaw and Chickasaw nations, under Senate resolution adopted March 29, 1894, which report was submitted to the Senate May 7, 1894, and is set out in full in Senate Report No. 377, Fifty-third Congress, second session, and is in part as follows:

"As we have said, THE TITLE TO THESE LANDS IS HELD BY THE TRIBE IN TRUST FOR THE PEOPLE. We have shown that this TRUST is not being properly executed, nor will it be left to the Indians, and the question arises: What is the duty of the Government of the United States with reference to this TRUST? While we have recognized these tribes as dependent nations, the Government has likewise recognized its guardianship over the Indians and its obligations to protect them in their PROPERTY and personal rights.

* * * * * * *

"Is it possible because the Government has lodged the TITLE IN THE TRIBE IN TRUST that it is without power to compel the execution of the TRUST in accordance with the plain provisions of the treaty concerning such trust? Whatever power Congress possessed over the Indians as semidependent nations, or as persons within its jurisdiction, it still possesses, notwithstanding the several treaties may have stipulated that the Government would not exercise such power, and therefore Congress may deal with this question as if there had been no legislation save that which provided for the execution of the patent to the tribes.

"If the determination of the question whether the TRUST is or is not being properly executed is ONE FOR THE COURTS and not for the legislative department of the Government, then Congress can provide by law how such questions shall be determined and how such TRUST shall be administered, if it is determined that it is not now being properly administered.

"It is apparent to all who are conversant with the present condition in the Indian Territory that their system of government can not continue. It is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indian and whites alike, and such change can not be much longer delayed. The situation grows worse and will continue to grow worse. There can be no modification of the system. It can not be reformed. It must be abandoned and a better one substituted. That it will be difficult to do your committee freely admit, but because it is a difficult task is no reason why Congress should not at the earliest possible moment address itself to this question."

Chief Justice Fuller then quotes from a report made by the Dawes Commission on November 18, 1905, which concludes as follows:

"The Commission is compelled by the evidence forced upon them during their examination into the administration of the so-called governments in this Territory to report that these governments in all their branches are wholly corrupt, irresponsible, and unworthy to be longer trusted with the care and control of the MONEY AND OTHER PROPERTY OF INDIAN CITIZENS, much less their lives, which they scarcely pretend to protect."

Such was the condition Congress sought to remedy by its legislative enactments, and such condition would have been remedied and claimants given their rightful, equal share in the common trust property in controversy had the administrative officers conformed to the plain provisions of the law under which they were proceeding. It is because of the failure of the administrative officers to divide the property in conformity with the plain mandate of the statute that claimants have been denied their proper rights.

BENEFICIARIES UNDER TRUST.

The trust thus created was not for the exclusive benefit of full bloods or persons of mixed Indian and white blood, but was for the exclusive benefit of all persons who were members of the Choctaw community of Indians at the date of the ratification of the treaty and their descendants. If it had been the intention of the contracting parties to limit the grant exclusively to full bloods or to persons of mixed Indian and white blood, apt words to that end would have been used. In the case of Sloan *v.* United States (95 Fed. Rep., 197) the question presented was whether Indians of mixed blood were to be considered "Indians" under a statute directing the allotment of lands to "Indians" of the Omaha tribe. In passing upon this question Mr. Justice Shiras said:

"It confers the right to an allotment upon the Indians of the Omaha tribe. It makes no discrimination with respect to the mixed bloods. It must have been well known to Congress, as it unquestionably was to the Omaha tribe, that there was residing at that time upon this reservation, as members of the tribe, many persons of mixed blood, and IF IT WAS THE PURPOSE OF THE PARTIES TO EXCLUDE FROM THE BENEFIT OF THE ACT ALL PERSONS WHO WERE NOT INDIANS OF PURE BLOOD, APT WORDS TO THAT END WOULD HAVE BEEN USED."

The condition existing at the date of the ratification of the treaty must continue to the time of the distribution of the property. In the case of the New York Indians *v.* United States, the court in determining who were entitled to share in funds derived from the sale of lands conveyed in fee simple by a grant in præsenti to the Eight Nations of New York Indians, said (40 Court of Claims, pp. 556–557):

"Consequently, the court must adopt a rule of descent or participation which would embrace all persons whom it was the policy of the United States to remove, and this rule being ex necessitate rei, once established must continue. A court can not have one rule for one period of time, and another for another period of time. The white wife and her children born between 1838 and 1860 were as much Indians within the intent of the treaty as any full-blood Indian in the Six Nations, and what was the rule during that period of time must continue to be the rule up to the time of the judgment or the satisfaction of it; that is to say, the children of white mothers and Indian fathers affiliated with the tribe must be reckoned as Indians. The court must look upon the community and its members as such, and can not turn aside into the genealogy of individuals or be turned aside by the peculiarities of Indian laws and customs. THIS IS NOT A QUESTION OF INDIAN CITIZENSHIP OR TRIBAL CUSTOM, OR COMMUNAL OWNERSHIP IN INDIAN PROPERTY, BUT SIMPLY

A QUESTION OF A CONTRACT, AND OF THE INTENT OF THOSE WHO ENTERED INTO IT."

What was the condition existing at the date of the ratification of the treaty? Was the Choctaw community composed exclusively of full-blood Indians or were the members of the community then, as now, possessed of an admixture of the white and black races?

These questions are removed from the domain of controversy by reference to volume 7 of the American State Papers (public lands). That volume contains a list of those members of the Choctaw community of Indians who selected reserves of land in Mississippi under the treaty of 1830 and was compiled in September, 1831. On page 77 appears the names of persons of mixed Indian and negro blood under the heading, "NAMES OF INDIANS OWNING FARMS." In this list are the names of Sally Tom, with the notation "a free woman;" Joshua O'Rare, with the notation "a mulatto; married Sally Tom's daughter and lives with Sally Tom;" William Lightfoot, "a mulatto, half Indian and half negro;" Jim Tom, "half-breed negro; has an Indian wife;" James Blue, "a negro man; had an Indian wife; lives below the factory." Many other references are made therein to persons of mixed Indian blood. Indeed, in the year 1831, when this list was compiled by the Indian chiefs and approved by Government officers, a large percentage of the persons comprising the Choctaw community of Indians were either of mixed Indian and white or Indian and negro blood, and in many instances, as appears from the schedule, recognized members of the Choctaw community were not possessed of any Indian blood, being wholly of negro or white blood. The one and only essential requisite to full membership in the community of those affiliated with the Choctaw tribe was that he or she be a free person. Thus to-day the only essential requisite to participate in the tribal property of the Choctaws is descent from a person who was a member of the Choctaw community in 1830. The question of slavery having been eliminated, it is no longer a question for consideration.

The word "descendants" was advisedly used in the treaty, for at the date of its ratification the Choctaw people were living in a state of nature. The marital ties existing among them were not regarded with the same solemnity that they are in civilized communities to-day—illicit intercourse, as we now understand it, being a common practice—men and women marrying and unmarrying at pleasure under the crude customs of the Choctaws. The mere living together of a man and a woman constituted a valid marriage, and the abandonment of the woman by the man constituted a valid divorce; but the ties of consanguinity were strictly acknowledged; children became possessed of all their natural rights, and family tradition traced them to their remotest lengths. (See Wall *v.* Williamson, 11 Ala., 828; Johnson *v.* Johnson's Admr., 9 Mo. Rep., p. 88; Robinson's History of America, book 4.)

It was unquestionably within the power of the Government of the United States—the sovereign—to make the grant, as it did, "TO THEM AND THEIR DESCENDANTS," so as to include as beneficiaries ANY PERSON WHO PROCEEDED FROM THE BODY OF A RECOGNIZED MEMBER OF THE CHOCTAW COMMUNITY AT THE DATE OF THE RATIFICATION OF THE TREATY, HOWEVER REMOTELY.

In the case of J. T. Minor, jr., *v.* Choctaw and Chickasaw Nations (cited in the decision of the Assistant Attorney-General for the Department of the Interior in the Perry case, reported in Departmental Decisions Affecting the Work of the Commission to the Five Civilized Tribes, p. 167), the Choctaw and Chickasaw Citizenship Court held:

"Taking this to be true, then, if there was no marriage the children of Lucy were illegitimate, begotten by a full-blood Choctaw Indian. This court has held in a case (Althea Paul et al. *v.* Choctaw and Chickasaw Nations) that when there was a natural child begotten by a Chickasaw Indian of a white woman the child was entitled to enrollment as a member of the tribe by reason of the Chickasaw blood of his father."

In the Joe and Dillard Perry case (reported in the Departmental Decisions Affecting the Work of the Commission to the Five Civilized Tribes, p. 168) the Assistant Attorney-General construed the rights of descendants of those persons who composed the Choctaw community in 1830 as follows:

"The treaty right (referring to the treaty of 1830) was to the Choctaw and Chickasaw Nations and their descendants. Descendants, as pointed out in the case of James W. Shirley, is a term of wider significance than 'heirs' or 'legitimate issue,' and includes those springing from an ancestor, whether legitimate issue or not."

In the case of Van Buren *v.* Dash (30 N. Y., pp. 393–422), per Dino, Chief Justice, the court said:

"The word 'DESCENDANTS' has reference to the genealogy of the succession of persons in the family relation, and has no necessary connection with the laws of inheritance."

Thus the word "descendants," as used in the treaty of 1830, provided for the succession to the property rights of the Choctaws and Chickasaws.

SOURCE OF CHICKASAW TITLE—TREATY OF 1837.

Negotiations between the Choctaws and Chickasaws and the Government of the United States, running over a period of nearly seven years, culminated on the 17th day of January, 1837, in the Choctaws and Chickasaws entering into a treaty which was ratified by the Senate of the United States and proclaimed as a law on March 24, 1837 (11 Stat. L., 573), by the first article of which it was "agreed by the Choctaws that the Chickasaws shall have the privilege of forming a district within the limits of their (Choctaw) country, TO BE HELD ON THE SAME TERMS THAT THE CHOCTAWS NOW HOLD IT, except the right of disposing of it (which is held in common with the Choctaws and Chickasaws), to be called the Chickasaw district of the Choctaw Nation."

Throughout all the negotiations leading up to the signing of this treaty the Indians had been proceeding under the direction of the Government officers, who had counseled, advised, and urged upon the Choctaws and Chickasaws the advisability of entering into such an agreement. The Chickasaws had been informed by Secretary of War Eaton and General Coffee that the laws of the United States prohibited the purchase by them of any part of the Choctaw lands unless the agreement be entered into in the presence of commissioners representing the Government. (Senate Doc. 512, vol. 4, p. 17, 23d Cong., 1st sess.) It was undoubtedly for these reasons that the Government became a party to the treaty, as well as to provide for a method of settling disputes which might arise over the construction of any provision of the treaty, as appears from article 4, and, lastly, to bring to a successful termination, by the aid of the Government's superior counsel, the negotiations which had been so long pending.

Secretary of War Eaton, in a communication addressed to General Coffee, who was supervising the negotiations between the Choctaws and Chickasaws, under date of March 31, 1831 (Senate Doc. 512, vol. 2, p. 274, 23d Cong., 1st sess.), sets out fully the plan which the Government officers were attempting to induce the Choctaws and Chickasaws to accept, and which plan was evidently embodied in the treaty of 1837. Secretary of War Eaton wrote in part as follows:

"We are much embarrassed on this subject. The Chickasaws, with all their desire to emigrate, can not do so. If a suitable and approved home can not be provided, they must abide where they are and suffer all the inconveniences which subjection to State laws must impose. Within the Choctaw country there is abundant room for both tribes. Their population we estimated at 12,000; but let it be taken at 15,000 and let the Chickasaws, as the fact is, be set down at 5,000, which will be in all 20,000. The country claimed by the Choctaws contains not less than 16,000,000 acres, which will be 800 acres to each soul, an amount ample, and more than sufficient, for all their wants.

"But while the Choctaws are disposed to receive the Chickasaws, the latter are not willing to become a part of their tribe, and desire to remain, as heretofore, a separate, independent people. An arrangement to this effect, with the concurrence of both parties, might perhaps be made. Let the Chickasaws have a district within their country, to be subject to their own rules, with the understanding that each of the other three districts of the Choctaws under their respective chiefs shall also be governed independently by their laws. That a general chief shall be appointed every two or three years, with delegates from each district, to make laws for the whole. Under such an arrangement, properly guarded, the Chickasaws may be satisfied."

This correspondence clearly indicates that the plan of Secretary of War Eaton (who had direct supervision of all Indian affairs), contemplated the purchase by the Chickasaws of an equal, individual interest with the Choctaws in all lands conveyed to the Choctaws under the treaty of 1830. The treaty reflects the plan outlined in the letter of Secretary of War Eaton to General Coffee. By the first article of the treaty we find the Chickasaws purchasing the privilege from the Choctaws of forming a district within the limits of their country "to be held on the same terms that the Choctaws now hold it," except the right of disposing of it (which is held in common by the Choctaws and Chickasaws), to be called the Chickasaw district of the Choctaw Nation, provision for equal representation of the Chickasaws in the Choctaw general council, and the placing of the Chickasaws on an equal footing in every other respect with any of the other districts of the Choctaw Nation, excepting only a voice in the management of the consideration which was paid the Choctaws for the privileges acquired by the Chickasaws under this treaty; the Chickasaw people were to be entitled to all the rights and privileges of the Choctaws, to be subject to the same laws to which the Choctaws were. By the third article of the treaty, the Chickasaws agreed to pay the Choctaws, as a consideration for the rights and privileges acquired, the sum of $530,000. By the fifth article it is declared to be the intention of the Choctaws and Chickasaws that they shall have equal rights and privileges to settle in whatever district they may think proper and to be eligible to all the different offices of the Choctaw Nation, and a vote on the same terms in whatever district they may settle, excepting only that the Choctaws should not vote "for officers in relation to the residue of the Chickasaw fund." The express provision that the Choctaws and Chickasaws should settle in any district in the nation clearly indicates that neither the Choctaws nor the Chickasaws contemplated other than the purchase by the Chickasaws of an individual interest in the Choctaw Nation equal to the individual property rights of the Choctaws.

By the terms and provisions of this treaty the Chickasaws became a part of the Choctaws, being admitted into the Choctaw Nation on equal terms with the Choctaws (excepting only that the Choctaws and Chickasaws reserved the right to manage their separate funds), and thus the Chickasaws and their descendants became equal beneficiaries with the Choctaws and their descendants under the treaty of 1830, while the trustee—the Choctaw Nation—thereafter held the legal title to the property for the use and benefit of both people and their descendants.

TREATY OF 1855.

The preamble of the treaty of June 22, 1855 (11 Stat. L., 611), states the object for which the treaty was negotiated to be:

"Whereas the political connection heretofore existing between the Choctaw and the Chickasaw tribes of Indians has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and

"Whereas the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and also to make provisions for the permanent settlement within the Choctaw country of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and

"Whereas the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are of right entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment; and

"Whereas it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians that all their subsisting treaty stipulations be embodied in one comprehensive instrument."

By article 1 of this treaty the boundaries of the Choctaw and Chickasaw country are defined and the Government forever secures and guarantees the lands embraced within the defined boundaries to the "members of the Choctaw and Chickasaw tribes * * * to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole."

Article 2 creates a district for the Chickasaws and defines the boundaries thereof.

Article 3 provides that "the remainder of the country held in common by the Choctaws and Chickasaws shall constitute the Choctaw district."

Article 4 provides that the "government and laws now in operation and not incompatible with this instrument" shall be and remain in full force and effect within the limits of the Chickasaw district until the Chickasaws shall adopt a constitution and enact laws superseding, abrogating, or changing the same.

Article 5 provides that "the Choctaws and Chickasaws shall have the right freely to settle in either the Choctaw or Chickasaw district, and

shall be entitled to all the rights, privileges, and immunities of the citizens of the district in which they settle."

Article 8 provides that "in consideration of the foregoing stipulations" the Chickasaws shall pay the Choctaws the sum of $150,000.

The remaining articles are not material to the questions at issue in this case.

Counsel for the Choctaw and Chickasaw Nations and the United States contend that the second paragraph of article 1 of this treaty, which provides:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their HEIRS and successors TO BE HELD IN COMMON, SO THAT EACH AND EVERY MEMBER OF EITHER TRIBE SHALL HAVE AN EQUAL UNDIVIDED INTEREST IN THE WHOLE: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes, and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

was in effect a new grant to the Choctaw and Chickasaw nations by the United States of the lands ceded the Choctaws in fee simple under the treaty of 1830; and that under this alleged new grant only such persons were entitled to share in the common property as were thereafter recognized by the tribal authorities as members of the tribes and their heirs.

We respectfully submit that the contention of counsel for the Choctaw and Chickasaw nations and the United States is wholly fallacious and untenable.

In the case of the United States *v.* Choctaw Nation (179 U. S., 522, 45 L. ed., 300, 303), Mr. Justice Harlan, delivering the opinion of the court, reviews the Choctaw title in determining a controversy arising out of the treaty of 1866 (eleven years after this treaty was ratified), and says that the title of the Choctaws was acquired by the patent issued in 1842, in pursuance of the terms and provisions of the treaty of 1830, and attaches significance to the grant, which he says was a SPECIAL GRANT, and that it became binding when accepted by the Choctaws.

Thus, on the day this treaty was ratified, we find the Choctaw Nation holding the legal title in fee as TRUSTEE under the grant made in pursuance with the treaty of 1830 for the beneficiaries named in the treaties of 1830 and 1837. The Government of the United States having absolutely and forever passed all its title to these lands by the special grant in fee simple, made in 1842, in pursuance with the terms and provisions of the treaty of 1830, it had no title which it could confer in the year 1855. The lands having been granted to the Choctaw Nation as trustee, for the use and benefit of a designated class of persons, it could not divert the trust to any other use than that for which it was created by the treaty and consummated by the grant. Nor was it the intention of the Government or the Choctaw Nation to do so. There is nothing contained in this treaty which indicates an intention, directly or indirectly, on the part of the Government of the United States, or the Choctaw Nation, acting as trustee, to attempt to make or receive a new grant.

The cession having been made to the Choctaws under the special treaty of 1830, the Chickasaws having purchased an individual right in the common property of the Choctaws equal to the individual holdings of the Choctaws by the treaty of 1837, and the Government having conveyed the lands in fee simple by the patent issued in 1842 in pursuance with the treaty of 1830, the act of Congress approved May 28, 1830, and referred to in the second paragraph of article 1 of this treaty, had, and could have, no bearing on the title to the lands in controversy. This paragraph was evidently inserted in the treaty through the ignorance or carelessness of the Government officers who drafted the instrument, and is not in harmony with the purposes for which the treaty was negotiated, which were mainly for the settlement of political differences between the Choctaws and Chickasaws and the settlement of the claims of the Choctaws against the Government of the United States. The words employed in this paragraph are without legal significance when applied to the common lands of the Choctaws and Chickasaws.

The American and English Encyclopedia of Law, in defining the word "heir," says:

"At common law an heir is he who is born or begotten in lawful wedlock, and upon whom the law casts an estate in lands, tenements, and hereditaments immediately upon the death of the ancestor."

Could the death of an ancestor "cast an estate" in communal lands upon his "heirs," then members of these tribes, who acquired full right to participate in the tribal property by birth? As the ancestor acquired only a life interest in the usufruct of the land, and as that right terminated with his demise, he never had an interest in the communal lands possible of being transmitted to his "heirs." He enjoyed the fruits of his birthright during his life and his rights in the communal lands terminated instantaneously with his demise and passed back to the living beneficiaries under the grant.

It is reasonable to assume, therefore, that this provision was inserted by the Government officers, who prepared the treaty, in the belief that the cession was made under the act of Congress approved May 28, 1830.

TREATY OF 1866.

Counsel for the Choctaw and Chickasaw nations and the United States contend that by article 3 of the treaty of 1866 every person theretofore held in slavery by the Choctaws and Chickasaws should receive 40 acres of the common lands of the said Indians, and that similar allotments should be made to their descendants; that the limited property rights conferred upon ex-slaves and their descendants by this treaty was intended, and did, extinguish the greater property rights to which a person was entitled by reason of his descent from a recognized member of the Choctaw community as it existed in 1830 or the Chickasaw community as it existed in 1837.

We respectfully submit that the contention of the attorneys for the Choctaw and Chickasaw nations and the Government of the United States with reference to article 3 of the treaty of 1866 is wholly fallacious.

Article 3 of the treaty of 1866 provides as follows (14 Stat. L., 769):

"ARTICLE 3. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98th degree west longitude, known as 'the leased district,' provided that the said sum shall be invested and held by the United States at an interest not less than five per cent in trust for the said nations until the legislatures of the Choctaw and Chickasaw nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent resident in the said nations at the date of the treaty of Fort Smith and their descendants, HERETOFORE HELD IN SLAVERY among said nations, all the rights, privileges, and immunities, including the right of suffrage of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations, respectively, and also to give to such persons who were residents, each as aforesaid, and their descendants, forty acres of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations, respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations, respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory in such manner as the United States shall deem proper, the United States agreeing within ninety days from the expiration of the said two years to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations."

Under the laws, rules, and regulations required by the treaty to be adopted, what rights were to be conferred and upon what persons? Persons of African descent and held in slavery at the date of the treaty of Fort Smith (September 15, 1865) were given their freedom and were to be given full citizenship in the Choctaw and Chickasaw nations, with limited property rights, of 40 acres of land only. The descendants of those persons held in slavery at the date of the treaty of Fort Smith and born prior to the ratification of the treaty of 1866 were given similar rights. The descendant of any Choctaw or Chickasaw slave born after the ratification of the treaty of 1866 neither acquired nor could acquire either citizenship or property rights in either nation under or by virtue of the laws, rules, and regulations required by the treaty to be subsequently adopted by the respective Indian governments. Therefore, the word "descendants" as it appears in this treaty, does not in the remotest degree conflict with the rights conferred upon "descendants" of Indians under the treaties of 1830 and 1837 in cases of intermarriage, after the ratification of the treaty of 1866, between Indians and the descendants of ex-slaves. Descent from a member of the Choctaw community as it existed in 1830 or the Chickasaw community in 1837 entitled such descendant to participate equally with any full blood in the tribal property, while the descendant of the ex-slave, free of any Indian blood, born after the ratification of the treaty of 1866, acquired no property right of any kind in the Choctaw or Chickasaw Nation by reason of such descent. By this treaty rights were conferred upon persons theretofore held in slavery who had no rights under any previous treaty.

ADOPTION OF LAWS, RULES, AND REGULATIONS BY CHOCTAWS.

The Choctaw Nation on May 21, 1863, duly enacted a law in strict compliance with the terms of the treaty of 1866, hereinabove set out, the first section of which reads as follows:

"*Be it enacted by the general council of the Choctaw Nation assembled,* That all persons of African descent, resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants formerly held in slavery by the Choctaws, are hereby declared to be entitled to and invested with all the rights, privileges, and immunities, including the rights of suffrage, of citizens of the Choctaw Nation, except in the annuity moneys and the public domain of the nation."

CHICKASAWS REFUSED TO ADOPT LAWS, RULES, AND REGULATIONS.

The Chickasaw Nation refused, and ever since has refused, to comply with the provisions of the third article of the treaty of 1866 relative to the recognition of ex-slaves and their descendants THERETOFORE HELD IN SLAVERY. THUS NO CHICKASAW EX-SLAVE OR HIS OR HER DESCENDANT ACQUIRED ANY RIGHTS BY VIRTUE OF THIS TREATY IN THE PROPERTY OF THE CHICKASAWS.

Thus the person of African descent HELD IN SLAVERY ON AND PRIOR TO THE 13TH DAY OF SEPTEMBER, 1865, and resident in the nation on that date, AND HIS OR HER DESCENDANTS, BORN PRIOR TO THE TREATY OF 1866, AND THERETOFORE HELD IN SLAVERY, AND SUCH PERSONS ONLY became citizens in law and in fact of the Choctaw Nation with all the rights, privileges, and immunities of any full-blood Choctaw, except the right to participate equally with the Choctaw by blood and descent in the lands and moneys of the tribe. THESE RIGHTS DID NOT PASS TO THEIR DESCENDANTS BORN AFTER THE TREATY OF 1866. THEY COULD NOT BE TRANSMITTED TO THEIR CHILDREN THEREAFTER BORN, and such children were permitted to remain in the nation only during good behavior. Section 7 of the act of the Choctaw council—hereinabove referred to—enacted in conformity with the treaty of 1866 provides:

"*Be it further enacted,* That intermarriage with such freedmen of African descent, who were formerly held as slaves of the Choctaws and have become citizens, shall not confer any rights of citizenship in this nation, and all freedmen who have married or who may hereafter marry freedwomen who have become citizens of the Choctaw Nation, are subject to the permit laws and allowed to remain during good behavior only."

CONSTITUTION EXTENDED TO INDIAN TERRITORY.

Thus we find in the year 1890 the Choctaw and Chickasaw people holding the lands and other tribal property in common under the unchanged terms of the treaties of 1830 and 1837 and the patent issued in 1842. In this year the right of every person who was a member of the Choctaw community in 1830, or the Chickasaw community in 1837, or who was a descendant of any such person, to share in the common trust property of the Choctaws and Chickasaws, became a constitutional property right and was surrounded and protected by all the guaranties of that instrument.

The act of May 2, 1890, provided:

"The Constitution of the United States * * * shall have the same force and effect in the Indian Territory as elsewhere in the United States." (26 Stat. L., 96.)

Where the Constitution has been once formally extended by Congress to Territories neither Congress nor the Territorial legislature can enact

laws inconsistent therewith. (Downs *v.* Bidwell, 182 U. S., 244, 45 L. ed., p. 1100.)

The fifth amendment to the Federal Constitution provides:

"No person shall be * * * deprived of life, liberty, or property without due process of law."

PROPERTY RIGHTS SECURED TO PLAINTIFFS BY THE CONSTITUTION.

The Constitution of the United States applied to the property as well as to the persons of the Choctaws and Chickasaws.

In defining a property right Mr. Justice Bradley, in the case of Campbell *v.* Holt (115 U. S. 620, 29 L. ed., 487), said:

"That clause of the amendment which declared that 'no State shall deprive any person of life, liberty, or property without due process of law' was intended to protect every valuable right which man has.

"The words 'life, liberty, and property' are constitutional terms, and are to be taken in their broadest sense. They indicate the three great subdivisions of all civil right. The term 'property' in this clause embraces all valuable interests which a man may possess outside of himself; that is to say, outside of his life and liberty. It is not confined to mere tangible property, but extends to every species of vested right. In my judgment, it would be a very narrow and technical construction to hold otherwise. In an advanced civilization like ours a very large proportion of the property of individuals is not visible and tangible, but consists in rights and claims against others or against the Government itself."

In the case of Bluejacket v. Commissioners of Johnson County (72 U. S., 18 L. ed., 672) Mr. Justice Davis says:

"If they (Indians) have outlived many things, they have not outlived the protection afforded by the Constitution, treaties, and laws of Congress."

In the case of Doe Mann *v.* Wilson (23 How., 457, 16 L. ed., 584) Mr. Justice Catron, in delivering the opinion of the court, which is cited and relied upon by the Supreme Court in the case of Jones *v.* Meehan (175 U. S., p. 56), said:

"The INDIAN TITLE IS PROPERTY, and alienable unless the treaty had prohibited its sale." (Comet *v.* Winton, 2 Yerg., 148; Blair and Johnson *v.* Pathkiller, 2 Yerg., 414.)

A vested right, as defined by Chancellor Kent, is:

"An estate is vested when there is an immediate right of present enjoyment or a present fixed right of future enjoyment." (4 Kent's Com., 202.)

Are not the individual interests of claimants in the communal properties of the Choctaws and Chickasaws vested interests? Have not the claimants in the case at bar, at all times since their birth, possessed the right of present enjoyment, and, by the terms of the grant, do they not have a fixed right of future enjoyment? If so, their right is a vested right.

In the case of Chae Chan Ping *v.* The United States, the Supreme Court defines a vested property right as distinguished from a political right. Mr. Justice Field, delivering the opinion of the court, said (130 U. S., 32 L. ed., 1077):

"THE RIGHTS AND INTERESTS CREATED BY A TREATY WHICH HAVE BECOME SO VESTED THAT ITS EXPIRATION OR ABROGATION WILL NOT DESTROY OR IMPAIR THEM ARE SUCH AS ARE CONNECTED WITH AND LIE IN PROPERTY CAPABLE OF SALE AND TRANSFER OR OTHER DISPOSITION, NOT SUCH AS ARE PERSONAL AND UNTRANSFERABLE IN THEIR CHARACTER. Thus, in the Head Money cases the court speaks of certain rights being in some instances conferred upon the citizens or subjects of one nation residing in the territorial limits of the other, which are 'capable of enforcement as between private parties in the courts of the country.' 'An illustration of this character,' it adds, 'is found in treaties which regulate the mutual rights of citizens and subjects of the contracting nations in regard to rights of property by descent or inheritance when the individuals concerned are aliens' (112 U. S., 580, 598, 628, 798, 803). The passage cited by counsel from the language of Mr. Justice Washington in Society for the Propagation of the Gospel *v.* New Haven (21 U. S., 8; Wheat., 424, 493, 5:662) also illustrates this doctrine. Here the learned justice observes that 'IF REAL ESTATE BE PURCHASED OR SECURED UNDER A TREATY IT WOULD BE MOST MISCHIEVOUS TO ADMIT THAT THE EXTINGUISHMENT OF THE TREATY EXTINGUISHED THE RIGHT TO SUCH ESTATE. IN TRUTH, IT NO MORE AFFECTS SUCH RIGHTS THAN THE REPEAL OF A MUNICIPAL LAW AFFECTS RIGHTS ACQUIRED UNDER IT.' OF THIS DOCTRINE THERE CAN BE NO QUESTION IN THIS COURT. But far different is this case, where a continued suspension of the exercise of a governmental power is insisted upon as a right, because by the favor and consent of the Government it has not heretofore been exerted with respect to the claimants or to the class to which he belongs. BETWEEN PROPERTY RIGHTS NOT AFFECTED BY THE TERMINATION OR ABROGATION OF A TREATY AND EXPECTATIONS OF BENEFITS FROM THE CONTINUANCE OF EXISTING LEGISLATION THERE IS AS WIDE A DIFFERENCE AS BETWEEN REALIZATION AND HOPES."

CLAIMANTS COULD ONLY HAVE BEEN LEGALLY DISPOSSESSED OF THEIR PROPERTY RIGHTS BY DUE PROCESS OF LAW.

Claimants having a vested undivided property right in the common property of the Choctaws and Chickasaws, they could only have been divested of that right by DUE PROCESS OF LAW, as provided by the fifth amendment to the Federal Constitution. The findings and judgments of the Commission and Secretary of the Interior, which resulted in the denial by the executive officers of claimants' full property rights were LEGISLATIVE findings and judgments, and so declared by the circuit court of appeals, eighth circuit, in the case of Wallace *v.* Adams (143 Fed. Rep., p. 723). We respectfully submit that a legislative finding and decree can not disturb a vested property right and that such a commission can not render judgments and decrees judicial in effect, within the meaning of "due process of law."

In the case of Hurtado *v.* People of California, Mr. Justice Matthews, delivering the opinion of the court, defines "due process of law," and his reasoning therein has been adopted by the Supreme Court of the United States and embodied in its decisions in almost every case involving this question that has come before the court from that day to the present.

He says (110 U. S., pp. 516, 558; 28 L. ed., p. 238):

"Due process of law in the latter (fifth amendment) refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed, and interpreted according to the principles of the common law. In the fourteenth amendment, by parity of reasoning, it refers to that law of the land in each State which derives its authority from the inherent and reserved powers of the State, exerted within the limits of those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and the greatest security for which resides in the right of the people to make their own laws and alter them at pleasure. 'The fourteenth amendment,' as was said by Mr. Justice Bradley in Missouri *v.* Lewis (supra), 'does not profess to secure all persons in the United States the benefit of the same laws and the same remedies. Great diversities in these respects may exist in two States separated only by an imaginary line. On one side of this line there may be a right of trial by jury, and on the other side no such right. Each State prescribes its own modes of judicial proceeding.'

"But it is not to be supposed that these legislative powers are absolute and despotic, and that the amendment prescribing due process of law is too vague and indefinite to operate as a practical restraint. It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. It must be not a special rule for a particular person or a particular case, but, in the language of Mr. Webster, in his familiar definition, 'The general law, a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial,' so 'that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society,' and thus excluding, as not due process of law, acts of attainder, bills of pains and penalties, acts of confiscation, acts reversing judgments and acts directly transferring one man's estate to another, LEGISLATIVE JUDGMENTS AND DECREES and other similar specials, partial, and arbitrary exertions of power under the forms of legislation. Arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude. And the limitations imposed by our constitutional law upon the action of governments, both State and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the Government."

RIGHTS OF ALL PERSONS UNDER TREATIES PROTECTED BY CHOCTAW CONSTITUTION.

In 1860 the Choctaw people adopted a constitution and laws. The constitution provided:

"We, the representatives of the people inhabiting the Choctaw Nation * * * assembled in convention at the town of Doaksville, on Wednesday, the 11th day of January, 1860, in pursuance of an act of the general council, approved October 24, 1859, in order to secure to the citizens thereof the right of life, liberty, and property, do ordain and establish the following constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent nation, NOT INCONSISTENT WITH THE CONSTITUTION, TREATIES, AND LAWS OF THE UNITED STATES, by the name of the Choctaw Nation." (See pp. 5 and 6, Choctaw Laws, 1894.)

By this constitution the Choctaw people expressly recognize the binding force and effect of the treaties with, and the laws of, the United States.

Under this provision of the Choctaw constitution no valid law could be enacted that was in conflict with any treaty of the United States (Robb *v.* Burney, 168 U. S., 218). No person could, by a Choctaw law, be divested of a right of which he or she was possessed under a treaty with the Government of the United States. If, therefore, any law was ever enacted by the Choctaw Nation attempting to exclude any child of either a Choctaw man or woman from participation in the tribal property it would have been unconstitutional, null, and void. But we have been unable to find any law enacted at any time by the Choctaw or Chickasaw governments which attempted, directly or indirectly, to exclude children of recognized members of the tribes from participating in the distribution of the common property, or from being enrolled as unqualified members of the tribes.

The Chickasaw constitution contained a provision similar to that contained in the Choctaw constitution, being almost in the same language. Therefore no Chickasaw could be excluded from a right flowing from, or growing out of, a treaty with the United States by any enactment of the Chickasaw legislature.

CHOCTAW AND CHICKASAW CORRUPT INDIAN ADMINISTRATION OF TRUST PROPERTY RESULTED IN THE UNITED STATES GOVERNMENT INTERFERING.

About the year 1890 representations were made to Congress that the conditions existing in the Choctaw and Chickasaw nations had become intolerable; that neither life nor property was secure under the laws of the tribes; that the officials of the tribes had become corrupt, and that practically the entire Indian estates were being held by a few influential and corrupt individuals to the exclusion of the great majority of the people, who were equally entitled to share in the property under the treaties and the grant.

On the 29th day of March, 1894, the Senate adopted a resolution authorizing the Committee on the Five Civilized Tribes of Indians, or any subcommittee thereof appointed by its chairman, to inquire into the conditions existing in the Choctaw and Chickasaw nations, and clothing said committee, or any subcommittee thereof appointed, with full power to visit the Territories, to take testimony, to require the attendance of witnesses, and to administer oaths.

A subcommittee was appointed, consisting of Senators TELLER, Platt, and Roach, which committee visited Indian Territory and conducted a searching investigation into existing conditions, and on May 7 submitted its report to the Senate. In this report the committee states that the census of 1890 gave the total number of Indians living in the Five Civilized Tribes at 50,055. Continuing, the report says:

"But, in addition to this 50,055 Indians, there are large numbers of claimants to Indian citizenship who may or may not be Indians within the provisions of our treaties. These are put down as 18,636, AND INCLUDE THE COLORED PEOPLE, WHOSE RIGHTS OF INDIAN CITIZENSHIP ARE ADMITTED, AS WELL AS A LARGE NUMBER WHO ARE NOT RECOGNIZED BY THE INDIAN AUTHORITIES AS ENTITLED TO THE RIGHTS OF INDIAN CITIZENSHIP, BUT WHO CLAIM TO BE LEGALLY INDIAN CITIZENS."

According to the census report, then, the population is as follows:

"Indians, 50,055; COLORED INDIANS, COLORED CLAIMANTS TO INDIAN CITIZENSHIP, FREEDMEN, AND COLORED, WHOLLY OR IN PART, 18,636."

In referring to the title held by the Choctaw Nation, the committee says:

"The theory of the Government was when it made TITLE to the lands in the Indian Territory to the Indian tribes as bodies politic that the TITLE WAS HELD FOR ALL OF THE INDIANS OF SUCH TRIBE. All were to be the equal participators in the benefits to be derived from such holding. But we find in practice such is not the case. A few enterprising citizens of the tribe—frequently not Indians by blood, but by intermarriage—have, in fact, become the practical owners of the best and greatest part of these lands, while the title still remains in the tribe, theoretically, for all; YET IN FACT, THE GREAT BODY OF THE TRIBE DERIVES NO MORE BENEFIT FROM THEIR TITLE THAN THE NEIGHBORS IN KANSAS, ARKANSAS, OR MISSOURI.

"According to Indian law (doubtless the work of the most of the enterprising class we have named) an Indian citizen may appropriate any of the unoccupied public domain that he chooses to cultivate. In practice he does not cultivate it, but secures a white man to do so, who takes the land on lease of the Indian for one or more years, according to the provision of the law of the tribe where taken. The white man breaks the ground, fences it, builds on it, and occupies it as a tenant of the Indian, and pays rental either in part of the crop or in cash, as he may agree with his landlord.

"Instances came to our notice of Indians who had as high as 100 tenants, and we heard of one case where it was said the Indian citizen, a citizen by marriage, had 400 holdings, amounting to about 20,000 acres of farm land. We believe that may be an exceptional case, but that individual Indians have large numbers of tenants on land not subduced and put into cultivation by the Indian but by his white tenant, and that these holdings are not for the benefit of the whole people, but of the few enterprising ones, is admitted by all. The monopoly is so great that in the most wealthy and progressive tribe your committee were told that 100 persons had appropriated fully one-half of the best land. This class of citizens take the very best agricultural lands and leave the poorer land to the less enterprising citizens, who in many instances farm only a few acres in the districts farthest removed from the railroads and the civilized centers.

"As we have said, the TITLE to these lands is held by the tribe in TRUST for the people. WE HAVE SHOWN THAT THIS TRUST IS NOT BEING PROPERLY EXECUTED, NOR WILL IT BE IF LEFT TO THE INDIANS, and the question arises, What is the duty of the Government of the United States with reference to this TRUST? While we have recognized these tribes as dependent nations, the Government has likewise recognized its guardianship over the Indians and its obligations TO PROTECT THEM IN THEIR PROPERTY AND PERSONAL RIGHTS.

"If the tribe fails to administer its TRUST PROPERLY by securing to all the people of the tribe EQUITABLE PARTICIPATION IN THE COMMON PROPERTY OF THE TRIBE, there appears to be no redress for the Indian so deprived of his rights, unless the Government does interfere to administer such TRUST.

"IS IT POSSIBLE BECAUSE THE GOVERNMENT HAS LODGED THE TITLE IN THE TRIBE IN TRUST THAT IT IS WITHOUT POWER TO COMPEL THE EXECUTION OF THE TRUST IN ACCORDANCE WITH THE PLAIN PROVISIONS OF THE TREATY CONCERNING SUCH TRUST?

"Whatever power Congress possessed over the Indians as semidependent nations, or as persons within its jurisdiction, it still possesses; notwithstanding the several treaties may have stipulated that the Government would not exercise such power, and therefore Congress may deal with this question as if there had been no legislation save that which provided for the execution of the patent to the tribes.

"If the determination of the question whether the TRUST is or is not being properly executed is one for the courts and not for the legislative department of the Government, then Congress can provide by law how such question shall be determined and how such TRUST shall be administered if it is determined that it is not now being properly administered.

"It is apparent to all who are conversant with the present condition in the Indian Territory that their system of government can not continue. It is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indian and whites alike, and such change can not be much longer delayed. The situation grows worse and will continue to grow worse. There can be no modification of the system. It can not be reformed. It must be abandoned and a better one substituted. That it will be difficult to do your committee freely admit, but because it is a difficult task is no reason why Congress should not at the earliest possible moment address itself to this question.

"We do not care to at this time suggest what, in our judgment, will be the proper step for Congress to take on this matter, for the Commission created by an act of Congress, and commonly known as the Dawes Commission, is now in the Indian Territory, with the purpose of submitting to the several tribes of that Territory some proposition for the change in the present very unsatisfactory condition of that country. We prefer to wait and see whether this difficult and delicate subject may not be disposed of by an agreement with the several tribes of that Territory. But if the Indians decline to treat with that Commission, and decline to consider any change in the present condition of their titles and government, the United States must, without their aid and without waiting for their approval, settle this question of the character and condition of their land tenures and establish a government over whites and Indians of that Territory, in accordance with the principles of our Constitution and laws.

"As the matters submitted are so complicated and of such grave importance, the committee has thought proper to submit this preliminary report, and hopes, upon further investigation, to be able to make such further and more specific recommendation as to necessary legislation as will lead to a satisfactory solution of this difficult question."

ACT OF JUNE 10, 1896.

The intolerable conditions existing in these nations or tribes, as disclosed by this report, resulted in the enactment of legislation which had for its object the dissolution of the tribal governments and the division of the TRUST PROPERTY in severalty among THOSE PERSONS ENTITLED THERETO UNDER THE TREATIES with the tribes.

The first important act was the act approved June 10, 1896. This act provided for the continuance of a Commission theretofore created, and known as the Dawes Commission, and directed the Commission as follows:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: *Provided, however,* That such application shall be made to such Commissioners within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect ALL LAWS OF THE SEVERAL NATIONS OR TRIBES NOT INCONSISTENT WITH THE LAWS OF THE UNITED STATES, AND ALL TREATIES WITH EITHER OF SAID NATIONS OR TRIBES, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further,* That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits, and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided,* That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the Commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein."

DEPARTMENTAL INTERPRETATION OF THIS LAW.

The Assistant Attorney-General for the Department of the Interior, in a decision rendered March 24, 1905, in the case of "Mary Elizabeth Martin, applicant for enrollment as a citizen of the Choctaw Nation," defines the powers of the Commission and the rights of applicants under this law to be:

"The Commission had no authority to * * * deny citizenship to those entitled thereto under treaties and laws with, and of, the United States, or under Indian laws, usages, and customs not inconsistent therewith. * * *

"These powers (referring to the powers of the Commission under this act) were to admit to citizenship persons claiming such right whose right was denied or not recognized by the tribal authorities."

ACT OF JUNE 7, 1897, DEFINING "ROLLS OF CITIZENSHIP."

As there had been numerous tribal rolls prepared in both the Choctaw and Chickasaw nations by different tribal officials at different times and for various purposes, a question arose as to what particular rolls were confirmed by the act hereinabove set out. Accordingly Congress, in an act approved June 7, 1897, defined the words "rolls of citizenship," as used in the act of June 10, 1896, to mean the—

"Last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendents of those appearing on such rolls, and such additional names and their descendants as have been subsequently added." * * *

By operation of this act the name of every descendant of every person whose name appeared on any one of "the authenticated rolls of each tribe" was placed on the roll on which the name of his ancestor appeared by operation of law. In the opinion in the case of Mary Elizabeth Martin, above referred to, the Assistant Attorney-General for the Department of the Interior so holds. Says he:

"By this act (June 7, 1897) descendants of persons on the roll were defined and regarded as on the roll where their parents were found, whether themselves actually on such rolls or not and though born after the roll was made."

But few applications of persons entitled to enrollment were made under the act of June 10, 1896. The number of persons embraced in applications filed under that act for enrollment as Choctaws was 7,137, of which 1,268 were enrolled. Applications for the enrollment of 1,812 persons claiming citizenship in the Chickasaw Nation were submitted and 318 were enrolled. The total number of citizens enrolled up to June 30, 1906, in both nations is approximately 35,000.

NO TRIBAL ROLLS CONFIRMED.

The act of June 7, 1897, did not authorize the Commission to receive applications. The tribal rolls approved by the council of each nation had been confirmed, and the Commission was directed to write the names of the descendants of the ancestor whose name appeared on any confirmed tribal roll on the roll on which the name of the ancestor appeared. The tribal officials refused to deliver over to the Commission the various tribal rolls. The Commission discovered that no tribal roll had been approved, as required by the act of June 7, 1897, and that, therefore, there were in reality no confirmed tribal rolls. The facts as then ascertained by the Commission were subsequently reported to the Department in the case of Bettie Lewis, which is referred to in the Mary Elizabeth Martin case hereinabove quoted.

In this case the Attorney-General for the Department of the Interior refers to and sets out the correspondence of the Commission as follows:

"The report of January 24, 1903, in the case of Bettie Lewis, above mentioned, is to the effect that the Commission never have been furnished any authenticated rolls of citizens of the Choctaw and Chickasaw tribes, and it has no possession or knowledge of any rolls of their citizens made during or prior to 1885, and the Commission has never been furnished any roll prior to the leased district payment roll of 1893, which the Commission uses, together with the 1896 census roll, as the basis for identification of applicants. The Commission, at considerable length, state their correspondence with the executives of these tribes, and its own efforts of investigation.

"The principal chief of the Choctaw Nation advised the Commission, July 17, 1897, that he had refused to approve the last revised roll

made in accordance with an act of council (October, 1896), because he is satisfied there are some names thereon 'that have been registered through fraud or misrepresentation.' The Governor of the Chickasaw Nation, July 22, 1897, stated that 'we have only one authenticated roll of citizens, and that is the one approved by the legislature in 1896.' The Commission also mention having discovered and obtained from individual memoranda rolls made by Commissioners Ishatubby and Maytubby, of Choctaw Indians residing in the nation, and states that 'IT HAS BEEN THE PRACTICE OF TRIBAL OFFICIALS CHARGED WITH ANY DUTY IN CONNECTION WITH TRIBAL ROLLS TO WITHDRAW THEM FROM THE EXECUTIVE OFFICES, WHEN NECESSARY, AND TO RETAIN THEM AMONG THEIR PERSONAL EFFECTS.'

"THE COMMISSION STATES ITS CLEAR CONVICTION TO BE 'THAT THERE HAD NEVER, PRIOR TO THE APPROVAL OF THE ACT OF CONGRESS OF JUNE 10, 1896, BEEN ANY ROLLS OF THE CITIZENS OF THE CHOCTAW AND CHICKASAW NATIONS WHICH HAD BEEN RATIFIED AND CONFIRMED BY THE LEGISLATIVE BODIES OF THESE TWO NATIONS OR HAD RECEIVED THE APPROVAL OF THE CHIEF EXECUTIVES. IT IS MATTER OF GENERAL OPINION IN SAID NATIONS THAT THE ROLLS MADE PRIOR TO THAT TIME WERE MERELY ROLLS MADE UP SEPARATELY ACCORDING TO COUNTIES AND DISTRICTS, BY INDIVIDUAL CENSUS TAKERS IN SUCH COUNTIES AND DISTRICTS, AND WHICH WERE NEVER BROUGHT TOGETHER OR CONSOLIDATED SO AS TO FORM A COMPLETE ROLL OF TRIBAL MEMBERS.'"

The Choctaw and Chickasaw nations denied the constitutional power of Congress to enact legislation dissolving their tribal governments. The Commission was powerless to prepare tribal rolls. Citizens of the nations would not make applications to the Commission for enrollment. The tribal governments refused the Commission access to their tribal records. The Commission could not compel them to deliver up tribal records essential to a proper adjudication of applications for citizenship. Accordingly the Commission reported the facts to the committees of Congress, stating that it was rendered powerless to perform the work which Congress intended it to perform, viz, the preparation of correct and complete Choctaw and Chickasaw citizenship rolls.

REPORT OF HOUSE INDIAN COMMITTEE ON PENDING BILL.

The report of the House Indian Committee on the then pending bill, made March 1, 1898, and being entitled "Laws for the Indian Territory," to accompany H. R. 8581 (Rept. No. 593, 55th Cong., 2d sess.), and submitted by Representative CURTIS, explains the necessity for additional legislation to enable the Commission to enroll all persons entitled to enrollment as citizens of the Choctaw and Chickasaw nations, as follows:

"Provision has heretofore been made for the making of rolls of citizenship of the various tribes, but the Commission authorized to do the work is of the opinion that to do equal justice to all concerned they should have additional authority, and we believe this measure provides for the settlement of the question of citizenship, so that when the rolls are made the interest of all concerned will have been fully protected and this vexed and important question will be settled forever."

Acting upon this advice, Congress enacted the bill reported, being the act approved June 28, 1898, giving the Commission plenary power to prepare tribal rolls. It conferred upon it the power to compel persons to appear before it, to subpœna witnesses and to compel them to testify under oath, to compel the Choctaw and Chickasaw tribal governments to deliver over to the Commission tribal rolls and records. In fact, the Commission was given every power necessary to the preparation by it of COMPLETE AND CORRECT TRIBAL ROLLS and directed by the statute to so do. Here are the powers and the instructions given it under and by the statute:

ACT OF JUNE 28, 1898.

"That in making the rolls of citizenship of the several tribes as required by law, * * * said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes (including the Choctaws and Chickasaws), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants, born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes.

"Said Commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal government and custodians of such rolls and records to deliver same to said Commission, and on their refusal or failure to do so to punish them as for contempt; as also to require all citizens of said tribes, and who should be so enrolled, to appear before said Commission for enrollment at such times and places as may be fixed by said Commission, and to enforce obedience of all others concerned so far as the same may be necessary to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work.

"It shall make a correct roll of all Choctaw freedmen entitled to citizenship under the treaties and laws of the Choctaw Nation, and all their descendants born to them since the date of the treaty.

"It shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress.

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

"The members of said Commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers, and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said Commission or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said Commission, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished as for such offense.

"The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws * * * shall alone constitute the several tribes which they represent."

PART OF ENACTMENT UNCONSTITUTIONAL.

Congress could not legally restrict the right to share in the trust property to those who had "HERETOFORE REMOVED TO AND IN GOOD FAITH SETTLED IN THE NATION IN WHICH HE CLAIMS CITIZENSHIP." A residence upon the land in the Choctaw and Chickasaw nations was not one of the conditions of the grant, which was in fee simple to the Choctaw Nation in trust for the exclusive use and benefit of a designated class of people. Congress, fifty-five years after the grant was made, could not impose this additional requirement and thereby exclude a part of the designated class for whose benefit the trust was enacted. By the treaty it was expressly provided that those persons who did not remove to the western reserve SHOULD NOT LOSE ANY OF THEIR RIGHTS IN THIS TRUST PROPERTY, and Congress could not constitutionally say, as it did say in this enactment, that unless they had removed they should forfeit their interest in this trust property.

The rights of claimants in this trust property were VESTED RIGHTS, and it is elementary law that Congress can not disturb a VESTED RIGHT. But if Congress had possessed the constitutional power to have restricted property rights in this trust property to those persons who actually resided in the land it would not knowingly have done so, for such would have been contrary to the long-established policy of the Government, by which policy inducements were offered to reservation Indians who would abandon their tribal relations and adopt the ways of civilized life. One of the solemn assurances given every such Indian was that he should not lose any of his rights to share in any annuities, moneys, or lands belonging to their tribes by abandoning their tribal relations and adopting the ways of civilized life. The act of May 20, 1862 (18 Stat. L., 420), provided:

INDIAN HOMESTEADS AND ALLOTMENTS OF LANDS TO INDIANS IN SEVERALTY.

"SEC. 15. (Certain Indians entitled to benefit of homestead laws.) That any Indian born in the United States who is the head of a family or who has arrived at the age of twenty-one years, and who has abandoned or may hereafter abandon his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May 20, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, THAT ANY SUCH INDIAN SHALL BE ENTITLED TO HIS DISTRIBUTIVE SHARE OF ALL ANNUITIES, TRIBAL FUNDS, LANDS, AND OTHER PROPERTY THE SAME AS THOUGH HE HAD MAINTAINED HIS TRIBAL RELATIONS; AND ANY TRANSFER, ALIENATION, OR INCUMBRANCE OF ANY INTEREST HE MAY HOLD OR CLAIM BY REASON OF HIS FORMER TRIBAL RELATIONS SHALL BE VOID."

Sections 1, 2, and 3 of the act of August 9, 1888 (25 Stat. L., 392), and section 1 of the Indian appropriation act of June 7, 1897 (30 Stat. L., 90), extended similar inducements and protection to Indian women and their children.

In the case of the reservation Indian, where the fee to the land is held by the United States, the Government can impose any requirement Congress may see fit to impose by enactment, but in the case of the TRUST PROPERTY in controversy Congress had no power to impose any requirements whatever in addition to those imposed in the treaty creating the TRUST, and RESIDENCE ON THE LAND WAS NOT ONE OF THE CONDITION OF THE GRANT.

ALLOTMENTS TO CHOCTAW AND CHICKASAW FREEDMEN PURE GRATUITIES.

Again, the portion of the above-quoted enactment directing the Commission to enroll the descendants of Choctaw and Chickasaw ex-slaves born since the treaty of 1866 was unconstitutional, null, and void. They were expressly barred by the treaty of 1866. In the Chickasaw Nation NO PERSON HELD IN SLAVERY BY THE CHICKASAWS OR HIS OR HER DESCENDANT HAD ANY RIGHT IN THIS TRUST PROPERTY. This question has been adjudicated by the Court of Claims and the Supreme Court of the United States. It was referred to the Court of Claims by the act approved July 1, 1902, and that court held, in an opinion rendered April 4, 1904, that neither the Chickasaw freedmen nor their descendants WERE ENTITLED, UNDER THE TREATY OF 1866 OR ANY OTHER TREATY, TO ALLOTMENTS OF LAND, and subsequently rendered judgment against the United States in the sum of $130.16 for each allotment of 40 acres made to every freedman or his or her descendants out of this TRUST PROPERTY. The opinion of the Court of Claims was affirmed by the Supreme Court of the United States in the case entitled: "Chickasaw and Choctaw Nations *v.* United States," and reported in 193 U. S., page 114.

In the Choctaw Nation the Government has ARBITRARILY ALLOTTED LANDS TO THE DESCENDANTS OF FREEDMEN BORN SINCE THE TREATY OF 1866, AND THEREBY CONFISCATED A PORTION OF THIS TRUST PROPERTY BY SHEER FORCE OF POWER AND GIVEN IT TO THESE NEGROES.

VALID PROVISIONS OF THE LAW.

It will be observed that the first sentence of this enactment directed the Commission:

"That in making the rolls of citizenship of the several tribes as required by law."

What was the law? It was the treaty under which the grant was made and by which the trust was created. That was the ONLY LAW for the guidance of the Commission to "make correct rolls of citizens by blood. * * *"

Did this mean full bloods or mixed bloods? It meant ANY PERSON possessed of Choctaw or Chickasaw Indian blood, even down to the most attenuated proportions. It meant THEM AND THEIR DESCENDANTS TO THE REMOTEST DEGREE, for the act in order to be constitutional could not impair vested rights, and any other construction would have impaired vested rights.

The provision—

"Said Commission is authorized and directed to make correct rolls of citizens by blood, * * * eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made"—

did not mean that the Commission should secure and use exclusively the tribal rolls made by the corrupt officials of these tribes, but it meant that the Commission should secure and use ALL rolls made of the membership of these tribes. It meant what Assistant Attorney-General Van Devanter—in an official opinion rendered under date of March 17, 1899, for the guidance of the Commission in the preparation of these tribal rolls under this act of June 28, 1898, and which opinion was approved by the Secretary of the Interior and thereby became a law of the Department—said it meant when he construed and defined the above language to mean:

"The Commission was authorized and directed to enroll the persons indicated, and to investigate the right of all other persons whose names were found upon ANY TRIBAL ROLL, and to omit all such as may have been placed there by fraud or without authority of law. They were not authorized to add any name not found upon SOME ROLL of the tribe, except those of descendants of persons rightfully upon some roll."

But the Commission, in the face of these instructions, used only such rolls as were furnished it by these Indian officials as a basis for the preparation of the final citizenship rolls, notwithstanding the fact that at that very moment there were official rolls, numbering forty or fifty, prepared by Government officials and agents from time to time and running over a period of sixty years, and which were authentic and reliable rolls of the tribes in the custody and possession of the Secretary of the Interior and the Secretary of the Treasury.

ACT DID NOT REQUIRE SUBMISSION OF APPLICATION.

It will be observed that this act did not require the claimant to make an application to the Commission, but did direct the Commission to go out into the field and summon all persons claiming any rights in this trust property to appear before it, and the Commission was directed to examine them under oath, and the law clothed the Commission with ample power to compel every person appearing before it to testify under oath.

That it did not require the submission of an application appears from the opinion of Assistant Attorney-General Van Devanter hereinbefore cited, in which he says:

"The act of 1897 did not provide for new applications for citizenship. * * * Neither did the act of 1898 make any provisions for new applications for citizenship."

EXAMINATIONS NOT CONDUCTED AS DIRECTED BY THE DEPARTMENT.

Commissioner of Indian Affairs W. A. Jones, under date of July 25, 1899, prepared official instructions to the Commission for its guidance in the preparation of these tribal rolls, and on August 8, 1899, those instructions were approved by the Secretary of the Interior and thereby became a law of the Department. In those instructions the Commission was directed as follows:

"The rolls as made up by your Commission must, to become final, receive the approval of the Secretary of the Interior. It will therefore be necessary for you to make a record in all cases sufficient to enable this Office and the Department to take intelligent action in the premises, and especially in those cases where your decision either for or against the right of any person to have his name appear upon the roll is complained of.

"For the purpose of this record you will require each applicant for enrollment to present himself in person before the Commission at one of its appointments within the tribe in which such applicant claims right to enrollment, for examination under oath, his statements to be taken down by the Commission, upon which the Commission will determine his right to enrollment, and such record and action of the Commission will be preserved and transmitted with the rolls to be considered by this Office and the Department when the rolls made by the Commission are submitted for the approval of the Secretary of the Interior."

Tams Bixby, chairman of the Commission to the Five Civilized Tribes, and who supervised the examination and enrollment of persons under this act of June 28, 1898, appeared before the select committee of the Senate at Muskogee on the night of November 16, 1906, and under oath testified as follows:

"Q. Were you in the field when applicants were examined and identified under the act of 1898?

"Commissioner BIXBY. I was in the Chickasaw Nation in the fall of 1898.

"Q. Were you in charge of the examination and identification of either the citizens by blood, freedmen, or intermarried?

"Commissioner BIXBY. I presided in the tent at which the applicants who claimed enrollment by reason of Chickasaw blood or Choctaw blood presented themselves.

"Q. Was everything that was said by the applicant at the time he or she appeared before you for enrollment entered upon the examination record, such as that [exhibiting paper to the witness]?

"Commissioner BIXBY. No, sir; not at all.

"Q. Such portions of their statement as you deemed proper to place upon it?

"Commissioner BIXBY. WE DID NOT TAKE ANY TESTIMONY IN OUR TENT AT ALL." (S. Rept. No. 5013, pt. 1, 59th Cong., 2d sess., pp. 498–500.)

A. S. McKennon, who was a member of the Commission in 1898 and 1899 appeared before the select committee of the Senate sitting at South McAlester in November, 1906, and under oath testified that he had charge of the work of the enrollment of persons of mixed Choctaw or Chickasaw Indian and negro blood. When asked by a member of the committee whether this class of persons were enrolled as freedmen, Commissioner McKennon replied:

"Yes, sir; I simply addressed myself to the task of determining whether they or their ancestors were slaves of the Chickasaws; if so, I enrolled them; if not, they were not entitled." (S. Rept. No. 5013, pt. 1, 59th Cong., 2d sess., pp. 946–947.)

When persons of mixed Indian and negro blood appeared before members of the Commission and demanded that they be examined as to their Indian blood, and insisted upon the Commission making a record of their statements, their requests were not only refused, but in some instances they were forcibly ejected from the tent in which full bloods and persons of mixed Choctaw or Chickasaw Indian and white blood were being enrolled, as will appear from the following affidavits:

AFFIDAVIT OF CHARLES COHEE.

[United States of America, Indian Territory, southern judicial district.]

Charles Cohee, first being duly sworn, on oath states that he is 57 years of age, a resident of the Chickasaw Nation, Ind. T., and lives at the town of Berwyn, in said nation and Territory; that he is enrolled as a Chickasaw freedman, and that on the 1st day of September, 1898, he was appointed by R. M. Harris, governor of the Chickasaw Nation, a member of the committee to sit with the Dawes Commission for the purpose of identifying applicants for enrollment as freedmen; that he was again appointed to the same position by Governor Johnson, in April, 1899, and that he worked every day with the Commission during their sittings in the Chickasaw Nation and most of the time during their sittings in the Choctaw Nation.

Affiant further states that at the beginning of the work the committee of which he was a member, in making statements to the Dawes Commission of the status of applicants, made particular mention of those who claimed to have Indian blood; that the applications of such persons claiming Indian blood were for a while received by the Commission, but that in a short time—about fifteen days after the committee began sittings—all such applications were rejected by the said Dawes Commission, and the committee of which affiant was a member was informed that those applicants who were born to slave mothers, or to negro women who were descended of slaves, were freedmen, and would be enrolled as such only, and the said committee was advised to discontinue hearing the statement of applicants as to their Indian blood, as in no case would they be enrolled as Indian citizens; and that therefore the said committee from that time on, with possibly a few exceptions, refused to hear statements of persons of mixed colored blood of their claim that they were possessed of Indian blood in any degree whatever; that the said committee from that time on, in stating to the Commission status of applicants, only made mention of such family relation as would establish their rights as freedmen, and made no mention whatever of the existence of Indian blood, although in many instances they knew applicants were possessed of such.

CHARLES COHEE.

Subscribed and sworn to before me this 21st day of November, 1905.

[SEAL.] J. A. MCNAUGHT, *Notary Public.*

My commission expires March 17, 1909.

AFFIDAVIT OF W. L. BENNETT.

[United States of America, Indian Territory, southern district.]

W. L. Bennett, first being duly sworn, on oath states that he is 35 years old, a resident of the Chickasaw Nation, Indian Territory, and lives at the inland town of Woodford, in said nation.

Affiant further states that when the Commission to the Five Civilized Tribes came down into Choctaw and Chickasaw country for the purpose of enrolling persons who claimed rights in either of the said nations, a committee of freedmen was appointed to act on behalf of the nation with said Commission for the purpose of aiding them in identifying persons entitled to enrollment as freedmen of the nations. He states that he accompanied said committee in the capacity of an employee and was with them continuously from the time they began their work at Stonewall, Ind T., until the Commission finished its work at Ardmore, Ind. T.

He further states that it was a rule of the Commission to the Five Civilized Tribes that when a person appeared in the tent wherein applications were received for enrollment as citizens by blood and who looked to be a freedman, he was not allowed to make application there, but was directed to another tent, in which application for enrollment as freedmen only was received. It was, further, a rule of said Commission that no person claiming either as a citizen by blood or as a freedman would be enrolled if their mother was a States woman. He states that this rule of the Commission, in as far as it affected freedmen, was shortly changed, and persons were enrolled as freedmen whether they descended as such from either mother or father, but that the rule was never changed, so far as affiant can now remember, in the matter of the enrollment of persons of negro blood who claimed descent from an Indian citizen.

Affiant further states that so far as he can now remember he does not recall a single instance in which an application was received by the Commissioner in charge of the tent wherein application was made for enrollment as citizens by blood, but that in each and every instance persons of mixed negro and Indian blood who appeared at that tent and asserted their rights to be enrolled as citizens of the Chickasaw Nation were directed to the freedmen tent.

Affiant states that hundreds of persons were thus prevented from making application for enrollment as citizens by blood of the Chickasaw Nation.

W. L. BENNETT.

Subscribed and sworn to before me this the 8th day of March, A. D. 1906.

[SEAL.] MARY J. TAYLOR,

Notary Public within and for southern district of the Indian Territory.

My commission will expire March 10, 1907.

AFFIDAVIT OF THOMAS NORMAN.

[United States of America, Indian Territory, southern district.]

Thomas Norman, first being duly sworn, on oath states that he is a practicing attorney at law at the present time, in good standing, with an office in Ardmore, Ind. T., of which place he is a resident.

Affiant further states that in 1898, when the Commission to the Five Civilized Tribes was established in Ardmore for the purpose of receiving applications of persons claiming rights in the Chickasaw Nation, he was frequently before said Commission in behalf of applicants.

He states that the Commission had two or three different tents—one in which they enrolled persons claiming by blood, another in which they enrolled freedmen, and the third in which they enrolled persons claiming by intermarriage, adoption, etc.; that to his personal knowledge, when a person presented himself to the Commission in the tent where the enrollments by blood were being made, who had the appearance of a freedman, he was directed to the tent in which enrollments of freedmen were being made, and that the application of such persons were not received in the tent where enrollments by blood were made.

He further states that it became a matter of common knowledge that persons who were freedmen, or who had the appearance of freedmen, would be received by the Commission and allowed to make application in that tent only wherein freedmen as such were enrolled.

THOS. NORMAN.

Subscribed and sworn to before me this 8th day of March, 1906.

[SEAL.] J. L. RIGGINS, *Notary Public.*

Commission expires January 27, 1910.

Even when persons of mixed Choctaw or Chickasaw Indian and negro blood attempted to make a record of their requests by addressing the Commission in writing, their communications were returned to them accompanied by a printed form and notice from the Commission that the Commission would not receive their applications for enrollment as Indians, BUT IF THEY WOULD FILL OUT THE BLANK FORM INCLOSED the Commission would enroll them as freedmen.

"DEPARTMENT OF THE INTERIOR,
"COMMISSION TO THE FIVE CIVILIZED TRIBES,
"Muskogee, Ind. T., March 16, 1901.

"PRINCE BUTLER, *Grant, Ind. T.*

"DEAR SIR: Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of George Butler, the infant son of Prince and Mary Butler, born April 3, 1900.

"The application is again returned for the reason as stated in the Commission's letter of the 23d of February. The mother of the child appears upon our records as listed for enrollment as a Chickasaw freedman. There is inclosed you herewith a new blank application, which you will have made out in conformity with the corrections made in lead pencil upon the application returned you herewith.

"Upon return of the new application in proper form for the enrollment of the child as a freedman, the matter will be given further consideration.

"Yours, truly,

_____ _____,
"Acting Chairman."

In order, however, to make their work of enrollment of this class of people final, the Commission examined many of them under oath SOLELY AS TO THEIR NEGRO BLOOD AND DESCENT FROM AN ANCESTRY ONCE HELD IN INVOLUNTARY SERVITUDE AND DID NOT ASK THEM ONE QUESTION AS TO THEIR INDIAN BLOOD, as will appear from the examination records set out on pages 1514 to 1517, Senate Report No. 5013, part 2, Fifty-ninth Congress, second session.

Commissioner Tams Bixby testified under oath before the Senate committee at its hearing at Muskogee in November, 1906, that only persons of mixed Choctaw or Chickasaw Indian and negro blood WERE EXAMINED UNDER OATH AND THEIR TESTIMONY REDUCED TO WRITING, and that NO OTHER CLASS OF PERSONS WERE SUBJECTED TO SUCH EXAMINATION. (S. Report 5013, part 1, 59th Cong., 2d sess., p. 500:)

Commissioner McKennon testified (see Senate Report No. 5013, part 1, 59th Cong., 2d sess., pp. 946–947) that this class of people were examined solely as to their descent from ex-slaves.

It thus conclusively appears from the sworn testimony of the men who had charge of the work that the census rolls prepared, which were to form the basis for the final citizenship rolls, upon which this trust property was to be distributed, were not made either in conformity with the provisions of the statute or in conformity with the instructions of the Department. The rotten tribal rolls used by the Commission for the identification of the persons appearing before it were prepared by the same corrupt officials who were directly responsible for the interference on the part of the Government of the United States in the affairs of the Choctaws and Chickasaws in order to protect the rights of the great majority of the legal and equitable beneficiaries under the trust. From this polluted sewer was to ultimately spring CORRECT rolls of citizenship.

THE ACT OF MAY 31, 1900.

In May, 1900, an amendment was inserted in the Indian appropriation bill of that year, in conference, providing as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

Bear in mind that the act of 1898 did not require the submission of an application; that the duty of ascertaining all the beneficiaries in this trust property devolved wholly upon the Commission. By this act of May 31, 1900, the Commission could not receive, consider, or make any record of an application submitted by any person who had not been a recognized citizen of the tribes and duly and lawfully enrolled by the Commission or by the courts—the latter under the act of June 10, 1896.

Either the author of this amendment did not realize its frightful results, or he deliberately sought by legislation and the use of all the power of the Government of the United States to exclude thousands of persons of Choctaw or Chickasaw Indian blood who were in law, equity, and good conscience entitled to share in this tribal estate, and who had a vested right therein, and thereby increase the individual shares of those who had been enrolled, largely through favoritism, by the Commission.

ACT APPROVED JULY 1, 1902.

The exclusion act of May 31, 1900, was followed by a provision inserted in the supplemental agreement approved July 1, 1902. That agreement provided as follows:

"The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided. * * *"

If the author of this provision had deliberately attempted to so confuse the language therein employed as to render it utterly meaningless he could not have succeeded more admirably. How could the rolls of citizenship be made in strict compliance with an act that did not require the submission of an application, but directed the Commission to ascertain all the rightful beneficiaries and enroll them, and provided that when the rolls were "so made," and approved by the Secretary of the Interior, they shall be final, and at the same time be made in strict compliance with an act that PROHIBITED THE COMMISSION FROM RECEIVING, CONSIDERING, OR MAKING ANY RECORD OF ANY APPLICATION OF ANY PERSON NOT THERETOFORE ENROLLED.

This was a beautiful dish of legal hodgepodge or succotash to be served up to a Commission composed of laymen; for at the time this work was being done there was not a lawyer on the Commission. We submit that no living human being can with absolute certainty tell what the meaning of this language is, or what the powers of the Commission were under it, and this will never be known until decided by a court of competent jurisdiction.

PREPARATION OF FINAL CITIZENSHIP ROLLS.

From these census rolls, notoriously inaccurate and incomplete, the Commission of January 1, 1902, commenced the work of the preparation of the final citizenship rolls. No testimony had been taken and made of record; no person had been examined under oath, except persons of Choctaw or Chickasaw Indian and negro blood, and their examination being conducted solely for the purpose of ascertaining their descent from an ancestry once held in slavery; thousands of persons whom it was the duty of the Comimssion under positive law to enroll were refused enrollment and denied the right to have a record made of their cases. The final citizenship rolls thereafter to be prepared must of necessity have been inaccurate and incomplete.

The only record of the examination of persons appearing before the Commission under the act of 1898 made by the Commission was such notations as it saw fit to enter upon a card which was known as a "field card." (See Commissioner Bixby's testimony, Senate Report No. 5013, pt. 1, 59th Cong., 2d sess., p. 499.) The Commission made up the final citizenship roll from these field cards with the limited notations made thereon.

Each case acted upon by the Commission was forwarded to the Secretary of the Interior for final approval. The field cards were not transmitted as a part of the record in the case, nor were the claimants or their attorneys permitted to inspect the field cards, although the Commission claimed that these cards were a part of the official records in the case. On page 501 of part 1 of Senate Report No. 5013, Mr. Bixby testified as follows:

"Q. Were those examination records the only records made by the Commission at that time?

"Commissioner BIXBY. No, sir; they made a card also in the freedmen's tent.

"Q. In the adjudication of cases before your Commission, do you consider that card as a portion of the evidence?

"Commissioner BIXBY. Yes, sir."

William O. Beall, an official of the Commission and in charge of the Choctaw and Chickasaw enrollment division at the time of the final rolls were being prepared testified, before W. D. Foulke, special inspector for the Department, on November 20, 1906, under oath, page 95, Senate Document No. 357, Fifty-ninth Congress, second session, as follows:

"Q. Since you considered it your duty to notify the Department of every material record in a case, will you explain why a notice of the contents of the field cards or copies of the field cards were not sent up with the decision in cases?—A. Do you want my opinion, or as a matter of fact?

"Q. As a matter of fact.—A. As a matter of fact, it has never been the policy of the office to do that.

"Q. Of the Commission generally, or the Choctaw or Chickasaw division?—A. Never to my personal knowledge, since I have been employed here. I believe that these proceedings have been the first that ever a card has been taken out of the vaults to be made a part of the record in any proceedings.

"Q. Is it the first time that a copy has been made of the contents of a card?—A. Since the approval of the act of April, 1906, authorizing copies of records to be made, the Commissioner has made such copies. I don't believe, though, that any such copy of any card in any of the divisions was ever attached to and made a part of any enrollment record."

The tribal rolls prepared by the Indian officials, and which were exclusively used by the Commission in the preparation of the final citizenship rolls, were kept secret by the Commission, and no claimant or his or her attorney was permitted to inspect them to ascertain whether the name of the claimant appeared thereon, except in occasional cases where the Secretary remanded the cases to the Commission with instructions to take evidence and to permit an inspection of the record, and then the claimant was permitted at the hearing to inspect a particular roll which the claimant might designate.

At the hearing held at Muskogee, Okla., in November, 1906, before Special Inspector W. D. Foulke, on charges involving the official misconduct of an official of the Commission in the adjudication of the rights of the claimants, Mr. Bixby testified, under oath, as follows (Senate Doc. No. 357, 59th Cong., 2d sess., p. 58):

"Q. You stated that the tribal rolls submitted by the tribes or secured from the tribes were not open to inspection by persons for examination?—A. Yes, sir.

"Q. What did you mean by 'persons?'—A. I mean everybody or anybody.

"Q. Why was it you refused permission to counsel for applicants to inspect these rolls?—A. We never refused to produce the tribal enrollments on the trial of a case.

"Q. Wasn't an inspection of those rolls essential to the preparation of a petition, either for enrollment or for transfer?—A. Not in my judgment; that would be a question of opinion, I think.

"Q. You stated that neither the attorneys nor applicants were permitted to inspect those rolls?—A. Yes, sir."

Thus the census taken, based upon worthless, incomplete tribal records, which records were kept secretly by the Commission—no person having an interest in the tribal property being permitted to inspect them, and no person appearing before the Commission being subjected to such examination under oath, as appears from the records, as would enable either the Commission or the Secretary to correctly determine his status either as an Indian or a freedman, and no examination record being made of persons enumerated by the Commission as blood citizens—were the records upon which the determination of the rights of claimants, as well as all others, in the trust property of the Choctaw and Chickasaw tribes, was based.

When the names of the claimants appeared on the tribal rolls the Commission would not insert either that fact or copy of the entry on the roll, in the record, or permit any objection of the claimant or his attorney to the action of the Commission to be made of record, as will appear from the testimony of W. O. Beall, an official of the Commission, in Senate Document No. 357, Fifty-ninth Congress, second session, page 85, wherein he testified as follows:

"Q. Then I will go back to the proposition of a few moments ago, that if this was not a confirmed roll, and the country rolls were not confirmed rolls, and one had no greater effect than the other, why did you refuse to incorporate a statement of what one shows, and insist upon including in the record a statement of what the other shows?—A. The roll that is before us, known as the 1896 Choctaw census roll, was one of the rolls that were officially furnished the Commission to the Five Civilized Tribes by the Choctaw tribal authorities of the census enumeration in 1896. As late as 1903 or 1904 the Commission secured from different persons—some, I think, were citizens of the Choctaw Nation, others were citizens of the United States—as far as they

could, the various records and memoranda that were scattered throughout the country.

"Q. Didn't the act of Congress direct the Commission to secure and use all rolls and all information in possession of any of the citizens of the nation and officials of the nation, to be used in making the correct rolls of the nation?—A. I don't recollect that that is the language of the act, but it was practically that the Commission was authorized by Congress to procure and secure all these rolls. I will state, however, that there are undoubtedly a great many memorandums that are still outstanding that were made by people—Choctaw citizens engaged at various times in the preparation of these rolls—that the Commission has never secured, to which no importance has been attached, but simply memoranda made of them."

As a matter of fact, the Commission did not have the original rolls of the Choctaw community as it existed in 1830 and as prepared by the Government officers or of the Chickasaw community existing in 1837 as prepared by the Government officers and did not have any of the early rolls of members of the tribes, but merely such portions of the rolls of the tribes as had been prepared by the tribal authorities themselves during the preceding ten or fifteen years.

Even in cases where the names of claimants (who were of mixed Choctaw or Chickasaw Indian blood) herein appeared on the tribal rolls with the name of the full-blood Indian ancestor the Commission enrolled them as freedmen, which enrollment was approved by the Secretary of the Interior, as in the case of Oliver McCoy. On page 485 of part 1 of the Senate report appears a certified extract from the Choctaw census roll of 1885, showing the enrollment of Susan McCoy and her children by Oliver McCoy, a full-blood Indian, as citizens of the Choctaw Nation. On pages 486, 487, and 488 appear certified copies of the enrollment by the Commission and the approval of the enrollment by the Secretary of the Interior of the children and grandchildren of Oliver McCoy, a full-blood Choctaw, as freedmen of the Choctaw Nation. In this case the records of the nation themselves show that Oliver and Susan McCoy were legally intermarried; that she was his lawful wife, and that the children were the lawful issue of the marriage.

DENIAL OF CLAIMANTS OF THEIR PROPERTY BY COMMISSION ON GROUND THAT PROPER CONSIDERATION OF THEIR CASES WOULD INVOLVE TOO MUCH TROUBLE.

CLAIMANTS WERE DENIED THEIR PROPERTY RIGHTS BY THE COMMISSION, as shown by the official records, for the reason, assigned by the Commission, THAT THE PROPER CONSIDERATION OF THEIR CASES WOULD INVOLVE TOO MUCH WORK. The assignment of this reason by the Commission for its failure to properly consider the cases of claimants called forth the severe strictures contained in the opinion of the Assistant Attorney-General for the Department of the Interior in the case of Loula West and rendered under date of December 8, 1905, and reported in the Laws Affecting the Work of the Five Civilized Tribes, page 156:

"THE PLAINT OF THE COMMISSION SEEMS TO BE, IN SUBSTANCE, WHEN ANALYZED, THAT CONSIDERATION OF THE CASES OF PERSONS CLAIMING RIGHT OF CITIZENSHIP, RESIDENT IN THE NATION AND BORNE ON THE TRIBAL ROLLS, WILL INVOLVE SO MUCH LABOR AND BE SO INCONVENIENT THAT IT PREFERS THEY SHOULD NOT BE HEARD. * * *"

FINAL ROLLS, WHICH ARE BEING USED AS BASIS FOR DISTRIBUTION OF TRUST PROPERTY, SATURATED WITH FRAUD.

Not only are the final rolls made by the Commission, upon which it is proposed to distribute the trust property, notoriously inaccurate and incomplete, but they are saturated with actual and deliberate fraud perpetrated by administrative officers.

At the time the Commission was engaged in the work of preparing these final citizenship rolls there were attorneys representing the tribes, appointed by the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation. These attorneys were employed among other things to defeat the rights of certain persons to enrollment as citizens by blood of the tribes. During the month of June, 1903, an official of the Commission, William O. Beall by name, and who was chief clerk of the Choctaw and Chickasaw enrollment division (see paragraph 2 of his answer under oath, p. 18, Senate Doc. 357, 59th Cong., 2d sess.), was furloughed on the 5th day of June for the remainder of the month, owing to a shortage of funds with which to carry on the work of the Commission. On the 8th day of June he entered the office of Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw nations, with the knowledge and consent of Clifton R. Breckenridge, a member of the Commission, and there assisted in the preparation of citizenship cases against claimants seeking enrollment as citizens of these tribes. (See paragraph 6, p. 18, Senate Doc. 357.)

On July 1, 1903, he returned to the Commission and resumed his position as chief clerk of the Choctaw and Chickasaw enrollment division. In this position he examined every case passed upon by the law division and instructed the law clerks in many cases upon questions of law, and in many instances directed them to rewrite their decisions, as appears from the testimony of D. C. Lloyd, former chief law clerk, but in 1906 one of the law clerks of the Choctaw and Chickasaw enrollment division. Mr. Lloyd (p. 33, Senate Doc. 357) testified as follows:

"Q. At any time since you have been writing decisions has Mr. Beall overruled any decisions or marked them for change in the law and evidence of the case?—A. I can explain that, I think. I have had charge of that division for some years until lately, and I was there to prepare decisions in all the cases. I would get a bunch of them prepared and bring them in, a basketful at a time, to Mr. Beall. Mr. Beall was the chief clerk of that division and everything had to go through his hands, and he was responsible for these decisions. After they got through my hands then he was responsible. If he didn't agree with me we had a pretty hot argument; sometimes he would convince me that I was wrong, and sometimes it was the other way. Then I would take the decisions back to my room and we would argue some more. Sometimes we would argue the same case fifteen or twenty times." (See also letter to Secretary, S. Doc. No. 357, p. 158.)

Mr. Wirt Franklin, formerly a law clerk of the Choctaw and Chickasaw division, testified under oath as follows before the select committee (p. 346, Senate Report 5013, part 1):

"Mr. BALLINGER. During the time you were with the Commission as attorney did Mr. Beall instruct you as to how you should write up decisions?

"Mr. FRANKLIN. Yes, sir.

"Mr. BALLINGER. Regardless of the law and the evidence?

"Mr. FRANKLIN. Well, I remember one instance which I consider was regardless of the law and the evidence; yes, sir.

"Mr. BALLINGER. State that case.

"Mr. FRANKLIN. It was at the time the Choctaw and Chickasaw citizenship court was in session, and they had before that court the case of Molsey Butler, who was one of those applicants in the cases to which you have referred in your opening statement.

"At the time this decision was rendered by the Choctaw and Chickasaw citizenship court there were a good many cases of a parallel nature that were yet to be decided by the Commission, and I had the reports of those cases on my desk, ready to prepare the decisions in the cases.

"The decision in the Molsey Butler case came out, and my recollection is that Mr. Beall came into the room, where I was sitting at the time at my desk, and laid this opinion of the citizenship court on my desk, with a statement to the effect: 'Here, Franklin, is this Molsey Butler opinion; deny all these niggers, following this opinion.'

"Mr. BALLINGER. Did he say anything to you about denial regardless of the records?

"Mr. FRANKLIN. The statement was, 'Deny all those niggers following the Molsey Butler case,' or words to that effect. I can not be certain of the exact words.

"Mr. BALLINGER. Did you write up any decisions afterwards, submit them to Mr. Beall thereafter, and did he reject them?

"Mr. FRANKLIN. I have written a great many decisions which he has sent back with notice on them how to re-form them."

See also testimony of Charles Von Weise (p. 355, Senate Report 5013, part 1).

From the memorandum slips attached to these opinions and in the handwriting of Mr. Beall we find his instructions, one of them being as follows (p. 5, Foulke Report, Senate Document No. 357):

"Think decision should recite that applicant is the illegitimate child of an intermarried white citizen; that under act of April 26, 1906, she must take the status of the mother and should be refused under act of June 21, 1906."

Here we find a man who was not a lawyer, but a layman, directing law clerks how to prepare legal opinions in the cases of claimants. On page 89 of Senate Document No. 357 Mr. Beall testified as follows:

"Q. Mr. Beall, have you ever been admitted to practice law before any court or commission?—A. No, sir.

"Q. You are a graduate of a law school, are you not?—A. No, sir."

In cases where applications had been made to the Commission by this class of persons as required by law, those applications were not forwarded as a part of the record submitted to the Secretary of the Interior, notwithstanding the fact that the existence of the application was known to Mr. Beall and other employees of the Commission, and the case was decided adversely to the applicant by the Secretary on the sole ground that the record did not disclose an application, as will appear on pages 5, 6, and 7 of the Foulke Report, Senate Document No. 357, to which document attention is directed.

In other cases applications were taken, either deliberately or by criminal carelessness, from the records of the Commission, as appears from the mutilated portions of the record remaining. In some of these cases we find a demurrer filed to an application, the demurrer in existence, the application gone, and the Department holding that although these people are admittedly of Indian blood, that they could not be enrolled because the application was not in existence. (Senate Report No. 5013, pt. 2, p. 361.)

On July 4, 1904, William C. Beall was promoted to the position of secretary to the Commission. (See paragraph 10 of his verified answer on page 19 of Senate Doc. No. 357, 59th Cong., 2d sess.) Although he was no longer directly connected with the Choctaw and Chickasaw division, every decision prepared by the law clerks of that division continued to go to Mr. Beall for his approval before going to the Commissioner, although the decisions from neither the Cherokee, Creek, nor Seminole division went to him for his approval. On page 93 of Senate Document No. 357, Mr. Beall testified as follows:

"Q. Then you are not now nominally in charge of the Choctaw and Chickasaw division?—A. No; I am not. I have no official designation.

"Q. Why is it that Mr. Johnson, as he so testified, still brings the decisions of that division to your desk and those decisions pass through you before they go to the chief law clerk, when they don't in any other division?—A. It is a matter of precedent.

"By Mr. FOULKE:

"Q. You do that still?—A. Yes; I still do it."

We next find William O. Beall, formerly employed by Mansfield, McMurray & Cornish to prepare cases against applicants for enrollment, presiding at hearings had before the Commission in the cases of claimants and quoting provisions of bills pending in Congress and determining their rights thereunder. On page 88 of Senate Document No. 357 Mr. Beall testified under oath as follows with reference to the hearings had in the cases of claimants:

"Q. Now, Mr. Beall, I want to ask you if you have at any time in the hearing of any cases ever quoted a provision from a bill pending in Congress which had not become a law for the purpose of determining the rights of the applicants?—A. Yes, sir.

"Q. Can you state in what case?—A. I couldn't now. In a great number of cases."

William O. Beall, while secretary to the Commission, openly asserted that claimants should not be enrolled if there was any possible way to prevent their enrollment as citizens of the nations. Upon this point Charles Von Weise (Senate Report No. 5013, pt. 1, p. 357) testified as follows:

"Mr. BALLINGER. State to the committee as briefly as you can the conversation you had with Mr. Beall, if you had any, relative to the enrollment of this class of transfer cases at Ardmore more than a year ago.

"Mr. VON WEISE. I think it was along in the fall some time. I can not recall the date of it, but Mr. Beall was down on Commission business at Ardmore, and the conversation came up as to those freedmen transfer cases, and he remarked to me that there was not any need of my wasting my time and money on those cases. I had filed then quite a number of petitions for transfer. They were going to be denied, he said, if there was any power to do it; that this next session of Congress would have a request made to it to eliminate that class of people from ever being enrolled on the blood rolls, because, he stated, they were the descendants of slaves, and the slaves were mere chattels, and he went on giving his reasons. That is the only conversation I ever had with him there, and he has reiterated that here in Muskogee in the presence of Mr. Tom Norman, attorney at Ardmore.

"The CHAIRMAN. Were you present at that time?

"Mr. VON WEISE. Yes, sir; reiterated to me, I mean, in the presence of Mr. Norman, that the decisions of the Attorney-General in those

cases, and in two or three other cases where the Department has overruled the Commission, were absolutely nonsensical; that they were not based upon law or common sense, and especially in these transfer cases; that if there was any power to get around following that, it would be done. Mr. Norman is an attorney and does not represent any freedmen's cases."

On page 96, Senate Document No. 357, upon this point, Beall testified as follows:

"Q. Did you not on that date tell me, when I suggested the reason for wanting to see those records, that these people would never be enrolled as citizens by blood?—A. I don't remember of any such statement. I may have thought so at the time.

"Q. May you not have said that at that time?—A. Not to you.

"Q. Did you to anyone?—A. I may have expressed such an opinion to some employee here in the office; that was my honest conviction that they were not going to be enrolled."

We next find this man Beall deceiving attorneys for claimants by informing them that the records did not disclose the existence of applications, when, as a matter of fact, the records did disclose the existence of the applications, as in the case of Prince Butler, which appears on page 385, part 1, of Senate Report No. 5013; also in the case of Bettie Ligon, a citizen by blood of the Chickasaw Nation. On July 3, 1905, the Commissioner wrote Albert J. Lee, attorney for Bettie Ligon, in part as follows:

"In reply to your letter, you are advised that it does not appear from the records of this office that application has been made to the Commission to the Five Civilized Tribes for the enrollment of Bettie Ligon as a citizen by blood of the Choctaw or Chickasaw Nation."

On June 9, 1906, the Commissioner rendered an opinion which appears on pages 489 and 490 of Senate Report 5013, part 1, in which opinion the Commissioner says:

"The records of this office show that on September 9, 1896, original application was made to the Commission to the Five Civilized Tribes for the enrollment of Bettie Ligon, etc., as citizens of the Chickasaw Nation."

If these were the only cases in which these errors occurred, the moral turpitude of this official would not be so censurable, but dozens of similar cases appear of record, and doubtless thousands more exist.

In order to prevent claimants or their attorneys from ascertaining what the records disclosed in these cases, Commissioner Bixby and Secretary Beall at first refused attorneys permission to inspect the records. It was not until the Secretary of the Interior directed them, as appears from the correspondence on pages 373, 374, 375, and 376 of the Senate report, to accord this right to the claimants herein that attorneys for claimants were permitted to inspect the records, and the inspection of the records under departmental orders disclosed false statements contained in the letters prepared by William O. Beall and signed by the Commissioner and the decisions of these cases prepared by William O. Beall and approved by the Commissioner.

In the absence of the Commissioner, Beall was acting Commissioner, and as such directed the business of the office. On page 513 of Senate Report No. 5013, part 1, Fifty-ninth Congress, second session, Mr. Bixby testified as follows with reference to Beall: "I can't tell you; in a general way he runs the office."

Thus we find this man Beall, while constructively in the employ of the Commission, actually in the employ of the attorneys for these nations, assisting in the preparation of cases to defeat the rights of persons entitled to enrollment as citizens of the nations. (See Senate Doc. 357, p. 13, 59th Cong., 2d sess.)

We then find him the following month back at work with the Commission, but at all times loyal to his former employers, ever ready to do their bidding; suppressing applications in cases so as to defeat the rights of persons to enrollment as citizens of the tribes; sending false and misleading statements to their attorneys, and embodying false statements in the decisions, later pro forma approved by the Commissioner; seeking to prevent attorneys for claimants from inspecting the record in their cases, in order that his false statements might not be discovered; instructing law clerks to decide cases against claimants, quoting at hearings in these cases provisions of bills pending in Congress and determining the rights of claimants herein thereunder; announcing months in advance with remarkable accuracy that Congress would enact a law excluding claimants from enrollment as citizens of the tribes; assisting later in the preparation of a draft of a bill to be introduced in Congress to defeat the rights of claimants; informing attorneys employed by claimants to represent them that they were wasting their time, as claimants would not be enrolled if there was any way by which the Commission could prevent it.

It appears from the testimony of the member of the Commission who gave Mr. Beall authority to accept employment from this firm of attorneys that the Commission considered the duties of the attorneys for the nations and the duties of the Commission practically identical—one charged by law to see that every person entitled to enrollment as a member of the tribes was enrolled, the other employed by the nations to defeat the rights of persons whom the officials of those tribes did not believe were entitled to enrollment. Yet the duties of the Commission and the attorneys, in the language of Clifton R. Breckenridge, a member of the Commission, were practically identical. In explaining why he gave his consent to Beall's employment by Mansfield, McMurray & Cornish, he said (p. 21, Senate Doc. 357, 59th Cong., 2d sess.):

"A. I considered it proper because, in the first place, the labors of the Commission and the labors of the counsel for the Choctaw and Chickasaw nations were practically identical in character."

These decisions, thus prepared under the direction of Beall, went to Commissioner Bixby for his approval. On page 504 of part 1, Senate Report 5013, Mr. Bixby testified under oath as follows:

"Commissioner BIXBY. Yes; I finally decided, always. The Acting Commissioner never decided a case, to my knowledge.

"Mr. BALLINGER. Did you examine the records in these cases——

"Mr. ROGERS. I object to that question. Mr. Bixby signs these decisions, and they are his decisions.

"The CHAIRMAN. He may ask the question.

"Commissioner BIXBY. I attempt to. Of course, it is a pretty big task. I sit up nights trying to do it and work practically sixteen to eighteen hours a day trying to do it, but of course I depend largely on my legal department. I do not claim to be a lawyer, of course, but I do the best I can.

"Mr. BALLINGER. Do you intend that the committee shall understand that in all citizenship cases decided by your Commission and over your name you have examined the records in those cases?

"Commissioner BIXBY. No, sir; I do not pretend that I have examined every part of the record. In some cases I do. I have read a great many cases, every word of them, but I do not read all the testimony in every case. I admit that. It would be an absolute physical impossibility."

But few, if any, decisions in the class of cases of claimants of mixed Choctaw or Chickasaw Indian and negro blood were handed down by the Commissioner under the departmental decisions in the test case of Joe and Dillard Perry, rendered December 8, 1905, and reported in the Laws Affecting the Work of the Five Civilized Tribes, page 158, by which decision the Assistant Attorney-General directed the enrollment of all persons of mixed Choctaw or Chickasaw Indian and negro blood, all decisions being held back until after the passage of the Five Civilized Tribes bill, which contained a provision inserted, as Mr. Bixby testifies (Senate Rept. No. 5013, pt. 1, 59th Cong., 2d sess., p. 503) at his instigation, and was prepared by Beall, which was as follows:

SECTION 4 OF THE ACT APPROVED APRIL 26, 1906.

"That no name shall be transferred from the approved freedmen, or any other approved rolls of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, to the roll of citizens by blood unless the records in charge of the Commissioner to the Five Civilized Tribes show that application for enrollment as a citizen by blood was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commissioner to the Five Civilized Tribes actually received such application within the time prescribed by law.

(The last provision, relating to documentary evidence, was inserted by the Senate Indian Committee at the instance of counsel for claimants, who protested to the committee against the enactment of this legislation.)

Thus fulfilling the prediction made by William O. Beall to Charles Von Weise and others, and as appears from the testimony of Commissioner Bixby on page 503 of part 1 of Senate Report No. 5013, Fifty-ninth Congress, second session, wherein Mr. Bixby, under oath, testified as follows:

"Mr. BALLINGER. Did you decide a single case between November 11, 1905, and the date of the approval of the Five Civilized Tribes bill?

"Commissioner BIXBY. I did not have time."

SECRETARY GAVE NO CONSIDERATION TO CASES ON REVIEW.

The great majority of these decisions did not reach the Department until during the months of October, November, and December. The action theretofore taken on them by the Commission was merely clerical. The official action to be taken thereon was by the Secretary of the Interior, for, by a provision of the Indian appropriation bill approved March 3, 1905, all the work of the Commission, and the powers theretofore exercised by the Commission, were conferred upon the Secretary of the Interior after the 1st day of July, 1905.

Did the Secretary of the Interior consider these cases so as to intelligently pass upon them and see that the rolls were made as provided by law? In an official communication to the United States Senate, under date of March 4, 1907, and printed as Senate Document No. 390, Fifty-ninth Congress, second session, Acting Secretary of the Interior Thomas Ryan says:

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1907.

SIR: In further response to the Senate resolution dated February 28, 1907, relative to the number of Indians and freedmen enrollment cases pending before the Commissioner to the Five Civilized Tribes on February 25, 1907, also in the office of the Commissioner of Indian Affairs on review and before the Department, I have the honor to advise you that since my report of the 2d instant the Department has received, on March 2, 168 cases; March 4, 141 cases, making a total of 501 cases, aggregating 1,549 cases received by the Secretary since February 25, 1907, and making a total of 2,023 cases for examination and decision after February 25 and on or before March 4, 1907.

Respectfully,

THOS. RYAN, *Acting Secretary.*

The PRESIDENT OF THE SENATE.

Here we find the Secretary of the Interior, in seven days, passing upon 2,023 cases, which involved the rights of 10,000 persons. The records in a majority of these cases were voluminous. They were not even examined by the Secretary, or by any official of his Department. No pretense was made of examination. Employees of the Department took the cases and dictated a mere statement affirming the decision of the Commission, and the decisions were then stamped by messengers with rubber stamps "affirmed."

In cases where claimants had duly and regularly filed written applications, and the applications were on file with the Commission, the petitions for the transfer of the names of certain of the claimants herein were denied by the Commission and the Secretary, notwithstanding the proof of their Indian blood and descent was conclusively shown by the record in the case. This can not be denied by either the attorneys for the Government or for the nations. It is conclusively shown by Senate Report No. 5013, part 2, Fifty-ninth Congress, second session, in the case of Bettie Ligon and her children; also in the case of Prince Butler, and likewise in the case of Callie Newberry.

But section 4 of the act approved April 26, 1906, did not prevent the correct enrollment of certain claimants herein who had complied with the terms and provisions of the laws under which they were before the Commission, had it been correctly construed.

PROPER CONSTRUCTION OF SECTION 4.

The first act of Congress authorizing the Commission to prepare "rolls of citizenship" of the Choctaw and Chickasaw tribes was the act of June 10, 1896. That act required every person applying for enrollment to submit an application, in which he was required to assert his claim as a citizen or as a freedman. The act of May 31, 1900, likewise required the submission of an application, as did also the act of July 1, 1902. But the act of June 28, 1898, under which the great majority of claimants were before the Commission, did not authorize or require them to assert a right to any particular kind of enrollment. Claimants were directed to appear before the Commission, at such times and places as the Commission might direct, for examination by the Commission, and, after such examination, the duty devolved wholly upon the Commission of correctly enrolling them in accordance with the terms and provisions of the statute, subject to the approval of the Secretary of the Interior. The statute prescribed the qualifications for enrollment as citizens to be:

1. A right under existing law, which was a right under the treaties of 1830 with the Choctaws and 1837 with the Chickasaws.

2. That he or she be of Choctaw or Chickasaw blood, and resident of the nation, which latter provision was void, as heretofore pointed out.

Thus the appearance of claimants before the Commission under the act of 1898 operated as an application for enrollment as citizens of blood, provided only they were of Choctaw or Chickasaw Indian blood, or were otherwise entitled under the treaties and laws of the United States to participate in the distribution of the property.

In construing this section we must look to previous enactments and ascertain the intention of Congress with reference to the enrollment of claimants. It must be presumed that Congress in ratifying the agreements and enacting the laws referred to knew of the nature of appellants' title, and that it did not intend to interfere therewith, even though it possessed the power, which it did not. In the case of United States *v.* Heth (3 Cranch, p. 409, 2 L. ed., p. 482) the court said:

"Where it can be shown that the Government has once adopted a certain rule of justice for its conduct, it is fair to infer that in legislating afterwards upon the same subject it intended to pursue the same rule, unless the contrary shall be clearly expressed."

In the case of United States *v.* Central Pacific Railroad Company (118 U. S., p. 241, 30 L. ed., p. 175) the court said:

"There is another view in this controversy which seems to us conclusive. As the contract between the United States and the railroad company contained in the acts of July 1, 1852, and of July 2, 1864, has been interpreted by this court to authorize the retention by the Government of compensation for services only on those roads which the United States aided in building, the CONSTRUCTION which the appellant seeks to put on the second section of the act of May 8, 1878, WOULD NOT ONLY RENDER THAT SECTION A BREACH OF FAITH ON THE PART OF THE UNITED STATES, BUT AN INVASION OF THE CONSTITUTIONAL RIGHTS OF THE APPELLEE. WE ARE BOUND, IF POSSIBLE, SO TO CONSTRUE THE LAW AS TO LAY IT OPEN TO NEITHER OF THESE OBJECTIONS. (Broughton *v.* Pensacola, 93 U. S., 266, 23 L. ed., 896; Red Rock *v.* Henry, 106 U. S., 596, 27 L. ed., 251; Hobbs *v.* McLean, 29 L. ed., 940, decided at the present term and cases were cited; United States *v.* Cooms, 12 Pet., 72; 37 U. S., bk. 9, L. ed., 1004.) THE CONSTRUCTION CONTENDED FOR BY THE APPELLEE PRESERVES THE GOOD FAITH OF THE GOVERNMENT AND FREES THE ACT FROM THE IMPUTATION OF IMPAIRING RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES."

MERE APPEARANCE OF PERSON BEFORE COMMISSION UNDER ACT OF 1898 OPERATED AS APPLICATION FOR ENROLLMENT AS BLOOD CITIZEN, PROVIDED ONLY HE OR SHE WAS OF INDIAN BLOOD.

Did not Congress intend that the appearance of all persons before the Commission in 1898 should operate as an application for their correct enrollment either as blood citizens or as freedmen? Such was unquestionably the intention of Congress when it enacted the law of 1898, and the appearance of the person before the Commission under that law must necessarily be construed as an application for correct enrollment under section 4 of the act approved April 26, 1906. If Congress did not intend that the appearance of a person before the Commission under the act of 1898 should operate as an application for such enrollment as the person thus appearing was entitled to, then every person who appeared before the Commission under the act of 1898, although he be a full-blood Indian, was barred from enrollment as a citizen by blood, for, by section 34 of the supplemental agreement, approved July 1, 1902, it was provided that "the application of no person whomsoever for enrollment shall be received after the expiration" of ninety days after the ratification of this agreement. The agreement was ratified on September 25, 1902, and the ninety-day limit expired on December 24, 1902. As no person who was before the Commission under the act of 1898 subsequently made an application to the Commission, under a law requiring the submission of an application for enrollment as a citizen, they would all be barred under that act from enrollment, if it should be held that their mere appearance under the act of 1898 before the Commission did not operate as an application for their correct enrollment.

SECRETARY OF THE INTERIOR AND COMMISSIONER OF INDIAN AFFAIRS EQUALLY RESPONSIBLE.

As a result of this confusion of statutory enactments opinions were rendered by the Indian Territory division of the office of the Secretary of the Interior, and approved by the Secretary; by the Office of the Commissioner of Indian Affairs, and approved by the Commissioner and by the Secretary of the Interior, which, if it were not for the frightful consequences resulting from those decisions in the denial to persons of their property rights in this trust property, would have been grotesque. Every technicality and subterfuge known to the officers of this Department was employed by the offices of the Secretary of the Interior, the Commissioner of Indian Affairs, and the Commissioner to the Five Civilized Tribes, to defeat claimants of their legal property rights. As an illustration:

The Assistant Attorney-General for the Department of the Interior, whose office has been the one haven of refuge for claimants, and who have uniformly secured a reasonable adjudication of their rights when the Secretary of the Interior was gracious enough to permit them to have their cases referred to that office for a legal opinion, rendered a line of legal opinions, which were approved by the Secretary of the Interior, and thereby became the laws of the Department in the adjudication of the cases of claimants. These laws left no room to the administrative officers to deny the rights of claimants in thousands of cases where they were subsequently denied. In order to circumvent these decisions an opinion was prepared by an employee of the legal department of the Indian Office, who was insane at the time he wrote the opinion, and who was, within a few days thereafter, adjudged by the supreme court of the District of Columbia to be insane, and by its decree incarcerated in St. Elizabeth's Insane Asylum across the river, and who subsequently died in the insane asylum. This decision, prepared by this lunatic, was written in a case arising from the Cherokee Nation, where different laws governed the enrollment of applicants. This lunatic decided questions not in the records of that case and not before the Department for determination. This decision, rendered by this lunatic, was pro forma affirmed by the Commissioner of Indian Affairs, and thereafter pro forma affirmed by the Secretary of the Interior. Immediately upon the affirmation of this decision by the Secretary the officers of the Indian Territory division of the Secretary's Office, the officers of the Indian Bureau, and the officers of the Commissioner to the Five Civilized Tribes seized upon this decision in order to circumvent the decisions rendered by the legal department. In practically every decision, denying the rights of claimants rendered by the Commissioner to the Five Civilized Tribes, the Commissioner of Indian Affairs, and the Secretary of the Interior, from that day until the jurisdiction of all these officers ceased and terminated on the 4th day of March, 1907, by operation of law, the decision of this lunatic was invoked and referred to in the decision rendered in the case as "Departmental letter of May 25, 1906, I. T. D., 9114–1906."

This decision was written by a lunatic and initialed by him; his initials appearing upon the original decision as M. M. M., and if any person desires to inform himself as to the accuracy of this statement he can easily ascertain who Mr. M. M. M. was by examining the records of the supreme court of the District of Columbia and the records of St. Elizabeth's Insane Asylum; and the decisions rendered in all these cases in which reference is made to the above initials and above decision rendered May 25, 1906.

This decision rendered in the case of a Cherokee claimant, where different laws governed the adjudication of rights, was rigidly adhered to in the adjudication of cases of claimants who asserted their rights to share in the common trust property of the Choctaws and Chickasaws. Counsel for claimants submit that this smacked of criminality, PARTICULARLY AS THE DEPARTMENT CONTINUED TO ADJUDICATE CASES UNDER THIS DECISION AFTER THE TRUE FACTS BECAME KNOWN TO THE OFFICERS OF THAT DEPARTMENT.

Nor can the office of the Secretary of the Interior nor office of the Commissioner of Indian Affairs shift the responsibility of the failure to correctly enroll claimants upon the Commissioner to the Five Civilized Tribes. The Commissioner of Indian Affairs had in his office the official rolls prepared by officers of the United States of the Choctaw and Chickasaw Indians from 1830 to 1860. These rolls were authentic and reliable rolls and contained the names of practically every one of the claimants or the names of their ancestors.

Under the act of Congress of 1898, as construed and defined by Assistant Attorney-General Willis J. Van Devanter in his opinion rendered under date of March 17, 1899, and approved by the Secretary on March 17, 1899, and under the act approved July 1, 1902, every person whose name rightfully appeared upon any tribal roll of any tribe, together with his or her descendants, was entitled to enrollment. Neither the Indian Office nor the Secretary's office pretended to examine the official rolls locked up in a room in the office of the Commissioner of Indian Affairs to ascertain whether names of claimants, whose rights they were denying, appeared upon those rolls, or whether the names of their ancestors appeared upon any of those rolls. Nor did these officers of the Government call upon the Secretary of the Treasury for the fifty or seventy-five official rolls of these people which were in his Department, and examine those rolls to see whether or not the names of claimants, or their ancestors, appeared thereon. It has only been within the last three weeks that the Commissioner of Indian Affairs has had sorted out, and put together, the official rolls of these people, WHICH HAVE BEEN LYING IN A ROOM IN HIS BUREAU SINCE THE YEAR 1844.

Notwithstanding these facts are well known to these officers, which alone prove conclusively that the final rolls of these people as made by the Department are not correct, the officers of this Department are inflexibly and implacably opposing any legislation that will give to rightful claimants their property and are likewise opposing the enactment of any legislation that will strike from the rolls, saturated with fraud as they are, the names of thousands of persons who have no legal right thereon. AND ALL THIS IS BEING DONE IN THE NAME OF THE MIGHTY GOVERNMENT OF THE UNITED STATES AND IN THE SO-CALLED CAUSE OF JUSTICE.

CLAIMANTS DEPRIVED OF THEIR RIGHTS THROUGH BRIBERY OF GOVERNMENT OFFICIALS.

Probably the most glaring frauds perpetrated on any class of claimants by administrative officers occurred in the jurisdiction of the claims of that class of claimants known to the Department as "court-judgment citizens." The act of June 10, 1896, provided that if either the claimant or the Indian governments were aggrieved at the decision of the Commission in the case of any claimant to enrollment as a member of the Choctaw or Chickasaw tribes an appeal could be taken to the United States district courts in Indian Territory. The act prescribed the manner in which appeal should be taken. Appeals were taken from the decisions of the Commission to the United States district courts in the Choctaw and Chickasaw nations in cases involving the rights of more than 5,000 claimants.

Judgments were rendered, after full hearings and after claimants and witnesses had been examined and cross-examined by counsel in open court, decreeing more than 4,000 of these claimants to be citizens of the Choctaw and Chickasaw nations. The decrees were duly certified to the Commission to the Five Civilized Tribes. An appeal was subsequently taken to the Supreme Court of the United States in the case of Stephens *v.* Cherokee Nation (174 U. S., 488; 43 L. ed., 1056), which court held the act to be constitutional and the judgments to be final.

Thereafter it was alleged by the nations that many persons had been enrolled by judgments of the United States district courts, which judgments had been affirmed by the Supreme Court of the United States in the test case of Stephens *v.* Cherokee Nation (174 U. S., p. 488) who were not entitled to enrollment, and that the United States district courts and the Supreme Court of the United States had erred in their holdings of law and that the district courts did not possess the power to try the cases de novo, but that their jurisdiction extended only to a review of the action of the Commission to the Five Civilized Tribes. Accordingly, Congress inserted in the supplemental agreement with the Choctaws and Chickasaws, approved July 1, 1902 (32 Stat. L., 641), a provision creating a legislative commission, consisting of three members, to be appointed by the President and confirmed by the Senate of the United States, and which commission was designated in the agreement as the "Choctaw-Chickasaw citizenship court." It was provided that the Choctaw and Chickasaw nations, acting jointly or separately, could, within ninety days after the approval of the agreement, file a petition in equity in the Choctaw-Chickasaw citizenship court, citing ten representative persons, admitted to citizenship by the United States district courts, to appear before that court and show cause why the judgments of the United States district courts and affirmed by the Supreme Court of the United States rendered in their cases should not be annulled.

It was expressly provided that the jurisdiction of this unique legislative commission, known as the "Choctaw-Chickasaw citizenship court," should be confined exclusively to two questions:

1. Did the United States courts in the Indian Territory, acting under the act of Congress approved June 10, 1896, admit persons to citizenship, and to enrollment as such citizens, in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations?

2. Whether the proceedings in the United States courts in Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the papers and evidence submitted to such Commission and should not have extended to trial de novo of the question of citizenship.

It was further provided that if this legislative Commission held the judgments of the district courts to be void on either of these grounds, said decree should operate to vacate and annul all judgments procured in the United States district courts.

This legislative Commission rendered an opinion holding the judgments of the United States district courts, which judgments had been affirmed by the Supreme Court of the United States, void upon the two grounds:

1. That proper notice of proceedings in the district courts had not been served upon both the Choctaw and Chickasaw nations.

2. That said United States district courts should have been confined to merely a review of the action of the Commission and should not have extended to trial de novo.

Thus every judgment rendered by the United States district courts after a full, free, and impartial hearing, and which judgments were affirmed by the Supreme Court of the United States, were vacated and annulled.

The act then provided:

"In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers, and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, to be transferred and certified to said citizenship court by the court having custody and control of such files, papers, and proceedings, and, upon the filing in such citizenship court of files, papers, and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof had been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein."

This legislative court proceeded to determine the rights of all these claimants, and by decree entered in the month of December, 1905, struck down practically every claimant whose case had gone before that LEGISLATIVE COURT, thus reversing practically all the judgments entered by the United States district courts and affirmed by the Supreme Court of the United States in these cases.

The great majority of persons thus deprived of their rights were admittedly of Choctaw or Chickasaw Indian blood and descent, and had A VESTED RIGHT IN THE TRIBAL PROPERTY UNDER THE TREATY OF 1830 AND THE GRANT MADE TO THE CHOCTAW NATION IN 1842, IN TRUST FOR THOSE PERSONS WHO COMPRISES THE CHOCTAW COMMUNITY IN 1830 AND THEIR DESCENDANTS.

As a reward for the superior legal services rendered in these cases, this famous legislative commission awarded a fee of $750,000 which was paid to the firm of Mansfield, McMurray & Cornish, attorneys at law, of McAlester, Ind. T., out of the TRUST FUNDS OF THE CHOCTAWS AND CHICKASAWS, AND IN WHICH FUNDS THE PERSONS THUS DISPOSSESSED OF THEIR PROPERTY HAD A VESTED RIGHT UNDER THE TREATIES.

It is alleged that the members of that court were bribed and received as a consideration for their decisions a part of the fee paid these attorneys. Counsel for claimants are reliably informed that the Secretary of the Interior NOW HAS IN HIS POSSESSION POSITIVE PROOF OF THE BRIBERY OF CERTAIN MEMBERS OF THAT COURT, SAID PROOF SETTING FORTH THE AMOUNT PAID CERTAIN MEMBERS OF THAT COURT, THE TIME AND PLACE THE PAYMENTS WERE MADE, AND THE MANNER OF THE PAYMENTS. This evidence has been in the possession of the Secretary of the Interior for more than three months and yet no investigation, so far as counsel for claimants have been able to ascertain, HAS BEEN INAUGURATED AND NO PROCEEDINGS HAVE BEEN INSTITUTED CALCULATED TO BRING THESE GUILTY PERSONS BEFORE THE BAR OF JUSTICE, ALTHOUGH THE TIME IN WHICH THEY CAN BE CRIMINALLY PROSECUTED IS RAPIDLY EXPIRING.

The members of this firm of attorneys, George Mansfield, J. F. McMurray, and Melvin Cornish, were, on the 2d day of November, 1902, indicted by a Federal grand jury, sitting at the city of Ardmore, Ind. T., for the crime of conspiracy to defraud the Chickasaw Nation out of the sum of $28,876.90, certified copy of which indictment is hereto attached.

UNITED STATES OF AMERICA,
Indian Territory, Southern District, ss:

In the United States court for the southern district of the Indian Teritory, sitting at Ardmore, for the May term, 1905. United States *v.* D. H. Johnston, P. S. Mosely, George Mansfield, J. F. McMurray, and Melvin Cornish, defendants. Indictment for conspiracy.

The grand jurors of the United States of America, duly selected, summoned, impaneled, sworn, and charged to inquire within and for the body of the southern district of the Indian Territory, in the name and by the authority of the United States of America, upon their oaths do find, present, and charge, that one D. H. Johnston, one P. S. Mosely, one George Mansfield, one J. F. McMurray, and one Melvin Cornish, and others to the grand jury unknown, on the 2d day of November, A. D. 1902, within the southern district of the Indian Territory did unlawfully and feloniously commit the crime of conspiracy to commit an offense against the United States by defrauding the Chickasaw Nation, committed as follows:

That during all these times herein mentioned the said P. S. Mosely was governor of the Chickasaw Nation, except from September, 1904, when the said D. H. Johnston was governor of the Chickasaw Nation, and during all of these times the said George Mansfield, J. F. McMurray, and Melvin Cornish were each citizens of the United States and not members of any Indian tribe or nation, and were associated together as a firm of attorneys under the name and style of Mansfield, McMurray & Cornish.

That the said Chickasaw Nation was at all times herein mentioned composed of the Chickasaw tribe of Indians, and duly authorized and recognized by the laws of the United States as a political dependency and government, under the name of the Chickasaw Nation, having a governor, auditor public accounts, national treasurer, and legislature. That to the said Chickasaw Nation there belonged in the Treasury of the United States large sums of money known as trust and invested funds, coal and asphaltum royalty funds, and funds derived from the sale of lots in town sites.

That at the time and place aforesaid, and at all times herein mentioned, the said D. H. Johnston, P. S. Mosely, George Mansfield, J. F. McMurray, and Melvin Cornish, and others to the grand jury unknown, did falsely, feloniously, unlawfully and wickedly conspire, combine, confederate, and agree together among themselves to defraud the Chickasaw Nation out of large and divers sums of money in the Treasury of the United States belonging to the said Chickasaw Nation.

That in pursuance to and to effect the object of said conspiracy, combination, confederacy, and agreement, said P. S. Mosely, as governor of the Chickasaw Nation, caused the auditor public accounts, without authority of law, to issue at divers times certain warrants upon the national treasurer of the Chickasaw Nation, payable to said Mansfield, McMurray, and Cornish, at such times and in amounts as follows:

No.	Date.	Amount.
801	November 2, 1902	$2,700.00
802	November 26, 1902	2,500.00
803	November 8, 1902	2,500.00
804	November 12, 1902	1,000.00
805	November 12, 1902	250.00
806	November 12, 1902	100.00
807	November 12, 1902	515.00
943	April 16, 1903	396.05
944	April 16, 1903	1,628.75
945	April 16, 1903	385.75
1475	February 3, 1904	2,000.00
1477	February 3, 1904	1,333.00
1478	February 3, 1904	1,667.00
1479	February 3, 1904	1,641.95
1480	February 3, 1904	1,000.00
1485	February 3, 1904	2,700.00
2235	July 28, 1904	3,879.45
2237	July 28, 1904	2,700.00
	Total	28,876.90

That in pursuance to and to effect the object of said conspiracy, combination, confederacy, and agreement, said D. H. Johnston on the 14th day of February, 1905, within the district and territory aforesaid, without authority of law, caused the auditor public accounts to issue a certain warrant upon the national treasurer of the Chickasaw Nation, payable to the said Mansfield, McMurray, and Cornish, numbered 112, for the sum of $2,500.

That each of said warrants hereinbefore named were issued upon a false, fictitious, and pretended claim that the amounts therein named were for actual expenses of the said Mansfield, McMurray, and Cornish while engaged as attorneys for the Chickasaw Nation.

That in pursuance of and to effect the object of said conspiracy, combination, confederacy, and agrement, said D. H. Johnston, P. S. Mosely, George Mansfield, J. F. McMurray, and Melvin Cornish, and each of them did present said false and fraudulent warrants, well knowing that they were false and fraudulent, to the national treasurer of the Chickasaw Nation, and caused the same to be paid by the said national treasurer out of the trust funds of the said Chickasaw Nation then in the subtreasury of the United States at St. Louis, Mo.; that at the time such moneys were paid said D. H. Johnston, P. S. Mosely, George Mansfield, J. F. McMurray, and Melvin Cornish, and each of them well knew they were not lawfully entitled to said money, and well knew that said items of expenses were fictitious and fraudulent, and well knew that no itemized statement of expenses, as required by law, was ever presented, allowed or approved, and well knew that said money was obtained without consideration and without any authority of law, but falsely, fraudulently, feloniously, unlawfully and wickedly did then and thereby contrive and intend to cheat and defraud the Chickasaw Nation out of said moneys, to wit, the sum of $31,376.90; and did then and thereby cheat and defraud the said Chickasaw Nation out of the moneys aforesaid; and did embezzle and convert to their own use the aforesaid moneys, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America.

W. B. JOHNSON,
United States Attorney.

INDIAN TERRITORY, *Southern District.*

I, C. M. Campbell, clerk of the United States court for the southern district, Indian Territory, do hereby certify that the above and foregoing is a true and perfect copy of the indictment in said cause as same appears of record in my office at Ardmore.

In testimony whereof witness my hand and seal of office this 25th day of October, 1905.

[SEAL.]

C. M. CAMPBELL, *Clerk.*
By W. S. CROCKETT, *Deputy.*

When this indictment was returned, the United States marshal for the southern district of the Indian Territory wired to the Department of Justice requesting that some of the accused persons, who were then in Washington, D. C., be taken into custody. That night men high in official position interceded with the Department of Justice and stopped the apprehension of these men in the ordinary course of legal procedure. They were not arrested, although for forty-eight hours they were shadowed by detectives who occupied adjoining rooms to them in the hotels of this city. They were permitted by the Department of Justice, at their own pleasure, to appear before the United States district court at Ardmore, Ind T., and give bond for their appearance at such time as the court might thereafter require. That was their first and last appearance before a court in connection with this proceeding. WHY THE INTERPOSITION OF POWERFUL INFLUENCE TO PROTECT THESE MEN FROM THE PROCESS OF LAW? WHY THIS EXTRAORDINARY EXTENSION OF COURTESY BY THE DEPARTMENT OF JUSTICE?

INDICTMENT DISMISSED BY ORDER OF ATTORNEY-GENERAL OF THE UNITED STATES.

Notwithstanding that this indictment was returned more than five years ago, these defendants were never tried, and because a United States district attorney, W. B. Johnson by name, refused to comply with the instructions of the Attorney-General of the United States and dismiss this indictment against these men he was summarily removed from office, and on the 15th day of November, 1907, by order of the Attorney-General of the United States, these cases were dismissed in order to prevent them from passing to the State courts, where these persons would have been tried and punished.

Since the first attempt on the part of the Attorney-General of the United States to compel the legal officer of his Department—charged by law with the duty of enforcing the laws of the United States in the southern district of the Indian Territory—to dismiss this indictment, and thereby effectually preclude the possibility of these men being punished, the finger of suspicion has irresistibly pointed to that Department of the Government. It is likewise pointing strongly to the men in public life who have made meteoric pilgrimages to the Department and importuned high Federal officers to direct the dismissal of this indictment. IS IT CONCEIVABLE THAT ANY OF THESE OFFICERS OF THE DEPARTMENT SECURED A PORTION OF THIS GREAT FEE OF $750,000 FOR THEIR SERVICES IN SHIELDING AND PROTECTING THESE MEN?

It is unnecessary to argue here the question of the guilt or innocence of these men. It is sufficient to say that if they had been innocent of the crime charged they would have exhausted every remedy within their power to have secured an early and speedy trial before a jury composed of their peers and neighbors.

This blot upon the integrity of high Federal officials can not be wiped out by any mere assertion that the indictments were not well founded, or that there was not sufficient proof to sustain the indictments. THESE WERE QUESTIONS FOR A COURT AND A JURY TO DETERMINE AND NOT FOR THE OFFICERS OF THE DEPARTMENT OF JUSTICE.

Somewhere behind the scenes and in the dark recesses of the Federal mechanism there was a conspiracy concocted to protect these men, and that conspiracy, concocted in the dark, was carried through to successful fruition by departmental agency and secrecy.

And why the dismissal of these indictments on the last day of the existence of the Territorial courts? The telegram from the Attorney-General to the United States district attorney, which was seen by counsel for these claimants, directed the United States district attorney to—

"Be sure and see that the indictments against Mansfield, McMurray, and Cornish are dismissed before the Territorial courts pass out of existence and the new State courts come into being."

If any Member of the Senate or House questions this assertion, or the action of the Department as hereinbefore outlined, let him call for all the correspondence, including the report of the special agent of the Department upon which these indictments were returned, the instructions of the Attorney-General transmitted to the United States district attorney in this case, and he will then learn from the official records of the accuracy of these statements.

This is a matter that should demand a full and complete investigation at the hands of Congress. If these statements are correct the guilty parties, WHETHER THEY BE THE ATTORNEY-GENERAL OF THE UNITED STATES OR HIS SUBORDINATES, SHOULD BE ARRAIGNED BEFORE THE BAR OF JUSTICE, EITHER IN A CRIMINAL COURT OR BEFORE THE BAR OF THE SENATE OF THE UNITED STATES IN IMPEACHMENT PROCEEDINGS.

This is supposed to be an Administration under which the "square-deal" ideal prevails. If this is a "square-deal" Administration, if Congress is imbued with the rudimentary principles of a "square deal" and common honesty in the administration of a trust which it has assumed, then let these principles of a "square deal" be applied to all persons alike, THOSE HOLDING HIGH OFFICIAL POSITION AS WELL AS THOSE IN THE LOWLY WALKS OF LIFE.

In the eastern district of Oklahoma as a result of these manipulations the words "Federal administration" and "Federal justice" are looked upon as mere shallow, hollow mockery, and as synonymous and interchangeable terms with "robbery," "pillage," and "theft" committed in the name of the Government of the United States and under the guise of Federal administrative authority.

DECEPTION PRACTICED ON CLAIMANTS.

Another evidence of the fraud practiced by the Indian officials and their attorneys, in order to defeat the rights of claimants, is found in the following notice which was sent out broadcast to claimants. Appointments had been made in the Choctaw and Chickasaw nations for the examination of these people. Receiving the following notice from the attorneys of the nations they did not appear at the appointed places, as they so advise counsel, and in many instances judgments by default were entered by reason of their failure to so appear, and it was held by the Commission that their claims were therefore barred by their failure to appear at the appointed places and times:

SOUTH MCALESTER, IND. T.,
November 10, 1900.

———— ————, *Durant, Ind. T.:*

You are hereby advised, in compliance with the direction of the Commission to the Five Civilized Tribes that the Choctaw and Chickasaw nations object to your enrollment upon the ground: No right to enrollment.

You are further advised that no testimony on behalf of the Choctaw and Chickasaw nations will be taken at the appointment of the Commission to the Five Civilized Tribes at Atoka, Ind. T., beginning December 3, 1900; and that it will not be necessary for you to appear at that time and place, unless you desire to do so in your own behalf.

THE CHOCTAW AND CHICKASAW NATIONS,
By MANSFIELD, MCMURRAY & CORNISH, *Attorneys.*

REAL INDIANS ARE NOT OBJECTING TO CLAIMANTS RECEIVING THEIR PROPERTY RIGHTS.

It is not the full-blood Choctaws and Chickasaws that are objecting to claimants receiving their property rights. It is the mixed breed, in most cases one thirty-second or one sixty-fourth Indian blood, or the intermarried or adopted citizen, without one drop of Indian blood, who has been given a property right under acts of Congress or through favoritism extended by the administrative officers, in both cases without authority of law. It is from this class of people that the protests against claimants receiving their property come—the same designing class of people who held practically the entire trust estate for their exclusive use and benefit prior to the intervention of the Government of the United States, and who were directly responsible for the intervention by the United States in order to protect the rights of the great majority of the rightful beneficiaries under the trust.

Whatever may have been the real purpose of Congress in interfering in the affairs of the Choctaw and Chickasaw Indians—whether it was the patriotic and laudable desire to administer upon this trust estate, so that every person who was in law, equity, and good conscience entitled to receive his individual share should receive it, or whether the intervention was for political and selfish purposes—certain it is that conditions in these nations are in an infinitely worse condition than before the intervention of the Federal Government. Before this intervention claimants were permitted to live upon their lands and to enjoy the improvements made thereon and the fruits of their labor. Under the criminal mismanagement of this estate by administrative officers of the Federal Government many of claimants have been driven from their homes in which they have lived all their lives; driven from the land they have cultivated for fifty years; their homes and all their improvements thereon, the result of the savings of years, given to white men—adopted or intermarried. In many instances the result of the labor of a family for a generation has been confiscated by the Federal Government and the property turned over to either a white intermarried or an adopted citizen or some worthless mixed breed, probably one sixty-fourth Indian blood, too indolent to ever erect a home in which to live.

ACTUAL CASE.

Let us illustrate this further by an actual case. A person of seven-eighths Choctaw blood, who was married to a woman of three-quarters Choctaw, was living in the home built by his grandfather on this trust property. He was one of that class of persons known as a "court-judgment citizen," as he, his wife, and their children had been decreed by judgment of the United States district court for the southern district of the Indian Territory to be a Choctaw Indian by blood and descent, and duly enrolled as such by the Commission. The judgment of the United States district court in his case had been vacated by the decision of that now famous legislative commission known as the "Choctaw-Chickasaw citizen court." Some time after the rendition of the decree of this legislative commission, Indian police were sent to his home to eject him from the land and home built by his grandfather, and in which he was born. They arrived at midnight during the latter part of November. It was a cold, inclement night, sleeting and raining. When these officers arrived his wife was in the throes of childbirth. They served notice on him that he must vacate his home that night. He pleaded with them not to enforce the order, as it was impossible to move his wife. The officers refused. Grabbing his rifle he attempted to shoot the Indian police. His wife pleaded with him not to commit such an act. Finally the Indian police agreed that he and his wife might remain until 5 o'clock the next morning. Shortly after daybreak the new-born child was wrapped in a blanket and the wife was laid in a lumber wagon and driven to a neighbor's house several miles distant. That home, with all the improvements placed upon it by his grandfather, his father, and himself, is now in the possession of an intermarried citizen who has no legal right to the property.

BLOOD RELATIVES OF CLAIMANTS CLAIMING THROUGH THE SAME COMMON ANCESTORS ON TRIBAL ROLLS AND CLAIMANTS DENIED ENROLLMENT.

These 10,000 claimants acquired their right to share in this trust property from the same common source from which the great majority of those who have been enrolled as blood citizens acquired their rights. In many instances the grandmother and grandfather, or grandmother or grandfather, or mother and father, or mother or father, or sisters and brothers, or sister or brother, or other blood relatives of claimants, have been enrolled and have received their individual share of this trust property. The certified records contained in volumes 1 and 2, Senate Report No. 5013, Fifty-ninth Congress, second session, show these to be incontestable facts.

CHILDREN OF SIGNERS OF TREATY OF 1830, UNDER WHICH GRANT WAS MADE, DENIED THEIR RIGHTS.

In other cases the children of the signers of the treaty of 1830, under which the grant was made, have been denied their rights, notwithstanding the fact that they have been residing in the Choctaw or Chickasaw Nation for the last twenty-five years, as is evidenced by the following official documents in the case of John T. Williams, a resident of Swink, Choctaw Nation, and who is the son of Ambrose Williams, who was one of the REPRESENTATIVES OF THE CHOCTAW NATION WHO NEGOTIATED THE TREATY OF 1830, AND WHOSE NAME APPEARS THEREON AS ONE OF THE SIGNERS OF THAT TREATY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 4, 1907.

JOHN T. WILLIAMS, *Esq., Swink, Ind. T.*

SIR: The Office is in receipt of three letters written by you, one addressed to the Attorney-General of the United States, one to the Department of the Interior, and one to this Office, relative to your enrollment as a citizen of the Choctaw Nation and saying that you are going to have your rights as a citizen before you quit, and that you are going to appeal to the Supreme Court of the United States.

In reply, the Office can only repeat what it has told you heretofore, that it has no jurisdiction to consider any citizenship matter since the 4th of March, 1907, and that there is now no authority of law for placing the name of any person on any of the rolls of the Five Civilized Tribes in the Indian Territory.

THERE WAS NO QUESTION IN YOUR CASE AS TO YOUR INDIAN BLOOD, AND IT WAS NOT DENIED BY THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES THAT YOU WERE A PERSON OF INDIAN BLOOD. However, the possession of Indian blood was not enough under the law to justify your enrollment as a citizen of the Choctaw Nation. There are many persons of Indian blood who are not entitled to enrollment as citizens of the Five Civilized Tribes in the Indian Territory.

The Office has no reason to object to your appeal to the Supreme Court of the United States, if you so desire.

Very respectfully,
C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John T. Williams et al. as citizens by blood of the Choctaw Nation.

DECISION.

It appears from the record herein that application was duly made to the Commissioner to the Five Civilized Tribes for the enrollment of John T. Williams and his six minor children, Willie Jesse, Janie Virginia, Leona Gertrude, Johnnie David, Nannie Candler, and Jimmie Clarence Williams, as citizens by blood of the Choctaw Nation, within the time limited by the provisions of the act of Congress approved April 26, 1906 (34 Stats., 137).

The record in this case shows that John T. Williams was born about the year 1856 and is the son of AMBROSE WILLIAMS, AN ALLEGED ONE-HALF BLOOD CHOCTAW INDIAN, and Sarah Williams, a noncitizen white woman, and that the minor applicants herein are the children of said John T. Williams and E. C. Williams, a noncitizen.

It does not appear from the record herein or from the records in possession of this office that any of the applicants herein has ever been enrolled by the Choctaw tribal authorities or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that the application made for the enrollment of John T. Williams, Willie Jesse Williams, Janie Virginia Williams, Leona Gertrude Williams, Johnnie David Williams, Nannie Candler Williams, and Jimmie Clarence Williams as citizens by blood of the Choctaw Nation should be denied, under the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

TAMS BIXBY, *Commissioner.*

MUSKOGEE, IND. T., *October 15, 1906.*

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Loutitia Williams as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the record herein that on June 20, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Loutitia Williams as a citizen by blood of the Choctaw Nation, under the provisions of the act of Congress approved April 26, 1906 (34 Stats., 137).

The record in this case shows that the applicant, Loutitia Williams, was born on April 29, 1905, and is the daughter of John T. Williams, an applicant for enrollment as a citizen by blood of the Choctaw Nation, and whose application for enrollment as such has heretofore been denied by the Commissioner to the Five Civilized Tribes, and E. C. Williams, a noncitizen.

I am, therefore, of the opinion that Loutitia Williams is not entitled to enrollment as a citizen by blood of the Choctaw Nation, and that her application for enrollment as such should be denied under the provisions of section 2 of the act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

TAMS BIXBY, *Commissioner.*

MUSKOGEE, IND. T., *October 17, 1906.*

ROLLS MADE BY ADMINISTRATIVE OFFICERS NOT FINAL.

Section 29 of the act approved June 28, 1898 (30 Stat. L., 495) provided:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to the members of these tribes, so far as possible, a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

The same section provides:

"That each member of the Choctaw and Chickasaw tribes * * * shall, where it is possible, have the right to take his allotment of land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment * * * and due care taken that all persons entitled thereto have allotments made to them."

Section 11 of the supplemental agreement with the Choctaw and Chickasaw Indians, approved July 1, 1902 (32 Stat. L., 641) provided:

"There shall be allotted to each member of the Choctaw and Chickasaw tribes * * * land equal in value to 320 acres of the average allottable land of the Choctaw and Chickasaw Nations."

Section 21 of the act approved June 28, 1898, directed the Commission to enroll all persons of Choctaw or Chickasaw Indian blood, and then declared:

"The rolls 'SO MADE,' when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws shall alone constitute the several tribes which they represent."

Section 16 of the act approved April 26, 1906, provided:

"When allotments as provided by this and other acts of Congress have been made to all members and freedmen of the Choctaw and Chickasaw tribes. * * *"

The Secretary of the Interior is authorized to sell and dispose of the residue of said lands.

As the rolls are not "SO MADE" as directed by the act of 1898, and as "ALLOTMENTS AS PROVIDED BY THIS AND OTHER ACTS OF CONGRESS" have not been made to all members of the Choctaw and Chickasaw tribes, it follows of necessity that the rolls are not final, notwithstanding the fact they have been approved by the Secretary of the Interior.

Section 2 of the act of April 26, 1906, provided:

"That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date."

The ROLLS ARE NOT FINAL BECAUSE UPWARD OF 10,000 PERSONS OF CHOCTAW AND CHICKASAW INDIAN BLOOD AND DESCENT HAVE NOT BEEN ENROLLED, AND THE ALLOTMENTS ARE NOT FINAL BECAUSE ALLOTMENTS HAVE NOT BEEN MADE TO EVERY PERSON ENTITLED THERETO.

GRANTING OF RELIEF ASKED BY CLAIMANTS WILL NOT DISTURB TITLES IN THESE TRUST LANDS.

Claimants are not asking relief that will unsettle conditions in the Choctaw and Chickasaw nations. They are not asking to disturb titles to allotments heretofore made. They are asking merely the right, freely enjoyed by each and every one of the persons enrolled, to select from the unallotted lands allotments equal in value and extent to the allotments heretofore selected by those persons enrolled by the administrative officers. There is still remaining approximately 3,000,000 acres of unallotted lands, the common property of the Choctaws and Chickasaws, and from these unallotted lands claimants desire the right to select their allotments. Is it possible that although they are beneficiaries, equal with those persons who have been enrolled by the administrative officers, under the treaties and the grant, and each and every act of Congress, that because of errors of law, fraud and gross mistake of fact committed by the administrative officers, they are to-day remediless? To assert that they are is to assert a proposition so monstrous that it can receive no sanction or recognition by a tribunal composed of honest men.

RELIEF SHOULD BE AFFORDED CLAIMANTS WITHOUT DELAY.

We have already shown by incontestable evidence that—

I.

By the treaty of 1830 it was stipulated and agreed that the fee to the property in controversy should be conveyed to the Choctaw Nation, to be held by said nation IN TRUST for the EXCLUSIVE USE AND BENEFIT OF THOSE PERSONS WHO COMPRISED THE CHOCTAW COMMUNITY OF INDIANS, AS IT EXISTED ON THE 27th DAY OF SEPTEMBER, 1830, AND THEIR DESCENDANTS.

II.

That it was stipulated and agreed by the treaty that the grant should be a PRESENT GRANT in FEE SIMPLE.

III.

That on the 23d day of March, 1842, the President issued a patent conveying the legal title to the property in controversy to the Choctaw Nation IN TRUST FOR THE EXCLUSIVE USE AND BENEFIT OF THOSE PERSONS WHO COMPRISED THE CHOCTAW COMMUNITY ON THE 27th DAY OF SEPTEMBER, 1830, AND THEIR DESCENDANTS.

IV.

That by the treaty of January 17, 1837, the Chickasaw people acquired, by purchase, an equal, undivided, individual interest in the common trust property of the Choctaws, on the same terms that the Choctaws held it, namely, EVERY PERSON WHO WAS A MEMBER OF THE CHICKASAW COMMUNITY ON THE 17th DAY OF JANUARY, 1837, ACQUIRED A VESTED INDIVIDUAL UNDIVIDED INTEREST IN THE COMMON TRUST PROPERTY OF THE CHOCTAWS AND CHICKASAWS EQUAL WITH EVERY OTHER MEMBER OF THE CHOCTAW AND CHICKASAW COMMUNITIES, as did also HIS OR HER DESCENDANTS IMMEDIATELY UPON THEIR BIRTH.

V.

That residence upon the land was not one of the conditions upon which the grant was made, and, therefore, no person could lose his or her property interest in the common trust property by failure to live thereon.

VI.

That by the treaty of April 28, 1866, ALL PERSONS THERETOFORE HELD IN SLAVERY by the Choctaws and THEIR DESCENDANTS BORN PRIOR TO APRIL 28, 1866, acquired, by purchase, a vested individual interest in the common trust property equal to 40 acres of land, contingent upon the division of the trust property in severalty prior to the demise of such persons, and in the event of his death before the division of the property his property right became extinct, as it was incapable of being transmitted to his children or heirs.

VII.

That under the various Congressional enactments, and agreements with a majority of the members of the tribes, providing for the preparation of tribal rolls, the division of the common trust property, and the dissolution of the tribal governments as administered by administrative officers, thousands of persons of Choctaw or Chickasaw Indian blood and their descendants have been denied their vested, individual property rights in this common trust property.

VIII.

That thousands of intermarried and adopted citizens, possessed of no Indian blood and possessed of no rights in the common trust property, under the treaty and the grant have received distributive shares thereof without authority of law.

IX.

That thousands of descendants of persons held in involuntary servitude by the Choctaws, and born since the ratification of the treaty of January 17, 1866, have been allotted 40 acres of the average allottable lands of this trust property without authority of law.

X.

That more than a million dollars of the trust funds of these people have been appropriated without authority of law and paid to attorneys to defeat the rights of persons who were legally, equitably, and in good conscience entitled to share in this common trust property.

XI.

That thousands of persons have been denied their vested property rights in this common trust property through maladministration, bribery, official misconduct, criminal negligence, and mistake on the part of administrative officers.

XII.

That thousands of blood citizens have been denied their property rights and their property given to white people and negroes without authority of law.

XIII.

That the Government has hereby become liable to the legal beneficiaries under the trust to the extent of millions of dollars.

It is incumbent upon the United States to make restitution; to right these wrongs. They can now be corrected. Delay will prove fatal, and these people will then hound Congress and the administrative officers for generations to come, if necessary, until this controversy is referred to some court of competent jurisdiction for an equitable adjustment, and when that time comes the Government of the United States will pay for its gross mismanagement of this trust estate millions of dollars to claimants.

REMEDY.

What is the remedy? Place upon the statute books Senate bill 4736, Sixtieth Congress, first session, without delay, and add to it a provision directing the Attorney-General of the United States to bring suit in the proper courts to cancel, annul, and set aside every patent issued to every person who is not of the designated class of persons for whose exclusive use and benefit the grant was made, or who was not a slave or descendant of a slave of the Choctaws, and born prior to the ratification of the treaty of 1866.

The vast sums appropriated out of these trust funds by the Government for the payment of attorneys to defeat the rights of honest claimants should be repaid, and this estate in the future should be administered largely by the courts and not by administrative officers.

Respectfully submitted.

WEBSTER BALLINGER,
ALBERT J. LEE,
Counsel for Claimants.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SCHOOLS.

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of parents of other than Indian blood therein, and the establishment of new schools under the control of the Department of the Interior, the sum of $150,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

Mr. MANN. I reserve a point of order on the paragraph. I notice that this appropriation is only half what it was last year, as I understand it. Is it expected that Oklahoma will, before a great while, be able to provide for her own schools?

Mr. SHERMAN. Well, I should hope so, Mr. Chairman. The sum of $150,000 was appropriated two years ago, and of that sum $10,000 remained unexpended at the end of the fiscal year. For the present fiscal year $300,000 was appropriated, and during the first six months of the year $52,000 was expended; so that although the Department estimated and recommended the appropriation of $300,000 this year, the committee, in view of the fact that but $52,000 had been expended during the first six months of this fiscal year, believed that there was no good reason why the appropriation of year before last should be exceeded, so they cut the estimate in two.

Mr. MANN. The item itself, I suppose, is in the language of the provision of last year?

Mr. SHERMAN. Yes; it is.

Mr. MANN. It provides for the establishment of new schools, and a number of things of that sort?

Mr. SHERMAN. Yes.

Mr. MANN. Strengthening and enlarging tribal schools. Is it the expectation that anything like that will be done out of this fund, or is it simply to maintain what they have there?

Mr. SHERMAN. I suppose most of this will be expended in maintaining what is already there.

Mr. MANN. Has the gentleman any idea how soon we will get rid of the matter.

Mr. CARTER rose.

Mr. SHERMAN. The gentleman from Oklahoma wishes to answer that question, and I think I will let him do so.

Mr. CARTER. We shall be able to take care of our own schools, Indians, white people, and all alike, just as soon as you allow us to tax our lands there. At present we can not.

Mr. SHERMAN. Perhaps I can supplement that answer by telling the gentleman from Illinois that a bill has now been presented to the Indian Committee, and will be considered by it probably on Thursday of this week, which releases the restrictions on the alienation of a very large amount of the Indian lands in Oklahoma.

Mr. STEPHENS of Texas. But I should like to suggest that that will be too late for the benefit of the schools this year.

Mr. MANN. I have no objection to this item.

Mr. SHERMAN. The gentleman has reference to future and not present appropriations.

Mr. MANN. I can see the necessity of the Government making appropriations for the schools there.

Mr. STEPHENS of Texas. It will take some time for the lands to be placed on the tax rolls and for the assessors to assess and collect any taxes.

Mr. DAVENPORT. If the point of order is not insisted on, I desire to offer a small amendment, on page 38, in line 13, after the word "nations," to insert the words:

And in the Quapaw Agency, in the northeast part of Oklahoma, in Ottawa County.

I will say for the benefit of the House that there are a few Indians in the northeastern corner of Oklahoma, in Ottawa County, and there are a number of white children, children of what are known as United States parents before all were made United States citizens down there. They have had no schools, and it is very important that these children have some preparation made in order to start their schools at the same time that the children in other parts of Oklahoma get started. I shall be glad indeed to see that amendment inserted.

Mr. STEPHENS of Texas. About how many Indians are there to whom the gentleman has reference.

Mr. DAVENPORT. I do not know the number. There are several hundreds.

The CHAIRMAN. The Clerk will first report the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LAWRENCE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bills of the following title:

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes;"

H. R. 6231. An act to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern district of said State and to detach it from the Tyler division of said district;

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River, in the city of Hammond, Ind.;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew, at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties; and

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet and of sufficient width, and to submit a plan and estimate of cost of such improvement; such plan and estimate shall embrace the said increased depth and width over and above the existing project, and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey of the harbor at St. Augustine, St. John County, Fla., and the entrance thereto through the North and Matanzas rivers and the Matanzas Inlet, with a view to determining the formation of a channel of a minimum depth of 16 feet and a width of 300 feet from the city of St. Augustine across its outer bar to the Atlantic Ocean, and the cost of construction of necessary jetties, breakwaters, and dredging in order to accomplish said purpose.

Senate concurrent resolution 31.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of New Smyrna Inlet, in the county of Volusia and State of Florida, with a view to deepening the same, and to submit estimates therefor.

Senate concurrent resolution 32.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Washita River, Oklahoma, from the point of its confluence with the Red River to the town of Mountain View, in Kiowa County, Okla., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

INDIAN APROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

On page 38, in line 13, after the word "nations," insert the following:

"And in the Quapaw Agency, in the northeast part of Oklahoma, in Ottawa County."

Mr. MANN. I understand the amendment is reported for information.

Mr. DAVENPORT. I have had it reported to get it before the House. I offer it as an amendment.

Mr. MANN. But I have a point of order pending against the whole proposition.

Mr. DAVENPORT. If the point of order is pending, I do not desire at this time to offer the amendment.

Mr. SHERMAN. Unless we understand that the gentleman is not going to insist on his amendment I shall renew the point of order on this myself if the point of order is withdrawn.

The CHAIRMAN. Did the gentleman from Illinois withdraw the point of order?

Mr. MANN. No; I did not. This changes the law so far as it confers on the Secretary of the Interior power to dispose of this money. That is clearly a change of existing law.

Mr. DAVENPORT. Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. Without objection the amendment will be withdrawn.

There was no objection.

Mr. MANN. Then I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn and the Clerk will read.

The Clerk read as follows:

FOR COMPLETION OF WORK.

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, $143,410, said appropriation to be disbursed under the direction of the Secretary of the Interior, and who is hereby authorized to designate the Commissioner to the Five Civilized Tribes, or other suitable person or persons, to perform, under his direction, any duty now or hereafter required by law

of the Secretary of the Interior relating to affairs in the Indian Territory, and to pay from this appropriation clerical and other expenses incident to such work.

Mr. MANN. Mr. Chairman, I raise a point of order on that paragraph.

Mr. SHERMAN. I would like to have the gentleman reserve the point of order.

Mr. MANN. I will reserve it. The point of order I expect to make, unless the gentleman from New York convinces me to the contrary, is to that part of the paragraph beginning after the word "Interior," in line 1, page 39 of the bill, down to the end of the paragraph.

Mr. SHERMAN. It gives the Secretary of the Interior the right to devolve the duties incumbent on him under prior acts upon the agent at the Union Agency, rather than to continue a Commissioner to the Five Civilized Tribes. It is possible for him to require under this provision the agent at the Union Agency to represent him in all matters pertaining to the tribe.

Mr. MANN. The provision says that—

The Secretary of the Interior is hereby authorized to designate the Commissioner to the Five Civilized Tribes, or other suitable person or persons, to perform under his direction any duty now or hereafter required by law of the Secretary of the Interior relating to affairs in the Indian Territory.

I never heard a proposition to confer such broad power upon any Department officer of the Government. We say in advance that if we shall require hereafter the Secretary of the Interior to exercise certain discretion or power in the Territory, he may designate anybody he pleases to do it.

Mr. SHERMAN. We did authorize the Secretary of the Interior to appoint a Commissioner to the Five Civilized Tribes to perform the duties which devolved upon him.

Mr. MANN. That is a different proposition.

Mr. SHERMAN. That authority has expired, and what we desire to do by this provision—perhaps it is drawn pretty broad—is to permit the Secretary to call upon the agent at the Union Agency, who is now there, to perform the duty, and also to discharge the duties that have heretofore been discharged by the five Commissioners, and thereafter by one Commissioner, to the Five Civilized Tribes.

Mr. MANN. If we say by law that the Secretary of the Interior shall have the power to do so and so, haven't we a right to assume that we are entitled to the discretion of the Secretary of the Interior and hold him responsible?

Mr. SHERMAN. We have when we do that.

Mr. MANN. This provision would relieve him of all responsibility of anything in the Indian Territory.

Mr. SHERMAN. We have heretofore said that the duties that devolved upon him could be discharged by the Commissioner he named, and he did discharge the duties. Now, the time during which that Commissioner could discharge those duties has expired. It is suggested that this change be made so that he can devolve the same duties on another official.

Mr. MANN. Is this a request which he sent in?

Mr. SHERMAN. It is.

Mr. MANN. I think some 15-cent clerk in the Department must have drawn this provision; I am sure it had not the approval of the Secretary of the Interior himself.

Mr. SHERMAN. It did meet the approval of the Secretary of the Interior and the Secretary of the Treasury; at least it comes to us with the approval of both officials.

Mr. FITZGERALD. Mr. Chairman, I desire to ask why the work will not be completed during the fiscal year?

Mr. SHERMAN. Because the allotments are not completed in all tribes. Allotments have not been equalized, the surplus lands have not been sold, and until all that is done we must have some forces down there to carry on the business.

Mr. FITZGERALD. There were five Commissioners, and their work was so dragged out and unsatisfactory——

Mr. SHERMAN. I think the gentleman does them an injustice to say that. The work did seemingly drag a little bit, but additional responsibilities and duties were placed upon that Commission.

Mr. FITZGERALD. That is true.

Mr. SHERMAN. By added legislation their work was enlarged and extended.

Mr. FITZGERALD. The point I was about to make was that for some reason the five Commissioners were abolished and the work devolved upon one Commissioner.

Mr. SHERMAN. Yes; that was done because the work was lessening, and it was thought that one competent man ought to be capable of exercising all the executive duties required under the statute.

Mr. FITZGERALD. They have been ten years at that work.

Mr. SHERMAN. Hardly that.

Mr. FITZGERALD. The Curtis Act was passed in 1898.

Mr. SHERMAN. Yes; about that; yes.

Mr. FITZGERALD. How long is it contemplated that this will last?

Mr. SHERMAN. It is believed that three years at the outside will wind up fully all the affairs of the Five Civilized Tribes; and it is believed that the appropriation required for another year will be not to exceed one-half that necessary for the next fiscal year.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order to that portion of the paragraph on page 39, commencing with the word "and" after the word "Interior" in line 1, to the end of the paragraph.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. SHERMAN. No; that is new legislation, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read, as follows:

For support and education of 600 Indian pupils at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read, as follows:

After line 19, on page 41, insert:

"There shall not be paid out of any appropriation made in this act any greater rate of annual compensation to any superintendent of the Indian schools during the fiscal year 1909 than is authorized and paid out of appropriations made for the fiscal year 1908.

Mr. SHERMAN. Mr. Chairman, I raise the point of order that it is not germane to this particular provision. I am entirely willing to agree to return to the general provisions and have the gentleman offer such an amendment and will agree to it. I have no objection to the amendment, but it does not belong here.

Mr. TAWNEY. My reason for offering the amendment is that in going through the bill I observe there is no limitation whatever upon the compensation to be paid to these superintendents of Indian schools. Heretofore the bill has specifically provided for their salaries at so much per annum.

Mr. SHERMAN. That was all explained the other day when the gentleman was busy elsewhere. I do not object to the amendment.

Mr. TAWNEY. I think, notwithstanding the reason, that there is some necessity for a limitation on the appropriation, and I think it is germane to this. It applies not only to this school, but to all the schools that have superintendents, and will be compensated for out of the appropriations made in this bill.

The CHAIRMAN. Where does the gentleman think the amendment should properly go?

Mr. SHERMAN. I do not object to the limitation, but I object to its being in the wrong place. I suggest that it is not proper here.

The CHAIRMAN. Where does the gentleman suggest it should properly go?

Mr. TAWNEY. It is a general limitation upon the appropriation for the support of all the schools.

Mr. OLMSTED. It should go at the end of page 52.

Mr. SHERMAN. Or right before "Arizona," on page 53, where the general provisions are inserted.

Mr. TAWNEY. Very well, I am perfectly willing to put it in there if the gentleman will return to that.

Mr. MANN. Mr. Chairman, I think it should go in after line 5 on page 7.

Mr. SHERMAN. I think the suggestion of the gentleman from Illinois is correct, and that that is the better place for this provision, after line 5 on page 7.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to return to page 7, and, after the end of line 5, to insert the amendment which I have offered.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. ELLIS of Oregon. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "pupils," line 17, page 41, insert "including Alaskan Indians."

Mr. SHERMAN. Mr. Chairman, I raise the point of order on the amendment.

The CHAIRMAN. The gentleman from New York makes the point of order. Does the gentleman from Oregon desire to be heard?

Mr. ELLIS of Oregon. Yes, sir; I would if the gentleman will reserve the point.

Mr. SHERMAN. I will.

Mr. ELLIS of Oregon. Mr. Chairman, this school is located within the district of my colleague [Mr. HAWLEY], who is now absent from the House on business and by leave of the House, and I have been requested by constituents of his to offer this amendment when the proper point in the bill was reached. It seems that by reason of the increased facilities afforded for the education of Indians in the reservation schools this school has not been at all times kept up to its fullest capacity. It is a school affording special facilities for higher education, and a number of Indian pupils from Alaska would like to avail themselves of the opportunity of being educated there, but the Department has refused to give them admission. Now, by reason of the climatic conditions of southeastern Alaska, from which most of the pupils would come, and of that section of the State of Oregon where this school is located, it is probably the best adapted of any of the schools that are taking up the higher branches of Indian education to care for these pupils. There may be but few—I think there are comparatively few—who desire to embrace the opportunity, but I would like to see the provision of the law so broadened that they might do so in the event they offer themselves. I very much regret the chairman of the committee has seen fit to raise the point of order against it, because I believe there is merit in the amendment.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. SHERMAN. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

CHAMBERLAIN SCHOOL.

For the support and education of 200 Indian pupils at the Indian school at Chamberlain, S. Dak., and for pay of superintendent, $35,400; For general repairs and improvements, $2,500; In all, $37,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suggest to the gentleman from New York that this total is incorrect.

Mr. SHERMAN. I was going to ask when we got to the end of the bill to correct several totals.

Mr. MANN. That is where we will make amendments, I suppose. If the proposition of the gentleman covers it, very well; but this total is manifestly incorrect.

Mr. SHERMAN. Then we had better correct it now. I ask unanimous consent that the change be made.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 19, page 43, strike out the word "five" and insert the word "nine."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $500,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account: *Provided further*, That the unexpended balance for the fiscal year 1908 is hereby appropriated and made available for 1909.

Mr. MANN. Mr. Chairman, I hope the gentleman himself will move to strike out that last proviso. He made no objection to striking it out the other day, and I think he does not want to inaugurate a policy——

Mr. SHERMAN. I will not oppose the motion, but I prefer the gentleman to make the motion, however.

Mr. MANN. Mr. Chairman, I move to strike out the provision at the bottom of page 45, which reads:

Provided further, That the unexpended balance for the fiscal year 1908 is hereby appropriated and made available for 1909.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Pages 45 and 46, strike out the proviso beginning on line 23, page 45, and extending to and including line 2 on page 46.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum $25,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. How many insane Indians were in this asylum last year?

Mr. SHERMAN. Sixty-two.

Mr. FITZGERALD. Is there any intention to discontinue this asylum, I wish to inquire of the gentleman in charge of the bill?

Mr. SHERMAN. There is no indication of any such intent.

Mr. FITZGERALD. I thought now that the "reason" for retaining the asylum had disappeared the committee would have considered the advisibility of discontinuing it.

Mr. SHERMAN. The gentleman from New York remembers very well his attempts and mine to strike this provision from the bill, and that was at a time when there was a good deal more reason for not appropriating for its support than there is now. It has been maintained for some years, and it has reached a point where we are supporting quite a few insane Indians.

Mr. MANN. How many?

Mr. SHERMAN. Sixty-two.

Mr. MANN. At $500 apiece?

Mr. SHERMAN. Not quite that. If it were fifty Indians it would be $500 apiece. It is an excessive cost, of course. It is not excessive when you consider the number of the insane, however, that are there maintained. That is all I can say about it.

Mr. FITZGERALD. The cost of maintaining the insane here in Washington is considered high, and that is $220 per capita, and it costs $440 in this asylum.

Mr. SHERMAN. It is a very high per capita cost. Nobody can deny that proposition, but it is the only asylum for the insane Indians that is maintained anywhere; and considering the fact that there are but sixty-two patients, I think perhaps the cost is not excessive. At these other asylums, like the one in the District, to which the gentleman has referred, and the various hospitals throughout the State of New York, where the per capita cost is very much less than at Canton, of course the number of patients runs all the way from 700 to 800 up to 2,500.

Mr. MANN. Are there only sixty-two insane Indians in the United States?

Mr. SHERMAN. I think there are many more.

Mr. FITZGERALD. That is all that are confined.

Mr. SHERMAN. At Canton.

Mr. FITZGERALD. If I knew any way to take care of these Indians I would suggest striking out this paragraph, because whatever excuse there may be for keeping Indians together in a school, I have never been able to appreciate the argument that required Indians exclusively to inhabit an insane asylum. I appreciate the disadvantages under which the Commissioner has labored, and still labors, perhaps, under this provision. I simply wish to call attention to it in the hope that the Department, which I think should investigate and make the recommendations, would suggest some way by which these sixty-two Indians be taken care of in other institutions and the Government saved the cost of maintaining this one.

I withdraw my pro forma amendment.

The Clerk read as follows:

For the construction and extension of an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, $125,000.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves the point of order on what portion?

Mr. FITZGERALD. I do that for the purpose of asking, Mr. Chairman, why this appropriation is not made reimbursable to the Government. The Shoshone Reservation was allotted——

Mr. MONDELL. Mr. Chairman, my attention has not been called to this item, but now that the gentleman has called my attention to it I think there is no question but that it should be made reimbursable from the sale of lands.

Mr. SHERMAN. Mr. Chairman, with this point of order pending, it being ten minutes past 5, and it also being apparent that there is going to be some little discussion, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PERKINS, chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 15219, the Indian appropriation bill, and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet, and of sufficient width, and to submit a plan and estimate of cost of such improvement, such plan and estimate shall embrace the said increased depth and width over and above the existing project, and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey of the harbor at St. Augustine, St. John County, Fla., and the entrance thereto through the North and Matanzas rivers and the Matanzas Inlet, with a view to determining the formation of a channel of a minimum depth of 16 feet and a width of 300 feet, from the city of St. Augustine, across its outer bar, to the Atlantic Ocean, and the cost of construction of necessary jetties, breakwaters, and dredging in order to accomplish said purpose—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 31.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Washita River, Oklahoma, from the point of its confluence with the Red River to the town of Mountain View, in Kiowa County, Okla., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 32.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of New Smyrna Inlet, in the county of Volusia and State of Florida, with a view to deepening the same, and to submit estimates therefor—

to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

The Speaker announced his signature to enrolled bills of the following titles:

S. 485. An act to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes; and

S. 1256. An act for the relief of Pope & Talbot, of San Francisco, Cal.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district.

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement.

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

VICKSBURG NATIONAL MILITARY PARK.

By unanimous consent, reference of the bill (H. R. 11308) providing for competitive designs for a naval monument in the Vicksburg National Military Park was changed from the Committee on Military Affairs to the Committee on Naval Affairs.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. HAMILTON, for four days, on account of important business.

To Mr. DIEKEMA, for four days, on account of important business.

To Mr. ALLEN, for three days, on account of important business.

To Mr. BURTON of Ohio, for four days, on account of important business.

To Mr. FASSETT, until February 24, on account of important business.

ADJOURNMENT.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

Mr. CLARK of Florida. Will the gentleman withhold his motion for a moment? I simply desire to ask unanimous consent to print in the RECORD a letter in reference to the cotton tax.

The SPEAKER. The gentleman from Florida asks unanimous consent to print in the RECORD a letter in reference to the cotton tax. Is there objection?

Mr. PAYNE. I object, Mr. Speaker.

The motion to adjourn was then agreed to.

And accordingly (at 5 o'clock and 12 miuntes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Potomac River at Mount Vernon, Va.—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Matinicus Harbor, Maine—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Onancock River, Virginia—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Saluda River, South Carolina—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Congaree River, South Carolina—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Quartermaster-General, a draft of proposed legislation relating to certain traveling expenses of Army officers—to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Iowa, from the Committee on Appropriations, to which was referred the resolution of the House (H. J. Res. 96) directing the Secretary of the Treasury to withhold payment of the sum of $10,000 appropriated by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1907, reported the same without amendment, accompanied by a report (No. 786), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 790), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16051) to authorize the Centerville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River in said State at or near Centerville, Ala., reported the same without amendment, accompanied by a report (No. 792), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, reported the same without amendment, accompanied by a report (No. 793), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to

which was referred the bill of the House (H. R. 16277) to provide for the sale of large-growth and matured timber on lands heretofore granted to the Territory of New Mexico, and for other purposes, reported the same with amendments, accompanied by a report (No. 795), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 603) granting an increase of pension to John A. M. La Pierre, reported the same with amendments, accompanied by a report (No. 699), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1034) granting an increase of pension to James Carroll, reported the same with amendment, accompanied by a report (No. 700), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1055) granting an increase of pension to Joel F. Overholser, reported the same with amendment, accompanied by a report (No. 701), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H R. 1059) granting an increase of pension to Hannegan C. Norvell, reported the same with amendment, accompanied by a report (No. 702), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1590) granting an increase of pension to Nelson Wolfley, reported the same with amendment, accompanied by a report (No. 703), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1673) granting an increase of pension to George Athey, reported the same with amendment, accompanied by a report (No. 704), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2204) granting an increase of pension to Andrew Risser, reported the same with amendment, accompanied by a report (No. 705), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2350) granting an increase of pension to Richard P. McGrath, reported the same with amendment, accompanied by a report (No. 706), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2535), granting an increase of pension to John B. Evans, reported the same with amendment, accompanied by a report (No. 707), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2648), granting an increase of pension to Ellison Gilbert, reported the same with amendment, accompanied by a report (No. 708), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2855), granting an increase of pension to Samuel H. Hurst, reported the same with amendment, accompanied by a report (No. 709), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2863), granting an increase of pension to John Findlay, reported the same without amendment, accompanied by a report (No. 710), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2873) granting an increase of pension to Frank Rushaloo, reported the same without amendment, accompanied by a report (No. 711), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3491) granting an increase of pension to William Hall, reported the same without amendment, accompanied by a report (No. 712), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3493) granting an increase of pension to Levi Nicholson, reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3614) granting an increase of pension to James B. Boyer, reported the same with amendments, accompanied by a report (No. 714), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3802) granting an increase of pension to Andreas Schmidt, reported the same with amendment, accompanied by a report (No. 715), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3845) granting an increase of pension to Philip Ebright, reported the same with amendment, accompanied by a report (No. 716), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4102) granting an increase of pension to William H. C. Davis, reported the same with amendments, accompanied by a report (No. 717), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4125) granting an increase of pension to Judson P. Adams, reported the same without amendment, accompanied by a report (No. 718), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4295) granting a pension to John Maguire, reported the same with amendments, accompanied by a report (No. 719), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4351) granting a pension to Osborne Eddy, reported the same with amendments, accompanied by a report (No. 720), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4490) granting an increase of pension to James H. Thompson, reported the same with amendment, accompanied by a report (No. 721), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4497) granting an increase of pension to Alexander Depuy, reported the same without amendment, accompanied by a report (No. 722), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4522) granting an increase of pension to William H. Hanson, reported the same with amendments, accompanied by a report (No. 723), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5347) granting an increase of pension to William M. Stevenson, reported the same with amendments, accompanied by a report (No. 724), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5422) granting an increase of pension to William Dunlap, reported the same with amendments, accompanied by a report (No. 725), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5450) granting an increase of pension to Calvin E. Breed, reported the same with amendment, accompanied by a report (No. 726), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5764) granting a pension to Mary O'Brien, reported the same with amendment, accompanied by a report (No. 727), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5880) granting an increase of pension to Addi C. Pindell, reported the same without amendment, accompanied by a report (No. 728), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6064) granting an increase of pension to Jeremiah Beck, reported the same without amendment, accompanied by a report (No. 729), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6487) granting an increase of pension to Alexander W. Brownlie, reported the same with amendment, accompanied by a report (No. 730), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6492) granting an increase of pension to Irvin Austin, reported the same with amendment, accompanied by a report (No. 731), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6866) granting an increase of pension to Ezra Prouty, reported the same without amendment, accompanied by a report (No. 732), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6900) granting an increase of pension to Hiram Spear, reported the same with amendment, accompanied by a report (No. 733), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7060) granting an increase of pension to Simon W. White, reported the same with amendments, accompanied by a report (No. 734), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7307) granting an increase of pension to Benjamin L. Shepard, reported the same with amendment, accompanied by a report (No. 735), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7530) granting an increase of pension to Charles Brown, reported the same with amendments, accompanied by a report (No. 736), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7781) granting an increase of pension to Phineas P. Trowbridge, reported the same with amendments, accompanied by a report (No. 737), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7815) granting an increase of pension to William H. Patterson, reported the same without amendment, accompanied by a report (No. 738), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8094) granting an increase of pension to Leander Wages, reported the same with amendments, accompanied by a report (No. 739), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8145) granting an increase of pension to Edward E. Hackett, reported the same with amendments, accompanied by a report (No. 740), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8385) granting an increase of Pension to Jackson Weathers, reported the same with amendment, accompanied by a report (No. 741), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8672) granting an increase of pension to Isaiah Fowler, reported the same with amendment, accompanied by a report (No. 742), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8747) granting an increase of pension to Alfred Jervais, reported the same with amendment, accompanied by a report (No. 743), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8970) granting an increase of pension to Anthon W. Mortensen, reported the same with amendments, accompanied by a report (No. 744), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8999) granting an increase of pension to John Hancock, reported the same with amendments, accompanied by a report (No. 745), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9311) granting an increase of pension to George Harkless, reported the same with amendment, accompanied by a report (No. 746), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Penisons, to which was referred the bill of the House (H. R. 9560) granting an increase of pension to John H. Keys, reported the same with amendment, accompanied by a report (No. 747), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9612) granting an increase of pension to Emil Christian, reported the same with amendment, accompanied by a report (No. 748), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9647) granting an increase of pension to W. W. Mayne, reported the same with amendments, accompanied by a report (No. 749), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9789) granting an increase of pension to Samuel P. Hallam, reported the same with amendments, accompanied by a report (No. 750), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10041) granting an increase of pension to Jenkin Evans, reported the same with amendments, accompanied by a report (No. 751), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10100) granting an increase of pension to Harrison G. Mace, reported the same without amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10716) granting an increase of pension to August Gehb, reported the same without amendment, accompanied by a report (No. 753), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10800) granting an increase of pension to Charles Gardner, reported the same with amendment, accompanied by a report (No. 754), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10869) granting an increase of pension to William C. Tanner, reported the same with amendment, accompanied by a report (No. 755), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11010) granting an increase of pension to George W. Florey, reported the same with amendments, accompanied by a report (No. 756), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11413) granting an increase of pension to Noah Jones, reported the same without amendment, accompanied by a report (No. 757), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11966) granting an increase of pension to Sophie Winters, reported the same with amendments, accompanied by a report (No. 758), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12027) granting an increase of pension to Daniel A. Stedman, reported the same with amendment, accompanied by a report (No. 759), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 12028) granting an increase of pension to Patrick Dolan, reported the same with amendment, accompanied by a report (No. 760), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12034) granting an increase of pension to Henry C. Crowell, reported the same with amendment, accompanied by a report (No. 761), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12739) granting an increase of pension to Lemuel L. Kelso, reported the same with amendment, accompanied by a report (No. 762), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12616) granting an increase of pension to Horace A. Rexford, reported the same without amendment, accompanied by a report (No. 763), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12810) granting an increase of pension to Michael H. Glass, reported the same with amendments, accompanied by a report (No. 764), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12947) granting an increase of pension to James H. Pearce, reported the same with amendments, accompanied by a report (No. 765), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12970) granting an increase of pension to James McConnaha, reported the same with amendments, accompanied by a report (No. 766), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13391) granting an increase of pension to Stephen Lyons, reported the same with amendment, accompanied by a report (No. 767), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13783) granting an increase of pension to William H. Murray, reported the same without amendment, accompanied by a report (No. 768), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13930) granting a pension to Rocelia Morse, reported the same with amendments, accompanied by a report (No. 769), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13945) granting a pension to Abbie E. Barr, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14316) granting an increase of pension to De Witt Eldred, reported the same with amendments, accompanied by a report (No. 771), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14474) granting an increase of pension to Mrs. Stephen Walker, reported the same with amendments, accompanied by a report (No. 772), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14532) granting an increase of pension to Michael J. Hawley, reported the same with amendments, accompanied by a report (No. 773), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14584) granting an increase of pension to Marcus T. Camp, reported the same without amendment, accompanied by a report (No. 774), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14671) granting an increase of pension to Benjamin Johnson, reported the same with amendment, accompanied by a report (No. 775), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14724) granting a pension to Rush Patterson, reported the same with amendments, accompanied by a report (No. 776), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14844) granting an increase of pension to John B. Wheeler, reported the same with amendment, accompanied by a report (No. 777), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14988) granting an increase of pension to Joseph Farley, reported the same with amendment, accompanied by a report (No. 778), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15158) granting an increase of pension to Francis S. Fletcher, reported the same with amendment, accompanied by a report (No. 779), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15356) granting a pension to Mary Hernden, reported the same with amendments, accompanied by a report (No. 780), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15538) granting an increase of pension to George W. Fairchild, reported the same without amendment, accompanied by a report (No. 781), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15722) granting an increase of pension to J. W. Betts, reported the same with amendment, accompanied by a report (No. 782), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16349) granting an increase of pension to Frank Upchurch, reported the same without amendment, accompanied by a report (No. 783), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16610) granting an increase of pension to Michael Conniff, reported the same with amendment, accompanied by a report (No. 784), which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 6664) for the relief of Roman Scholter, reported the same without amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10671) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., reported the same with amendments, accompanied by a report (No. 788), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 14000) for the relief of H. C. Linn and Samuel Powell, reported the same without amendment, accompanied by a report (No. 789), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased, reported the same without amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8529) for the relief of Leroy Douglas, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 16859) to provide for the purchase of a site for a public building at Mount Vernon, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 16860) to establish a United States land district to be known as the Tucumcari land district—to the Committee on the Public Lands.

By Mr. HOBSON: A bill (H. R. 16861) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State of the United States in the capitol building of said State—to the Committee on Naval Affairs.

By Mr. RAINEY: A bill (H. R. 16862) to place petroleum, crude or refined, or the products of petroleum, crude or refined, on the free list—to the Committee on Ways and Means.

By Mr. ANTHONY: A bill (H. R. 16863) to allow soldiers of the Regular Army, and veteran soldiers who are members of National Soldiers' Home, commutation of rations while on furlough—to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 16864) to provide for the erection of a public building at Wabash, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. ANTHONY: A bill (H. R. 16865) to allow surviving Mexican war soldiers who also served in the Federal Army in the war of the rebellion the benefits of the pension laws for each service—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 16866) to provide for the erection of a public building at the city of Juneau, in the district of Alaska—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 16867) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal—to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 16868) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes," approved March 2, 1907—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: A bill (H. R. 16869) fixing the compensation of the watchmen in the customs service at the port of New York—to the Committee on Ways and Means.

By Mr. CHANEY: A bill (H. R. 16870) to provide for the establishment of a Bureau of Mining Technology—to the Committee on Mines and Mining.

By Mr. NICHOLLS: A bill (H. R. 16871) to amend an act entitled "An act granting leaves of absence to clerks and employees in first and second class post-offices and to employees of the Post-Office Department employed in the mail-bag-repair shops connected with said Department," approved October 1, 1890—to the Committee on Expenditures in the Post-Office Department.

By Mr. SULZER: A bill (H. R. 16872) to make Lincoln's birthday a public holiday—to the Committee on the Judiciary.

By Mr. BRANTLEY: A bill (H. R. 16873) regulating interstate commerce in spirituous, vinous, and malt liquors, and intoxicating liquors of all kinds—to the Committee on the Judiciary.

By Mr. SHEPPARD: A bill (H. R. 16874) to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902—to the Committee on the Judiciary.

By Mr. CAPRON: A bill (H. R. 16875) to establish a fish-hatching and fish-culture station at Strawberry Island, Point Judith Pond, Rhode Island—to the Committee on the Merchant Marine and Fisheries.

By Mr. LONGWORTH: A bill (H. R. 16876) to authorize the acquisition of land or buildings for the diplomatic and consular establishments of the United States—to the Committee on Foreign Affairs.

By Mr. ACHESON: A bill (H. R. 16877) providing for a preliminary examination and survey of Indian Creek, Ashtabula County, Ohio—to the Committee on Rivers and Harbors.

By Mr. GARNER: A bill (H. R. 16878) making appropriation for the construction and equipment of a Weather Bureau observatory at Del Rio, Tex.—to the Committee on Agriculture.

Also, a bill (H. R. 16879) making appropriation for the construction and equipment of a Weather Bureau observatory at Corpus Christi, Tex.—to the Committee on Agriculture.

By Mr. CARY: A bill (H. R. 16880) to license firemen, stokers, or water tenders—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A bill (H. R. 16881) to increase the salaries of certain officials and employees in the Pension Bureau, Department of the Interior—to the Committee on Expenditures in the Interior Department.

By Mr. BINGHAM, from the Committee on Appropriations: A bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. PATTERSON: A bill (H. R. 16952) to amend an act entitled "An act to amend the act of Congress approved March 3, 1875, entitled 'An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes' "—to the Committee on the Judiciary.

By Mr. PARSONS: A bill (H. R. 16953) to provide for the printing and publication of the rules and regulations of the Executive Departments and other branches of the Government—to the Committee on Printing.

By Mr. CRUMPACKER: A bill (H. R. 16954) to provide for the Thirteenth and subsequent decennial censuses—to the Committee on the Census.

By Mr. WATKINS: A bill (H. R. 16955) to extend the time for building a bridge across Red River at Shreveport, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. LANDIS: A bill (H. R. 16956) to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Joint resolution (H. J. Res. 135) providing for additional lands for Idaho under the provisions of the Carey Act—to the Committee on the Public Lands.

By Mr. PAYNE: A resolution (H. Res. 233) for the distribution of the special message of the President of January 31, 1908, to the various House committees—to the Committee on Ways and Means.

By Mr. POU: A resolution (H. Res. 234) authorizing the Speaker to appoint a select committee to investigate campaign contributions—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 16883) granting an increase of pension to Mary Melder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16884) granting an increase of pension to Lizzie A. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16885) granting an increase of pension to Sarah M. Dix—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 16886) for the relief of Pedro Salazar y Garcia—to the Committee on War Claims

By Mr. ANDRUS: A bill (H. R. 16887) to correct the military record of James K. Fuller—to the Committee on Military Affairs.

Also, a bill (H. R. 16888) for the relief of Tennis W. Wade—to the Committee on Military Affairs.

By Mr. BRANTLEY: A bill (H. R. 16889) granting a pension to Augustus L. Brack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16890) granting an increase of pension to John Dinneen, known as John J. Davidson—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 16891) granting an increase of pension to Laforest Groves—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 16892) granting an increase of pension to Stephen B. Bartow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16893) granting an increase of pension to Samuel S. Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16894) granting a pension to Fred W. Kinloch—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 16895) granting an increase of pension to Lawson D. Jernigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16896) granting an increase of pension to Harrison Lee—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16897) granting an increase of pension to George S. Burtner—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 16898) granting an increase of pension to Albert Eggleston—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 16899) granting an increase of pension to John Rencher—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 16900) granting an increase of pension to Levi S. Raff—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16901) granting an increase of pension to George P. Hanson—to the Committee on Pensions.

Also, a bill (H. R. 16902) granting an increase of pension to William W. Olmsted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16903) granting a pension to Abraham Fairman—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 16904) granting a pension to Seth S. Nye—to the Committee on Pensions.

Also, a bill (H. R. 16905) granting an increase of pension to Richard H. Timmonds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16906) to correct the military record of William F. Songer—to the Committee on Military Affairs.

Also, a bill (H. R. 16907) for the relief of the estate of Larkin H. Penny, deceased—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 16908) granting a pension to J. H. Abel—to the Committee on Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 16909) to refund certain taxes paid by the Southern Redistilling and Rectifying Company (Limited), of New Orleans, La.—to the Committee on Claims.

By Mr. DAWSON: A bill (H. R. 16910) to remove the charge of desertion against John C. Davis—to the Committee on Military Affairs.

By Mr. DENBY: A bill (H. R. 16911) granting an increase of pension to Clara B. Mercur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16912) granting an increase of pension to Robert R. Marsh—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16913) granting a pension to George S. Loomis—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 16914) granting a pension to Thomas B. Hall—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16915) granting a pension to Renville Rangers of Minnesota—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16916) for the relief of Benjamin C. Welch—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 16917) granting an increase of pension to Edward McGinniss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16918) granting a pension to William W. Smith—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 16919) granting an increase of pension to Isaac Cox—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 16920) granting a pension to John Waters—to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 16921) granting an increase of pension to William Trusty—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16922) for the relief of the heirs of the estate of John McDermott—to the Committee on War Claims.

Also, a bill (H. R. 16923) granting an increase of pension to Levi N. Woodside—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 16924) for the relief of W. D. Farron—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 16925) granting an increase of pension to Andrew C. Barry—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 16926) granting an increase of pension to Henry D. Hedrick—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16927) for the relief of Lieut. Commander Kenneth McAlpine—to the Committee on Naval Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 16928) for the relief of the heirs of Christopher Wood, deceased—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 16929) for the relief of the owners of the tug *Juno*—to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 16930) granting an increase of pension to Lewis Flick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16931) granting an increase of pension to Sarah Garner—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 16932) granting a pension to David Farnham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16933) granting a pension to Charles K. Davis—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 16934) granting an increase of pension to W. J. Heckman—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 16935) for the enrollment of Oliver Sills and his children, Lizzie and Perry Sills, as Mississippi Choctaws—to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 16936) for the relief of the legal representatives of John S. Fielder, deceased—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 16937) to pay Isaac W. Airey for services rendered to the United States Army during the late civil war between the United States and the Confederate States as scout, and for expenses necessarily incurred and paid by him thereby—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 16938) granting an increase of pension to George W. Graves—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 16939) for the relief of Daniel Leary—to the Committee on War Claims.

By Mr. WATKINS (by request): A bill (H. R. 16940) for the relief of Jacques de L. Lafitte—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 16941) granting an increase of pension to John W. Campbell—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 16942) granting an increase of pension to John Wickham—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 16943) granting an increase of pension to Thomas J. O'Hara—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 16944) granting an increase of pension to David O'Brien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16945) granting an increase of pension to Eli Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16946) granting an increase of pension to Silas T. Cleveland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16947) granting an increase of pension to Joseph Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16948) granting an increase of pension to George W. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16949) granting an increase of pension to Stephen P. Chase—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 16950) for the relief of John W. Trader—to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 16951) granting a pension to James McMahon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of New York State League, against amendment of immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of General Assembly of the Presbyterian Church in United States of America, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of Metal Polishers, Buffers, Platers, Brass Molders, Brass and Silver Workers' Union of North America, for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Musicians' Protective Association of Buffalo, N. Y., favoring H. R. 103—to the Committee on Labor.

By Mr. ANDREWS: Petition of Local Union No. 523 and Local Union No. 387, International Typographical Union, of Tarrytown and Mount Vernon, N. Y., for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. BATES: Petition of Abby B. Bates, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BONYNGE: Petition of Local Union No. 13, of the International Stereotypers and Electrotypers of North America, for abolition of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Detroit Federation of Labor, favoring H. R. 163, relative to commercial telegraphers—to the Committee on the Post-Office and Post-Roads.

By Mr. BRICK: Petition of W. T. Baker and others, of William Baker Post, No. 429, Grand Army of the Republic, of Mentone, Ind., for yearly allowance for soldiers with families in addition to regular pensions—to the Committee on Invalid Pensions.

By Mr. BURKE: Paper to accompany bill for relief of Amos M. Barbin—to the Committee on Military Affairs.

Also, petition of D. R. Reynolds, for the Kittridge copyright bill (S. 2900)—to the Committee on Patents.

Also, petition of Joseph R. Craig, against abolition of pension agencies—to the Committee on Invalid Pensions.

Also, petition of Harry Pabst, favoring the Kittridge copyright bill—to the Committee on Patents.

Also, petition of Charles D. Wettach, against legislation inimical to the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of George T. Barnsley, for H. R. 428, providing for a motor-vehicle bureau—to the Committee on the Judiciary.

Also, petition of E. V. Babcock Company, for national registration law for automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Glass Bottle Blowers' Association, against the Tillman bill (S. 2926)—to the Committee on the Judiciary.

Also, petition of officers of the Eighteenth Regiment, National Guard of Pennsylvania, favoring the graded pay bill, increasing pay of Army and Navy—to the Committee on Military Affairs.

Also, petition of Republican League of Clubs of New York State, against amendment of immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Flint Wagon Works, of Flint, Mich., for a census of timber stumpage—to the Committee on Agriculture.

By Mr. BURNETT: Petition of National Funeral Directors' Association, against custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. CAPRON: Petition of New England Drug Exchange, for amendment of Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of McGregor Post, No. 14, Grand Army of the Republic, of Phenix, R. I., for the Sherwood pension bill, granting $1 per day for all soldiers serving eighteen months—to the Committee on Invalid Pensions.

Also, petition of Business Men's Association of Newport, R. I., for appropriation for defense of Narragansett Bay—to the Committee on Appropriations.

Also, petition of town council of Westerly, R. I., for the bill to increase efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. COUDREY: Papers to accompany bills for relief of Catherine Bausman and Thomas Carten—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Helen Matthews—to the Committee on Pensions.

By Mr. DAWSON: Petition of National German-American Alliance for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National Funeral Directors' Association, against custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of 17 soldiers of the civil war, of Ottumwa, Iowa, for a change of pension laws ($20 per month, to apply at 65 years of age)—to the Committee on Invalid Pensions.

Also, petition of officers, directors, and trustees of art museums of the United States, for repeal of duty on works of art—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of Gigante Mountain Tunnel and Railway Company, for appropriation to deepen the channel of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of American Antiboycott Association, against restricting rights of any court of equity in issuance of injunctions—to the Committee on the Judiciary.

Also, petition of Musical Mutual Protective Union, favoring H. R. 103 (Bartholdt bill, Government musicians versus civilian musicians)—to the Committee on Labor.

Also, petition of New York State League, against any amendment of immigration laws—to the Committee on Immigration and Naturalization.

By Mr. FLOYD: Papers to accompany bills for relief of Sarah L. Volz and Lafayette Cook—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Carriage Builders' Association, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of A. D. Simon, of Ottawa, Ill., for copyright legislation beneficial to musical composers—to the Committee on Patents.

By Mr. GRANGER: Paper to accompany bill for relief of Edward McGinnis—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Glass Bottle Blowers' Association, of United States and Canada, against the Tillman bill (S. 2926)—to the Committee on the Judiciary.

Also, petition of T. H. Nevin Company, against legislation inimical to the paint industry—to the Committee on Interstate and Foreign Commerce.

Also, petition of officers of Eighteenth Regiment, National Guard of Pennsylvania, for graded-pay bill, providing increase of pay for officers and enlisted men of the Army and Navy—to the Committee on Military Affairs.

Also, petition of Republican League of Clubs of New York State, against amendment of immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of S. A. Mundy, of Bradford, Pa., favoring S. 82 (relative to claims of letter carriers)—to the Committee on Claims.

By Mr. GREEN: Paper to accompany bill for relief of William W. Smith—to the Committee on Invalid Pensions.

By Mr. HEFLIN: Papers to accompany bills for relief of John Waters and Catherine Nelson—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Plainfield Christian Endeavor Union, of Plainfield, N. J., favoring the McCumber bill (against liquor on Government property)—to the Committee on the Judiciary.

Also, petition of Musicians' Protective Union of New Brunswick, N. J., favoring H. R. 103 (Bartholdt bill)—to the Committee on Labor.

Also, petition of Board of Trade of Newark, N. J., for a tariff commission, as per S. 3163 (Beveridge bill)—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of Woman's Atheneum of Park City, Utah, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of certain Government employees, for relief for services in excess of eight hours per day—to the Committee on Claims.

Also, petition of Council No. 81, United Commercial Travelers, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of Sioux City Home Missionary Society, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of M. E. De Wolf and others, against H. R. 13477 (parcels-post law)—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Tennessee: Paper to accompany bill for relief of heirs of Albert G. Dunn—to the Committee on War Claims.

By Mr. KELIHER: Petition of National Funeral Directors' Association, against burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDBERGH: Petition of James M. Russ and others, for pensions of $30 per month for soldiers and marines of the civil war—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of Post 667, Grand Army of the Republic, Department of Illinois, of La Grange and Cook counties, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of George H. Thomas Post, No. 5, Grand Army of the Republic, for H. R. 6288, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. MADISON: Petitions of citizens of Albert (Barton County) and Syracuse, Kans., for enactment of prohibition liquor law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER: Petition of business men of Fourth Congressional District of Kansas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NELSON: Petitions of Donald C. Scott and 5 others; George W. Burnell and others; Julias Schlaich and 9 others; Thomas L. Kennan and 14 others; Horace E. Mann and 21 others; and Frank H. Lull and 7 others, all volunteer officers of civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. NYE: Petition of Minnesota Retail Hardware Association, for revision of the tariff on iron and steel, logs and lumber, etc.—to the Committee on Ways and Means.

Also, petition of Imperial Elevator Company, of Minneapolis, Minn., against H. R. 13477 (relative to furnishing list of names from post-offices)—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Minneapolis, Minn., for bill to prohibit shipment of liquors into States with prohibition laws—to the Committee on the Judiciary.

By Mr. OLCOTT: Petition of North Side Board of Trade, for an annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of mass meeting of the Poles of New York, against Polish exportation—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of J. Cook, for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of F. H. Watts, for alumni of Massachusetts Institute of Technology, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Chester Bradford, for H. R. 286 (Currier bill), for increase of salaries in the Patent Office—to the Committee on Patents.

Also, petition of Indianapolis Musicians' Protective Association, for H. R. 103 (Bartholdt bill)—to the Committee on Labor.

Also, petition of Indiana Automobile Company, for Federal registration of automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of Richmond City Waterworks, for forest reservation in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Moab S. Smith—to the Committee on War Claims.

By Mr. PRINCE: Petition of John Wood Post, Grand Army of the Republic, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PUJO: Paper to accompany bill for relief of Randle Horman—to the Committee on Claims.

Also, petition of board of directors of National Manufacturers' Association, for currency legislation—to the Committee on Banking and Currency.

By Mr. TOWNSEND: Petition of Beers Post, No. 140, Tecumseh, Mich., for the Sherwood pension bill (H. R. 7625)—to the Committee on Invalid Pensions.

Also, petition of citizens of Adrian and Blissfield, Mich., for restoration of motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

Also, petition of Michigan Association of Free Will Baptists, for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. SABATH: Petition of National Supreme Lodge of Jednoty Táboritu and National Supreme Lodge, C. S. P. S., both of St. Louis, Mo., against the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. SLEMP: Paper to accompany bill for relief of Isaac W. Airey—to the Committee on Claims.

By Mr. SMITH of Michigan: Petition of George D. Burden and 49 other members of Veteran Lodge, Independent Order of Good Templars, of Michigan Soldiers' Home, for prohibition law in the District of Columbia and Territories—to the Committee on the District of Columbia.

Also, petition of H. Wilson Burgan, of Maryland, for the Sims prohibition bill (H. R. 9086)—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of American Institute of Electrical Engineers, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Local Union No. 6, International Typographical Union of North America, for repeal of duty on white paper, pulp, etc.—to the Committee on Ways and Means.

Also, petition of Blenker Veteran Association, Eighth Regiment, New York, for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of New York Society Library, for S. 2900 and H. R. 11794, relative to copies of imported books free of duty—to the Committee on Ways and Means.

Also, petition of R. J. Anderson and others, for a minimum salary of $3 per day and twenty-six days' vacation with pay for storekeepers and gaugers—to the Committee on Ways and Means.

Also, petition of M. A. Reise, for paragraph E of the copyright bill—to the Committee on Patents.

SENATE.

WEDNESDAY, *February 12, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

LIST OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a list of the names of certain vessels which will require general overhauling to the extent of $200,000 or more during the fiscal year ending June 30, 1909, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of D. W. Dorris *v.* United States; and

In the cause of Richard H. Turner, in his own right and as administrator of the estate of Eliza Turner, deceased, and Eliza Ann Turner *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of New York City, N. Y., praying that an appropriation be made for the purchase of lands and buildings for the consular establishments in China, Japan, and Korea, which was referred to the Committee on Foreign Relations.

Mr. PLATT presented a petition of the Young Woman's Christian Temperance Union of Schenectady, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented memorials of sundry citizens of Albany, Buffalo, Gloversville, Little Falls, New York City, Syracuse, and Tompkinsville, all in the State of New York, remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Norfolk and Portsmouth, in the State of Virginia, praying for the enactment of legislation providing for the construction of all battle ships in the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a memorial of James C. Rice Post, No. 29, Department of New York, Grand Army of the Republic, of New York City, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies in the United States, which was referred to the Committee on Pensions.

He also presented a petition of the International Reform Bureau of Washington, D. C., praying for the enactment of legislation to regulate the sale and importation of opium in the Philippine Islands, which was referred to the Committee on Finance.

He also presented a memorial of the National Board of Trade of Washington, D. C., remonstrating against the enactment of legislation providing for a discrimination against the immigration of Chinese and Japanese, which was referred to the Committee on Immigration.

Mr. CLARK of Wyoming presented the petition of John H. Ruff, of Wyoming, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers, which was referred to the Committee on Claims.

Mr. ANKENY presented a petition of the Chamber of Commerce of Olympia, Wash., praying that an appropriation be made for the construction of a public building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. WARNER presented memorials of sundry organizations of St. Joseph and St. Louis, in the State of Missouri, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Funeral Directors' Association of Norfolk, Va., praying for the enactment of

legislation to regulate the practice of throwing overboard the bodies of those who die at sea, which was referred to the Committee on Public Health and National Quarantine.

Mr. CULBERSON. I present a petition of the Anti-Imperialistic League, signed by Moorfield Storey, president, and Erving Winslow, secretary, which I ask may be printed in the RECORD and referred to the Committee on the Philippines.

There being no objection, the petition was referred to the Committee on the Philippines and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

It is respectfully submitted that Philippine independence should be promised now by joint resolution.

A great majority of American publicists, including the President, have declared themselves unequivocally in favor of Philippine independence. Mr. Taft alone, while setting it before his countrymen as the goal toward which we must look, seems not to desire it.

He postpones the day for a generation at least, and when that time is gone he hopes that both countries will agree "that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia." That is his hope, and so long as he can control our policy his object must be to realize that hope. As though it were possible for a country adapted only for the habitation of an alien race to hold a position toward a "parent nation" like that of a territory peopled and occupied by its own emigrants.

He prophesies "that during the next twenty-five years a development will take place in the agricultural and other business of the Philippine Islands which will be as remarkable in its benefits to the United States and the Philippine Islands as was the development of Alaska during the last ten or fifteen years."

He insists that "the presence of Americans in the islands is essential to the due development of the lower classes." He wants the American Government to remain in the islands "long enough to educate the entire people," which means an indefinite future when we consider how long it has taken to educate our own people. He thinks that "meantime they will be able to see and the American public will come to see the enormous material benefit to both, arising from the maintenance of some sort of a bond between the two countries." He insists that "the having such an outpost as the Philippines, making the United States an Asiatic power for the time, will be of immense benefit to its merchants and its trade." He recommends that "the present restrictions be removed as to the acquisition of mining claims and the holding of lands by corporations in the Philippines." He does not "think it improper, in order to secure support for the policy of the Administration, to point out the advantage to the United States of holding the islands." He wishes to attract American capital and to see American investments in railroads, mines, and plantations. He wishes, in a word, to plant as much American treasure in the islands as possible, to make it as much for American interests to retain the islands as possible, and, under cover of much vague talk about the benevolent purpose of the United States to fit the Filipinos for self-government, to pursue a policy which will create in America a strong sentiment against letting American investments pass under Filipino control. Everyone knows that the demands of capital have led the English Government and others to conquer and annex foreign territory, and no one can doubt that every American dollar planted in the Philippines will become an argument against their independence. Let Secretary Taft tell us in detail how these islands in twenty-five years are to become of such remarkable value to the United States—a value which could accrue only to a few exploiters, who would doubtless enforce a demand for imported contract labor, driving the natives to the wall and benefiting themselves at the expense of the domestic industries of the United States—let Mr. Taft elucidate his programme fully, and it will be apparent that the process means the permanence of our hold upon the islands.

While this development was proceeding for the advantage of a few capitalists, the absolute responsibility of the United States for the defense of the archipelago would continue. In the changed attitude of affairs in the East, which Mr. Taft ignores, this responsibility implies immense outlays (of which the millions to be asked of the present Congress are only the small beginning) for fortifications and an indefinitely increased naval force.

If anyone doubts this let him observe that after the value of the islands to America has been demonstrated and the question of giving them their independence comes up for decision, the Secretary bids us note "that the tribunal to decide whether the proper political capacity exists to justify independence is Congress and not the Philippine electorate. * * * The judgment of a people as to their own political capacity is not an unerring guide." Can anyone be so blind as not to see what Secretary Taft's policy is, and that it does not mean Philippine independence at all? Let the strong nation that finds the islands profitable decide whether to let them go? It is a bribed tribunal which will decide the question, and the policy of Secretary Taft is to create a situation which makes independence impossible. Secretary Taft may be right or wrong, but his real meaning is disguised by his talk of benevolence. In Lincoln's words "the inferior races are to be treated with as much allowance as they are capable of enjoying, as much is to be done for them as their condition will allow;" they are to become invaluable to the United States, and its Congress is to decide whether they shall be given their independence. Well did Lincoln say, "It is all the same old serpent."

Through their own self-government now lies the road to Filipino independence and advancement. In the words of Lincoln, addressed prophetically to Mr. Taft: "By your system you would always keep them ignorant and vicious."

In the words of President Roosevelt a year or two ago:

"It is as true of a race as of an individual, that while outsiders can help to a certain degree, yet the real help must come in the shape of self-help." Men learn to be independent by being independent—by their own mistakes. To say that the object of our policy is to help the Filipinos to self-government and ultimate independence by making them as valuable to the United States as possible, and then to let the United States decide whether to give them independence, is "to keep the word of promise to our ear and break it to our hope." We assume the position of trustee for this nation, and unfit ourselves to discharge our trust impartially. The statesman who proposes this may deceive himself, but we must not let him deceive us.

It is for the interest of both countries that the Philippines be promised their independence now. To-day the United States can obtain without doubt from the powers, including Japan, a consent to the neutralization of the islands, a protection of their independence from foreign aggression. A few years hence that consent may not be obtained. The time is ripe for the passage of a joint resolution declaring our intention to grant the Filipinos absolute independence within a short term of years.

THE ANTI-IMPERIALIST LEAGUE,
By MOORFIELD STOREY, *President.*
ERVING WINSLOW, *Secretary.*

FEBRUARY 8, 1908.

Mr. GALLINGER presented sundry memorials of citizens of Lancaster, N. H., remonstrating against the adoption of a certain amendment to the copyright law relating to photographic reproductions, which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Colebrook and Franklin, in the State of New Hampshire, of Beaver Falls, Pa., and of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry business men's associations of Portsmouth, Va., praying for the enactment of legislation providing that one of the two proposed new battle ships be built at the navy-yard at that city, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Foreign Missions of the Methodist Episcopal Church, of New York City, N. Y., praying for the enactment of legislation to prohibit the importation and sale of opium within the jurisdiction of the United States, which was referred to the Committee on Finance.

Mr. BRIGGS presented a petition of the Ferracute Machine Company, of Bridgeton, N. J., praying for the establishment of a bureau of mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

He also presented a petition of the National Institute of Arts and Letters, of New York City, N. Y., praying for the repeal of the duty on works of art, which was referred to the Committee on Finance.

He also presented the petition of H. O. Bishop, of Perth Amboy, N. J., and a petition of Local Union No. 323, International Typographical Union, of Hoboken, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Morristown, N. J., and of New York City, N. Y., remonstrating against the passage of the so-called "Crumpacker bill" providing for the appointment of additional clerks for taking the Thirteenth Census, which were referred to the Committee on the Census.

He also presented a petition of the American Institute of Architects, of Newark, N. J., praying for the enactment of legislation providing for the location of the Grant Monument in Washington, D. C., and the adoption of the plans for the development of that city as laid down by L'Enfant, which was referred to the Committee on the District of Columbia.

He also presented the memorial of G. W. Lembeck, of Jersey City, N. J., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Produce Exchange of New York City, N. Y., remonstrating against the enactment of legislation providing for the inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Robert S. Sinclair, of Newark, N. J., praying for the enactment of legislation granting locations and rights of way for electric and other power purposes through the public lands and reservations of the United States, which was referred to the Committee on Public Lands.

He also presented the memorial of A. S. Taylor, of Closter, N. J., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Gloucester County Medical Society, of Woodbury, N. J., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was referred to the Committee on Pensions.

He also presented a memorial of the Wholesale and Retail Hardware Joint Committee, of Fort Smith, Ark., and a memorial of the National Association of Retail Druggists, of Washington, D. C., remonstrating against the passage of the

so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of New Jersey, North Carolina, Ohio, Pennsylvania, Illinois, New York, Connecticut, and Colorado, praying for the enactment of legislation to refund the collateral-inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. WARREN presented a petition of Local Lodge No. 207, International Association of Machinists, of Evanston, Wyo., praying for the enactment of legislation providing for the construction of all battle ships in the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of sundry volunteer officers of the civil war of Carbondale, Dixon, Duquoin, Lagrange, Lawrenceville, and Cairo, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. McCUMBER presented a petition of sundry citizens of Rolette, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 148, International Brotherhood of Bookbinders, of Fargo, N. Dak., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Cooperstown, N. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

Mr. OWEN presented a memorial of the legislature of Oklahoma, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

GUTHRIE, OKLA., *January 29, 1908.*

I hereby certify that the within typewritten instrument is a true and correct copy of the "Memorial from the legislature of Oklahoma to the Congress of the United States, relating to the common schools in that portion of the State of Oklahoma formerly known as the 'Indian Territory,'" as passed by the house of representatives and the senate of the legislature of Oklahoma, and approved by the governor of Oklahoma this 29th day of January, 1908, and filed for record in this office.

[SEAL.]

BILL CROSS,
Secretary of State.

MEMORIAL FROM THE LEGISLATURE OF OKLAHOMA TO THE CONGRESS OF THE UNITED STATES, RELATING TO THE COMMON SCHOOLS IN THAT PORTION OF THE STATE OF OKLAHOMA FORMERLY KNOWN AS THE INDIAN TERRITORY.

Whereas common school education is one of the most important subjects of our State policy and government; and

Whereas the constitution of the State of Oklahoma declares for absolute equality and affiliations between the Indian and white races, an essential feature of which begins with affiliation in childhood and in youth in the public schools, and it is therefore important that the Indian and white children should at all times and in all localities in the former Five Civilized Nations be associated equally in the public schools and in the higher educational institutions of the State; and

Whereas equality in taxation for the support of the common schools is essential in justice to all classes; and

Whereas for reasons and considerations heretofore deemed adequate and satisfactory to the Federal Government in the allotting of land in the portion of the State of Oklahoma heretofore known as "Indian Territory" and the surrender of the tribal forms of government in the Five Civilized Nations the Federal Government deemed it wise to withhold certain of the allottees' lands from local or State taxation for varying periods of years, to the extent that the local revenue for permanent school purposes are materially diminished; and

Whereas the policy of the Federal Government has been and is to draw upon the Indian funds of the Five Civilized Nations to aid in the education of the allottees of school age; and

Whereas in practically every neighborhood of the former Indian Territory the school children are of both classes (Indian and white); and

Whereas the school system heretofore prevailing in the portion of the State known as Oklahoma Territory was by the provisions of the statehood bill made operative throughout the entire State; and

Whereas it would be impractical as well as contrary to the school laws of Oklahoma Territory (now the law of the State of Oklahoma) not to apply said laws in the plan of districting, taxation, etc., to the entire State, to the end that uniformity of public school system may be attained; and

Whereas the former Indian Territory area has been districted by the authorities of the State of Oklahoma into public school districts: Therefore be it

Resolved, That so long as Indian funds and public money of the Federal Government is appropriated to the maintenance of public schools in the former Five Civilized Nations (outside of incorporated towns) that—

1. In order to secure uniformity in granting certificates, that the State provide for the addition to its State board of education of one member, to be nominated by the Secretary of the Interior.

2. That three members of the State board of examiners, examining applicants and granting certificates to teach common schools, may be nominated by the Secretary of the Interior, or his representative in charge of the common school interests of the Five Civilized Tribes.

3. That upon each board of county examiners in each of said counties in the former Five Civilized Nations, one member of the board of county examiners, examining applicants and granting teachers' certificates, shall be appointed by said common school representative of the Interior Department.

4. Under the authority of the proper school officers of the State of Oklahoma, schools for the joint and equal attendance of the Indian allottees and white children in the same school shall be opened and maintained each year until the district tax levy and the per capita apportionment of State funds is exhausted; whereupon the superintendent representing the Interior Department shall take supervision and conduct said school by the expenditure of the allotment from the Indian fund and from the Government fund, appropriated from year to year, so as to provide, if possible, at least eight months' school in each year in every district.

5. That to maintain said schools the local authorities will levy the proper taxation upon all taxable property as authorized by law. The State of Oklahoma will apportion to every such district, according to the enumeration of all school children, the full per capita proportion of State school funds; that the Federal Government apportion to each such district where there are allottee pupils such amount of Indian national funds only as will equal the amount per capita derived from taxation and State funds and no more, believing that the Indian funds should not be drawn on (in justice to the Indians) for a per capita amount greater than their just proportion to the membership of school children in the district. And further, that Congress, in view of the withholding of said allotments of land as above stated from taxation, should appropriate from the public funds a sum total of $2 per capita of the school children of all said districts (outside of incorporated towns) in the Five Civilized Nations for annual allowance.

6. For the purpose of permanently settling those questions of the conducting and maintenance of common schools without the uncertainty and disorganizing effect incident to uncertainty from year to year, and to the end that the Indian and white children may become thoroughly affiliated and to the end that the children of African descent may have their just opportunity for separate school facilities, we respectfully ask that Congress, if in its wisdom it approve of the above plan, may adopt the same as hereafter operative so long as restrictions placed upon Indian lands shall relieve the same from local taxation for school purposes.

7. The governor will submit a certified copy hereof to the Secretary of the Interior and to both Houses of Congress without delay.

Above memorial passed the house of representatives by a unanimous vote on this the 29th day of January, 1908.

WM. H. MURRAY,
Speaker of the House of Representatives.

Passed by the Senate this the 29th day of January, 1908.

T. F. MEMMINGER,
Acting President.

Approved January 29, 1908.

C. N. HASKELL,
Governor of the State of Oklahoma.

Mr. OWEN presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Commerce and was ordered to be printed in the RECORD, as follows:

GUTHRIE, OKLA., *January 27, 1908.*

I hereby certify that the within typewritten instrument is a true and correct copy of senate concurrent resolution No. 19, as passed by the senate and house of representatives of the legislature of Oklahoma, approved by C. N. Haskell, governor of Oklahoma, January 18, 1908, and filed in this office.

[SEAL.]

LEO MEYER,
Deputy Secretary of State.

Senate concurrent resolution 19.

Senate resolution memorializing the National Congress to enact legislation that will restore the rivers tributary to the Mississippi and the Arkansas River to navigable streams.

Be it resolved by the senate and the house of representatives, That the following memorial be adopted and transmitted to our Senators and Representatives in Congress for formal delivery to the President of the United States and the Senate and House of Representatives of the United States in Congress assembled, to wit:

MEMORIAL.

To the President of the United States and to the Senate and House of Representatives in Congress assembled.

GENTLEMEN: The senate and house of representatives representing the people of Oklahoma earnestly and respectfully call your attention to the importance of the Arkansas River as one of the great national highways prepared by nature for the internal commerce of the United States. The volume of water, especially from the mouth of the Verdigris and Grand rivers, forms a noble stream capable of a depth of 6 feet of water at all stages, which can be established at approximately the same cost as a double-track railroad along its banks. The importance of cheap transportation and the cost of water transportation being only one-tenth of railroad transportation, we do not discuss. The enlightened opinion of the United States has debated that question thoroughly, and the verdict has been rendered that the waterways of the United States shall be improved without delay.

We call your attention to important reports, copies of which are attached hereto, which demonstrate the fact that the Arkansas River has been navigated by the Government itself from the earliest history of the western settlements until railroad transportation caused the abandonment of river traffic.

Special reference is made to the report of—

Captain Aberts, Executive Document No. 295, House of Representatives, Forty-first Congress, second session, enumerating twenty steamboats on this stream, 1870.

Captain Taber in his report for 1885 and 1886, Executive Document No. 90, House of Representatives, Forty-ninth Congress, first session.

Captain Taber's report of January 31, 1887, House of Representatives Document 150, Fifty-sixth Congress, second session.

The report of Amos Stickney, lieutenant-colonel of engineers, estimates that the stream can be put in perfect condition from Muskogee to the Mississippi River, 288 miles, for $26,677,200, and that the cost from the mouth of Grand River to Fort Smith would be $5,226,225 for a 6-foot channel and abundant improvements.

Attention is called to the report of Lieutenant-Colonel Stickney, reported December, 1900, House of Representatives Document 150, Fifty-sixth Congress, second session.

In view of the enormous coal fields in Oklahoma contiguous to the Arkansas River and the greatest oil and gas field in the world in our State, it is of national importance as well as of State importance that the Arkansas River be immediately developed.

We therefore, on behalf of Oklahoma and on behalf of the entire tributary west, respectfully pray that a fund sufficient shall be provided, not only for the prompt development of the Mississippi River from the Lakes to the Gulf, but that the great branch of the Mississippi which penetrates our State shall be immediately provided for in a substantial manner.

The State of Oklahoma is in favor of the development of the waterways of the United States, and believes that an appropriation of not less than $50,000,000 per annum should be devoted to this purpose.

We ask, therefore, that this be done, and that such part thereof shall be devoted to the improvement of the Arkansas as is justified by the flow of water of that great stream and the great commerce which is contiguous thereto or will be naturally tributary to the great transportation opportunities established on that river, and that not less than 25 per cent of the sum be expended upon the improvements within the State of Oklahoma.

We respectfully emphasize the generally conceded fact that the railroads of the country are inadequate to handle our present immense commerce. We emphasize the fact that the railroads are more suited to carry commerce of a perishable nature on which for other reasons a quicker and more expensive transportation is required, while the waterways of our country can be more judiciously used for heavier and cheap commodities.

We ask you, therefore, to give immediate vitality to the wish and need of the nation for the systematic development at once of our internal waterways, of which the Arkansas River is one of the most valuable and most important.

We submit also the following exhibits:

Memorial of Trans-Mississippi Commercial Congress, representing nineteen States and Territories, eighteenth annual session, Muskogee, Okla., signed by J. B. Case, of Abilene, Kans., chairman, and also by Arthur Francis, of Denver, Colo., secretary. (Exhibit A.)

Address by Capt. F. H. Nash, of Fort Gibson, Okla., before the Muskogee Commercial Club on December 5, 1907. (Exhibit B.)

Address by F. B. Severs before Muskogee Commercial Club. (Exhibit C.)

Letters from Arthur F. Francis, secretary Trans-Mississippi Commercial Congress, to Eck E. Brook, chairman of the international improvement and navigation committee. (Exhibit D.)

Letter dated December 28, 1907, from Senator Robert L. Owen to Hon. Eck E. Brook, chairman of committee on internal improvements and navigation. (Exhibit E.)

Letter bearing date of January 5, 1908, from Governor Charles N. Haskell to Hon. Eck E. Brook. (Exhibit F.)

Letter from CHARLES W. FAIRBANKS, bearing date of December 14, 1907, addressed to Hon. Arthur F. Rrancis, chairman Trans-Mississippi Commercial Congress. (Exhibit G.)

Letter from William Loeb, jr., secretary to the President, bearing date of December 19, 1907, addressed to Mr. Arthur F. Francis. (Exhibit H.)

Letter from THEODORE F. BURTON, chairman of Committee on Rivers and Harbors, House of Representatives, bearing date of December 21, 1907, addressed to Arthur F. Francis, secretary Trans-Mississippi Commercial Congress. (Exhibit I.)

Letter from F. H. Newell, director of United States Reclamation Service, bearing date December 12, 1907, addressed to Mr. Arthur F. Francis, secretary Trans-Mississippi Commercial Congress. (Exhibit J.)

Letter from C. L. Jackson, president Muskogee Commercial Club, addressed to Senator Eck E. Brook, chairman of committee on internal improvement and navigation. (Exhibit K.)

Letter from Charles E. Madison, president Muskogee One Hundred Thousand Club, addressed to Senator Eck E. Brook, chairman of committee on internal improvements and navigation. (Exhibit L.)

Whereas the Trans-Mississippi Commercial Congress at its eighteenth annual session, held November 22, 1907, at Muskogee, Okla., unanimously adopted a memorial, copy of which is hereunto attached, directing the attention of the General Government to the neglected condition of the Arkansas River, and urging immediate steps for the restoration of that river as a navigable stream; and

Whereas the Trans-Mississippi Commercial Congress as a potential body represented at its session at Muskogee all the States and Territories west of the Mississippi River, with an actual attendance of over 1,500 of the 3,000 delegates appointed; and

Whereas the memorial which was adopted by that representative body has been received by the President of the United States and forwarded by him to Hon. THEODORE E. BURTON, chairman of the Inland Waterways Commission, and also chairman of the Committee on Rivers and Harbors of the House of Representatives, a copy of which correspondence is attached: Therefore be it

Resolved by the senate (the house concurring), That the Congress of the United States be memorialized and earnestly urged to enact a law or make an appropriation that will carry into immediate effect the recommendations contained in this memorial, and that all of the exhibits hereunto attached become a part of said memorial, and that the same become a matter of record, and that Senators OWEN and GORE, together with each and every Representative in Congress from Oklahoma, be respectfully requested to cooperate to the fullest extent in securing for the Arkansas River the consideration to which it is justly entitled.

Resolved, That a duly certified copy of this memorial, immediately upon its passage by the senate and house and after its approval by the governor, be transmitted to Senators OWEN and GORE and the other Representatives in the National Congress from Oklahoma.

HENRY S. JOHNSTON,
President pro tempore of the Senate.
WM. H. MURRAY,
Speaker of the House.

Approved January 18, 1908.

C. N. HASKELL,
Governor of the State of Oklahoma.

EXHIBIT A.

A MEMORIAL OF THE OKLAHOMA LEGISLATURE OF JANUARY 27, 1908.

To the President of the United States, the Senate and House of Representatives, Washington, D. C.:

In conveying to you our greeting, we, the Trans-Mississippi Commercial Congress, representing nineteen States and the Territories, in eighteenth annual session at Muskogee, Okla., take this method of directing your attention to the Arkansas River and earnestly presents to your careful consideration the fact that this stream which courses its way through Oklahoma has always been considered a navigable waterway, but for obvious reasons during her Territorial existence has been permitted to deteriorate until its commerce, once so important, has disappeared almost entirely from its surface.

Extracts from Government reports relating to the Arkansas River show that the Federal Government has for the past fifty years considered the river a navigable stream. This is corroborated by these reports, which in the aggregate cover about 500 pages, together with maps, plans, and complete estimates of the cost of river improvement. Special reference is made to Captain Abert's report, 1870, page 33, Executive Document No. 295, House of Representatives, Forty-first Congress, second session, which enumerates twenty steamboats, averaging 300 tons burthen, plying between Fort Gibson, Okla., Little Rock, Ark., New Orleans, La., Memphis, Tenn., St. Louis, Mo., and Cincinnati, Ohio, and gives $5,000,000 annually as the volume of the Government freight alone received at Fort Gibson. Captain Taber, in his report for 1885, says of the expenditure on the Arkansas, that it has been of such practical value to navigation that accidents are practically unheard of, and the river, with the exception of several unimproved shoals, is in excellent navigable condition as high as Fort Gibson. Captain Taber, in this report, says:

"During the fiscal year ending June 30, 1885, $28,702.79 was expended in the running expenses of these two boats and in their care, as their operations seemed to give, for this reason, the greatest relief possible, and the relief most needed. Too much can not be said in favor of the wisdom of making the last appropriation apply to the entire river and leaving it to the officer in charge to expend it as seemed most advisable. By this means a narrow channel was opened from the mouth of the river to Fort Gibson and navigation resumed at once, and this was afterwards widened as required, until at length a heavy line of packets was put on from Little Rock to the mouth, and the line that formerly plied on this reach was transferred to the reach above Little Rock. In February, 1885, the boats actually made their regular time by night, and on one occasion I traveled upon the heaviest snag boat from dark until nearly midnight, the pilot having no difficulty whatever, and this at a medium stage of water, too."

In all the reports there are statistics relative to the improvement of the Arkansas as high as Arkansas City, Kans. Captain Taber, in his report, January 23, 1886, says:

"There is no doubt that a 2-foot channel can be provided whenever the development of the country warrants it, and the river should be, for all purposes of law, rated as navigable to Wichita, Kans." (P. 2, Ex. Doc. No. 90, H. R., 49th Cong., 1st sess.)

In Captain Taber's report, submitted January 31, 1887, the following statement occurs:

"For over two years I have been engaged in personal conversation, as opportunity occurred, with old navigators of the river and old residents along the banks, and with my object concealed have received uniform testimony that in past years the Arkansas River flowed through a much narrower channel, and that then, but for the snags, no boats such as now navigate it had any difficulty in doing so. This testimony is universal." (P. 1386.)

In examination and survey of Arkansas River, House of Representatives Document 150, Fifty-sixth Congress, second session, report dated December 7, 1900, the following statement occurs:

"For a large part of the year all these depths (2 to 2.26 feet at mouth of Grand River) would be greater and the channels wider, and for short periods at long intervals they would be less. (P. 2.)

"Fort Gibson, on the Grand River, 2 miles above its mouth, has always been considered the head of navigation. (P. 5.)

"From an engineering point of view the board believes that the improvement of the river is feasible for open-river navigation from its mouth to the mouth of the Grand River." (P. 22.)

The following report is signed by Amos Stickney, lieutenant-colonel, engineers, United States Army:

"From the mouth of the Grand River, opposite the Muskogee Hyde Park landing to Little Rock, the distance is 288 miles, and the board that reported December 6, 1900, states that it will require but $26,677,200 for improvements, and from the mouth of the Grand River to Fort Smith, according to John Wilson, brigadier-general, Chief of Engineers, United States Army, the cost will be $5,226,225, with a channel depth of 6 feet. This will be permanent improvement.

"Up to this date the total amount expended on the Arkansas River by the Federal Government reaches the sum of $744,253.74."

The report of Amos Stickney, lieutenant-colonel of engineers, submitted December, 1900 (H. Doc. No. 150, 56th Cong., 2d sess.), gives full and complete estimates. This report says, pages 2 and 3:

"From Grand River to Little Rock: The board is of opinion that open-river channels can be obtained in this section, although they would necessarily be small and in the upper part of the reach very shallow during low-water seasons and of doubtful utility at such times. The plan presented for improvement for open-river navigation contemplates the probable attainment of channels 300 feet in surface width, with mean depth at ordinary low water of 4.5 to 5 feet at Little Rock, 4 to 4.5 feet at Dardanelle, 3 to 3.5 feet at Fort Smith, and 2 to 2.25 feet at mouth of Grand River. For a large part of the year all of these depths would be greater and the channels wider, and for short periods at long intervals they would be less. The estimates of cost, by reaches, are as follows:

Little Rock to Dardanelle (38 miles)	$4,468,825
Dardanelle to Fort Smith (106.3 miles)	5,585,875
Fort Smith to mouth of Grand River (93.1 miles)	5,226,225
Total	15,280,925

"The board states that a channel depth of 6 feet can be obtained in this section by the construction of thirty-three locks and dams, estimated to cost, including bank protection, $26,677,200, and that careful surveys would be required for the definite location of the various works, whether the method of improvement be by open-channel work or by the slack-water system.

"From Little Rock to the mouth of the river: It is the opinion of the board that the construction and maintenance of locks and dams in this section would be hazardous and very costly; that any improvement made should be for open-river navigation, and that by the latter method channels can be obtained of not less than 300 feet in width with a mean depth of about 5 feet and a central depth of about 7 feet in ordinary low water. For a large part of the year such channels would be

wider and deeper. The estimates of cost, by reaches, for open-river navigation are as follows:

Mouth to Pine Bluff (108 miles)	$6,213,475
Pine Bluff to Little Rock (66 miles)	3,769,000
Total	9,982,475
Add to this the estimated cost of improvement from Grand River to Little Rock, viz	15,280,925
Grand total of cost for open-river improvement	25,263,400

"In addition to the complete formation and maintenance of channels the constant removal, at least for many years, of the snags formed by the enormous quantity of drift that passes down the river would be absolutely necessary for the safety of navigation. For this purpose a properly equipped light-draft steel-hull snag boat should be provided, at a cost estimated at $75,000, and provision made for its operation and maintenance, estimated to cost $25,000 per year.

"It is the opinion of the board that any work on improvement should be done in reaches of continuous work, beginning with the work in each reach at the head of said reach, and it emphasized the statement that satisfactory results and economy in cost can not be obtained except by continuous work, the estimates being based upon such method and upon provision of funds by yearly appropriations of sufficient magnitude to keep a working plant in continuous operation.

"Attention is respectfully invited to the statement by the board in regard to the usefulness of the improvement to navigation and its relation and value to commerce."

It is our purpose in the details narrated to emphasize the fact that the present neglected condition of the Arkansas River, especially upon the upper reaches through Oklahoma, is not a natural condition, and that it is the plain duty of the Government to restore this stream as a commercial artery and make it a blessing to the million and a half people of this State and the people of the other populous sections in other States to which it is tributary.

In view of the fact that an Inland Waterways Commission has been created and in view of the fact that the Administration has given utterance to a broad policy of international improvement, we take this method of submitting to your attention the ancient claims of the Arkansas River, trusting that speedy means will be taken to restore that historic stream to her old-time prestige as a commercial highway.

By order of the executive committee.

J. B. CASE, *Abilene, Kans., Chairman.*

ARTHUR F. FRANCIS, *Denver, Colo.,*
Secretary of the Congress.

EXHIBIT B.

ADDRESS DELIVERED BY F. H. NASH, FORT GIBSON, BEFORE THE MUSKOGEE COMMERCIAL CLUB, DECEMBER 5, 1907.

Responding to your invitation to meet with you and give you some of my experiences of an early day in this country, I am with you this evening, and hope I may be able to interest you for a little while.

I came to this country at an early day and on a steamboat. I left New Orleans, La., my native city, in May, 1853, then in my sixteenth year, to join my father at Van Buren, Ark., where he had been about eighteen months as bookkeeper for the old and well-known firm of P. Pennyweight & Co. My advent was made on the stern-wheeler *Arkansas*. After a trip of eight days was landed in Van Buren. The trip was full of excitement to me, never having been very far from home before. Pine Bluff was a small village; Little Rock could hardly be called a city. Dardanelle, Norristown, and Spaden were all small villages. No railroads west of the Mississippi; steamboating was the only mode of travel. The whistle of a steamboat brought the whole country to the river banks. They made frequent stops, taking on and putting off passengers and freight. Then, too, we had to stop very often for wood, the only fuel used. No one in those days was aware of the immense store of coal awaiting to be discovered. The river was in good condition and we had no trouble. Remember this was in May. After spending about two months with my father, nothing to do except to enjoy myself fishing and hunting, concluded to seek work of some kind, and requested my father's assistance. He succeeded in getting me a position as clerk to Mr. William P. Denckla (who, after the civil war, was the first president of the Little Rock and Fort Smith Railroad), sutler for the army at Fort Gibson, Ind. T. Fort Gibson was at that time headquarters for the Seventh United States Infantry, with a regimental band, and was garrisoned by B, D, and E Companies, officers and men numbering about 300. You will see by this that a good many supplies were necessary. There was a comparatively good road over the mountains to Fort Smith, 58 miles distant (the present road by rail is 70 miles), kept in repair by the Government and used for transporting supplies when there was no navigation. Very few wagons were used, our principal mode of traveling being horseback, with a pair of saddlebags to carry our belongings.

The river in those days was navigable from January or February to July or August. The Government, as well as private individuals, took advantage of the early waters, as there was generally some of it navigable by larger boats, and got their supplies for the year, for fear of drought, which meant a low river. All steamboat men counted, however, on what they called a June rise, the melting of snow in the mountains from rains and slush. They were seldom mistaken. A great deal of the late heavy water is now diverted for irrigation purposes.

I left Van Buren on the 4th day of July, 1853, to go to what has been ever since my home—Fort Gibson. Got as far as Webbers Falls and had to return to Van Buren. On the 2d day of August I made another start and was again stopped at Webbers Falls. The town is named after the falls just above it, which consists of a bridge of rocks all the way across the river, obstructing the channel. Remove these rocks out of the channel and one of the main obstructions of what has always been called the upper river will be out of the way. Our steamboat unloaded its cargo here and again turned back. I remained, hired a horse and a guide, and on the evening of the 4th of August arrived in Fort Gibson pretty tired. There was not enough water the rest of the season for boats on account of the obstruction spoken of and one or two others of the same nature. I do not remember of but one drought which affected the river sufficiently to prevent boats from navigating it from January to August, and that was in 1857 or 1859, for a period of fifteen or eighteen months. The Arkansas from its mouth up is extremely low. We hauled goods from all points on the river where they had been left by steamboats, at one time hauling from Little Rock. A good deal of this, even then, could have been avoided, if the Government had given any assistance at all to our western rivers. Like our dirt roads, the rivers need work, the nature of the banks, the freshets, all tend to make obstructions; a snag, a tree, or log off of a caving bank will lodge in the channel, catch drift and sand; no one to remove the snag, consequently the next boat has to make a new channel, and, unless in very high water, tie up at a bank all night and wait for daylight.

There were a great many boats in the river then, a good many Memphis packets which seldom got above Fort Smith. I remember the names of a few of our regular boats. There was the *Thomas F. Ray, Pennywith No. 1* and *No. 2, Arkansas, Arkansaw, Upire No. 2* and *No. 3, Tahlequah, Young America, Thirty-fifth Parallel, Exporter,* and *Importer*. These were all stern-wheel boats, except the *Thirty-fifth Parallel* which was a side-wheeler, built by Fort Smith capital and named by its owners after the city, which was, as the citizens claimed, to be the great thoroughfare for the West. Of the captains or pilots I can call to mind but a few. So many things have occurred since, so many new faces and names to remember. I remember Capt. William Nowland, Ed. Nowland, Eugene Smith, Jim Bowlin, and Williams. The Nowlands and Smiths were residents of Fort Smith, almost lived on the river, and knew what was called the "upper river." Fort Smith to Fort Gibson, by heart. The others spent most of their time in lower river. I have spent many a day with them in the pilot house and sparring over sand bars. I have not heard of them for several years. Capt. Ed. Nowland and Smith were in Memphis the last I knew of them. Capt. William Nowland was blown up on a steamboat not a great many years ago. Captain Williams carried out of the Arkansas River the largest load of cotton on record, being 5,000 bales, and was presented with a silver service by the commission men of New Orleans. What was done then can more than be done now. I believe, to a certain extent, the river above the mouth of the Grand and Verdigris rivers may be affected by irrigating in Colorado, but this can more than be made good by the constant use of a snag boat to remove obstructions in the channel and keeping it open. One or two regular boats ply the river and keep the water in motion; using these channels will prevent sand from filling them up. Another obstruction which gives trouble at a low stage is a ledge of rock at Frozen Rock, which can also be removed with a little dynamite.

I see by a recent Muskogee paper that the Frisco Railway was considering the feasibility of putting in a trolley system to Frozen Rock sufficient to transport passengers and freight and endeavor to make this the head of navigation in order to avoid raising their bridge and making a drawbridge of it. This will be objected to and resisted. Fort Gibson is the head of navigation, so laid down on maps in Washington City, and, then, too, you want Hyde Park for your landing. One more obstruction just below the Frisco bridge can be remedied with very little work, and that is an old ford called the "Rabbit Ford;" with Frozen Rock out of the way this will be a small item. I have made a good many trips from Fort Gibson to St. Louis and New Orleans and returned on steamboats, and hope to see the day when I can do it again. The railroads can not handle the products of this country as they once could. We are growing faster than the railroads are. Our cotton, corn, and potato interests are such that we need water transportation, to say nothing of the coal and oil interests, which are increasing daily. Tobacco can be raised here. I have seen it shipped. We are now a State. We will soon have farmers from all points of the United States. We should get ready for them. It used to be that boats could or did run to Fort Smith when they could not or did not run to Fort Gibson. There were two or three reasons for this. Fort Smith and Van Buren and interior towns had a good deal of freight. There was a good deal of cotton to ship out. This portion of the country in those days raised no cotton. We did not have the farmers. The two or three obstructions mentioned and the caving in of the banks—the consequence was the river not being used much, the channels were not kept open.

Not many years ago the Government put a snag boat in our river for a short time, and we had a little boat called the *Border City* and another, the *Fort Smith*, which came to see us a few times. I trust the present effort being made will be more successful, and that we will see the grand old times again, when as many as three boats and of good size have been tied up at our landing at the same time. The merchants want the freight now that the Government required then. Hyde Park will be your landing, as the Nivins Ferry landing was then for the Creek country, when Mr. Patterson, William Whitefield, and J. McCoody used to do business at the old Creek Agency 3 or 4 miles west of Muskogee. Fort Gibson then received goods from Tahlequah and the Cherokee Agency, which was 6 or 8 miles east of Fort Gibson. We also shipped large quantities of pecans, furs, and dry hides, which would have been lost to the country had it not been for the river. It is not necessary to say much about Grand River, the beautiful stream upon which Fort Gibson is located; you drink its water every day. Our honored governor spoke of it at the convention just closed in your city. Steamboat men in old times sung its praises, and they nearly always knew when the rise was out of Grand River. It has the swiftest current of any western river and supplies its full quota to the Arkansas. In the near future we believe the dam so long spoken of will be constructed and Grand River will furnish light and power, too.

F. N. NASH.

EXHIBIT C.

ADDRESS BY CAPT. F. B. SEVERS.

I came to Fort Gibson, Ind. T., from Washington County, Ark., in the spring of 1852 and remained at Fort Gibson three years. While there I was in the employ of W. C. Dixon, who was at that time engaged in the mercantile business at Fort Gibson. He was a large dealer in general merchandise. In those days Mr. Dixon had all of his goods shipped from New Orleans and other points up the Arkansas River by boat. At that time Fort Gibson was quite a military post, both cavalry and infantry; used a great many supplies, which were all brought up the Arkansas River.

After remaining at Fort Gibson three years, I came across into the Creek Nation and embarked in the mercantile business, and I recollect very well the first stock of goods I ever brought from St. Louis. I had them shipped by boat and delivered at the mouth of Grand River, which was then known as Nivens Landing. I had several shipments made by boat and hauled from Nivens Landing to a point on Deep Fork near Okmulgee, known as Sheildsville, by ox team, and would reload these teams with pecans and hides to be taken back to Nivens Landing to be sent from there by boat to St. Louis. One shipment I made which I remember in particular consisted of 3,000 bushels of pecans, which went on boat from this point. And hide buyers and pecan buyers in those days usually sent their goods by boat.

I remember in particular several of the boats which plied the Arkansas River in those days. One in particular was the *P. H. White,* owned by Mr. P. H. White, a large wholesale dealer at Van Buren, Ark. Another boat was named *Van Buren,* after the city of that name. The

Fort Smith used to make regular weekly trips. The *Little Rock* and the *Thomas P. Ray* also plied the Arkansas River in those times. All of these boats that I have mentioned were good-sized stern-wheel boats. The largest boat that I can recollect at this time ever coming up the Grand River from its mouth, known as Nivens Landing, known now as Hyde Park, was the *Alabama*, loaded down to the guard with military supplies for the post. This boat was a side-wheel boat. She came out nearly every year at a good stage of water. She was a boat that ran the Alabama River and was used principally on that river as a cotton boat. She was a fine boat, well finished inside, equipped with the modern improvements, including a fine bar, which was quite a sight to the people of this western country at that day.

I hope you will be successful in your great undertaking in opening up the waterways of the great West.

Sincerely,

FREDERICK B. SEVERS.

EXHIBIT D.

TRANS-MISSISSIPPI COMMERCIAL CONGRESS.

MUSKOGEE, *December 28, 1907.*

DEAR SIR: In conformity with instructions from the Trans-Mississippi Commercial Congress I inclose you a memorial upon the Arkansas River, urging immediate action upon the part of the National Government looking toward speedy improvement and the ultimate restoration of that river as a navigable stream.

In this connection I beg to state for your information that in conformity with instructions the inclosed memorial has been sent to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives. Copies were also sent to Hon. F. H. Newell, the member of the Inland Waterways Commission who represented the Commission at our Congress. I would also direct your attention to the fact that in response to the letter which went to President Roosevelt from this office the memorial not only received the personal attention of Mr. Roosevelt, but was sent by him to Hon. THEODORE E. BURTON, who is not only chairman of the Inland Waterways Commission, but is also chairman of the Committee on Rivers and Harbors. The correspondence in this matter I herewith attach.

It is hardly necessary for me to call your attention to the very great importance which this matter bears to Oklahoma and to direct your attention to the opportune time which is now presented to have this matter forcefully presented in the National Congress. It may, however, be necessary for me to explain to you that the organization which adopted this memorial represents all of the States west of the Mississippi River. At the meeting held in Muskogee, in November, out of 3,000 delegates appointed by the various governors, mayors, and commercial bodies over 1,500 were in actual attendance. Every State and Territory was represented by delegates of high standing. It is therefore not too much to assume that behind this memorial is the voting strength of every State without regard to political alignment. Oklahoma and Arkansas united on this proposition and, supported by the delegates from the Trans-Mississippi States, the opportunity afforded for speedy and satisfactory action in this matter will no doubt appeal strongly to you. At any rate, the executive committee of the congress felt that if the legislature of Oklahoma will place itself squarely in support of this proposition, its action will assist materially in obtaining for the Arkansas River the recognition which has so long been denied, owing to a Territorial form of government dwarfing its natural advantages. Permit me also to state for your information that this matter will be presented to Congress by our Congressional committee, and in addition thereto the printed report of our proceedings will give this subject thorough attention, which report will be ready for distribution in a few days and will be forwarded to every Senator and Representative in Congress for perusal.

Trusting that you will dispose of this matter at your earliest convenience and advise this office promptly of the result, I am,

Yours, truly,

ARTHUR F. FRANCIS,
Secretary of the Congress.

Hon. ECK E. BROOK,
Chairman Committee on Internal Improvements and Navigation, Guthrie, Okla.

EXHIBIT E.

MUSKOGEE, OKLA., *December 28, 1907.*

Hon. E. E. BROOK,
Chairman Committee on Internal Improvements and Navigation, Guthrie, Okla.

MY DEAR SENATOR: In answer to your inquiry with regard to the practicability of the navigation of the Arkansas River and the possibility of the Federal support, I have to say:

First, that the navigability of the Arkansas has been absolutely demonstrated beyond possibility of doubt by the best of all evidence, continued successful navigation through a period of years. In the early settlement of the West, the United States Government had established lines of commerce on the Arkansas up to the mouth of Grand River, and the only reason for its rapid decadence was the building of railroads and the ability of the railroads to destroy water competition by the methods which we all so well understand.

I am the president of the Muskogee-Oklahoma Packet Company, and we have ordered a new steamer to ply these waters from Muskogee to the Mississippi, and of course our people would not be building this boat unless they had thoroughly examined the question as to the navigability of the stream even without any improvements thereon.

A 6-foot channel can be easily established in the Arkansas, and it could be made a great highway of commerce at a less cost than a double-track railway along its banks.

I think if the Government would take advantage of our natural gas fields and our wonderful deposits of Portland cement and producing quarries, most excellent hydraulic cement can be made in Oklahoma at a cost of less than 50 cents a barrel; that concrete piles could be sunk in the sand bars of the Arkansas by gravity and pile drivers which would control this channel permanently at a very low cost.

I am glad to know that the legislature takes a deep interest in this matter, and should rejoice to cooperate in helping to develop this great commercial highway which I plainly see on the Arkansas River.

The prompt action contemplated by the legislature is a source of great satisfaction to me.

Yours, very respectfully,

ROBT. L. OWEN.

EXHIBIT F.

Hon. ECK E. BROOK,
Chairman Committee on Internal Improvements and Navigation, Guthrie, Okla.

MY DEAR SIR: Transportation is the vital question back of the prosperity of every State and Territory in the Union, and water transportation is never to be lost where it is possible to obtain it.

Water transportation has two leading features:

First, it is the cheapest known method of transportation. Scarcely a railroad in the United States reports the actual costs of transporting a ton of freight 1 mile as low as 2 mills, and most of the roads find it impossible to approximate that amount, where water transportation average throughout a shipping season is found to be conducted at an actual cost of even less than seven-tenths of 1 mill per ton per mile. per ton per mile.

The other important feature is that the waterways are above the possibility of monopoly; they are open to the world. They furnish the highway upon which all boats may ride at will, and the ownership of a boat, at the cost of a few thousands dollars, is means of competition always open to the shippers of freight.

Waterways are the God-given opportunity for the people to forever insure themselves against the oppression of monopolizing artificial means of transportation.

A water-rate point anywhere within the borders of the State of Oklahoma is a perpetual blessing to every point within the State.

Give us a water-rate point within the borders of Oklahoma, and the corporation commission can protect the people through the control of rates within the State based on the water rate to the outside world.

The Arkansas River has been reported by the Engineers of the United States as practical for open-river navigation to the mouth of the Grand, and for slack-water navigation above the mouth of the Grand even to the mouth of the Cimarron. Many people are prone to imagine that the State derives no benefit from its navigable rivers except the immediate locality. This is not true, and a student of freight rates will readily say, Give us a water-rate point within the State and a corporation commission empowered to control rates within the State, and the whole people of the State are bound to be benefited by this rate-making influence.

These same superficial critics may say "the Arkansas River is impracticable to navigate," yet those who have carefully studied the question and know of its earlier navigation, and who know that the captains and pilots of those days assure us that since the danger from snags and drift matter in earlier days has been minimized by the clearing of the forests of the bottom lands, navigation of the Arkansas River is more practicable to-day than it was when the channel was filled with snags and fallen timber.

Again, we are told that $82,000,000 of Government money was spent on improving the Monongahela River above Pittsburg. The Arkansas River opposite Fort Gibson is more practicable of improvement than any part of the Monongahela. One-fourth of the money spent on the Monongahela, creating slack-water navigation, would make the second section of the Arkansas River a better slack-water proposition, and less than that amount would open the first section of the Arkansas (460 miles from the Mississippi to the Grand) for open-river navigation.

Again, the improvement of the Trinity River from the city of Dallas to its mouth involves a descent of 511 feet, and the Trinity in its unimproved condition has never been recognized as comparing favorably in any sense of the word with the Arkansas, and yet the Trinity is being improved and will in time be profitably navigated and will yield benefits to the people of Texas beyond the most enthusiastic expectations of those who have worked to secure the improvement.

No State can afford to neglect the opportunity to bring the steamboat within its borders. Oklahoma is the natural location for extensive manufacturing interests, as well as for vast agricultural productions, and cheap transportation is indispensable to success in manufacturing and in agriculture and is the spirit of general commerce.

Let Congress give the Arkansas one-third the money it has profitably spent upon the Monongahela, and we will forever have water rates to the mouth of the Grand. Give us another one-third of that same sum, and perpetual water transportation by fewer dams of simpler construction than those built on the Monongahela will extend permanent navigation to the mouth of the Cimarron, and no better investment of a similar sum of money could be made for the welfare of our entire State.

For the people of any other locality in Oklahoma to oppose the improvement of the Arkansas River because their town is not immediately upon its banks would be absurd, narrow-minded, as foolish as it would be for Syracuse, N. Y., to fight the improvement to the harbor at New York City, which harbor has made the whole State of New York untold millions and given that State the title of the Empire State, when in fact the State of New York itself but for its commerce would be of minor consequence. The ocean harbor at the southeast and the land harbor at the northwest are the life and the commerce of that great State, and the Arkansas can be made the vital artery in the commerce and prosperity of Oklahoma.

C. N. HASKELL, *Governor.*

THE VICE-PRESIDENT'S CHAMBER.
WASHINGTON, *December 14, 1907.*

DEAR Mr. FRANCIS: I have the honor to acknowledge receipt of your letters of the 10th instant, transmitting copy of the recommendations adopted by the Trans-Mississippi Commercial Congress at its eighteenth annual meeting, held in Muskogee, and to say that the same will be laid before the Senate in accordance with your request.

Very truly, yours,

CHAS. W. FAIRBANKS.

Hon. ARTHUR F. FRANCIS, *Cripple Creek, Colo.*

THE WHITE HOUSE,
Washington, December 19, 1907.

MY DEAR SIR: Your letter of the 17th instant, with inclosure concerning the matter of restoring the Arkansas River as a commercial artery, has been received and will be called to the attention of the President.

Very truly, yours,

WM. M. LOEB,
Secretary to the President.

Mr. ARTHUR F. FRANCIS,
Trans-Mississippi Commercial Congress, Muskogee, Okla.

COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 21, 1907.

ARTHUR F. FRANCIS,
Secretary Trans-Mississippi Commercial Congress,
Cripple Creek, Colo.

MY DEAR SIR: The President has referred to me your note, transmitting resolutions of recent date relating to the improvement of the Arkansas River. The same will receive attention.

Very respectfully, T. E. BURTON.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., December 12, 1907.

Mr. ARTHUR F. FRANCIS,
Secretary Trans-Mississippi Commercial Congress,
Muskogee, Okla.

DEAR SIR: Your letter of December 7 has been received, with certified copy of resolution passed at Muskogee. I am glad to have this for reference, and will do all I can to assist in making effective the desires of the Trans-Mississippi Commercial Congress.

I wish to thank you for the promise of an early copy of the official record, as I think this will be of considerable value in discussion of the matter.

Very truly, yours, F. H. NEWELL, *Director.*

EXHIBIT J.

MUSKOGEE, OKLA., *January 4, 1908.*

Senator ECK E. BROOK,
Care Ione Hotel, Guthrie, Okla.

DEAR SIR: I am glad to know that you have introduced a joint resolution favoring the appropriation by the National Government of a sufficient sum of money to improve to its fullest degree the Arkansas River for navigation purposes.

Many of the members of the legislature may not know that about a century ago the Government located Fort Gibson, about 7 miles north of Muskogee, on the east bank of the Grand River, because it was readily accessible by steamboats, and for about seventy years Fort Gibson was the Government's point of distribution of its supplies for nearly all of the great southwestern posts. This condition continued until the first railroad to build a bridge over the Arkansas River crossed same just above where the Grand River empties into the Arkansas River, and the construction of this and other roads made the distance from points on these roads to the frontier posts much shorter than from Fort Gibson, making it impracticable to continue wagon travel from Fort Gibson to these frontier posts, and in 1872 navigation on the river began to decline and the Government ceased to pay much attention to the river, and for the past forty-odd years it has taken care of itself.

The increase of population in this new State is such that it renders imperative the improvement of the Arkansas River into and through our State. It will not be a local proposition, but will be a proposition of State-wide importance. It is the only river which enters this State which can be rendered susceptible of navigation. In 1870 the Government reports showed that there were more than twenty steamboats running from New Orleans, Cincinnati, and St. Louis up to Fort Gibson. If the traffic then would justify twenty boats, the traffic now would justify ten times that number if the river was in condition to permit of its being used for navigation.

The Government reports show that a 6-foot channel can be maintained by the Government and that the same is practicable. Therefore the Government should be called upon to appropriate sufficient money to create this 6-foot channel, not in later years, but now. A year or so ago there was a small amount of money appropriated for the improvement of the Arkansas River, and it was provided in the appropriation bill that all of it should be spent in the State of Arkansas. Your resolution should demand of the Federal Government that it appropriate money for the improvement of the Arkansas River, and provide that at least 25 per cent of the sum appropriated should be spent within the limits of the State of Oklahoma.

Trusting that you will succeed in having this joint resolution unanimously adopted, and that we will all succeed in our work in this river improvement, I am,

Very respectfully, CLIFFORD L. JACKSON,
President Muskogee Commercial Club.

THE MUSKOGEE OIL REFINING COMPANY,
Muskogee, Okla., January 1, 1908.

Hon. ECK E. BROOK,
Chairman Committee on Internal Improvements and Navigation, Senate Chamber, Guthrie, Okla.

MY DEAR SENATOR: On behalf of the One Hundred Thousand Club and the good citizens of this section of the State who are vitally interested in the navigation of our one great waterway, as must, indeed, all good citizens of Oklahoma be interested in the furtherance of navigation and improvement of this great artery of commerce, I beg to use your valued influence and best efforts in urging the immediate action of our legislature in preparing a memorial to the National Congress, requesting immediate assistance in the way of a substantial appropriation for the improvement of navigation on the Arkansas River.

The Arkansas River has for the past seventy years been by the Federal Government considered a navigable river from its mouth to the mouth of the Grand River. Four complete surveys and exhaustive reports have been made on this subject. In 1870 Capt. S. T. Abert being the engineer in charge; again in 1885 an exhaustive report was made by Capt. H. S. Taber; another exhaustive report was made by the same author in 1887; in December, 1900, lieutenant-colonel of engineers, U. S. Army, Amos Stickney, submitted a most exhaustive report, and the last and final report, not yet published, being made by the honorable Board of Army Engineers appointed this last spring by President Roosevelt, so I take it we are not in the need of any further examinations or reports on the feasibility of navigation on the Arkansas, but what we want is a substantial appropriation for the immediate commencement of actual improvement.

Pending the time when the more substantial improvements that will be necessary in order to secure year-around navigation, or greater draught, we should demand, and Congress should grant, the service of snag boats and dredge boats to the end that this great new State may avail herself of this great natural artery of commerce by making it possible during at least eight or nine months of the year for us to move our coal and oil and corn and cotton to the marts of the world independent of railway systems.

If you will go back to Captain Abert's report (Ex. Doc. No. 295, H. R. 41st Cong., 2d sess.) you will find the following statement: "Twenty steamboats, averaging 300 tons burden, now ply between Fort Smith, Little Rock, New Orleans, Memphis, St. Louis, and Cincinnati. The amount of up-and-down river trade received and shipped at Fort Smith is about 25,000 tons annually, exclusive of Government freight."

"The Government freight received at the same point amounts to about $5,000,000 annually."

Mr. HEMENWAY presented a petition of the congregation of the Grace Methodist Episcopal Church, of Hartford City, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 286, International Typographical Union, of Marion, Ind., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Indianapolis, Ind., praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

Mr. SIMMONS presented a petition of the Chamber of Commerce of Wilmington, N. C., praying that an appropriation be made for the improvement of Fort Caswell, in that State, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Asheboro, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented a petition of the executive committee of the National Business League of America, praying for the transfer of the Consular Bureau from the Department of State to the Department of Commerce and Labor, which was referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of sundry citizens of Atchison, Kans., remonstrating against the repeal of the present anticanteen law, which was referred to the Committee on Miiltary Affairs.

He also presented a memorial of sundry citizens of Waverly, Kans., remonstrating against the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 121, Typographical Union, of Topeka, Kans., and a petition of Local Union No. 243, Typographical Union, of Hutchinson, Kans., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. LONG presented a petition of Local Union No. 481, Typographical Union, of Iola, Kans., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented sundry petitions of the Woman's Christian Temperance Union and sundry other organizations of Brownell, Howard, Moundvalley, Geneseo, Kendall, Columbus, Iola, Concordia, Waverly, and Niotaze, all in the State of Kansas, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CLAPP presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club, of Hendricks, Minn., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of the American National Live Stock Association, of Denver, Colo., praying for the enactment of legislation to create a nonpartisan tariff commission, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the petition of the Woman's Interdenominational Missionary Union of the District of Columbia, praying for the enactment of legislation to prohibit the sale and importation of opium throughout the States and Territories and possessions of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance, which was agreed to.

Mr. FLINT, from the Committee on Education and Labor, to

whom was referred the bill (S. 48) to reimburse depositors of the late Freedmen's Savings and Trust Company, reported it with an amendment and submitted a report thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4549) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr., reported it without amendment and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report, accompanied by a bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 13. Nathan H. Tyler;
S. 56. Chase M. Swain;
S. 195. Rebecca Kraus;
S. 200. Joseph Logsdon;
S. 201. Isaac Wharton;
S. 210. Gilbert A. Jordan;
S. 397. Edward C. Gearey;
S. 577. Anthony Grisvoi;
S. 616. George A. Bucklin;
S. 704. Marshall H. Lewis;
S. 769. David S. Oliphant;
S. 823. Erastus Strickland;
S. 854. Franklin L. Felch;
S. 856. Elizabeth Marshall;
S. 865. Sarah J. Mumford;
S. 869. Jefferson Stanley;
S. 918. Nathan Dunkelberg;
S. 976. Luman N. Judd;
S. 1019. William M. Favorite;
S. 1130. Charles F. Shepard;
S. 1349. Marilla Harvey;
S. 1356. Bertha Zwicker;
S. 1542. Frederick D. Winton;
S. 1606. Bridget Murphy;
S. 1653. Edmund J. Graves;
S. 1686. Alexander Russell;
S. 1690. Charles Thurston;
S. 1777. Thomas J. Postlewait;
S. 2184. Hazen E. Soule;
S. 2257. Mary J. Logan;
S. 2407. Marcus J. Howland;
S. 2493. Andrew G. Pringle;
S. 2666. Johnston M. Watts;
S. 2858. Elbridge Stevens;
S. 2882. Richard Firn;
S. 2883. George W. Irwin;
S. 3189. John G. Snook;
S. 3196. Joseph A. Clark;
S. 3205. Jacob M. Weekley;
S. 3490. Sarah A. Chitwood;
S. 3492. Harrison Lovelace;
S. 3679. Harriet E. Whiton;
S. 3774. George A. Whitney;
S. 3781. Lydia M. Salisbury;
S. 3817. John S. Lee;
S. 3823. John L. Francis;
S. 3824. Thomas Gibson;
S. 3893. Mary E. Kellogg;
S. 3920. Mary J. Hammond;
S. 3967. Dolson B. Searle;
S. 4059. James H. Conley;
S. 4185. Gage S. Gritman;
S. 4187. Henry P. French;
S. 4244. William H. Son;
S. 4245. Eunice P. Athey;
S. 4247. Orlando S. Goff;
S. 4415. George E. Lounsberry;
S. 4418. Mary E. Ostheimer;
S. 4510. Hannibal H. Whitney;
S. 4684. Edwin W. French; and
S. 5008. Jerome Crandall.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 5255) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 229. Rachel Beatty;
S. 233. Jane Payne;
S. 411. Andrew E. Waterman;
S. 662. Frances V. Dallas;
S. 965. William Lind;
S. 1552. George H. Thorpe;
S. 2866. Augusta C. Stouch;
S. 2905. Van Ogle;
S. 2936. Adam S. Bridgefarmer;
S. 2964. John Burkman;
S. 3337. Hardin E. Runnels;
S. 3338. Sadonia Pierce;
S. 3353. Hansford D. Wall;
S. 3354. Annie M. Dancy;
S. 3635. Mary M. Wells;
S. 3656. Fannie W. Reading;
S. 3883. Eloise Wilkinson;
S. 3945. Lavinia A. E. Rogers;
S. 3946. Mary Varn;
S. 3947. Owen J. Revels;
S. 3974. Anna Cochran;
S. 4104. H. Rowan Saufley;
S. 4344. Archibald N. Hogans; and
S. 5108. Emil Kuhblank.

FORT RILEY MILITARY RESERVATION LAND.

Mr. WARREN. During my absence from the Senate Chamber yesterday the Senate passed the bill (S. 3157) to authorize the War Department to transfer certain land belonging to the Fort Riley Military Reservation to the State of Kansas. A bill identically the same in every way was passed by the House on the 7th instant, and which I now report back from the Committee on Claims without amendment. In order to facilitate business, I move to reconsider the votes on the passage of the Senate bill and ask that the Senate may pass the House bill.

The VICE-PRESIDENT. The Secretary will read by title the bill reported by the Senator from Wyoming.

The SECRETARY. A bill (H. R. 12398) to authorize the War Department to transfer to the State of Kansas certain land now a part of Fort Riley Military Reservation.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WARREN. I move that the votes by which Senate bill 3157 was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. WARREN. I move that the bill be indefinitely postponed.

The motion was agreed to.

ST. LOUIS RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota to report it favorably with an amendment, and I submit a report thereon.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill.

The SECRETARY read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of section 1 the following proviso:

Provided, That said bridge shall be constructed with two through decks, one of which shall provide for the passage of wagons and vehicles, for all kinds of street railway and motor cars, and road travel, and one of which shall also have two passageways, one on either side, for the exclusive use of pedestrians, each passageway to be not less than 3½ feet in width, and to be separated from the roadway or railway on said deck by suitable guard railings; and all parts of said bridge shall be forever maintained in accessible and serviceable condition and the use thereof shall be forever free and without toll or compensation therefor to all pedestrians and vehicles, but not free for steam or electric railroad cars and locomotives or street cars.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HEIRS OF DANIEL W. SAMPSON, ETC.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the claim of the heirs at law of Daniel W. Sampson (S. 5177) and also the claim of the Baptist Church of Dardanelle, Ark. (S. 5025), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

HEARINGS BEFORE THE COMMITTEE ON INTEROCEANIC CANALS.

Mr. ANKENY. On behalf of the Committee on Interoceanic Canals, I ask for the adoption of the following order.

The order was considered by unanimous consent and agreed to, as follows:

Ordered, That the Committee on Interoceanic Canals be authorized to print 1,000 copies of the hearings had before it on the subject of the Panama Canal.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 5256) granting an increase of pension to James T. Moore, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5257) granting a pension to Thomas B. Stewart, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 5258) to carry into effect the findings of the Court of Claims in the matter of the claim of Mrs. Harriett Miles, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 5259) to provide order and quiet in the election of delegates in the District of Columbia to national conventions of political parties, and for other purposes; and

A bill (S. 5260) to define the size and capacity of receptacles used in the sale of farm and garden produce generally, and for other purposes.

Mr. CULLOM introduced a bill (S. 5261) granting an increase of pension to George T. Black, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes, which was read twice by its title and referred to the Committee on the Philippines.

Mr. PLATT introduced a bill (S. 5263) for the relief of William Parker Sedgwick, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. DICK introduced a bill (S. 5264) granting a pension to Morris E. Leighty, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 5265) to correct the military record of Frank Wempe, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FOSTER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5266) for the relief of James M. Schilling;

A bill (S. 5267) for the relief of John R. Bisland; and

A bill (S. 5268) for the relief of J. de L. Lafitte.

Mr. WARREN introduced a bill (S. 5269) for the relief of Mrs. Libbie Arnold, which was read twice by its title and referred to the Committee on Claims.

Mr. SIMMONS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5270) granting an increase of pension to Jackson Ramsey (with accompanying papers); and

A bill (S. 5271) granting an increase of pension to Jacob M. Revis (with accompanying papers).

Mr. TAYLOR introduced a bill (S. 5272) granting a pension to Henry Jones, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 5273) for the relief of Andrew Whitley, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CULBERSON introduced a bill (S. 5274) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5275) granting an increase of pension to Agnes Boone Otis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 5276) for the relief of the estate of J. P. Lawrence, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5277) for the relief of William F. Dietrich and others, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. WARNER introduced a bill (S. 5278) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5279) granting a pension to Mary Florence King, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5280) granting an increase of pension to James L. Rouse; and

A bill (S. 5281) granting an increase of pension to Francis M. Walker.

He also introduced a bill (S. 5282) for the relief of Mrs. Ella Phillips, widow of David Phillips, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5283) appropriating money to perform the work described in the special report of the California Débris Commission with regard to future operations for the control of mining débris, improving navigability, and providing for the control of floods on the Sacramento and Feather rivers of California, dated June 30, 1907, and printed with the Annual Report of the Chief of Engineers of the United States Army for the fiscal year ending June 30, 1907, which was read twice by its title and referred to the Committee on Commerce.

Mr. LONG introduced a bill (S. 5284) for the relief of Jonson Adams, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEMENWAY introduced a bill (S. 5285) granting an increase of pension to John S. Marrs, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5286) granting an increase of pension to Benjamin F. Simpson, which was read twice by its title and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5287) granting an increase of pension to Arthur Linn, which was read twice by its title and referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 5288) granting an increase of pension to Caroline P. Hill, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5289) for the relief of Hundley S. Maloney, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5290) granting an increase of pension to William S. Canatsey (with accompanying paper); and

A bill (S. 5291) to pension the company of Indian scouts known as "The Forsythe Scouts."

Mr. OVERMAN introduced a bill (S. 5292) for the relief of Capt. William Hill, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5293) granting a pension to James H. Draper, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 5294) to authorize the issuance of patents in fee to Indians under the jurisdiction of the Quapaw Agency and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. FULTON introduced a joint resolution (S. R. 55) authorizing the use of a dredger in improving the channel of Coos

Bay, Oregon, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. LONG submitted an amendment proposing to appropriate $1,500 to enable the Secretary of the Treasury to reimburse Charles A. Davidson and Charles M. Campbell, late clerks of the United States courts in the Indian Territory, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—HENRY W. SCHRODER.

On motion of Mr. DICK, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 2408) granting an increase of pension to Henry W. Schroder, Fifty-ninth Congress, first session, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—JOHN W. ARMITAGE.

On motion of Mr. DICK, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relating to the bill (S. 2412) granting an increase of pension to John W. Armitage, Fifty-ninth Congress, first session, there having been no adverse report thereon.

L. K. SCOTT.

The bill (H. R. 2756) for the relief of L. K. Scott was read the first time by its title.

Mr. BURNHAM. This bill, which has passed the House, is identical with Senate bill 820, which is on the Calendar under Rule IX. I desire to call up Senate bill 820 and to substitute the House bill for the Senate bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURNHAM. I move that the Senate bill be postponed indefinitely.

The motion was agreed to.

Mr. BURNHAM. Now, I ask for the present consideration of the House bill.

The VICE-PRESIDENT. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. K. Scott the sum of $7,500 for royalty upon telescopic sights; and said sum shall be in full satisfaction of all claims in behalf of said Scott, or his estate, against the United States arising from the use of said telescopic sights; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $7,500 for the purposes specified in this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. From what committee does the bill come?

Mr. BURNHAM. From the Committee on Claims.

The VICE-PRESIDENT. It is a House bill, which by agreement has been substituted for a like bill of the Senate, reported from the Committee on Claims, and placed upon the Calendar.

Mr. CULBERSON. I will ask the Senator in charge of the bill if the Senate bill was unanimously reported?

Mr. BURNHAM. I understand so. A similar bill was reported in the last Congress and passed by the Senate, but failed to pass the House. This bill has passed the House.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Does a report accompany the Senate bill?

Mr. BURNHAM. There is a report accompanying it.

Mr. CULBERSON. I understand that the Senate bill is identical with the House bill.

Mr. BURNHAM. It is identical with the House bill, and there is a report accompanying the Senate bill.

The VICE-PRESIDENT. The report was read in the Senate the other day.

Mr. CULBERSON. Very well.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE NATIONAL BANKING LAWS.

Mr. WARNER submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and to be printed in the RECORD, as follows:

AMENDMENT.

Intended to be proposed by Mr. WARNER to the bill (S. 3023) to amend the national banking laws.

In line 15, page 4, section 2, after the word "taxes," insert the following:

"Bonds of Porto Rico issued in pursuance to authority granted by Congress."

Mr. JOHNSTON submitted the following amendment to the bill (S. 3023) to amend the national banking laws, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amend section 8 by striking out the first five lines and inserting in lieu thereof the following:

"That on and after January 1, 1909, two-thirds of the reserve required by law to be held by national banking associations shall be kept in their vaults, either in the funds now required by law or in bonds mentioned in this act: *Provided*, That not more than one-half of the reserve so required to be kept in the vaults of national banks shall be in such bonds."

Mr. TILLMAN. I submit a proposed amendment to the bill (S. 3023) to amend the national banking laws. I ask that it be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TILLMAN. I would rather have it read.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. On page 8, line 15, after the word "withdrawn," insert the following proviso:

Provided, That the total withdrawal of circulating notes issued by all national banking associations shall not exceed $9,000,000 in any calendar month.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. TILLMAN. Mr. President, I do not propose to make any speech at this time, but I just want to give a little explanation of the reason why I think it very important that this phase of legislation shall be considered.

I find that the original banking act of 1874, in this same section 9, had a provision which "provided that not more than $3,000,000 of lawful money shall be deposited during any calendar month for this purpose"—that is, for the purpose of withdrawing circulation.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I think the original act of 1874 did not contain any such provision.

Mr. TILLMAN. I have the act in my hand and I am reading from it.

Mr. ALDRICH. I think the act was amended in 1882.

Mr. TILLMAN. This is the act of 1882. I meant 1882. I see that the Senator from Iowa [Mr. ALLISON] smiles approval, and I know that when I look to him for information I always get it. He has a most wonderful memory, even better than the Senator from Rhode Island. Anyhow, it is 1882; and there was a provision in the act as amended prohibiting the withdrawal of more than $3,000,000 a month.

Last year the Senator from Rhode Island introduced and the Senate passed an amendment to this same section 9, which provided "that not more than $9,000,000 of lawful money shall be deposited during any calendar month" for purposes of withdrawal. I now find that the act which he introduced, S. 3023, and which will soon be under consideration, known as the "Aldrich bill," strikes out this proviso and leaves no limitation whatever on the amount of money that may be withdrawn from circulation by the national banks.

While I am not entirely clear in my own mind as to the result of such action, it appears to me that if it was thought necessary in 1882 to prohibit the banks to withdraw more than $3,000,000, and if it was thought necessary last year to prohibit the banks to withdraw more than $9,000,000, it is a remarkable thing that now we propose to allow the banks to issue $500,000,000, in addition to the regular circulation, about $700,000,000, and we will then turn them loose after we allow them to inflate the currency to $1,200,000,000 and permit them to contract it at will, without a scintilla of authority anywhere other than the Secretary of the Treasury to stop them.

Mr. ALDRICH. And the Comptroller of the Currency.

Mr. TILLMAN. The Comptroller of the Currency is under the Secretary of the Treasury.

Mr. ALDRICH. Not as to this matter.

Mr. TILLMAN. The Senator will have his own time and can explain why he has thought it worth while to omit this important proviso.

As I said, I do not propose to make a speech this morning, because I am feeling quite unwell, but in a day or two I hope to be able to present some reasons to show why this is a fearfully dangerous power to be vested anywhere, and that we can not safely pass this proposed law without some provision which will limit the power of the national banks to inflate and to reduce the volume of currency at will.

Mr. ALDRICH. I ask that Senate bill 3023 may be taken up at this time. The Senator from Maryland [Mr. RAYNER] desires to submit some remarks.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. RAYNER. Mr. President, I do not propose to make any extended remarks upon the subject before us. I realize the fact that the bill that has been reported by the Committee on Finance will pass this body, and my sole object now is to explain the vote that I shall cast upon this occasion. We have the consolation of knowing that even if this bill passes it is simply and solely an emergency measure, brought into existence by the occasion that produces it, and intended only as a temporary remedy for the evils that it is supposed to prevent and counteract.

IMPERFECTIONS OF PRESENT SYSTEM.

I shall assume, for the sake of argument, that our national banking system will continue for the present and for some time in the future, and, therefore, considering that the bill is wholly ineffective for the purposes for which it is designed, I conceive it to be my duty to state that I regard the system so full of errors and imperfections that I believe the day must come when we shall be compelled to change some of its essential features and adopt entirely new plans and provisions that shall be acceptable to the people and commensurate with the needs of the country. When that day arrives I will, if the opportunity presents itself, take the liberty of giving my views in full upon a subject to which I have devoted years of study and investigation—it might have been, perhaps, in vain, but nevertheless with some definite ideas of the extent of the changes that ought to be made—and of the character of the reforms that we ought to accomplish.

OUR CURRENCY MUST BE SAFE AND SOUND.

I have a greater solicitude for a perfectly safe and sound currency than I have for an overabundant currency. The currency of the United States in ordinary times is absolutely ample for the use of the people as a circulating medium. We have to-day nearly three thousand million dollars of currency outstanding, and if we deduct the gold that is in the Treasury for the redemption of greenbacks, and the gold and silver and greenbacks held for the retirement of the national bank notes, and the redemption fund, and the general fund in the Treasury, and the amount of currency held by the various national and State banks, there is still nearly two thousand millions of dollars in actual use as a circulating medium. There is no country in the world that has so large an uncovered currency as we have in the United States. We have a larger uncovered paper currency than Great Britain, France, and Germany combined. Besides this, we must bear in mind that we have over a thousand million dollars in silver and silver certificates and United States notes covered by only $150,000,000 of gold. I look, therefore, with a great degree of distrust upon any plan to expand our note issues and increase our circulating medium. The truth about the situation is that the money in this country is not equitably and fairly distributed, and that it is concentrated at points that dominate the banking interests of the land, and that the people who need the money, and the agricultural sections of the country, and the country banks, and the country towns and mercantile and farming interests, and honest business enterprises are all unable to procure it when the necessity arises for its use, and are all sacrificed to gratify and appease the demands that are concentrated around the financial centers of the country.

We will never have any permanent relief until we strike at the root of the evil and reform our entire banking system from its foundation in the interests of the American people against the special interests who under our present laws exercise a controlling influence with the banks and the Treasury of the United States. So long as I have been in public life I have consistently advocated a system that will make every dollar that goes forth to the people worth a dollar in every Commonwealth of the land, and that is a proposition that I can never yield or compromise upon in the slightest degree.

OPPOSED TO CREDIT CURRENCY AND CENTRAL BANK.

I desire it distinctly understood that, while opposing the present bill, I am not in favor, according to my present convictions, of either a credit currency or an asset currency, and I am opposed to the whole conception of a central bank advocated by the Comptroller of the Currency that shall regulate and control the finances of the country. I want to say one word in passing with reference to the plans that have been suggested of an asset or a credit currency, so that my position may not be misunderstood. Foreign systems have been cited in its favor and Scotch and Canadian banks have been referred to as an example worthy of imitation. There is not the slightest comparison between the conditions and the situation in this country and in those to which continual reference is being made by the advocates of a credit or an asset currency. In Scotland there are only eleven banks with branches, and their aggregate note issues are less than $50,000,000. There are only thirty-five banks in Canada, with numerous branches, and their aggregate note issues never reach the sum of $100,000,000. In this country we have between six and seven thousand national banks, with deposits of over four thousand million dollars and notes already aggregating $600,000,000. I do not believe that with any regard whatever to a stable currency we are in any position to adopt the principle of free interchange of bank-book credits and bank-note credits, and I do not accede to the proposition that every depositor of a bank should have the option of taking his credit at the bank in such form as will best serve his convenience in either a book credit, subject to checks, or a currency credit in bank notes. When the time arrives, if it ever should arrive, for a discussion of this subject, I will give in detail the reasons that influence me in reaching the conclusions that I now present. I only want to be understood now that I am not opposing this bill because I favor an asset currency. I know that other countries, as a rule, have no bond-secured currency such as we have, and that they are using a large amount of credit currency, but I can not think that it would be expedient for us, for the present at least and for a long time to come, to follow their example or to adopt their systems.

When we come to the question of a central bank, I am utterly opposed to it, and let me say to you that there is no parallel whatever between our banking system and the banks under the governments that have the central banking systems. The Bank of France, that has been cited so often in this connection, has a metallic reserve of more than 75 per cent of both its deposit liabilities and notes, more than two-thirds of this reserve being in gold. The Bank of England is required to keep as a reserve against its notes an amount of gold equal to the whole of its notes, except about £17,000,000 issued against Government securities owned by the bank. The Imperial Bank of Germany keeps a reserve in amount equal to 33⅓ per cent of its outstanding issues. In the United States to-day the combined stock of gold of all the banks and trust companies amounts to a little over 5 per cent of their combined liability to individual depositors.

In an admirable address delivered by Mr. Victor Morawitz a short time ago before the Boston Economic Club, he states that any proposal to allow the banks of the United States to expand their note issues and their credits should be scrutinized with the greatest caution, and I agree with him upon this proposition, and if you want to know from me at the present moment what suggested plan has impressed itself upon me with greater favor than any other to remedy our present trouble and extricate us from our present difficulties, I would immediately discard the plan of the American Bankers' Association, and I would take his plan providing for a joint association of national banks for the purpose of enabling each member of the association to issue notes upon the joint credit of the associated banks with a reserve against the notes entirely distinct from the reserve against their deposit liabilities.

OUR RESERVES.

This brings me now to my principal opposition to the bill and to a question that has really been the cause of my taking any part whatever in this debate, and without which I would not, perhaps, have participated at all in the discussion at the present time, because I know that the bill of the Finance Committee will pass, and that this debate upon this occasion is both impracticable and unprofitable. Mr. President, the great trouble is with the reserves. If you were to ask me to find one of the principal causes of the present state of liquidation and depression that we are suffering from, I would unhesitatingly say that it is the law that regulates and controls the reserves. I would dignify this branch of the system if I called it an artifice or a fiction, because it is simply an undisguised and

stupendous deception and fraud. The Comptroller of the Currency was bound to make this concession when he was investigating the causes of our present trouble, and while I agree with him in tracing the source of the trouble largely to this cause, I regret that I can not agree with him in the remedy that he proposes. Now, let us look at this reserve system for a moment, because it is as interesting as it is senseless and bewildering. The aggregate liabilities of all the reporting banks and trust companies of the United States amount to over twelve thousand million dollars—four times the entire currency of the United States, and about twelve times the aggregate amount of currency held by all the banks and trust companies deposited with reserve agents under the law. I have already stated that the combined stock of gold against this line of deposits is a little over 5 per cent.

Now, let us see how this reserve scheme practically works in its dishonest and disastrous operation upon the rights of the American people. I shall take the figures of the Comptroller of the Currency. I will take $10,000,000 deposited in the country banks. Of this amount under the law there is only $600,000, that is 6 per cent, of cash in their vaults, and $900,000 deposited with reserve agents. Nine hundred thousand and six hundred thousand make up the 15 per cent upon ten million reserves required by law; three-fifths of which 15 per cent, namely, $900,000, are deposited with reserve agents under the law, and two-fifths of which, namely, $600,000, are retained in the vaults of the bank. Now, when the $900,000 gets into the reserve city banks the law only requires 12½ per cent—that is to say, $112,500—to remain in their vaults. The other 12½ per cent, which makes up the 25 per cent, is deposited in the central reserve banks in New York, Chicago, and St. Louis, and even of this amount the central reserve banks in those cities need only keep the one-fourth of it, namely, $28,125. Is there any such juggling as this practiced in any banking system in any civilized country of the world? Why, sir, the native savages upon the banks of the Senegambian River, with elephants' teeth and the bark of the mulberry tree as a circulating medium, have a better system of finance than this. Has the chairman of the Committee on Finance fully considered what this means in the hour of necessity and of panic when the confidence of the country is gone and the people are hoarding their money? It means by a close calculation that the city banks keep less than 1½ per cent in cash of the country banks' reserve deposits, and the country banks keep only 6 per cent on hand in cash by law. By an accurate mathematical demonstration, made by the Comptroller, you have this situation: That if there is a reduction of $150,000 out of the $10,000,000 deposited in the country banks, or only 1½ per cent, it calls for more cash or reserve money than is kept on hand for the whole $10,000,000 in the reserve banks.

WHY NOT CHANGE THE LAWS FOR THE RESERVES?

You talk to me about moving the crops. Where is the $200,000,000 to come from to move the crops? The country banks have only 6 per cent of their reserve, and the city and central banks have not quite 1½ per cent of their reserves. Who has the money? I suppose that the stock market has it to a large extent. So, gentlemen of the South and West, when you want to move your crops do not apply to the banks, because they have no money, but apply to the New York Stock Exchange for permission to do so. Is it not frightful that this iniquity should continue, condemned by every intelligent financier and honest man in the land? You will understand that in the seasons when money is easy the reserves go to New York as quickly as they can for interest, and then when the hour of contraction comes the New York banks are unable to send the reserves home again, because the money is all loaned out. What has the chairman of the Finance Committee done with section 8 of his original bill? This was the language of section 8 of the original bill:

SEC. 8. That national banking associations located outside of reserve or central reserve cities, which are now required by law to keep a reserve equal to 15 per cent of their deposit liabilities, shall hereafter hold at all times at least two-thirds of such reserve in lawful money.

That was at least a faint effort to change the law in reference to the reserves by providing that the 15 per cent banks—that is to say, the country banks—shall hold at least two-thirds of their reserves in lawful money, instead of two-fifths, as is now required. Why was this section eliminated? What was the reason for it? Who asked for this vital change? This was a small concession at least, but the difference between the provision originally placed by the Senator from Rhode Island in his bill and the provision that exists by law gives you a sum of money, over a hundred million dollars, the difference between the amount in the original bill and the amount in the bill as reported.

Mr. ALDRICH. Does the Senator desire an answer?

Mr. RAYNER. Certainly. I should like to know for information. I am not criticising the Senator's bill.

Mr. ALDRICH. I will say that I believe as thoroughly at this moment in the provisions of section 8, to which the Senator has alluded, as I did when it was put into the bill. Opposition was developed to that provision largely among the country banks of the South and West, and as this was an emergency measure, I was very anxious not to encumber it with any provisions that would lead to discussion. I believed that this important question of reserves should be taken up by itself and considered by itself, and the committee therefore thought it desirable that this provision should be left out of the bill, not because they disbelieved in it, but because they believed that the question of reserves should be taken up and considered in a broad and general way, with a view, perhaps, of presenting some system which should be more satisfactory than the existing one.

Mr. TILLMAN. Will the Senator from Maryland allow me to ask the Senator from Rhode Island a question?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. RAYNER. Yes.

Mr. TILLMAN. Will the chairman of the committee inform us when the committee will take up this very important matter and report a bill?

Mr. ALDRICH. Mr. President——

Mr. TILLMAN. When?

Mr. RAYNER. I will answer the Senator by saying that whenever a tariff bill is passed. They will both come in together. [Laughter.]

Mr. TILLMAN. Let the Senator from Rhode Island answer for himself.

Mr. RAYNER. I will answer that question just now and say that they both will be presented, and, as the tariff bill perhaps will be presented in the interest of protectionists, so the other bill will be presented in the interest of the national banks against the rights of the American people.

Mr. ALDRICH. Mr. President——

Mr. RAYNER. I want to know of the chairman of the Finance Committee who asked for this change? We all admit that this was one of the causes of the trouble.

Mr. ALDRICH. I will say, without meaning to disclose any secrets of the committee, that the Senator from Florida [Mr. TALIAFERRO], who is now a member of the committee, was one of the strongest opponents of this provision from whom we heard.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. RAYNER. Certainly.

Mr. TALIAFERRO. I will say that it was unnecessary for the Senator from Rhode Island to have made that statement, as I had already made it to the Senator from Maryland, and I marvel that he should have asked the question of the Senator from Rhode Island.

Mr. RAYNER. I did not understand at all when the Senator from Florida, in a casual conversation this morning outside of the Senate Chamber, said to me that he was in favor of the change, that the Senator from Florida, standing singly and alone as a member of the minority party, had such influence with the Senator from Rhode Island as to cause an important change of this kind to be made. I did not understand that at all. I did not understand for a moment why this change was made. I understood from the Senator from Florida that he was in favor of the change, but I did not understand that the actual influence—perfectly honest influence, of course—which induced the committee to change the original bill was a suggestion of the Senator from Florida alone.

Mr. ALDRICH. I did not say that.

Mr. TALIAFERRO. Mr. President, the question of influence was not referred to by the Senator from Maryland, as the RECORD will show. The question he put to the Senator from Rhode Island was, Who proposed and who advocated this change from the original bill as introduced by the Senator from Rhode Island? I stated to him this morning that I moved to strike that provision out of the bill, and I am prepared to give my reasons for my motion and for my action in the matter without taking up the time of the Senator from Maryland.

Mr. RAYNER. The Senator stated just exactly to me what he states now, and I have no doubt he had the best reasons for his action. I want it distinctly understood that I am not criticising anybody. I know the Senator's reasons for striking it out are just as good as my reasons for trying to keep it in; but it seems strange to me that, upon the motion of a minority

member of the committee, without any other reason at all, an important provision of this kind—to me a vital provision of the bill—should have been stricken out.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. RAYNER. I do.

Mr. ALDRICH. I did not confine my remarks as to the opposition to this provision to the Senator from Florida. I made no such suggestion or inference. I said there was great opposition to this from country banks, especially from country banks in the South and West, and that the committee let it go out with a view of avoiding a prolonged discussion upon a subject which was not vital to the bill itself.

Mr. TALIAFERRO. Mr. President, I wish to say that of course it is well known to the Senate that I could not have stricken anything from that bill without the consent of the members of the committee on the other side of the Chamber; but I want to say that I think the committee acted wisely in striking it out, the opinions of the Senator from Maryland to the contrary notwithstanding, and I am prepared, from a practical standpoint, to show what prompted my action and that it is wise, or, at least, not unwise, in the practical operation of the banking system of this country.

Mr. RAYNER. Mr. President, here we have one of the principal causes of the panic, known to all of us who have examined the subject, and here we have a bill offered by the chairman of the Committee on Finance that practically admits that the most serious trouble is in a large degree attributable to the reserves, and then we have a new bill reported by the committee that ignores the cause and strikes out the principal remedy against the recurrence of the trouble under which we are suffering. I am not criticising the committee or its distinguished chairman. They have evidently done what to their minds seems best as an emergency measure, but if I may be permitted to say so, with great respect and deference to every member of the committee, I do assert beyond the fear of successful contradiction that in the radical defect and omission that I have pointed out which disfigures this bill as it is now, it works more effectively in the interest of large dividends to the stockholders of national banks than it does in the interests of the American people. My clients upon this floor are the merchants of my city and the laboring and agricultural interests of my State. Consistent with that position, I would not take a single step here that would endanger a single investment in the hands of a stockholder of a national bank. Every honest investment is sacred to me, and the man, I care not who he is, who for a momentary triumph or applause would sacrifice or destroy the legitimate investments of the people of this country is an enemy to society as it is now constituted. But, Mr. President, when I come to a choice between large dividends to stockholders and the rights of the people to market the products of their toil, I must stand by the people. I therefore desire to emphasize the fact that I consider this bill vitally defective, because it does not deal with the subject of bank reserves.

The Senator from Texas, I will say, has a bill here to keep all the reserves in the country banks, and the Senator from Alabama, who has studied this question as thoroughly as any of us from a practical standpoint, has a contemplated amendment of which I am strongly in favor.

Let the country banks keep 10 per cent of their reserves and loan the other 5 per cent to reserve city banks, and out of the 10 per cent that they keep let them invest 5 per cent of the 10 per cent in State or municipal bonds, and whenever they want the money on those bonds under the provisions of this bill they can turn the bonds over to the Treasury of the United States and get the money on them. I think that is a very feasible scheme and one that ought to be incorporated in this bill.

Mr. TALIAFERRO. I simply wish to say that under the law the reserve is supposed to be held in the banks and not paid out to the people for any purpose. So, if we have 10 per cent reserve held in the vaults of the country banks instead of 6 per cent, as the law now provides, it would result in contracting their lending capacity 4 per cent on the total amount of their deposits; and I say, when the question of crop movement is brought up here, that it would be impossible for the banks to lend any portion of that reserve to move the crops or for any other purpose. So the minimum amount of reserve that is consistent with the safety of the banks, in my opinion, should be adopted as the amount to be held in the vaults of the banks. That is all I want to say.

Mr. RAYNER. Leaving the question of reserve, because I shall conclude in a few moments, and I have no doubt it will give rise to a great deal of discussion. I am only stating my views. I never come to a conclusion on a matter except after very thorough investigation. I have come to this conclusion, right or wrong. This bill ought to have been reported as introduced by the Senator from Rhode Island. I frankly confess that I do not like the bill in other particulars. I do not like the deposit of railroad bonds; and the reason I do not like this bill is because it simply makes a surface application for the purpose of allaying an organic malady, and does not pretend to cut down deep into the root of the trouble. It may give us an expansion of the currency, and I have no doubt it will, and I do not object to it so far as a deposit of State and municipal securities are concerned, but I do not for a moment favor the artificial method of taxation that is to force the currency back and contract expansion when the money is no longer needed. If I had my way, I would force a contraction of the currency, not by taxation but by increasing the reserves which the banks should hold against their issues. To any student of finance, who has honestly studied the subject, it is a fallacy to tell him that a deposit of securities makes an issue of bank notes sound and safe. Let it be known that a deposit of securities does not create a convertible currency. When I speak of a convertible currency, I mean what any sound financier and economist means who understands the subject, and that is to say a currency that is always redeemable in coin. Every other currency is inconvertible, call it what you will, and secure it how you may.

Do not understand me for a moment as claiming that the reserves have been the sole cause of our trouble. My contention is that they have constituted one of the principal causes of the contraction that has taken place. I do not hold for a moment that it would be proper to keep the whole of the reserves in cash in the vaults of the banks, because I realize that a portion must go to the cities where debts are due and payments are made. What I am charging is that this bill ought to have made a substantial change in the law that relates to the reserves. We must realize that in dealing with this subject of reserves we are speaking of an enormous sum of money—over $700,000,000—and my insistence is that if you intend to preserve a proper equilibrium there must be more money at the ready call of the banks that are not located in the central reserve cities. The suggestion has been made already by an amendment to this bill, and by other amendments that will be offered, that the reserves be divided ratably, say 10 per cent in cash and 5 per cent on deposit, with the power to invest one-half of the 10 per cent in municipal and State securities. I am substantially in favor of such a proposition, because when the banks need the money upon the bonds they can then procure them under the provisions of this bill. Whatever is to be done, or not to be done, I appeal to this body not to pass a bill which peremptorily declines to make any change whatever in this system of reserves and permits this blundering and flagrant injustice to permanently disgrace the statutes of the United States.

CAUSES OF THE PANIC.

When I asserted a moment ago that our present financial distress was not caused entirely by the failure of the banks and people to procure the money that belonged to them, and that they ought to have had, I meant that there were numerous other causes at work to which could be easily traced the anomalous disturbance that has retarded and shocked the prosperity of the country. Unlawful speculation, unlimited gambling in the stock market, overtrading, hazardous business enterprises that did not offer safe security for the loan of money, high and fictitious figures for investments, combinations and consolidations that have benefited the promoters and robbed the people of the land, all working together, destroyed public confidence and helped materially to create a period of depression almost unparalleled in the financial history of this country. And now I say, with great deference and respect, both for the office and for its occupant, that the President of the United States has also, with the best intentions, unconsciously contributed to the misfortunes that have overtaken us. I unite with him in the warfare that he is waging against the violators of the law and the oppressors of the people. He can not be too severe for me in his arraignment of their iniquitous practices. When it comes to the Standard Oil Company and other kindred alliances, no man in this Chamber would go to a greater length than I am willing to go in driving them, if possible, from the face of the Republic. I know that their path has been a path of desolation, I know that they have swept down upon competition like a cormorant upon its prey, and have built their thrones upon the wants of penury and the toil of unrequited labor.

Monopoly is the curse of this country, and I take up my line of march, as I have always done, with the attacking party that

will eventually level it to the earth and rescue from its deadly grasp the honest business enterprises of the land and the prostrate rights of the American people. I differ, however, with the President in his method of assault. Malefactors should receive penal punishment, and a whole generation of innocent people ought not to suffer for the sins of their oppressors. One day of imprisonment would do the work better than all the heaviest fines that can be levied upon the institutions they represent. I differ with the President in his remedies, because he has suggested one after another utterly impossible of accomplishment by the Federal Government. Take the child-labor bill that in former messages has received his warmest indorsement. Laying aside its unconstitutionality, which I shall discuss when the occasion presents itself, it has terrified every manufacturing industry in the land, because it provides upon its face that if a single child is employed in a manufactory all the vast products of the establishment produced by adult labor may be excluded from the channels of interstate commerce. Take the capitalization of railroads. I have no objection whatever to this plan, but after the capitalization then what will you do with your innocent stockholders and bondholders? How will you separate and distinguish the watered issue from the lawful capital? What can the Federal Government do with those who have honestly and innocently acquired their investments? It can terrify them, and that is about all that it has done. The President in his last message says that before an investment is made the purchaser should inquire into the management of the road. What a reverie and a dream this is. How is it possible for a trustee, acting for his wards in chancery, or for anyone else, to conduct an investigation into the management of the great trunk-line systems of the United States? The diagnosis of the President is perfectly correct, but in most of the instances he cites his remedies are either unlawful or impracticable. From the violent fervor of his utterances there is an idea running through the public mind that he has come to the conclusion that every man engaged in a large business enterprise is a malefactor, and that every good citizen of the land ought to spend at least one term in the penitentiary. I am with him as a destroyer against every infamous combination that is plundering the American people whenever the law permits it; and now, speaking for myself alone, and I wish I could reecho the voice of my party upon this subject, I am, as I have often asserted in this Chamber, against him whenever he proposes to subvert the rights of the States and invoke the Federal authority—what will not stand the test of judicial decision, proposals that have simply had the effect of intimidating the people and depreciating investments—and I say to you that they have undoubtedly had that effect, because I assert from my own knowledge and experience that men to-day who are in the pursuit of honest and legitimate vocations are possessed of a constant fear that some new volcanic disturbance emanating from the laboratory of the President's prolific mind may take place at any day between the dawn of morning and the setting sun that will make the bulwarks of prosperity quake and tremble and paralyze the business industries of the country.

OUGHT NOT TO BE A PARTY QUESTION.

And now just one word in conclusion. I have arisen for the sole purpose of making a single suggestion upon an isolated branch of the question that is before us. If the time should ever come, as I have said, when our entire system shall be subjected to radical changes, I will, if I occupy any position that will enable me to do so, discuss the topic in all its bearings with the help of such study and research as I have dedicated to its investigation. Let me now, above everything else, anticipate that hour by saying, as I have said before, that I shall never favor any system of currency that is born in dishonor. It must carry with it the proof of its legitimacy and the credentials of its sponsor, the inviolate pledge of the greatest Government of this earth wherever it goes and among whomever it circulates. This question ought never to become a party question. It requires a different forum. I believe that every note that bears, either express or implied, the indorsement of the Treasury should have equal stability in every Commonwealth. I believe in forever striking from the tenets of our political faith the superstitious folly that a nation grows rich in proportion to the amount of worthless money that it can issue, and in place of this idolatry I would plant high upon our altars so that all mankind can read the inscription that we treasure our national integrity as we do our institutions, and that we would sooner fall and perish than dishonor any of the obligations upon which have been imprinted the emblem of the Republic.

Mr. ALDRICH. Mr. President, I stated that I was in favor of a revision of our system of reserves. I did not mean to be understood by that statement as saying that I thought the present provisions of law, or the practice under them, were responsible in any sense for the crisis through which we have just passed. In order to show what the practice of the banks has been I will read from the Comptroller's report. The Senator from Maryland [Mr. RAYNER] thinks that the country banks should hold in lawful money at least 10 per cent of their deposit liabilities. Now, what is the fact? On the 3d of December, when the country had fairly emerged from the crisis, the country banks held in deposits twenty-four hundred million dollars; not $10,000,000, as the Senator from Maryland suggested, but twenty-four hundred million.

Mr. RAYNER. I used $10,000,000 as an illustration. I said they held about half the deposits of the country, and half the deposits amount to just about the figures the Senator has given. I only used the $10,000,000 as an illustration.

Mr. ALDRICH. I misunderstood the Senator.

Mr. RAYNER. Of course. You do not suppose for a moment that I thought the country banks held only $10,000,000 when they hold over two thousand million dollars?

Mr. ALDRICH. The banks held, as I say, twenty-four hundred million dollars, and on that twenty-four hundred million dollars they were required to hold $372,000,000 in reserve. Two-thirds of that amount is $248,000,000; that is, if they held the amount of reserve which the Senator from Maryland says they ought to have held and the amount which the amendment which I put in the first bill required them to hold, they would have held $248,000,000. On the 3d of December they had actually in their vaults $246,000,000 in gold and legal-tender notes, so they had at that time within $2,000,000 of the precise amount which the Senator from Maryland says they ought to hold and which they would have been obliged to hold, as I say, under the proposed amendment.

The Senator says that he and I disagree about the figures——

Mr. RAYNER. May I ask how much the country banks have in reserves loaned to central-reserve cities?

Mr. ALDRICH. That is what they had actually in their vaults at the time, without regard to what they had in reserve cities. It does not cover the amount which they had on deposit in reserve banks.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. BAILEY. That is not a perfectly fair statement, because from the time the distress occurred in New York the country banks, unable to obtain their reserves in New York, began at once a system of collecting every dollar they could collect and holding it when collected. Therefore, the reserves in the country banks on the day the Senator from Rhode Island instances is not the kind of reserve that the country banks usually keep, and they had it then only because they could not get their money from New York and were compelled to get it from their customers.

Mr. ALDRICH. I have not the figures before me. Therefore I will not undertake to answer the Senator from Texas. Undoubtedly it is true that the country banks did strengthen their reserves from October to December, but to what extent I am not sure. My impression is that in the August report they showed substantially as great a reserve as they had in this one.

Mr. BAILEY. My opinion is that up to the 1st of January the banks continued the process of collecting and holding until, I venture to say, the banks throughout the South and the West—and I am practically certain it was true in Texas—had in their vaults and with reserve agents more than 50 per cent of their deposits.

Mr. ALDRICH. I will have the figures here.

The Senator from Maryland says that he and I disagree as to the amount of money outstanding. It is probably my misfortune to disagree with the Senator from Maryland to the extent of $400,000,000 upon a matter of that kind, but in order that there may be no misapprehension about the authority for my figures, I submitted yesterday to the Senate statistics furnished me by the Treasury Department covering this precise point. They are not here yet. They have not yet been printed, but I hold in my hand a proof sheet, and it shows that on the 30th of June, 1907, there was outstanding of all forms of money, exclusive of the banks and the Treasury, sixteen hundred and sixty-six million five hundred thousand dollars, which was the precise amount I stated.

Mr. RAYNER. The Senator said the whole currency of the country amounted to two thousand eight hundred million dollars. The Treasury account shows it amounted to three thousand two hundred and eleven million dollars; and I have the specific statement as to the gold coin in the Treasury, silver dollars, subsidiary silver, greenbacks, national-bank notes, etc.

It amounts to $500,000,000 more than the Senator gave. So there must be a mistake on the part of the Treasury Department.

Mr. ALDRICH. The statement I have before me I will read for the information of the Senator from Maryland.

The coin and other money in the United States on June 30, 1907, was three thousand one hundred and fifteen million six hundred thousand dollars; the amount of coin and other money in the Treasury as assets was three hundred and forty-two million six hundred thousand dollars; coin and other money in banks which reported to the Comptroller of the Treasury was one thousand one hundred and six million five hundred thousand dollars; coin and other money not in banks or Treasury, sixteen hundred and sixty-six million five hundred thousand dollars.

That is the report made to me by the Secretary of the Treasury.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr ALDRICH. Certainly.

Mr CULBERSON. I invite the attention of the Senator from Rhode Island to the statement of the Comptroller of the Currency, page 48, in which he states that the total stock of money in the United States on June 30, 1906——

Mr. ALDRICH. From what page is the Senator reading?

Mr. CULBERSON. Page 48. I am quoting the Comptroller of the Currency. The total stock of money in the United States on June 30, 1906, was $3,069,900,000.

Mr. ALDRICH. Give 1907.

Mr. CULBERSON. I am coming to that. On June 30, 1907, it was $3,115,600,000, being an increase of $45,700,000. The amount of coin and other money not in the Treasury or banks June 30, 1906, was $1,725,900,000. In 1907 the amount was $1,666,500,000, a difference of $59,400,000.

Mr. ALDRICH. Those are the same figures.

Mr. CULBERSON. Mr. President, while I have the floor, and it not being quite 2 o'clock, as reference has been made to the bill which I introduced some time ago and which is now pending before the Committee on Finance, with reference to reserves, I desire to state why I introduced the bill, which is as follows:

Be it enacted, etc., That from and after the passage of this act every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve with other national banks, and all laws and parts of laws otherwise in conflict herewith, are hereby repealed.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. CULBERSON. Certainly.

Mr. TALIAFERRO. I submit to the Senator from Texas that not one dollar of that reserve could be legally used.

Mr. CULBERSON. I do not so understand the law. Of course I may be mistaken, but the purpose was to keep that money in the banks to meet emergencies. If it was not to meet an emergency, what was it to be kept there for?

Mr. CLAPP. Will the Senator from Texas pardon an interruption?

Mr. CULBERSON. Yes.

Mr. CLAPP. It seems to me—certainly my understanding is—that if a bank in the country had a reserve in its vault it could not have used a dollar of that reserve without violating the law. If the Senator is right, it is of the utmost importance certainly that we should understand at this point in the discussion which is the correct view. I appeal to the Senator from Rhode Island.

Mr. CULBERSON. Does the Senator mean that that is absolutely necessary?

Mr. CLAPP. Certainly not absolutely necessary.

Mr. ALDRICH. The law undoubtedly requires that the reserve shall be maintained, and if the bank fails to maintain it, the Comptroller can take possession of the bank.

Mr. CULBERSON. That is not my understanding as to deposits. Of course I may be mistaken about it, but I was saying that the purpose in the bill I have introduced was to keep on hand a reserve in the banks in the interior for the purpose of meeting extraordinary runs which may be made upon the banks by depositors.

What is the one hundred and fifty million gold reserve in the Treasury vaults for? It is true that the Secretary of the Treasury is required to keep that amount of gold in the Treasury, but when a gold obligation is presented to him he is required to pay it.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. CULBERSON. Yes.

Mr. TELLER. I call the Senator's attention to the fact that this is for a specific purpose.

Mr. CULBERSON. Certainly; I understand that.

Mr. TELLER. And it is not subject to the control of the Treasury except for the redemption of greenbacks.

Mr. CULBERSON. I understand that, Mr. President, but I was only illustrating the object of a reserve. It is to meet an extraordinary occasion that may arise. The idea of the bank reserve is that all the country banks should keep on hand in cash 15 per cent of their deposits, as it would in all probability meet any demand which might be made upon them by their depositors.

Mr. HEYBURN. If the Senator will permit me——

Mr. CULBERSON. Certainly.

Mr. HEYBURN. I think that the banking law fully bears out his statement that the reserve may be used temporarily for purposes of meeting unexpected conditions arising in the bank. I refer to the national banking act as it is issued by the Comptroller of the Currency during this year, page 24, section 95. It provides that where the reserve is found unexpectedly decreased below the amount fixed by law the Comptroller may give notice and require it to be made good within thirty days. That contemplates that it may be brought down by extraordinary circumstances.

Mr. OWEN. Mr. President, I wish to submit an amendment which I intend to propose to the pending bill, and upon which I wish to submit some remarks at the convenience of the Senate.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Oklahoma will be printed and lie on the table.

Mr. TALIAFERRO. Mr. President, I had not intended to have anything to say in reference to the pending financial bill this morning. I was drawn into it unwittingly by the Senator from Maryland [Mr. RAYNER]. While I have no disposition to comment on the chairman of the Finance Committee, who took occasion to state to the Senate the attitude of certain members of the committee on this bill, I am unwilling, in view of the nature of some of the Senator's remarks, to have them go to the country without a word of reply from me.

The Senator from Maryland said that his constituents were the business men, the merchants of his State, and further made a statement which implied that those who favored the striking out of the section of the bill which he wished retained had done so in the interest of dividends to the stockholders of national banks.

Mr. President, I represent as honest a constituency on this floor, as business-like a constituency, as intelligent and upright a constituency as does the Senator from Maryland or any other Senator. I have no disposition to serve the national banks. On the contrary, I think that the national banks should be required in return for what they get from the Government to pay interest on the Government deposits; but I am unwilling to see them handicapped in any way by such a provision as the Senator from Maryland would write in this bill.

I have a statement before me which shows that the total deposits in national banks of the United States subject to reserve requirements on December 3, 1907, amounted to $4,906,684,057. If the percentage of reserves, as suggested by the Senator from Maryland, is increased from 6 to 10 per cent and if it were applicable to the entire amount of deposits in the national banks, it would result in a contraction of the lending capacity of the banks of nearly $200,000,000.

We are not here, as I understand, to inflate the currency. There is no disposition on the part of anybody I have heard of to inflate the currency. The measure brought into the Senate, while I do not agree with it in many particulars, was intended purely as an emergency measure, to be used only at such times as conditions might absolutely demand it.

There is a clause in the very first part of the bill which makes this emergency provision available to the banks which have taken out 50 per cent of their capital in circulation. I intend to move at the proper time that that be increased to 70 per cent, because I hold that the national banks should be required to furnish the money to the country that the business of the country absolutely needs.

Since the chairman has disclosed the proceedings of the committee, I may say that I contended in the committee that a hundred per cent of the capital stock should be taken out in circulation. When I was confronted by the fact that there were not United States bonds enough outstanding to enable them to do that on a United States bond-secured currency I reduced the

percentage to 70 per cent, which I shall propose in the Senate at the proper time as an amendment.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TALIAFERRO. I do.

Mr. ALDRICH. I am quite willing to admit that I was betrayed into doing something which I ought not to have done and stated the views presented in committee, but the Senator from Maryland was so pointed in his question that I was led to suggest that the Senator from Florida had occupied a different position from what the Senator did on this subject. I am quite sure that I was wrong in making the suggestion which I did, and I apologize to the Senator from Florida.

Mr. TALIAFERRO. All right, Mr. President. I had no objection to the Senator from Maryland or the people of the country knowing what my attitude was in the committee, as is shown by the fact that I told the Senator what it was this morning, and I was therefore surprised that he should have asked the question on the floor of the Senate.

So, Mr. President, I am unwilling to have it go to the country on the statement of the Senator from Maryland, by implication or otherwise, that I am here representing any national bank or the stockholders of any national bank. I am here to see, as far as I can, that the banks live up to the law, and I am here to put upon the banks such conditions and requirements as will compel them under the law to furnish to the country the currency that is needed to do the business of the country.

Mr. ALDRICH. The Senator from Oklahoma [Mr. OWEN] said that he would desire to address the Senate upon the amendment he submitted. Is it his pleasure to go on to-day?

Mr. OWEN. It is not my wish to go on to-day, but in three or four days I will be prepared to speak.

Mr. ALDRICH. If there is no other Senator who desires to speak, I suggest that we allow the bill to go over until to-morrow and take it up at 2 o'clock to-morrow.

Mr. HEYBURN. I should like to submit to the Senate while there is, comparatively, a full attendance that if we could have probably four or five hours for the consideration of the unfinished business we would be able to get it out of the way and leave the Senate unencumbered by something which does not seem to attract very much attention, at least as indicated by the attendance. I thought, perhaps, we might arrive at some understanding by which it would be considered time well spent in the interest of prompt procedure along other lines that that bill should be taken up and the consideration of it completed.

I do not desire to delay or hinder the consideration of the pending bill. Of course, I cheerfully lay aside the unfinished business for the consideration of the financial measure, which is deemed to be of very great importance, and is; but if by general consent of the Senate we could proceed with the consideration of the unfinished business until it is finished it would then relieve the situation. I think, perhaps—probably in one session—with an attendance that would enable us to give it thorough consideration and come to a vote, we would be able to dispose of it.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

Mr. ALDRICH. I shall not bring to the attention of the Senate again to-day the financial bill. So the Senator from Idaho has four or five hours now at his disposal.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. TELLER. I understand that the Senator from Idaho, who has the bill in charge, asks that we may agree to continue its consideration until it is disposed of.

Mr. HEYBURN. The time having arrived, pending the consideration of my suggestion, and the bill being now before the Senate, it is entirely probable that before adjournment to-day we may be able to dispose of it.

Mr. TELLER. If we do that, it is all right, but I am not willing to agree to take up the bill to the exclusion of everything else and proceed with it until it is concluded.

Mr. HEYBURN. No; I did not intend to ask that it be taken up to the exclusion of everything else, but that it be given as much time for consideration as possible.

The VICE-PRESIDENT. The sections passed over have been read to the end of section 114 on page 56.

Mr. HEYBURN. I was going to ask the Senate to recur to a section not disposed of, but I notice that the Senator from Georgia [Mr. BACON] is not present. Perhaps he is conveniently at hand. I ask that we proceed with the consideration of section 115.

The VICE-PRESIDENT. The Secretary will read section 115.

The Secretary read as follows:

SEC. 115. [Whoever, being *elected* a Senator, Member *of* or Delegate *to Congress, or a Resident Commissioner from any Territory of the United States, shall,* after his election *and either before or after he has qualified,* and during his continuance in office, or being the head of a Department or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than $10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.]

Mr. BORAH. I desire to offer an amendment at this time. I move to insert the word "court," in line 13 of the original bill, after the word "Department."

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be read.

The SECRETARY. On page 57, line 24, after the words "before any Department," insert the word "court," so as to read, "before any Department, court, court-martial, bureau, officer, or any civil, military, or naval commission whatever."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. TELLER. I do not see any necessity for an amendment precluding Senators and Members from practicing in the courts of the United States. If that is the purpose of it, I am against it.

Mr. BORAH. This section purports to preclude a Senator or Representative in Congress from practicing where the United States Government is interested before a Department, or court-martial, or any other part of the Government. The same reason should apply with reference to practicing in United States courts where the Government is interested as applies to any other Department. If there is any occasion for the statute at all, it should apply with reference to the courts the same as to courts-martial or a Department or any other part of the Government.

I do not contend that there is any great necessity for the statute as a law, but there is certainly no reason which can be suggested for the enforcement of the law with reference to a court where the Government is interested in the proposition.

Mr. TELLER. There are various cases in which the Government is not financially interested in which there can be no reason why such a man should not make a fee if he chooses. I do not want to enlarge the law. It is a repetition of the act of 1864, as I recollect. The Government may be in a case in court only nominally, and yet the Government would have an interest in it that would make the Government a party, I suppose, within the meaning of the law.

This is an attempt to prevent what had grown up to be somewhat of an evil immediately after the war. There was some scandal about the system of doing business. We had a case where a military officer holding a high office under the Government went into a court-martial with his regimentals on, and as a paid attorney, appeared before the court-martial. That is one of the cases which attracted the attention of the public at the time.

Up to 1864 there never had been a law on this subject. Some who were elected to Congress practiced law and took fees in cases where the Government was directly interested. Most did not do it, but some of the best men we had in the public service were known to take fees in suits against the Government of the United States.

If any Senator will take the debates of 1864, when this act was passed, he will discover that it was hotly contested by some of the best men who were ever in the Senate. The act is defective in principle, because it does not make it an offense for a man to appear in a case where the United States is interested, but makes it an offense for him to take pay for it. The offense should consist in appearing at all. I think ordinarily a man should not appear in a case where it is possible that the Government should have any interest financially, or I might say morally. Yet the section is undoubtedly full enough to cover all cases, and I do not see why we should include in it the courts.

Mr. President, I do not care much whether you put "court" in the section or not. I want to say what I have said before, that I do not believe when the act was passed it was intended that when the Government had any interest other than financial there should be any prohibition of a Senator or a Member from

appearing in the case. The debates will show that it was confined entirely at the time to the financial interest the Government might have in the transaction, and it was intended to apply to no other cases. It is almost impossible to say that the Government is not interested in almost everything that concerns the morals and health of the people of the United States. It has been construed by the Supreme Court of the United States, by a divided court, to mean more than anybody supposed the act meant when it was passed.

If it could be confined simply to the interest of the Government, I think it would be well enough to put "court" in, just as well as "Department," although the primary purpose was that a Senator or Member should not go before a Department when the Department depended largely upon the good will of the Senate or the House for its usual appropriations, and he was supposed to exercise some influence that he ought not to exert.

Mr. SUTHERLAND. Mr. President, I am not in favor of the amendment proposed by the junior Senator from Idaho. I can see very good reasons for the law as it is now found in the statute books, which, in effect, forbids any Senator or Member of Congress from appearing for compensation before any Department or bureau or officer of the Government, because the relations of a Senator or Representative to the Departments is of such a peculiar and intimate character that he may have peculiar influences in matters before a Department or before an officer. But I do not think that any of those reasons obtain in practice before a court.

If the amendment suggested by the Senator from Idaho should be adopted, it would forbid a Member of Congress from defending any person charged with a criminal offense before any court of the United States. Of course in a case of that kind his influence over the court would be no greater than that of any other attorney practicing at the bar.

I think it is altogether a matter of taste. My opinion about it is that a Senator or Representative ought not to appear before a court in any case in which the United States is involved. Since I have been a member of this body I have always declined to appear in any such cases, and I would not take such a case; but to make a breach of taste a criminal offense, punishable by imprisonment, as this law provides, not to exceed two years, and by a fine of $10,000, it seems to me is going altogether too far. I am not in favor of any such amendment.

Mr. BORAH. Mr. President, it occurs to me, as I said a moment ago, that the same reason which applies with reference to a Department must necessarily apply with reference to a court. It can not be said, I think, with any degree of assurance, that the influence in the Department would be any greater than that which might obtain with reference to certain features of the case if it were before a court.

The law here provides a very heavy penalty. It provides that in any—

> Claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than $10,000 and imprisoned not more than two years.

It is a well-known fact, and a most important fact, that those things in which the Government is most concerned very often pass from the halls of legislation directly to the court, and in that forum are settled.

The fact suggested by the Senator from Utah, that he would not accept a fee nor appear under such conditions, is a primary reason why it should be inhibited as an entirety because the practice is wrong. I submit that those who are here for the purpose of legislating must stand in such a position that they are not disqualified in any respect whatever, either by previous employment or by anticipated employment, with reference to those matters in which the Government of the United States is concerned. It can not be said that it applies to a Department and would not apply to a court, because the courts are human just the same as the Departments.

Mr. HEYBURN. Mr. President, I would direct the attention of the Senator from Idaho to the language preceding the proposed amendment. It is very broad. It says that no person, naming the class—

> Shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested.

I have omitted the words with reference to the criminal proceedings.

It will be evident that the law as it exists is broad enough to cover proceedings in the Departments other than criminal matters. If the word "court" is inserted, then Members of Congress would be prohibited from appearing as attorneys in controversies under the provisions of section 2326 of the Revised Statutes of the United States, which is the section providing for contests in support of adverse claims filed against applications for mining patents. The United States Supreme Court in the case of Gwillian *v.* Donnellan and in subsequent decisions held in effect that since the passage of the act of 1882—March 3, I think—the United States was a party to litigation involving the question as to who was entitled to a patent or as to whether any party was entitled to a patent. The act of Congress to which I referred provides that in the event neither party shows himself to be entitled to a patent the jury shall so find, and judgment shall be entered accordingly. In construing that statute the United States Supreme Court held that the Government of the United States was a party to all suits brought under the provisions of section 2326 of the Revised Statutes.

I cite that as one of the instances of a class of cases where the United States is interested within the meaning of the language used in this section. There would be no occasion for amending the proposed law by inserting the word "court" if by such an amendment you would preclude Members of Congress who happen to be attorneys and who practice law, when their duties will permit them to engage in doing so, from taking cases of that kind. There are a number of classes of such cases other than the ones to which I have directed attention. If the statute is to be amended by prohibiting Members of Congress from appearing as attorneys in cases in which the United States is interested, then it should provide explicitly, so as to limit the right to the class of cases to which I have referred. It would perhaps be appropriate to provide that no Member of Congress should appear as an attorney in a court of the United States against the Government of the United States in any case in which the Government has a real interest; but to provide that in every case in which the Government is directly or indirectly interested, without defining the character of the interest, as to whether or not it be such an interest as I have referred to or whether it be the interest in maintaining the law, would seem to me to be too wide a restriction. I merely call the attention of the Senator from Idaho to the effect of the amendment as it would apply to these civil actions.

Mr. BORAH. Mr. President, just a word further in regard to this matter. In the first place, there are many reasons suggested for the law as it now stands. As has been suggested, one of the strong reasons is the influence which is supposed to accompany a man who occupies a position in this body or in the House of Representatives. That is one of the reasons which has been suggested from time to time in support of the law as it stands without the amendment.

Now, with reference to the matter which has been suggested by the Senator from Idaho [Mr. HEYBURN], it does not occur to my mind as any reason obtaining with reference to this particular kind of litigation which might not arise with reference to any other kind of litigation.

But there is another side to the controversy aside from that of the interest of the Government, and that is the man who is contending in litigation against the Government. I maintain that the position of a United States Senator should not be used in the courts or elsewhere or in any other way than that of a legislator, and that he ought not to appear before any Department or court, because of the influence or because of the effect that his appearance there might have upon those contending against him. The same rule precisely applies with reference to the courts and the Departments in that respect. If the statute is too broad with reference to any particular matter, let it be limited.

If the law were in its first enactment, there might be much said against its enactment as a law at all; but in view of the fact that the wisdom of the legislators heretofore has seen fit to crystallize it into a statute, for the very reason which I have suggested and for the single reason that it applies to the Departments, it should also apply to the courts of the United States, because the complaint is being made, and it is abroad in the land, that these influences are used in the courts for the purpose of accomplishing and doing what ought not to be done.

Mr. McLAURIN. Mr. President, I should like to have the pending amendment stated.

The PRESIDING OFFICER (Mr. GAMBLE in the chair). The amendment will be again stated.

The SECRETARY. In section 115, on page 57, line 24, after the word "department," it is proposed to insert the word "court," so that if amended the section will read:

> SEC. 115. [Whoever, being *elected* a Senator, Member *of* or Delegate *to Congress, or a Resident Commissioner from any Territory of the*

United States, shall, after his election *and either before or after he has qualified,* and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, *court,* court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than $10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.]

Mr. TELLER. Mr. President, this provision will undoubtedly include every civil case. In the mining regions there are large numbers of controversies between miners, where the Government is a nominal party, but having no interest whatever in them. There is a controversy, we will say, between two men as to a patent. The patent may have issued to the wrong person; it is immaterial to the Government whether John Smith or Richard Jones gets the patent; but a suit is brought to determine which one of the parties is entitled to the patent, and the Government must be a party to the suit. This provision would cut out from appearing in the case any lawyer who happened to be a Member of the House of Representatives or a Senator.

Mr. President, I am not now in the practice of the law, and have not been for a good many years; but I have seen many cases, and have been connected with cases, which would fall within this rule; and if I had been practicing after I had been elected a Senator there would have been no impropriety whatever in my taking a fee, because the Government would lose nothing whichever way the case might be decided. I think that this is a pretty strict law as it is, but it should not be extended so as to apply to such cases as these.

I do not agree with the Senator from Idaho that the courts are so weak or wicked, whichever he may call it, that the presence of a Senator or a Member of the House of Representatives is going to secure a judgment. That, I think, is an unwarranted reflection.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Certainly.

Mr. BORAH. Does the Senator from Colorado say that the heads of Departments are weak and are amenable to such influences?

Mr. TELLER. I do not believe that this provision had any application, or ever ought to have had any application, to the heads of Departments, but we are not proposing to change it. I do say, however, Mr. President, that it is a reflection upon the courts at least to say that a Senator or a Member of the House of Representatives appearing before them could secure a verdict or a decision which he would not get if he did not happen to be a Senator or Representative.

Mr. CLAY. Mr. President, with the Senator's permission, before he takes his seat, I should be glad to ask if that amendment were adopted could a Member of Congress defend an accused man in a United States court in a criminal case? Is it not the fact that the United States is a party to every criminal case in a Federal court; and, therefore, would a Member of Congress be permitted to practice law to any extent under the provisions of this bill, especially in criminal cases?

Mr. TELLER. Of course it would include every case where the Government was a party, whether really or nominally. I think Senators who are interested in this matter would do well to examine the debate which took place when the original law was enacted and read the speech then made by Senator John P. Hale against the bill. I doubt whether there was a better man morally in the Senate than John P. Hale. In that speech he made a very vigorous and able remonstrance against the bill at that time. I do not see any need, Mr. President, for now extending its provisions.

Mr. McLAURIN. Mr. President, I do not believe that the fact of a lawyer being a Senator or Representative in Congress will have any undue weight with the courts. I do not believe because there is a provision of law that Senators and Representatives in Congress shall not be permitted to practice before the Departments, or to receive compensation for any influence they may exert in behalf of their constituents before the Departments, that is any reason why Senators and Representatives should be forbidden to practice before the courts of the country where the United States Government is a party. But if it be a fact that a Senator or a Representative does exercise undue power and influence over the courts, it were better to have that power and influence exercised in behalf of a defendant than to have it exercised in behalf of the Government in the prosecution of the defendant.

Many men are dragged before the courts, sir, who are entirely innocent of the charge preferred against them by the indictment. They are carried away from home to a county other than the one in which they live; they are strangers, except in their immediate vicinage, and they are tried when they have no means of securing the attendance of witnesses in their behalf; they have scanty means to employ an attorney, and if it may be that the powerful influence of a Senator or Representative, as depicted by the Senator from Idaho [Mr. BORAH], may be brought by the Government against such a defendant, surely even-handed justice should permit this influence to be brought in the defense of the defendant. He is presumed to be innocent until his guilt appears by the verdict of the jury and the judgment of the court.

As has been said by the Senator from Colorado [Mr. TELLER], miners are brought before the courts on charges, and they are to be tried; farmers are brought before the courts on charges when they are indicted, and when they are perfectly innocent, and they are to be tried. What reason can be given for the permission that this influence, whether it be real or imaginary, which a Senator or a Representative in Congress exercises over a court should be exercised in behalf of the Government for oppression and not in behalf of the defendant for his defense? There could be no reason for permitting a Senator or Representative to prosecute a defendant in court that is not a good reason for permitting that defendant to employ an attorney, though Representative or Senator he may be, to defend him in the same court.

I do not believe, as I said at the outset, there is any undue exercise of influence over the court by reason of the fact that a lawyer who appears before it is a Senator or a Representative. It sometimes happens that a lawyer of great power of intellect and profound learning in the lore of his profession is able, by the mere fact of his name, to exercise an influence upon courts and juries that no Senator, because of the name of Senator or Representative, because of the name of Representative, could exercise upon juries or upon courts.

Courts have respect for the opinions of lawyers who practice before them higher than that which they have for the opinions of Senators and Representatives. The fact is that the man who is engaged constantly at the bar in the practice of his profession is supposed by the courts, and properly so, to be better up on the practice than Representatives and Senators who are supposed to give their attention to legislative matters. The Senator himself will recognize the proposition that a lawyer is supposed to be a better lawyer, a better practitioner, with more influence with courts and juries, before he has been in the Senate or the House of Representatives any considerable time than he is afterwards. I submit, sir, that this section ought to be passed as it is, without amendment, and I hope the amendment will be voted down.

Mr. BORAH. Mr. President, the Senator seems to read the section differently from what I do. It does not permit a man to appear in a case where the United States Government is a party any more to prosecute than it does to defend, or vice versa. If a man should be arrested under such conditions as have been so vividly pointed out by the Senator, and it appears that he can not have a fair trial without the influence of a Senator, there is no reason in the world why his Senator should not appear and defend him if he does not want to accept any pay for it. He can appear for the purpose of protecting his client if he does not accept any compensation; and I think those who drew this bill acted very wisely in condemning the acceptance of compensation in such cases, because he will not likely appear very often unless he is paid.

So far as the question of influence upon the court is concerned, I do not care to discuss that any further than to say that we must admit that the same rule which applies with reference to the Departments must necessarily apply with reference to the courts. It appears that once in a while the courts get into politics, become interested in such questions, and are more or less concerned with reference to results, as we all know. We have had some experience along those lines. I have not been in the Senate long enough to know whether a man ceases to be a lawyer after he gets here, as suggested by the Senator from Mississippi, but I know a great many of them practice after they get here who did not practice before.

Mr. McLAURIN. Now, let us see whether it will apply to the Government of the United States—

Any compensation whatever for any services rendered or to be rendered to any person, either by himself or another—

That is, whether the services are to be rendered by himself

or by another. That would not include the United States. A Senator could be employed under that provision for the purpose of representing the United States, because he would not then be rendering any service to any person.

Mr. BORAH. Mr. President, that would not preclude a Senator from appearing in defense of his client if he desired to do so without compensation, as I said.

Mr. McLAURIN. I will answer that part of it in a moment. But that cuts out the proposition of the Senator that it would preclude a Senator or Representative from practising in a court in behalf of the Government. It would not shut him out from prosecuting in a court, as the Senator must see by reading this provision.

Now, as to volunteering or rendering service to a client. Since I have been a United States Senator I have not appeared for compensation in the defense of any man indicted in the Federal courts so far as I now recall, but I have volunteered my services to defend in United States court without fee. I defended men in the Federal court in a case where there were several hundred of them indicted who were, as I thought and think now, innocent. They belonged to a lawful organization, the Farmers' Union, which was then in its infancy in the State of Mississippi.

Although the union was a lawful order, organized for a lawful aim, four or five men who were members of the organization were charged with committing an offense, and thereupon all the members of the union in the two counties were indicted on the ground that everybody who belongs to an illegal organization or an organization organized for any illegal purpose is liable for the acts of all the others, a false premise in this case. They were not organized for any unlawful or lawless purpose. The purpose of their organization was lawful, but a detective had been down among them—and like detectives generally, who think they must bring back game in their bags or be considered not to have earned their money—this detective managed to have these men indicted. I appeared for them voluntarily, without any fee, but there could have been no reason why any Senator or Representative in Congress should not have been permitted to defend them for a fee. Why should there be a law that would prevent a Senator or Representative who is a lawyer from defending one of those men, but would permit a Senator or Representative to use his influence—if there is any influence unduly used—before the court against them and for the prosecution?

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Certainly.

Mr. BORAH. Suppose one of those farmers had had a matter before a Department which was of prime concern to him and of much interest to him and he had offered to employ you, is there any reason why you should not have been employed?

Mr. McLAURIN. Yes, sir; a very good reason.

Mr. BORAH. What is it?

Mr. McLAURIN. Because when you are before the Departments you are representing your constituents in an official capacity; you are performing an official act for them. It is part of a Senator's duty to represent them before the Departments. But when he represents them in a court of justice he is not representing them as an official. There is a vast difference. The Senator can go up and perform a function before the Departments that a private citizen can not. Why? Not because there is any corruption in the Department, not because there is any weakness in the Department, but from the fact that that Department understands that the Senator is before them as an official of the United States and that his act is an official act. That is the reason Senators should not be permitted to practice for compensation before the Departments.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Yes.

Mr. BORAH. Does the Senator contend that a Senator always represents a party in an official capacity before the Departments?

Mr. McLAURIN. If he is acting as an official, he does—if he is acting as Senator.

Mr. BORAH. Yes, if he is acting as an official; but there are many instances in which when he goes there he is not acting as an official at all.

Mr. McLAURIN. I do not think so.

Mr. BORAH. I apprehend that it would not be necessary to have any law to prohibit a Senator from going before the Departments and taking compensation for his work when he was acting officially. Certainly, this law is not designed for the purpose of preventing a Member of Congress from taking compensation when he is acting officially before a Department.

Mr. McLAURIN. When the Senator goes before a Department with a recommendation for the appointment of an official he is doing that as a Senator; when the Senator goes there for the purpose of looking into some land matter for one of his constituents he is representing his constituent. He is doing that as a Senator. What act is it that the Senator can go before a Department and perform which is not an official act?

Mr. CLAY. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN. With pleasure.

Mr. CLAY. I ask the Senator, is there not an important distinction between practicing before a Department and a court?

Mr. McLAURIN. Undoubtedly.

Mr. CLAY. Just one moment, with the Senator's permission——

Mr. McLAURIN. Certainly.

Mr. CLAY. Take the Post-Office Department. We appropriate $200,000,000 a year to run it. That Department gets its very life from Congress. That Department makes its recommendations to Congress. It is constantly asking favors of Congress. Consequently, a Member of Congress will have greater influence with the Department than a private citizen. I can see why a Member of Congress would think it improper to practice before the Departments regardless of explicit law. The Departments of the Government get their life from Congress; they get the money to support them from Congress. But when you come to the courts, the courts are under no obligation to Congress. Their judges hold their offices for life, with fixed salaries. There is quite a distinction between the two, and I think the Senator from Mississippi [Mr. McLAURIN] is eminently correct.

Mr. McLAURIN. I thank the Senator from Georgia for that statement, because every word of it is perfectly sound. The difference between going before the Departments for the purpose of representing not a client, but a constituent, and going before a court for the purpose of representing a client is just as wide as distance.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Certainly.

Mr. BORAH. How would it be with reference to a court-martial?

Mr. McLAURIN. There is a provision here against their appearing before a court-martial.

Mr. BORAH. Yes. What difference is there between that and a court?

Mr. McLAURIN. I do not know about that. I do not see any difference, so far as I am concerned, but it is in here. I did not put it in here. I am not responsible for it. The Senator need not "shake his gory locks at me."

Mr. BORAH. Mr. President, it is not my locks which the Senator need be afraid of, but the law.

Mr. McLAURIN. I am not afraid of the law. The law protects me.

Mr. BORAH. I am not censuring the Senator from Mississippi or any other Senator for putting this provision in. I am simply saying that the reason for the law's existence now applies equally to its extension to the courts.

Mr. McLAURIN. Then would the Senator have the word "court-martial" stricken out?

Mr. BORAH. No, sir; I would have the word "court" put in, as I suggested.

Mr. McLAURIN. Mr. President, as suggested by the Senator from Georgia [Mr. CLAY], the Post-Office Department is a Department that gets its appropriations from Congress. The Post-Office Department relies a great deal upon Senators and Representatives to make recommendations for appointments in the different States and districts, and, relying upon them, it would be a great absurdity to say when the Post-Office Department calls upon a Senator or Representative, or permits him to come without being called upon, to recommend a man for office, that Senator or Representative should be permitted to receive compensation for that; to sell his influence, to sell his official action, in other words, for money. In this commercial age that might be considered by some as good business, but I do not think the Senate of the United States so considers it. I hope the amendment of the Senator from Idaho will be promptly voted down.

Mr. BORAH. I ask that the amendment go over for to-day. I desire to prepare a more extensive one.

The VICE-PRESIDENT. The Senator from Idaho asks that the pending amendment may lie over.

Mr. HEYBURN. I have no objection to its going over.

Mr. TELLER. I have no objection to voting on the amendment, but the Senator from Idaho asks that it go over.

The VICE-PRESIDENT. The amendment will lie over. The next section passed over will be read.

The Secretary read the next section passed over, as follows:

SEC. 116. [Whoever, being *elected* a Member of or Delegate to Congress, *or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office,* directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States by any officer or person authorized to make contracts on *its* behalf, shall be fined *not more than* $3,000. All contracts or agreements made in violation of this section shall be void, and whenever any sum of money is advanced *by* the United States in consideration of any such contract or agreement it shall forthwith be repaid; and in case of *failure or* refusal to repay the same, when demanded by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, *suit shall at once be brought against the person so failing* or refusing and his sureties for the recovery of the money so advanced.]

Mr. HEYBURN. The existing law provides for an arbitrary fine of $3,000. The court is given no option whatever. The committee has reported this section with an amendment, inserting the words "not more than," so as to read "not more than $3,000." I think outside of that there is no material change.

The Secretary read as follows:

SEC. 117. [Whoever, being an officer of the United States, shall on behalf of the United States, directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, *or any Resident Commissioner from any Territory of the United States, after his election as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office,* shall be fined *not more than* $3,000.] (R. S., s. 3742.)

SEC. 118. Nothing contained in the *two preceding sections* shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, *or Resident Commissioner,* where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

Mr. CULBERSON. Mr. President, I stated a week or two ago that I desired to offer an amendment to the bill covering the giving out of information by an officer of any Department prior to its official deliverance by the Department, in so far as it might affect market values of agricultural products, the object being to cover the case which arose in the Department of Agriculture with reference to the cotton yield.

In another body on the 21st of January an amendment known as section 119a was adopted having this purpose in view, and I offer it here now, and trust that the Senator in charge of the bill may see fit to allow it to be adopted.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

Mr. SUTHERLAND. When the Senator from Texas offered his amendment before, he suggested that it come in after section 119, and it was suggested by the Senator from Idaho, I think, that it would better come in at the end of the chapter, after section 124, to which I understood the Senator to assent.

Mr. CULBERSON. The statement of the Senator from Utah is entirely correct. Probably I ought to have stated a while ago that I offered it to be inserted at this place, because a similar amendment has been adopted in another body at this point as section 119a.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 60, after line 14, add, as a new section, the following:

SEC. 119a. Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any Department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the Department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the Department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Mr. TELLER. Mr. President, this is a modification of existing law, and while I presume it is in order to offer such an amendment, it is contrary to the purpose of the Codification Commission and contrary to the universal rule of codification. It may be a very good amendment; the principle may be very good, and possibly it ought to be adopted, but if it is adopted it should be in a separate bill.

If we commence putting in the bill all the things that ought to go in we will not get through with this bill at the present session. There are a great many things that ought to go in, but they will be left out, undoubtedly, unless we commence a general amendment of the laws. If we do, then everything will go on. If the committee allow these things to go on now we will be at it indefinitely. I am not opposed to the principle of the Senator's amendment. I do not know about the phraseology of it, but the idea that Government officials shall maintain secrecy where they are charged with secrecy is all right. That is all there is about it. That is what I think they should do. But I do not think we should go beyond a mere revision of the laws as they now exist. The purpose is to put the statutes now existing in proper form and not to enact a lot of new ones.

Mr. HEYBURN. Mr. President, the suggestion of the Senator from Colorado is directly in line with the policy that was adopted and has been thus far pursued by the committee, to treat this work as a revision of existing law and not as the enactment of new statutes, for the very good reason that any proposition of original legislation in Congress should go to the standing committees of Congress for consideration. The joint committee is not invested with power to consider new legislation.

I agree with the Senator from Texas that this provision should be incorporated into the laws of the United States, but I think it should go in through the ordinary channels of legislation. I do not believe there would be any serious objection to the enactment of such a law if it were introduced and sent to the proper committee. If we once open the door to new suggestions of legislation, it will be difficult to say whether we can close it or not. There are before me on the desk a great many propositions for the enactment of new laws in connection with the revision and codification of existing law, and to yield to them is rather a dangerous proceeding and might be taken as a precedent which would give us trouble.

The purpose of the amendment commends itself to me and would commend itself unhesitatingly to Congress, and would be enacted without any difficulty, because it is obviously in the interest of confining the officers of the Government to the performance of their strict duty, and providing that they shall not take advantage of official knowledge for the purpose of personal gain either to themselves or their friends. I had hoped the Senator from Texas would not press this amendment, because it is not germane to the law upon which it is sought to be engrafted. We are dealing in sections 119 and 120 with the restrictions upon Members of Congress. Now, this does not propose to restrict Members of Congress, but to restrict the clerical and other officer or employees in the administrative branch of the Government, and if it were to be considered at all it seems to me it ought not to be at this place.

Mr. CULBERSON. I will say to the Senator that I am not a stickler and will not be as to where the amendment shall appear in the bill. If he is willing to accept it as an independent section, I shall be glad to offer it as such.

Mr. HEYBURN. I will say if it is to be considered and adopted at all, it should go in among those provisions affecting executive or administrative officers and not as a part of the chapter pertaining to legislative officers.

Mr. CULBERSON. I have stated that I offered it here simply because another body, where the same measure is pending, has adopted it as section 119a.

I will state, if the Senator will permit me, that this provision in the form of a bill has already passed the Senate and passed the House of Representatives. But it became involved in some matter of conference and never became a law. The measure I propose here is, in a somewhat modified form, not as strong as it was then, that which passed the two Houses. I hope the Senator will agree to the suggestion I made, that the committee accept this amendment, because the bill contains a great deal of new law, absolutely new law, Mr. President, and as I understand, creating new offenses against the United States, changing the penalty, etc. The head note reads:

Existing law is printed in roman; amendments and new sections are printed in italics; sections which have been redrafted or from which any material matter has been omitted, or which have been formed by combining different sections or provisions of existing law are printed in brackets.

Mr. President, this is an important matter. Here is the Department of Agriculture of the United States engaged in securing statistics of the production of cotton in the Southern States. An officer or employee of that Department, taking advantage of his confidential relation to the Department, sold the information to speculators in New York City and created

great disturbance in the market. It occurs to me, when we are allowing other amendments to this bill creating new offenses against the United States, the agricultural interest ought to be protected in the particular which we ask here without any extended argument to have it done. I submit to the Senator that he ought to accept this amendment, it having already passed another House in the consideration of this measure.

Mr. HEYBURN. I am not inclined to be persistent in opposing the insertion of the amendment, but I would suggest to the Senator from Texas that if we are to adopt it it should be as an independent section and under the proper head or within the proper chapter.

Mr. CULBERSON. I am perfectly willing to accept that suggestion.

Mr. HEYBURN. If the Senator will withhold it until we come to those chapters where it would be appropriate as a new section, I am not at all disposed to object to it, because I approve the principle of the legislation.

Mr. CULBERSON. Very well; I accept the suggestion of the Senator and will offer it as an independent section at another place in the bill.

Mr. HEYBURN. I suggest to the Senator from Texas that it will be more proper to offer it when we come to treat of offenses by employees of the administrative department of the Government.

The VICE-PRESIDENT. The Senator from Texas withdraws his amendment. The next passed over section will be stated.

The Secretary read section 125, as follows:

SEC. 125. [Whoever having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be *fined* not more than $2,000 and *imprisoned* not more than five years.]

Mr. BACON. Is there any other change in the section from existing law than as to the provision in existing law which disqualifies the party thus convicted of the right thereafter to give testimony in court?

Mr. HEYBURN. That is the only change made in existing law. The change consists in the omission of the provision——

Mr. BACON. The idea being that a party should still be a competent witness, and the fact of his having been previously convicted should go to his credibility. It might be necessary to specify that that fact might be given in evidence. It could not be given in evidence by the prosecution unless the defendant himself put his character in issue, and yet the prosecution ought to have the opportunity to prove that fact, in order that it might go to his credibility. It is a rule in criminal law and practice that no evidence can be given against the character of an accused unless the accused himself puts his character in issue by offering to prove his good character. Then the prosecution is at liberty to prove what it can against the character of the accused. But no man when put upon trial can be prejudiced on that trial by having evidence given by the prosecution of his bad character. If we are going to make the change—and I think the change has in it the merit of a correct purpose—it seems to me, in order that the purpose may be effected, that the fact of his prior conviction may go to his credibility and not to his disqualification, it is necessary that there should be an express provision of law that in the prosecution the fact of the conviction could be put in evidence.

I think it would be very well, instead of entirely eliminating that feature from the law as it now exists, to modify it to the extent of simply permitting such proof to be made as would enable the fact of his prior conviction of perjury to go to his credibility.

Mr. HEYBURN. The proposed change in existing law puts the practice in the Federal courts upon the same plane as it is now in nearly all, and I think I may safely say all, the States. It is always permitted under existing law in the States, which is as this section would be with that provision stricken out, to ask a witness whether or not he has been convicted of perjury, and if he denies it you may prove that he has been. That may be done under the law of the States, and it is done without any special provision in the nature of an enactment. It is done under the rules of evidence. It goes to the question of determining the weight of the evidence given by the party.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I do not claim to be accurate, but my recollection of the common law is that the very conviction of a man of perjury itself renders him incompetent as a witness in any case thereafter; that it is competent to give in evidence the fact that a party has been indicted for perjury, but it does not exclude him from the witness stand. I am not sure about it, but it is my recollection that the very conviction of a man of perjury renders him incompetent as a witness. I suggest that there is enough in that for the Senator to look into it, because I do not think there is much doubt about it.

Mr. HEYBURN. In the United States court the exclusion of a party who has been convicted of perjury is pursuant to section 5392 of the Revised Statutes, which provides in express terms that such a party shall be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Now, I would suggest in connection with that that it has worked a hardship very often in the States. Parties who have been convicted, but who have prosecuted appeals from the judgment of conviction, have been precluded from testifying in court, and those parties were afterwards relieved from the odium of the charge and the effect of the conviction by the appellate court. Parties other than the persons convicted of perjury have been deprived of the benefit of their testimony in very important legal matters.

Mr. McLAURIN. Will the Senator allow me to interrupt him just here?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I was going to say that while that provision is in section 5392 of the Revised Statutes, yet it is very often that a statute is merely declaratory of the common law. The Senator will recall to his mind many instances where that is the fact. This is merely declaratory of the common law, as I recollect it.

Mr. HEYBURN. I will say that the rule of the common law has not been retained in its purity either in England or in this country in regard to matters of evidence. Up to a certain time a witness in the English courts might upon his cross-examination be asked anything that would go to affect the credibility of his testimony. Those who are familiar with the Tichborne case will remember distinctly that a witness on the stand in that case was asked as to the most trivial and the most damaging charges that had been made against him in connection with his life in other cities and in connection with his private life, although it had nothing whatever to do with the issues under consideration, and the court permitted it.

But growing out of that controversy the rules of evidence have been modified and restricted by legislation, because it was so apparent in that case that the rule which was held to be the common-law rule was so open to abuse that it was necessary by legislation to define a boundary beyond which you could not go to discredit a witness who was not a party to the suit, had no interest in it, and was there in enforced attendance in pursuance of a subpœna against which he could make no resistance. So the courts in the interest of protecting such witnesses have modified that rule.

Now, in this country following the consideration of that question, our States by legislation have modified the law as it existed at the time of the adoption of our Constitution, so that there could be no question about it, and to-day in nearly all the State courts, pursuant to the legislation of the States, a party may testify as a witness as to the facts, and it may be shown as against his testimony that he has been convicted of perjury, and the party in whose behalf he testifies may then show that while he has been convicted he is prosecuting an appeal, so as to show that the conviction has not become final; and if he has been convicted and then on appeal has been released, that fact may be shown, and he stands as any other citizen does, clear of the imputation of a crime.

The proposed amendment of the committee here is merely that the rule which pertains in the State courts may pertain in the United States courts, and that a person who is competent in the State courts may be competent in the United States courts. It is in the interest of uniformity in the rules that govern the procedure of the courts in these matters.

The VICE-PRESIDENT. The next passed-over section will be stated.

The Secretary read section 133, as follows:

SEC. 133. *Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment or decision shall be influenced thereby, shall be fined not more than $2,000 or imprisoned not more than two years, or both.*

Mr. HEYBURN. I call attention to the fact that this section is new law, but not a new principle of law. It extends the pro-

visions of exising law to a new class of officers and to conditions that have arisen since the enactment of the original law, and while it might be said that it is in the nature of proposed new legislation, yet it is not, except as I have suggested. The same can be said of sections 134, 138, and 163, the following sections.

Mr. BACON. Does the Senator think that the words in the section "upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby" are necessary? They may be harmless, but they seem to me superfluous.

Mr. HEYBURN. I think as a matter of first intention, were I drawing the section, I would not insert those words, but they are not inappropriate. They are rather an elaboration of the thought, but not inappropriate.

Mr. BACON. I said they were harmless, but I thought superfluous.

The Secretary read as follows:

SEC. 134. *Whoever being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive or agree or offer to receive a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, shall be fined not more than $2,000 or imprisoned not more than two years, or both.*

SEC. 138. *Whoever being a prisoner, confined in a prison, penitentiary, jail, or other place of detention, or being in lawful custody of an officer or other person by authority of the United States, shall escape or attempt to escape from such prison, penitentiary, jail, or other place of detention, or custody, shall be fined not more than $1,000 or imprisoned not more than seven years, or both.*

Mr. HEYBURN. I reserved the right in the committee to suggest my objections to section 138, which makes an attempt to escape by a prisoner in the custody of an officer or in jail a felony.

I have not very much sympathy with that kind of legislation. I think that the officers intrusted with the custody of prisoners should be responsible for their safe-keeping, and if a man who is in the position of a prisoner, either before or after conviction, in that inclination to obtain his liberty which is deep seated in every human being, undertakes to escape, I think the sole responsibility should rest upon the officer, and that it should not be made a crime for the criminal already under conviction, charged with a crime, to attempt to protect himself by that universal law of nature which appeals to all of us.

I therefore submit that section to the wisdom of the Senate.

Mr. BACON. I should like to inquire of the Senator whether his objection is limited to the case of an attempt or whether it also includes the case of an escape? The reason why I ask the question is that it is not an unusual provision of law in the States to make it a felony for a convict to escape, but there is a vast difference between escaping and attempting to escape, or an alleged attempt to escape. It is easy to charge and difficult to disprove that a prisoner attempted to escape.

Mr. HEYBURN. It seems to me that this class of legislation is equivalent to punishing the prisoner for the fault of the officers of the law who permit him to escape. I have not undertaken to elaborate or formulate my exact objections to this class of legislation, but it does not appeal to me as being necessary at all.

Mr. BACON. I did not mean to commit myself to a support of the view that he should be punished for an escape. I wanted to know what was the attitude of the Senator from Idaho in regard to the matter, whether it included escape or was limited to an attempt to escape.

Mr. HEYBURN. My views are the same in regard to an escape.

Mr. BACON. I think there is indirectly already a penalty to be imposed upon a man who would escape—that he shall not be allowed any commutation of time that would otherwise be given if he had a good record.

Mr. HEYBURN. I think that is proper. I think it is proper to deprive the party who attempts to evade the sentence of any privilege under the law, and I think it is proper to punish the officer responsible for his custody for allowing him to escape. But I do not think it is proper to punish the prisoner for the default of the officer in the performance of his duty.

Mr. TELLER. I should like to ask the Senator from Idaho if he wants to move to strike out the section. Does the Senator make a motion?

The VICE-PRESIDENT. There is no motion pending in regard to the section, and it remains in the bill unless by motion it is stricken out.

Mr. HEYBURN. As a member of the committee and as chairman of the joint committee I have felt it inappropriate that I should move in these matters further than to express the views which I hold and which I expressed in the committee, where I reserved the right to do it. If the position which I suggest does not appeal to any other member of the Senate to such an extent that he is induced to make a motion to strike it out, then I feel that my objection amounts merely to a protest.

Mr. TELLER. I will accommodate the chairman of the committee by moving to strike out section 138.

The VICE-PRESIDENT. The Senator from Colorado moves to strike out section 138.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 163. *Whoever shall so place or connect together different parts of two or more notes, bills, or other genuine instruments issued under the authority of the United States, or by any foreign government, or corporation, as to produce one instrument, with intent to defraud, shall be deemed guilty of forgery in the same manner as if the parts so put together were falsely made or forged, and shall be fined not more than $1,000 or imprisoned not more than five years, or both.*

Mr. HEYBURN. That is new legislation in one sense, and yet it is merely an extension of existing provisions of law to a newly discovered manner of committing an offense. When the existing law was enacted such an offense was not contemplated, because if committed at all, the method had not been brought to the notice of the courts. It consists of taking a number of bills apart and shortening each to such a small extent as not to be noticeable, and taking the pieces and putting them together until, by a combination, say, of hundred-dollar notes cut up in this way they would find themselves in possession of enough pieces to make an extra hundred-dollar note. So it is necessary to provide against that kind of an offense.

Mr. TELLER. I do not want to interfere with the committee, but it strikes me that an offense of that kind would come within the provisions of the law providing for counterfeiting the currency.

Mr. HEYBURN. This section is in that chapter.

Mr. TELLER. I do not believe it is necessary to put it in. I think the offense the Senator speaks of is prohibited as a counterfeit of the currency itself. However, no harm will come from putting it in.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 185. [Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or *conveyance of any kind* which regularly perform trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, except as *otherwise provided by law*, shall *be fined not more than* $50.]

Mr. BACON. That is a section which was passed over at my suggestion when the bill was being read on the former occasion. It seems to me that an examination of it will show that it unnecessarily and unduly and, I may say, improperly restricts the parties engaged in the commerce of the country—that is, I mean the common carriers—in the transmission of communications from one part of their line or from one set of employees to another in the proper performance of their duties and in the operation of their business.

I call attention now to the limitations of this section. Of course Senators will recall that this section is in connection with the penal statutes, the purpose of which is to protect the Government of the United States against the improper carriage of what is properly mail communication by other than the postal authorities. This is one of the sections in that connection, and it is to the effect that no common carrier or other person engaged in like business shall carry any such mail matter or any such communication except—I read simply the exception without reading the entire section over—

Except such as relate to some part of the cargo of such steamboat or other vessel or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

It will be noted that it would be a penal offense for any official of a railroad company, in case of a wreck on the road and the sudden sending of a relief train, to send on that train any note addressed by one officer of the company to any other official or employee of the company directing what should be done in such a case of emergency. That is not an unusual case by any means. It is something which unfortunately is occurring almost every day in some part of the United States. There is a wreck of a railroad train, and a relief train has to be sent to accomplish what is necessary in the interest of the road and in the interest of humanity. The writing of a note and sending it hurriedly by anyone upon that train would make the party sending it and the party carrying it subject to this large penalty.

It is not necessary to even illustrate by so extreme a case as that. In the operation of railroads it is necessary every day that railroad officials should be communicating up and down the line of road with other officials and employees as to matters connected with the operation of trains or matters relating to the maintenance of the property. They ought to have that opportunity simply as a matter of right and common justice, and to deny it to them is to subject them to very great inconvenience, if not loss.

It is not always practicable even for them to send a telegram from one point to another or from one official to another. It is absolutely necessary that there should be written communications frequently, aside from the fact that there are points along the line where there are no facilities for sending or receiving dispatches.

It seems to me that while the purpose of the section is correct, it ought to be guarded and made more liberal in these particulars. I do not suggest any particular amendment. I suggested the same thought when the matter was before the Senate upon the former occasion. The attention of the committee has been called to it, and they are probably either in a position to show why there should be no amendment or to propose one which will be satisfactory.

Mr. SUTHERLAND obtained the floor.

Mr. TELLER rose.

Mr. SUTHERLAND. I yield to the Senator from Colorado if he desires to proceed.

Mr. TELLER. I wish to inquire if this provision would not prevent express companies or if it is intended to prevent express companies from taking packages? It is not uncommon in these days to send by express letters containing money which can be sent by mail, and so can money be sent by mail for that matter. There is also another custom I am somewhat familiar with. Railroad companies frequently make up a package of directions to their subordinates along the line, which they would not want to put in the mail and which are delivered as the train goes along.

I suppose the real purpose in preventing the carriage of a package of this kind was to prevent the carriage for profit, and I think, perhaps, there ought to be some provision that shall prevent a transaction that might arise. The railroads are doing what they have been doing ever since railroads began, I think.

Mr. BACON. The Senator will pardon me. He will notice the language of the section. It limits such communications not simply to the officers of the road, but absolutely to officers of the very train upon which the communication goes. It is too rigid entirely.

Mr. TELLER. That is the objection. It is too narrow.

Mr. BACON. It is too narrow.

Mr. TELLER. The only purpose the Government can have in preventing packages of this kind from being carried is to prevent an interference with the revenues of the mail. In a majority of cases, I think, when they start out a train, the railroad companies have more or less packages of instructions to deliver along the line of the road. At least, that was my observation years ago, and I do not believe there has ever been any abuse of it.

Mr. McLAURIN. Why not insert, after the word "carried," in line 10, the words "for hire?"

Mr. TELLER. It is suggested to me that after the word "carried" the words "for hire" be inserted. I think something of that kind ought to be put in. I call the committee's attention to it. Nobody would want to interfere with a railroad company instructing its employees on the line of the road without the trouble of putting the instructions in the mail, which would not reach them until the next day, as a rule.

Mr. SUTHERLAND. Mr. President, if the section could be construed as the Senator from Georgia [Mr. BACON] and the Senator from Colorado [Mr. TELLER] seem to fear that it may be construed, I would agree with them that it ought to be amended. But I call attention to the fact that the section is existing law; it has been in force and operation, as I recall it, for about thirty-five years, and it has always been construed by the Post-Office Department, by the regulations which they have made under the section, not to include the cases to which the Senator from Georgia referred.

About ten years ago, namely, in 1896, the precise question was referred to the Attorney-General. I call attention to the opinions of the Attorney-General as contained in volume 21 of the Attorney-General's Opinions, page 395. The questions submitted were as follows:

You refer me to section 3992 also—

After calling attention to 3985—

You refer me to section 3992 also, which is as follows:

"Nothing herein shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only."

You ask:

And these are the questions submitted by the Post-Office Department—

"(1) Can the railroad companies carry, outside of the mails, not in Government stamped envelopes, any first-class mail matter except such as concerns the cargo carried by the road?

"(2) Is it proper for a railroad company to carry, outside of the mails, not in Government stamped envelopes, first-class mail matter intended for a connecting line?

"(3) Is it proper for a railroad company to carry, outside of the mails, first-class mail matter not in Government stamped envelopes, for companies, corporations, or private individuals operating car lines, transportation lines (either passenger of freight), operating hotels, restaurants, or any other class of business that may either be connected or not connected with the railroad proper?

"(4)—

And this is the question the Senator from Georgia himself submits:

"(4) Can such companies as mentioned in the third question carry their own mail; and if so, under what circumstances?"

The Attorney-General then calls attention to the fact that the Post-Office Department has always construed the law as permitting railroad companies and other carriers to carry mail matter having reference to their own business, whether it has relation to the cargo or not. He calls attention to the fact that a written regulation of the Post-Office Department is in existence to that effect, and then proceeds:

Congress evidently had no thought of interfering with the private methods of carriers on post routes for communicating directly with their own employees or with other persons. It was dealing only with their public business of carrying for others. Therefore no exception was required in this respect and no argument is to be drawn from its omission from the expression of exceptions.

Then he calls attention to a part that I will omit and proceeds:

The clause above quoted from the postal regulations was manifestly not intended to do more than carry out the law. Otherwise it would, of course, be invalid. But taken not to refer to letters of others than the carrying company, it is consistent and proper. Such, I am confident, was the meaning intended.

So, in accordance with the uniform practice of the Post-Office Department the opinion of the Attorney-General, after a very thorough consideration of the question, is that this section or any section of the law would not interfere with a railroad company carrying letters about its own business, letters addressed to its employees, or to its officers, and would prevent, except as provided in the section itself the carrying of mails for others or for the public.

Mr. BACON. For us to accept the explanation as given by the learned Senator from Utah, it would be necessary, it seems to me, to recognize the power of a Department officer to amend a statute, because the statute certainly does not give any such privilege as that which the Attorney-General construes it to give. I do not know who the Attorney-General was, and it matters not who he was, because the language is too plain to be possibly perverted to that extent and the perversion be justified.

Mr. SUTHERLAND. If the Senator will permit me, the Attorney-General does not hold that the Department had the power to alter the law or modify the law, but he calls attention to the regulation and says that the regulation is simply a recognition of the law. I call the attention of the Senator to what the Attorney-General says.

Mr. BACON. I heard the Senator read it.

Mr. SUTHERLAND. If the Senator will permit me, the Attorney-General says:

The clause above quoted from the postal regulations was manifestly not intended to do more than carry out the law. Otherwise it would, of course, be invalid.

It is simply a recognition, in other words, of what the courts would hold the law to mean if there were no regulations at all on the subject.

Mr. BACON. I repeat what I said. I understood fully without the repetition by the Senator from Utah exactly what the Attorney-General said. He was basing his opinion upon the regulation and saying that the regulation was a proper construction of the law. My proposition is that it is an impossibility that such should be the case, unless we recognize the right of a Department, as I am sorry to say is very frequently attempted in some of the Departments, to construe away a law by their interpretation and by their construction.

I will read now from the original law, to see whether it is possible that it could be said that the law authorized any such regulation as that which has been made in regard to it. The regulation simply recognizes the propriety that there should be a law; that is, that it should have the modificaion which I

now suggest, but that modification can not be found in the law as it exists, and the language of it is as follows:

SEC. 3985. No stagecoach, railway car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post-route, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

Mr. President, that language which says that the only exception is where the communication relates to some matter upon that particular train or that particular car can be construed to mean any business of the company I say is an utter absolute impossibility, I do not care who the Attorney-General was, or who the judge was, if need be. It could not stand for a moment in discussion or for the guidance of any lawyers in the construction of the law and in determining whether an amendment is necessary.

I repeat, the opinion of the Attorney-General in upholding the regulation is simply a recognition of the fact that the present law is absolutely too narrow. We are revising the law for the purpose of ascertaining and remedying its imperfections, and here is a most glaring one, one that even the Departments have recognized to such an extent that they have refused to enforce it. It is true they had no right to disregard it. No Department has a right to disregard a law, whether it is a proper law or an improper law. They have but one duty, and that duty is obedience to the law as it is written. Here we find that it was so unjust a law that they have undertaken to disobey the law and to try to construe it away. We are engaged in its revision, and yet we are to pass it by without making the proper correction of it.

I quite agree with the Senator from Colorado [Mr. TELLER] when he says it is entirely too narrow. It is only by a violation of the law, and a daily violation of the law, with the connivance and approval of the Department, that the railroad companies are enabled to do their business at all. If the law was enforced, half of them would be in the penitentiary to-day, unjustly and improperly.

Mr. TELLER. In order to have some certainty about it I suggest, after the word "carrier," in line 10, to add "for compensation." That would prevent them from carrying it except for their own uses. We would not prevent them from carrying it for their own uses.

I lived some years in a part of the country where we got mail by paying specially for it. For some years in Colorado, when the stagecoach got in, we went to the stage office to get our mail and we paid so much a letter. It was a rather high price for a letter, but we paid it because the stages would get in without the mail quicker than they would with it, and at that time the stages did carry large quantities of mail. It was a large part, or a considerable part at least, of the revenue of the stagecoach. I presume about that time the act was passed, but, as was said, it was very awkardly constructed. I have no fault to find with the principle. They should not carry except for their own use, and I do not know that they do.

Mr. HEYBURN. Mr. President, I should like to suggest that the purpose of this section of existing law was to protect the income of the Post-Office Department and to prevent the carrying of mail under such circumstances that it would not bring any compensation to the Government.

I think I must call attention to the provision that was omitted from existing law by the committee; that is, the reference to section 3993 of the Revised Statutes. It is proper to call the attention of the Senate to the provisions of the omitted section, because in existing law section 3993 is made a part of section 3985 of the Revised Statutes. Your committee have reported section 3985, as represented by section 185, without including within its provisions section 3993. I will read section 3993, and I commend it to the close attention of the Senators who are considering this amendment. Section 3993 reads:

All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter can not be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster-General may suspend the operation of this section upon any mail route where the public interest may require such suspension.

The committee have omitted that provision of existing law from the section as reported. They have omitted the provision permitting the Postmaster-General to suspend the operation of the law as to the class of mail referred to in section 185, and they have permitted the special license given by section 3993 with reference to the carrying of this class of mail. They have done that because it was in one sense redundant, and in the other sense it was calculated to open the way for diminishing the revenue and the income of the Post-Office Department. That being the primary object of the enactment of the existing section 3985, it was thought that it was utterly inconsistent to allow, by reference contained in that section to another section, the provision of section 3993 to cast doubt upon the meaning of the provision in the existing law. It was also in the interest of combining all that it was necessary to express under one section, instead of compelling reference to two sections widely apart in the printed laws.

Mr. BACON. Mr. President, I have not overlooked the section to which the Senator from Idaho refers. Of course, so far as stamped envelopes and things of that kind are concerned, it would be a great hardship upon a railway company in the matter of its business if, every time it saw proper to send a communication from one to another of its employees, it had to use a stamped envelope.

So far as the suspension of the provision of the act is concerned, of course no suspension would be of any value unless it was a permanent and continuous one, because it is a matter of daily importance and necessity.

Mr. HEYBURN. Mr. President, the executive order which Senators have criticised with reference to this matter is, under the provision, contained in section 3993, authorizing the making of the executive order. The question submitted to the Attorney-General was whether or not the existing law taken together should be so interpreted as to make the executive order operative and as to whether or not the executive order was within the scope of power given to the Postmaster-General.

Mr. BACON. Mr. President, I am going to ask the Senators in charge of this bill to consent to an amendment. I do not see any possible justification for our leaving upon the statute books a statute the operation of which under its terms would be either practically impossible or it would have to be disregarded or else work very great hardship and injustice to the common carriers of all kinds in this country.

The Senators will note the fact that in the existing law and in the proposed modification of the law it is recognized that there is some business which even the common carriers have about which they ought to be permitted to send certain communications. The only criticism upon the law as it exists and upon the proposed modification of it is that that restriction is too narrow, or rather that it is not a sufficiently liberal exception to the law. The exception in words limits the communications which can be sent by a common carrier by its own stagecoach or railway train or steamboat to something which relates to the particular train, etc., upon which the communication is sent. It could not relate, as I have endeavored to illustrate, to the case of a wreck where the communication was sent by a relief train. When the thing is as plain as that, why should we not make the law mean what the Department has endeavored to make it mean by its construction and by the construction which the Attorney-General puts upon the regulation of the Department? Why should we not in the revision of the law make the law itself plain and make it say what we all know it must say if it is to be of any value to the railroads or to the steamboats or to the stagecoaches, rather than leave a restriction upon it which must be a dead letter, or else there will be a great injustice done under it.

Mr. HEYBURN. Mr. President, I am afraid if the amendment suggested were adopted that it would cost more thousands of dollars to the Post-Office Department than I should like to undertake to compute at this time. The very fact that the two words suggested in the amendment, the words "for pay," are not in this section places the railroad company upon the same footing as other business concerns.

Mr. BACON. I am not in favor of that amendment. That was not the amendment I was going to propose.

Mr. HEYBURN. That is an amendment already proposed.

Mr. BACON. I at first thought that amendment would be sufficient; but then it occurred to me that under that a railroad company could carry messages for anybody else; and if they did not charge for doing so, they would not be subject to the penalty of the law.

Mr. HEYBURN. Or messages of its own.

Mr. BACON. Or of its own, either.

Mr. HEYBURN. It is not intended that a railroad company should be permitted to carry its own general messages on any other terms than the general public may.

Mr. BACON. I quite agree with the Senator on that.

Mr. HEYBURN. It is not intended that a railroad shall have the right to communicate with its employees on any more liberal terms than a merchant shall have the right to com-

municate with his employees. The law as it was drawn was drawn for the express purpose of putting the transportation companies on the same footing, with reference to the right to transport matters proper for the United States mails, as other business people. There is no reason why they should be upon any other footing. Merely because a railroad company has the opportunity or the conveniences that would enable it to carry its mail matter free if nobody found it out is no reason why it should be permitted to do it, and whenever they transmit messages through the United States mails that other people would have to pay for when they transmit them over the same lines, the law intended that they should pay for it. If they avoided that through the medium of any rule or regulation or executive order, they have done it at the expense of the general public. The intent of the law is as the Senator suggests it should be, and it was, I think, expressed in this statute by Congress for the purpose of doing just what the Senator contends for, namely, putting the transportation companies upon the same plane as all other companies. By the amendment the committee has reported, the striking out of the right to suspend the operation of the law by the Postmaster-General we have emphasized the fact in the law that they are upon the same footing. If they are violating it, an investigation should disclose the fact, and they should be punished as other persons are punished.

Mr. BACON. Mr. President, I did not have the opportunity to explain the state of the case before the Senator—I presume it was intended merely as an interruption—got away from the particular point I was on. I recognize the fact that there are a great many communications which the railroad companies ought to be permitted to use the mails in sending. I do not doubt that at all; but the point I am after is that there are a great many communications which it is impracticable for them to send by mail and which would be absolutely useless to them if they had to wait until the mails could carry them. For instance, I have twice mentioned an illustration, the case of a wrecked train upon a railroad, where a relief train is sent to the wreck. Of course the Senator will recognize that a communication which was intended to be sent to the employees around that wreck as to what they should do could not be sent by mail. Such communications must be sent speedily; they must be sent by the train itself that is going to the relief of the wreck. That is only one illustration that could be given. It would be impracticable for a railroad official in Washington, for instance, when there is a wreck 40 miles out on one of the railroads leading to this city to mail to the parties at that wreck a communication directing them what they should do; and it would be necessary either to do that or to violate this law, because there is no word or letter in this law under which such an official act could send to the point of that wreck any communication by the train which was sent to its relief.

Mr. HEYBURN. Mr. President——

Mr. BACON. I hope the Senator will permit me to finish.

Mr. HEYBURN. I think the Senator will probably appreciate my motive in making a suggestion.

Mr. BACON. I know that, but it is impossible to present anything with any degree of continuity when frequently interrupted.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. I would call the attention of the Senator to the fact that this bill only refers to conveyance on trains making or performing regular trips at stated periods for the purpose of carrying the mail. It has nothing to do with a relief train or a wreck train. That would not come within the provisions of the bill.

Mr. BACON. It might be sent by other than a relief train. It might be sent by a passenger train that was going to that place. It might not be necessary to send a relief train from that particular point.

Mr. McLAURIN. Mr. President——

Mr. BACON. I hope the Senator will pardon me. I will be through in a moment.

Mr. McLAURIN. I was just going to make a suggestion.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I do.

Mr. McLAURIN. The Senator from Idaho [Mr HEYBURN], I think, misconstrues the statute. The prohibition is not against the railroad company carrying the communication on one of its wreck trains, but on a regular train they can not carry it at any time.

Mr. BACON. Yes; the Senator from Mississippi is doubtless correct in that. But, Mr. President, there are any number of other illustrations that could be made which will occur to anyone who is familiar with the business of railroads. I mention railroads simply because they are the ones that this would most seriously affect, though it affects not only the railroads, but any other party having vehicles of any kind engaged in making regular trips; in other words, it affects all common carriers.

It is not only occasionally when there is a wreck, but there are daily instances where officers in charge of a property have to give directions that will not admit of delay, where they have to send communications by the swiftest means possible, by their fastest trains, directions for different stations, possibly directions by which trains are to be kept out of each other's way. It is true that now the operation of trains is almost entirely controlled by telegraph communications, but the telegraphic facilities might not be serviceable. There would be no excuse for a railroad company to say, however, "Our telegraph communication was interrupted, and therefore we violated the law." There is no exception made whatever.

What I want Senators to recognize the propriety of is not a provision that would go to the extent of permitting any mail to be carried, or any letters to be carried, for which compensation was not charged, but one that would enlarge the exception now made in the law. The exception now in the law is limited to the case of a communication which relates to the business of the particular train or the particular car upon which the letter is carried or to some article found in the car upon which the letter is carried. It certainly could be no narrower than that; whereas it might be equally important that it should relate to a train which preceded it or to something which a train carried which preceded it, or to a passenger on another train, or to a train which was to follow—more frequently a train which was to follow—or it might relate to the roadbed or to any other matter connected with the daily operation of the road.

I do not wish any amendment which would so enlarge it that the railroad companies would feel that they were at liberty to send upon their trains any letter which they might wish to send which related to their business. That would probably be too wide a liberty to allow them; but it is not too much to say that they ought to have the right to send any communication which relates to the current daily operation and maintenance of the road.

I am not prepared at the moment to frame the amendment in a way that it can be incorporated in this section so as to be entirely harmonious with the other provisions in it and with the language which is already there, and therefore, if the Senators are prepared to recognize the propriety of so enlarging the exception that it will embrace communications which relate to the current daily operation and maintenance of the road, I would suggest that it might lie over until the Senators can have an opportunity to amend it in that particular.

Mr. SUTHERLAND. Mr. President, so far as I am concerned, I entirely agree with the position of the Senator from Georgia [Mr. BACON]. The only claim I make about it is that the law as it at present reads deals with the question in precisely the same way that it would be dealt with if there was an amendment.

The Senator criticises the opinion of the Attorney-General with reference to this matter. If he will take the trouble to read the entire opinion he will conclude, I think, that it is an opinion of some force. It was certainly rendered by a lawyer of very eminent ability and one whom I think the Senator will especially recognize as such a lawyer. It was rendered in 1896 by Judson Harmon, who has usually been considered a pretty fair lawyer.

Mr. BACON. I could not agree that any lawyer could possibly control my judgment on a proposition as plain as this, where the language expressly says that the only exception is as to a train—the same train as that which carries the letter, or to some article upon that train which carries the letter. When any lawyer says that relates to any business of the road, he can not convince my judgment about it, because the language does not justify it.

Mr. SUTHERLAND. But the Attorney-General, Mr. President, says that Congress, in passing this law, was dealing only with the public business of the railroad or of the carrier in carrying for others, and was not dealing with the question of its private methods of communicating directly with its own employees or other persons. Every law has a spirit as well as a letter, and the opinion of the Attorney-General is that it is within the spirit of this law that common carriers should be permitted to carry letters which have reference to their current business; and I was going to say that that is my idea about the meaning of the law.

Mr. BACON. If that is true, what objection is there to expressing it?

Mr. SUTHERLAND. I was just going to say, when the Senator interrupted me, that that being my opinion as to the meaning of the law, I would have no objection whatever to inserting, say in line 7, after the word "vessel," the words "or to the business of the carrier," so that it would read:

Except such as relate to some part of the cargo of such steamboat or other vessel, or to the business of the carrier, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

Mr. BACON. I am willing to have the Senator make it even narrower than that, and say the "current" business, in order that it might not relate to their financial transactions or anything of that kind, but to current business and operation.

Mr. SUTHERLAND. Personally I have no objection to that amendment. I think it would carry out the evident intention of the law, but my colleague on the committee [Mr. HEYBURN] does not appear to agree with me with reference to that. I am therefore not in a position to speak for the committee.

Mr. HEYBURN. Mr. President, the Senator from Utah [Mr. SUTHERLAND] suggests that I am not in accord with the proposition to amend this law by allowing a railroad company or a company of any kind that carries the mails to have any rights that other people do not have. There is no reason why a company, because it happens to be a mail-carrying transportation company, should have the right to send its communications through the mail without paying postage; and, I imagine, that an amendment that exempted them from it would mean a rather large deficit in the Post-Office Department in a year. If you take all the transportation companies in the United States that carry the mails and allow them an exemption from paying postage upon mail matter that they naturally would forward pertaining to their own business, then other people who engage in business would claim the right to have their communications, directed to their employees wherever they might be, also carried free of postage. Congress undoubtedly intended in enacting the existing law to place the transportation companies upon the same footing as other people.

If this were a matter of some one mail route, it would be a small thing; but I am safe in saying that it would mean a great many thousand dollars in a year, and it might mean some hundreds of thousands of dollars if you exempt public carriers from paying postage upon their communications because, forsooth, they are directed to somebody on their pay rolls. That is the reason Congress in enacting this law did not give them the privilege of carrying their own mail matter free; and they should not have it.

Mr. BACON. Why did not the Senator, then, when he was revising the law strike out the provision in this section which does permit them to carry some things in the mail which it is not permitted to the general public to carry?

Mr. HEYBURN. The Senator submits a question to me, and I will answer it. It is because the provisions of this section, as reported, do not permit them to carry anything that would necessarily be the subject of communication and that would go through the United States mail. The language is quite guarded, and it was evidently adopted with a great deal of care by those who enacted the existing law. The words are:

Except such as relate to some part of the cargo.

The words "except such" relate back to the words "any letters or packets"—packets which relate to some part of the cargo; that is, the manifest, the bill of lading, or whatever it may be. It means papers that pertain to and are in fact a necessary part of the cargo itself, as much so as the inscription upon the packet that tells to whom it is to be delivered or whom it is from.

Any letters or packets, except such as relate to some part of the cargo.

That limits them right down to the necessity of those things incident to receiving and delivering the cargo itself. They are not permitted to carry letters of general information, but they must be letters that pertain to the cargo. Those are letters of instruction.

I admit that if it is the pleasure of Congress to enlarge the powers of these common carriers and to extend to them the right to carry free all communications that may pertain to their business because they happen to be addressed to some employee, that is another proposition. That goes to the question of the wisdom of such legislation; but we are dealing now with existing law, and the committee has reported it as it exists. We are simply maintaining that the existing law is sufficient for the purpose. Should Congress in its wisdom see fit to enter upon the consideration of new legislation extending or widening the rights of these companies, that will be a matter to be referred to the proper standing committee of this body and there determined as to whether or not it should be taken up for consideration.

Mr. McLAURIN. Mr. President, my greatest objection to this provision is that some stage driver who happens to be making regular trips would, if he were, out of the kindness of his heart, to take a letter for some friend and deliver it to another friend on the way, be liable to pay a fine of $50. I think the amendment offered by the Senator from Colorado [Mr. TELLER] will obviate all trouble about this, and I do not think it would do the harm that is apprehended by the Senator from Idaho [Mr. HEYBURN] in charge of the bill.

This section, as we all agree, is intended to protect the revenue to be derived from the carrying of the mail. There is not going to be any inroad upon the revenue by permitting a man once in a while to carry to a friend a letter or packet—I do not know what "packet" means; but it is, I suppose, a package that would be mailable—unless he does it for the purpose of making money. Just an occasional carrying of a letter to some friend is not going to affect the revenues of the country. I think, therefore, that the amendment offered by the Senator from Colorado to put the words "for compensation" just after the word "carry," in line 10, would accomplish a great deal of good. It will make clear the construction that was given to it by Attorney-General Harmon, and it will not be necessary to construe this section. My opinion is that that amendment ought to be adopted.

Mr. SUTHERLAND. Does not the Senator from Mississippi think that if we were to adopt that amendment it would permit one common carrier to carry mail for all the connecting carriers and for the connecting carriers, in turn, to carry mail for the one, so that in that way there would be a network of railroad companies all over the United States carrying mail for one another? They would not be carrying for compensation, but they would be carrying under some common understanding, and that would make, it seems to me, very serious inroads on the revenues of the Department.

Mr. McLAURIN. Mr. President, in answer to that question, I do not think there is any danger of that, for if they were to make an arrangement of that kind it would itself be for compensation. It would be a quid pro quo and it would violate the law. I do not think, though, that the railroads would be benefited to any extent by an arrangement of that kind, because it would retard their mail, instead of speeding it. The railroads, like everybody else, are interested in having rapid transit for their mail, rapid delivery for their mail, and they would not make any arrangement of that kind. If it were made, as I have just stated, it would be a violation of the law, because it would be a compensation itself. If I give a man my services for services of his in return, I am compensated for my services and so is he for his services. So it would be with the railroads. My idea about it is, though, that there ought to be some provision whereby an innocent man, probably one in an humble position and following an humble pursuit, would not stumble into a pitfall when, out of the goodness of his heart, he was trying to do a favor to some friend of his or to somebody, whether he was a friend or not.

Mr. BACON. Mr. President, I simply want to make one final suggestion to the Senators in charge of the bill, and that is that this provision shall be made to express in exact language what the Attorney-General says it means; that is all. The Attorney-General says, in the opinion which has been read by the Senator from Utah [Mr. SUTHERLAND], that the purpose of the law was to prevent common carriers carrying mail matter for others. Now, I only ask that the Senators will themselves amend this section so as to make it express what the Attorney-General of the United States says it means. It does not in language so express itself, and I simply ask that it shall be made in language to express exactly what the Attorney-General says was the intention of the lawmakers.

Mr. SUTHERLAND. I will say to the Senator from Georgia that, so far as I am concerned, if he will offer the amendment I will support it.

Mr. BACON. Very well. If the Senator from Idaho insists upon his objection, I shall have to ask that the Senate shall determine between us.

Mr. HEYBURN. If I considered it a matter of small importance, I would not insist upon it, but, as I see it, the acceptance of the language suggested will be simply to exempt railroad companies and transportation companies from paying postage at all. I am not willing to do it.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. KEAN. If that is the position of the Senator from Georgia, I suggest that we should suspend for the day.

Mr. HEYBURN. Every day I have the pressure for an executive session along about the time we get into the midst of the consideration of this bill. There is no reason why the mere suggestion of the Senator from Georgia as to this amendment should suspend the consideration of the bill. We have passed several such Rubicons to-day. It simply means that we pass over the consideration of this section until we have finished the consideration of the sections against which no objections are urged.

I should like to proceed a little longer to-day. I know that the suggestion of an executive session is a continual haunt from the time we take up this bill until we adjourn. I should like to proceed longer if we can, passing over this section for the day, and we may dispose of a number of other sections.

Mr. BACON. I hope the Senator will not insist upon proceeding further to-day.

Mr. HEYBURN. I will ask that the section may be passed over for the day, as we have passed over other sections.

Mr. BACON. I hope the Senator will not insist on going further with the bill this afternoon. All of us have a good deal of work that we can not attend to while the Senate is in session; at least, those of us who attend the sessions can not. There are some of us who are always here, and it is absolutely necessary that those of us who do give attention to the business of the Senate should have some little time outside for business equally imperative that we must attend to.

I will say to the Senator that there has not been a time within two weeks that I have been able to leave the Capitol until after dark. We can not stay here all day until the night comes and properly attend to many things we have to do outside the particular session of the Senate.

Mr. HEYBURN. Of course I have no control over this matter. Any Senator can move to adjourn or he can make another motion that would suspend the consideration of this measure. I only appeal for such liberal time as will enable us to make some headway. There are two sections intervening between this section, and one that we will be compelled to pause at. It would take but a few minutes to dispose of them, and we would then have accomplished at least that much.

Mr. BACON. If they are not sections which will be contested I have no objection.

Mr. HEYBURN. They are not sections to which I think objection will be urged at this time. One is against robbing a mail carrier. I suppose that is a legitimate subject of legislation.

Mr. BACON. The Senator desires to consider section 198.

Mr. HEYBURN. One hundred and ninety-eight and 198a.

Mr. BACON. I have no objection to that course.

Mr. HEYBURN. We will pass over the consideration of section 185 for to-day.

The VICE-PRESIDENT. Without objection, it will be passed over. The next passed-over section will be stated.

The Secretary read as follows:

SEC. 198. Whoever shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be imprisoned not less than five years nor more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, he shall be imprisoned for life.

Mr. HEYBURN. The next is section 198a.

The VICE-PRESIDENT. There is no such section in the bill reported by the committee.

Mr. HEYBURN. Notice was given at the time of the intention to propose what is here as 198a, as an amendment or an addition to section 198. It should have been noted, but whether it was or not is not material. I ask that 198a in the reprint be read in order that the necessary motion may be made in connection with it. It is printed in the reprint. It was suggested when the bill was read before.

The VICE-PRESIDENT. Does the Senator from Idaho propose it as an amendment to the bill?

Mr. HEYBURN. I intend to, it already being at the desk.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated by the Secretary.

Mr. HEYBURN. It was moved as an amendment before and considered and passed up. I will move it as an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 198a. Whoever shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with a dangerous weapon, and shall not effect such robbery, shall be imprisoned not less than two nor more than ten years.

Mr. KEAN. I suggest to the Senator from Idaho that the mail carrier might not have a horse. He might have an automobile or something of that kind.

Mr. HEYBURN. It was the purpose of the committee to combine in one section sections 5472 and 5473 of the Revised Statutes, existing law, inasmuch as they pertain to the same character of offense. If the Senator from New Jersey will suggest an amendment as to other methods of conveyance which might be attacked within the contemplation of the section, I should be glad to accept it, so far as I may.

Mr. KEAN. At the present moment I have not given sufficient consideration to the subject, but I know that on some of our rural routes in New Jersey the carriers have bicycles and bicycles that are run by gasoline power and also automobiles. Therefore I think they ought to be protected as much as the horse in the carrying of the mails.

Mr. HEYBURN. It was not thought necessary, in the wisdom of those who enacted that statute, to provide against shooting at a stage coach or mail wagon. The offense intended to be reached by this provision is interfering with a person having custody of the mail, and upon the same principle that the shooting of an animal upon which a man is riding is considered to have the effect of disabling him, so as to render him unable to perform his duty, the horse was included.

Mr. KEAN. But the same thing would happen in case the carrier used a vehicle.

Mr. HEYBURN. Yes, sir; a man may be compelled to go afoot, but it has not heretofore been thought necessary to make it an offense to shoot a wagon or any inanimate thing. I would have no objection to an amendment which would prevent the disabling of a mail carrier, but we are dealing only with existing law in this section.

Mr. BACON. I was called out of the Chamber for a moment, and did not have an opportunity to hear what was said on the subject. I have not yet had an opportunity to read the section at this time, but if I recollect what occurred on a former occasion the new provision destroys the distinction heretofore existing between a plain assault on the officer and an attempt to commit violence at the same time. I know I am correct. The Senators will recall the debate we had on it before.

Mr. SUTHERLAND. The Senator is right about that, and I think I can straighten it out in a moment, if he will permit me.

Mr. BACON. Certainly.

Mr. SUTHERLAND. Section 198 as reported by the committee undertook to embody the provisions of sections 5472 and 5473. When it was under discussion it was the understanding of the Senate that the provisions of both of those sections would be restored in place of section 198 as reported by the committee. So the amendment which should be considered by the Senate is a proposition to substitute the provisions of those two sections for the provisions of the single section 198, namely, 198 and 198a both together.

Mr. HEYBURN. If I may assist some in straightening this out, my notes on the margin of the printed bill that I used when this matter was before the Senate originally are that "Senator BACON moves to restore the original sections 5472 and 5473 as the law in lieu of section 198." That was agreed to, and it remained only that they might be molded in form as a matter of construction.

Mr. BACON. That has not been done in this instance.

Mr. HEYBURN. That has not been done.

Mr. BACON. Does the Senator propose to do it, or does the Senator now object to its being done?

Mr. HEYBURN. There is no objection at all. The Senate has voted that it be done, and it is a completed act on the part of the Senate. It is merely a question of not having actually rewritten the section. The only changes necessary to be made will be to adopt the formal language "whoever shall" instead of "any person who," and rewrite the section in conformity with the general rule of construction.

Mr. BACON. I was, unfortunately, called out of the Chamber—as we frequently are, and very much to the prejudice of the proper conduct of the public business—and I have lost the connection. I do not know what occurred while I was absent. Therefore I will now ask that this section lie over until I can have an opportunity to examine it.

Mr. HEYBURN. There is no objection to that.

The VICE-PRESIDENT. To which section does the Senator from Georgia refer?

Mr. BACON. Sections 198 and 198a.

The VICE-PRESIDENT. Those sections will lie over at the request of the Senator from Georgia.

EXECUTIVE SESSION.

Mr. CLAPP. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 13, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1908.

ASSISTANT SECRETARY OF THE TREASURY.

Louis A. Coolidge, of Massachusetts, to be Assistant Secretary of the Treasury in place of John H. Edwards, resigned.

POSTMASTERS.

CALIFORNIA.

Charles H. Bartholomew to be postmaster at San Diego, San Diego County, Cal., in place of John N. Newkirk, removed.

Arthur Spencer Fleming to be postmaster at Auburn, Placer County, Cal., in place of Hiram H. Richmond, resigned.

Clarence S. Merrill to be postmaster at Berkeley, Alameda County, Cal., in place of George Schmidt, removed.

GEORGIA.

Cicero C. Alexander to be postmaster at Commerce, Jackson County, Ga., in place of Cicero C. Alexander. Incumbent's commission expired November 17, 1907.

IDAHO.

Albert J. Hopkins to be postmaster at Weiser, Washington County, Idaho, in place of John H. Bruce, removed.

ILLINOIS.

Howard O. Hilton to be postmaster at Rockford, Winnebago County, Ill., in place of Thomas G. Lawler, deceased.

Frank Nickerel to be postmaster at Collinsville, Madison County, Ill., in place of Nathan W. Chandler, resigned.

Benjamin F. Shaw to be postmaster at Dixon, Lee County, Ill., in place of Benjamin F. Shaw. Incumbent's commission expired January 21, 1908.

IOWA.

John B. Cook to be postmaster at Farley, Dubuque County, Iowa. Office became Presidential January 1, 1908.

Frank E. Lundell to be postmaster at Stratford, Hamilton County, Iowa. Office became Presidential January 1, 1908.

Zenas G. Preston to be postmaster at Woodward, Dallas County, Iowa. Office became Presidential January 1, 1908.

KANSAS.

William R. Ansdell to be postmaster at Jamestown, Cloud County, Kans., in place of John O. Hanson, resigned.

Charles L. O'Neal to be postmaster at La Crosse, Rush County, Kans., in place of A. Clay Whiteman, resigned.

MAINE.

George L. Hovey to be postmaster at North Anson, Somerset County, Me., in place of George L. Hovey. Incumbent's commission expired January 14, 1908.

MASSACHUSETTS.

Abbie H. Souther to be postmaster at Cohasset, Norfolk County, Mass., in place of Abbie H. Souther. Incumbent's commission expired February 9, 1908.

MICHIGAN.

George E. Dewey to be postmaster at Shelby, Oceana County, Mich., in place of Archie R. McKinnon, deceased.

MISSISSIPPI.

William A. Carr to be postmaster at Coffeeville, Yalobusha County, Miss. Office became Presidential January 1, 1908.

Alfred B. Clifton to be postmaster at Hernando, De Soto County, Miss. Office became Presidential January 1, 1908.

Maze H. Daily to be postmaster at Coldwater, Tate County, Miss. Office became Presidential January 1, 1908.

Andrew J. Darden to be postmaster at Centerville, Wilkinson County, Miss. Office became Presidential January 1, 1908.

Irene F. Elliott to be postmaster at Okolona, Chickasaw County, Miss., in place of Irene F. Elliott. Incumbent's commission expires February 18, 1908.

William H. Gardner to be postmaster at Magee, Simpson County, Miss. Office became Presidential January 1, 1908.

Malcolm S. Graham to be postmaster at Forest, Scott County, Miss., in place of Lynn E. Crane, resigned.

Lou J. Hall to be postmaster at Brookville, Noxubee County, Miss. Office became Presidential January 1, 1908.

Ephraim F. Haynie to be postmaster at Blue Mountain, Tippah County, Miss. Office became Presidential January 1, 1908.

Charles L. Hovis to be postmaster at Ripley, Tippah County, Miss. Office became Presidential January 1, 1908.

Thomas F. Logan to be postmaster at Friar Point, Coahoma County, Miss., in place of Wade H. Phyfer. Incumbent's commission expires February 18, 1908.

John R. Matthews to be postmaster at Wesson, Copiah County, Miss., in place of John R. Matthews. Incumbent's commission expires February 18, 1908.

Wade H. Phyfer to be postmaster at New Albany, Union County, Miss., in place of Wade H. Phyfer. Incumbent's commission expires February 18, 1908.

Annie M. Summers to be postmaster at Charleston, Tallahatchie County, Miss. Office became Presidential January 1, 1908.

Benjamin R. Trotter to be postmaster at Lucedale, Greene County, Miss. Office became Presidential January 1, 1908.

Bennett A. Truly to be postmaster at Fayette, Jefferson County, Miss., in place of Bennett A. Truly. Incumbent's commission expired November 24, 1907.

John G. Webb to be postmaster at Pickens, Holmes County, Miss. Office became Presidential January 1, 1908.

Benjamin A. Weems to be postmaster at Purvis, Lamar County, Miss. Office became Presidential January 1, 1908.

Coke B. Wier to be postmaster at Quitman, Clarke County, Miss., in place of Coke B. Wier. Incumbent's commission expires April 27, 1908.

MONTANA.

Mary L. Boehnert to be postmaster at Glasgow, Valley County, Mont., in place of James W. Wedum, removed.

NEW HAMPSHIRE.

John S. Kimball to be postmaster at Rochester, Strafford County, N. H., in place of Osmon B. Warren, deceased.

NEW MEXICO.

Henry Rankin to be postmaster at Elida, Roosevelt County, N. Mex. Office became Presidential January 1, 1908.

NEW YORK.

William J. Guthrie to be postmaster at Philadelphia, Jefferson County, N. Y., in place of William J. Guthrie. Incumbent's commission expired January 25, 1908.

Melvin E. Horner to be postmaster at Belmont, Allegany County, N. Y., in place of Flora A. Horner. Incumbent's commission expired November 19, 1907.

William McCarthy to be postmaster at Mineola, Nassau County, N. Y., in place of William McCarthy. Incumbent's commission expires April 19, 1908.

William J. Steele to be postmaster at Baldwin, Nassau County, N. Y. Office became Presidential January 1, 1908.

Charles D. Wilder to be postmaster at Charlotte, Monroe County, N. Y., in place of Fred A. Upton, resigned.

NORTH CAROLINA.

Percy B. Matheson to be postmaster at Wadesboro, Anson County, N. C., in place of John L. Matheson. Incumbent's commission expired January 18, 1908.

Richard M. Norment to be postmaster at Lumberton, Robeson County, N. C., in place of Richard M. Norment. Incumbent's commission expires March 12, 1908.

PENNSYLVANIA.

Edward Hunter to be postmaster at Patton, Cambria County, Pa., in place of Everett W. Greene, resigned.

SOUTH CAROLINA.

Leonidas Cain to be postmaster at St. Matthews, Orangeburg County, S. C., in place of Frank C. Cain, removed.

TEXAS.

L. A. Smith to be postmaster at De Kalb, Bowie County, Tex., in place of Joshua W. Cunningham, deceased.

Henry J. Veltman to be postmaster at Brackettville, Kinney County, Tex., in place of Henry J. Veltman. Incumbent's commission expired February 28, 1907.

WASHINGTON.

Grant C. Angle to be postmaster at Shelton, Mason County, Wash., in place of Grant C. Angle. Incumbent's commission expired February 9, 1908.

WISCONSIN.

Ralph E. Arnold to be postmaster at Fairchild, Eau Claire, County, Wis., in place of Ralph E. Arnold. Incumbent's commission expired January 4, 1908.

WYOMING.

Nora Sammon to be postmaster at Kemmerer, Uinta County, Wyo., in place of Otis Rife, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1908.

DIRECTOR OF THE MINT.

Frank A. Leach, of California, to be Director of the Mint.

APPRAISER OF MERCHANDISE.

George W. Wanmaker, of New York, to be appraiser of merchandise in the district of New York, in the State of New York.

APPOINTMENT IN THE ARMY.

General officer.

Col. Charles E. L. B. Davis, Corps of Engineers, to be brigadier-general from January 29, 1908.

PROMOTIONS IN THE NAVY.

Commander Stacy Potts to be a captain in the Navy from the 28th day of January, 1908.

Commander James M. Helm, an additional number in grade, to be a captain in the Navy from the 28th day of January, 1908.

Commander Cameron McR. Winslow, an additional number in grade, to be a captain in the Navy from the 28th day of January, 1908.

Commander Isaac S. K. Reeves to be captain in the Navy from the 30th day of January, 1908.

Lieut. (Junior Grade) Gaston De P. Johnstone to be a lieutenant in the Navy from the 30th day of July, 1907.

Midshipman Robert L. Irvine to be an ensign in the Navy from the 31st day of January, 1906.

POSTMASTERS.

ILLINOIS.

Howard O. Hilton to be postmaster at Rockford, Ill.

Isaac W. Parkinson to be postmaster at Stockton, Jo Daviess County, Ill.

Frederick H. Richardson to be postmaster at Tampico, Whiteside County, Ill.

John R. Snook to be postmaster at Altamont, Effingham County, Ill.

INDIANA.

Albert Jerome to be postmaster at Montezuma, Parke County, Ind.

James E. Zook to be postmaster at Lima, Lagrange County, Ind.

KANSAS.

Henry Avery to be postmaster at Wakefield, Clay County, Kans.

Ernest Hoefle to be postmaster at St. Paul, Neosho County, Kans.

William A. Morgan to be postmaster at Lansing, Leavenworth County, Kans.

Joshua M. Roney to be postmaster at Norcatur, Decatur County, Kans.

Benjamin L. Taft to be postmaster at Parsons, Labette County, Kans.

MARYLAND.

Samuel Hambleton to be postmaster at Rising Sun, Cecil County, Md.

MONTANA.

Edward H. Golden to be postmaster at Walkerville, Silverbow County, Mont.

NEBRASKA.

George B. Guffy to be postmaster at Elgin, Antelope County, Nebr.

Mark J. Jones to be postmaster at Elm Creek, Buffalo County, Nebr.

NEW HAMPSHIRE.

John S. Kimball to be postmaster at Rochester, N. H.

NEW YORK.

Henry B. Flach to be postmaster at Attica, Wyoming County, N. Y.

Robert Nathaniel Roberts to be postmaster at Lockport, Niagara County, N. Y.

NORTH CAROLINA.

William E. Lindsey to be postmaster at Chapelhill, Orange County, N. C.

Nathaniel J. Palmer to be postmaster at Milton, Caswell County, N. C.

Augusta Phelps to be postmaster at Plymouth, Washington County, N. C.

Jesse D. Sharp to be postmaster at Elm City, Wilson County, N. C.

James E. Smith to be postmaster at Kittrell, Vance County, N. C.

OHIO.

J. W. Bryson to be postmaster at Glouster, Athens County, Ohio.

Mary S. Hill to be postmaster at Berlin Heights, Erie County, Ohio.

Nellie F. Sheridan to be postmaster at Somerset, Perry County, Ohio.

OREGON.

Marion F. Davis to be postmaster at Union, in the county of Union and State of Oregon.

Ione McColl to be postmaster at Gresham, Multnomah County, Oreg.

George W. Spring to be postmaster at Lents, Multnomah County, Oreg.

William E. Tate to be postmaster at Wasco, Sherman County, Oreg.

William M. Yates to be postmaster at Hood River, Wasco County, Oreg.

WASHINGTON.

William H. Shoemaker to be postmaster at Hillyard, Spokane County, Wash.

WEST VIRGINIA.

James B. Campbell to be postmaster at New Cumberland, Hancock County, W. Va.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 12, 1908.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

We thank Thee, our Father in heaven, that our Republic is not ungrateful, but that she honors herself in keeping sacred the memory of her illustrious sons who, in peace and in war, gave themselves, a living sacrifice, to her honor and glory; that to-day throughout the length and breadth of our Union her patriotic sons and daughters will meet to pay a loving tribute of gratitude and respect to Abraham Lincoln, the savior of his country—strong in his intellectual powers, pure, tender, loving of heart, a patriot, a statesman, a Christian, the marvel of his age. We thank Thee for him, for what he was, and for what he did; and we most earnestly pray that we may strive to emulate his virtues and leave behind us a record worthy in Christian citizenship. And Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PERKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, as I recollect it, when we rose yesterday a point of order was pending against lines 10 to 13 on page 52. I assume the point of order is not well taken, but as a further inducement to the gentleman from Illinois to withdraw his point of order, I desire to have an amendment read which, when the point of order is disposed of, I propose to offer in lieu of this section. I now ask the Clerk to read it simply for information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the work of constructing an irrigation system within the diminished Shoshone and Wind River Reservation, in Wyoming, $125,000: *Provided*, That said sum be reimbursed to the Treasury of the United States from the sale of lands made under the provisions of the act of March 3, 1905. (33 Stat. L., p. 1616.)

Mr. MANN. May I ask the gentleman a question? As I understand, the amendment absolutely safeguards the interests of the Government and will provide that no portion of this money in the end comes out of the General Treasury?

Mr. SHERMAN. That is the intention, Mr. Chairman, but I think I need to make a brief explanation in reference to that,

The act of 1905, confirming an agreement with the Shoshone Indians, provided for the disposal of the lands by the Government and provided how the funds derived from such sale should be disposed of. Amongst other things—I will not go into all the details about how much there was to be expended for schools, etc.—there was a provision that this irrigation system should be constructed and that it should be paid for to the amount of $150,000, it then being thought that that sum would be ample to construct the system. It has since developed that it is not sufficient. Now, further on in the agreement there is a provision that the balance of the sum may be expended, amongst other things, "for such other purposes for the comfort, benefit, etc., of the Indians as the Indians in council may direct and the Secretary of the Interior approve."

Now, the Indians in council have not yet directed that these expenditures be made; but, Mr. Chairman, I believe that under the Lone Wolf decision we have ample authority, notwithstanding the words of this statute, to provide that this money expended for the Indians shall be reimbursed to the Treasury. I believe my friend from Illinois is familiar with the Lone Wolf decision, which, broadly stated, was that the United States had full power as the guardian of the Indians to expend their funds in any way that Congress thought wise, provided it was for the benefit of the Indians.

Mr. MANN. As I understand the matter, in the agreement with the Indians there was a provision for this irrigation plant and an agreement for the expenditure of so much money.

Mr. SHERMAN. That is correct.

Mr. MANN. I understood that that entire amount had been appropriated heretofore.

Mr. SHERMAN. For this irrigation system—that is correct also; the $150,000 has been expended, but it has been ascertained that that $150,000 is not sufficient to complete the system, and more money must be expended, or, under the statutes of Wyoming relating to water rights, the benefit will be lost.

Mr. MANN. How much money is this going to cost? In the first place, there was an estimate of so much, and it was supposed that the $150,000 would be sufficient. Now you propose not to complete the system, but to appropriate $125,000 to continue the construction of the system.

Mr. SHERMAN. I have talked this morning with the chief engineer of irrigation of the Indian Service, who assured me that not to exceed one more appropriation of this amount will be sufficient to complete the irrigation service, which will irrigate approximately 45,000 acres, which, when put under this irrigation system, will be readily worth $30 an acre. Or, in other words, at the conclusion of this work, involving an expenditure of $450,000, we shall have placed the Indians in possession of lands now substantially worthless, but which will then be worth a million and a quarter dollars.

Mr. MANN. And the gentleman proposes to offer the amendment?

Mr. SHERMAN. I do.

Mr. MANN. I withdraw the point of order.

Mr. SHERMAN. Then I offer the amendment which was read a moment ago for information.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 10, 11, 12, and 13 on page 52 and insert in lieu thereof the following:

"For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, $125,000: *Provided*, That said sum be reimbursed to the Treasury of the United States from the sale of lands made under the provisions of the act of March 3, 1905." (33 Stat. L., p. 1616.)

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move the following amendment, to follow the amendment just adopted.

The Clerk read as follows:

That all lands alloted to Indians in severalty, or reserved for their use in common on the Shoshone or Wind River Reservation, in Wyoming, susceptible of irrigation, may be leased for a term not exceeding twenty years for cultivation, in the discretion of the Secretary of the Interior, and he is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Mr. FITZGERALD. I reserve the point of order, Mr. Chairman.

Mr. MONDELL. Mr. Chairman, this legislation is necessary and important, in order that the lands to be irrigated under the project provided for in the preceding paragraph may be utilized. As the law now stands the Secretary can not make an agricultural lease for a longer term than five years. It is impossible in that region to secure tenants on a five-year lease. They are compelled to erect their buildings, prepare the land, and make such improvements as are necessary to make homes upon the land, and this development and settlement can only be had upon a longer lease than is now provided for by law.

I would say that the matter has not been brought to the attention of the committee prior to this time, owing to the fact that the Commissioner of Indian Affairs has been desirous of having a general provision of this character; but inasmuch as there seems to be some objection to a general provision, we are very anxious, indeed, that this provision be made with regard to these lands, and the chairman of the committee has a communication from the Secretary of the Interior, in which he indorses and urges this legislation.

Mr. SHERMAN. Mr. Chairman, the communication which I have is not from the Commissioner, but from the Secretary. The gentleman from Wyoming has covered the ground in the few moments that he has occupied, so I hardly think it is necessary to have the letter read, but I will have it incorporated in the RECORD.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1908.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I am in receipt, by your reference for report, of a copy of H. R. 15459, entitled "A bill authorizing the leasing of Indian lands on the Shoshone or Wind River Reservation in Wyoming."

The bill authorizes the leasing of lands allotted to Indians in severalty or reserved for their use in common on the Shoshone or Wind River Reservation, Wyo., which are susceptible of irrigation, for a term not exceeding twenty years, and authorizes the Secretary of the Interior to make such regulations as may be necessary to carry the provisions of the act into effect.

The development of the arid waste by means of irrigation has brought about a condition of affairs which makes it imperative that a more liberal law be enacted authorizing the leasing of Indian allotments and tribal lands. This is true not only of the Shoshone Reservation, but of nearly all others in the Western States. Irrigation has brought to the Indian's door something entirely foreign to his normal condition. Intensive farming means the employment of many people in a very limited space, and the Indian's objection to farming and cattle raising seems to be based, at least in part, upon his aversion to separation from his family and friends.

Under existing law it is not possible to effect a lease of irrigable lands on reservations (except on the Fort Belknap Reservation in Montana) or of allotments for a sufficient period of time to warrant the reclamation of the lands by the intending lessees.

H. R. 15459 makes it possible to lease irrigable lands on the Shoshone Reservation for such a term as would induce prospective lessees to construct irrigation systems on the lands leased, with a reasonable hope of a material profit from the outcome of their undertakings.

I believe Congress could enact no wiser law than legislation authorizing the leasing of all Indian lands susceptible of irrigation, either tribal or allotted, for farming purposes, for a long term of years.

Acting on this belief I had caused to be prepared a draft of a bill whereby this would be possible. This bill is printed in Senate Document No. 72, Sixtieth Congress, first session.

The bill inclosed by you has my hearty approval, and I respectfully recommend that it be enacted into law.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Mr. FITZGERALD. This provides for the lease of allotted lands?

Mr. MONDELL. For allotted lands.

Mr. FITZGERALD. What are the Indians to do?

Mr. MONDELL. It is impossible for the Indians, no further advanced in civilization than they are, to cultivate 160 acres each. They cultivate small areas. It is not possible at this time, and probably will not be in the near future, to get the Indians to cultivate all of their holdings. Now, as my friend knows, under the laws of irrigation regions there must be a continuous application of water in order to preserve the water rights. So this is not only in the interest of the Indians to give them an income, but it is necessary in order to preserve the water rights for them. Of course the Secretary of the Interior will, in the exercise of his discretion, lease only such lands as the Indians are not able to cultivate themselves, or such as they can not be persuaded to cultivate.

Mr. HINSHAW. Is the irrigation project provided for in the preceding section contemplated for the irrigation of unallotted lands?

Mr. MONDELL. Not at all. At least no considerable area of such lands.

Mr. HINSHAW. The proposition is to lease the allotted lands?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Will the gentleman yield to me for a question?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. I understand the gentleman from Wyoming to be in favor of leasing Indian lands so that the Indians may derive a revenue therefrom.

Mr. MONDELL. That is my thought.

Mr. STEPHENS of Texas. The gentleman is chairman of the Committee on Public Lands, and I have a bill pending be-

fore that committee providing for the lease of the general public lands of the United States so that the United States may derive some benefit from them.

Mr. MONDELL. That is quite another question.

Mr. STEPHENS of Texas. Will the gentleman explain why he is in favor of the leasing of the lands of the Indians to give them some benefit and is not in favor of a lease of the general lands of the United States?

Mr. MONDELL. I think the gentleman's question is not germane to this discussion. I would be glad to answer it at the proper time.

Mr. FITZGERALD. I would like to ask the gentleman if it is the intention to leave it to the Secretary of the Interior to determine what shall be done with the proceeds of the leases?

Mr. MONDELL. The proceeds in every case, following the general law, will be used for the benefit of the Indians. We do not in any way change the general provisions of law providing for leases. We simply extend the period and make new provision as to how the money shall be paid to the Indians. It is not intended to go into that question at all, but simply to give the Secretary the authority to make a longer lease.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, reserving a point of order, I would like to ask the gentleman whether his amendment is the same as the bill.

Mr. MONDELL. It is; the amendment is the bill.

Mr. MANN. The bill does not refer merely to allotted lands. I ask that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. HACKNEY. Mr. Chairman, I would like to ask the gentleman a question. What is the original term of restriction as to this land?

Mr. MONDELL. On alienation? Twenty-five years.

Mr. HACKNEY. When does that expire?

Mr. MONDELL. In twenty-one to twenty-three years from now. The intent was to bring it within the period of nonalienation.

Mr. STEPHENS of Texas. What would be the value of this land per acre per year? How much revenue would the Indians derive?

Mr. MONDELL. I could not say. I could not even make a guess.

Mr. STEPHENS of Texas. Two cents an acre?

Mr. MONDELL. Oh, yes; I should say much more; possibly as much as 50 cents or $1 in some cases.

Mr. STEPHENS of Texas. Rental each year?

Mr. MONDELL. I should say so.

Mr. STEPHENS of Texas. I will state that I am heartily in favor of the amendment. I think the Indians should lease their lands.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I am trying to get information in reference to the amendment, if the Chair will bear with me. The gentleman from Wyoming stated that this was intended to apply to allotted lands. The amendment does apply to allotted lands and lands reserved for other use in common. Can the gentleman tell how much land there is of that kind and what is the reason for leasing common land?

Mr. MONDELL. I will call the attention of the gentleman to the fact that this provides only for the leasing of irrigable lands for agricultural purposes. Now, it is possible that there might be here and there some areas within the irrigated tracts that might not have been allotted. So far as I am concerned, I know of no objection to striking out that feature of the amendment, though I assume that it was intended to cover small tracts within the irrigated area as might not have been allotted, but the amendment limits the leases to agricultural leases of irrigated lands, so that it covers allotments principally. It might in some instances cover small areas that had not been allotted.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I desire to ask the gentleman from Wyoming [Mr. MONDELL] a question. I understand the gentleman to say that restrictions on alienation would expire in about twenty-one or twenty-two years.

Mr. MONDELL. Yes.

Mr. PADGETT. And that this limitation on the lease was twenty years, so as to bring it within that period.

Mr. MONDELL. Yes.

Mr. PADGETT. Is there anything in the amendment that would prevent, eighteen years from now, the Secretary making a lease for twenty years from that date and thereby running it beyond?

Mr. MONDELL. I don't know that there is, but I do not imagine that the Secretary will make any leases beyond a period of nonalienation. I don't think there is any probability of that being done. If it were done, however, the gentleman is aware of the fact that the lands could be alienated in any event.

Mr. PADGETT. But then they would be alienated subject to this incumbrance of the lease.

Mr. MONDELL. I don't think there is any danger of that being done. Our idea was to bring the leasing period within the period of nonalienation.

The CHAIRMAN. The question is on the amendment.

The question was taken and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to issue a patent to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America for and covering the following-described lands, amounting to approximately 160 acres, now and for many years reserved for and occupied by the said board of missions as an Indian school, to wit: The northwest quarter of the southeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 8, township 1 south, range 1 west of the Wind River meridian, on the Wind River Reservation, in Wyoming: *Provided*, That the said patent shall not issue until the Indians of the said reservation have given their consent to the grant through their business committee or council in such manner as the Secretary of the Interior shall provide.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. SHERMAN. Mr. Chairman, this amendment is a Department amendment sent up by the Secretary, and his letter of transmission is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1908.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives, Washington, D. C.

SIR: I am in receipt, by your reference of February 5, 1908, of a copy of H. R. 16037, entitled "A bill granting certain lands in the Wind River Reservation, Wyo., to the Protestant Episcopal Church." You request a report thereon for the information of the committee.

The lands described in the bill, the northwest quarter of the southeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter, section 8, township 1 south, range 1 west, Wind River meridian, on the Wind River Reservation, have been occupied under proper authority of the Department for temporary missionary purposes by the Protestant Episcopal Church since 1888. However, they still form a part of the unceded Indian reservation, and would, in case the missionary work were abandoned, revert to the Indians thereof.

In view of the great benefit the church has rendered the Indians of the reservation named, and of the large amount of money expended in their behalf by that religious organization, it would seem that title in fee to the mission tracts should be given, as indicated.

As the bill provides that the consent of the Indians, through their business committee or council, shall be obtained before patents shall issue for the lands, it has my hearty approval, and should be enacted into law.

Very respectfully,

FRANK PIERCE,
Acting Secretary.

The lands in question have been occupied by the church in question for twenty years, and it is now proposed that title be given to the church, with a reversionary provision in case the church ever ceases to occupy the lands that they revert to the Indians. This is subject to the consent of the Indians in any event.

Mr. MANN. Is it something that the Indians are asking for?

Mr. SHERMAN. It is something the Indians originally consented to, that the church be given the occupancy of this little piece of land. The Department sent it up with the provision that it be subject to the assent of the Indians. Ordinarily the Indians are glad to have this sort of thing done. I do not know whether they have especially asked it in this case or not.

Mr. MANN. What does the church want with 168 acres of land?

Mr. SHERMAN. For buildings and probably a small farm. I am not sure but what they have a school upon this as well as a church and also a cemetery. The gentleman from Wyoming can probably explain.

Mr. MONDELL. Mr. Chairman, in 1872, when General Grant apportioned the work on the Indian reservations among the various denominations, he apportioned the work on the Shoshone portion of this reservation to the Episcopal Church and on the Arapaho portion to the Catholic Church. The Arapahoes at that time had no head chief. Each denomination took possession of a quarter section of land assigned by the Indians. They erected their buildings and opened schools. In the case of the Arapahoes a provision of this kind was made in the bill some four or five years ago granting the Catholic Church the lands on which their school and church are established. The Episcopal people have been under the im-

pression that they had a grant, owing to the fact that many years ago Chief Washakie, of the Shoshones, gave them what he and what they considered was a grant of the tract. As a matter of fact they have only their tract. They have expended thirty-five or forty thousand dollars in buildings and they conduct a splendid school. It is the only denominational school on this reservation.

The work is of vast benefit to the Indians and is highly prized by them, and the Indians have often stated to me that Brother Roberts should have his title confirmed in this land. Provision is made that the deed shall not issue until the Indians have given formal assent to it, and it gives them only the tract of land on which they now have their school and farm, and nearly all of that 160 acres is under a high state of cultivation, and the Indians are being taught the arts of agriculture, irrigation, and horticulture on that tract of land.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. HAMILL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, on last Monday afternoon my colleague from Hudson County in this Chamber made some remarks derogatory of the conduct of Mr. William Jennings Bryan—

Mr. SHERMAN. Mr. Chairman, I must raise the point of order that this section does not appropriate for William Jennings Bryan. [Laughter.]

The CHAIRMAN. The point of order is well taken.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey may have five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New Jersey may have five minutes.

Mr. LEAKE. Mr. Chairman, I hope that request will prevail, and I hope that I may have five minutes in which to reply.

The CHAIRMAN. Is there objection to the request that the gentleman from New Jersey have five minutes? [After a pause.] The Chair hears none.

Mr. BUTLER. Mr. Chairman, I object unless the other gentleman from New Jersey has five minutes extended to him.

Mr. SULZER. Too late.

Mr. BUTLER. I ask unanimous consent that the gentleman from New Jersey [Mr. LEAKE] may have five minutes in which to reply.

Mr. SHACKLEFORD. I object, unless he gets on the other side of the aisle.

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILL] by unanimous consent has been given five minutes and is recognized by the Chair.

Mr. BUTLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BUTLER. I rise to state that I made an objection unless permission should be given to the other gentleman from New Jersey.

The CHAIRMAN. The gentleman from Pennsylvania did not rise until after the Chairman had announced unanimous consent was given to the gentleman from New Jersey [Mr. HAMILL].

Mr. BARTHOLDT. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BARTHOLDT. My point of order is that this amendment was not disposed of. I was going to move to strike out the last word.

The CHAIRMAN. That is the amendment to which the gentleman is speaking now. The gentleman from New Jersey is speaking by unanimous consent, and the gentleman's point of order is not well taken.

Mr. HAMILL. Mr. Chairman, now that the tempest which unintentionally, as far as I am concerned, was started by my taking the floor has somewhat abated, I trust the gentlemen will permit me to take my humble way in peace. A few days ago—last Monday afternoon, as I have stated—my colleague from New Jersey [Mr. LEAKE] took the floor for the purpose of criticising the conduct of William Jennings Bryan. My purpose in rising to-day is not to take issue or engage in an altercation with my colleague, with whom my relations are most cordial, but to assure this House, and through them the country, that the sentiments he expressed are not either the sentiments that I entertain or the sentiments that prevail in Hudson County, which we both represent [applause on the Democratic side], or which prevail, for that matter, throughout the State of New Jersey. [Applause on the Democratic side.] Mr. Bryan's conduct was criticised because he possesses a knowledge of the decalogue. Mr. Chairman, it is a most amazing view to be expressed in a legislative chamber, and I have had some experience in them, that a man is disqualified from the duties of statesmanship simply because he shows an acquaintance with the ten commandments. [Applause on the Democratic side.]

Rather, Mr. Chairman, is it refreshing in these days to find a man who not only boasts and possesses an acquaintance with the Ten Commandments, but what is more, one who throughout the entire course of his public career has consistently put the precepts of the Commandments into practice. [Applause on the Democratic side.] And while I concur unreservedly in the statement made, that his knowledge of the Commandments would fit him to occupy a pulpit with preeminence, I can also assure the House, reflecting at the same time the convictions of many here, that that same acquaintance will enable him to occupy with éclat the post of President of the United States. [Applause on the Democratic side.]

Twice, Mr. Chairman, has the same gentleman borne aloft Democracy's banner, and although the cause that he led went down into the dust of defeat, principles that he espoused were so undeniably sound that his victorious opponents have appropriated many of them and made them the popular features of their policy. [Applause on the Democratic side.]

It is said that this gentleman is engaged in the practice of corralling the delegates for the Denver convention. Well, Mr. Chairman, without questioning the truth of this assertion, we can cheerfully admit that, if it is true, it is a practice for which we have a highly distinguished precedent, for if the reports current in the newspapers are any indication of the truth, it is the very same practice indulged in by the illustrious gentleman whom my friends on the other side of the Chamber boast of as their political chieftain. [Applause on the Democratic side.]

Who will be the Democratic nominee no man can with certainty foretell. The choice will be left to the untrammeled judgment of the delegates to the Denver convention. Present indications, however, point strongly to Mr. Bryan.

And so, Mr. Chairman, my whole purpose to-day is to set myself, personally, and the section that I represent, in a correct attitude before the House and the nation on this important matter.

[Here the hammer fell.]

Mr. HAMILL. Mr. Chairman, I have a few remarks the privilege of inserting which in the RECORD I now ask the House.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILL. I desire for the information of my fellow Members to insert in the RECORD a report of some remarks uttered by Mr. Bryan at a recent banquet in Washington, which I trust will not be considered any the less valuable because they recognize the existence and validity of the decalogue which we all revere.

Speech made by Mr. Bryan at the dinner of the united Democracy of the District of Columbia at the Raleigh Hotel, Washington, D. C., on November 26, 1907.

Mr. BRYAN. Mr. Toastmaster and Fellow-Democrats: I desire, in the first place, to express my obligation to the Democrats of the District of Columbia, the united Democracy, for the opportunity they have given me to meet so many of the faithful in this part of the country. I want to thank, also, the toastmaster for his more than complimentary words in presenting me to you.

If anyone ever says that republics are ungrateful, I am prepared to testify that this Republic has rewarded me far more than I deserve, for my own experience has shown how much people are willing to do for one who has nothing to offer them in return except a desire to see realized in government the principles laid down by the fathers. I think my own experience in this country teaches this lesson, at least, to the young men, that they can expect reward for all that they try to do, for I have been more than abundantly rewarded for my endeavors. When I hear words spoken as they have been spoken to-night, I feel that to sit and listen to them may to some of you suggest the question, "How can he allow the praise to go unanswered?" But one in public life has to be overpraised by his friends in order to make up for the abuse that he gets from his enemies. [Laughter and applause.]

And so when mean Republicans say mean things about me, instead of getting mad, I shall just recall what has been said at this banquet, and smile and think I am still ahead. It is the fate of those who stand in the position of leadership to receive the credit that really belongs to those who labor with them, and for eleven years I have been trying to unload upon those who have been my faithful colaborers a large part of the praise that has been given to me.

A gentleman came out to Lincoln a year ago—Senator BEVERIDGE by name [laughter]—and made a speech before the Republican Club, and he called me a dreamer. He said that the President did things, but that I only dreamed. Well, I did not pay much attention to what he said; but in a little while I read that Speaker CANNON called me a dreamer, and then I sat up and took notice. [Laughter.] A few days later I read that Governor Cummings called me a dreamer. Then it began to look serious. [Laughter.] Not long after that Governor

Hanly called me a dreamer—four—and I know that my poor word would amount to little against the testimony of four great men; so I decided to plead guilty and justify. Then I began to look up the subject of dreaming, and, as usual, I went to the Bible, for I have a habit of going to the Bible when I get into trouble. [Applause.] It is the best book I know of. [Applause.] I know of no other book that contains so much truth or truth so well expressed; and then I was rather driven to it besides. I used to quote a good deal from Democratic authority, but I found when I quoted a Democrat that the Republicans would attack my authority, and they kept me busy defending the Democrats from whom I quoted. [Laughter.]

So I made up my mind to quote my Bible; and when I quote Scripture and Republicans attack my authority, I just let them fight it out with the Bible and I go on about my business.

I went back to the Bible and I found that the Bible spoke of dreamers. Joseph was the most conspicuous dreamer. You remember that Joseph told his dreams and that his brethren hated him because of his dreams; and once when his father sent him out where they were keeping their flocks in Dothan they saw him coming afar off and they said, "Here comes the dreamer," and then they plotted to kill him; and he was not the last dreamer plotted against. Finally, they said, "No, we will not kill him; we will put him down in a deep pit. We will make the father believe that the wild beasts have devoured him." And then the merchants came along and bought him. They carried him down into Egypt, and the brethren said, "Now we are through with that dreamer; we are rid of him." And the year passed, and famine came in the land, and they had to go down into Egypt to buy corn, and when they got there [applause; and a voice "They found Bryan."] they found Joseph and Joseph had the corn. [Laughter and applause.] I made up my mind that it is not so bad to be a dreamer, after all, if you have the corn. [Laughter and applause.]

But the more I studied the subject of dreams the bigger the dreamer became. John Boyle O'Reilly says that the dreamer lives forever, while the toiler dies in a day. Go into Europe and you will find great cathedrals, and back of every great cathedral there was a great dreamer, a man who had a vision of a great temple of worship. He put his vision upon paper, and then the multitude began with brick and stone and mortar to realize his dream, and sometimes hundreds of years after the dreamer's death the temple would be completed, and then people would go from all corners of the earth to look upon the building, and the dreamer's name would be known, while the toilers would be forgotten. [Applause.]

I do not deserve to stand among the dreamers. It is too great a distinction; but there was a statesman-dreamer—Thomas Jefferson was the world's greatest dreamer. [Great applause.] He saw a people oppressed, and he had a vision of a self-governing nation, where every citizen was a sovereign, and where no one dared or cared to wear a crown; and he put that dream upon paper. For more than a century the toiling millions have been building at the structure whose plans he drew—not only here but throughout the world they are building—not only in civilized countries, but in semicivilized countries, all over this globe, will you find people building away at this structure. Some day it will be completed, and then it will bring blessings to every human being. I shall be content if when my days are numbered it can be said of me, not that I was a dreamer and in the class with Jefferson, but that I was a toiler, laboring as best I could, improving every opportunity that presented itself, to advance the work on this building that he dreamed into existence. [Loud applause.]

I have enjoyed the speeches that have been made to-night. I have especially enjoyed the speech made by the distinguished Democrat from Mississippi [Mr. WILLIAMS], who is the recognized leader of the minority in the House. [Applause.] What difference does it make if we do not agree on some questions? I long since have learned that there can not be absolute harmony among any considerable number of people, if they think at all. If you want absolute harmony in a party you must not have more than one person in it, and then you must take the vote immediately, for he may change his mind. [Laughter and applause.] If you have two you are bound to have discord, for one will be radical and the other conservative. [Laughter.] There are as many different shades of radicalism and conservatism in this country as there are people. Speak to the most radical man in the country, and he will tell you that there are 80,000,000 of conservatives; speak to the most conservative and he will tell you there are 80,000,000 of dangerous radicals in the country. [Laughter.] In Japan I saw standing by a temple door two Korean lions; it is quite a familiar scene there, for these lions are found in front of many temples. One has his mouth open, the other has his shut. They represent the eternal conflict between the positive and the negative; between the conservative and the radical; and both are necessary. If it were not for the conservative, the radical would go too fast, and if it were not for the radical the conservative would not go at all. [Laughter.] They help each other; both are necessary in every country. I was so struck with the appearance of these lions and with their significance that I bought two and brought them home with me; I put them on either side of the steps leading up to my front door, and there they stand, the radical and the conservative; and I go in and out about halfway between the two every day. [Laughter and applause.]

I enjoyed listening to the speeches that have been made here, and particularly that made by my good friend from Kentucky [Mr. JAMES], to whom I always listen with delight, and not less to that of my good friend from New York [Mr. SULZER], who, in 1896, was much more lonesome down there than he is to-day. [Applause.] And I appreciate, too, the speech made by the Tammany leader [Mr Hagan], who comes here with his message from the unterrified Democracy of New York City; and I am perfectly willing to indorse his statement that the Tammany tiger is a much more beautiful toy than any "Teddy bear." [Applause.] His reference to these political toys recalls the emblems of the two parties, and, my friends, I am prepared now to defend the donkey as an emblem for a party in preference to the elephant. I had this impressed upon my mind as I traveled through other countries. Go where you will, and you will find the donkey, and he is always at work, and he is working for the common people wherever you find him. [Applause and laughter.] He is no aristocrat. [Laughter and applause.] He is not ashamed of toil. You will find him in the mountains of the West; you will find him in the crowded sections of the Orient; you will find him along the fertile Valley of the Nile, and you will find him on the sacred soil of the Holy Land. And that patient, persistent animal is always doing something for the people. If service is the measure of greatness, the donkey's claim to distinction can not be ignored. [Laughter.] Aye, give me as a party emblem the universal donkey rather than the elephant, which can only be found in a few latitudes, and is seldom seen except on dress parade. [Applause.]

I desire to call your attention to-night to a subject of importance, one worthy of our consideration, and if I did not regard it as an important subject I would not trespass upon your time at this late hour of the evening.

I appreciate the growth of Democratic ideas. You may remember that I have pointed this out at various times—reluctantly, of course, but from a sense of duty. [Laughter.] I have felt that I ought to speak of it. [Laughter.] Some Democrats have criticised me because I have praised the President when he has been Democratic; but, my friends, no Republican President can push me off of the Democratic platform if I know it. [Applause and laughter.] I have not enjoyed myself so much in years as I have enjoyed myself in the last three, and I think I am enjoying myself to-day better than I did last year. Why, my friends, you don't know how much better I am treated now since my ideas have been made respectable. [Laughter and applause.]

I used to be afraid to let the picture papers come into my house. They had such horrid caricatures that they kept my family disturbed all the time, but now I can let nearly any paper come into the house, they are so much more polite. Collier's Weekly not long ago had a cartoon that some of you may have seen. Why, it actually represented me as a bird. Think of it! [Laughter.] You laugh, but after a man has been in the serpent class for years it is quite a rise to get among the birds. [Laughter and applause.] And this cartoon represented the President and myself both as birds. [Laughter.] But he was on the nest, and I was on the limb; and the strangest part of the picture was that his nest was feathered with feathers that I had formerly worn. [Laughter and applause.] There I stood on that limb almost naked, with just one feather left—tariff reform—and I was wondering whether he was going to take that. [Laughter.] Now, the cartoon brought out the idea, but it did me great injustice, for I have more than one feather left and others growing. [Laughter and applause.] And I am perfectly willing to raise feathers if the President will only have the good sense to use them. [Laughter and applause.]

The President has advocated some things that are Democratic, and I want to call your attention to-night very briefly to some of the things that he has advocated that are Democratic, and to some things that are Democratic that he has not advocated, and to some un-Democratic things that he has advocated.

In the first place, he has advocated the regulation of the railroads. That is Democratic. Only he has not gone as far as we think he ought to go. He has, to some extent, prosecuted the trusts. That is Democratic; but he has not prosecuted enough of them or carried the prosecutions as far as he ought to have carried them. We have had on the statute books a law making it a criminal offense, punishable by imprisonment in the penitentiary, for men to conspire in restraint of trade. He has been President now for some six years, and while he has commenced some prosecutions, we have yet to see the penitentiary doors open for a trust magnate; the birth rate is larger than the death rate, and the trust family is one family that meets the President's idea of size. [Laughter and applause.] But so far as he has gone on the trust question he is Democratic. As the Republican leaders would not go as far as he wanted to go on the railroad question, so they have not been willing to go as far as he wanted to go on the trust question. He has advocated the arbitration of differences between labor and capital, and this is Democratic; but the Republican leaders have not joined him in it. He has advocated an income tax, and this is Democratic, but no prominent Republican has yet attempted to carry out his recommendation; and Secretary Taft, who has been selected as his heir-apparent, if the Roosevelt line is established, says that while he is in favor of an income tax, he does not want it just now. Now, here are four things that are Democratic; the President has advocated these Democratic policies which the Democratic party advocated for from five to twelve years before he ever spoke upon the subjects. Now, I want to give him credit, and I do gladly give him credit for what he has done in this respect. If you ask me if he is a Democrat, out of justice to him and out of justice to the Democratic party I say, No. [Laughter.]

If you ask me if he is Democratic, I will answer you after the manner of the old pioneer preacher of Illinois, Peter Cartwright. He was asked if he was sanctified, and he replied, "Yes, in spots."

And so, my friends, if you ask if the President is a Democrat, I say, "Yes, in spots." My only regret is that the spots are not as numerous as they ought to be or as large as I would like to see them. But a Democratic spot looks beautiful to me, I do not care on whom I see it. [Laughter and applause.]

Now, there are certain things that are Democratic that he has not advocated. He has not advocated tariff reform. That is Democratic, and I am sorry that he has not taken the Democratic position.

He has not advocated the election of Senators by direct vote of the people, yet this Democratic reform is so popular that five times the House of Representatives has passed the resolution necessary for the submission of the amendment and has passed it by practically a unanimous vote. That is a Democratic policy that he has not advocated.

He has not yet joined us in the denunciation of government by injunction, although the indications are favorable. [Laughter.] I say "favorable" because in the last message he said that if this injunction—this writ of injunction—continued to be abused, something would have to be done. This reminds me of a man who went to a theater on a pass. It was a very bad play, and the audience began to hiss and to hoot, but he sat still. Finally one went to him and said: "Why don't you join us in expressions of disapproval? You certainly do not like this play." "No," he answered, "I don't like it any better than you do, but I am in here on a pass. But," he added, "if this thing gets much worse, I will go out and buy a ticket and come in, and then I will join with you." [Laughter and applause.]

Neither has he indorsed the Democratic opposition to imperialism.

Now, not only are there some Democratic things that he has not advocated, but there are some very un-Democratic things that he has advocated. In the first place, he has advocated the national incorporation of railroads and other corporations engaged in interstate commerce. This is un-Democratic. It is Hamiltonian. It is the most centralizing proposition that has been presented to this country since Hamilton presented his consolidated, centralized plan of government. This is un-Democratic, and I am sure that the Democratic party will be unitedly opposed to it, and I trust that we can get enough Republicans to join with us to prevent its consummation.

This idea of a centralized government, my friends, was illustrated in his action in regard to the school question in California. That was entirely in line with this idea of a centralized government that overrides the rights of the various States.

Then, he has advocated a ship subsidy, and this is un-Democratic. And we not only had the solid Democratic party against it, but we

had enough Republicans from the interior States to make it certain that this year, with their reduced majority, they can not pass it through the House.

He has also advocated an asset currency, and so far the Democrats have had enough assistance from the Republicans to prevent that being carried through. He has, too, given evidence of possessing a military spirit, which is un-Democratic.

I mention some of the Democratic things he has indorsed, some Democratic things that he has failed to indorse, and some un-Democratic things that he has indorsed, because I believe that the Democrats should praise him where he deserves praise and should censure him where he deserves censure. I believe that we as Democrats should be as ready to commend him when he does anything right as we are to condemn him when he does anything wrong. [Applause.] And because I have felt free to say a good word for him where he said a good word for a Democratic idea, I have felt free to point out what I believe to be the errors in his policies. I have thought it worth while to go somewhat into detail on this; and now, my friends, I want to come to the question that I desire to impress upon your minds to-night.

I am going to assume that Democratic ideas have been vindicated. I am going to assume that the last eleven years have shown such a vindication of the correctness of Democratic principles as has not been shown in the vindication of any party in the same length of time in all the history of this country. Eleven years ago the Republican party came into power in all the Departments of the Government. It has had eleven years of complete supremacy. It has had the President, the Senate, and the House—and the Supreme Court thrown in for good measure. It could do everything it wanted to do. It could pass every law it wanted to pass; repealed every law it wanted to repeal, and enforce every law that it wanted to enforce. There has been nothing to hinder. Not only has it had supreme power, but it has been aided from without as few parties have been aided. When the Republican party came into power we were in an era of falling prices and rising dollars.

Immediately after the election there were such unprecedented discoveries of gold throughout the world that the quantity of gold now produced annually is larger than the product of gold and silver both in 1896. In the last eleven years we have had such an increase in the volume of money that to-day we have more than 50 per cent per capita more than we had in 1896, although Republican leaders then said we had enough; and with this enormous increase has come a rise in prices, and with that rise in prices has come greater prosperity. This country to-day could not commence to do the business that it is doing if we had no more money in circulation than we had in 1896. [Applause.] It has had the credit for these rising prices because the rising prices came under a Republican Administration, although the Republican party can not claim credit for the increased discoveries of gold. Not only has it had this advantage, but when it came into power we were at the end of an era of bad crops. For eleven years we have had an era of large crops—large crops, higher prices, more money, and, consequently, more prosperity—and yet this Republican party, in complete power, aided by all these things for which it can not honestly claim credit—this Republican party has gone down in popularity from a time when it claimed that almost any Republican could be elected until to-day, when Republican leaders are demanding that the President shall break the precedent of a hundred years and be a candidate again, not to save his country, but to save his party from threatened defeat. [Applause.]

Is it not strange that a party thus in power should thus fall in popularity? And is it not stranger still that the one man who is regarded as popular by his own people is only popular in proportion as he has abandoned the Republican position and adopted the Democratic position? [Applause.] Eleven years in power and the Republican party has not impressed upon this country one single Republican policy. Not one single Republican policy is as strong to-day as it was eleven years ago. The Democratic party, out of power, is strong enough to fashion the policies of a Republican President. This party in defeat has exercised more power and influence than the Republican party in the full possession of the Government. [Loud applause.]

This demonstrates the truth of what Mr. West has said, that you can not kill the Democratic party, because you can not kill the things for which it stands. The Democratic party is strong to-day because its principles are strong, and its principles have grown because they are right. How do you attempt to explain the fact that the Democratic party can look further ahead than the Republican party—can see more clearly the abuses that need to be remedied and measure more accurately than the Republican party the needs of the people? Why is it? It is a question that must arise in the mind of every reasonable man. I want to give you, if I can, the explanation; I want to give you the explanation that, to my mind, is not only a sufficient explanation, but the only explanation.

It is altogether due to the point of view. There are just two points of view when you come to consider government. One is the aristocratic point of view and the other is the democratic point of view. In the beginning of our nation's history we had two great men, and they looked at the Government from these two points of view. Hamilton was an aristocrat; Jefferson was a democrat. Hamilton did not trust the people; Jefferson did trust the people. Hamilton was afraid that the "passions of the mob" would control the Government, and, therefore, he wanted to get it as far from them as possible and have the elections as far apart as he could make them. Jefferson trusted the people, and believed that that government was best which was closest to the people. He was not afraid of the influence of the people upon their own government, for he declared that if the people could not be trusted with their own government there was no power to which God had committed the right to govern them. The ideas of Hamilton were overthrown; the ideas of Jefferson triumphed. Hamilton wanted a government in which the President would be elected for life; in which the Senators would be elected for life, and in which the governors of the various States would be appointed by the Federal Government for life. Who would dare to go out as a candidate for high office now on Hamilton's platform?

Who would dare to go out and ask to have the President elected for life, the Senate elected for life, and the governors appointed by the Federal Government for life? No one would think of going before the country on such a platform. The question is not a President for life, but a President for a third term, and even those who want him for a third term try to avoid the force of the argument against it by saying that it is only a second "elective" term. If even his own friends recognize the objection to even a third term, who would declare in favor of a President for life? And who would want the Senate elected for life? The most popular reform in this country is the one that is intended to bring the Senate into harmony with the House in its method of election and make it more representative of the people.

A VOICE. That is it.

Mr. BRYAN. And if you think we would like to have governors appointed from Washington for life ask these Representatives from Oklahoma, whose coming has given joy to all our hearts. Ask them what they think of a carpetbag government in Oklahoma, where the officials are appointed from Washington, not for life, but only for a period of a year, and you will find the sentiment unanimous against the Hamiltonian idea and in favor of the Jeffersonian doctrine. But, my friends, this difference in the point of view between the democrat and the aristocrat not only manifests itself when you come to consider the theory of government and the methods of government, but it manifests itself also when you come to consider the structure of society and the application of political principles to the public welfare.

There is a Democratic view of society, and there is a Republican view. I say "Republican," and perhaps I ought to say aristocratic, and yet the Republican leaders of this country take the aristocratic view of society. They take the Hamiltonian view of government, and they take the aristocratic view of society. The Democrats believe that society is built from the bottom; the aristocratic idea is that society is suspended from the top. [Laughter.] The Democratic view is that if you legislate to make the people prosperous, then all those smaller classes that rest upon the people will share in the people's prosperity. But the aristocrat says, "Legislate for the well to do, and prosperity will leak through on those below." [Laughter.] That is the difference in the view point. You can not get any man to admit that he is an aristocrat, but you can prove it on him if you can get him to state his views in regard to public questions. If I want to find out whether a man is an aristocrat or not, I tell him a Bible story, and then listen to hear what comment he makes. I tell him the story of Lazarus and Dives, how Lazarus ate the crumbs that fell from Dives's table; if he is a Democrat he says, "It is too bad that we have any people who must live on crumbs," and he begins to plan for some reform which he thinks will give to every man a table of his own, so that no one will be dependent upon what falls from another man's table. [Loud applause.]

But if he is an aristocrat, what does he say? He says, "What a lucky thing it was for Lazarus that there was a Dives near." [Applause.]

Now, this is no imaginary illustration. You will find this illustration borne out in daily life. You will find people among you who are aristocratic, and they are always talking about "the captains of industry." They are eulogizing the men who give work to others, and these men who think society is constructed from the top think that the laboring man ought to make every day a Thanksgiving and express his gratitude that somebody gives him a chance to work, and yet the employer will not employ a man unless that man produces enough to not only pay his own wages but give his employer a profit for employing him. When the steel trust made public its last annual report that report showed that it paid to labor $147,000,000, while its net earnings were $154,000,000. Its employees, on an average, not only earned their own wages, but they earned more than a hundred per cent profit on their wages for the benevolent corporation that employed them, and yet those who think that society is constructed from the top insist that every man who works for a corporation ought to allow that corporation to dictate to him what he should do in the discharge of his duty as a citizen.

In the campaign of 1896 I believe that we lost enough by the coercion practiced by these corporations to change the result of that election. We met them on the stump and defeated them by argument; we put unpaid voters against their mercenaries, paid by the largest campaign fund that was ever collected in this country, but, in spite of their subsidized press, in spite of their corruption fund, we would have won this fight but for the fact that the day before election they were able to coerce enough laboring men to change defeat into victory. [Applause.]

It depends upon the point of view from which you examine society what remedies you will suggest. If you will examine the policies of these two great parties you will find that the Democratic party has been trying to secure reforms in the interest of all the people, while the Republican party has been legislating in the interest of a few who control the great industries.

Take, for instance, the trust question. What is the position of the Democratic party? It says that 80,000,000 people are victimized by these private monopolies, and because it looks at the question from the view point of all the people, it says that a private monopoly is indefensible and intolerable. It says that God never made a man good enough to stand at the head of a private monopoly and decide every day a question where his interests are on the one side and the interests of all the people on the other side. The Republican leaders are taking the side of the trust magnate. They said, in the first place, that there were no trusts, and when we brought proof of the existence of these trusts, they said: "Well, they are natural developments; they are in the line of economic progress and have come to stay;" and when we showed that they were not economic, but political; that they rested upon laws and could be destroyed by laws; when we showed that a private monopoly had its source in legislation, and that legislation could take away the foundation upon which it rested; when they could not longer defend it, they said: "This is a new question and you must not be too hasty about it; you must be deliberate and must take time to consider." Call it a new question! Why, the principle of private monopoly has manifested itself from the very dawn of history. It is merely one of the manifestations of selfishness that has been found in man from the beginning. Go back through the years and you will find instances of it.

I found when I was in the Holy Land that there was an oil monopoly there seventeen hundred years ago. You will find an account of it in the works of Josephus. He says that a man named John of Gashala got a monopoly in olive oil; and if any of you think that the rebate is the only foundation of monopoly, let me remind you that when John of Gashala got his monopoly in olive oil he had no rebates to help him. He filled two goatskins, and strapped them over the back of a donkey, and yet he raised the price of olive oil until he sold it for ten times what he paid for it; and I have sometimes wondered whether our John got his first idea of an oil trust from John of Gashala.

It is not a new idea. It is an old idea, and the reason why the Democratic party is advocating remedies that the people are beginning to accept is to be found in the fact that the Democratic party looks at the question from the standpoint of all the people, while the Republican party looks at it from the standpoint of these men who at-

tempt to control the industries of the country and then dole out wages to the rest of the people. I am willing to go down on my knees at morning and say to my Heavenly Father, "Give us this day our daily bread," but God forbid that I should compel millions of my countrymen to go down on their knees at morning and say to these trust magnates, "Give us this day our daily bread," and have them reply, "We will if you will vote the ticket we want you to." [Applause.]

Take the tariff question. What is the difference in the position of the parties? Merely a difference in the point of view. The Democratic party looks at eighty millions of consumers who are paying tribute to a small proportion of the population; and the Republican leaders pick out these few men who are supposed to be of superior importance, and insist that these men shall have a right to make the Government a business asset and collect through the Treasury Department the money that they say they ought to have in return for the service that they claim to render to the country.

I have outlined every argument which has been made in favor of a high tariff. When I began to speak on this subject twenty-seven years ago, when I was not quite old enough to vote, the argument that I heard made was "we must have the high tariff for a little while to help the infant industries until they can get upon their feet." But in a little while they got so big that they could not only stand on their own feet, but walk all over everybody's else feet; and then they had to drop that argument. Then what did they say? Why, they said that we must have this tariff, not for a little while for infants, but all the time for adults, but that we must have just enough to cover the difference in the cost of labor here and abroad. And under the pretense that they were getting just enough to cover the difference in the cost of the labor here and abroad, they got a tariff that was on an average more than twice as much as the entire amount paid to labor. And yet these men, who think society is constructed from the top, have made no move toward the revision of the tariff. I confess I can not understand how the American people have been deceived so long by the false and flimsy arguments that have been advanced in favor of a high tariff.

Go out among the people, and in most cases Democrats and Republicans can not be told one from the other. They mingle in society; they mingle in the church; they intermarry, and you will find them together about every fireside. They make their wills just alike. You can not go to a court-house and tell by the will recorded whether the man who made it was a Democrat or a Republican. The amount that he left might give you some indication, but the language of the will would not. You will find that when a Republican makes a will he counts up how much he has, then he leaves so much to one child and so much to another child and so much to another. He goes through the list, and he says just how much each child is to receive. But if a Republican made a will like he votes on the tariff question he would leave all his money to one child, and then tell the child that he hoped that that child would treat the other children fairly in the distribution. These men who will not trust their own children to be just to their brothers and sisters leave hundreds of millions of dollars to protected manufacturers of the country, and then trust them to divide it generously with the employees.

How are we to get tariff reform? From the Republicans? Why, they say the tariff must be reformed by its friends. Who are its friends? Those who think they make money out of it. And how long will it be before the men who think they make money out of a high tariff are willing to reduce the amount of money that they make? It is a vain hope, my friends. A child will get so big that it will be ashamed to nurse, and a calf will grow so large that it will finally wean itself, but no protected industry ever let go the public teat until it was pulled away by force.

They now say that we must have tariff reform *after* the next election. That is the position of Secretary Taft—not before the election, but afterwards. Well, there are just two times when the tariff can be reformed: One time is just before the election, and the other is just afterwards; and, unfortunately, these happen to be exactly the two times when the Republican party finds it impossible to reform the tariff. [Laughter and applause.] It can not be done just before the election, for that might interfere with a Republican victory, and if it wins the victory it can not do it just after the election, for that would be like flying in the face of the verdict that the people had rendered. It is only when they think they must do something, or somebody else will, that they become at all frightened, and begin to talk of even remote tariff reform. And when Secretary Taft says that we will have tariff reform after the election I am reminded of a story Senator TAYLOR tells.

I do not want to tell his stories in advance, but he has so many that he will not miss this one. It was a story of an old colored man who became very sick. He thought he was going to die, and his wife asked him if everything was clear between him and his Maker. And he said, "No; as I look up toward heaven I can see ducks and chickens and pigs and things of that kind crossing between me and the skies." She said, "I told you not to do it. We have some of them yet, and I will go out and get them together and we will send them back, and maybe you will feel easier." And he said, "Go out and get them and hurry up." So she hitched up the old mule, and just as she was about to start away to distribute the stolen goods she looked in to see how he was; he heard her and asked: "Have you sent them yet?" She said, "No; but they are just ready to go." And he said, "Never mind now, I am feeling better."

If they can get you past the election by the promise of tariff reform they will feel so much better that they will forget all about reform. If you have tariff reform at all it will come from the eighty millions of consumers and not from the few protected industries that have been fattening through public taxation.

And so if you take up the question of centralization you will find that it is a question of the point of view. The Republicans—why are they for centralization? Because the great corporations of this country want to get the power out of the hands of the States, for the governments of the States are too near the people. They want to get the Government farther away. They would rather have it in Washington than in the States, and if they could get it to London they would feel safer still. The farther they can get it away from home the better they feel about it; while the Democrats, trusting the people and looking at the question from the standpoint of the people, want to keep the Government near to the people. Democrats insist, therefore, that Federal remedies shall be added to State remedies and not substituted for State remedies. [Applause.]

Why is it that the Republicans have put off arbitration? It is because they take the views of the great monopolies that do not want arbitration. Why do the Democrats favor arbitration? Because they look at if from the standpoint of the army of employees and also from the standpoint of all the people, who are disturbed by every conflict between labor and capital. We have just witnessed a fight between two great telegraph companies and their employees, and 80,000,000 of people have had their business interrupted while these employers have fought out their differences with their employees. If you ask them to arbitrate, they say there is nothing to arbitrate, and then they ask you, "Has not a man a right to attend to his own business?" and that question has fooled many a well-meaning man. My reply is this: If a man in attending to his own business affects only himself, he has a right to attend to his own business; but when a man in attempting to attend to what he calls his business affects the lives and happiness and the future of tens of thousands of his fellow-citizens, I deny that any man has, under such circumstances, a right to attend to his business in an arbitrary way. [Applause.]

And the same difference in point of view explains the difference between the two parties on the subject of government by injunction; and this difference in the point of view explains the difference between these parties on the subject of imperialism. The Republican leaders are looking for trade purchased at the cannon's mouth, and because they think that a few great commercial interests will be able to profit by imperialism they are willing to trample upon the principles of our Government. The Democratic party, looking at the question from the standpoint of the masses who pay the taxes and whose sons must die in the support of a colonial policy, are opposed to a colonial policy in this country.

We insisted seven years ago that the Republican party define its position and tell this country what it intended to do. It refused then. The leaders said, "We can not talk to these people when they have guns in their hands." They said, "Let them lay down their arms and then we will talk to them." And when the Filipinos laid down their arms they said that there was nothing to talk about, and we have not been able to get them to discuss the question of imperialism from that time to this, and yet they have spent more than five hundred millions of dollars in this attempt to ape the monarchies of the Old World—five hundred millions of money collected from the people has been squandered on this colonial experiment.

At a meeting at St. Louis not long ago to discuss the development of interior waterways they declared that $500,000,000 spent in improving the interior waterways would give us an annual saving of $180,000,000 in the cost of transportation. Yet, my friends, we have spent more than $500,000,000 on our imperial policy, and instead of having an income of $180,000,000 we have more than $100,000,000 a year increase in the expenses of our Army and our Navy. We have more than twice as many soldiers to-day as we had ten years ago, and they can not justify the increase except on the ground of our colonial possessions. This has increased our Navy, and still naval experts tell us that if we do not make our Navy three times as large as it is now the "Japs will get us if we don't watch out."

I took a short vacation in southern Idaho last summer; I stayed for a week on the banks of the Snake River. I had been out there ten years before and had crossed a piece of desert upon which I never expected to see a crop growing; but within the past ten years they have put a dam across the Snake River; they have built great canals; they have reclaimed 170,000 acres of that land, and where three years ago nothing but sagebrush grew to-day they are raising 7 tons of alfalfa to the acre and a hundred bushels of oats. They have 10,000 people living there; they have one city with 1,910 inhabitants, and in it are three banks, which have deposits of more than half a million dollars. And yet, my friends, this great improvement has cost, I think, less than $6,000,000. They are now building canals on the other side of the river, and within three years they will have 150,000 acres, and they have another reclamation scheme not far away that is now being developed by which 150,000 acres more will be brought under irrigation. Within ten years you will see 30,000 people living on this land that was but a little while ago a desert. Think of it! Thirty thousand people, and the entire cost will be less than $25,000,000; and yet the Republican party has spent more than forty times that much on its colonial experiment, and there will never be as many Americans go to the Philippine Islands in a thousand years under a carpetbag government as are now making "the desert to blossom like the rose" in Idaho. Five hundred million dollars would reclaim every acre of arid land; $500,000,000 would construct dams to hold waste waters in the mountains, and not only protect the valleys from overflow in the spring, but give us this water to make the land productive. Yet the Republican party, looking at this question not from the standpoint of the common people, but from the standpoint of the favored few, even to-day refuses to announce its policy upon this important question.

And so I might take up each question upon which we have been divided, upon which our parties take different positions.

It is not strange that the Democratic party should be opposed to these great campaign contributions that have corrupted our politics. I can join with Mr. SULZER in what he says in praise of the work that Hon. Perry Belmont has done in bringing this subject to the attention of the American people. [Applause.] And if any Republican says that the Democrats have a selfish interest in stopping these campaign contributions, I reply that the Democratic party can get them whenever it will sell itself as the Republican party has sold itself; but rather than enter into this rivalry, rather than to put these elections upon an auction block and sell the Administration to the highest bidder, we prefer to appeal to the conscience of the American people, to pass laws that will prevent this corruption of politics by first stopping contributions from corporations entirely and then by compelling individual contributions above a reasonable minimum to be made known before the election, that the voters may know what money is being spent, and then they will know why it is being spent and what to expect from the party through which it is being spent.

I wish I could take up each question and show you that the viewpoint of the Democratic party is that of the common people and the viewpoint of the Republican party is that of the favored few. But let me say to you that the President has done one thing for which I feel especially grateful; he has called attention to swollen fortunes. I think I have enjoyed what he has said on this subject even more than any Republican has, because I am only cussed half as much now since he bears the other half. [Laughter.] We are now companions in misery. [Laughter.]

From the high position which the Executive occupies he has called attention to the fact that we have fortunes in this country which are unearned, that are diseased, that are abnormal, that are swollen. He has not only called attention to it, but he has stimulated some of the Republican leaders—some, not many—to a discussion of this subject. Senator BEVERIDGE was quoted last fall as saying out in Indiana that it was time to put a limit to the amount of money that one man could have. Why, it shocks my conservative mind to think of "putting a limit to thrift and industry" like that. I remember what they used

to say when I talked about unearned fortunes. A hundred millions! That is Senator BEVERIDGE's limit. Possibly most of us will not feel that it is a personal attack upon us. A hundred millions! Do you know what that means? Why, the President gets fifty thousand a year, and I think it is enough, although the President bears a heavier load of responsibility than rests upon any other official in the world. If he serves four years, he earns $200,000; if he serves eight years, he earns four hundred thousand. If he forgets all that the forefathers have taught against a third term and serves ten years, he will make a half million. He would have to serve a hundred years to make five million, and then he would have to have twenty lives and serve a hundred years in each life to make a hundred millions. We say when we read that a railroad president or insurance company president gets $100,000 a year that it is a very big salary for one man.

But if a man was elected president of a railroad or insurance company at 21 and served for fifty years at a hundred thousand a year—served until he was 71—he would only make $5,000,000. He would have to have more than twice as many lives as a cat and serve fifty years in each life to make a hundred million dollars, and yet we have one man who is said to have $500,000,000. I am glad the President has called attention to this subject, for, my friends, when the people understand what is going on they will inquire the cause, and when they inquire the cause they will find that these swollen fortunes rest upon the favoritism and the privileges that the Republican leaders have been giving to a few men, because they look at society as if it were built from the top. [Applause.] And when the people have been aroused by the arguments of the President and those who act with him we shall propose to them the only permanent remedy for swollen fortunes. It may not reach the ones still in existence, and for those the inheritance tax may be good, but our plan will furnish a permanent remedy. We say, "Equal rights to all and special privileges to none." We say, open the door of opportunity to every man's son, and give each one an equal chance, not only to labor, but to enjoy the fruits of his toil, and when all are given the same opportunity and protected by the same laws, then we will have no swollen fortunes to menace this country by their corrupting influence. And how shall we bring this about? I am convinced that to-day a large majority of the people believe in Democratic principles. All that we have to do is to convince them that the Democratic party can be trusted to carry out Democratic principles.

This crisis through which we are passing is going to be the last argument necessary to convince the country of the correctness of our position. Year after year they have dragged out that old fraudulent argument that they have no panics when the Republicans are in power, that panics come only when Democrats are in power, and now in the very midst of Republican rule we have a financial stringency that reaches to the remotest corners of this land. I will not blame the President as some of his own party have blamed him. I will not blame the banks that have felt justified in the measures they have taken for the protection of their resources and that of the community, but I say to you that the Republican party, which boasts it has been in power, with only two years' exception, for forty-seven years, for this party does boast of that—in all that time we have had but two years when we had the President, the Senate, and the House all at one time—this Republican party which has been in power all this time which has drawn the salaries and had the glory—this Republican party must bear the responsibility; and I charge that these Republican leaders [applause] have so linked us to Wall street that when a gambler down there gets cold the whole country must shiver until that man is warmed. [Applause.] Now, while this extremity is upon us, the only remedy that these Republican leaders propose is a remedy that will put us more completely in the clutches of these very people. You hear them discuss remedies. Do they give you any remedy for keeping directors from robbing their own banks? No. Do they give you any remedy that will keep these men from loaning money on gambling securities to advance speculative enterprises? No. Do they insist that a larger percentage of the reserves shall be kept in the vault? No. Their only remedy is to enlarge the banks' power to issue the money; to give the bank power to issue on its variable assets. Was not my 50-cent dollar bad enough? Must we have a dollar with no cents behind it at all? [Applause.]

I am so glad that at last I can be the champion of "an honest dollar." [Applause.] I am glad that I can plead for "the widow and the orphan, whose savings must not be jeopardized," and for "the laborer, in whose hands the dollar must not diminish in its purchasing power." Their only remedy is a remedy that hires a few trustees to guard the interests of the people, and then they give the people no law to compel their guardians to execute the trust. The Democratic party looks at this question from the standpoint of the people, and says that what you need in this country is to restore confidence. Aye, I, the victim of confidence a few years ago, am now the evangel of confidence to-day. [Applause.] We say that what we want is confidence, and confidence where? Confidence among the depositors who have been frightened by the manner in which the great banks of the cities have been managed, and not until confidence is restored among the masses of the people will you find a permanent relief from this panic, and prevention of similar panics in the future. But, my friends, my time is up, and I must now go to catch a train. I appreciate——

A VOICE (interrupting). Go ahead.

A VOICE. We'll stay here all night.

Mr. BRYAN. I appreciate the honor that you have done me in coming out to-night. I can not sufficiently thank these good Democrats of the District of Columbia for the interest that they have shown.

Let me say one parting word. I can not say now who may be the candidate of our party next year. [Cries of "Bryan!" and applause.] The party owes me nothing. It has amply paid me for all that I have ever been able to do for it. There can be but one reason why the party should nominate me, and I do not want it to nominate me for any other reason; and this question must be determined by the voters of the party. The only possible excuse that can be made for my nomination is, not that it will help me, but that it will enable me to help the Democratic party in the fight that it has before it. [Applause.] But, my friends, whether this honor falls to me or upon some one more worthy to bear the standard, our appeal, if we hope for success, must be to the awakened conscience of the American people.

A VOICE. Amen.

Mr. BRYAN. We must go forth with an honest platform. We must go forth with an honest organization. We must go forth to make an honest fight; and we must appeal to the conscience of the country, and that conscience to which we must appeal is the most potent force known among men. Tell me that men are kept honest by law! For one man made honest by law an hundred are made honest by conscience. For one man kept in the path of rectitude by fear of prison walls a thousand are kept in the "straight and narrow way" by those invisible walls that conscience rears about him, walls stronger than walls of granite or of stone, and I believe that our appeal will not be in vain.

It is not to be a money campaign. We can not promise any man an advantage over any other man. We can not ask anybody to loan us money in order that we may repay it out of the pockets of the people. Our fight must be made with volunteers, men who are interested in the cause, and I say to you that if I were a candidate I would rather go out and make this fight without a national committee, without a campaign fund, than to go out with a campaign fund the source of which we were not willing to divulge unto all the people of the country. [Great applause.]

And I believe that with a party standing for something, something that the people need; with a party manned by those in whom the people have confidence, and appealing to the conscience of this nation, we can not only hope for a victory, but for a victory that will carry this Government back to its old foundations and make it again what the fathers wanted it to be—"a government of the people, by the people and for the people." [Loud and continued applause.]

Mr. LEAKE. Mr. Chairman, I ask unanimous consent of the committee for five minutes in which to answer my colleague [Mr. HAMILL].

The CHAIRMAN. The gentleman from New Jersey [Mr. LEAKE] asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. LEAKE. Mr. Chairman, the gentleman from New Jersey, my colleague, misunderstood my reference to Mr. Bryan. I cast no reflection on his character or integrity. He refers to the decalogue. Well, this business of President-making is a serious business. A man in the White House who is radical, flighty, and unsteady can do as much harm as one who is dishonest.

The Democratic party is the great conservative constitutional party of this country. Whenever it departs from its fundamental principles it meets with certain defeat. The American people have a good judgment and usually decide rightly, so that it behooves us more than ever not to depart from our historic doctrines.

I am opposed to the efforts of some leaders in public life to discredit our constitutional form of government, under which we have been so successful these one hundred years, and set up in its stead a government of personal individuality. These leaders propose to change the personnel of the Supreme Court when that bulwark of our liberties disagrees with them.

There are evils in our country which need correction. In correcting them let us not punish multitudes of innocent men to get at a few offenders. The American business man is not dishonest; the American banker is not an embezzler. Let us punish the guilty, but give, in the language of Jefferson, "equal justice to all."

Democracy stands for that. It is against special privileges. It is conservative. Its principles are needed now more than ever before in the history of our country. Mr. Bryan can not represent those principles. His rise has been rapid because of his radicalism. He must now pay the penalty for it. He is associated with free silver, Government ownership of railroads, initiative and referendum, and Government guaranties. All of them are un-Democratic and un-American. With him as our candidate we can not get away from his policies nor can we make paramount the great fundamental doctrines of the Democratic party. We are a party of principle, while you are a party of expediency. We are opposed to special privilege. The Republican party says that it is in favor of tariff revision. Your Speaker is opposed to it and the gentleman from New York is in favor of it. Well, my experience leads me to believe that the Speaker will have his way.

We support the doctrine of Jefferson—that the States are the best administrators of their domestic affairs. I do not like the term "State rights." It is not broad enough. It should be "Home rule." Home rule in municipalities, without interference from the State legislatures. Home rule for the States, without interference from the National Government, except in those cases confided to that Government by the Federal Constitution. I wish we might have a platform with nothing more in it than the sentence of Jefferson: "Equal justice to all men," and a candidate who will reflect that motto. [Loud applause.]

Mr. BARTHOLDT. Mr. Chairman——

Mr. SHERMAN. I do not surrender the floor; I simply yield to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman, before this bill is reported to the House I should like to make a statement in reply to some remarks made by the gentleman from New York [Mr. SHERMAN] on the question of the Indian warehouse at St. Louis.

Mr. SHERMAN. Mr. Chairman, I can not yield for that pur-

pose. We have passed that provision in the bill, and the St. Louis warehouse is provided for in the bill.

The CHAIRMAN. The gentleman from New York demands the floor, and is recognized.

Mr. SHERMAN. Mr. Chairman, I shall take advantage here also, in speaking to the pro forma amendment, simply to say that it is very pleasing to us over here to see our brothers across the aisle live in such delightful unity.

I want to say, further, Mr. Chairman, just a word to express my appreciative acknowledgment of the courteous treatment the House has given through many days to the Indian appropriation bill, which, as we all know, contains many items of really very little interest to the great body of Members of the House. I want especially here and now to express my acknowledgments to the gentleman from Illinois [Mr. MANN], who I expect, in anticipation of this bouquet, has left the Chamber, for the painstaking care that he has evidenced in the examination of this bill—evidenced by his remarks upon various provisions of it and his criticisms of it. I want to say, Mr. Chairman, that it seems to me wholesome and worthy of commendation that an intelligent, capable, and industrious Member, not a member of the committee having in charge any particular bill, should devote his time to it as the gentleman from Illinois has done to this bill. It can only produce good results. I want to say, further, that I appreciate, Mr. Chairman, the fact that the gentleman from Illinois has demonstrated that his opposition has at no time been captious, because whenever he has had an opportunity to have a provision stricken out under the rules, when it was demonstrated that the provision was reasonable and fair, he has always withdrawn the point of order.

Having said this much, I ask unanimous consent that the Clerk be permitted, in engrossing the bill, to make the correction of the totals which have been made necessary by amendments adopted.

Mr. WILLIAMS. Pending the submission of the request, if the gentleman from New York will yield to me for a moment, I would ask unanimous consent for about four minutes of the time of the House.

Mr. SHERMAN. Very well, I shall make my motion before the House.

Mr. WILLIAMS. I want the time while we are in Committee of the Whole.

Mr. SHERMAN. I will withdraw that request and allow the gentleman from Mississippi to make his request.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may be permitted to address the House five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Chairman, the risibilities of the Members on the other side of the Chamber seem to have been aroused a few moments ago about a clash of opinion upon this side. They seem especially to rejoice in the fact that there is no rod of authority in the Democratic party whereby absolute unanimity of expression about measures or candidates can be obtained. While I of course regret that all Democrats do not always express exactly the same ideas under the same circumstances, I thought, perhaps, it would be well to emphasize before the country just at this moment the reason why the Republicans here are generally united—outwardly, at any rate—notwithstanding the fact that now and then one of them arises in his place and serves notice that if somebody does not "get out of the way he is going to be run over." I can not express that idea any better than by reading a little piece of poetry that was produced in the Chicago Record-Herald, and of which, emphatically, I am not the author. I do not wish to be charged with all the doggerel I put in the CONGRESSIONAL RECORD. It is entitled "Uncle Joe's Psalm of Life."

And it reads as follows:

Tell me not, oh, fellow Members,
That we ought to put on steam;
Let the flame die down to embers
While we sit around and dream.

Say revision to your sorrow!
Let us fritter time away,
Acting so that each to-morrow
Finds us where we are to-day.

[Laughter.]

Talk is cheap, and time is fleetin',
Let the foolish public rave;
It's enough that we keep meetin'
And most gener'ly behave.

Though our critics would remind us
How to make our lives sublime,
Let us act so they may find us
Doin' nothin' all the time.

[Laughter.]

While the highest aim is to produce unanimity in "doin' nothin' all the time," the method of procuring that unanimity is asserted in the last verse of the "Psalm," which has, I am sure, received the approval of the Speaker, and, for all I know, was written by him. [Laughter.] Listen to this last verse. I have no rod of authority, but "Uncle Joe" may have one. At any rate the author of these lines, which, if not poetry, might be "werse," thinks so, for he says:

If by chance a foolish brother
Should rebel or make a kick,
Trust your "Uncle Joe" to smother
His ambition mighty quick.

[Laughter and applause.]

Mr. LEAKE. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to address the committee for three minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the committee for three minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, during my temporary absence in the committee room, the gentleman from New York [Mr. FITZGERALD] made some statements which I can not let go unchallenged. He said with respect to the Indian warehouse established in St. Louis some years ago that it was unnecessary; that it was simply established as a sort of favor to the then Secretary of the Interior, Mr. Hitchcock, who is a Missourian. I am in receipt of a telegram from the Business Men's League of St. Loius, which I should like to insert in the RECORD, to the effect that the Indian warehouse at St. Louis has done more business than the Indian warehouse at New York City during the years 1905, 1906, and 1907.

The telegram is as follows:

ST. LOUIS, MO., *February 11, 1908.*

Hon. RICHARD BARTHOLDT,
House of Representatives, Washington, D. C.:

Republic prints Washington telegram to-day, saying FITZGERALD of New York making an attack on St. Louis Indian warehouse; merchants telephoning asking me to wire you, St. Louis warehouse Indian Bureau records will show has done more business 1905, 1906, and 1907 than New York warehouse; $74,000 worth of shoes sold by St. Louis merchants to Indians last year through warehouse. Hitchcock interview defends warehouse on score economy to Government.

WM. F. SAUNDERS,
Manager Business Men's League.

The reason for the large business done by the St. Louis Indian warehouse is that St. Louis leads in certain branches of trade—for instance, tobacco, drugs, shoes, and some other things—and because of the fact that our warehouse is located closer to the Indian reservations than other warehouses, the Government finds it more profitable to make its purchases there than elsewhere. This warehouse has not only not been unnecessary, but it has proved to be very profitable to the Government. Only about eight or nine thousand dollars are being annually spent for its maintenance, while the saving through its establishment amounts to more than $20,000 a year. And as to the former Secretary of the Interior having anything to do with its establishment, let me say that this is a mistaken notion, because that supply depot was established through the efforts of the Representatives in Congress from the city of St. Louis and in response to the needs of the service.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise——

Mr. FITZGERALD. I hope the gentleman will allow me to ask unanimous consent to address the committee for two minutes.

Mr. SHERMAN. Certainly; I have no objection to that.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to address the committee for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, in order that there may be no misunderstanding of my position about the St. Louis Indian warehouse, I will state it again. I do not recall that I stated that it had been established because of the influence of the Secretary of the Interior, but I repeat that my belief is that it was retained, not because it was necessary to the Indian Service, but because of the interest of the then Secretary of the Interior in having it retained. I have not examined the figures showing the amount of business done in the various warehouses in the last two or three years, but I remember when the investigation was made it was shown that with the warehouse at Omaha and the warehouse at Chicago there was practically no need for the warehouse at St. Louis. I have no particular interest in establishing or maintaining a warehouse in the city of New York. If it be unnecessary for the Indian

Service, it should be abolished; but I repeat what I said the other day when the matter was before the House, that I had hoped that, the chief cause for retaining the warehouse at St. Louis having been separated from the Service, it would be well to send that warehouse after the reason for its existence.

Mr. SHERMAN. Will the gentleman yield to me for a minute?

Mr. FITZGERALD. Yes.

Mr. SHERMAN. I simply wish to add to what the gentleman from New York has said, that it is a mistake to say that the New York warehouse has not done more business in any year than the St. Louis warehouse. It is simply a question of bookkeeping in getting the amount of goods that were sent out from St. Louis. The bids have not been opened at St. Louis, but the main places for opening bids have been at New York and Chicago, and those are the two warehouses where the greater part of the business has been conducted.

Mr. FITZGERALD. I think those who are familiar with the facts know that the bids for the greater part of the supplies have been received at the two great commercial centers of the country—New York and Chicago—and that the gentleman from New York [Mr. SHERMAN] is correct.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to return to page 40, at the end of line 6, to insert an amendment to this bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 40, for the purpose of offering an amendment.

Mr. SHERMAN. May we have the amendment read, pending the right to object?

The CHAIRMAN. The amendment may be reported for the information of the committee. The Clerk will report the amendment.

The Clerk read as follows:

Amend line 6, page 40, by inserting at the end of the line the following:

"That the provisions of that portion of section 9 of the act of April 26, 1906, conferring jurisdiction upon the Court of Claims to hear, consider, and adjudicate certain claims against the Mississippi Choctaw Indians be, and hereby are, extended with like force and effect to the claims of Chester Howe, his associates and assigns, for like services rendered the said Indians and moneys expended for their benefit, and the court may consolidate actions brought hereunder with any similar action or actions now pending, and any judgment so rendered shall be paid as provided in said act hereinbefore referred to."

Mr. SHERMAN. Mr. Chairman, I dislike to object to the request of my colleague, but I shall be obliged to raise the point of order against the amendment, which surely would be sustained. If the gentleman desires to discuss the subject, I will consent, but I shall be obliged to insist on the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I just wish a moment to explain.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, section 9 of the act approved April 26, 1906, in part, reads as follows:

That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon on the principle of quantum meruit, in such amount or amounts as may appear equitable or justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation, and the Attorney-General shall appear and defend the said suit on behalf of said Choctaws.

Mr. Chairman, when the Choctaw people moved west from Mississippi, they left several thousand of their people who were entitled to lands in Mississippi if they did not emigrate.

These people were deprived of their Mississippi lands, but still remained in the State, and later the Choctaw Nation recovered judgment for the very lands they were deprived of, and it constitutes a large portion of their trust funds. (Choctaw Nation *v.* United States, 119 Rep., p. 1.)

When the nation decided to divide its lands in the Indian Territory, no provision was made for these people. They were full-blood Choctaws, ignorant, poor, destitute, living in different parts of Mississippi, with no agent and apparently no protector.

Largely owing to the efforts of Mr. Howe, who went to Mississippi and ascertained their condition, the committee made a provision, first for identification, then for enrollment, but obliged them to move to the Indian Territory within six months in order to secure their rights.

They had no money, no clothing. Mr. Howe secured funds to buy clothing, food, transportation, had them identified, then enrolled. In doing this, he pledged his individual credit, as well as interested his friends, and each one of these parties secured an estate worth at least $5,000, probably $7,000.

After getting them ready, it was discovered that the Mississippi law prohibited the moving of a laborer out of the State without the payment of his debts, making it a misdemeanor, and these Indians then came within the law. As a result, the debts had to be paid, for they had to move within the time or lose their rights.

The Government appropriated $20,000 and moved 261 persons, or 50 families, but took those who were ready to go; the better class. The other 800 had to get across themselves or be assisted. This assistance was furnished.

When the Indians arrived in the Choctaw Nation, the good lands were all occupied. They had no houses, no place to go, nothing to eat. Homes had to be furnished and opportunities for labor secured until crops could be made and the right of possession of lands, in some instances, purchased. These valuable lands are now theirs. All that is sought is a return of the money and reasonable payment for the service upon the principle of quantum meruit. One suit involving this matter is now before the Court of Claims, authorized by act of Congress, and the purpose of this amendment is only to allow an intervention to the end that the whole matter may be decided at one time.

The adjudication of this is an act of justice. No fraud is possible. No titles are brought in question, and nothing which retards the development of Indian Territory. Under existing laws, the dishonest can avoid return of this money, while accepting its benefits, which all acknowledge. The Choctaw Nation is not interested, as it does not apply to their national funds in any way. It is a simple payment, without interest, of moneys honestly advanced, in the interest of the people and for beneficial services rendered to them.

All of these reasons caused the original legislation, and apply with equal force to the amendment offered, which tends to a correct showing of the actual and complete transactions.

The gentleman from Oklahoma [Mr. CARTER] is familiar with the matter, and I will yield the balance of my time to him.

Mr. CARTER. Mr. Chairman, other parties have been granted the right to sue for such items as are included in this matter, and eventually this man will possibly be given the right to bring this suit, and it seems to me that it would be better to have all the suits brought at one time in order that the matter may be decided at once and in one suit. As to the justice of Mr. Howe's claim, I am not so familiar with it. He has a right to have his day in court and a determination as to whether his cause is a just one.

Mr. FITZGERALD. Will the gentleman allow me a question?

Mr. CARTER. Certainly.

Mr. FITZGERALD. Has he a contract approved?

Mr. CARTER. I do not think he has.

Mr. FITZGERALD. Under the law his contract must have been approved by the Department of the Interior.

Mr. BYRD. Mr. Chairman, I ask unanimous consent that we go back to page 39 in order to insert an amendment.

Mr. SHERMAN. Let the amendment be read for information.

The CHAIRMAN. Will the gentleman send the amendment to the Clerk's desk?

Mr. BYRD. I think I shall have to read it myself. It is as follows:

Insert between lines 12 and 13, page 39, the following paragraph: "For the support and education of the Choctaws in Mississippi, $50,000, the same to be paid per capita to said Indians after their enumeration by the Interior Department."

Mr. SHERMAN. I object, Mr. Chairman, to going back. I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended be passed.

Mr. BYRD. I ask unanimous consent to be heard for three minutes.

Mr. SHERMAN. I ask unanimous consent that the gentleman may extend his remarks.

Mr. BYRD. But I have made no remarks to extend.

Mr. SHERMAN. I ask unanimous consent that the gentleman may incorporate in the RECORD the thoughts he has in his mind which he was going to voice. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from New York that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise, and the Speaker having resumed the chair, Mr. PERKINS, Chairman of

the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15219, the Indian appropriation bill, and had agreed to certain amendments and had directed him to report the same to the House with the recommendation that the amendments be agreed to and that the bill be passed.

The SPEAKER. Is there any demand for a separate vote on any amendment? If not, the amendments will be considered in gross.

The amendments were considered and agreed to.

Mr. SHERMAN. Now, Mr. Speaker, I ask unanimous consent sent that in engrossing the bill the Clerk make the corrections in the totals made necessary by the adoption of the amendments.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

LINCOLN'S BIRTHDAY.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Judiciary from the further consideration of the bill (H. R. 16872), introduced by me to make Lincoln's birthday a public holiday, and to consider the same in the House at this time.

Mr. PAYNE. Mr. Speaker, I object.

Mr. SULZER. Oh, let the bill be read.

Mr. PAYNE. I demand the regular order.

Mr. SULZER. In my opinion Lincoln's birthday should be a legal holiday, and I hope the gentleman from New York will withdraw his objection.

The SPEAKER. The gentleman from New York demands the regular order, which is equivalent to an objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move you, sir, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16882), making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes. Pending that motion, Mr. Speaker, I desire to ask the gentleman from Georgia [Mr. LIVINGSTON], the senior minority member of the Committee on Appropriations, as to what disposition of time he desires.

Mr. LIVINGSTON. Mr. Speaker, I think that our side of the House prefers that general debate should be unlimited at this time, and I hope the gentleman in charge of the bill will consent that general debate shall run until further orders.

Mr. BINGHAM. That is acceptable. Mr. Speaker, I ask unanimous consent that the time for general debate be divided equally between the two sides, I to have charge of the time on this side, and the gentleman from Georgia [Mr. LIVINGSTON] to have charge of the time on the other.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the time for general debate should be controlled one-half by the gentleman from Pennsylvania [Mr. BINGHAM] and one-half by the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I would ask the gentleman from Pennsylvania whether it is the intention to proceed with the reading of this bill under the five-minute rule to-day in any event?

Mr. BINGHAM. No; not to-day.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, with Mr. LAWRENCE in the chair.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Chairman, I now yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I do not think I shall take five minutes in what I desire to say. At some hearings the other day in the Ways and Means Committee room, in the presence of the Speaker of this House and myself, I made some remarks which the Senator from Indiana [Mr. BEVERIDGE] thought were unjust to him. I certainly desire to do no injustice to Senator BEVERIDGE or to anyone else. I spoke what I thought was the fact, and the whole thing I think is well stated in a letter which I have just received from Senator BEVERIDGE. If I had received the information contained in his letter before I made the statement, I certainly would not have made it. He says:

> In the hearings of your remarks before the delegation of manufacturers and producing interests just laid before me you say, referring to my bill—

I desire to state, Mr. Chairman, that I referred both to his bill and to the bill introduced by the gentleman from Kansas [Mr. MILLER], a Member of this House, which bills were identical on the subject of a tariff commission. I continue to read from Senator BEVERIDGE'S letter:

> In the hearings of your remarks before the delegation of manufacturers and producing interests, just laid before me, you say, referring to my bill, "Probably you know something about their origin and where they were drawn." I take it that you would not knowingly make a statement from which a false impression could be drawn; and I think it only proper that before you made that statement, you should have asked me personally. Since you did not, I have to inform you that the bill was drawn in my office by myself; was dictated to my stenographer, Mr. Goetz; was afterwards revised and redrafted by myself in my study at my home, again being dictated to the same gentleman; that I am the author of the bill in every word, line, punctuation mark.
>
> Since your remarks indicate that the bill was drawn somewhere else by some one else, and that it had its origin in some other mind, I trust that you will correct your statement in as conspicuous a way as you originally made it.

Mr. Chairman, that is all I have to say.

Mr. LIVINGSTON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. BYRD].

Mr. BYRD. Mr. Chairman, permit me to explain briefly the amendment to the Indian appropriation bill offered by me a few moments ago, and which, on account of a point of order made by the gentleman from New York [Mr. SHERMAN], I could not then explain.

I seek by this amendment to secure an appropriation of $50,000 annually for the support and education of the few remaining Choctaws in the State of Mississippi, numbering at this time about 350. No one acquainted with their present condition, or with the policy of the Government in dealing with these unfortunate people, would for a moment question the justice of this proposition.

Mr. Chairman, before proceeding with these remarks, I would like to advise the House of a few things to the credit of this fast dying race. A few centuries ago their warriors might have been numbered by thousands, roaming over the great southwestern valley, boasting that their domain reached from the rising to the setting sun, while now their few remaining descendants are straggling vagabonds, having nowhere to lay their heads; and unless something is done by the Government to rescue them from the clutches of disease and poverty before "many moons" the last of the race will fall to sleep in the arms of the Great Spirit, whose still sweet voice whispered peace to their wigwams ere the orthodox cross of greed was planted upon their native shore. They grew to be a mighty race, prospering and increasing until the paleface serpents began to creep into their Eden. Upon these credulous people the white man perpetrated one act of fraud after another until finally they were forced to surrender their magnificent estate, inherited from their ancestors, for a promise of a paltry inheritance beyond the Mississippi. They were once rich, but now poor; once happy, now distressed. Once the eloquence of their orators mingled with the music of the rippling waters; now the coming shadows of racial death have silenced their ringing war whoop into the silent murmurings known only to the hopeless and helpless.

The roar of the locomotive has forever supplanted the screams of the wild panther, and the rattling plowshare has frightened the bounding deer from the forest. Smiling fields of husbandry now mark the Meccas of the red man, where he once romped and danced and wooed and died; where his dusky children gamboled with the wild flowers and the clinging vines, and where his dead are silently awaiting a resurrection into the happy hunting grounds beyond the grave. All that he loved and cherished have passed and gone. He moves, acts, and suffers like the shorn lamb before the untempered winds. [Applause.]

The loyalty of the Choctaw to the white man has been as unchangeable as the magnet. His gratitude has only been exceeded by our ingratitude. In war, in pestilence, and in peace he has been our foremost friend, and yet when he now comes,

like Lazarus to the gate of Dives, begging for bread, we hand him a serpent.

Notwithstanding he has been more thoroughly robbed and more cruelly treated by the white man than any other tribe of the American Indian, yet he has always been his friend. Claiborne, the historian, says:

> The Choctaw orator always proudly boasted that their nation had never shed the blood of a white man.

As early as 1720 we find as many as 700 Choctaw warriors, under the leadership of their great mingo, or chief, marching to the rescue of the French settlers along the lower Mississippi Valley, who were being butchered by the bloodthirsty Natchez, the sun worshipers. A century after this, when the English and Spanish, by the aid of the great Shawnee chief, Tecumseh, had incited the Creeks to go to war with the white settlers of Alabama, they, instead of taking sides with their racial neighbors, enlisted under the Stars and Stripes and fought side by side with Jackson and Claiborne until the end of that bloody war, and their bones are to-day bleaching with those of our own soldier dead at Horseshoe Bend, Fort Mims, and other battlefields along the Alabama and the Coosa. When the news spread over the Southwest that the British had landed a hostile force at New Orleans they flocked by hundreds to assist General Jackson in expelling the foreign foe, and in the great battle that followed none fought more bravely than the Choctaw warriors.

In 1811, when Tecumseh went upon his daring mission to the South to organize a great war confederacy against the white settlers, he met the chiefs of the Choctaws and pleaded with them for many days and with much eloquence to join him. It is said by the historian that many of the young men were deeply agitated by the matchless eloquence of this northern warrior, but all of his influence was destroyed, and he was sent away in despair by the eloquent reply made to his speech by the Choctaw chief, Pushmattaha, who, in part, said:

> You are now on your way, Tecumseh, to visit the Muskogees and to court an alliance with them. In three days you will enter their villages and eat out of their bowls. They abhor the white man and will listen to your talk, and when they hear your war whoop they will be ready to strike. But the Choctaws and Muskogees can never travel on the warpath together. Our old men and our traditions forbid it. The ghosts of our fathers would meet us and drive us back to our hunting grounds. The bones of our warriors, slain by Muskogees, are moldering near by, unavenged, and last night I heard their complaints around my camp. Even now I hear the voices of the dead in the passing breeze and I see their spirits in yonder cloud. They hold the pipe of peace to the white man and the tomahawk to the Muskogee.

This renowned chief was a great admirer of General Jackson, recognizing in his rugged honesty and intrepid bravery virtues he believed the Great Spirit imparted to but few save the Choctaw warriors. After having followed Jackson through all of the bloody wars of the Southwest, and after the latter became President, he visited this capital in order that he might once more behold his great white friend, and also to meet General Lafayette, whom he greatly admired and who was then on his last visit to America. While here he became suddenly ill and in a few days died. Being visited on his deathbed by General Jackson, he was asked if he had any request to make, and the dying warrior said: "When I am dead fire the big guns over me." These were his last words, which to-day may be read upon the faded marble slab in the Congressional Cemetery, hard by this Capitol. The historian, in recording this visit, says:

> In 1824, with a delegation of his people, he visited Washington. Lafayette was then the guest of the Republic. The Choctaws waited upon him, and Pushmattaha delivered an address rarely surpassed in pathos and grandeur. The venerable Frenchman and all who heard it were deeply impressed.
>
> This was his last speech. The voice of his Father was then calling him to the spirit land. His parting words to Lafayette were: "We heard of you in our distant villages. We longed to see you. We have come. We have taken you by the hand. For the last time we look on the face of the great warrior whose fathers were the friends of our fathers. We go. 'Tis the last time we shall meet. We shall both soon be in the land of shadows."

Of course, Mr. Chairman, this is all foreign to the question raised by my amendment. I refer to it only for the purpose of impressing this House with the kindly feelings with which the Choctaw always regarded the white man, and in order that we may more keenly appreciate the baseness of our ingratitude in permitting the remaining few of these unfortunate people to suffer in this land of plenty.

President Jackson, whom these untutored people idolized, in order to induce them to surrender the soil of Mississippi for an estate in the Territory used all the chicanery of statecraft, promising them that if they would surrender their Mississippi homes in exchange for a home in the West that the latter should be theirs "as long as the grass grows and the water flows." Again he said to them through his agents:

> There your Great Father will protect you and there, undisturbed and uninterrupted by the whites, you can enjoy yourselves and be happy * * *. For you we have the best feelings; our complexions are different, but our hearts and our natures are the same; the Great Spirit above is our common father.

Being no longer able to resist the seductive persuasions of the great President, on the 27th of September, 1830, the Choctaws surrendered the lands of their fathers, broad and rich as they were, for this promised home in the West, which was to be theirs and their descendants in fee simple. Here permit me to insert in the RECORD the deed made by President Jackson, conveying to them their Territorial estates in pursuance of the said treaty:

> Whereas on the 27th day of September last a treaty was concluded at Dancing Rabbit Creek between Commissioners duly appointed on the part of the United States and the Choctaw Nation of Indians; and the same, having been ratified by the Senate, was officially promulgated on the 24th of February, 1831, which treaty, in the second article, stipulates "that the United States, under a grant specially to be made by the President, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning."
>
> Now, in pursuance of said treaty, and of the powers and authority vested in me by an act of Congress approved the 28th day of May, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories and for their removal west of the Mississippi River," said country as is described in the second article of said treaty is hereby granted and assigned to said Choctaw Nation of Indians to the extent and after the condition of tenure therein declared, and liable to no transfer or alienation except to the United States.
>
> In testimony hereof, and that the same may be carried into effect, I have signed this grant with my own hand, and cause it to be certified under the seal of the War Department, this 26th day of May, 1831, and of the State Department.
>
> ANDREW JACKSON.
>
> By the President:
> E. LIVINGSTON, *Secretary of State.*
> By the President of the United States:
> JOHN H. EATON, *Secretary of War.*

For a complete and perfect statement of all the transactions between the Government and the Choctaws, I refer the House to a very extended and able brief inserted in the RECORD of February 11 by my distinguished friend from Texas [Mr. STEPHENS].

After this transaction the Government transported thousands of these Choctaws to their new home in the West. Many remained and still remain; many died from the rigor of the hard climate, and many, after the loss of their relatives, returned to their native haunts in Mississippi, where three or four hundred of their descendants now remain in a most deplorable and destitute condition.

Just here it must be remembered that under another article of the treaty referred to those who so desired were permitted to remain, and it was expressly stipulated that by so doing they did not forfeit their rights as tenants in common in the Territorial domain, but the only thing they would forfeit would be the right to share in the annuity of $20,000 promised by the Government to be paid annually for twenty years. Hence it must be seen that the Mississippi Choctaw still owns an undivided interest in the Choctaw division of the Territory.

This treaty could never have been consummated except for the fourteenth article thereof, which provided that any Choctaw desiring to remain in Mississippi should have allotted to him by officers of the General Government a section of land including the land upon which his home was situated; but the avowed purpose of the Government being to remove him west of the Mississippi undertook to abrogate this provision, and by all kinds of subterfuges rendered it almost impossible for him to receive his allotment. Mr. Claiborne, in his "History of Mississippi," on this point says:

> The operation of the fourteenth article (which had accomplished the treaty) was deceptive and destructive. Many who had left the ground were ignorant of their rights and were not informed in time to make the required application to the agent. Many who knew the provisions of the fourteenth article would not apply because they distrusted the white man, nor could they comprehend that there was any power on earth who had the power to dispossess them of the land whereon they were born and which they occupied and cultivated. The agent resided at a long distance from many of them, and the old and infirm could not present themselves. Many who went found the agent intoxicated, in an ill humor, were long delayed waiting for him to become sober, and finally he peremptorily refused to register them, and they returned, starving, penniless, despairing, to find their country swarming with speculators, who readily persuaded them to part with their rights and wander away.

This outrageous method of robbing these defenseless people continued until the Mississippi legislature, on the 25th day of

February, 1837, passed resolutions calling upon Governor Lynch to intercede with the Federal Government in their behalf. Thereupon President Tyler sent a commission to further urge them to remove to their home west of the Mississippi. As a member of this commission was the Hon. William Tyler, the brother of the President. They met the chiefs of the Choctaws, and again, by persuasive and deceptive arguments urged those who still remained under the provision of the said fourteenth article of the treaty to immediately consent to removal to the West. To this unreasonable request the Choctaws seriously protested, claiming their rights to remain under the treaty. And here let me insert the eloquent and pathetic speech of their great chief protesting against the infidelity of their great White Father in making this unjust demand:

Brother, we have heard you talk as from the lips of our Father, the great White Chief at Washington, and my people have called on me to speak to you. The red man has no books, and when he wishes to make known his views, like his fathers before him, he speaks it from his mouth. *He is afraid of writing.* When he speaks, he knows what he says; the Great Spirit hears him. *Writing is the invention of the palefaces; it gives birth to error and to fraud.* The Great Spirit talks; we hear him in the thunder, in the rushing winds and the mighty waters, but he never *writes.*

Brother, when you were young we were strong; we fought by your side; but our arms are now broken. You have grown large. My people have become small.

Brother, my voice is weak; you can scarcely hear me; it is not the shout of the warrior, but the wail of the infant. I have lost it in mourning over the misfortunes of my people. These are their graves, and in those aged pines you hear the ghosts of the departed. Their ashes are here, and we have been left to protect them. Our warriors are nearly all gone to the far country west, but here are our dead. Shall we go too and give their bones to the wolves?

Brother, two sleeps have passed since we heard you talk. We have thought upon it. You ask us to leave our country and tell us it is our Father's wish. We would not desire to displease our Father. We respect him and you, his child; but the Choctaw always thinks. We want time to answer.

Brother, our hearts are full. Twelve winters ago our chiefs sold our country. Every warrior that you see here was opposed to the treaty. If the dead could have been counted it would never have been made; but, alas, though they stood around, they could not be seen nor heard. Their tears came in the raindrops and their voices in the wailing wind, but the palefaces knew it not, and our land was taken away.

Brother, we do not now complain. The Choctaw suffers; but he never weeps. You have the strong arm, and we can not resist; but the paleface worships the Great Spirit. So does the red man. The Great Spirit loves truth. When you took our country you promised us land. There is your promise in the book. Twelve times have the trees dropped their leaves, and yet we have received no land. Our houses have been taken from us. The white man's plow turns up the bones of our fathers. We dare not kindle our fires, and yet you said that we might remain and you would give us land.

Brother, is this truth? But we believe now that our Great Father knows our condition. He will listen to us. We are as mourning orphans in our country, but our Father will take us by the hand. When he fulfills his promise, we will answer his call. He means well. We know it, but we can not think now. Grief has made children of us. When our business is settled, we shall be men again and talk to our Great Father about what he has proposed.

Brother, you stand in the moccasins of a great chief. You speak the word of a mighty nation, and your talk was long. My people are small. Their shadow scarcely reaches your knee. They are scattered and gone. When I shout, I hear my voice in the depth of the wood, but no answering shout comes back. My words therefore are few. I have nothing more to say but to tell what I have said to the tall chief of the palefaces, whose brother stands by your side.

This proceeding is but an index to the infidelity of the Government in dealing with the Choctaw. The first act was to rob them of their heritage in Mississippi and the last to bar them from the Territory.

Mr. STEPHENS of Texas. May I make a suggestion?

Mr. BYRD. Certainly.

Mr. STEPHENS of Texas. Are not the Choctaw now entitled to a great deal of land in the Indian Territory?

Mr. BYRD. Yes; but how can they get it? It belongs to their tribe, but they have been outlawed by a ruling of the Department or act of Congress.

Mr. STEPHENS of Texas. Why should not Congress see that these Indians get their rights now?

Mr. BYRD. That is what I say, too. Why does not the gentleman see to it; he is on the committee?

Mr. STEPHENS of Texas. I have numerous bills pending and have been fighting for years along the line of which the gentleman speaks.

Mr. BYRD. The Department says they have lost their rights to take up lands in the Territory.

Not 5 per cent of those entitled under the treaty to take allotments in Mississippi were ever permitted to do so. To prevent them, trickery, deception, and even force were resorted to. In proof of this, consult the history of the transaction.

The next scene in the drama of the Choctaw robbery was a few years ago, when the Government undertook to divide in severalty their common estate in the Territory. As soon as the Curtis bill passed the land thieves, from Portland to Brownsville, swooped down like so many vultures upon these defenseless people, and the manner in which they have been looted and robbed makes the darkest page of our legislative and administrative history.

This whole scheme was launched for the avowed purpose of outlawing the Mississippi Choctaw. The first edict issued was that none but those residing in the Territory at that time could share in the distribution of the lands, but this was abandoned. Then it was contended that only those who could trace their ancestry back to a certain class who participated in the treaty could receive a share, and this too was abandoned; and next it was insisted that only the descendants of the full bloods could inherit, and this likewise was overruled.

Being forced to admit that the Choctaw territory belonged to the tribe in common, regardless of where they lived or who their ancestors were, or whether half blood or whole blood, it was decided that the only way to outlaw the Mississippi Choctaws was to railroad a law through Congress requiring them to immediately remove to the Territory and live upon their several allotments, and that unless this was done within six months they were forever barred. Under this unlawful, unjust, and cruel law they have lost all. The book of fate seems to be forever closed against them. It was the "unkindest cut of all."

Why, Mr. Chairman, this procedure was nothing less than legalized robbery. Upon what process of reasoning can we justify either the justice or the legality of such action? Can the Government after executing a fee-simple title to this estate afterwards destroy the title by entailing an impossible condition upon it? Certainly not. There is not a lawyer who ever read three pages of Blackstone who will disagree with me on this proposition. But, whether the law be or be not constitutional, the Mississippi Choctaws are bound by it just the same, for the reason that the Government is cloistered behind that relic of kingcraft, that the sovereign can do no wrong, nor be sued, except by consent. Bills are pending before the Committee on Indian Affairs providing that these poor people be given access to the courts to ascertain their rights, but not one of them will be reported, for to do so would mean the defeat of the well-planned scheme of robbery.

Then, too, how unreasonable was the proposition to require these poor people to remove to the Territory within the short period of six months. They were without means, ignorant, and helpless. But it is contended that the Government made an appropriation of $20,000 to move them. This might have sufficed to take some of them, but the whole amount was expended, and yet over 350 remained in Mississippi.

But admitting that they could have provided means for transportation, how were they to live on the blizzard-swept prairie, without houses, without food, clothing, or the implements of husbandry? Why, sir, a decree requiring the public school children of this city to go and provide homes for themselves on the frozen plains of Manitoba would not have been more cruel and unreasonable. Many of those who did go died from exposure. In many instances they were crowded during a long, cold winter into cotton sheds, barns, and warehouses. Disease broke out among them, and in some instances whole families perished.

Let it never be forgotten that this Government, since 1831, has been the self-constituted guardian of the Choctaws. Without invitation, we assumed the right to administer this sacred trust. Have we kept faith with our wards? Let their destitution and the deeds of robbery perpetrated upon them answer. Were we discharging our duty with all fidelity to them when we leased their valuable oil and coal lands to corporations for a mere trifle, or when we paid one law firm a little less than one million dollars out of their common fund in order to assist us in robbing them? Three hundred and fifty shares of that great sum was the lawful property of the Mississippi Choctaws and should have gone to them instead of to attorneys especially employed to defraud them. I don't say that these lawyers did not earn their fee. They won the case. With the aid of a few Government officials they succeeded in robbing my Choctaw friends of an interest in an empire. I dare say that no Roman general ever more thoroughly looted or pillaged a conquered nation than did these officers and attorneys these unfortunate people.

But I understand that there are yet 3,000,000 acres of this common estate and about $400,000 unappropriated and unstolen. Now, in the name of reason and common justice, why not repeal this cruel statute, and let these Mississippi Choctaws yet share in this common estate? If you are not willing to do this, then open the doors of the courts and let them sue for their property, and if you are blinded to this just demand, let me implore you to provide for their support by a direct appropriation from the Treasury.

Mr. Chairman, as a parting request for these ill-fated people, let me importune this House to never again require them to

move to the West. They prefer to starve about the graves of their ancestors rather than face the horrors incident to poverty in a strange, friendless land. If you ever permit them to reclaim their interests in the Territory, then, as their guardians, dispose of it and apply the proceeds to their support, and, above all things, shield them from that army of sharks who are ever ready to intercept every morsel offered them by the Government. [Applause.]

An infinitesimal part of the $600,000,000 spent on the savage negroes of the Philippines, if given to the Mississippi Choctaws, would have been like manna from heaven to them. Do not conclude, should you desire to provide for them, that they would become a burden to the Government. They are gradually passing away, falling like autumn leaves, the victims of dreadful diseases, produced by exposure and poverty, and before many decades shall have passed the last of this once happy race will fall to sleep in the arms of the Great Spirit, whose bidding voice he now hears in the sighing winds and rippling waters.

> The wild deer and wolf to a covert can flee,
> But I have no refuge from famine and danger;
> A home and a country remain not to me.
> Never again in the green, sunny bowers
> Where my forefathers lived shall I spend the sweet hours.

[Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Pennsylvania [Mr. BINGHAM] is recognized.

Mr. BINGHAM. Mr. Chairman, in presenting my remarks in connection with the bill now under discussion I desire to submit to the Committee of the Whole House that the subcommittee in the hearings, as well as the general committee in charge of the bill, were very greatly impressed and influenced by the statements of the chairman of the general committee [Mr. TAWNEY] in opening his remarks upon the urgent deficiency bill in this language:

> I feel that it is my duty in presenting this first appropriation bill of the session, to call attention to the necessity for a practical revision of the estimated ordinary expenses of the Government for which appropriations are asked for the next fiscal year, to the end that these authorized expenditures may be kept within the estimated revenues for that year.

In connection with these remarks he quoted from the Secretary of the Treasury to this effect:

> The last annual report of the Secretary of the Treasury gives us his estimates of the revenues for the next fiscal year. * * * It is only fair to say that this estimate was made before the recent financial depression, and in submitting the estimates in his annual report the Secretary says, "It is estimated that upon the basis of existing laws the revenues of the Government for the fiscal year 1909 will be $878,123,030."

The Secretary also says:

> The above estimates are submitted in pursuance of law. I regret the necessity of submitting them, for they are for the most part problematical.

But Chairman TAWNEY, in closing his detailed statement, adds this:

> Total estimated appropriations, $912,949,288.96, showing an excess of the estimate of appropriations submitted by the several Departments over the estimated revenues of the Government for the fiscal year 1909 of $34,826,277.66.

The chairman [Mr. TAWNEY], in closing his remarks, emphasized his opening statement, as follows:

> All new authorizations only emphasize what I said at the beginning, that it is absolutely necessary for us to practically revise the estimates in making up the several appropriation bills if we are to avoid facing a certain deficiency at the end of the first session of this Congress.

I desire simply to emphasize what he has said and to say, in going through this appropriation bill, which directly maintains more largely than any other the great subordinate force of the Government, that we have been constrained wherever it has been possible, without in any wise, as we think, affecting a fair conduct of each of the Departments of the Government, in cutting down the estimates submitted in the Book of Estimates. The Members of the House will have full access to our report, which covers every detail of change in the bill, which we will have under the five-minute rule and intelligently understand. I will read from the report:

> The estimates on which the bill is based will be found on pages 9–115 and 156–170 of the Book of Estimates for 1909, and aggregate $34,210,716.13, of which amount there is recommended in the bill $32,336,573, a reduction of $1,874,143.13 under said estimates.
>
> The appropriations for the same purposes for the current fiscal year, including $370,950 in the sundry civil and deficiency acts of the last session, aggregated $32,406,493.80, being $69,920.80 more than is recommended in the accompanying bill for the service of the fiscal year 1909.
>
> The whole number of salaries specifically provided for in this bill is 14,818, or 341 less than the number estimated for, and 27 more than the number provided for in the law for the current year.

In addition I submit in detail the increases in the salaries asked for, 1,239, amounting to $451,000, an average increase of $367.

Increase of compensation asked for.

	Number.	Amount.
Library of Congress	24	$4,560
Court of Claims	3	360
Executive	8	3,180
Civil Service Commission	11	5,320
Department of State	8	2,900
Treasury Department	123	13,282
Independent Treasury	185	83,210
War Department	61	15,678
Navy Department	129	30,040
Interior Department	611	298,840
Post-Office Department	40	18,870
Commerce and Labor	19	7,190
Department of Justice	14	12,150
Judicial	3	1,200
Total	1,239	451,780

Average increase of $367.

The only salaries distinctively raised in this bill are the First Assistant Secretary of State, who in the absence of the Secretary performs the duties and obligations of the Secretary, from $4,500 to $6,000, an increase of $1,500; the second secretary from $4,500 to $5,000. In the Treasury Department all are increased from $4,500 to $6,000, because they can all be authorized to exercise the authority of the absent Secretary. In the War Department, the one secretary only, from $4,500 to $6,000. In the Navy Department, the one secretary only, from $4,500 to $6,000. The Interior Department, the first secretary from $4,500 to $6,000, and the second secretary from $4,500 to $5,000. In the Post-Office Department, the first secretary, who now receives $5,000 to $6,000, and from $4,500 to $5,000 the three remaining secretaries. The Department of Commerce and Labor, having one, $5,000 to $6,000, aggregating $15,500.

Of the other salaries, the Supervising Architect of the Treasury from $4,500 to $5,500. For 53 first assistant examiners of the Patent Office from $1,800 to $2,000, 63 second assistant examiners from $1,600 to $1,800, 73 third assistant examiners from $1,400 to $1,600, and 83 fourth assistant examiners from $1,200 to $1,400. One Commissioner of Education from $3,500 to $5,000; one superintendent of dead letter division from $2,500 to $3,000; aggregating $57,400.

I do not desire at this time to enter upon the details of the bill, because ample time will be provided later if the debate shall make explanations necessary. I invite the attention of the committee to the fact that in submitting the limitations upon the appropriations we have made, practically only nine, and while it may be they are subject to the point of order your committee have felt that they were necessary for the proper conduct of the Departments in connection with the appropriations that are carried in his bill.

LIMITATIONS.

Limitations with respect to the appropriations made in the bill and not heretofore imposed are recommended as follows:

On page 11:

The salary of each of the Resident Commissioners from the Philippine Islands shall be the same as that of the Resident Commissioner from Porto Rico.

On page 63, in connection with the appropriation for expenses of collecting internal revenue:

That no part of this amount be used in defraying the expenses of any officer, designated above, subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

On page 95:

The superintendent of the State, War and Navy building shall also act as superintendent of the Navy Department Annex, or Mills Building, and the State Department Annex building.

On page 130 in connection with the appropriations for offices of surveyors-general:

That no expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses, in the offices of the surveyors-general shall be incurred by the respective surveyors-general in the conduct of said offices, except upon previous specific authorization by the Commissioner of the General Land Office.

On page 144:

That all persons employed on June 30, 1908, under the appropriations "Defending suits in claims against the United States," "Prosecution of crimes," "Punishing violations of the intercourse acts and frauds," and "Care of rented buildings, Department of Justice," may be, in the discretion of the Attorney-General, transferred to the places provided for them under the appropriation "Salaries, Department of Justice, 1909," without reference to the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and without reference to the rules and regulations promulgated thereunder.

On page 166, it is proposed to reenact Sec. 3, of the last legislative, etc., act, as a limitation on the sums appropriated by the accompanying bill, to read as follows:

SEC. 3. *The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced, either by the demotion or removal of such person from the public service.*

On page 166:

SEC. 4. *It shall be the duty of the head of each Executive Department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) of such Executive Department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case.*

On page 167:

SEC. 5. *No person now or hereafter employed in the classified service of any Executive Department shall be transferred from one Executive Department to, or be otherwise employed in, another Executive Department until such person shall have served continuously not less than three years in the Department from which he seeks transfer or in some other Department as an employee in the classified service.*

On page 167:

SEC. 6. *In the discretion of the Secretary of the Interior, persons employed June 30, 1908, as additional members of the Board of Pension Appeals may be transferred and appointed to places in the classified service of the Department of the Interior without reference to the "Act to regulate and improve the civil service of the United States" approved January 16, 1883.*

I will reserve the remainder of my time. I yield ten minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Chairman and gentleman of the committee, last Monday morning a meeting of the banking and insurance interests of the city of Hartford was held in the board of trade rooms at 11 o'clock in the morning, the busiest hour of the day, on the subject of currency legislation. It is not necessary for me to speak a word of praise of those institutions in the city of Hartford. Its insurance interests are great, because of the great men who conservatively and successfully manage them. Its banking interests are necessarily great also. I want to send to the Clerk's desk and have read in my time a very brief portion of an editorial from the Hartford Courant describing the character of meeting and also the resolutions which the meeting adopted. In doing it I wish to say that these gentlemen were careful to give full and complete notice for a week of the character of the meeting and to send to Washington to the various Representatives from Connecticut to procure all the bills pending before Congress. I ask that the editorial and resolutions be read.

The Clerk read as follows:

[The Hartford Courant, Tuesday morning, February 11, 1908.]

THE VOICE OF HARTFORD.

That was an altogether representative gathering of Hartford business men at the board of trade rooms yesterday morning. Leading representatives of almost every bank, trust company, savings bank, life insurance company, and fire insurance company of the city were present. It would be useless to add all their assets together and say how much the meeting represented; but unquestionably it was hundreds of millions of dollars, not belonging to those who were there but in their hands for safe-keeping—intrusted to them by thousands and thousands of people all over the country. Their sole interest is to have the business of the United States conducted on a sound and healthy basis.

All present were of one mind. There were differences of opinion, to be sure, with regard to individual banking bills, but no difference at all on the larger proposition that no bill whatever should pass at the present time. The resolutions, carefully drawn by Vice-President P. H. Woodward, of the Connecticut General Life Insurance Company, speak for themselves. They protest against any enactment at the present time, and call for the appointment of a capable commission to consider the whole subject and report later to Congress:

"Whereas the acute stage of the panic of 1907 is past and the currency then withdrawn from circulation and hoarded is now returning to its accustomed channels; thus for deficiency substituting a redundancy of bankable funds; and

"Whereas steadiness of value in our common measure of value is a factor of prime importance:

"Therefore this body is opposed to the various schemes of inflation now before Congress under the general name of emergency measures, and recommends that if action is deemed necessary at this time it be confined to the creation of a competent commission empowered to investigate the whole subject and report hereafter."

Mr. HILL of Connecticut. That is all I desire—to present the resolutions—and I yield back the time that has been kindly conceded me by the chairman of the committee.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WASHBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12398. An act to authorize the War Department to transfer to the State of Kansas certain land now a part of the Fort Riley Military Reservation; and

H. R. 2756. An act for the relief of L. K. Scott.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4740. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors;

S. 4734. An act to provide for the transfer of a certain fund from "depredations upon public lands" to the credit of White Earth bands of Chippewa Indians in Minnesota;

S. 4639. An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912;

S. 4548. An act to provide for the sale of timber on allotted Indian land, and for other purposes;

S. 4455. An act to establish a fish-hatching and fish-culture station in the State of Tennessee;

S. 4103. An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians;"

S. 4066. An act authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs;

S. 3941. An act to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885;

S. 3528. An act for the relief of Durham W. Stevens;

S. 3526. An act to amend section 876 of the Revised Statutes;

S. 3433. An act to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region;

S. 3426. An act to establish a fish-cultural station in the State of Oklahoma;

S. 3351. An act to establish a marine biological station on the Gulf coast of the State of Florida;

S. 2669. An act providing for the acceptance of a donation of certain land situated at the Palisades, in the State of New Jersey;

S. 2483. An act to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California;

S. 2027. An act for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased;

S. 1893. An act granting an honorable discharge to Peter Fleming;

S. 1699. An act for the relief of Thomas C. Chappell;

S. 1407. An act to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war;

S. 651. An act for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts;

S. 439. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery;

S. 208. An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of the surplus lands after allotment; and

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I shall not undertake to make a speech to-day, desiring only to make a statement about the proceedings in the Federal court in New York commonly known as the "tobacco trust case," and to insert some matter pertaining to the history of that case, particularly some pertinent evidence adduced in that case showing its corrupt practices, and I will now ask, Mr. Chairman, that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Gentlemen of the committee, I am doing this because I know that if you will only take the pains to look through the data that I will place in the RECORD that you will wonder that the human mind can become so accomplished in perpetrating fraud and acts of deceit I think it is doubtful if anybody has ever found so many ways to commit frauds and deceive in trade and commerce as the tobacco trust.

It is the most scientific, thorough, and perfect monopoly,

the world has ever seen, I think. It is really interesting to study its unique machinery or read of its stealthy, noiseless, and majestic performances, and, I dare say, every lawyer and every citizen of intelligence in the civilized world who is familiar with the action of this combine expresses profoundest astonishment that such a machine was even devised by man. I am unable to give all the facts. We hope to do so later, when they are officially published, but I am able to submit to-day and place in the RECORD some of the landmarks, and you can easily imagine the rest of the proof. This concern belts the world and is pillaging the rights of American citizens, farmers, dealers, manufacturers, and consumers, as well as those in foreign countries. It has fastened its fangs in the liberties of the masses and is successfully stripping them of their substance. It is not only a menace to commerce and trade and dangerous to American institutions, but indeed a professional corruptionist. These and similar concerns must be trimmed down, or sooner or later our people to a man will be in a state of monopolistic paralysis.

Last night I was reading in a New York tobacco journal a statement that the Porto Ricans are crying out against this monster, and I think it has reached its hands down into fair Cuba, and the statement is made that this has been the cause of a great deal of the troubles and the quarrels which have occurred among the Cuban people.

In the course of the hearings on the "free leaf tobacco bill" one witness testified on two different occasions that neither he nor his firm were connected with the tobacco trust; yet only a few weeks ago one of the officers of that concern called, under oath, the name of that party and of the firm that employs him, stating that the firm has been a member of the tobacco trust since 1903—before this witness testified—and it is now said (and I am glad to hear it) that this witness was kept in ignorance of his firm being in the trust. If this is true, think of the firm.

Now, there is another case where a member of a tobacco organization has appeared about Congress, fighting what is known as the "Tawney anticoupon bill." He has stated, so Mr. Campbell, president of this organization, recently said, that his firm was not a member of the tobacco trust. Yet it has developed in this suit that it is a member of that trust. And so the body of the evidence goes.

Mr. CAMPBELL. Before the gentleman yields the floor I should like to get from him, if I can do so, some information upon a matter that has come to my attention from a large number of my constituents. It has been charged that the tobacco that is being sold at retail throughout the country is, a large portion of it, adulterated; that there are a great variety of materials that go to make up that tobacco. I should like to know whether that is true?

Mr. GAINES of Tennessee. Oh, yes.

Mr. CAMPBELL. Has anything been undertaken to correct that evil?

Mr. GAINES of Tennessee. I spoke to Doctor Wiley about that some months ago, and he said, as I remember, that he had investigated it, but had not found anything poisonous in the sample examined.

The time of Mr. GAINES of Tennessee having expired, by unanimous consent, at the request of Mr. CAMPBELL, it was extended five minutes.

Mr. GAINES of Tennessee. I know what my friend has in mind, that this tobacco is a mixture, and a very small per cent of it is real tobacco; that it is made up of various ingredients, all of which they will not let the public know; molasses, sugar, pepper, licorice, and other things are mixed up with it.

Mr. CAMPBELL. I understand that certain leaves are used instead of tobacco.

Mr. GAINES of Tennessee. Oh, yes; there never has been such an infernal fraud and penetrating curse, as this trust is, perpetrated upon the human family since the devil started sin in this world. [Applause.]

Mr. CAMPBELL. That is a broad enough statement. Now, inasmuch as the gentleman is so familiar with the entire subject of tobacco, I am sure he will agree with me that those who use tobacco ought to have good tobacco.

Mr. GAINES of Tennessee. Yes.

Mr. CAMPBELL. Any of it is bad enough, but what is used ought to be good tobacco.

Mr. GAINES of Tennessee. Yes; that is true. One of the things that has appealed to me most is that the poor, honest, bright, upright, ambitious young boy, who is trying to get himself up in the world, trying to pull himself up "by his own boot straps," has no chance if he undertakes to go into the tobacco business, or scarcely any other business, because of these immense and overshadowing monopolies that crush him and force him to sell out, worst of all, sell his manhood and independence, to these concerns and learn, from these wolves in sheep's clothing, how to perpetrate frauds upon the American Congress and American people, and that, too—

With smooth dissimulating,
Skilled to grace,
A devil's purpose
With an angel's face.

Mr. Chairman, one of the charges in this great lawsuit is that this trust is a monopoly in restraint of Federal commerce and trade. I will place in the RECORD a statement published in the New York Journal of Commerce of January 30 last going to show this is such a monopoly. It shows that in chewing tobacco that concern controls 80 per cent; smoking tobacco, 75 per cent; snuff, 95 per cent; cigars, 15 per cent; little cigars, 90 per cent; cigarettes, 80 per cent. The American Stogie Company, which is a branch house, made 92,000,000 stogies.

Gen. J. C. McReynolds, counsel for the Government in its suit against the tobacco trust, has brought out the fact at the taking of testimony in the case that the American Tobacco Company and its subsidiaries control the following percentage of the business in the various branches of the trade: Chewing tobacco, 80 per cent; smoking tobacco, 75 per cent; snuff, 95 per cent; cigars, 15 per cent; little cigars, 90 per cent, and cigarettes, 80 per cent. The American Stogie Company, which is a branch of the trust, made 92,000,000 stogies last year. President George H. Hummel is also authority for the statement that the company made a lot of cheap cigars which could not be classed as stogies.

I have some letters in response to mine a few days ago from Edwin P. Grosvenor, one of the associate counsel in this case, asking him to send me some extracts from the testimony, which he could not do, but he wrote:

141 BROADWAY, NEW YORK CITY, *February 4, 1908.*

Hon. JOHN W. GAINES,
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of February 1, asking for excerpts from the evidence which has been taken in proceeding against the American Tobacco Company and others.

The evidence, as you may be aware, has been taken before a special master and has not as yet been formally reported to the court. We have therefore refrained from giving out copies, deeming that the best course to pursue until the evidence shall be formally made a part of the public records.

I hope you will appreciate the situation and recognize the pleasure which it would give me to comply with your request, if conditions were otherwise.

It is undoubtedly true that a number of tobacco manufacturing concerns, including the R. A. Patterson Tobacco Company, of Richmond, Va., the Nall & Williams Tobacco Company, of Louisville, Ky., and the Wells-Whitehead Tobacco Company, of North Carolina, were long secretly owned by the American Tobacco Company, while being advertised, held out to the public and generally represented as independent and free from such connection.

Yours, very truly, EDWIN P. GROSVENOR.

NEW YORK, *December 20, 1907.*

Hon. JOHN WESLEY GAINES,
Washington, D. C.

DEAR MR. GAINES: I thank you for the copies of the interesting and valuable report of Hon. E. W. SAUNDERS on the tobacco trade in its relation to taxation and Government monopolies. It is always a pleasure to hear from you and to know that your interest in our case continues.

I am sending you under this cover copies of the United States Tobacco Journal, a trade paper, which will give you some account of the evidence which has been brought out in the course of the trial. During a period of four weeks the Government has been putting in its evidence daily, adjourning yesterday for over the holidays. The evidence involves so much detail that it is not of special interest to the press, and this may account for the lack of fuller reports in the papers.

We have established very convincingly through the letters of the officers of the American Tobacco Company one of the principal charges in our petition, namely, that the American Tobacco Company has secretly operated a large number of corporations, ostensibly independent with the view of crushing out companies which are really independent and unconnected with the "trust."

In fact, the progress of the case has been most encouraging.

Again thanking you for your courtesy in sending these pamphlets, as well as for the valued copies of your speech of June 28, 1906, already acknowledged, I remain,

Yours, very truly, EDWIN P. GROSVENOR.

Mr. Chairman, I think the Post-Office Department should take hold of this trust under its antifraud powers. The evidence clearly shows some of these independent firms belong to the trust, and also discloses that this trust conducts a part of its business by using "straw men" and "straw firms," and of course uses the mail in so doing. In addition to this, these so-called "independents," if not these "straws," advertise their goods thus: "Not made by the trust," or boost their firm by publishing "We are not in the trust," when in fact, these statements are untrue and misleading, to the detriment of trade and commerce and the people, and the mail is used in so doing.

I will add, in conclusion, that in its answer to the bill filed in this case, this monopoly admits practically the allegations, but denies the deductions it contains and claims its business is moral, conducted "on the square," and within the limits of the law. I thank the committee for its courtesies.

[Tobacco, New York, February 6, 1908.]

TRUST'S GUERRILLA WARFARE—DASTARDLY METHODS BY WHICH DUKE AND HIS ASSOCIATES HAVE ASSAILED COMPETITORS ABLY SET FORTH IN REPORT PREPARED BY HUGH CAMPBELL.

The following masterly arraignment of the vicious methods of the tobacco trust during the past four or five years was presented by Hugh Campbell at the recent annual meeting of the Independent Manufacturers' Association of the United States. Mr. Campbell, who was subsequently made president of the organization, presented a report as vice-president, which was substantially as follows:

This has unquestionably been the most eventful year in the history of the tobacco business since the formation of the American Tobacco Company in 1890, for during the year the Government has taken an active part in controlling the operations of the tobacco trust. At our meeting held in Philadelphia on December 12, 13, and 14, 1904, a committee was appointed to ask the attention of the Government to what we considered the unfair and illegal methods pursued by the American Tobacco Company in its determination to monopolize the tobacco business not only of this country, but of the world.

Your committee, as instructed, called upon the Attorney-General of the United States and were assured that our complaint would have due consideration. Soon thereafter Mr. Henry W. Taft, of New York, was appointed special attorney-general to investigate the business and methods of the American Tobacco Company and its allied companies, and in a very short time he had gathered facts enough to satisfy himself that the methods of the tobacco trust were contrary to law, and he then instituted the licorice suit. If you independent manufacturers will recall our position in the spring of 1905, you will remember that each and every one of us felt that the greatest menace hovering over our heads at that time was the control which the American Tobacco Company had acquired over the licorice business, for without licorice we could not continue our business, and licorice we could only get from tobacco trust owned or controlled concerns.

We had the price of licorice paste advanced from 6 cents to 10 cents per pound, and it was very evident that, if the licorice trust had the power and the right to make these advances, it could have gone on advancing to any figure it pleased, or it could have refused to sell us altogether. As a New York attorney in a recent tobacco case, with which we are all familiar, said: "It is my client's right to sell or not to sell, just as it chose, and it had the right to refuse to sell for any reason or for no reason at all."

It is therefore to my mind self-evident that had it not been for Mr. Taft's prompt, masterly, and unrelenting action against the licorice companies, many of us would ere this have been driven out of business for want of licorice. You know the result of that licorice trial; and while it may not give you your licorice without cost, it enables you now to get your supply at a price you can pay and still remain in business.

In the course of this licorice suit a most important decision was rendered by the Supreme Court of the United States, by which it became obligatory upon the defendants to furnish the Government with any records or papers which might be called for, and under this decision there was brought out in the licorice trial correspondence which astounded us, but which pales into insignificance before that brought out recently in New York in the equity suit.

After the licorice trial, Mr. Taft reluctantly retired from the tobacco trust prosecution. He had given nearly two years of indefatigable work to it, and by his efforts had insured us the right to live, and for all time we shall owe Mr. Taft a debt of gratitude for his devotion to this case and the preservation of our business.

PROSECUTOR TAFT'S WORTHY SUCCESSOR.

After Mr. Taft's retirement from the case, happily the Government found a worthy successor, and Hon. J. C. McReynolds was appointed to carry on the good work, and after careful investigation and much study he filed the bill in equity which is now pending, and which has already brought great relief to the tobacco business in this country, bringing to light many heretofore hidden mysteries, so that now we know why certain competitors were able to spend and squander money as if it was water in their efforts to get our business from us.

TOBACCO TRUST'S CHANGE FOR THE WORSE.

A few years ago it would have been inconceivable to suppose that any great corporation such as the American Tobacco Company would stoop to the miserable meannesses that have characterized its course against competitors from 1903 until Mr. McReynolds filed his bill in equity.

The Battle Axe fight, while fierce and relentless and succesful in its object, was still conducted in the open by the American Tobacco Company on one hand, and the then great independent manufacturers, Liggett & Myers, Drummond, Lorillard, Sorg, Finzer, and Daniel Scotten, on the other, but the American Tobacco Company met these competitors in open combat, for it had not then learned the art of guerrilla warfare which it has waged against us since 1903.

REVOLT BEGAN IN CHICAGO.

In 1902 Chicago dealers became stirred up at the threatened invasion of their city by the United Cigar Stores Company, and formed, as you will remember, an association to fight for the preservation of their business.

A member of that association came to Richmond, Va., and at his request a few manufacturers there met him and listened to an enthusiastic address from him, and upon his suggestion a local independent tobacco manufacturers' association was then and there formed. Later it was determined to call a meeting of all the independent tobacco manufacturers in the United States, to be held in Washington, and accordingly we met in January, 1903, and formed this association.

Our first endeavor was to gain relief from Congress from the obnoxious practice that had grown into our business of giving coupons on the side, and through the action of the association the Otjen bill was successfully carried through the House of Representatives by a large majority, but was blocked in the United States Senate.

TOBACCO TRUST SPIES IN THE ORGANIZATION.

Our association was then enthusiastically in favor of that bill and the tobacco trust as determinedly opposed to it, but before another meeting of our association the tobacco trust had acquired ownership or control of quite a number of our members, and when we again met in Washington December 10 and 11, 1903, it was ably and numerously represented at our meeting.

In August of that year it had acquired a two-thirds interest in the R. A. Patterson Tobacco Company, of which the then president of our association was vice-president; it had a large interest in Nall & Williams, which was represented by Mr. Bow; it had a large interest in the company which John W. Brown represented; it owned the Bland Tobacco Company, of Petersburg, which R. P. Hamilton represented; it owned Spencer Brothers, of Martinsville, which Mr. Spencer represented; it owned Lipfert, Scales & Co., which Mr. Lipfert represented; and, in addition to these secretly owned or controlled manufacturers, since our previous meeting it had openly bought the business of several others of our members, notably Butler & Bosher Co., of Richmond, and B. Leidersdorf & Co., of Milwaukee.

At that meeting it was charged that we had "wolves in sheep's clothing" in our midst, and therefore it was necessary that we should establish some qualification of membership, but with the cards stacked against us the proposition was of course voted down.

A year afterwards, at our Philadelphia meeting, this requirement was successfully carried, which marked the beginning of the end, for, like snow in summer, these secretly owned concerns disappeared from our membership.

ASSOCIATION PURGED OF TRAITORS.

While we may not since then have been numerically as strong as we were before, we have been able to speak out at our meetings freely and fully and frankly, and without fear of a traitor being by our side.

Since the summer of 1903 every one of us had to meet the relentless, vindictive, and vicious competition of these apparently independent but secretly owned and subsidized companies, posing before the trade of the United States as independents like ourselves, damning the tobacco trust and apparently fighting it, while secretly reporting to it every move we made.

DULA'S DASTARDLY INCITEMENTS TO TREACHERY.

The developments brought out by the Government suit against the tobacco trust are appalling, and one wonders at the exhibition of "man's inhumanity to man." During December some of the correspondence between two of the vice-presidents of the American Tobacco Company and these secretly owned concerns was unearthed, and from these letters it appears that, beginning in 1903, Nall & Williams were subsidized and paid 2 cents per pound on everything they sold by the American Tobacco Company, and all through the correspondence with Mr. Middleton and Mr. Bow Mr. Dula "suggested" to them how they could get the business away from certain independent manufacturers or prevent them from getting business in new territory.

He also "advised" them of new brands to get up for competition and what to do in regard to the corner in burley tobacco, which the tobacco trust engineered in 1904, and while he was carrying on this correspondence, directing his letters to Mr. Middleton's house, he was in regular correspondence with M. C. Patterson, president of the R. A. Patterson Tobacco Company, "advising" him what to do in the way of getting up new brands and going after the business of independent manufacturers after trying in vain to buy them up.

"PERCY" HILL'S HAND IN THE DIRTY WORK.

He was also doing the same thing with R. P. Hamilton, of the Bland Tobacco Company, Petersburg, and while Mr. Dula was following up these concerns, Percival S. Hill was directing the Queen City Tobacco Company in its onslaught upon the Day and Night Tobacco Company, of Cincinnati, and was also instructing Mr. Carter, of the Wells-Whitehead Tobacco Company, what to do in the independent cigarette business.

KNIFING INDEPENDENTS AT SHORT RANGE.

Each and every one of these apparently independent concerns were pushing their business throughout this country as independent tobacco manufacturers, using the union label and pretending to belong to our camp, and were therefore able to knife us at short range, and keep the jobbers and retailers of the country stirred up so that they did not know where they were at.

TRUST DETERMINED TO KILL COMPETITORS.

This correspondence, which has been read into the record of this suit in equity, is so surprising, revealing the determination on the part of the tobacco trust officials, where they could not buy off a competitor, to kill him off, that we wonder at the state of mind to which these men brought themselves, living and doing business in this free country, and the only explanation we can find of it is that they were so drunk with their success that they felt themselves superior to all law and immune from its enforcement, but, thank God, the Government still lives, and we have at its head a President who believes in fair play and is determined that you and I shall have the right to do business so long as it is decent, honest, and legitimate.

The most determined and vindictive onslaught against a competitor, as thus far developed by this trial, and as was previously well known to many of us, was that which the Queen City Tobacco Company, of Cincinnati, waged against the Day and Night Tobacco Company.

CONDOLING WITH POOR FRIEDLANDER.

From the day that company was formed it waged warfare, regardless of cost, helping the tobacco trust to run up the price of raw material while keeping down the price of the manufactured article, and, when cigar clippings had gone up from 7½ to 25 cents, changed its package from 2½ ounces for 5 cents to 3 ounces for 5 cents. Then Mr. Galbraith consoled with Mr. Friedlander and lamented the unprofitableness of business, and Friedlander, still thinking that Galbraith was independent, gave himself away, and, finding that he had to either sell or face ruin, surrendered.

TRUST BUSHWHACKERS IN AMBUSH.

It was my privilege during December to hear a good deal of the testimony taken in this Government suit against the American Tobacco Company and its allied companies, and to learn by that testimony of the machinations of the tobacco trust in open warfare and of its bushwhackers in ambush fighting us in the rear, and it is simply marvelous to me that we are here, still free and independent and in a position to carry on our business.

INDEPENDENTS' LONG, WEARY STRUGGLE.

It has been a long and weary fight from the summer of 1903 until the summer of 1907, which this association has conducted in order to get these secretly trust-owned "independent" manufacturers unmasked, but, happily, that is now being accomplished.

During the taking of testimony recently in the equity suit I was glad to hear, and I am sure you will be glad to know, that the former president of this association, John Landstreet, did not know of the secret ownership of the R. A. Patterson Tobacco Company until the spring of 1905, but to my mind this places the American Tobacco Company in a position all the more reprehensible because, while, according to Mr. Dula's testimony, Mr. Landstreet did not know of this secret ownership, the American Tobacco Company did know that Mr. Landstreet was president of our Independent Tobacco Manufacturers' Association, and

it allowed him to continue president of the association from August, 1903, until February, 1905, and there are no words in the English language sufficiently strong to stigmatize as they should the duplicity thus practiced.

LANDSTREET AND BOW CONTRASTED.

Some of you will recall Mr. Landstreet's scathing arraignment at our meeting in December, 1903, of anyone who could be so low, so demean himself, as to be present with us if the tobacco trust had any interest in the business he represented, and we believe that he was sincere in what he said, but we can not say as much for George Bow, representing Nail & Williams, as, while he was at that meeting hotly maintaining the independence of his company, he knew that it was not so, as he was then in regular communication with an officer of the American Tobacco Company.

HOPEFUL OUTLOOK FOR A SQUARE DEAL.

The trial of the suit in equity is still pending. It, therefore, would be impolitic, unwise, and useless to speculate as to its outcome, but already much relief has been accomplished, for which we have great cause of thankfulness, and we may rest assured that neither the tobacco trust nor any other trust will for all time be allowed to continue to do business in violation of law, and, whenever forced to conduct business according to law, we will have an opportunity of doing our business untrammelled, without fear or favor.

Sooner or later the jobbers and retailers of tobacco throughout the country will take courage and realize that the only safeguard they can establish for the perpetuation of their business lies in supporting independent tobacco manufacturers, their interests and ours being identical.

Every thinking tobacco dealer throughout the country knows full well the danger confronting his business, and still so many of them are so satisfied to live to-day that they bow the knee to the one great power in the tobacco business and steadily help it to kill off their own business.

ONLY SALVATION FOR DEALERS.

These jobbers and retailers of tobacco, if they would only allow the spirit of their forefathers to possess them, would, with American grit, fight for their inborn right to do their business in their own way, buying from whomsoever they please, and they would also appreciate the fact that, were it not for the continued existence of the stubborn few independent tobacco manufacturers, the jobbing and retailing of tobacco throughout the United States would soon be altogether in the hands of the tobacco trust and its retail stores, the United Cigar Stores Company, and, realizing this, they would push the sale of the goods which it is clearly to their best interest they should push, namely, those manufactured by really and truly independent tobacco manufacturers.

TRUST'S SIGNAL DEFEAT IN BAY STATE.

I had expected that the appeal of the American Tobacco Company in the Plymouth County case would have been argued in the Supreme Court of the United States by this time, but I am advised that the American Tobacco Company has abandoned that appeal, and now the decision of the supreme court of Massachusetts stands, and after fighting since 1900 the tobacco trust has thrown up its hands and admits that, in Massachusetts at least, it can not make it a condition of sale that the buyer shall not buy like goods from another.

LAW BORN OF TRUST INTOLERANCE.

Some of you will recall that in 1900 all goods of certain independent manufacturers were thrown out by jobbers in New England, and those jobbers were prohibited from buying any new brands of any independent manufacturers. The Massachusetts legislature passed a bill for the "protection of traders," prohibiting the tobacco trust from continuing its restrictions, and from the passage of that bill until 1904 we had free trade in New England.

Then, having secured control of so large a number of manufacturers doing business in that territory, evidently the tobacco trust thought that it could do as it would, and in January, 1904, you and I and every other independent manufacturer doing business in New England had our goods thrown out by 99 per cent of the jobbers in that territory.

GREAT VICTORY FOR INDEPENDENTS.

In May, 1904, Asa P. French, then district attorney of Plymouth County, at the instance of the attorney of this association, Paul R. Blackmur, summoned before his grand jury the jobbers of tobacco in this county, resulting in the indictment of the representative of the tobacco trust. In October, 1904, the case was tried and conviction secured. The tobacco trust appealed, and, on some technicalities, the appeal was sustained, and the case had to be tried over again, resulting in another conviction, which was amply sustained in a most able decision rendered by Judge Knowlton, of the supreme court of Massachusetts, and I congratulate this association upon the final result reached in that long-fought litigation.

TRUST MAGNATES SEE THEIR DANGER.

The farmers and mechanics of this country are fast opening their eyes to the might and power of the ballot box, and it is inconceivable that for any length of time a few trusts, dominated by a few men, are going to be allowed either to rule or ruin this country, for the American people will not be made serfs, and the sooner a few magnates of the country realize this the better for them. They had a little preliminary taste during the past few months, and so sure as they persist in their combination, monopolies, and disregard of the rights of others, so surely will a day of atonement be reached.

ANTITRUST LAWS IN MANY STATES.

Many of the States have passed acts prohibiting a railroad company from buying or acquiring any interest in a parallel or competing line, and this surely is sound policy viewed from the standpoint of the greatest good to the greatest number, and in these days of antitrust agitation it seems to me that the time has come for the National Government to exercise control over the large industrial corporations of the country, and that a law should be enacted making it illegal for any industrial corporation, which has 40 or 50 per cent of the business in the United States in the article which it manufactures or in which it trades, from buying up a competitor, and it should also be made illegal for a great corporation to sell goods at a less price in one part of the country than it does in another.

TRUST METHODS OF KILLING COMPETITION.

You and I have seen the tobacco trust give goods away for nothing, sometimes less than nothing in one locality, in order to accomplish its nefarious purpose of killing a competitor, or so demoralizing him that he would sell out.

If the business of the country is to be preserved for the people of the country, if young men are still to have the inspiration, encouragement, and hope their fathers had of one day being in business for themselves, then the growth by fair means or foul of these great trusts must be restrained.

If our legislators are wise they will now take time by the forelock and pass a law controlling combinations, and not delay until the people become desperate and wanton destruction and waste ensue. A fair index to what may be expected is now taking place in Kentucky.

INIQUITIES OF THE GIFT COUPON.

In January, 1903, this association took an active part in bringing to the attention of Congress the iniquities of the coupon system in connection with the tobacco business, coupons being placed in smoking tobacco and tags upon plug tobacco for redemption, so that when a man bought a package of smoking or a piece of plug tobacco he acquired a small to-be-divided interest in a needle or an anchor, a shot gun or an automobile.

A bill was introduced by Mr. Otjen and passed the House of Representatives, but was held up in the Senate. At the following session another bill was introduced, but by that time the tobacco trust had a grip upon the throat of our association, and as an association we did nothing in favor of the bill, and it was voted down in the Ways and Means Committee of the House.

TOBACCO TRUST FOOLED CONGRESS.

At the hearings before that committee the tobacco trust did not openly appear in person, but instead it had officers of apparently independent concerns, but which it owned, appear at the hearings before that Ways and Means Committee in opposition to the bill, one of the most active being R. P. Hamilton, of the Bland Tobacco Company, Petersburg, which company was at that time entirely owned by the American Tobacco Company, and yet he had the audacity to argue before that committee that his business would be greatly injured and that the act would be a great wrong to his independent concern.

BOW SNEEZED WHEN DUKE TOOK SNUFF.

George D. Bow, representing Nail & Williams, also came to Washington to work against the bill. The officers of the tobacco trust and others in authority at 111 Fifth avenue wrote to the officers of nearly all its secretly owned or controlled concerns to become active in opposition to this anticoupon bill, using their best efforts with their Congressmen against the measure, and so, with a great many apparently independent concerns protesting against the bill, the Ways and Means Committee was naturally led to suppose that the independent manufacturers were by no means united, whereas the fact developed that at that time there were only two really independent manufacturers in the United States, so far as we can ascertain, who were earnestly against that measure.

THE NEW TAWNEY ANTICOUPON BILL.

Congressman TAWNEY has again agreed to introduce a bill to rid the country of this obnoxious practice, to stop giving something on the side, and I now recommend that we take up this anticoupon question and settle it once and for all time, and get it behind us.

I would also recommend to the association that it consider whether or not it is possible to bring the tobacco warehouses of Louisville and Cincinnati to realize that their present method of sampling tobacco is outrageously unjust, a large proportion of the samples drawn being utterly unlike the hogsheads from which they are taken, and at times the wonder is where the samples come from.

The association should also consider the free-leaf bill, which is again before Congress, and arrange to have its passage opposed, for should it become law it will surely injure the tobacco-manufacturing business and fall utterly to benefit the farmer.

[Tobacco, New York, January 30, 1908.]

TOBACCO TRUST OUGHT TO BE BROKEN.

Undoubtedly the tobacco trust has the farmers in a tight grip. When it comes to pass that there is virtually but one buyer for such a product as tobacco, it is time to do something besides assail trusts in our party platforms and on our campaign stumps. The power of such a monopoly ought to be broken.—Louisville Courier-Journal.

[Tobacco, New York, January 30, 1908.]

TOBACCO TRUST BREEDS ANARCHY.

The anarchy in the Kentucky tobacco counties, where night riders set fire to the tobacco warehouses of the tobacco trust and destroyed them, is the logical sequel to the methods of the tobacco trust, which has forced down the price of tobacco so that there is no profit in raising it. Tobacco which was worth $15 was hammered down to $3. There can be no defense of the lawlessness of the Kentucky tobacco growers. But what shall be said of the actions of the tobacco trust, which has exasperated these men and finally driven them into lawlessness? The American people will ultimately have to grapple with this trust. There are men in Paterson, like Bernard Feeney and others, whom it has driven out of a profitable business which took them years to build up. But they couldn't buck the tobacco trust and were forced out.—Paterson News.

[Norfolk Virginian-Pilot.]

BACKSTAIRS INTRIGUES OF TRUST—PROMINENT SOUTHERN NEWSPAPER'S COMMENT ON DISCLOSURES AT TRIAL NOW IN PROGRESS.

The tobacco trust does not appear to good advantage in some of the disclosures of its methods recently made by its own officers. The spectacle is not a nice one of business men of good repute secretly selling their factories to the combine, continuing to proclaim that their enterprises are independent of the trust, entering into the councils and partaking in the confidence of the independent association, and generally posing as disconnected from and inimical to the interest which really owns them body and soul. It is an unsavory development in whatever light regarded.

[Tobacco, New York, January 30, 1908.]

TOBACCO TRUST BREEDS CIVIL WAR.

The contest between the tobacco trust and the Tobacco Growers' Association in Kentucky has grown to the proportions of a civil war. The tobacco growers have organized bands of "night riders," which have destroyed about $1,000,000 of property, killed several people, and terrorized the tobacco-growing regions of the State. Governor Willson states in his inaugural address that the tobacco trade of the State is paralyzed, and all other kinds of business affected; the price of land

has gone down and people are leaving the State. Vigorous measures are being taken to protect the property in the larger tobacco warehouse centers, but the farmers in the country are helpless and in terror of their lives. The cause of the trouble was the efforts of the tobacco trust to force down prices by driving all other buyers out of the market. Those who wished to buy tobacco were assigned a district in which alone they would be allowed to buy, and no other buyer was allowed to operate in that district. Competition was thus killed and the tobacco growers were obliged to take what they could get, and it was claimed that prices were forced below the cost of production. In desperation the growers formed an association in connection with the Farmers' League of America, and the association has forbidden any grower selling his crop below a certain price. The violence has been directed against the farmers who were obliged or ventured to sell their tobacco contrary to the demands of the association, and against the warehouses of the tobacco trust. The contest involves the same principles which enter into conflict between employers and labor unions over the question of the open shop. The tobacco growers were certainly in a hard plight and little sympathy can be felt for the tobacco trust.—The Watchman, organ of the Baptist denomination.

JAMES B. DUKE LOOKED WORRIED—TOBACCO TRUST HEAD WATCHES WELDING OF CHAIN OF EVIDENCE THAT MAY SEND HIM TO JAIL—SEEMED UNDER SEVERE NERVOUS STRAIN.

James B. Duke, the head of the tobacco trust, was an intent spectator this week in the United States circuit court room in New York and seemed to watch Special Attorney-General McReynolds with a sort of fascinated interest as the latter conducted the taking of evidence in the case of the United States Government against the tobacco trust.

Duke was plainly ill at ease and seemed to be laboring under severe nervous excitement. He fidgeted about constantly in his seat and frequently raised his hands to his face in an irritable manner. At other times he occupied himself by nervously tearing up scraps of paper.

The worn and weary look upon his face, which was noted when he appeared as a witness at the prosecution of some of his subordinates a little less than a year ago, has considerably intensified in the months that have since passed, although his face is somewhat more bloated than it was at that time. The hard, cynical lines about the mouth seem as prominent as ever, while the lines of worry around the eyes give the general impression of a man who regards life as a bad joke with which he is mightily wearied.

The taking of testimony before Commissioner Shields was begun last Thursday. As explained by Tobacco, Commissioner Shields merely acts as an examiner to preside over the taking of testimony and the filing of affidavits.

The usual formidable legal array put in an appearance to defend the tobacco trust, including Delancey Nicoll, W. W. Fuller, Junius B. Parker, Ex-Judge Wallace, William B. Hornblower, and S. M. Stroock. The Government was represented by Special Attorney-General McReynolds and Edwin P. Grosvenor.

W. R. Harris, vice-president of the American Tobacco Company and chairman of the board of directors of the British-American Tobacco Company, was the first witness called, as Tobacco foreshadowed last week.

Judge McReynolds then begun his volley of questioning. Mr. Harris testified that he first became identified with the trust in May, 1890.

"What large concerns engaged in the manufacture of plug and smoking tobacco in 1890 are now engaged as independent concerns?" asked Judge McReynolds.

Harris was forced to admit that at the moment he could recall none. He tried to justify his admission by stating that the American Tobacco Company lost money on plug tobacco between the years of 1893 and 1898.

"What caused this loss?" was the next pertinent question Judge McReynolds put. "The company was pushing trade," Harris replied.

"In taking over other companies, did the American Company make the other concerns agree not to sell to drummers or small dealers?" Harris was forced to admit that in most cases such an agreement had been made.

Admissions were drawn from Harris showing that by foreign consolidations the tobacco trust at one time controlled the tobacco trade of the world, save in France, Italy, Turkey, and Austria-Hungary, where the tobacco trade is a Government monopoly. Mr. Harris went on to admit that when the trust first entered England as a competitor the control of the Ogden Company (Limited) was secured. The business was continued for a time under the old name, because of the fear that doing business under the American title might hamper it.

Later the witness said, after James B. Duke and Thomas F. Ryan had made many negotiations abroad, the control of the Imperial Tobacco Company, of Great Britain and Ireland, was secured, some two years after the Ogden Company, and the two formed the British-American Tobacco Company.

"Was the Imperial Tobacco Company at the time its control was secured a paying concern?" asked Judge McReynolds. "It was," replied Mr. Harris, but he declined to give further particulars.

The witness was forced to explain further that when control was being sought in Great Britain of the tobacco trade, $1,000,000 was spent to meet competition, and that, in addition, all profits in Great Britain were turned back to the purchasers.

Judge McReynolds had already questioned Mr. Harris concerning the growth of tobacco, the proportions grown in America and other countries, and its manufacture in the United States into marketable products; thus, step by step, forcing out evidence of the growing monopoly fostered by the tobacco trust.

Frank H. Ray, one of the directors of the American Tobacco Company, was the next witness. He said that he was formerly connected with the Paul J. Sorg Company, plug tobacco manufacturers of Middletown, Ohio. He stated that the first consolidation was effected through the formation of the Continental Tobacco Company, afterwards merged with the American. Mr. Ray testified that there had been at one time considerable competition between the plug manufacturers. Mr. Ray then explained the absorption of the Sorg Company by the Continental and the negotiations between that company and the American Company.

T. B. Yuille, head of the leaf-buying department of the American Tobacco Company, was called by Judge McReynolds Monday and questioned at great length concerning the growth of leaf in the South, the numerous tobacco markets in the South, the different kinds of tobacco, and the proportion of the output the tobacco trust controlled.

W. K. Smith, a stockholder in several companies of the tobacco trust, was called and questioned concerning the state of affairs since the trust began its attempt to monopolize the tobacco trade.

Percival S. Hill, vice-president of the American Cigar Company and president of S. Anargyros, was on the stand Tuesday and Wednesday.

The hearing is held in room 124, fourth floor of the Post-Office Building, and is open to the public.

TRUST SAILING UNDER FALSE COLORS—OPENS UNITED CIGAR STORE IN DES MOINES, IOWA, WHICH POSES AS AN ANTITRUST ESTABLISHMENT.

[Special to Tobacco.]

DES MOINES, *November 25.*

The tobacco trust recently entered into negotiations for opening one of its retail stores in Des Moines and caused the matter to be heralded in the local newspapers as the entrance of a big antitrust concern into Des Moines. The local newspapers also referred to the United Cigar Stores Company as has having been organized a few years ago to fight the tobacco trust.

The tobacco trust has often heralded its National Stands branch as organized to fight those who created it, but, so far as is known, this is the first time that the trust has ever brazenly proclaimed that the United Cigar Stores were created to fight the trust which actually owns and controls $1,350,000 of the United Stores' $1,650,000 capitalization, as well as $2,850,000 of the United Stores' bonded indebtedness.

It is hardly likely that the intelligent people of Des Moines will swallow the story that the United Stores was organized to fight the tobacco trust, and it is difficult to understand just why the trust should attempt any such brazen deception at this time, when both the trust and its creature, the United Stores Company, are codefendants in the suit instituted by the United States Government and now on trial in New York.

HAWKEYE.

STARVATION PRICES FOR TOBACCO.

The present situation in the tobacco-growing districts have gained frequent reference in the editorial columns of the daily newspapers of the United States during the past few months, and almost invariably the able editors have uncorked the vials of their wrath upon the heads of the tobacco farmers, at least upon that portion of them who, driven to desperation by the wicked work of the tobacco trust, have sought to better their condition by joining the various organizations formed to cooperate in securing living prices for their leaf tobacco.

These tobacco farmers have been editorially characterized as anarchists, as incendaries, as un-American, as a criminal horde, as barn burners, as midnight assassins, and a long list of foul epithets tending to hold them up to ignominy in the eyes of all good citizens.

For the moment it is unnecessary to speculate as to whether this abuse of the tobacco farmers was directly inspired by the tobacco trust, which has a crafty way of distributing fat advertising contracts to the daily newspapers at opportune times, or whether they have merely resulted from the attempts of the able editors to comment offhand upon affairs concerning which they possess a most meager knowledge.

The city of Owensboro is in the heart of the tobacco-growing district of Kentucky. The Owensboro Messenger is an able and conservative newspaper. Its editor is a man of ripe judgment and keen perceptions who has lived in that section for years. Surely his opinion should outweigh the snap judgments of editors scores and hundreds of miles away, who are ready to condemn tobacco farmers upon scanty and often most untrustworthy statements regarding the conditions in that section.

The editor of the Owensboro Messenger in a recent editorial reviews the present situation. This editorial is remarkably temperate and almost judicial in its summing up of facts.

The prosperity of Owensboro, it says, is dependent upon the prosperity of the tobacco growers; tobacco is the great staple upon which the people of that section must exist; there are no other farming products which can take the place of tobacco in that community; the manufacturing interests are insufficient to support the people.

The editorial further says: "Whatever the mistakes of the farmers, however much they may have been duped by the secret agents of the tobacco trust, it is no time to scoff at them, or to withold from them the helping hand.

"It is time for equal and exact justice. Three-cent tobacco—a starvation price—brought on this situation but a few years ago. The farmers have profited to some extent by pooling. They would have profited more if they had not split among themselves. The farmers have so far been entirely orderly in their conduct."

This is the testimony of an eyewitness, of a man who has been constantly upon the scene, and who has nothing extenuated, nor set down aught in malice. Is not his evidence to be preferred to the mere assertions of editors who know next to nothing of the real facts?

This man, keen of observation and conservative in statement, presents the damning evidence of the manner in which the tobacco farmers have been ground down beneath the iron heel of the tobacco trust. "Three-cent tobacco—a starvation price—brought on the present situation" in Kentucky.

And even in the face of such conditions there are editors who deprecate the present efforts of the United States to find a legal remedy for the pernicious activities of the tobacco trust. Had these editors lived in the days of Captain Kidd they would undoubtedly have decried the efforts of civilized nations to put a stop to piracy on the high seas.

WHAT DOES IT MEAN?

While representatives of the tobacco trust were recently negotiating for the lease of premises in Des Moines, Iowa, in which to install one of the trust's retail stores, the Des Moines newspapers came out with articles, which were all too evidently inspired by someone connected with the United Cigar Stores branch of the tobacco trust, stating in so many words that the former was organized for the express purpose of fighting the latter, and heralding the United Store to be opened in Des Moines as a great antitrust establishment.

Representatives of the tobacco trust have done many strange things in the past, but it is difficult to understand what they expect to gain by any such brazen, but in the long run, fruitless attempt to deceive the people of an up-to-date community like Des Moines.

The tobacco trust and the United Cigar Stores have so often and in so many different ways admitted their relationship with each other and the connection between the two is so plainly set forth in the bill of complaint filed against the two and numerous other codefendants in the suit of the United States Government that this attempt of the United Stores to sail under false colors at this late day seems inex-

plainable upon any reasonable hypothesis. Perhaps the deception was attempted as a joke by subordinates in the tobacco trust.

CASE LOOKS BAD FOR THE TRUST—MASS OF DAMAGING EVIDENCE BROUGHT OUT BY PROSECUTOR M'REYNOLDS—HOW DUKE SCHEMED TO DEMORALIZE IMPORTED CIGAR BUSINESS.

The suit in equity of the United States Government against the tobacco trust and everybody concerned in it continues to go merrily on.

The investigation Tuesday was devoted exclusively to snuff and the branches of the tobacco trust that make it. Special Attorney-General McReynolds summoned George W. Helme, formerly of the George W. Helme Company, which was acquired by the American Snuff Company branch of the tobacco trust.

Judge McReynolds questioned the witnesses concerning the negotiations in high finance that resulted in the acquiring of the Helme Company by the trust; how the pro rata shares were distributed, and how the capital stock was apportioned. The Government counsel drew from the snuff man many damaging admissions tending to show a monopoly.

Mr. Helme could not tell of a single independent snuff company of any size, and excused himself by saying that he had been out of the snuff business for four years. He then was forced to disclose the various secret agreements whereby various subordinates agreed to effect certain combinations. Helme told also of the fact that the various names used for snuff were usually the firm name of the manufacturer, which was also a trade-mark.

Judge McReynolds requested the witness to name the various prominent snuff manufacturers and the name of the snuff they produced, whereupon Helme admitted that every company was controlled by the American Snuff Company.

The examination went into every detail concerning who owned the stock of the Helme Company and how it was transferred to the American Snuff Company and how the members of the Helme Company received stock of the reorganized company as a tobacco-trust concern. Helme claimed that every snuff company was run independently under its corporate name.

"You wish to convey the impression that each company has a distinct management, but they are all under the direction and control of the American Snuff Company, are they not?" "They are," replied the witness.

Percival S. Hill was recalled Monday, and his testimony of last week and that day covers several hundred pages of the record. Mr. Hill was questioned concerning nearly every detail of the organization of the various companies. He was asked to explain his correspondence concerning various more or less questionable methods.

It was clearly shown by the testimony that it is an established practice of the tobacco trust, after obtaining the business and plant of a former competition, to keep the fact of the sale secret. The admission was forced by Judge McReynolds from Vice-President Hill that the tobacco trust controls the business of the Wells-Whitehead Company, of Wilson, N. C., but that the fact was concealed from the public and the company in question had sent its goods out bearing the union label. Mr. Hill would not admit the fact conveyed to the trade the impression that the company in question, the Wells-Whitehead Company, had no connection with the tobacco trust. "We always advised the Wells-Whitehead Company not to deny the ownership," Mr. Hill asserted.

The purchase of the Wells-Whitehead Company, Mr. Hill stated, had been a profitable one for the tobacco trust, except in the year 1905, when the company allowed 10,000,000 or 12,000,000 damaged cigarettes to be shipped out and afterwards had to redeem them.

Mr. Hill testified that the tobacco trust owned the Day and Night Tobacco Company, of Cincinnati, a supposedly independent concern. The fact that this ownership was not made public, he declared, was due solely to the wishes of the former sole owners, who still retained an interest. Concerning new brands of goods, Hill said they were always introduced at a loss, and that if they did not "go" after a fair trial they were abandoned.

The witness testified that a bonus had been paid the Reynolds Tobacco Company, of Bristol, Tenn., to close out, and that other factories were now making that company's former brands. A complaint by B. L. Delancey, a former stockholder of the Reynolds Tobacco Company, to the effect that he had been badly treated, was, Mr. Hill said, founded on misinformation.

Judge McReynolds intimated that B. L. Delancey, one of the heaviest stockholders in the Reynolds Tobacco Company, had been a heavy loser when the concern changed hands, but Mr. Hill insisted that Mr. Delancey was one of the best friends of the tobacco trust, whereupon Mr. McReynolds read a letter from Mr. Delancey, in which he complained of the treatment which his company had received and likened his concern to "a prisoner in chains," and called upon Mr. Hill to "break the shackles" and treat the company fairly or else let it go out of business with every possible profit to the stockholders.

RENT OF FLATIRON CIGAR STORE.

New York City retailers, Hill claimed, bought their supplies on closer margin than other dealers, and it was true that the tobacco trust had occasionally given allowances to the United Cigar Stores Company for pushing certain brands, and he recalled two instances in which allowances had been made on rentals, but denied that the American Company had ever paid part of the rent of the Flatiron Building store or was concerned in any way with the coupon scheme. He was compelled to admit, however, that the tobacco trust made a practice of lending money to jobbers throughout the country who pushed the company's products.

Mr Hill was forced to admit that the tobacco trust made allowances to the United Cigar Stores for advertising the goods of the trust, based upon the increased sale of the brands when pushed to the utmost by the United.

"You allow the United Cigar Stores Company a discount of 2 per cent and an allowance of 5 per cent, do you not?" asked Judge McReynolds. "Yes," replied the witness. "How is the allowance determined?" "It is fixed by results." "Do you give a trade allowance on rent?" "It has been done in case a desirable territory for the introduction of our products was to be developed."

"Don't you pay the United Cigar Stores Company's rent in the Flatiron Building?" "No, sir. Not one cent, and we never did."

"Do any of the companies connected with the American Tobacco Company pay the rent?" "I can't say."

It also developed that the tobacco trust made a practice of lending money to jobbers throughout the country who were pushing its products.

BITTER ENMITY TO WARE-KRAMER TOBACCO COMPANY.

The witness asserted that he had never taken any active part in the affairs of the Wells-Whitehead Company, but was forced to admit that he felt free to make suggestions at any time. He admitted that he, as secretary of the American Tobacco Company, received daily reports from the Wells-Whitehead Company as to the sale of cigarettes and monthly reports as to the financial condition.

A letter addressed to W. M. Carter, of Wilson, N. C., taken from Mr. Hill's letter book, is extremely interesting, and shows the trust's concerted atempts to cripple the Ware-Kramer Tobacco Company, manufacturers of the White Rolls cigarettes. The letter read as follows:

"We are advised that a carload of cigarettes has been exported to China by the Ware-Kramer Tobacco Company. If possible I wish you would ascertain to what port these goods were shipped and the name of the consignee. If you can not learn the name, perhaps you can find out the markings on the cases, as well as the point in this country from which the goods were shipped by steamer.

"P. S. H."
[Percival S. Hill.]

The above letter was introduced just after Hill had protested at great length how friendly the tobacco trust was to the Ware-Kramer Tobacco Company, and would much rather see them succeed in business than otherwise. The letter came as a rude shock. Hill was forced to admit that he transmitted any information which he may have received to the British-American Tobacco Company, with the avowed object of shutting off the Ware-Kramer Tobacco Company's market in China. Such surprising reversals of form were by no means uncommon during Hill's testimony.

Another letter concerning White Rolls cigarettes, dictated at the tobacco trust headquarters, had the following interesting passage: "Regarding White Rolls, I hear they are selling some in Petersburg. Thought same to have dropped out for a time, but recently their men have been there again and started up some sales. I wish you could have this looked into, and see that some work is done there on Carolina Brights to counteract their effect in that locality."

Other letters of a similar character referring to the great increase in the sale of White Rolls in Durham, N. C., and in Danbury, Conn., were also offered in testimony, disclosing the merciless campaigning of the tobacco trust against the White Rolls cigarette and its ferocious competition against the Ware-Kramer Tobacco Company. Most of the letters are addressed to W. M. Carter or R. C. Briggs, of the Wells-Whitehead Company.

ATTACK ON CENTRAL UNION BRAND.

Hill was also questioned concerning other correspondence concerning Union Leader, a tobacco which was gotten out by the tobacco trust to drive Central Union, an independent tobacco, out of the market. Hill in his letters had complained that in a canvass by his men around lower New York City he had found Union Leader featured in only 24 stores out of 490 entered, while Central Union was in them all. The letters admit that the tobacco trust put out Union Leader especially to kill the Central Union tobacco.

Among the important questions also put to Mr. Hill were the following: "What is the attitude of union labor organization toward the American Tobacco Company? "I don't know."

"Is it not true that they will not grant the union label to the products of factories controlled directly by the American Tobacco Company?" "I think not, but I don't know what you mean by 'controlled directly.'"

CATCHING HILL IN A TRAP.

Judge McReynolds then took up the relations between the tobacco trust and the United Cigar Stores in detail. "When was the United Cigar Stores Company organized?" he asked. "I don't remember," was the answer.

"Why was the ownership denied or concealed?"

"It never was denied or concealed. It simply was not made public."

At this point Judge McReynolds read a letter which the witness admitted he wrote to Frederick Estabrook, of Estabrook & Eaton, tobacco dealers, of Boston, September 29, 1902, in which he stated that it would be desirable to deny all rumors that the American Tobacco Company was behind the United Cigar Stores Company.

"Was it common to make such denials?"

"That is the only thing of the kind I know of."

Another important phase of Hill's testimony was concerning the business methods of the Metropolitan Tobacco Company, the corporation which enjoys exclusive jobbing relation with the tobacco trust.

"Does your company sell to any retailer in New York besides the United Cigar Stores Company?" asked Judge McReynolds.

"No; it sells to the New York trade through the Metropolitan Tobacco Company," was the answer.

"Are your city sales made on a uniform discount?"

"Practically so; but the discount actually varies. Tobacco is sold to the Metropolitan Company at list prices less 2 per cent; with an allowance of 5 per cent."

"What do you mean by allowance as distinguished from discount?"

"We make various allowances to companies that handle our goods and encourage the sale of our products and see that retail customers are supplied readily."

Mr. McReynolds then endeavored to get an idea of advertising methods and money expended in that way, but the witness's memory was so defective that little progress was made. Hill did say, however, that his estimate for 1906 was about $10,000,000 spent in advertising and "the promotion of various schemes."

"How much was paid for newspaper advertisements?" asked Judge McReynolds.

"I don't know," replied the witness. "In 1906? I can not say positively, but I should think about $100,000 or $150,000."

"Is that all that was spent on newspaper advertising?"

"That is my estimate for the American Tobacco Company. The subsidiary companies have their separate items."

SCHEME TO CORNER SCRAP MARKET.

At another time Mr. Hill was forced to disclose an attempt to accomplish a combination of "scrap" tobacco among its manufacturers. A letter written by Mr. Hill to Mr. Pinkerton, of Milwaukee, telling of the attempts of Mr. Friedlander to establish such a combination was introduced by Judge McReynolds. Mr. Hill stated that personally he thought the plan a good one, but admitted that all of the manufacturers of scrap tobacco would not come in, hence the failure of the attempted corner.

DUKE'S PLOT TO DEMORALIZE TRADE.

This decidedly interesting letter, written by Percival S. Hill, in New York, January 16, 1903, to J. B. Cobb, president of the American Cigar Company, who was then in Habana, was introduced. James B. Duke ordered Hill to write it:

"DEAR MR. COBB: At Mr. Duke's suggestion I write you to the effect that a plan has about been decided upon, which differs from the one that was being considered before you left, and as in carrying out this plan it will be undesirable to give control of any brands to individuals in any part of the country, Mr. Duke requests me to write you, explaining it, so that in case any of our customers go to Habana you will not promise them control of any special brand.

"Mr. Rothschild, of the Waldorf-Astoria, will go to Habana to-morrow, Saturday, and we understand he will try to make arrangements to secure other Habana cigars than ours. Mr. Duke's idea is to make a confidential arrangement with Park & Tilford, and Acker, Merrall & Condit, by which they will sell Habana cigars both to the consumer and the retailer at the present cost, so that the retailer will buy at exactly the same prices as the consumer. Of course it will be necessary to keep this matter entirely confidential. The result will be a demoralization in business, for such a length of time as may be deemed desirable to continue on this basis.

"The final upshot will be that the importers will be forced into an arrangement by which they will maintain prices agreed upon. This plan is considered more desirable for the reason that if we tried to regulate the prices at the present time it would mean an advance in our goods to both wholesaler and retailer, which would give a decided advantage to independent factories in securing business; but we feel when our goods are sold to the consumer at present cost there will be no more opportunity to get much business for independent factories.

"Mr. Duke expects to have an interview with Park & Tilford to-day, to ascertain if this plan will be carried out by them.

"Will you kindly extend my regards to Mrs. Cobb and her daughter? Remember me to all the folks in Habana. With sincere regards for yourself, believe me,

"Very truly, PERCIVAL S. HILL."

HILL'S LAME DEFENSE OF THE TRUST—TESTIMONY SO FULL OF HOLES AND EVASIONS A BACKWOODS LAW STUDENT COULD PICK IT TO PIECES.

There was a great foregathering of the bright lights of the tobacco trust legal department at Stamford, Conn., last Sunday, where they wined, dined, and automobiled, and between times framed up a series of questions to be put to Percival S. Hill in the Government case when Special Attorney-General McReynolds should turn the witness over to them.

Judge McReynolds turned Hill over to Junius Parker, of the tobacco trust counsel, Monday, and according to the report in the Evening Sun of that date, the following amazing dialogue ensued:

"How many retail stores are there in the United States?"

"About 600,000."

"Of these how many are owned by the United Cigar Stores Company?"

"Less than 1,000."

[Admitting for the sake of argument that there are 600,000 places in the United States where cigars and tobacco are retailed, it is safe to assume that more than 560,000 of the number are in places where they are handled only as a side line, and usually in comparatively insignificant quantities. Of the remaining 40,000 places, many of them lead only a hand-to-mouth existence. There are something like 100 of the retail stores of the tobacco trust in Greater New York, and it is estimated that within the past five years they have driven some 500 independent dealers out of business.—Editor of Tobacco.]

"How many distributing concerns are there?"

"At least 5,000."

"How many of these does the American Tobacco Company own?"

"Only one."

In the bill of complaint filed by the United States Government against the tobacco trust, the following distributing concerns are named as codefendants, and the trust has in effect admitted that it owned and controlled them:

Crescent Cigar and Tobacco Company, New Orleans, capital $20,000.
M. Blaskower Company, San Francisco, capital $500,000.
R. D. Burnett Cigar Company, Birmingham, Ala.; capital $415,000.
Cliff Weil Cigar Company, Richmond, Va.; capital $50,000.
J. & B. Mocs, Chicago, capital $150,000.
The J. & B. Moos Company, Cincinnati, capital $200,000.
Dusel, Goodloe & Co., Philadelphia, capital $72,000.
J. J. Goodrum Tobacco Company, Atlanta, Ga.; capital $60,000.
Jordan, Gibson & Baum (Incorporated), Memphis, Tenn.; capital $50,000.
Louisiana Tobacco Company (Limited), New Orleans, capital $50,000.
The Smokers' Paradise Company, Atlantic City, N. J., $75,000.

The above list takes no account of the Metropolitan Tobacco Company, of New York, which is as actually dominated by the tobacco trust as the fingers on Duke's right hand are dominated by Duke; neither is any account taken of the long line of branches and subsidiary concerns that are in turn controlled by the Metropolitan Tobacco Company and the various other concerns listed above. Nor is any reference made to the long list of concerns like the Acker, Merrall & Condit Company, in which the tobacco trust is a heavy stockholder, and which it permits to handle the brands of independent manufacturers only when it is scheming to kill such brands.

[Furthermore, the testimony framed up for Percival S. Hill, as above quoted, is intended to divert attention from one of the most important and vital phases of the whole matter, and that is: Before the Metropolitan Tobacco Company came into existence there were more than 100 substantial jobbers in New York, while to-day there are perhaps five that are worthy of being so classed. Some of the former jobbers were bought up by the Metropolitan, and the others were deliberately forced out of business by the ferocious competition with which they were assailed by the Metropolitan.—Editor of Tobacco.]

"Out of the 5,000 how many receive allowances from your company?"

"Two hundred and fifty-three."

"Nearly 4,700 are perfectly free and under no influence whatever from the American Tobacco Company?"

"Exactly."

[If there are 4,700 so-called "jobbing concerns" that are not controlled by the tobacco trust, either through ownership of stock or through loans of money made by some of its subsidiary branches—which is extremely doubtful—it must be taken into consideration that many of these independent concerns have but an insignificant volume of trade, most of them doing less business in a year than the Metropolitan Tobacco Company does in a single day. Furthermore, a large majority of these independent jobbers handle vastly more goods produced by the tobacco trust than they do of the products of the independent dealers.—Editor of Tobacco.]

"Out of the 5,000 distributing companies, do any handle exclusively the products of the American Tobacco Company?"

"Not one; not even the one owned by us."

[As a matter of fact, it has from the beginning been the practice of the tobacco trust distributers and dealers to take hold of the product of an independent manufacturer, and make a pretense of selling it for the express purpose of killing the sale of a competitive brand. Quite recently the tobacco trust has made strenuous efforts to get possession of large quantities of the Romeo y Julieta brand of imported cigars, which it had planned to discredit with the smoker by selling them at cut prices in the trust's retail stores. Another instance in which one of the tobacco trust jobbers handled the cigarettes of an independent manufacturer only to kill them was also of recent occurrence. The cigarettes, which are wrapped in tin-foil, were treated to a few drops of water in each package, which caused them to turn black and then mold. The tin foil prevented the packages from presenting other than the ordinary appearance until the foil was removed, when the smoker naturally became disgusted with what he found and was probably effectually deterred from calling for that brand of cigarettes in the future. Similar instances in which the branches of the tobacco trust have handled the products of the independent manufacturers for the purpose of killing them might be multiplied indefinitely.—Editor of Tobacco.]

"Then there is no reason why other companies should not be able to compete openly?"

"None at all. Even from the 253 companies to which we pay allowances for promoting the sale of our goods they can get almost as much as we can. There is nothing to prevent any merchant from going into business except money."

[Every intelligent member of the trade knows that not only is it impossible for independent manufacturers to get the same service from the jobbers who have been assimilated by the tobacco trust that could be obtained from practically every jobber in the old days. There have been not merely scores and hundreds, but thousands of instances, where the jobbers controlled by the tobacco trust have positively refused to fill substantial orders booked by the salesmen for independent manufacturers and offering the jobber a handsome profit without risk or exertion on his part.—Editor of Tobacco.]

"Can anyone get the products of the American Tobacco Company?"

"Certainly, if he has the money; that is, outside of New York. Here they must get them through the Metropolitan Company."

[The tobacco trust has for several years past made a strenuous legal fight against E. Locker & Co. to establish its contention that it can refuse to sell its goods to anybody for any reason, or for no reason at all.—Editor of Tobacco.]

"Independent manufacturers of tobacco have opened business since the American Tobacco Company was formed, have they not?"

"Yes; several."

"And they are for the most part prosperous?"

"Very."

[It is doubtful if the witness, or anyone else, could name three prosperous independent manufacturers of tobacco in any form other than cigars or little cigars that have come into existence in the past seven years.—Editor of Tobacco.]

The lawyer then named the Scotten & Dillon Company, of Detroit; the Harris Company, of Readsville, N. C.; Bagley & Co., and the Globe Tobacco Company, of Detroit; Bloch Bros., of Wheeling, and the Dill Company, of Richmond, all of which the witness agreed were old-established companies and still prosperous. Failures in the tobacco business, said Mr. Hill, are due to bad management.

"Why, 90 per cent of our own products are failures," the witness added.

[Judging from the lack of quality in many of the tobacco trust's brands, there is not the slightest reason for doubting this statement.—Editor of Tobacco.]

The witness said that it had always been difficult to establish new brands on the market. Ninety per cent of the American company's business depended on fifty brands out of their total of 1,500, he said.

[Fully nineteen out of twenty of the largest selling brands of the tobacco trust to-day were placed on the market and established by independent concerns that have been since absorbed by the trust.—Editor of Tobacco.]

Counselor Parker then took up the manufacture and marketing of the various brands and endeavored to show that there could be nothing short of real competition, since brands could not be duplicated by other companies.

"Each brand has a secret formula, and my understanding is that it is impossible to duplicate them," said Mr. Hill.

[He might with equal reason have said: "The moon is made of green cheese."—Editor of Tobacco.]

PROGRESSIVE CROOKEDNESS—RECORD OF TOBACCO-TRUST VILLAINIES DAILY GROWS MORE AND MORE AMAZING UNDER THE PROBE OF JUDGE M'REYNOLDS.

An interesting feature in the proceedings in equity instituted by the United States Government against the tobacco trust last Tuesday was the recalling of Percival S. Hill, vice-president of the trust, whose testimony has been fraught with so many inconsistencies when compared with his personal correspondence of the past few years. Hill was called to verify some letters written to him by one Craft, of New Orleans. The letters disclosed a concerted attempt to put the Craft company out of business.

The fake independent companies, namely, Queen City Tobacco Company, Michigan Tobacco Company, and the Craft Tobacco Company, which were falsely masquerading as independents, were the chief topics of discussion Tuesday.

Admissions were drawn from Caleb C. Dula as to the secret workings of each company; how they tried to keep up an appearance of independence when in reality all three were owned and controlled by the tobacco trust. The correspondence between the officials of the different subordinate companies, which was submitted at this point, disclosed what frantic attempts were resorted to to allay suspicion respecting affiliation with the tobacco trust. Dula admitted that the Michigan Tobacco Company was a losing venture and estimated the financial loss at something like $100,000.

Special Attorney-General McReynolds asked Dula to explain the relations of the trust with the Mengel Box Company. Several letters, taken from correspondence between Dula and Mr. Mengel, were produced, in which Dula asked for figures of box sales to various tobacco companies not connected with the tobacco trust.

"Was it Mr. Mengel's custom to send you from time to time figures of sales to independent companies?" asked Judge McReynolds.

"No, sir," was the reply. "I can't recall that he ever sent me any such information, though in conversation he may have given me some data."

"What do these letters mean in which you ask for letters?" asked the Government prosecutor, producing certain correspondence.

"I asked," the witness was forced to admit by his own letters, "but I do not remember; but I considered that I had a right to know, as a majority stockholder."

The three companies which Mr. Dula, judging from his correspondence, wished to get the figures of respecting the number of box sales were the Monarch, People's and Friedlander companies, and the letters produced showed that these figures were asked for repeatedly.

"Did the Conley Tin Foil Company sell tin foil to the American Tobacco Company and the independent companies as well?" asked Judge McReynolds of Dula.

"I know nothing at all about its business," was the reply.

"You did not, then, receive reports from it or the licorice companies?"

"No."

Mr. Dula was temporarily excused at 10.50 o'clock Tuesday morning, and Vice-President Hill was recalled. Hill admitted that the general direction of the Craft Tobacco Company, of New Orleans, was turned over to him by Dula after the latter had reorganized it upon its acquisition by the tobacco trust. Hill stated that both the Craft Company and the People's Tobacco Company, of New Orleans, were union companies. The latter, he said, had an approximate yearly output of 7,000,000 cigarettes and 30,000 pounds of smoking tobacco.

"What was the quality of the output; rather cheap, wasn't it?" inquired the Government counsel.

"I wouldn't say that. It was not particularly cheap; it was high-priced for its quality," said Hill.

Several letters were then read which were extracted from the correspondence which was held between Hill and Craft. The letters referred more especially to the question of union labor and the efforts of Mr. Craft to keep his connection with the tobacco trust a secret.

Several letters were also referred to concerning the struggle between the two labor unions in New Orleans, the regular union and the Tobacco Workers' Union, of which a man named Ourry was at the head.

When the Craft Company was acquired by the tobacco trust, Hill admitted that Mr. Craft had 25 per cent of the stock and the trust the balance. That connection, according to Hill, lasted until the early part of the present year, when all the stock was bought outright by Craft, who now, as Hill asserted again, owns the business. The tobacco trust, according to Hill, has no longer any connection with the Craft Tobacco Company. Hill maintained that the trust never did directly dictate to Craft as to the methods he should pursue, and that the latter always conducted his business as though it belonged to him absolutely.

"Was the Craft business prosperous?" was the next question.

"Yes; but not at the expense of anybody," Hill replied. "We found it necessary to interfere occasionally," Hill was finally forced to admit, "as Mr. Craft's policy was not always the wisest. For instance, his business was hurt by antagonizing customers when he espoused the cause of prohibition."

Mr. Hill was excused at noon and Dula recalled for redirect examination by Junius Parker, attorney of record for the tobacco trust.

The hearing Monday was devoted to the methods of the tobacco trust in acquiring control of independent companies. Counselor McReynolds brought out that the American and Continental tobacco companies had furnished the money for the organization of the Queen City Tobacco Company, of Cincinnati, putting forward J. L. Richards, a Boston financier, as the apparent independent backer of the concern. It is not generally known even now that the trust controlled the Queen City, Mr. Dula admitted.

It also developed that F. W. Galbraith, jr., manager of the Queen City Company, had written to Dula to the effect that his only fear was that "in some way the connection may leak out." The writer then advised that further correspondence be conducted under assumed names and that financial matters be transacted through the Boston man. Suspicion had been aroused among the labor unions, the writer said.

"The union is out for blood," he wrote, "as they expect they are being used by the tobacco trust. I have told them that we have absolutely no connection. We will have to be very careful or the connection will be exposed."

Other correspondence over the possible disclosure of the relations between the Queen City and the tobacco trust contained the statement that the labor unions were growing more and more suspicious.

"Richards must be prepared to stand them off (the labor unions) if they camp on his trail," wrote Mr. Galbraith.

Dula told of the secret acquisition by the tobacco trust of the Manufacturers' Tobacco Company, of Louisville, and Mr. McReynolds read a letter of Dula's asking the discipline of a salesman who had informed outsiders that the Continental and American companies were interested in the Manufacturers' Tobacco Company.

In a letter of Dula's on the formation of the Craft Tobacco Company, of New Orleans, in 1903, Augustus Craft, a New York jobber, wrote: "I will not only get their business, but I expect to cause a strike in the People's Tobacco Company plant."

This letter was also placed upon the record by Mr. McReynolds, who brought out that the Craft Company employed union labor and used union labels on its products, although the tobacco trust was behind it.

Mr. Dula also told of the purchase of the Pinkerton Tobacco Company, of Zanesville, Ohio, which was made with that secrecy that characterizes all of the underhanded deals of the tobacco trust.

Among the witnesses the latter part of last week was Francis S. Kinney, the former head of the Kinney Brothers Tobacco Company, which had its factory in Twenty-second street, near Ninth avenue, New York. When the American Tobacco Company was originally organized, according to Mr. Kinney, the Kinney Company had as its principal competitors W. Duke Sons & Co., Allen & Ginter, the Kimball Tobacco Company, and the Goodwin Tobacco Company.

"Competition was pretty active, and we spent a lot of money for advertising," Mr. Kinney testified. Ultimately an agreement was arrived at, and the five companies came together, Mr. Kinney stated.

"Who originated this idea of organizing the five companies?" asked Mr. McReynolds.

"I didn't, I know," said the witness. "The five companies finally came to an agreement, after some pretty stormy times. There was a good deal of friction, and I don't know how they finally smoothed it over, but they did."

Dula was also on the stand last week. Mr. McReynolds read into the record several letters which had passed between Dula and the other agents relating to the development of the business of the trust, particularly of the plug-tobacco trade. One of these related how they had one independent competitor "between the devil and the deep blue sea," as a result of price cutting, and another told how they were giving sone one "a pretty hard rub."

One letter told of the efforts to buy out a competitor, and read: "We gave him some pretty hot shot and a dose of ipecac and made him so sick that I guess he will be ready to sell. There is no use in having a chicken with three legs when the third leg is in the way."

Mr. McReynolds read a letter from John Middleton, a southern representative, to Mr. Dula, dated March 14, 1906. Mr. Middleton wrote: "What do you think of the recent Supreme Court decision? I would like to have your views. Just draw on your imagination, and I think you will find some people sitting on a tack, points up, heads down."

"Who was sitting on the tack?" asked Mr. McReynolds.

"I don't know. You can infer as well as I can," retorted Mr. Dula.

Another letter indicating an effort upon the part of the American Tobacco Company to get control of the Globe Tobacco Company, of Detroit, was also introduced in evidence. A confidential agent was to offer $200 a share for the stock of the Globe Company, but he failed to get the company.

Among the letters in which Special Attorney-General McReynolds showed particular interest was one referring to the position of the R. A. Patterson Tobacco Company, of Richmond, in the Independent Tobacco Manufacturers' Association, written by Dula, in which the writer gave it as his opinion that President Landstreet of the Patterson company should resign from the association. The reason given for the advice was what the writer termed the "unbusinesslike" thing requiring every member to make an affidavit to the effect that he had no connection with the tobacco trust. Dula testified that the Patterson Company was controlled by the tobacco trust.

"How many companies connected with the American Tobacco Company were members of the association?" asked Mr. McReynolds.

"I don't know," replied the witness, "but I presume those who are members held their membership before the American Tobacco Company was organized."

The attention of the witness was called to letters he had sent to Alexander Hamilton at Petersburg, Va., inclosing checks, $1,067 one month, $951 another. He said that Hamilton was the representative of the Bland Tobacco Company. He was not in the employ of the tobacco trust, and witness said he was not certain for what purpose the money was paid.

"Was not that money paid as a subsidy to the Bland Company?" asked Mr. McReynolds.

"I presume so," replied Mr. Dula.

HOW THE TRUST DRIVES OUT COMPETITORS—A PRACTICAL ILLUSTRATION OF ITS METHODS PLACED BEFORE SPECIAL ATTORNEY-GENERAL M'REYNOLDS.

[Special to Tobacco.]

NEWARK, N. J., *December 10, 1907.*

The following letter was forwarded this week to Special Attorney-General McReynolds, in charge of the prosecution of the tobacco trust, by the H. A. Rosner Cigar Company, of Newark:

Special Attorney-General McReynolds, New York.

JUDGE MCREYNOLDS:

We wish to draw your attention to an incident such as is being brought out by your investigation.

About a month ago a Mr. Davis, representative of the United Cigar Stores Company, offered I. Boyland, No. 251 Main street, Orange, N. J., $1,000 for his cigar store, situated at the above address. Prior to this the United Cigar Stores Company tried to lease a store in the immediate neighborhood, but were unsuccessful. After the refusal of Mr. Boyland to dispose of his store, Mr. George Whelan, president of the United Cigar Stores Company, began negotiations with the landlord of Boyland's store—a Mr. Reynolds, of Munn avenue, East Orange, N. J.—for the lease of the store adjoining the store now occupied as a cigar store by said Boyland, in the same building, and owned by the same landlord. The lease of the store had just expired. The United Cigar Stores Company offered $1,800 for the store, and the landlord accepted. The present tenants are paying $1,200 per year. If you care to use this case as an illustration of the trust's efforts to put a man, who has been in business for ten years, out of business, Mr. Boyland will be pleased to testify at any time that you may select.

Very truly, yours,

H. A. ROSNER CIGAR COMPANY.

TOBACCO TRUST'S DIRTY WORK—MORE VICIOUS METHODS DETAILED BY ITS OWN OFFICERS—SPIES VISIT INDEPENDENT STORES—PLOT TO CORNER SCRAP TOBACCO.

The Government suit against the tobacco trust is becoming more and more significant as the sessions continue and Special Attorney-General J. C. McReynolds and his assistant, William P. Grosvenor, get the opportunity to build up their framework of testimony.

The record Tuesday was filled with many a telling point which must go far in establishing proof of the Government's contention.

The first witness called Tuesday was Thomas Smith, a buyer for the American Snuff Company. He testified to the methods and negotiations entered into whereby the trust acquired its raw material. He was followed by A. B. Christian, secretary of the American Snuff Company. Mr. Christian was cross-examined with great thoroughness concerning the ramifications of his concern. He was forced to disclose the fact that Percival S. Hill, James B. Duke, and C. C. Dula were stockholders of the American Snuff Company and on the directorate, as they are in the American Tobacco Company. Mr. Christian tried to create the impression, however, that Duke, Hill, and Dula exercised no control over the Snuff Company, asserting that they seldom attended the meetings.

Judge McReynolds examined the witness at great length regarding the various organizations of the different snuff companies now controlled by the tobacco trust; he showed that there was, after all the denials of the trust witnesses, a general management over all, and that the American Snuff Company was supplying all the under snuff companies of the trust.

Perhaps the most important witness on the stand Friday was G. B. Hutchins, chief buyer of scrap tobacco for the tobacco trust, whose office is at 111 Fifth avenue, and who receives his mail in the same mail box of the general post-office as his associates. Hutchins admitted

outright on the stand that the ring higher up, Duke and his associates, had juggled through deals whereby they had acquired the Penn Tobacco Company, the Queen City, the Day and Night, and all the rest of the tobacco companies that were acquired secretly without his knowledge. Although he was at the head of the scrap tobacco department and had deals with these companies, Mr. Hutchins claimed that he knew nothing about what was going on until the equity bill was filed in the Government suit.

The scrap tobacco corner, which was manipulated by the tobacco trust in January, 1906, was shown up in masterly fashion by Judge McReynolds. The tobacco trust had put the fake Queen City firm in the field, and with its other subsidiary companies which it secretly owned began to acquire the scrap tobacco and juggle the market price until it was far above 20 cents a pound. The trust had a big supply, but Friedlander, of the old Day and Night Company, which was at that time independent, did not, and the price was inflated so that it was more than the finished tobacco product made from the scraps would sell for.

The proceedings Monday were opened by Special Attorney-General McReynolds recalling Percival S. Hill to the stand, making the fourth recall of that witness.

Correspondence dictated and signed by Hill disclosed the fact that he sent spies around to various independent stands and stores to ascertain what particular brands of cigars and cigarettes were being featured by the independents. A spy would enter a retailer's establishment and ask for a good 10-cent cigar. At the Hoffman House, one of the places visited, the clerk behind the counter put forward a Robert Burns cigar. In another instance the tobacco trust spy asked for a good little cigar for 15 cents, and the clerk brought forward Robert Burns Petite Ducs. After ascertaining that the independent brands were being pushed, Hill would write to the various tobacco trust salesmen and sharply ask them why it was that independent goods were being featured in such a manner.

Hill's letters to salesmen all stipulated that the letter be kept absolutely secret. He would apprise his salesmen where certain brands of little cigars were selling heavily and direct the tobacco trust salesmen to adopt measures to stop it.

Hill was also asked by Counselor Parker, of the tobacco trust, about the exact amount of money advanced by the trust to the United Cigar Stores Company, both in advertising allowances and otherwise. Hill went into a gruesome story of how other manufacturers wanted to get the United Stores to use their goods in window displays and tried to justify the enormous subsidies of the trust to the United company in that manner.

"What means did you adopt for acquiring this information about how these brands of little cigars were sold?" asked Judge McReynolds.

"I don't recall," said Hill, and everybody cast ominous glances in the direction of the witness. Hill was also asked to identify certain correspondence which he wrote to the effect that the tobacco trust had better push its proposed contracts and agreements in Australia and acquire a practical monopoly in that country.

A remarkable instance of Mr. Hill's high-handedness was a letter addressed to Thomas J. Luce, president of the Acker, Merrall & Condit Company, in which Hill deprecates the fact that Luce had purchased a small lot of cigarettes from an independent manufacturer. Hill denounced the cigarettes as trash and inquired of Luce by what right he had to handle independent goods anyway.

Upon cross-examination by Counsellor Parker, Hill made a lame attempt to justify his secret methods of finding out the extent and destination of the goods of independent manufacturers by saying that he wanted to stimulate the efforts of his own salesmen.

After Hill had been excused C. C. Dula was recalled to identify certain correspondence which appertained to plug tobacco and which dovetailed into his other testimony.

With the exception of Hill, the most damaging admissions were drawn from John Conley, of the Conley Tin Foil Company, a new witness. Mr. Conley proved to be most effeminate in his manner and seemed so willing to disclose everything that he knew, so that the proof on the records is about as complete as a thorough lawyer like McReynolds, assisted by a good witness, could make it.

Conley began his testimony by stating that the original firm name of his concern was Thomas Conley & Sons, and that it did business for the tobacco trust. His firm got into financial difficulties, he said, and really didn't know what to do; when, lo and behold, a monster tin foil trust appeared and threatened to absorb the Conley outfit; whereupon the Conley family, to save itself, turned from the tin foil trust and jumped into the outstretched arms of the tobacco trust.

Conley, in answer to questions put by Judge McReynolds, admitted that he furnished tin foil to a great list of concerns now controlled by the tobacco trust. He estimated the total output of his concern for the past three years, which showed that the volume of business increased each year since the tobacco trust was being catered to. He admitted that he sold to the trust at a certain percentage above actual cost of production to insure a small dividend. When pressed by Judge McReynolds, he admitted that after the tobacco trust was provided with tin foil the Conley firm frequently sold to independents below cost, thus disclosing the fact that the Conley Company was trying to kill off its independent competitors in the manufacture of tin foil.

Mr. Conley also described in detail the negotiations which resulted in the tobacco trust acquiring this concern. He admitted that the trust advanced money to the Conley Company frequently and virtually admitted that the trust absolutely controlled the Conley Company.

Thursday J. B. Cobb, president of the American Cigar Company and vice-president of the American Tobacco Company, was called to the stand by Judge McReynolds.

Cobb endeavored to show that the formation of the tobacco trust and its subsidiaries had been beneficial to the trade, but the task proved too much for him. Cobb said in support of his position that seventeeen years of advertising had increased the demand for Burley leaf tobacco so that 150,000 acres are under cultivation to-day on the same land where cotton was formerly grown, as the tobacco was considered more profitable than cotton and had a more certain market, since the tobacco trust was constantly in the market with ready cash.

George J. Whelan, president of the United Cigar Stores Company, was the principal witness Friday. Mr. Whelan unbosomed himself at great length and recited the vicissitudes of the United Cigar Stores Company from its inception.

Whelan admitted the well-known fact that the tobacco trust owns 51 per cent of the stock of the United Company, and said that the latter company in 1906 paid 40 per cent dividend on its common stock. Whelan further testified that the United Company at the present time had 405 stores. He claimed that the tobacco trust officers did not have a voice in the management of the United Company, and really tried to look truthful while he said it. Whelan also testified that when he started the chain of stores he could not interest the trust, but he capitalized for $2,000,000 so that people would think that the trust was behind it. Whelan said that later he got the trust interested, and that 12 per cent had been paid on the common stock in 1904, 20 per cent in 1905, and 40 per cent in 1906.

CONGRESSMAN TAWNEY TO LEAD—GREAT FIGHT AGAINST GIFT COUPONS PLANNED AT RECENT CONFERENCE—STRONG SUPPORT HAS ALREADY BEEN ENLISTED.

[Special to Tobacco.]

WASHINGTON, D. C., *December 16, 1907.*

Representative TAWNEY, who has twice led a splendid fight in the interests of the independent cigar and tobacco interests of the United States for the enactment of legislation which should sound the death knell of the pernicious and iniquitous gift-coupon system, is ready once more put forth his best efforts in the same good cause.

Tobacco is in a position to make the exclusive but authoritative announcement that an anticoupon bill will be introduced in Congress by Representative TAWNEY early in January, and that he will fight for its enactment with all the resources at his command.

A conference of several Members of Congress interested in the passage of such a measure, because they feel that it is earnestly desired by a large number of their constituents as well as by practically every member of the independent cigar and tobacco trade, was held recently, when a surprisingly large amount of support was pledged toward whatever anticoupon bill might be determined upon as best meeting the needs of the trade.

It was found that many powerful interests were in favor of an anticoupon law and that a number of prominent Congressmen were not only ready and willing but anxious to lend the weight of their voices and influence in favor of an anticoupon bill when introduced.

In view of the splendid fights which Congressman TAWNEY had led against the gift-coupon sharks in the past, it was unanimously agreed that he was the one of all others to introduce the proposed bill at the present session.

Congressman TAWNEY said that he would gladly do this and that his only anxiety was to introduce such a bill as should best meet the views of the independent members of the cigar and tobacco trade. If it was thought that the former Tawney bill, with certain slight changes that experience had suggested as desirable, would best meet the requirements, well and good; but if, on the other hand, a new bill should be deemed necessary, he would cheerfully lay the old bill aside and introduce an entirely different draft.

It seemed to be the consensus of opinion of those present at the conference, however, that it would indeed be a most difficult matter to devise a bill as certain to kill the gift coupon in connection with the manufacture and sale of cigars, cigarettes, manufactured tobacco, and snuff as the Tawney bill, and in all probability that bill with certain minor changes, which strengthen rather than weaken it, will be introduced in Congress during the first week in January.

One of the strongest arguments advanced in favor of the Tawney bill was that when it was before an earlier session of Congress it met with the bitterest, most intense, and most strenuous opposition from the tobacco trust.

The tobacco trust at that time not only maintained a powerful lobby at Washington, but it poured out money like water to encompass the defeat of the Tawney bill. Something like a score of the powerful subsidiary companies of the tobacco trust which were at that time falsely masquerading as independent concerns were ordered to hurry their representatives to Washington and to engage expensive legal counsel to aid in the fight.

Indeed, the strongest and most effective argument that was advanced against the Tawney bill at that time was the statement that not all of the independent manufacturers and jobbers were agreed in favor of the measure, and the names of a number of at that time supposedly independent concerns were quoted as opposed to the bill.

The evidence drawn out at the trial of the tobacco trust now in progress has developed the fact that not only were all of those supposedly independent concerns secretly owned or controlled by the trust, but that orders for them to fight the Tawney bill were actually sent out from the inner circle at 111 Fifth avenue, New York.

It was pointed out at the recent conference that before the tobacco trust put up this tremendous fight against the Tawney bill it had obtained copies of the measure and had them minutely scrutinized and carefully studied not only by its own legal department, but by many of the ablest and highest-priced lawyers in the land, and that had they been able to discover any hope that it could have been set aside as unconstitutional, or its provisions legally evaded, the trust would not have expended an enormous sum and bent its every energy to bring about its defeat.

The fact that the tobacco trust so bitterly opposed the Tawney bill before was urged as the strongest of all reasons why it should be revived and passed, as it seems now practically assured that it will be at the present session of Congress.

REGULUS II.

TOBACCO TRUST MAKES ANSWER—PLEADS THAT ITS BRITISH-AMERICAN BRANCH IS AN ENGLISH CORPORATION.

[Special to Tobacco.]

NORFOLK, *December 16, 1907.*

The British-American Tobacco Company, branch of the tobacco trust, claiming ownership of the 8,750,000 cigarettes valued at $7,272.50, which were seized by the Government in October while in transit here for export to England and Singapore, to-day filed its answer to the information filed by the Government for the forfeiture of the cigarettes because of alleged combinations and conspiracies in restraint of trade in violation of the Sherman antitrust laws.

The respondent asserts that if it is possible for the law under which the Government is proceeding in this case to be construed as authorizing the seizure of said cigarettes in advance of a judicial determination that this respondent is violating said law, the said act would be unconstitutional because confiscatory and entailing unreasonable loss to this respondent, whose business would be annihilated by the repeated seizures before a legal test of the law could be made.

The British-American branch of the trust admits that for business convenience it maintains an office in New York, but says it is a British corporation and that all its contracts were entered into on British soil and are not subject to American statutes.

WELLS-WHITEHEAD COMPANY MAY BE WOUND UP—TOBACCO TRUST IS SAID TO BE CONSIDERING SHUTTING DOWN OF CIGARETTE PLANT AT WILSON, N. C.

[Special to Tobacco.]

WILSON, N. C., *December 16, 1907.*

Although the utmost secrecy is being maintained as to the future plans of the tobacco trust in connection with its Wells-Whitehead branch in Wilson, there are whispers in the matter of discontinuing the local cigarette factory and winding up the corporate existence of the company.

It is well known that the cigarette output of the Wells-Whitehead Company has been steadily and rapidly diminishing during the past two or three years, and it is further pointed out that the trust has recently ceased its efforts to push the brands of cigarettes made in the Wells-Whitehead factory in many localities where they fromerly obtained a considerable sale, and is seemingly striving to replace the product of the Wilson branch with a brand of cigarettes made in one of the trust factories in Richmond, Va.

The Wells-Whitehead Company was originally organized as an independent concern and employed only union labor. It was later secretly purchased by the tobacco trust, although it continued for some time thereafter to masquerade as an independent concern. When it became generally known that it was a branch of the tobacco trust the sale of its cigarettes began to diminish in certain sections where there is a strong antitrust feeling, and the sales still further diminished when the Wilson factory was deprived of the union label because of its affiliation with the tobacco trust.

The recent testimony of P. S. Hill at the tobacco trust trial in New York that some 10,000,000 badly damaged cigarettes were sent out from this factory in one year, making a big hole in the profits, is also taken as an indication that the trust has found the Wells-Whitehead anything but the revenue producer which it was expected to be when it was secretly acquired.

NORTH STATE.

SUIT AGAINST TOBACCO TRUST—ACTION BEGUN BY PUBLIC PROSECUTOR IN MASON COUNTY, KY., WHICH WILL BE FOLLOWED WITH INTEREST.

[Special to Tobacco.]

MAYSVILLE, KY., *December 16, 1907.*

Suit was recently filed in the Mason circuit court by Commonwealth's Attorney Mathew J. Hennessey against the tobacco trust, which is being followed with eager interest in all sections of Kentucky where the trust does business. The petition in part is as follows:

"Commonwealth of Kentucky, plaintiff, against American Tobacco Company, defendant. The plaintiff states that the defendant is a corporation created under and by the laws of one of the States of the United States, the name of the particular one being unknown to plaintiffs, with power to contract and be contracted with, sue and be sued by its corporate name; that it did, in the county of Mason and State of Kentucky, within the last twelve months and before the institution of this action, unlawfully create, establish, organize, enter into, and become a member of a party to and interested in a pool, trust, combine, agreement, confederation, and understanding with, and with other corporations, partnerships, persons, individuals, and associations of persons to the plaintiff unknown, which combination was so created, established, organized, and entered into for the purpose of regulating, controlling, and fixing the price of merchandise, manufactured articles and property, to wit: Tobacco, both in the leaf and manufacturing, and in pursuance of said pool, trust, combination, and agreement, did unlawfully control, regulate, and fix the price of said tobacco in said county during said time, to plaintiff's damage, in the sum of $5,000, whereof plaintiff prays judgment against defendant for above sums."

BOURBON.

TOBACCO TRUST OFFICIALS AND PERJURY.

Perjury: The willful giving under oath lawfully administered in a judicial proceeding of false testimony in regard to a matter or thing material to the issue or point of inquiry. (Definition from the Standard Dictionary.)

A person who swears or affirms that he will truly testify, declare, depose, or certify, or that in any declaration, deposition, certificate, affidavit, or other writing, by him subscribed as true in an action or special proceeding, or upon any hearing or inquiry, or on any occasion in which an oath is required by law, or is necessary for the prosecution or defense of a private right, or for the ends of public justice, in such action or proceeding, or on such hearing, inquiry, or other occasion, and willfully and knowingly testifies, declares, deposes, or certifies falsely in any material matter, or states in his testimony, declaration, deposition, affidavit, or certificate which he knows to be false, is guilty of perjury. (Digest from Chapter V, section 96, of the New York Penal Code.)

The crime of perjury is further defined in the statutes of the United States, under which the case of the tobacco trust is now on trial, and the punishment explicitly prescribed for that crime is a long term of years in prison.

It must be apparent to every intelligent member of the trade that practically every officer of the tobacco trust who has thus far taken the witness stand in the case against the tobacco trust now on trial before the United States district court has laid himself liable to prosecution for the crime of perjury.

In more than one instance the witnesses have deliberately walked into the traps set for them by Special Attorney-General McReynolds, and testified with great positiveness to certain things, only to be contradicted with equal positiveness by the introduction of letters written by them and bearing their own signatures.

Thus, for example, Vice-President Hill testified that the ownership of the United Cigar Stores by the tobacco trust had never been denied or concealed, only to be immediately confronted with a letter bearing his own signature, urging a well-known Boston firm, whose relations were known to be particularly intimate with the tobacco trust, to deny all reports that the trust was behind the United Stores.

Then again Hill testified positively that the tobacco trust did not pay one cent toward the rent of the store in the Flatiron Building, and never had. Now, while the Government prosecutor did not have letters to refute this statement on the part of Hill, its falsity could have been established without difficulty as the real-estate broker who negotiated the lease of the premises in the Flatiron Building to the tobacco trust, long before the building was completed, published the fact broadcast that the tobacco trust was the lessee.

Furthermore the tobacco trust made overtures to Robert E. Lane, the well-known independent cigar dealer, to take the Flatiron store under an arrangement by which the trust offered to meet a considerable part of the rent on condition that Mr. Lane would push trust goods.

Tobacco knows that much pressure was brought to bear upon Mr. Lane by different trust officials to induce him to accept the proposition, and that it was not until after he had irrevocably turned it down that it was finally decided to open the place as a United Store.

Moreover, the testimony of the tobacco-trust witnesses is not only contradicted by their own letters, but the witnesses themselves contradict each other. Thus Vice-President Hill laid great stress upon the assertion that the tobacco trust had never sought to conceal its connection with any of its branch concerns, while Vice-President Dula testified with a wealth of interesting detail that the trust had repeatedly caused companies which it owned and controlled to masquerade as independents and to offer their products to the trade and to the public as independent products, "not made by the trust."

Both Hill and Dula denied on the witness stand that they had sought by devious and underhanded ways to obtain information as to the output of independent competitors, only to later admit various specific instances in which they sought for and received information of that character.

Vice-President Dula testified in set terms that there had never been any attempt on the part of the tobacco trust to boycott or slander the output of independent manufacturers, nor was there ever any hindrance to the free distribution of independent products put in their way by the trust. This most amazing testimony was flatly contradicted, not only by numerous letters, but by damaging admissions from the lips of both Dula and Hill.

To the mind of the ordinary layman, therefore, it must appear quite possible that if all other methods of punishing the tobacco trust fail, a number of the prominent officers of the trust might be indicted and probably ultimately sent to the penitentiary for long terms for violation of the statutes against perjury.

THE MASK IS OFF AT LAST.

By distorting the evidence at the tobacco trust trial, with an evident purpose to discredit one of the stanchest independent houses in the trade, and then refusing to repair the wrong, one of Tobacco's would-be contemporaries has shown that—while it might be base flattery to call it a wolf in sheep's clothing—it has masqueraded as a pretended friend of the independents, apparently that it might stab one of them in the back at the first opportunity.

Tobacco is glad to see the mask laid aside. Independent interests have less to fear from an open enemy doing scavenger work for the trust than from a pretended friend who would entice them to destruction in the gift-coupon quagmire.

TRUTHS ABOUT TOBACCO TRUST—COURAGEOUS EDITORIAL UTTERANCES OF A GREAT, CONSERVATIVE DAILY NEWSPAPER IN KENTUCKY—MASTERLY ARRAIGNMENT OF VICIOUS METHODS.

[Special to Tobacco.]

LEXINGTON, KY., *December 16, 1907.*

The Lexington Herald, one of the most substantial and conservatively edited daily newspapers in Kentucky, has the courage to handle the iniquitous tobacco trust without gloves. It speaks with authority and voices the sentiments of the best elements in the great burley tobacco-growing district in which it circulates.

The Herald has at all times deprecated opposition to the laws of the Commonwealth, and been a stanch supporter of constituted authority, but at the same time it is not blind to the fact that the underlying cause of the present turbulent conditions in various sections is the vicious methods of the tobacco trust and its vassals.

In a recent issue of the Herald was printed a powerful editorial based upon a study of the tobacco trust in the current issue of a great popular magazine. This editorial shows a keen insight into the methods of the tobacco trust, coupled with a courage which is all too rare in a vast majority of the daily newspapers of the United States. The editorial in the Herald was, in part, as follows:

"The ordinary mind is staggered by the amount of securities issued in the various steps which have led to the formation of the tobacco trust, on which the people of America pay dividends. Mr. Russell writes as if he were both careful and accurate, and so far we know no reason to doubt his statements or discredit his conclusions.

"The effect of the formation of the tobacco trust is that the people of America, the consumers and producers of tobacco, are paying each year millions of dollars upon stock which represents nothing except the capitalization of the violation of the law, which resulted in the formation of this trust and the injection of oceans of water into its securities.

"We can not attempt to give even a summary of Mr. Russell's account. But we recommend it to the consideration of every reader of the Herald and particularly to those who believe that the recent Republican Administrations have enforced the laws against such combinations.

"According to Mr. Russell's article the total capitalization of the American tobacco trust, including the various subsidiary and dummy companies, is about $500,000,000, a growth in less than eighteen years from assets worth less than $20,000,000.

"On this huge amount of stock the people have been and are paying dividends which the trust is enabled to squeeze out by its control of the purchase of the raw product and the sale of the finished product.

"As is well known to the readers of the Herald, we have urged the burley tobacco growers to observe the law. We have stated, what is the fact, that this section of the State must not be disgraced by lawless outbreaks such as have disgraced the southwestern section.

"We have incurred the resentment of some of those most heavily interested in the growing of burley tobacco by emphasizing the necessity for the observance of the law and pointing out as clearly as we are able that, no matter what happens, the growers and producers of tobacco will harm only themselves by any attempts to use force or coercion in this section of the State. And we repeat with all emphasis everything we have said along these lines.

"And yet when one reads the account of the formation and conduct of the American tobacco trust and realizes how it has been organized and is being conducted in violation of the fundamental principles of law and equity and morals; when one realizes how, through its efforts to control the cigar stores, individuals have been ruined by its unfair competition, and through its power to control the prices of tobacco whole communities have been thrown into a state of lawlessness and hundreds of families put into what is practical want, it brings a realization of the failure of our National and State governments to enforce the law against such organizations as this.

"From the members of 'the peaceful armies of invasion' who first warn in a courteous, but not pleasant, manner those who do not agree with their views in regard to the sale of tobacco, to 'the night riders,' who, under the cover of darkness, apply a torch to the barn of their neighbors or commit assassination, the producer who violates the law is amenable to the ordinary criminal processes, and for the salvation of the civilization of the tobacco districts must be made to respect those statutes and be punished when they are violated. But for the past fifteen years such men as organized the tobacco trust, and through it have wrung from the American people millions of dollars by the evasion or violation of the law, have been immune from punishment, and the attempt of the individual growers to better their condition by violence affects in no way the profits of these men.

"In our judgment the remedy can come only by national laws enforced by national officers. The tobacco trust must either be dissolved or regulated by national laws which are enforced, and that party which stands for the enforcement of such laws must be put in power."

There can be no question, but if there were more daily newspapers with the conservatism and courage manifested in these utterances of the Lexington Herald, the day would speedily come when the tobacco trust would be shorn of its power to wreak harm upon the people of all classes and in all sections of the United States.

JUSTICE.

[Editorial in New York Journal of Commerce.]

SAMPLE TRUST METHODS.

In the taking of testimony before the United States commissioner in the suit against the tobacco trust some choice examples of the methods used in forming that combination are brought out. The honorable character of the proceedings is illustrated by the secrecy observed in gathering in some of the constituent concerns. One of the vice-presidents of the American Tobacco Company has told how he arranged the organization of a company in Cincinnati which was to be ostensibly independent. The American and Continental companies furnished the money and were the real owners, but a Boston financier was put forward as the backer and correspondence reveals the highly honorable means adopted to insure secrecy. The "independent" manager advised that correspondence be conducted under assumed names, and in one of his letters he told how he had assured a suspicious labor union that "we have absolutely no connection" with the trust, adding "we will have to be very careful or the connection will be exposed."

A company at Louisville was secretly acquired by buying up the stock, and as soon as full control was secured the plant was dismantled and the business abandoned at that point. Other correspondence shows how a company was formed in New Orleans for the purpose of running out an established concern there and occupying the field. The man employed to organize the new company wrote that he would make it a business success and run the People's Tobacco Company out of business. "I will not only get their business," he wrote, "but I expect to cause a strike in the People's Company factory." Such were the noble tactics pursued in building up a beneficient monopoly in the tobacco business. These are only sample illustrations of the methods used.

CASE AGAINST TRUST RESUMED—HOW THE LIGGETT & MYERS COMPANY WAS ACQUIRED—TRUST'S CAMELS CAPTURED BY BRIGANDS—FINES OF SPIES WERE PAID WITHOUT QUESTION.

The suit of the United States Government against the tobacco trust was resumed Monday and the work of adding to the already long record went merrily on.

The last witness Tuesday was Watson B. Dickerman, of the New York brokerage firm of Moore & Schley, who testified that he was a stockholder of the American Tobacco Company, owning $300,000 worth of stock. He also stated in response to the questions put by Special Attorney-General McReynolds that the firm of Moore & Schley probably owned a small amount in its own right, but that most of the tobacco-trust stock that Moore & Schley carried was for customers.

Judge McReynolds then questioned Mr. Dickerman regarding the purchase of the Liggett & Myers Company, in 1899, and asked if that was not the largest manufacturer of plug tobacco at that time. Mr. Dickerman stated that he bought the Liggett & Myers Company, but he was uncertain as to whether it was the largest or not. Mr. Dickerman stated that he paid $12,500,000 for the Liggett & Myers Company, and that he bought it for the Continental Tobacco Company, which was the leading tobacco-trust organization at that time. Mr. Dickerman said that he sold the great plug-tobacco concern to the Continental Tobacco Company for 175,000 shares of Continental Tobacco Company stock, common, and for 175,000 shares of stock in the same company, preferred, together with $5,000,000 in cash, which in all totaled up to a valuation of $17,500,000. The tobacco-trust counsel tried to show that the Continental Tobacco Company stock at the time of the purchase of the Liggett & Myers Company was below par value of $100 a share and suffered many fluctuations, consequently the price could not be deemed to be excessive.

Judge McReynolds inquired from the witness whether he purchased the assets or the capital of the stock. "I purchased the whole property," Mr. Dickerman replied.

"Who furnished the money in the purchase?" asked Judge McReynolds.

"The money was furnished by different people," replied the witness.

"Who were they?" asked the Government prosecutor.

"O. H. Bain, James B. Duke, Thomas F. Ryan, Peter A. B. Widener, and Herbert L. Terrill."

"From whom was the capital stock bought?" asked Judge McReynolds.

"It was bought from different parties. Part of the stock was bought from George P. Butler. I obtained an option on the stock which he had; with respect to the rest of the stock, I made a contract to purchase it; it was held by the Myers people and was turned over to me in two separate lots."

The witness stated that though the stock which he secured by the purchase totaled up to $35,000,000 in valuation, nevertheless it was not worth that amount of money. That, he claimed, was the nominal value and not the actual value.

The counsel for the tobacco trust tried to show that the stock was of a depreciating value, and also to show that Mr. Dickerman made the offer to the tobacco trust clique before a meeting of the board of directors at which neither Duke, Ryan, and Widener were present.

Earlier in the day, Tuesday, Karl Jungbluth, president of the McAndrews & Forbes Company branch of the tobacco trust, was recalled to complete the thread of evidence in the licorice transactions of the trust.

Jungbluth was cross-examined at great length and no detail was lost sight of in welding the chain of evidence as to the monopoly of licorice. The first thing Tuesday morning Jungbluth was asked where his office was. He replied, like all the rest, 111 Fifth avenue. He admitted it was elsewhere up to a year or so ago, but now he was directly under the sheltering wing of Duke and his disciples.

"Your company has the same law department as the American Tobacco Company, has it not?" asked General McReynolds. The witness said "Yes." The Government counsel asked Jungbluth several questions to ascertain whether he knew just what was going on in the tobacco companies at 111 Fifth avenue, but it appeared that he did not, because he stated that he did not know that the Pinkerton Tobacco Company, of Zanesville, Ohio, was part and parcel of the tobacco trust until the Government bill in the present suit was filed. The witness appeared equally ignorant about numerous other secret deals which he was asked about.

Jungbluth was questioned at great length about the licorice business, what percentage of the world's product of licorice was used in tobacco, what percentage the McAndrews & Forbes Company furnished, how much of the total output of the McAndrews & Forbes Company was furnished by the tobacco trust. To the latter query, 82 per cent was the answer, and Jungbluth could only estimate roughly about the world's product. Jungbluth admitted that the amount of licorice paste furnished to the tobacco trust was only 50 or 60 per cent before the last McAndrews & Forbes incorporation and capitalization.

He stated that the price of licorice was 7½ cents a pound and then several years ago it was raised to 8 cents. He went on further to say that the risks and perils incident to procuring the licorice root in the Orient forced the McAndrews & Forbes Company to raise the price to independent manufacturers to 9 cents a pound, except those who had long-term agreements, and the latter were to get theirs for 8 cents.

Jungbluth spun a tale that sounded like Baron Munchausen when he stated that bandits stole fifty camels belonging to the trust in the Orient; that the Turks exacted heavy tributes in the shape of tithes upon the profits, and that even now they were negotiating, at 111 Fifth avenue, with certain potentates who had to have a share in the graft. There were other disturbances in Asia Minor, Syria, and Turkish Arabia. Even the Russian-Japanese war nearly put the McAndrews & Forbes Company on its uppers. When the bandits stole the camels, the camels had licorice root on their backs and the bandits demanded certain ransom, which was paid, or they were going to saunter off with the camels and the licorice. But Jungbluth said that the tobacco trust got after Turkey and that it paid an indemnity; but, it seems, he was not sure of being able to get the indemnity every time, and consequently he planned to have the independent tobacco manufacturers to pay it in the shape of increased prices for licorice paste.

Jungbluth said that his branch of the trust had no agreement with the John D. Lewis factory in Providence since 1905, and that he did not at present know what Lewis was doing. He was forced to admit that the American Tobacco Company was the real financial backer of the McAndrews & Forbes Company, and that it often advanced the licorice company a million and a million and a half dollars, swelling its capital up to a total of five or six million dollars. The witness explained that the chief reason why contracts were given out, when asked by tobacco-trust counsel, was to avoid competition in acquiring the licorice root on the other side of the ocean. He admitted when he went on the stand Monday that the McAndrews & Forbes Company own a number of factories, and that it owned and controlled the J. S. Young Company, of Baltimore, Md., though that concern had a separate factory management.

He admitted that one of the factories abroad had been closed down temporarily for lack of business and that it may be closed down permanently. He stated that the McAndrews concern controlled factories in Newark, N. J.; Hampton, N. J., and Baltimore. Jungbluth was required to give statistics concerning every phase of the licorice business and he brought his own records and showed an apparent willingness to tell everything that he knew.

He was required to disclose the business arrangements of his company with the Weaver & Sterry (Limited) Corporation, of New York; John D. Lewis, of Providence; the Stamford Manufacturing Company, and the Greaves Pharmaceutical Company. Jungbluth admitted that Weaver & Sterry imported certain grades of Spanish root for his company. Jungbluth was questioned concerning the deal with the Mellor & Rittenhouse Company, and stated that the company was bought by stock.

Jungbluth was questioned concerning his prosecution by the United States Government under the Sherman law last December and January and concerning the indictment found some months before by the grand jury.

He went into great detail as regards the entire financial transactions of the McAndrews & Forbes Company, disclosed its financial condition, how much money was paid out from time to time, and was required to introduce all manner of figures concerning every phase of the licorice industry.

He testified that he had been in the licorice business since 1872; that at the outset he was the general agent for the old McAndrews & Forbes Company, in Louisville, Ky., from 1874 to 1902, and that in 1902, when the present company was organized, he became its president. He was forced to admit that the American Tobacco Company owned $785,000 of the capital stock and about 70 per cent of the common stock; that the indebtedness of the McAndrews & Forbes Company varies from $400,000 to $1,500,000, and that contracts existed between it and the American Company and other tobacco trust concerns which would extend to the year 1915. He admitted that the J. S. Young Company advertised itself as independent and without tobacco trust affiliations in the trade papers, and seemed to try to create the impression that he made frantic efforts to stop it, but couldn't because Duke or somebody else wouldn't let him.

Jungbluth admitted that everything had been under the express personal direction of James B. Duke and the late Charles S. Hallwell, and that the advice of the tobacco trust officials was followed in every instance.

John Conley, jr., of the Conley Foil Company, was again recalled Monday. He was forced to recite in detail how the price of pig tin had fluctuated. He admitted that pig tin was 15 cents per pound higher than in 1900, and lead 7½ cents higher. He was forced to admit that the Lehmaier-Schwarz Company, the independent concern, had suffered a decrease in business since the Conley Company had acquired the right to do the business for the tobacco trust. He was questioned concerning the conviction of his superintendent, James Flood, who was convicted under the antitipping law for conspiring to obtain the trade secrets of the Lehmaier-Schwarz Company by means of spies who went into the Lehmaier-Schwarz factory. He admitted that James Flood was still in his employ and stated that he

had paid the fine of Flood and also of Pergoli, his confederate, out of his own pocket, and also all disbursements in the conspiracy. He stated that he did not know it was going on, however, and that he was disgusted with the whole business.

He was questioned concerning the acquirement of the Hudson Tin Foil Company and admitted that he had conducted the correspondence, and admitted also that the Conley concern held a majority of the stock in that firm. He stated that the profits accruing to the Conley company on the manufacture of tin foil was about 10 per cent.

He recited the dividends of past years, as follows: 1904, 29 per cent, 9 per cent cash and 20 script; 1905, 26 per cent in cash; 1906, 15 per cent in cash; 1907, 15 per cent in cash.

He admitted that the purchase of the Hudson Tin Foil Company by the Conley Company was concealed from the public, but tried to justify that procedure by asserting that he was afraid of sympathetic strikes.

A TOBACCO-TRUST TRICK IN CHICAGO—BELIEVED TO HAVE INSTIGATED WHOLESALE ARRESTS OF INDEPENDENT CIGAR DEALERS.

CHICAGO, *January 6, 1908.*

The last day of the old year was celebrated by the beginning of a crusade against penny-in-the-slot machines which throw up poker hands or colored disks, certain combinations of which entitle the holders to cigars. H. H. Van Meter, said to be a writer, represented by L. C. Whitman, an attorney, is said to be behind the crusade. Practically everyone in the loop district having a slot machine which could be construed as a game of chance was included in the complaints filed, and the result was that many prominent people who had not given much thought to the matter one way or another were cited and had to appear in the municipal court, personally or by counsel, and sign their recognizance. It is not known that Mr. Van Meter is a purist or reformer, and many are inclined to lay the blame of the wholesale prosecutions upon the tobacco trust, whose United Cigar Stores have been doing less and less business of late. As the tobacco trust's stores in Chicago have no slot machines, those independents who have been using such machines may have been thought by the United managers to have thereby had an advantage. This is the most reasonable theory advanced to account for the prosecutions.

The cases were called last Saturday morning at the Harrison street branch of the municipal court, but the prosecution was not ready for trial and the cases were continued until the last of January. It was stated that Van Meter was in Michigan.

Judge Newcomer, before whom the cases came up, seemed inclined to dismiss all the charges, as he doubted the genuineness of the motive behind the movement. He intimated that it was peculiar that anyone should have gone over the heads of the State's attorney, the mayor, and the police department to bring a wholesale prosecution in such a matter. However, he ordered the cases continued, and those accused immediately held a meeting in the squad room of the Harrison police station and began arranging for the defense.

Attorney Morris has been retained by most of the defendants. He is an authority on all such cases, and has a reputation for winning. Several of the leading cigar men, however, will be represented by their own counsel, while a number of others have joined with the majority to retain Mr. Morris. Nearly sixty slot machines were taken by the police, and those against whom complaints have been filed include many of the most prominent cigar men and liquor men in town.

P. C. Wiggenhorn, a cigar broker of La Crosse, Wis., has accepted a position with Yerxa Brothers, a wholesale grocery firm in Minneapolis, Minn., and Fargo, N. Dak., to manage a cigar jobbing department, which the company has recently opened. He will continue his office in La Crosse.

The store of the United Cigar Stores branch of the tobacco trust at 81 Fifth avenue was entered by burglars a few nights ago and goods to the value of $100 were removed.

A billiard hall and cigar stand will be installed on the second floor of a building at 71-73 Van Buren street, while a restaurant will occupy the first floor and basement.

Sol. Westerfeld, a West Side retail merchant, has been elected president of a new State organization of retail merchants, united to fight peddlers and mail-order houses and to oppose national legislation looking to the establishment of a parcels post.

The Pilsen Catering Company, of Chicago, has been incorporated, with a capital of $2,500, to do a restaurant and liquor business. V. Bolek, R. Sedlacek, and H. Tauber are the incorporators.

The cigar store of M. Baumgartel, 93 Twenty-second street, was the scene last week of a lively revolver battle between policemen and burglars. Seventy-two shots were fired and no one was hurt, but the interior of the store was a sight to behold. The two burglars, however, were captured. The affray occurred at 1 o'clock New Year's morning. Four policemen passing found the door open and entered. They were fired on, and hunted cover behind counters and cases and returned the fire. Fifty boxes of cigars and other material had been packed up by the thieves ready for removal.

John Wardlow, president of the Ruy Lopez Company, Key West, was a Chicago visitor last week. He is well known among Chicago cigar men, but this was his first visit for three years.

Plans for a $3,000,000 28-story hotel at La Salle and Madison streets are now well under way, and probably the work will begin within the year. The building will cost about $2,000,000 and the furniture and equipment another million.

Shutan & Co., Chicago, have been incorporated to deal in tobacco. Their capital is $10,000. Incorporators are E. and S. Shutan and W. Shea.

Business has been fair, with a dearth of traveling men in town.

MAXIMO.

TOBACCO TRUST AT BOTTOM OF TROUBLE.

The Society of Equity disclaims responsibility for the attacks upon person and property, as labor unions always disclaim responsibility for violence, but there is no doubt that these masked night-raiders who have destroyed crops and burned barns are carrying out the purpose of the antitrust combination. They are using violence and intimidation for the purpose of making the union of growers effective. It is an evil and lawless state of things which nothing will excuse, but it is the effect of an uprising against a monopoly which is believed to be oppressive and which exists in violation of law. When the law fails to protect any people against oppression there is great danger that they will try to protect themselves, and then there is sure to be disorder and violence and the perpetration of lawlessness upon others. The tobacco trust is at the bottom of this outbreak in Kentucky and Tennessee. (New York Journal of Commerce.)

THE TRUST IS FIGHTING HARD—ITS LAWYERS ARE OFFERING MORE AND MORE OPPOSITION AT THE SESSIONS IN THE TRIAL OF THE SUIT OF UNITED STATES GOVERNMENT.

At the resumption of the case Tuesday the first witness called was A. H. Hillman, of the A. H. Hillman Company, the well-known independent jobbing concern. Mr. Hillman answered all questions propounded in course of the cross-examination by the tobacco trust counsel, including those which he had declined to answer when on the stand some days earlier.

Mr. Hillman stated that his greatest year's business in the last five years would approximate about $325,000, and no more. He explained that his business fluctuated greatly, because if he had a good thing and the manufacturers sold out to the tobacco trust, he would lose it.

The second witness Tuesday was George W. Coan, secretary and treasurer of the R. J. Reynolds Tobacco Company branch of the tobacco trust. Mr. Coan was asked to explain various letters, both incoming and outgoing, concerning the internal affairs of the Reynolds branch of the trust.

It appeared from the correspondence that the Lipfert Scales Company and the Spencer Company formed a little clique, which was directed by the Reynolds branch, and the Reynolds branch, in turn, was directed from 111 Fifth avenue.

Considerable correspondence was submitted concerning the Tawney bill which was before Congress two years ago. Many of these letters were signed by "J. Parker," of the law department of the tobacco trust. The letters ordered the Spencer and Lipfert Scales companies to oppose by all means in their power the Tawney bill, which provided for the abolition of all gift coupons in connection with tobacco products.

Some of the branch companies were not going to commit themselves either way in regard to the Tawney bill, while others were going to oppose it, but they were ordered by the trust to put up a stiff fight against the measure.

Coan testified that R. J., William, and R. M. Reynolds, D. Rich, and M. Hoffman were directors of the Reynolds branch of the trust and all were regular employees except Hoffman.

William B. Hornblower, counsel for the Imperial Tobacco Company branch of the tobacco trust, asked Coan questions tending to prove that the Imperial and Reynolds companies had no direct connection.

Coan testified that C. C. Dula and James B. Duke never attended directors' meetings of the Reynolds Company, so far as he knew. They might have done so without his knowledge.

Coan testified that the Reynolds branch of the trust was principally a plug-tobacco concern, but made some smoking tobacco. In 1900 it bought the Bond business, the Brown business, and the Hanes Company, and the growth has more than doubled since then. The manufacture of smoking tobacco was a small portion of the business in 1900, but it has grown enormously since that time.

Thomas B. Fuller, of the Golden Belt Manufacturing Company, of Durham, N. C., a company which manufactures tobacco bags and pouches, was a witness Monday. He was forced to admit that the tobacco trust owned about 93 or 94 per cent of the stock of the Golden Belt Company. He stated that he was the principal owner of the remaining six or eight shares. He asserted that practically all of his business was done with and for the tobacco trust. He asserted that he tried to get outside business by casual solicitation, which was done entirely by correspondence. It developed that the Golden Belt Company had no salesmen on the road. Mr. Fuller stated that the capitalization of this company was $700,000.

TRUST LAWYER WANTED A WRIT.

The most interesting phase of the case Monday morning was the fact disclosed by Delancey Nicoll, of counsel for the tobacco trust, that application had been made in the United States court for a writ requiring A. H. Hillman, of the Hillman Company, to appear and produce his books and papers and answer questions concerning the volume of his business, thus showing whether it had increased or diminished since the organization of the tobacco trust.

WITNESS INFORMED OF HIS RIGHTS.

Mr. Hillman had been asked various questions last week by counsel for the trust concerning the details of his business, and he was advised by Attorney-General McReynolds that he probably had a legal right to refuse to answer. Mr. Hillman appealed to Mr. McReynolds, asking him whether it was advisable to refuse. Mr. McReynolds advised him to consult his own convenience and do as he pleased. At that juncture Counselor Nicoll asserted with great heat that he would subpœna both Hillman and the books of the Hillman Company. Judge McReynolds retorted that the trust counsel could go ahead; that the Government would argue the point. Mr. Nicoll asserted that the tobacco trust should have the same right to subpœna witnesses and papers as the Government.

"Your clients are under investigation; Mr. Hillman isn't," retorted the Government counsel.

COUNSEL IN HEATED ARGUMENT.

Counsel for both sides became involved in a heated argument over this point Monday. Ex-Judge Wallace asserted that the point would be argued and decided whether the tobacco trust had the right to subpœna witnesses and papers or not. "We don't care so much about the testimony of this man Hillman," said Judge Wallace, "but we want to find out whether we have any rights or not, or whether we are going to be blocked."

VICE-PRESIDENT HARRIS RECALLED.

The first witness on the stand Monday morning was William R. Harris, vice-president of the American Tobacco Company and chairman of the board of directors of the British-American Tobacco Company. Mr. Harris has been on the stand several times and has been questioned at great length concerning the ramifications of the two branches of the tobacco trust with which he is officially connected. The method of leaf buying, the cooperative relations, the retail, manufacturing, and jobbing end of the business abroad and at home were the subjects which provided material for Mr. Harris's examination, as well as his correspondence. The questioning by the Government counsel elicited the fact that there was always more or less of a connection between all operations and tobacco trust headquarters at 111 Fifth avenue. On cross-examination the tobacco trust counsel tried to show that there was no absolute authority over things from 111 Fifth avenue, but in this they were unsuccessful.

FIGURES ON TOBACCO CONSUMPTION.

William R. Hains, in speaking of the consumption of tobacco, said that 48,000,000 or 50,000,000 pounds of leaf were issued annually in making granulated tobacco. One-half of the leaf grown went into the smoking tobaccos and the remainder into plug and cigarettes, he said.

He also stated that about 6,000,000 pounds of Turkish leaf were imported annually by the American Company.

DUKE'S OLD FRIEND BUTLER IS CALLED.

George P. Butler, of Butler-Butler, the cigarette manufacturers, was then summoned to the stand. In answer to the first question he stated that he did not at present have any regular business. He said that he had sold the business of Butler-Butler to the tobacco trust for $700,000. He asserted that he voluntarily suggested that a provision be incorporated in the bill of sale to the effect that he bound himself not to enter the tobacco business again during the next fifteen years. He stated that he volunteered to do this because he thought it would be the means of promoting good feeling between the tobacco trust people and himself.

TELLS OF WORK FOR TOM RYAN.

He admitted that he some years ago acquired an option upon the Liggett & Myers Company, of St. Louis, prior to its sale to the tobacco trust, and asserted that he represented a syndicate of gentlemen, namely, Gen. Samuel Thomas, Thomas F. Ryan, P. A. B. Widener, and S. A. Elkins. He stated, however, that the option only applied to the stock held by the Liggett heirs, including the stock of McCormack, Whitmore, and Halliwell, the latter the vice-president of that concern.

He was asked whether the purchase later of the Liggett & Myers Company was through the option he acquired and asserted that he did not remember.

DID BUSINESS WITH PERCY HILL.

He testified that Percival S. Hill was the man he did business with at No. 111 Fifth avenue, when he sold the cigarette, little cigar, and tobacco business of Butler-Butler to the tobacco trust. He claimed that Butler-Butler was absolutely independent of the tobacco trust until its purchase. He said that he was not a practical tobacco man, but he thought himself a practical sales manager.

Butler stated that he purchased stock of the Henry Clay & Bock Company for a syndicate of men in London.

He then described the establishment, financing, bankruptcy, and sale of the Universal Tobacco Company.

Butler then told of the different brands of cigarettes, little cigars, and tobaccos which Butler-Butler made. He was asked who his competitors were on the various brands, and he stated that the tobacco trust was—that is, of course, before his firm was sold out to the trust.

BIG OUTPUT OF TURKISH CIGARETTES.

He stated that the tobacco trust was his greatest competitor on Turkish cigarettes, with the exception of the 15-cent Turkish cigarette, and, in his opinion, Schinasi Brothers were the largest manufacturers of 15-cent Turkish cigarettes in the United States.

In response to the query of counsel as to who the competitors of Butler-Butler were on the Virginia cigarette, Mr. Butler stated that there was "a new man" who was growing with a Virginia cigarette.

COMING FACTOR IN CIGARETTE WORLD.

He said that he meant Frank D. Ware, of the Ware-Kramer Tobacco Company, manufacturers of White Rolls cigarettes. Mr. Butler said that the Ware-Kramer Company of late had been "mighty industrious."

At the termination of Tuesday's hearing in the Government suit against the tobacco trust, an adjournment was taken until Friday morning at 10 o'clock, unless unforeseen contingencies arise, then the case may be postponed until next week. William B. Hornblower, just prior to the adjournment Tuesday, requested that he be allowed to make a statement, which he wished incorporated in the record. He stated that as counsel for the Imperial Tobacco Company branch of the tobacco trust, he might advise his client not to produce the correspondence of W. C. Reed, the former general agent for the Imperial branch at Richmond, on the ground that it was a British corporation and that the authority to deliver the correspondence over should come from a resolution of the board of directors in England, or from the chief managing officer. Lawyer Hornblower stated, however, that he had an associate counsel for the Imperial branch of the trust at Richmond and he would confer with him respecting the course he would pursue. Special Attorney-General McReynolds stated that he would subpœna E. S. Carlton, the present general agent of the Imperial branch of the tobacco trust at Richmond, who succeeded Reed, and insist upon the production of the correspondence.

DAVID A. SCHULTE ON THE STAND.

The first witness at the resumption of the Government case Thursday morning was David A. Schulte, executive head of the A. Schulte stores. Mr. Schulte proved to be an exceptionally fine witness and his cross-examination by S. M. Stroock, of the law firm of Stroock & Stroock, counsel for the United Cigar Stores branch of the tobacco trust, was decidedly barren of benefit to the trust.

Mr. Schulte was asked concerning the length of his experience in the cigar business and replied fifteen years. Special Attorney-General McReynolds then questioned Mr. Schulte about all the ramifications of the retail business. In reply to the questions of the Government counsel concerning the effect of the operations of the United Cigar Stores Company upon the retail dealers, Mr. Schulte stated that he believed that the average retail dealer will eventually be driven out of business. He believed that his personal salvation lay in the fact that he had built up business on his own private brands and that people, in order to get his brands, which they liked because of their exceptionally good quality, returned to his stores and became regular customers. He stated that he did not handle tobacco trust cigars except when customers specially called for them, in which rare instances he furnished them.

Mr. Schulte testified that a man now has to own more stores than before the invasion of the United Stores Company, and that his profits had been reduced from 28 to 30 per cent to less than 15 per cent, owing to the cutthroat policy of the United Stores. He said that there was no doubt in his mind but that the United Stores were striving to monopolize the retail business of New York, and that he thought that all but a few independent dealers would eventually be forced to the wall. He testified that a great many small dealers had already been driven out of business. He said that he believed that about all the prominent jobbers in New York prior to the formation of the Metropolitan Tobacco Company had been forced out of business.

Mr. Schulte admitted that it was imperative that he handle tobacco trust cigarettes, as the trust had a considerable grip upon that commodity.

TENDENCY TO DRIVE OUT INDEPENDENTS.

"The inevitable tendency is to run the ordinary retailer out of business. If we were not doing business on our own brands of cigars we would be out of business now," said Mr. Schulte. "Several years we made a gross profit of 28 to 30 per cent; to-day on the tobacco trust goods it would be considerably under 15 per cent."

TRUST'S RETAIL STORES GROWING STRONGER.

"I think that without doubt the United Stores under their present policy will get stronger," continued Mr. Schulte, and he went on to explain that the 5 per cent inside granted by the tobacco trust enabled a profit of 10 per cent, where the independent retailer without that special privilege was able to make only 5 or 6 per cent.

"What percentage of the business in the Schulte stores consists of tobacco?" asked Judge McReynolds.

THE INIQUITOUS COUPON SYSTEM.

"Very little," replied Mr. Schulte. "Buyers of trust tobacco go to the United Stores and get the trust tobacco so that they can get the coupon. We get some business in tobacco on our own private brands."

"Have you any idea as to the effect in other cities of the operations of the United Cigar Stores?" asked Judge McReynolds.

"No; but I have no reason to think that it is any different from that in this city," responded Mr. Schulte.

DISAPPEARANCE OF THE JOBBER.

"How about cigarettes, smoking tobacco, and plug tobacco? Has there been any change in the jobbing of these since the advent of the tobacco trust among independent and separate jobbers located in New York City?"

"They have become less and less. The Metropolitan Tobacco Company now does about all the jobbing business."

"What percentage of the Schulte business is cigars?"

"I think our cigar business would be 80 per cent."

"What percentage of that 20 per cent remaining is Turkish cigarettes?"

"About 7 per cent."

"What percentage is smoking tobacco?"

"Very small, 2 or 3 per cent, possibly. The large part of the balance of my business is on little cigars. I am interested in a stock company which makes little cigars."

SCHULTE UNDER CROSS-EXAMINATION.

Upon cross-examination by Counselor Stroock, Mr. Schulte testified that he was interested in B. G. Davis & Co., a concern which makes some of his private brands of cigars, while I. Lewis & Co., of Newark, N. J., made his Schulte Generals; and the Falk Tobacco Company made his private brands in both tobacco and cigarettes. Mr. Schulte stated that he owned 50 per cent of the Davis Company and Mr. Davis the other 50 per cent.

SCHULTE TELLS OF HIS PLANS.

Mr. Schulte stated that he intended opening a store in Brooklyn, a new one in New York, at Duane and Center streets, also five stands in the Hudson Terminal buildings.

"Have you in contemplation the opening in other cities outside of New York?"

"Yes; Newark, but not seriously."

"Your business has been a very prosperous one, has it not, Mr. Schulte?"

SCHULTE BESTS TRUST LAWYER.

At this juncture Lawyer Stroock and Mr. Schulte engaged in some hot repartee. The tobacco trust lawyer tried to show that the Schulte stores had branched out since the advent of the United Stores and asked if that was not the fact.

"Yes," said Mr. Schulte, "but I am the exception."

"Do you know that there are more chain-store owners in New York to-day than ever before?" asked Stroock.

"Yes; but that does not make up for the independent dealers who have been driven out of business."

THE CORTLANDT STREET CORNER.

Stroock then asked about the cigar store at the corner of Cortlandt street and Broadway. "You knew that the United Company paid $9,500 a year for that store in the beginning, didn't you, Mr. Schulte?"

"I was told so."

"And didn't you come along and offer $16,500 for it and oust the United?"

"No; the real estate agent asked me if I would pay $16,500 for it, and I accepted."

"You held that lease three years, didn't you?"

"I think not; there was a contingent clause in the lease, but I think I gave up the store after two years."

STANDS IN THE TERMINAL BUILDING.

Stroock then asked about the Terminal buildings. "You have the exclusive right to sell cigars in those Terminal buildings?"

"No."

"How is that?"

"A club, a restaurant, or a café can sell cigars."

"Now, you have control of a large piece of property on Nassau street; you leased the building and put the United out, didn't you?"

"Yes; do you want to know how I did it?" Mr. Schulte intimated that he could accomplish the same things in real estate that the United could because he had the capital.

"You are a pretty good business man, aren't you, Mr. Schulte?"

"Oh, I wouldn't say that. If we can't make money on cigars, we'll make it on real estate."

"Your business has been pretty prosperous, hasn't it?"

"Oh, we've done pretty well, but we are the exception."

Another Thursday witness was A. H. Hillman of the A. H. Hillman Company, the well-known jobbers of independent goods, whose establishment is located at 435 and 437 Pearl street, New York. Mr. Hillman stated that he had been in the jobbing business over twenty years. He said that the Hillman Company was a corporation and that there were three stockholders in it besides himself. The Hillman Company, he stated, had been a corporation for the last five years, and before that it was a partnership under the firm name of Noyles & Hillman.

President Hillman estimated that there were about ten small jobbers in New York to-day. When asked as to the volume of business his company transacted he stated that it would go up to a certain point; then they would lose some profitable brand, owing to its being acquired by the tobacco trust, then the business of his company would drop again.

When asked if his company handled tobacco trust goods, Hillman said "No," and added that he did not want to do business for love. Mr. Hillman stated that he was supposed to get an inside price from the Butler-Butler branch of the tobacco trust, but asserted that he believed that he was getting no more than any other jobber and that he believed that the Butler representative was throwing a bluff.

President Hillman testified that he got inside prices from R. S. Sullivan, the manufacturer of the well-known 7-20-4 cigar and other

brands; that he also got an inside price on Tellenettes from the Allen Tobacco Company; but those were about all the advantages he did get and 40 per cent of the cigar business he transacted was on Sullivan's brands. He said that he no longer made a specialty of Pall Mall cigarettes, made by Butler-Butler, as that concern had gone over to the tobacco trust.

He stated that Benjamin Hart, J. Lister, Albert Hillman, and himself owned stock in the Hillman company.

The tobacco trust counsel asked Mr. Hillman whether his total volume of business had not increased since the advent of the trust.

Hillman responded that his volume of business could not be estimated. Counsel for the tobacco trust tried to draw out Mr. Hillman. Special Attorney-General McReynolds advised Mr. Hillman that he need not answer unless he desired.

LICORICE CASES ADVANCED.

The motion to advance the cases of the McAndrews & Forbes Company and the G. S. Young Company against the United States was granted by the United States Supreme Court Monday. The two companies are subsidiary companies of the tobacco trust and are engaged in the manufacture and sale of licorice. They were fined by the United States district court of the southern district of New York last January, under the prosecution instituted by the Government under the Sherman antitrust law, and the companies are now appealing from the conviction.

SUIT AGAINST SNUFF DISTRIBUTERS.

[Special to Tobacco.]

JACKSON, MISS., *January 13, 1908.*

The most important antitrust suit in the legal history of the State will be called for argument before Chancellor Lyell during the term of chancery court which convened last week. The first case on the docket is that of the State of Mississippi against the American Snuff Company, the Walter Fisher Tobacco Company, of West Point, and the Carr-Williams Tobacco Company, of Jackson, in which the attorney-general seeks to oust these corporations from the State and collect penalties for violation of the antitrust laws aggregating nearly $2,000,000.

THE TOBACCO TRUST IN PORTO RICO—LEADING INSULAR NEWSPAPER COMPLAINS OF ITS UTTER DISREGARD OF THE LAW.

The following is a translation of an editorial printed in a recent issue of the Heraldo Español, the leading newspaper in the Spanish language published in Porto Rico. It is in the form of a direct appeal to the President of the United States to exert his powers to put an end to the utter disregard of the law by the tobacco trust in its operations in Porto Rico. The editorial reads as follows:

"It is more than a year ago that the Heraldo Español initiated its campaign against the Porto Rico invasion by the tobacco trust.

"No one noticed the increasing and spreading proportions of its absorbing policy.

"On the event of the President's message, wherein he already pointed out the evil preponderance and despised methods employed by some corporations, we called attention to the fact that, while in the United States, or better say, on the Continent, these corporations were duly prosecuted and investigated by the judiciary branch of the Government, in Porto Rico they were not only breaking the law ostentatiously, but, what is more, they enjoyed to a certain extent the most open cooperation from the insular government.

"The Foraker bill, we should say the Porto Rico constitution, voted by the legislative branches of the American Government, and approved by the President, provided in one of its chapters: 'That no corporation shall be allowed to hold, control, or acquire more than 500 acres of land.'

"It is not a hidden fact that this law has been openly broken by the Porto Rico American Tobacco Company, Porto Rico Leaf Tobacco Company, or the tobacco trust, as it is called, and it would not be a very difficult task to show that even the children in Porto Rico know that said corporations own thousands of acres of land in Porto Rico.

"The aforesaid law has been especially provided for the protection of our landowners and small farmers against the voracious and unscrupulous methods used in their acquisition by the tobacco trust.

"Now that in the United States the tobacco trust and its subsidiary companies are under a civil process before the court of justice; now that even criminal prosecution has been instituted by the Attorney-General against these malefactors of any corporation that through illegal deals and questionable purchases has been entitled to, we heartily look for, with earnestness, that said processes and investigations be extended to Porto Rico, where, we venture to say, a good many things may be found, not only in the special law above pointed out, but perhaps even in the primitive purchase of that branch of the tobacco trust.

"Obvious to say that the law should be tried to be evaded, but all Porto Rico knows that these lands spoken of belong to the tobacco trust, and it will be an easy matter in a public investigation to compel the officials to acknowledge the truth.

"It is a common saying in this island that no man is more clever in his dealings than an inveterate crook.

"We had to praise the President for the energetic and active campaign against the principles of 'dishonesty in business,' in spite of the influence and obstacles brought to bear upon him, and even the financial crisis that some people—those affected by the flash of light thrown by him—want to throw the blame on him, which to any clear intelligence appear to be out of its own causes.

"Before we close this editorial here are several questions to the President:

"SIR: While you are so strenuous in your efforts to punish criminals, irrespective of their social or financial position in the States, would you forget this unfortunate island under still worse conditions, evaded through distance, and that our cries should not be heard yonder?

"The law to protect our landlord is cynically violated.

"You are trying to extirpate a social evil in your own land; would you let these dependencies, these small islands, be destroyed by the same pernicious wrong that is already injected to its very bones?

"The American people are strongly constituted economically, and nevertheless the spirit of democracy and individual liberty rebels against that evil. What would be the future of Porto Rico, at present going through a very abnormal state, politically, socially, and economically?

"The last one the most dreadful of all."

A TOBACCO TRUST MASQUERADER—JOHNSTON TIN FOIL AND METAL COMPANY, OF ST. LOUIS, FALSELY PRETEND TO BE INDEPENDENT.

In the trial of the United States Government's suit against the tobacco trust last week, John Conley, jr., treasurer of the tin-foil branch of the tobacco trust, testified that the trust's ownership of the Johnston Tin Foil and Metal Company, of St. Louis, was kept secret, but that the only object in doing so was to prevent a strike in the St. Louis plant.

There was, so Conley claimed, a good deal of trouble between the trust and its employees in the New York tin-foil works, and they were afraid that if the employees in St. Louis learned that both concerns were under the same ownership there would be a sympathetic strike. It was implied that after all union hands had been gotten rid of in the New York plant, and wages reduced as near the starvation point as possible, then similar steps would be taken to bring the hands in the St. Louis works down to a similar level, but until the troubles at the New York end were disposed of, they wanted to keep things running smoothly in the western plant.

But independent tobacco manufacturers, and others in a position to know, say that not only was the matter kept secret from the employees in the tobacco trust's western tin-foil works, but that the independent trade was given to understand that the Johnston Company was absolutely free from any connection of any kind with the tobacco trust. It is also said that this branch of the trust attempted to fool the independent tobacco manufacturers by sending them elaborately lithographed calendars, bearing statements in plain English to the effect that the Johnston company was not in any way connected with the trust.

WHY THE SOUTH HATES THE TRUST.

The American Tobacco Company and most of its affiliations are manned chiefly by officials hailing from the South. Its president was born, bred, and started his business career in the South, and there is hardly a Southerner living who has, by preference, given so many young men from the South a chance to become successful men in business and to accumulate fortunes as did Mr. Duke.

And yet the most violent opposition and most implacable hostility to the vast corporation created and administered by southern genius, push, and capacity manifest themselves in the South, and the prosecutions instituted against the American Tobacco Company are perhaps due more to the agitation of the southern tobacco raisers and their representatives in Congress than to any other instrumentality.

The South is generally supposed to be the most clannish section of the country, their clannishness in politics, for instance, being so thick and fast as to be positively ruinous for many of their vital interests, but in regard to its most pronounced offspring, the American Tobacco Company, the prejudicial sentiment of southern clannishness seems to have vanished into a myth.

Can any reasonable explanation be offered for such an extreme change in sentiment and surprising manifestation of irrational action? (Editorial in one of the two trade papers that are vying with each other in their efforts to please the tobacco trust.)

While the great mass of the honest, chivalrous, warm-hearted men of the South are what they are to-day, their attitude must ever be one of implacable hostility to the tobacco trust and all that it typifies.

While human nature is human nature and will assert itself the world over, Tobacco believes that there is an instinct and a tradition animating the people of the Southland that holds them truer and more steadfast to high ideals than are the people in any other section of the United States. True, there are exceptions, as to every general rule, and men have come out of the South who have been ready to trample every consideration of right and decency under their feet, so long as their lusts and passions were gratified.

But Tobacco knows that southern chivalry is something more than an empty word, and that taken as a whole the great mass of the white population of the South are honest, upright, God-fearing people, with a wholesome regard for both moral and civil law, and an inborn abhorrence of greed, corruption, and chicanery.

The chivalrous, high-minded people of the South naturally do not take kindly to such an institution as the tobacco trust, which the great southern editor, Col. Henry Watterson, has but recently characterized in the following scathing language:

"According to all available information, it has employed the tactics of the pirate, the pickpocket, and the porch climber in its efforts to crush out honest competition."

The generous, great-hearted Southerners are properly resentful when the swashbucklers of the tobacco trust say to a southern gentleman who is honestly endeavoring to start in business on his own account:

"If you start that factory, we will follow you to the gates of hell, and crush hell out of you and your new company. We will do this by fair means or foul."

The conservative, thinking people of the South can hardly fail to see a grave menace to American institutions in a combination guilty of bringing about such conditions as have been editorially summed up by the Lexington Herald in the following language:

"The consumers and producers of tobacco are paying each year millions of dollars upon stock which represents nothing except the capitalization of the violation of the law. * * * It has been organized and is being conducted in violation of the fundamental principles of law and equity and morals. Through its efforts to control the cigar stores, individuals have been ruined by its unfair competition; through its power to control the prices of tobacco, whole communities have been thrown into a state of lawlessness and hundreds of families put into what is practical want."

The righteous, law-abiding people of the South have no sympathy with the lawlessness of the tobacco trust, and they therefore earnestly and enthusiastically applauded their own Congressman STANLEY when, more than a year ago, he declared in the Halls of Congress:

"I rejoice that justice is at last ready to unsheath her tardy sword; that God's wrath no longer slumbers. I demand, sir, that the law as it is written be rigorously, quickly, and mercilessly enforced by fine and by imprisonment; that these haughty bandits be brought to the bar of justice; that they be clad in the loathsome garb of guilt, and, if possible, confined in 'a felon's cell—the fittest earthly type of hell.' I declare that an ordinary convict should feel like an honest man when compared with the conduct of the American Tobacco Company in the last five years."

And realizing, as they do, all that is hateful and odious that the tobacco trust embodies, the people of the Southland are doubly rejoiced that it is one of their own sons—Judge McReynolds—who is to-day bearing the brunt of the splendid fight which the United States Government is making against Duke and his associates.

TRUST'S DIRTY WORK IN CHICAGO—DUKE'S DISCIPLES SPENT NEARLY $2,000 FOR PETTY PERSECUTION OF INDEPENDENT DEALERS.

[Special to Tobacco.]

CHICAGO, *January 13, 1908.*

It has been ascertained beyond a doubt that the United Cigar Stores branch of the tobacco trust caused the recent wholesale arrests of independent cigar dealers in Chicago for technical violations of the ordinance against slot machines.

It was learned that Lloyd C. Whitman, the lawyer who secured the warrants, and the six private detectives who developed the evidence, were all hired by the tobacco trust, at an expense of nearly $2,000. Practically every independent cigar dealer in the downtown district of Chicago was subjected to this form of petty persecution, and forced to appear in court. The presiding judge recognized that the cases had not been brought through the regular State's attorney's office, and but for the temporary absence of the representative of that office attached to the court in which the cases were brought, Judge Newcomer would have summarily dismissed the complaints in each case. As it was, he continued the cases until January 30, and expressed himself most emphatically against a concern like the tobacco trust seeking to employ the machinery of his court in such a manner in an effort to cripple its business competitors.

The fact that the tobacco trust was not acting in good faith in the matter is proven by the fact that up to within about four weeks of the date when it caused the raids to be made upon the independent dealers the same kind of slot machines as those concerning which the trust's attorney complained were in operation in practically all of the Chicago stores of the tobacco trust. Indeed, the spotters hired by the trust were already at work gathering evidence concerning the slot machines in the independent stores before the devices were removed from the tobacco-trust stores.

As a few saloon keepers were raided at the same time as the independent cigar dealers, the Saloon Keepers' Protective League has passed resolutions condemning the tobacco trust, and the league members have pledged themselves to do everything in their power to discourage the distribution and sale of tobacco-trust products and the patronage of the tobacco-trust stores. All in all this latest raid by the trust seems likely to prove a good deal of a boomerang.

Mr. LIVINGSTON. Mr. Chairman, I wish to say that it is the purpose of all the members of the committee that made up the bill to explain it at length at the close of the general debate. I say this for the reason that members of the committee may think it strange that there has been no definite explanation of the bill as to what it carries. I now yield one hour to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I think it is a matter of congratulation to the Democrats on this side of the Chamber, as well as to the Democrats throughout the country, that the joint debate between Democrats and Republicans that has been going on on this floor for several days has taken place. In many respects it has been a notable debate and will be so accepted in the future political history of the country. This debate, in my opinion, has in a most remarkable manner developed the views and position of both of the great political parties of our country upon many vital political as well as economic questions. I think it has furnished the Democrats splendid campaign material. The veil has been drawn back just enough, and the curtain has been raised sufficiently high, in my humble opinion—while I am not acting in the rôle of counseling my party—to point out plainly and with emphasis just exactly the issue upon which the Democrats should go into the coming campaign. I believe that the issue is a revision of the tariff along broad, business, common-sense lines, in the interest of the masses of the people. The tariff reform issue, Mr. Chairman, in my judgment, will clarify the atmosphere for the Democrats. It will solidify the friends of Democracy throughout the entire country. It will invite great accessions from the dissatisfied and discontented ranks of the Republican party, and, in my humble judgment, will give the Democracy next November one of the grandest victories it has ever achieved. [Applause on the Democratic side.]

Mr. Chairman, this issue, to my mind, is the paramount issue; it is greater in public estimation to-day—in the public mind—than the digging of the Panama Canal. It is far more important to the country than the question of "imperialism" or when freedom shall be given to the Philippine Islands. It is much greater, in my opinion, than the question of the regulation of unreasonable rates and unfair rebates and discriminations of the railroads. It is a great deal more important than the suppression of the unnamed "malefactors" that were so vigorously assailed in the President's message communicated to Congress a few days since. I say it stands preeminent over all other issues. It is one that the public will grasp. It is on the question of tariff that the Republican party is weak. With such an issue the Democratic party would go to the country on one of its great and fundamental principles. I was reading but last night that within the last eleven months of the year of 1907, up to the close of the month of November, something over $15,000,000 of hides had been imported into this country subject to a tariff of 15 per cent under the Dingley law. During the same period quite $20,000,000 of goatskins were imported free of duty. A brief history of this duty on hides may be of service. The record shows that under the tariff of 1842—called a protective tariff—the duty on hides was 5 per cent, and 4 per cent under the tariff of 1857, the lowest tariff since 1812. In March, 1861, the tariff on hides was raised to 5 per cent and increased in December, 1861, to 10 per cent, and that remained unchanged until 1873, and from that date hides were on the free list until the Dingley tariff of 1897 raised the rate to 15 per cent. In a strong letter, one of the greatest commoners of our Republic, James G. Blaine, vigorously protested against the tariff on hides. He wrote as follows to Mr. McKinley:

WASHINGTON, *April 10, 1890.*

DEAR MR. MCKINLEY: It is a great mistake to take hides from the free list, where they have been for so many years. It is a slap in the face to the South Americans with whom we are trying to enlarge our trade. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes. It will yield a profit to the butcher only—the last man that needs it. The movement is injudicious from beginning to end—in every form and phase. Pray stop it before it sees light. Such movements as this for protection will protect the Republican party into a speedy retirement.

Yours, hastily, JAMES G. BLAINE.

Hon. WILLIAM MCKINLEY,
Chairman Ways and Means Committee.

Yet the Republican party holds in its greedy grasp to-day a higher duty on hides than Mr. Blaine protested against, and it is just by such instances as this that the Republican party stands discredited before the people. I am not making any complaint that the goatskins are on the free list. That is all right. I have no doubt that it vitalized and gave great energy and impulse to a great many business enterprises in the country, and added great wealth to the masses of the people, without favoring any special interest. But we all know that the 15 per cent tariff, as laid upon those raw hides, is simply and alone for the benefit of the beef trust. Nobody can question that. Our manufacturers declare that with the tax on hides removed they could make and sell shoes cheaper to our own people and at the same time increase their export trade. To make this tax more iniquitous the beef trust sells those imported hides to such foreigners as come here to buy them cheaper than to our own home people. The people of the great State of Massachusetts feel the wrong and injustice of this tax more keenly than any other section of the Union, and their Representatives on this floor have freely spoken out on the subject. It is just such instances as this, one of which I have named—and I could name many, many others—that have wrought up public opinion to such an extent that it demands to-day that the trust methods of this country shall stop—fostered and sheltered and fattened as the trusts are under the Dingley tariff law—that it shall stop now, by the action of this Congress; and there is but one way to stop it, and that way is known to all men who are frank enough to speak out. The Republicans have done a power of talking, but they are expected to act now. The people are getting down to the facts of the case. They understand that the Republican party can stop this evil, and that you can and must do it, by revising the tariff and revising it in the interests of the people and not in the interests of the trusts and combinations. [Applause.]

That is the proposition. The people are rapidly getting on to this idea, and you can not prevent them from speaking out, as they are doing all over the country. They have been a long time in "catching on." They know that the products of this country, manufactured as they are in this country by the highest and best paid and most skillful labor in the world, are carried over to foreign countries, and, after paying transportation charges, are there, practically in a free-trade market, sold cheaper than the same products of that foreign country and much cheaper than they are sold to our own people. [Applause on the Democratic side.] All this talk about surplus and about increasing the foreign trade and "occasional" sales has simply been a bubble in the air and has exploded. The people realize that, and they understand it, and they are going to act on it if they have a fairly reasonable chance in the coming November. I think, Mr. Chairman, that this is an opportune time, during the progress of this joint debate that is going on, when we should refer just for a little while—not going back for many, many years—to the history of the Republican party in connection with the subject of the revision of the tariff. It is very well understood that that class of the Republican party that are called "stand-patters"—and they dictate the real policies of the party—have declared, and there is no question about this issue, and no man doubts it, and we can go to the country clearly and fully on it, without any denial being made—have declared that, whatever the conditions may be, no schedule of the Dingley tariff, 4,000 in number, however important it may be or however unimportant it may be, notwithstanding whatever demand for relief there may be or the oppression it may create, shall be touched, revised, handled, or even discussed, if they have their own way, until "after the next Presidential election, and then only by its friends." That is a clear issue that is made. It is a

clear-cut one, and can be easily understood, and is in every respect tangible. I ask what reason is there to-day to give the Republican party or its leaders credit or confidence for sincerity in that statement? Have they done anything on that subject that has led the people honestly and worthily to give them confidence?

Is not their record one of violated pledges? What I ask is the true analysis of this proposition: Do we find in its solution that the welfare of the people of the country was the objective end? No sane man can so contend. Even the leaders of the Republican party, who declare that the tariff will be revised "after the Presidential election," do not think that the country will take them seriously. Of course, they do not calculate that the Democrats may be in part power of the Government after the next Presidential election, because they say that they are "the friends" to the tariff and must do "the revising." I do not hesitate to say that these stand-pat leaders of the Republican party are the loyal "friends" to the present tariff system, upon which the great trusts of this country have fattened. They are the acknowledged "friends" to the system that is to-day plundering the masses of the people of their honest earnings; and they are engaged now in the "hide-and-seek" game of politics to extend the grinding powers of arrogant corporations and trusts by seeking to allay the fears of consumers with promises that they have so often disregarded about the revision of the tariff. The whole situation is, that these leaders do not believe that it is to the interest of the Republican party to revise the tariff at this Congress. [Applause on the Democratic side.]

What have we here from the able and distinguished majority leader of the House, the chairman of the Ways and Means Committee, the distinguished gentleman from New York [Mr. PAYNE]? He is as much the mouthpiece of the stand-pat Republicans as is the distinguished gentleman from Pennsylvania [Mr. DALZELL], and in a notable correspondence in the month of March, 1906, the first session of the Fifty-ninth Congress, with the gentleman from Massachusetts [Mr. MCCALL], what did the gentleman from New York [Mr. PAYNE] say on that subject? Listen to it:

Congress is not prepared to review the tariff schedules in that calm, judicial frame of mind so necessary to the proper preparation of the tariff act, at a time so near the coming Congressional elections.

This quotation from the letter of the gentleman from New York was in reply to a letter from the gentleman from Massachusetts:

M'CALL'S LETTER TO PAYNE.

MARCH 21, 1906.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
House of Representatives.

MY DEAR MR. PAYNE: Referring to our conversations concerning a revision of the tariff, I desire to bring to your attention, for the purpose of making clear the attitude of the Republican Members of the Massachusetts delegation, the declaration of the platform of the Massachusetts Republicans adopted by their State convention on the 6th of last October.

After announcing adherence to the policy of protection and opposition to "tariff changes tending to depress or destroy any of our industries or to lower the wages of American labor," the platform urged the Senators and Representatives from Massachusetts to "continue to press upon their party associates in Congress from other States the wisdom of a consideration of the tariff for the purpose of revision and readjustment." This declaration was at least not inconsistent with the last national Republican platform, which, referring to the tariff, declared that "rates of duty should be readjusted only when conditions have so changed that the public interest demands their alteration," and that "to a Republican Congress and a Republican President this great question can safely be intrusted."

The country voted to intrust the question to a Republican President and a Congress strongly Republican in both Houses. If revision is not to be considered at the present session, it is extremely unlikely that it will be secured during the life of the present Congress, for the next session will be so short as to suffice for little more than the passage of the appropriation bills. On behalf, therefore, of the Republican Members from Massachusetts who believe that during the nine years since the enactment of the existing duties "conditions have so changed that the public interest demands their alteration," and, who, at a meeting delegated me to make the request, I ask a consideration of the tariff by the Committee on Ways and Means with a view to its revision and readjustment.

Sincerely, yours, S. W. MCCALL.

That is the picture held up for the people to look at. What faith will an outside honest man have in any promise made by these leaders to revise the tariff? So near what? The Presidential election? No, No! The New York statesman, the leader of the majority, said in 1906, as an excuse, "So near the Congressional election." Now, since the Congressional election excuse for not taking up the tariff schedules for revision has performed its allotted part, the distinguished majority leader, speaking for his party, told a delegation of manufacturers who visited him at the Capitol a few days since in this city of the unwisdom of even appointing a tariff commission or doing anything looking to a revision of the tariff because we are "at the heels of a financial panic and on the eve of a Presidential campaign. [Applause on the Democratic side.] Why, I tell you, Mr. Chairman, I could go back a few years and present broken promises by the Republicans all along the line; but here is the mouthpiece of the Republican party on the floor of the House who is speaking.

I wish to tell the committee that, in my judgment, the kind of platform that they are going to put up at Chicago will be about this. I read it from the American Economist, published in New York, November 29, 1907. The editor is a stand-patter of the highest character, and he stands with the gentleman from New York [Mr. PAYNE] and with the gentleman from Pennsylvania [Mr. DALZELL]. What kind of a platform does he tell these gentlemen on the other side of this Chamber they have to make? Whether they obey him or not, that is the question; but his is a voice from your own side, and here it is:

Resolved, That we are opposed to any disturbance of the present tariff law until conditions have so changed that the public interest demands a change in rates of duty and until it can be shown that less injury will result than could be accomplished by such action.

This is substantially the platform that the stand-patters will adopt at Chicago, for there is no sentiment favorable to any kind of a revision in the heart of a genuine stand-patter. I will read in a moment the platform of 1904 of the Republican party; but before doing that it might be of aid in testing the sincerity of the promise to revise the tariff after the election. Nothing in the world could have brought the average stand-patter of the party to such a promise except he was coerced by public opinion—supplemented by dissatisfaction in his own ranks. There are a great number of them who are tariff revisionists and who would have gladly entered on the work of revision at the beginning of the Sixtieth Congress, and an explanation when they go back to their constituents in the coming campaign will be in order. It was that element that coerced the stand-pat leaders to make promises that in some way or the other there shall be hammered into the Chicago platform in June a promise to revise the tariff after the election.

The stand-patter of to-day believes that we should have prohibitive tariffs for all raw manufactured products possible to our country and a subsidiary for industries which can not be reached by duties, such as ship navigation. The true theory of the stand-patter is that high protection causes the manufacture of the article to become profitable; and he believes when it becomes profitable, then capital rushes in to take advantage of that fact, and this results in such competition that the price of the article would fall lower than the price of the same article abroad. But the fact is that the theory does not work out that way, and he knows it; but just as soon as the price commences coming down by reason of competition a combination to keep them up is formed and the people suffer accordingly.

The last platform of the Republican party, 1904, is as follows:

We insist upon the maintenance of the principles of protection and therefore rates of duty should be readjusted only when conditions have so changed that the public interest demands their alteration; but this work can not be safely committed to any other hands than those of the Republican party; to intrust this to the Democratic party is to invite disaster.

It seems to me that in all respects a far greater disaster than ever occurred under a Democratic Administration has befallen the country recently which can not be laid at the door of our party. I refer, of course, to the present Republican financial panic that brought the greatest financial wrecks and in which great fortunes melted and disappeared in the hot air of speculation. Stocks and securities of all kinds shrunk to worthlessness and the country stood in alarm in the fear of general bankruptcy. Well, what are the conditions? If a condition does not exist to-day that justifies a revision of the tariff, in the name of common sense when can such conditions ever be brought about? We are in the midst of the greatest financial stringency and crash that we have had for years and years. The people, catching the spirit of alarm that numbed our whole unsafe financial system, rushed on the banks and demanded their money. We all deplore its existence, but banks are still failing around us, and we would be "short" in memory if we did not recall what the strenuous Republicans used to say about 1893 when a bank failed, why it had "gone Democratic." You have had a large number of banks "going Republican" of late. [Applause on the Democratic side.]

We regret it very much. A few days ago in the great State of New York the New Amsterdam National Bank and the Mechanics and Traders' Bank failed, one capitalized at $1,000,000, with liabilities of more than $4,000,000, the other capitalized at $2,000,000, with $20,000,000 of deposits, and yet we are not at the end of it. Armies of laboring people are scouring the country, looking and begging for work; soup houses are mul-

tiplying throughout the country; confidence has fled from business circles, and yet with these conditions on us the Republican party declares that all that does not justify a revision of the tariff in the interest of the people. Why, I just want to quote from a leading Republican what the conditions are. We are all advised that the Dingley tariff is the oldest tariff; that it has stood longer than any other tariff since the beginning of this Government. It has been there about eleven years, and my advice and information is that but about twenty material changes have been made during all that time. Before I read from the distinguished Republican I will read from James W. Van Cleave, president of National Association of Manufacturers, as to what he thinks about it. He is a Republican, a manufacturer, and represents the greatest manufacturing interests in this country. Listen to what he says:

Do the reactionaries realize that in 1909, when the President who will be elected this year will be inaugurated, the Dingley tariff will be twelve years old? Can any of them cite a single tariff act, from the one which President Washington signed on July 4, 1789, down to the Dingley law, which President McKinley approved in 1897, which has had such a long life without change as the present statute?

Vast changes—political, social, physical, economic—have been taking place all over the globe in the eleven years which have passed since President McKinley put his signature to the present tariff act. Apparently, however, nobody has told the standpatters about any of these things. Or, if they have heard about them, they think they are of no particular consequence.

The invention of additional labor-saving appliances, the extension of the use of steam and electricity into new fields, the development of new products, the alteration in fashions and habits, the establishment of industries unknown a few years ago, the advent of new commodities in the marts of the world, the creation of new needs, and the opening of new markets among many peoples in various parts of the earth have made a sweeping transformation in the world's industrial system in this interval.

In the rolling years everything on the earth changes—everything except the tariff. The stand-pat reactionaries tell us that the physical and the social laws which decree changes in everything else which man utilizes or fashions, or which ministers to man's needs, must be suspended in the case of the tariff act which was passed in 1897.

The one general, universal rule of change applies to all mundane affairs except the revision of the Dingley tariff. Do you suppose that a common-sense, patriotic, intelligent people are going to accept that stuff any longer? No. [Applause on the Democratic side.]

I have a right to refer to a speech made by a distinguished Republican at the other end of the Capitol, to whom I referred a moment since. Listen to him on this tariff question that the stand-patters have said you can not touch; that it is too sacred to touch it until "after the election." Does anybody think that the welfare of this great country of ours had anything on earth to do with that agreement? Why, no! No man outside of an asylum would pretend to contend that that was what they were looking after. They were looking after the perpetuation and the interest of the Republican party, and they were afraid of a division in their ranks if the subject was taken up at all. Here is a great political party that has been for years in control of this Government, lacking the courage and the manhood to stand up and do what is right for the benefit of all the people, and "dodging" out of it for the sake of perpetuating their own party rule. I now read from a speech from Senator BEVERIDGE. What does he say about it?

OUR TARIFF A GENERATION OLD.

The want of classifications of our tariff is as bad as the want of facts. Nearly all our tariff classifications are more than a generation old. This is because each time the tariff has been revised the committees have taken the language of the old classifications. Not one of them is sympathetic, accurate, and up-to-date. The result is that the importer frequently does not know what classification his imports are under, and therefore what duty he must pay. The appraiser first decides this question, then the importer appeals to the General Board of Appraisers, and finally to the courts. There have been 600,000 such disputes since the present law was enacted. Decisions of the Treasury Department on the subject of the tariff fill seventeen great volumes. The decisions of the courts add many more, and remember that two-thirds of our imports are for the use of American manufacturers. This has cost importers and the Government millions of dollars; the importers many millions more. It has disturbed business which has not known what to depend upon. And the whole cost has finally fallen on the people.

And yet they say that "conditions" have not arisen which would justify them in revising the tariff. Now, we all admit that of all the great interests of this country that have been truly and greatly benefited by the tariff, this is the manufacturing interest. Now, I read from a leading manufacturer, and it does seem to me that, as a matter of fact, in talking to common-sense people, that man ought to be listened to, and not only his individual statement, but his statement as the representative of a great manufacturing association. I refer to Mr. Miles, who is president of the National Association of Implement and Vehicle Manufacturers, and my recollection now is that the amount of exports from this country in 1906—consisting of locomotives, stationary engines and machinery, of implements of agriculture and vehicles, cars, sewing machines manufactured here, and other things of that class—is $700,000,000, every dollar of which is sold in foreign countries cheaper than you can buy the same products here. What does he say in a letter that he wrote, and which has been quoted frequently? He says this:

When Congress gave us 45 per cent, we needing only 20 per cent, they gave us a Congressional permit, if not an invitation, to consolidate, form one great trust, and advance our prices 25 per cent, being the difference between the 20 per cent needed and the 45 per cent given. This difference would give a net annual profit to my company, only, of from $500,000 to $600,000, and to the industry at large a net increase in profit of sixty to seventy-five millions. If fifty millions, that would be, by the time that it passed through its immediate hands, to the agricultural consumers, approximately $100,000,000.

Now, that is a manufacturer who had been getting the benefit of the tariff. Why does he come and bear testimony against these things? Why, it is simply this: He sees the great indignation that has been wrought in the public mind by reason of these wrongs and injustice. He believes that these wrongs have gone to such an extent that the indignation of the people will be so great that they will rise up and overthrow the Republican party, and so he is trying to get them to revise the tariff and save the Republican party. That is the only logical solution that I can make of it. And again he says, not as an individual, but as the chairman of a tariff committee of the National Association of Manufacturers, that he is alarmed about it:

Standing on this platform, about 40 per cent of all the members of our association, who have by correspondence pronounced for revision, declare in their letters that their own schedules may properly be reduced 50 per cent or more without hurt to their respective industries or to the country at large. Others name a less amount, while only a few declare for no reduction. The letters in satisfaction of this statement are on file in the office of the president of the association in St. Louis, and are known to the managing officers of the association.

But here we are, with the first session of the Sixtieth Congress, having been in session since last December, and with a solemn declaration that the "conditions" have not arisen, that they have not occurred which would justify Congress in granting relief for these great wrongs and oppressions and this injustice to the people. That is why I say let the national Democracy stand for revision of the tariff, fair, just, business-like, common sense, in the interests of the masses of the people. Let that be the Democratic slogan, and we will restore our party to power next November. [Applause on the Democratic side.]

Of the reform tariff issue the Republicans are afraid. That is where they fear attack. Let "imperialism alone," let all those questions pass, and stand faithfully by fundamental Democratic tenets, excluding and rejecting all modern "isms" unknown to our creed, and invite all Democrats and friends of our party and the men who are the friends of the people, whether Republicans or Populists, to join us in this great crusade to restore our Government to the control of the people—a Government of law administered alike to all. [Loud applause.]

Mr. Chairman, I can not persuade myself that the leaders of the Republican party are ignorant of the great moral revolution that has taken place in the public mind within the last two years. They are bound to see it. Why, Mr. Chairman, have we not had revelations made to us all over this country about "swollen fortunes," "predatory wealth," and the lawlessness of the "criminal rich?" Necessarily such utterances have produced a disturbed mental condition among the people. It has produced unrest and a feeling of envy among those less fortunate than others; and if you want to analyze the conditions that we are in to-day, find the true solution of it, I put to you, Mr. Chairman, this proposition: What in the ordinary affairs of life is better calculated to produce that feeling of unrest and dissatisfaction that pervades the public mind to-day than to let a man, or a number of men, who live by the sweat of their face, year after year, sit by and see the honest earnings of their labor and the toil of their lives, taken from them and their families under the guise of law and used for the purpose of enriching others?

Do you not suppose that that is calculated in the long run to create dissatisfaction and unrest? That is what has contributed largely to the present disturbed condition of our country. The most ardent admirers of the President, in the energy and courage he has displayed in his antitrust fights, are beginning to realize the glaring inconsistency that he has persistently committed of giving protection to these destructive tariff evils, through the tariff laws, and assailing them through the Sherman antitrust law and the Elkins Act. The President's friends claim that he has won imperishable laurels in bringing about the regulation of railroads, preventing unjust charges and rebates and discriminations. This is all well enough in its way, but what comparison is there in the amount of money that the railroads unlawfully exacted from the people of the country since the maximum rate decision by the Supreme Court of the United States, in unjust rates and rebates and discriminations, and the amount forced

from the American people at the same time by many of the unjust schedules of the Dingley tariff. Yet, the President was as quiet and docile as may be when he was fully advised that only one of these mighty and trust-fattened enterprises—the steel trust—at the close of the fiscal year, the 30th of January, 1907, the net earnings of this one enterprise, favored by the tariff, were, $164,490,945, when more than $80,000,000 of its net earnings were due to the protection given by the Dingley tariff. This is but one item. All the rebates, discriminations, and unlawful charges of railroads for years past are insignificant as compared with these criminal extortions perpetrated on the people by the steel trust, and when you aggregate all of such trusts and the amount that each one takes in dollars and cents from the people, it would equal in value all the railroads—over 220,000 of mileage—in our whole country, aggregating a value of $15,000,000,000. It seems that a wrong of such magnitude ought to have invited the attention of the President.

Mr. Chairman, I desire to commend a particular paragraph of the President's message, on page 4 of the pamphlet, in which the President follows a good example established by Democrats. The President, in discussing the unlawful use and abuse of the process of injunction by Federal courts, says this drastic and harsh process has been used "under the guise of property rights unwarrantably to invade the fundamental rights of the individual." The President recommends to Congress to enact a statute "that reasonable notice should be given the adverse party." This is but a fundamental principle of justice, and without notice to the adverse party—which is of itself publicity—the recent proceedings, under the inspirations of the plaintiff's attorney, of some of the Federal judges at their private chambers would continue to be the source of wrong and injustice to the individual rights of weak and helpless citizens.

I recall that the Democrats lustily contended that this proviso should be inserted in the Hepburn railway rate law, "That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted, except on hearing, after not less than five days' notice to the Commission." This provision, in opposition to Democratic contention, was left out of the Hepburn rate law as it passed the House, but was inserted in the Senate. I hope the President's party will promptly, during this Congress, enact the President's suggestion into a statute.

Mr. Chairman, I call attention to a paragraph in the President's message, on page 5.

He says:

> It is my purpose, as soon as may be, to submit some further recommendations in reference to our laws regulating labor conditions within the sphere of Federal authority.

The first paragraph in the President's message also relates to the relations of labor and capital.

Why is that brought up at this time? I can hardly say, because we are at the threshold of a great political campaign. It is common understanding that our labor organizations are not right now in love with the purposes of this Administration. Take the history of the Republican party on the subject of labor within the last six years. Why, it is a matter of record. In 1884 or 1885 the "Bureau of Labor" was created and put into the Interior Department. It stayed there a while, and then it was taken out of the Interior Department and made an independent Department, and remained such for many years. The only thing that it needed was to give it a secretary who should have a seat in the Cabinet of the President. The Democratic platform of 1900 had declared in strong terms, demanding that there should be created a Department of Labor, with a secretary in the Cabinet of the President. Did any man contend that the interest of labor was not important and vital enough to have this dignity and honor? But, sir, when we came to make the Department of Commerce and Labor, in the Fifty-seventh Congress, every Democrat on the floor of the House of Representatives stood firmly, as I recall it, against taking the independent Department of Labor and classing it as a bureau along with Fisheries and other bureaus in the Department of Commerce and Labor. Yet the Republicans did that. Why did they strip that independent Department of Labor of its prestige and its dignity? They say that they gave it the same facilities and powers as Commerce. I contend they did not. I say they struck it down, and it stands to-day classed along with Fish and Fisheries, Bureau of Standards, Steamboat Inspection Service, and other bureaus of that kind, in the Department of Commerce and Labor. Finally, when the full test came and it was put to the Republicans, there was a motion made to recommit the bill, with instructions, as follows:

> *Resolved*, That the pending bill be recommitted to the Committee on Interstate and Foreign Commerce, with instructions to report a bill or bills to the House to create and establish two separate Departments, a Department of Labor and a Department of Commerce, each of the same dignity as existing Departments, and each with a Secretary in the Cabinet of the President. (RECORD, January 6, 1903.)

That motion was made by a Democrat and the RECORD shows that every Republican who voted voted against it, and every Democrat who voted voted for it. For that reason I hope that when the President sends in another message, if he is so interested in labor, just before a Presidential election, he will have in that message a recommendation that a Department of Labor will be created, and that it have a Secretary in the Cabinet of the President. [Applause on the Democratic side.] Why not? In the great and mighty strife in which labor has been engaged, what man can say that it would not have been better, instead of sending for Mitchell and other labor leaders, as the President did, to have had a Secretary of Labor sitting in the Cabinet and representing the great labor interests of the country?

Now, Mr. Chairman, I have something further to say about the message of the President.

It will hardly be denied by anyone that the message that the President sent to Congress is in a "class" by itself and that it is in response to the criticisms that the newspapers have freely passed upon him and the policies of his Administration. Is it considered wise to notice such criticisms in this way? Many of the recommendations made by the President in his message, if carried out by his party at once would undoubtedly be of benefit to the country. Criticism in the proper spirit and couched in proper language ought always to be invited and welcomed by a public official, it matters not how exalted his position. It especially ought to be eminently respectful and courteous when directed at the President of the United States. If criticism is otherwise than courteous and respectful it loses all effect and is properly accepted by the public in the nature of personal abuse.

I think our distinguished minority leader pointed out clearly the portions of the message that Democrats could, and did, cheerfully indorse. The message undoubtedly seeks to make the control of the trusts the paramount issue in the present campaign by ignoring the tariff, "the father of the trusts." If the President is truly sincere in the vigor and zeal for the pouplar rights expressed in his message, or the protection of the individual rights of the citizens against the rapacity of the trusts, why did he not recommend to his party that a guaranty be given to every American citizen the right to buy at home the products of American-manufactured articles as cheap as these products are sold in foreign countries. If that was done our trust problem would be solved. The message is a strong plea for the continuance of the Republican party in power. It really makes no direct recommendation for the relief of the burdens of the people. It is, of course, highly sensational and stamped in every word and line with the extraordinary unique and startling personality of the President. No one can for a moment doubt that the President is an expert in the "game of politics." He is a writer of great force, and his command of the English language leaves him without a rival among the noted public men of our country. As a political stroke at this juncture of political affairs the message is a masterpiece. As a practical public document for the betterment of the country it is a "falsum fulmen." As the message of a statesman it will, in the sober thought of the country, be pronounced a failure.

The highest work of a statesman is to seek to pacify the unrest and dissatisfaction of the people, when it exists as it does now, not to arouse and inflame it. If evils exist that threaten the welfare of the people, statesmanship suggests to exterminate them by the strong arm of the law. Other Presidents have been fearfully criticised in the early days of our Republic, but they did not answer their critics in a fiery message to Congress. Washington, in a letter to Benjamin Harrison, said:

> If I were to be called upon to draw a picture of the times and of men from what I have seen and heard and in part know, I should in one word say that idleness, dissipation, and extravagance seems to have laid hold of most of them; that speculation, peculation, and an insatiable thirst for riches seems to have got the better of every other consideration and almost every order of men.

Jefferson wrote lugubriously to Nathaniel Bacon:

> Our Government is now taking so steady a course as to show by what road it will pass to destruction—to wit, by consolidation first, and then corruption, its necessary consequence.

And it was Andrew Jackson who said:

> The United States bank will yet sap the foundations of our liberty.

Yet our Republic still lives and flourishes, and it will continue to flourish just so long as the people retain the instinct and the capacity or the desire for self-government. Of course we need the work of the reformer and great good comes often from such labor, but there must be no "hysteria" in such work. It must and should be deliberate and not sensational. I believe that predatory wealth, predatory poverty, "swollen

fortunes," and the "criminal rich," together with the trusts, are evil forces abroad in our land, and they ought to be and will be controlled by the law when the true and imperishable Democratic principle of "equal rights to all and special favors to none" is handed out as a "square deal" to all alike. [Loud applause.]

Mr. GAINES of Tennessee. I should like to have the opinion of the gentleman from Alabama, who is a member of the Interstate Commerce Committee, as to how he considers the recommendation of the President with reference to a change in the Sherman antitrust law? Does the gentleman consider that the President recommends that it be so changed as to eliminate its application to railroad combinations?

Mr. RICHARDSON. Yes. I understand the recommendation of the President to correct that portion of the Sherman Act which prohibits railroads from making any combinations, good or bad.

Mr. GAINES of Tennessee. Then, would not that practically put the railroads clear beyond any prohibitions in that statute?

Mr. RICHARDSON. I think that the recommendation made by the President, as I understand it, is to relieve the railroads of any application of the Sherman antitrust act, as I have already stated.

Mr. GAINES of Tennessee. Then they would be turned over to the Interstate Commerce Commission entirely?

Mr. RICHARDSON. No political party ought to stay in power so long as to believe that the Government belongs to that party. That is the condition of the Republican party to-day. The Democratic party never had a better chance to win than it has in the campaign now opening. The people are ready to turn the Republicans out. No man can fairly doubt that there are easily enough Democratic voters in the Union to elect at the polls next November our Democratic nominees, but we must unite these voters by the platform we make and the candidates we place on that platform. It behooves the leaders of our party to lay down broad and plain Democratic principles. Let us present tariff reform as a fundamental principle, and that the trusts are entirely dependent on the tariff. A victory won by the national Democracy on such an issue will be a victory on principle and merits and guarantee our control of the Government in the interests of the people for years to come. [Loud applause.]

Mr. HARDWICK. Mr. Chairman, the protective-tariff system is not, as one might suppose from the many things that are said on this floor and throughout the country, a Republican contrivance. It is not even an American invention, though it was once erroneously caller "the American system." In this connection the etymology of the word "tariff" is not without some interest. Tariff was so called from the old town and castle of Tarifa, on the Straits of Gibraltar, where, during the seventh century of Mohammedan rule in Spain there lived a band of Moorish pirates who exacted tribute from every vessel entering or leaving the Mediterranean Sea. Nobody contended then that this system was anything but robbery. No one then contended—not even the pirates themselves—that it rested on any other foundation save that of the strong arm and the light purse. Far be it from me, Mr. Chairman, to even intimate that the beneficiaries of our present tariff system are robbers; unlike their Moorish predecessors, they operate under the forms of law, and while no man can dispute that they are strong of arm, none will venture to assert that they are light of purse. [Laughter and applause.]

In the earlier periods of our country's history there was little difference between parties or statesmen about the tariff question. All parties and all statesmen then conceded that import duties ought to be levied for the primary and principal purpose of raising revenue for the Government, and for the secondary and entirely incidental purpose of affording "encouragement and protection" to our infant industries, at that time struggling with powerful competition from older and stronger rivals in England and throughout Europe. No party and no statesman then contended that protection ought to be continued long after these interests were no longer infantile, but grown to giant size and strength. No party or statesman then advanced the doctrine that taxation was a blessing in disguise and that the more a people were taxed the richer they grew. It has remained for latter-day Republican statesmanship to advance these wonderful contentions. [Applause.]

Mr. Chairman, stranger than fiction, more marvelous than romance, has been the wonderful history of American industrial development. When this Government was established we were, commercially and industrially, the weakest of the weak. To-day we are the strongest of the strong. Then we were the poorest of the poor. Now we are the richest of the rich. Then we were almost entirely an agricultural people. Now we are not only the leading agricultural, but also the leading manufacturing nation of earth. In the production of all of the great food staples we are easily first. In the production of silver we lead the world. We are now second, and are rapidly advancing to the first place among the nations, in the production of gold. In the production of most of the great raw materials we lead the world.

As to pig iron and steel, I invite your attention to a table taken from our Census Report on Manufactures (1905):

TABLE CCLII.—*Quantity of pig iron and steel product in the world, 1903, 1895, and 1885.*[a]

[Thousands of tons.]

Country.	1903.		1895.		1885.	
	Pig iron.	Steel.	Pig iron.	Steel.	Pig iron.	Steel.
Total	46,381	35,885	29,300	14,600	12,340	6,210
United States	18,009	14,534	9,450	6,110	4,040	1,710
Great Britain	8,935	[b]5,134	8,020	3,880	7,420	1,920
Germany	10,085	8,801	5,790	2,160	3,690	1,140
France	2,810	1,835	2,010	810	1,630	530
Other countries	6,512	5,531	4,030	1,640	2,560	910

[a] Data for 1903 taken from the Bulletin of American Iron and Steel Association, September 15, 1905. Remainder of data from Mulhall's Dictionary of Statistics (1899).

[b] Does not include direct steel castings.

As to coal, to the following table taken from the Census of 1900 (published 1902):

TABLE VI.—*World's production of coal in metric tons, by countries, 1890 and 1899.*

Countries.	1899.	1890.
All countries	720,220,758	511,482,074
United States	230,254,076	143,167,843
Great Britain	223,689,793	181,580,755
Germany	135,824,427	83,290,834
Austria-Hungary	38,739,000	27,504,032
France	32,863,000	26,083,118
Belgium	21,917,740	20,365,960
Russia	13,104,000	6,016,525
Japan		2,653,000
All other countries	23,823,719	11,819,907

Also, as to copper, to the following table, taken from the same report:

TABLE VIII.—*World's production of copper, in long tons, 1890 and 1899.*[a]

	1899.	1890.
Total	463,303	272,620
Europe	92,993	79,932
North America	282,636	124,711
South America	32,730	33,960
Africa	6,490	6,570
Asia	27,560	17,972
Australasia	20,894	9,455

[a] United States Geological Survey, Mineral Resources, 1900, p. 186.

Also, as to cotton, to the following table, taken from the same authority:

TABLE V.—*Production of cotton, in 500-pound bales, for the United States and other countries, 1890–1891 to 1899–1900.*[a]

	Total.	United States.	Other countries.
1899-1900	10,612,000	9,137,000	1,475,000
1898-99	12,987,000	11,078,000	1,909,000
1897-98	12,743,000	10,890,000	1,853,000
1896-97	10,670,000	8,435,000	2,235,000
1895-96	8,901,000	6,912,000	1,989,000
1894-95	11,298,000	9,640,000	1,658,000
1893-94	9,324,000	7,136,000	2,188,000
1892-93	8,607,000	6,435,000	2,172,000
1891-92	10,552,000	8,640,000	1,912,000
1890-91	10,127,000	8,137,000	1,990,000

[a] Cotton crop supplement to the Commercial and Financial Chronicle (New York), September, 1901.

Conditions for the development of our manufactures have been the most favorable on earth. Consider them for just a moment; first, the greatest and cheapest supply of raw material in the world at their very doors; second, the most intelligent and productive labor on earth literally swarming into their factories; third, heavy duties, highly protective, and in many cases prohibitory, barring foreign competition and pouring into their laps tremendous bounties from the pockets of all consumers.

Is it strange that, under these circumstances, our manufactures have contributed even more than their due proportion to the glorious advance of American industry to world primacy? Is it not reasonable to suppose that they should at least

keep pace with the unprotected wheat grower of the West, and the bountyless cotton grower of the South in the general onward sweep of American progress? That they have more than done so is shown by the following table, taken from the Census Report of Manufactures, 1905:

TABLE CCXLV.—*Per cent of increase in value of domestic exports, by groups, 1896 to 1905.*

Group.	Per cent of increase.
Aggregate	72.8
Exports unmanufactured	54.8
Foodstuffs in crude condition and food animals	[a]8.1
Crude materials for use in manufacturing	87.7
Miscellaneous—animals not for food, plants, trees, etc	18.4
Exports manufactured	87.4
Foodstuffs partly or wholly prepared	29.0
Manufactures for further use in manufacturing	174.7
Manufactures ready for consumption	121.2

[a] Decrease.

That they have not only outstripped other industries in this country, but also their rivals throughout the world, is shown from the table I next submit, taken from the same report, it being a reproduction of the figures of Mulhall, the eminent English statistician:

TABLE IV.—*Manufactures in the United States and foreign countries.*

	Millions of dollars.			
	1820.	1840.	1860.	1894.
United Kingdom	1,411	1,883	2,808	4,263
France	1,168	1,603	2,092	2,900
Germany	900	1,484	1,995	3,357
Austria	511	852	1,129	1,593
Other States	1,654	2,516	3,455	5,236
Europe	5,644	8,341	11,479	17,352
United States	268	467	1,907	9,498
Total	5,912	8,808	13,386	26,850

To complete the picture I have attempted to draw, let me next submit a statement of our Census Bureau on this subject, made in 1905:

None of the great industrial nations have followed the example of the United States in attempting to measure at regular intervals the value of the manufactured products of the country, so that it is difficult to furnish figures that will indicate, by industries, the relative positions of the competing nations. It is possible, however, to obtain information which, although not official, is sufficiently reliable to supply the deficiency to some extent. Estimates published by eminent statisticians and the figures appearing annually in certain commercial papers are the principal sources of information.

In respect to the value of manufactures produced annually, the English statistician, Michael G. Mulhall, assigned the United States to fourth place in 1860, and conceded that it was first in 1894. A more recent authority, however, has expressed the belief that this lead was probably gained as early as 1885. According to the same authorities it is probable that the United Kingdom can claim second place, with Germany third, and France fourth. Germany has made greater relative progress during the past twenty-five years than either England or France, and now the products of German mills have supplanted English wares in many markets which Great Britain had previously monopolized. However, Germany has probably not yet reached the United Kingdom in the value of industrial production.

According to the English Board of Trade the exports of manufactured goods of the United Kingdom constituted from 17 to 20 per cent of the total industrial output of 1902, and upon this basis the value of manufactures of the United Kingdom for that year may be reckoned at about $4,588,630,000, or over $3,000,000,000 less than the net value of the manufactured products, exclusive of hand trades, of the United States in 1900, according to the census of manufactures. These figures give some indication of the supremacy that the United States has obtained in the industrial world.

Now, it would, I submit, be only reasonable to suppose and expect that our manufactures would no longer plead infancy at the bar of public opinion, and would no longer beg for protection from their ferocious foreign rivals.

But, alas, Mr. Chairman, vain is our hope, futile is our expectation. They seem to desire not only to hold fast to what they have, but also, poor industrial foundlings that they are, to continue to hold out their spoons for more of the public soup, for those of them who are not standing fast in the ranks of the "standpatters" insist that whatever tariff revision public sentiment may force shall in all cases be "along protective lines" and in many cases be upward instead of downward. More fortunate than Ponce de Leon, they seem to have discovered the fountain of eternal youth and to have plunged deep beneath its limpid waters. [Applause.]

Will they never learn the lesson taught by List, the great German protectionist? Let me invite your attention to what List said, as far back as 1841:

Finally, history teaches us how nations which have been endowed by nature with all resources which are requisite for the attainment of the highest grade of wealth and power may and must, without on that account forfeiting the end in view, modify their systems according to the measure of their own progress; in the first stage adopting free trade with more advanced nations as a means of raising themselves from a state of barbarism and of making advances in agriculture; in the second stage, promoting the growth of manufactures, fisheries, navigation, and foreign trade by means of commercial restrictions; and in the last stage, after reaching the highest degree of wealth and power, by gradually reverting to the principle of free trade and of unrestricted competition in the home as well as in foreign markets, that so their agriculturists, manufacturers, and merchants may be preserved from indolence and stimulated to retain the supremacy which they have acquired. (Chapter X.)

He adds that Great Britain alone appeared—in his time—to have reached this final stage.

Who can dispute the fact that the United States has now arrived at the third stage described by List, and that the policy he proclaims as the true one for that stage is now the true American policy—the real "American system?" [Applause.]

THE TIN-PLATE INDUSTRY.

It is not my intention, Mr. Chairman, to confine myself today to generalizations, however sound. I shall take up a particular manufacturing industry that has been in recent years created and sustained by our tariff laws, and by them alone. I shall undertake to trace the origin, growth, and present condition of the industry. I will endeavor to show the effect of our protective tariff system, both upon the industry itself and upon the consuming public in the United States. I have selected for my investigation an industry that is especially adapted to these purposes, one that is a conspicuous example of both the so-called "virtues" and the undeniable vices of the protective system. I refer to the tin-plate industry. Prior to the year 1890, and indeed for some years thereafter, practically all of the tin plate consumed in this country was imported from England. Swansea, Wales, is the principal seat of the industry, and in 1890 the Welsh practically supplied the world with tin plate. Under the tariff law of 1883 we imposed a duty of 1 cent per pound on it. This was strictly a duty for revenue purposes, as we produced none of the article. For a long number of years the price that people in the United States paid was the English price plus the cost of transportation plus the duty imposed by our Government.

The duty amounted, in round figures, to about $21 per ton (English).

The English price might rise or fall, in accordance with the laws of trade, of supply and demand of the article, of the scarcity or plenty of money, or the strength or weakness of competition, or improvement in processes of manufacture, or rise or fall in cost of raw material; but rise when it would, fall when it would, in obedience to those laws, the American price rose with it and fell with it, the cost of transportation and the American duty being added in each case, as true as the needle to the pole. Let me invite your attention to the following table of prices per ton, in England and in the United States, between the years 1888 and 1899, inclusive.[a] The figures are based on the English ton as the unit:

Year.	English price f.o.b. ship.	United States duty.	Price at New York.
1888	$68.85	$21.60	$91.20
1889	68.04	21.60	87.00
1890	73.00	21.60	95.00
1891	77.76	21.60 / 47.52 } $34.59	103.60
1892	65.61	47.52	97.20
1893	63.95	47.52	104.20
1894	59.33	47.52 / 26.00 } 46.76	83.83
1895	56.27	26.00	73.50
1896	55.26	26.00	70.00
1897	54.43	26.00	75.20
1898	53.11	32.40	82.00
1899	60.07	32.40	97.80

The English prices in the above table are taken from the British official report (House of Commons) on wholesale and retail prices, printed in 1903, page 35. The prices are reduced from English money to our equivalent. The American prices are those given by Mr. Reid to the Industrial Commission (the average price for each year being calculated) and can be found in volume 1 of the Reports of the Industrial Commission, page 869.

Now, Mr. Chairman, in connection with the table just given let me call your attention to several significant facts. In 1888, 1889, and in 1890 the New York price was the duty and cost of transportation and English price, all added together. Substantially that is the result, although it is not precisely that in

[a] The Dingley law did not go into effect until July 24, 1897.

that year. The increase of duty carried by the McKinley Act did not go into effect until July 1, 1891. For the first half of that year, the duty imposed by the act of 1883 was in effect; for the latter half the McKinley Act was in force. I have, therefore for that year calculated the duty on the basis of a mean between the two rates. I have also adopted that plan for 1894, when the Wilson Act passed. It will be observed, further, that up to 1897 whenever English prices rose American prices also rose, and vice versa, although not always exactly together. This is true with one exception. From 1897 to 1899, inclusive, however, the reverse is uniformly true. For while the English price fell from $54.43 in 1897 to $53.11 in 1898, the American price rose from $75.20 in 1897 to $82 in 1898. While the English price rose $6.94 per ton from 1898 to 1899, the American price rose $15.80 from 1898 to 1899. The latter fact is, I think, especially significant in view of the organization of the American Tin-Plate Company in December, 1898, a fact upon which I shall comment later. I can not carry this comparison of English and American prices further, year by year, because I have not been able as yet to obtain the figures in that precise form, but I do wish to submit to the House and to the country certain additional evidence as to comparative prices in England and in this country.

It must be recalled that the investigation of so-called "trusts" and industrial combinations by the Industrial Commission generally, and especially of this tin-plate trust, in October, 1899, had taken place. The control by these combinations of domestic prices had caused a legislative investigation and had aroused public sentiment. It appeared then almost certain that vigorous action for the enforcement of law and, if necessary, for the enactment of stronger and more efficient laws was imminent. Even the sacred Dingley schedules might be lowered, or even destroyed altogether, unless the rapacity of these combinations was restrained by some temporary self-denial, at least. Still the Reports of the British Board of Trade in 1904 show this (vol. 1, p. 132, and vol. 2, p. 570): That in 1900 and 1901 the New York price was kept $37 per ton higher than the English price; that in 1902 it was kept $31 higher, and in 1903 it was kept $25 a ton higher. In 1904, according to the testimony of witness No. 14 (name not disclosed), delivered before the British tariff commission of 1904 (par. 858), the American price was 7d. per box or £7 per ton or $35 per ton higher than the English price; in other words, as the witness says, "the American price is kept equal to our price plus the duty." That the same thing is true to-day I do not hesitate to assert, in view of the proof I have already submitted.

The Republican party can never hope to make good its contention, so often made, that the price of tin plate has not been enormously increased by the McKinley and Dingley acts. It can not make good that contention by showing that since the Dingley Act went into effect the price of tin plate and of articles manufactured from it has decreased. We reply that the price has decreased not on account of the tariff, but despite it; that the real test is a comparison of prices in this country where there is a heavy duty and in England where there is no duty.

If they "point with pride," as they do in all their campaign speeches and campaign books, to the 5-cent dinner pail of the American workingman, and say that it is cheaper than ever before, our rejoinder is that the British workingman buys the same pail for three cents. [Loud applause.]

By the way, we venture to inquire, Is that famous pail still full? If so, is it full of panic soup? Does the rule still hold good, so often asserted by Republicans, that a high tariff causes prosperity and a low tariff panics? I pause for a reply. [Laughter and applause.]

But, Mr. Chairman, let us now consider briefly the progress of the industry. In 1890 we imported from England, in round numbers, 300,000 tons of tin plate. We produced none. When the McKinley Act passed this industry could not, of course, spring into immediate and full-grown existence in response to the high duties imposed on the foreign product. It required time to establish and put in operation plants and factories. So substantial was the encouragement to do so, however, that as little time as possible was lost in going about it. By 1893 the imports had fallen from 330,000 tons to 215,000 tons, a decrease of 115,000 tons. During the same three-year period the domestic production has risen from nothing to 55,000 tons. By 1898 the foreign importations had sunk to 67,000 tons, and domestic production had increased to 327,000 tons. The Republicans triumphantly exclaimed: "Here is the product of our statesmanship, sprung full-grown, like Minerva from the brain of Jupiter, from the loins of protection; we have created an industry where there was none; we have given employment to thousands of American workingmen who had none, and at the same time have actually lowered the price of tin plate and of the manufactures thereof!"

I think I have already exposed the fallacy of the last part of this claim. So far as the claim of aiding the workingman by this procedure is concerned, I will undertake to dispose of it in another part of this argument. Let me, however, in this immediate connection, say that every dollar that was paid under this system of "forcing an industry" to the comparatively few workingmen engaged in the manufacture of tin plate was wrung from the blood and sweat of millions of workingmen all over this country, in factory and on farm, in the store and in countinghouse, in every branch of industry and commerce, by reason of the higher prices that all had to pay for articles manufactured from tin plate; prices that although lower because of cheaper steel plate and improvement in processes of manufacture than they had been in this country before the increase in duty, were yet kept higher here by that increase in duty than prices were in other lands. [Applause.]

But to return to the progress of this industry. By 1898 it was established. It was full grown. It was supplying practically all of the domestic demand. The domestic price had been raised as much above the foreign price as the duty was. The time had apparently come when the product of protection incubation could at least toddle alone. We were producing in this country three-fourths as much tin as England was producing. The period had arrived, so often and so eloquently eulogized by Henry Clay and by every protectionist from his day to this, when domestic competition would relieve the long-suffering consumer and operate to lower the price. What happened? A Chicago lawyer and "promoter" named Moore—Judge William H. Moore—went down to Pittsburg, the "American Swansea" of tin-plate industry. In the South there is an old saying, "As smart as a Philadelphia lawyer," but anyone who will take the trouble to read the marvelous story of "Judge" Moore's operations as detailed by him to the Industrial Commission on October 17, 1899, will readily concede that this saying of ours ought to be changed. It ought to be hereafter "As smart as a Chicago lawyer." [Laughter and applause.]

Why did Moore go down to Pittsburg? He had already at that time "organized" the National Steel Company, spelled with an "e;" the American Steel Hoop Company, the National Biscuit Company, the Diamond Match Company, the Union Bag and Paper Company, and two others; in fact, he was an expert "organizer," for he says himself that besides these he "had had applications to organize hundreds of others from the marshes of Maine to the Pacific coast." A "committee of manufacturers" had "urgently requested" him to "take hold of the organization" of the tin-plate industry. Ungrateful manufacturers! The special and peculiar product of a system that promised relief to domestic consumers by domestic competition, they were hardly able to toddle before they were anxious to organize so as to defeat the promised competition! How did Moore set about the accomplishment of his organization? He secured options, to be discharged in cash or stock of the new company he proposed to organize, at the choice of the owners, upon twenty-seven out of the thirty-three of the mills engaged in the product of tin plate and producing 90 per cent of the entire product of this country. I get these figures from the testimony of Mr. Daniel G. Reid, president of the company that Moore organized, delivered before the Commission on October 17, 1897.

What amount of cash did Moore agree to pay on these option contracts? To use his own words, "four and a half or five millions." With a high financier like the "Judge" accuracy is not only approximated, but attained, when he can come within half a million or so of the amount he had agreed to pay. How much *cash* did Judge Moore really pay when he organized the company? None. He paid the owners of the twenty-seven mills stock in the new company, *reserving to himself ten millions of the stock for the "cost of promotion and organization."* What was the real value of the properties Moore combined? He said not over five millions; possibly not over four and a half. It could not have been more than that, for by 1900, according to the census reports, the total capital in the United States engaged in the tin-plate business was about $6,000,000.

On this real valuation of not exceeding four and a half million dollars Judge Moore organized and chartered, in December, 1898, "the American Tin Plate Company," with an authorized capital of $50,000,000, $20,000,000 preferred and $30,000,000 common stock. Of the authorized capital stock $18,000,000 of the preferred stock and $28,000,000 of the common stock was actually issued, a total of $46,000,000 of capital stock. He took out the charter in the State of New Jersey, because, as he explained, "the New Jersey law is very much better for the organization of these companies; very much better." [Laughter.]

Now, although it seems to me that proof on the subject is hardly necessary, as the purpose of the "organization" is perfectly obvious, still I will offer some from the reports of the Industrial Commission. Mr. Jenks, of the Commission, asked Mr. Reid, president of the American Tin Plate Company, this question:

At the time when the American Tin Plate Company was organized, was it the presumption that if the tin plate company were organized the business would be a fairly profitable one? Were times good enough so that it seemed that the business would be a profitable one if they could get this organization through?

To that question Mr. Reid replied:

It seems so; yes. It seemed that there would be a great deal more money in the business than there had been in the past; that there would be no cutting of prices, cutting down to a losing basis.

Again, Mr. Reid admitted, in response to a question from Mr. Jenks:

It (referring to the organization of the American Tin Plate Company) was for the purpose of getting together to do away with the foolishness in making prices, and competition, I suppose, would enter into that.

Mr. William Griffiths, of Washington, Pa., an independent tin-plate manufacturer, testified that at the time this combination was formed (1898) he was making 25 per cent profit on his investment, although the prices were the lowest that had ever been, and that the purpose of the combination was to put up prices and increase the profits. He also said that prices might be lowered "if there was a change in the tariff." Mr. William Going, an independent manufacturer of Baltimore, Md., but evidently affiliated with the trust, was asked these questions by Mr. Jenks, of the Commission:

From the experience you have had with these combinations in Baltimore, what is your own opinion of that matter? Is there any special saving by combination, or did you simply make your profits of 100 per cent or less from the added ability that you had to put prices up on the consumer?

To this question Mr. Going replied:

Our idea was that by consolidation we could stop the competition.

Mr. Wm. Greer, of Newcastle, Pa., one of the district managers of the American Tin Plate Company, said:

After having considered the then condition of the tin-plate industry for some considerable time prior to the purchase of the individual mills by the American Tin Plate Company we concluded that it would be better for us, as stockholders of the individual mills, that all should become partners, each with the other. By doing this we hoped to stop the intense "cut-throat" competition, etc.

But, Mr. Chairman, why continue to pile up evidence to prove so patent a fact? The purpose of this "combination" has not only been patent always, but has been boldly and impudently admitted. This combination controlled 90 per cent of the entire American product of tin plate; it was in open, shameful, and notorious violation of the Sherman antitrust act, and yet what effort has been made during all these ten years of Republican power to vindicate the outraged law, trampled under foot so brazenly in this case? None.

Another feature of this scandalous performance ought not, Mr. Chairman, to be overlooked by the American people. "Judge" Moore New Jerseyized five millions of real value into forty-six millions of watered stock. From that day to this a 7 per cent dividend has been paid on eighteen millions of preferred stock, thirteen millions of which is nothing on earth but water—a dividend rendered possible because the trust is so strong that it controls the domestic price absolutely and is sheltered behind a tariff wall $32 a ton high.

An ordinary person would suppose, Mr. Chairman, that "combination" and "organization" had reached its climax in this tin-plate business. But, sir, the American "promoter" is no ordinary person. After Moore finished his work in December, 1898, and looked back upon it in October, 1899, and pronounced it good, only two or three years elapsed before, in April, 1901, the whale that had been called the American Tin Plate Company was, in turn, swallowed by that billion-dollar whale called the United States Steel Corporation, a corporation also unwhipped of justice, and as one of the "constituent companies" of that monster organization it continues to levy a tax on American consumption of more than 40 per cent ad valorem on an annual production of more than $30,000,000 in value behind the sheltering battlements of the Dingley tariff. Twelve millions a year, sir, or $120,000,000, is a moderate estimate of what the Dingley tariff has poured into the coffers of the tin-plate trust since that wintry day in December, 1898, when, under the skillful and yet tender ministrations of "Judge" Moore, of Chicago, it first saw the New Jersey light.

THE TARIFF, THE TRUSTS, AND THE PRESIDENT.

Mr. Chairman, the industry to which I have made particular reference to-day does not present an unusual condition or a peculiar situation. The highly protective, and in many cases prohibitive, rates and schedules of the Dingley tariff have invited our manufacturers to combination and consolidation; an invitation, sir, that they have been neither slow nor bashful about accepting. In his book, entitled "The Truth About the Trusts" (1904), Mr. John Moody gives a list of 7 great industrial trusts and 298 lesser industrial trusts. They have a combined capitalization of seven thousand two hundred and forty-six millions of dollars. They control a great percentage of the total domestic production, and in almost every case are strong enough to fix the home price, putting down competition with an iron hand and by the use of indefensible methods. With the home market secured by an impassable tariff wall, they have turned their attention to spectacular foreign campaigns, and are selling wire fencing to the farmers of South America cheaper than they will sell it to the farmers of Georgia. They deliver steel rail to the Joppa and Jerusalem Railroad cheaper than they will deliver it to our American railroads. They sell sewing machines to the women of London and Paris cheaper than they will sell them to the women of New York and Chicago. Our country is plastered with them from the Lakes to the Gulf and from ocean to ocean. They have cornered every market and controlled every industry. They greet the newborn infant as he sleeps in a trust-made cradle; they attend him through every stage of life, and when at last he dies he sleeps in a trust-made coffin. [Applause.]

Huge corporations spring up overnight, like Jonah's gourd, and present to the world the most dazzling, bewildering, and stupendous array of stocks and bonds that it has ever beheld. Tariff privileges and governmental favor are capitalized, water is poured in with unstinted hand, and the consuming, purchasing, long-suffering public is asked to pay dividends on the whole. Overtrading, debt loading, and wild speculation have been indulged in to an extent that the world never witnessed before; to an extent of which poor, much-abused John Law never even dreamed. The period of reaction has naturally come. Investors have begun to wonder how much of this capital is real and how much is fictitious. The President has tired of the "stand-pat" policy, bequeathed to him by Mark Hanna, and gives some evidence of a purpose to vindicate the outraged statutes. Values dropped still lower, and a panic came; a panic with cotton at 12 cents a pound, with wheat at a dollar a bushel, and with the Dingley tariff still in force! [Applause.] President Roosevelt is bitterly denounced as the panic maker and as bitterly denies it, replying to his accusers in the most remarkable message that any American President ever sent to a Congress. In his so-called "campaign against privilege," as far as it goes, and in so far as it is a real battle, instead of a sham battle, the Democratic party sympathizes most earnestly with Mr. Roosevelt and supports him most loyally. But we will be no party to a sham battle. If the knife is to be applied to the cancer, and we agree that it ought, let us cut to the cancer's heart and not merely operate around its edges. [Applause.] Why confine the treatment to the sores that are caused by impure blood? The protective tariff is the impure blood from which the trust sores have sprung. Why not purify the blood instead of being content with doing nothing but cutting out the sores, only to see them return in more aggravated form? [Applause.]

The President can never hope to appeal to thoughtful Americans as a real opponent of monopoly so long as he continues to support a tariff system from which monopoly springs as naturally and as certainly as death springs from incurable disease. [Applause.]

So long as he fights monopoly with his left hand and supports its chiefest pillar and prop with his right hand thoughtful observers can not credit a man of his splendid mentality with complete sincerity or with entire intellectual honesty.

Mr. Chairman, on this immediate point—the connection between the tariff and the trusts—I will print as a part of my remarks and at their conclusion, a very able address that was delivered on October 25, 1907, by Mr. Byron W. Holt, of the New York Reform Club, before the recent national conference on trusts and combinations held at Chicago, Ill.

PRICES.

During the course of these remarks I have already adverted to the contention that has always been made by protectionists—whether they were Whigs or Republicans—that a protective tariff would stimulate domestic production and, consequently, increase domestic competition, thereby finally removing the burden at first imposed on the consumer. I have already attempted to show how this theory has come to grief in this country, perishing at the hands of "industrial combinations." But our Republican friends have an inveterate habit of contending that prices have not been raised by high tariff duties, and they have employed great floods of eloquence, tons of campaign literature, and innumerable statistics to establish their

contention on this point. But they never undertake—because they dare not—a comparison of prices of similar articles or of prices generally between this country and a country where there is no protective tariff. They might multiply figures and pile up statistics from now until doomsday, but so long as they confine themselves to a comparison of the prices during different years in this country alone it amounts to nothing and signifies nothing. The rise and fall of prices is determined the world over by a multitude of considerations besides tariff duties.

The abundance or scarcity of money, the relative supply of and demand for a given article, the fierceness or the weakness of domestic competition, labor cost, improvement in processes of manufacture, cheap or dear raw material, are all highly important factors in the make-up of prices that must follow the inexorable laws of trade. For any, or all, of these reasons high prices might follow a low tariff, or low prices might follow a high tariff. But these laws of trade are world-wide in their application and affect all countries. Therefore the only true test of the effect of tariff duties upon prices is a comparison of prices in the "protected" country with prices in some "unprotected" country of something like the same advancement and standard of civilization. In our own case, the real test comes when American prices under our protective-tariff system are compared with prices in Great Britain, where there is no protective-tariff system. I have already shown you in the tin-plate industry that English prices are much lower than our prices. Now, let me make one or two more comparisons of that kind. From 1897, the year the Dingley tariff was enacted, to 1904, the last year that I have been able to get the official British reports from our Library, or from any source at my command, the price of clothing rose in Great Britain 4.2 per cent. As authority for that statement I refer you to the Trade Reports of the British Board of Trade, volume 2, page 53.

During the same period, from 1897 to 1904, the price of clothing rose in this country 20.6 per cent. My authority for this statement is Bulletin No. 69, Bureau of Labor (March, 1907), pages 250–251. In other words, from 1897 to 1907 clothing rose in price almost five times as rapidly in this country as it did in Great Britain. [Applause.]

Again, according to the figures given by Mr. Holt, in his admirable address that I shall print, English prices rose 35 per cent from July, 1896, to March, 1907, and during that same period American prices rose 55 per cent. [Applause.]

As Mr. Holt well says, the English appreciation of 35 per cent is the world-wide appreciation, due to the increased quantity and decreased price of gold during this period. But the American advance of 20 per cent more than the British advance is due, in large part at least, to the heavy burdens imposed on the American consumer by the higher rates of the Dingley law. [Applause.]

WAGES.

But, Mr. Chairman, the defenders of protection, although they use every effort to convince the domestic consumer that the tariff duties have not and will not increase the prices that he must pay for what he buys, are brazenly inconsistent when they appeal to the wage-earner engaged in the manufacturing industries. They tell him that but for protection he must face the competition of the "pauper labor" of Europe and Asia, and that because of the protective duties his employer is able to pay him a higher wage. How is the employer able to pay a higher wage by the tariff, I would inquire, unless it be true that the tariff enables the employer to get a higher price in the home market for his goods? So it clearly appears, when we closely consider the argument that protectionist makes to the consumer on the one hand and to the wage-earner in the factory on the other, how entirely inconsistent and discordant are the arguments advanced in support of the system. It is, I think, necessary for us to examine the higher-wage argument, for I believe that upon it alone the Republican party won its last tariff victory, the election of 1888.

In the first place, I take issue, on high moral ground, with the soundness of the very essence of the doctrine, even if the truth of the contention be conceded for the purpose of the argument, though, as a matter of fact, I do not concede it, but most emphatically dispute it.

The doctrine that by law, by special privilege, by governmental favor, this Government ought to give to any class of capitalists or laborers a special bounty that must be paid out of the pockets of all the people is paternalistic to its very marrow and socialistic to the very last degree. The wage-earner who works in a factory is no more entitled to it than the wage-earner who works on the farm. [Applause.] The manufacturer or his employee is no more entitled to a bounty than the cotton planter or the wheat grower or the cattle raiser. It is not a correct principle of government to build up a few industries at the expense of many, or a few classes of laborers at the expense of all. If a combination can be made of special interests that are so favored that is strong enough to carry the elections, it may for a time succeed, but its success can never be enduring, because it is based on principles that are un-Democratic, un-Republican, and un-American; principles against which our fathers fought in 1776; principles that are completely antagonistic to the very genius of this Government, which was founded to bestow upon all men equality in opportunity and rights. [Applause.] But our Republican friends contend that the figures and statistics show that high tariffs in general, and the Dingley tariff in particular, have resulted in an increase in the wage of the American laboring man, particularly in manufacturing industries, and in support of this proposition, upon which they have now come to mainly rely, they grow vehemently eloquent and learnedly statistical.

Let me say here that the price paid for labor, just like the price paid for anything else, depends upon innumerable considerations besides the tariff laws, and usually entirely disassociated from them. Among those considerations that are highly important factors in determining the scale of wages might be mentioned the supply of labor and the demand for it, the efficiency or nonefficiency of the labor itself, the plenty or scarcity of money. But the Republican rejoinder to this argument is that American labor is the best paid labor on earth, and here they invite instead of shun foreign comparison. We, on our side, frankly concede that in nominal money wages American labor is the best paid on earth, but we say in reply to that:

1. High tariff duties did not cause the difference. Before the Government of the United States was established, before we had any tariff, Adam Smith in his Wealth of Nations called attention to the fact that American wages were twice as high as English wages, and one of the reasons advanced by Alexander Hamilton in his Report on Manufactures, in 1791, for the establishment of the protective-tariff system was that wages in this country were much higher than they were in Europe. To-day, with all the "protection" afforded by your McKinley law and your Dingley law, American wages are not as much higher than English wages as they were in Adam Smith's day. The difference in 1904 was that wages in New York were 79 per cent higher than money wages in London, and wages in the United States outside of New York City were 93 per cent higher than wages in Great Britain otuside of London according to the Report of the British Board of Trade.

Further, if a high tariff makes for high wages and a low tariff for low wages, why is it that in Germany, a most highly "protected" country, wages are much lower than in England where there is no "protection?" Why is it that the English "unprotected" wage is vastly higher that the French protected wage? And yet if we may believe the official figures given by the British Board of Trade in 1904 (vol. 1, p. 289), if 100 shillings be taken as the average wage paid to the English workingman in London, for the same work the French workingman in Paris only gets 86 shillings and the German workingman in Berlin only gets 57 shillings. Again, if 100 shillings be taken as the average wage received by the British laborer outside of London, then the French laborer outside of Paris only gets 63 shillings and the German laborer outside of Berlin only gets 63 shillings. So it seems that the protective tariff does not give the German laborer or the French laborer any advantage in wages over the British laborer, who has no protective tariff.

Again, on page 275 of the same volume of the Reports of the British Board of Trade, a most interesting table is given, showing the rise of wages in each of the principal commercial countries between 1881 and 1900. From this table it appears that the following has been the rate of increase in each of the countries named between those years:

	Per cent increase.
Great Britain	20.3
Germany	22.8
France	17.6
Italy	16.2
United States	13.4

From this table—and I do not apprehend that either its fairness or its accuracy can be successfully questioned, for it is both impartial and official—it would seem that in the matter of money wages our American wage-earner, even with the alleged aid of the McKinley and Dingley bills, has not advanced upward as rapidly as his brother in Germany, in Great Britain, in France, or even in poverty-stricken Italy. [Applause.]

In the next place, Mr. Chairman, we reply that the tariff has been a positive disadvantage to the American wage-earner, for it has increased the cost of living to him at much more rapid rate than his wages have risen. The figures that I have already

given on the rise of prices show an increase of 55 per cent since 1897. During that same period wages have not risen but 19.2 per cent, even according to the high estimate given by the Bureau of Labor in Bulletin No. 79, page 7 (March, 1907). What folly for the workingman to believe that the Republican party, or any other party that undertakes to create industries and fix values by law, will not take more from him with the left hand in the shape of increased prices for what he must buy than it will or can give to him with the right hand in the shape of tariff protection and increased wages for his labor.

In the third place, we reply that the American laborer does not get the highest wages on earth because of tariff favoritism, but because he earns it and is entitled to it by reason of his greater efficiency and larger productive power. Although the most highly paid nominally, yet when its productiveness and the labor cost to the employer is considered, American labor is the cheapest on earth. [Applause.]

In this connection let me call your attention to a part of the Report of the British Board of Trade on this subject (1904, vol. 1, p. 286):

At the outset it should be understood that the problem of comparing the average level of wages of the different countries is a very difficult and complex one, not only because of the defects of the data, but also because of the essential ambiguity of the problem itself.

1. We may approach the question of comparative wages from two entirely different points of view, leading to divergent, and, sometimes, even to opposite conclusions. We may either seek to compare the material well-being of the wage-earners or the wages cost of a given amount of work.

From the former point of view, we are mainly interested in the average money income of the wage-earning population, modified, of course, by differences in cost of living, but irrespective of differences in the efficiency of labor. If a bricklayer in France earns half the wages of a bricklayer in America, we should say his money wages were half as great, although, conceivably, the American might lay so many more bricks per hour that his labor might be even cheaper to his employer.

From the second point of view we are interested, not in the weekly income of the laborer, but in his wages regarded as an item in the cost of production, i. e., the wages cost of hewing a ton of coal, spinning a pound of yarn, or laying a hundred bricks, of course under identical conditions.

How entirely divergent are the above two methods of comparison will be realized from the fact that competent American economists are of the opinion that in the United States the average "labor cost" of a given volume of production is at least as low in Europe, if not lower, while the average income of the working classes is certainly higher in America than in any European country. However this may be, it is clear that the real cost of labor varies much less from country to country than the level of weekly wages or of yearly earnings, and that a high labor cost is compatible with low wages, and vice versa, owing to the variations in the efficiency of labor.

I invite your attention also to the following statement as to the relative productive capacity of the British and American laborer, from our Census Report on Manufactures (1902), part 1, page lxi:

He (Mulhall) estimated £107, or about $500, for Great Britain in 1894 and £270, or about $1,300, for the United States, the latter being nearly three times the English average. In 1900, the census shows an average product per wage-earner of $2,450, nearly five times Mr. Mulhall's estimate for Great Britain.

Mr. Chairman, whatever proportion of the wealth created by the union of capital and labor falls to the American wage-earner comes to him by reason of no tariff favoritism, of no Republican bounty. [Applause.] It comes to him, whether it be great or small, a fair or an unfair proportion of the wealth he has helped to create, as the reward of his sweat and toil, of his brain and brawn. He never gets more than his fair share, oftener he gets less, and to teach him that for what he does get he ought to be largely thankful to the Republican party and to the Dingley tariff is so monstrous a heresy that I have often wondered if any sensible, thoughtful, American workingman could really be deceived by it. It is a heresy, unfounded in truth, insulting to his manhood, and destructive to his self-respect.

The American workingman leads the world, sir, to-day, just as he has done for more than one hundred years, in efficiency and productive capacity. He is in no sense an object of charity and in no way requires a governmental subsidy to enable him to make his living. "In the sweat of his brow" doth he "eat bread," and for that bread he is beholden to no tariff, to no political party.

Mr. Chairman, now that the party in power has decided that it will follow the Roosevelt doctrine and "revise the tariff after the election," instead of the Cannon doctrine that it ought to be revised when we no longer have prosperity, many thoughtless persons are exclaiming that there will be no great difference between the parties on this great question; that both will be "for tariff revision." Ah, sir, but *what kind of revision?*

In deference to an ever-growing, not-to-be-denied public sentiment the Republican party will promise tariff revision; but tariff revision, if we may believe the general chorus their leaders are all shouting, along strictly *protective lines.*

The tariff revision for which the Democratic party will stand is, so far as I may venture to speak for it, a very different kind of revision. A revision, not in the interest of the protected classes and of the mighty monopolies, but a revision in the interest of the great body of the people, the consumers of this land; a revision along the lines laid down by the brilliant Robert J. Walker; a revision by wiping from the statute books that conglomerate mass of class legislation known as the "Dingley law," and substituting therefor a tariff for revenue only, levied upon the luxuries rather than the necessities of life.

If this issue between the parties be clearly and distinctly raised, so clearly and distinctly that there can be no hair-splitting about the meaning of words and phrases, so clearly and distinctly that the two opposite systems will stand out against one another in bold and startling relief, and the people can choose between the two, I am absolutely confident of Democratic success next November. [Applause.] On such an issue the party can and will win; far better, sir, it will deserve to win. [Long applause on the Democratic side.]

APPENDIX.

Address of Mr. Byron W. Holt, of the Reform Club, at the National Conference on Trusts and Combinations, at Chicago, Ill., October 22–25, 1907.

Mr. CHAIRMAN: Is the tariff the mother of trusts? No; monopoly is. Is the tariff a mother of trusts? Yes; a most prolific mother. Besides, it is a foster mother of nearly all of the trusts of which it is not the real mother. The home-market monopoly, created by our present outrageously high Dingley tariff, has clearly given birth to and nourished and protected more vicious and monstrous trusts than have all other forms of monopoly in this country. The world never before saw so many huge, thieving, preying combinations as are now with us.

The arguments and evidence in support of these statements are so strong and overwhelming that it ought not to be necessary to repeat them to an intelligent audience. I shall briefly enumerate some of them:

PROTECTION INVITES TRUSTS.

1. A protective tariff tends to restrict competition to the country protected. It stands to reason that it is easier to form a national than an international, or world, trust.

2. Protected countries have many trusts; free-trade countries virtually none.

3. The number, size, and effectiveness of trusts in different countries varies, roughly, with the amount of protection afforded by tariff duties.

4. The era of trusts began in this country with the passage of the Dingley bill—the culmination of protection run mad.

5. No trust of consequence was formed under the relatively low protective tariff act called the "Wilson bill."

The first proposition is axiomatic. It is clear that a tariff which keeps out foreign goods, and thus restricts the field of competition, not only invites, encourages, and promotes the formation of industrial combinations, but fosters and protects them, after they are formed, and aids them in controlling prices. The smaller the territory circumscribed by a tariff wall the more likely it is that the competitors in an industry, inside this wall, will get together to control production and prices, within the wall, however free they leave themselves to cut prices in outside territory.

Fortunately for us, we do not have tariff walls around States, counties, or cities. The rates of duty of the Dingley bill would be unbearable and would not be tolerated by the most patient people on earth, if applied to a very small country or to a single State. Under such conditions our States would be overrun with trusts even more than they now are, and the sum total of the tariff graft, instead of being $1,500,000,000 a year, as now, would be two or three times as much. However, this country would not have attained its present great population and wealth had each of our States been surrounded by Dingley tariff walls. Its prosperity is largely due to the fact that, considering its internal commerce, it is the greatest free-trade country on earth.

The second and third propositions are based on facts. Unquestionably there are more and stronger trusts in protected than in free-trade countries; in countries of high than in those of moderate protective duties.

Congressman LITTLEFIELD, of Maine, a stanch Republican and protectionist, published, in 1903, in the CONGRESSIONAL RECORD, a list of 793 trusts with a total capitalization of $14,000,000,000. Of these trusts 435, with over $9,000,000,000 of capital, were industrial combinations. Nothing like this number of trusts has ever been found in any other country.

BUT FEW TRUSTS IN ENGLAND.

The Industrial Commission, a Republican partisan protectionist body of the most pronounced type, sent Prof. J. W. Jenks to Europe to find as many trusts there as possible. He found 35 so-called "trusts" in England, with a total capital of $460,000,000, or less than one-third that of our pet steel trust. He quoted tables from Liefman's book showing that there had been 345 trusts in Germany, and that from 230 to 250 were in existence there in 1897. He stated that "in England the movement toward combination has not gone so far as in either Austria or Germany"—both highly protected countries. He stated that the English trusts have but little water in their capitalization as compared with American trusts; that the English trusts have had little or no effect in advancing prices, and that the (then) recent slight advance in prices was "due in good part to the increase in the prices of the raw materials." In Germany he found that many of the trusts, taking advantage of the high tariff duties, had advanced prices very much. This was particularly true of the iron and steel trusts and of the sugar trust, or cartel, both of which pattern after our much larger trusts and sell goods for export much below the home prices.

Other writers find even fewer trusts in England than did Professor Jenks. Mr. Wilhelm Berdrow, a German economist, says in the May, 1899, Forum:

"As far as England is concerned, it must be admitted that the trust system has as yet found but tardy acceptance in that country. This is doubtless due in some degree to the thorough appreciation of the principle of free trade; for it is well known that the largest trusts are powerless unless their interests are secured by a protective tariff excluding from the whole market the product of foreign countries."

Mr. Thomas Scanlon, of Liverpool, writing of trusts in England, said: "It can not be said that we suffer in any appreciable degree from combinations of producers to keep up prices."

These and other authorities virtually agree that, instead of the price-raising, Congress-controlling, law-defying, bulldozing, and all-powerful tariff monsters with which we are familiar in this country, the so-called "trusts" of England are really only harmless syndicates, with little or

no control over prices. They exist not because they have any monopoly, but because production can be carried on more economically on a large than on a small scale. If they attempt to control prices, as did the recently formed soap trust, they commit what, in England, is regarded as the unpardonable sin. The soap trust endured but a few short weeks. A really free people would not stand, for one month, the robbery of any one of our scores of plundering tariff trusts.

The testimony is overwhelming that trusts do not flourish in free-trade England as they do in protected Austria, Germany, and the United States. Nowhere, outside of the Republican Campaign Book and of the organs of protection, published by the organizations supported by the protected interests, is it even pretended that England has trusts comparable to those in this country. These organs brazenly disregard and defy all known facts. Thus the Republican Text-Book of 1900 said:

"England has no tariff, and trusts exist and flourish in free-trade England—trusts more monstrous than any that we know anything about."

These monstrous trusts, it was said, "are solely, thoroughly, and absolutely the product of the Cobdenite free trade."

The American Economist, organ of the Protective Tariff League, on October 18, 1907, says:

"Former Governor Douglas says the only way to save this country from the trusts is to cut down the tariff. Douglas would have a terrible time telling the British people how they were to get out of the clutches of the trusts. They are in the clutches more than the people of the United States, and they have no tariff to cut down."

I hesitate to say that the writers of these statements knew them to be false and that they deliberately distort and falsify facts and figures in order to deceive the voters and to prolong our accursed tariff system. I prefer to credit such misrepresentations to the overzealous efforts of protection fanatics who honestly believe that foreign trade and commerce is a curse and who would like to see each country surrounded by walls of fire.

DINGLEY BILL USHERED IN ERA OF TRUSTS.

While the truth of proposition four is well established by facts, it is also true that a few of our important trusts were formed under the auspices of the McKinley bill of 1890; three or four even antedating 1890.

Census Bulletin No. 22, issued, I believe, in 1900, contained information concerning 183 "industrial combinations," as they were modestly called, with a total authorized capital of $3,607,539,200. Of these 183 trusts, 7 were formed in 1897, 20 in 1898, 79 in 1899, and 13 in 1900 prior to June 30. Nearly two-thirds of these trusts were, therefore, formed in the three years following the passage of the Dingley Act.

Mr. John Moody's The Truth About the Trusts was published in March, 1904. It contains a list of 318 important active industrial trusts with a total outstanding capital of $7,246,342,533. Of these 318 trusts, 236, with a capitalization of $6,049,618,223, were formed since January, 1898. It thus appears that about three-fourths of the important trusts in 1904 were formed since the passage of the Dingley bill and that the capitalization of these trusts was more than five-sixths of the total capitalization of all trusts.

NO IMPORTANT TRUSTS UNDER WILSON BILL.

Only fourteen of these trusts were formed while the Wilson bill was in force. Of these fourteen, two were formed before and were only reorganized during the Wilson bill period. One, the Borax Consolidated (Limited), was incorporated in England, and was the outgrowth of a most obnoxious American trust, born in 1890, I believe. Another, the Consolidated Lake Superior Company, was named in 1897, but did not really become a trust until 1901. There were, then, really but ten trusts, with a total capital of only $108,150,000, that can properly be credited to the Wilson bill period. Of these ten trusts The Virginia-Carolina Chemical Company, capitalized at $57,000,000, has since been reorganized. The remaining nine, having a capitalization of only $51,150,000, include several patent combinations and the Pure Oil Company, one of the most successful competitors of the Standard Oil Company.

The Wilson bill, then, was not the mother of a single successful trust of any consequence. This is a rather remarkable fact when it is considered that the Wilson bill rates were only slightly lower than those of the McKinley and Dingley bills. Its duties were, however, much less protective than those of the other bills. From these facts we may infer that moderate protection will not give birth to many important trusts and that inordinate protection is necessary to overcome the natural tendency of individual manufacturers to hang on to the businesses which they have built up. These facts are also suggestive to some of our mighty statesmen who are vainly trying to "bust" trusts by court proceedings, and without taking away from them the special tariff privilege which nourishes and sustains them. It is as if our nation should try to prevent drunkenness and its many evils by legislative enactments, while maintaining public saloons for the free distribution of whisky and other alcoholic drinks.

It being, then, established that our Dingley tariff breeds trusts as naturally as a tropical swamp breeds mosquitoes, we are ready to consider another phase of the tariff-trust question.

TARIFFS, TRUSTS, AND PRICES.

Not only did the Dingley Act usher in an era of trusts, but it also ushered in an era of high prices. Professedly, a trust is formed to reduce the cost of production and to establish and maintain fair and stable prices. Actually, most trusts are formed to create a monopoly, to put prices as high as possible, to reduce wages, and, in general, to make profits.

The trust promoters "got busy" almost before the Dingley bill was signed by President McKinley. They made hay while the tariff sun was shining; they are still in the harvest field, though the hay is nearly all garnered—nearly every article of necessity, except farm products, being the product of some protected trust that fixes prices at the maximum profit point. The trusts lost no time in elevating prices—some 25 per cent, some 50 per cent, and some 100 per cent. The price of wire nails was yanked up from $1.40 per keg in July, 1898, to $2.45 in July, 1899, and to $3.30 in January, 1900. The price of barb wire was pulled up from $1.80 per hundred pounds in July, 1898, to $3.30 in July, 1899, and to $4.13 in January, 1900. It having become evident to the presiding genius then at the head of the American Steel and Wire Company that prices were so high that they were checking consumption, he promptly and precipitately lowered prices of wire and nails one cent a pound. The price of tin plate was lifted from $2.85 per hundred pounds in July, 1898, to $4.05 in July, 1899, and to $4.84 in January, 1900. The price of steel beams was raised from $1.20 in 1897, to $2.40 in 1900. The price of plate glass rose 150 per cent from 1897 to 1900. The price of window glass was shoved up from $1.75 in April, 1897, to $4.80 in April, 1901. Similar advances were made in the prices of most of the other iron and steel products, lead, borax, and of many other articles.

Since 1897, and especially since 1899, the prices of trust products have been maintained at extremely high points. Because of excellent crops, sold at good prices, this country has been prosperous since 1897. But the protected trusts have skimmed the cream of our prosperity and have left only the skimmed milk for workingmen and farmers. Money wages have risen, but tardily and slowly, and only about half as much as has the cost of living. The prices of farm products, until this year, had risen less than had the prices of most manufactured goods.

The average rise of prices is best shown by Dun's index numbers. These include the prices of 350 commodities and give each a weight in accordance with its importance in consumption. On July 1, 1897, Dun's index number was 72,455; on March 1, 1907, it was 109,913, showing an advance in average prices since 1897 of 51.7 per cent. By April 1, 1907, there had been a decline of about 2 per cent. For some reason Dun's figures, which until then had been published regularly for thirty years, have not been published since April. It will be recalled that, because of the cold spring, the prices of cotton, wheat, corn, oats, etc., rose rapidly during April. Possibly there was some connection between these two facts. Possibly the publication of these cost-of-living figures was "accelerating public sentiment" in the wrong direction—for the trusts. It is worth noting that one year previously the Department of Commerce and Labor, at Washington, suddenly ceased to publish Dun's tell-tale figures in its monthly reports. There was considerable of a "spread" between Dun's and the Government's figures of prices, and the spread was growing rapidly. These coincidences may have had nothing to do with the stoppage of the most scientifically constructed cost-of-living figures ever published. Regardless of economic or political consequences, we earnestly hope that Dun's Review will soon continue to give the world the benefit of its price tables.

Bradstreet's less scientifically constructed figures show an increase in wholesale prices of 56 per cent from July 1, 1898, to March 1, 1907. The figures of the Labor Bureau at Washington show that wholesale prices averaged 40.6 per cent higher in 1906 than in 1897. They show that retail prices of food averaged 15.7 per cent higher in 1906 than for the ten years from 1890 to 1899. These Government figures are very unsatisfactory and are evidently made to order. Almost any kind, and almost all kinds, of retail prices can be obtained, even on different streets of the same city. They afford excellent opportunities for trick juggling. It is fair to assume that these opportunities have been utilized. We know that the statistics of the census, so far as they relate to wages and manufactures—especially in the protected industries—are juggled so that they are almost worthless.

It is reasonably certain that the price level in this country is now between 50 per cent and 60 per cent higher than it was ten years ago. It is not pretended that all of this advance should be credited to the Dingley tariff and its brood of trusts. The Labor Bureau report of last spring suggested that "internal revenue and tariff acts have in a marked degree affected prices by helping them to move upward." This is undoubtedly true. About how much of the advance should be credited to the tariff and trusts can be learned from a comparison of our price figures with those of England, where there are no protective duties and no tariff trusts.

Sauerbeck's index numbers advanced 35.1 per cent from July, 1896, to March, 1907—from 59.2 per cent to 80 per cent. The index number of the London Economist advanced 37.6 per cent from the end of 1897 to March, 1907. Since March last it has declined rapidly and is now only 30 per cent higher than in 1897. Its figures in 1897 were 1,890, and on October 1, 1907, 2,457.

It is evident from these figures that during the last ten years prices have risen about 55 per cent in this country and 35 per cent in England. The 35 per cent advance is undoubtedly due to the depreciation of gold. A similar advance has occurred in all countries. The greater advance in this country, Canada, and Japan can fairly be credited to the higher tariffs of these countries and to the protected trusts.

AMOUNT OF TARIFF GRAFT.

To be perfectly safe, suppose we credit only 15 per cent of this rise in prices to our tariff and tariff trusts. What an awful charge against them! We probably consume about $14,000,000,000 worth of goods in a year. Fifteen per cent of $14,000,000,000 is $2,100,000,000—the amount of the tariff-trust graft. Estimated in other ways, and especially by considering the tariff duties on each item and the difference between foreign and domestic prices, it appears that the tariff graft is fully $1,500,000,000.

This graft is far greater than any possible graft from railroad rebates or overcharges, of which we have heard so much lately. It is almost equal to the total gross receipts of all of our railroads—slightly more than $2,000,000,000. It is more than twice the net earnings of all of our railroads.

It is this tariff-trust graft that is most largely responsible for the swollen fortunes that have caused our President such grave concern. He suggests inheritance taxes to lessen somewhat the rapidity of the growth of these tariff swellings. How inconsistent! If he wants not only to stop the growth of but to reduce these obnoxious swellings why does he not try to stop the cause of the swellings? Why does he not attack the tariff walls behind which the trusts and the predatory wealth are intrenched? Are our tariff schedules sacred? Is there any other way to "bust" the trusts so that they will stay "busted," than to "bust" the tariff schedules that shelter the trusts? What does it benefit the common people to have a trust illegalized if its products are sold at higher prices after it is under the ban of our courts? If, by high tariff duties, we license the trusts to prey upon us, can we hope to stop their depredations by the warning fingers of our courts? If we turn the hogs into the garden, can we expect them to refrain from eating the good things there? Is it not clear that the real remedy for trusts is to cut the tap root from which they derive nourishment—the tariff? Is any other remedy half as easy to give or half as certain in its results?

Take the greatest of all trusts—the United States Steel Corporation. It is as clearly a trust and as clearly illegal as was the Standard Oil trust when it was declared illegal. But does anyone suppose that the steel trust would pay any more attention to court decisions—so far as prices are concerned—than did the Standard Oil trust? The tariff graft of the steel trust is between $50,000,000 and $100,000,000 a year. To-day it holds the keys to the tariff situation at Washington. It controls the Finance Committee of the Senate and the Ways and Means and Rules Committees of the House. It lets nothing get by it in the tariff line. It is the chief of stand-patters—at $75,000,000 a year. It will not give up its tariff keys without a desperate struggle. Those who think otherwise do not know the tariff situation at Washington and do not appreciate the power of the billion-dollar tariff-trust graft.

Other trusts have been "knocked out" by our courts, but are still doing business at the old stands and are charging higher prices than ever. Some of these are the sugar, beef, coal, pipe, and paper trusts. What do these trusts care for court decisions? In no instance have

the consumers benefited by antitrust action. Why is the farce continued? Is it to throw voters off the trail? Why not cease barking up the wrong tree? The real remedy for most trusts lies in the removal of the tariff that protects them. This action will not injure the good trusts—those that produce cheaply, sell at fair prices, and charge Americans no more than foreigners for their goods. It will, however, cure most of the evils of big industrial combinations. It will stop them from fattening on the lifeblood of the nation.

TARIFF CONTRACT VIOLATED.

It is not generally known that protective tariff laws got on our statute books through false pretenses. They were put there with an understanding, amounting to an implied contract, that they would be removed should the protected interests at any time combine to stifle competition and to put up prices above a reasonable basis. Here is what Senator John Sherman said in 1899:

"The primary object of a protective tariff is to secure the fullest competition by individuals and corporations in domestic production. If such individuals or corporations combine to advance the price of the domestic product and to prevent the free result of open and fair competition, I would, without a moment's hesitation, reduce the duties of foreign goods competing with them in order to break down the combination."

Mr. Blaine, in his Twenty Years in Congress, says:

"Protection in the perfection of its design does not invite competition from abroad, but is based on the contrary principle that competition at home will always prevent monopoly on the part of the capitalists, assure good wages to the laboring man, and defend the consumers against the evil of extortion."

Mr. Andrew Carnegie is quoted, in the American Manufacturer, of Pittsburg, under date of July 25, 1884, as saying:

"We are the creatures of the tariff, and if ever the steel manufacturers here attempt to control or have any general understanding among them the tariff would not exist one session of Congress. The theory of protection is that home competition will soon reduce the price of the product so it will yield only the usual profit; any understanding among us would simply attempt to defeat this. There never has been nor ever will be such an understanding."

Notwithstanding the statements of these eminent protectionists, the protected interests have taken full advantage of their tariff-monopoly privileges and have combined and put up prices. Moreover, the tariff has existed through several sessions of Congress since these trust conditions have been known. The protected interests have broken their contracts. Why has the tariff not been taken away from them? When will Congress do its duty? When will it protect the people in the only way that they can be protected from the protected trusts?

MESSAGE FROM THE SENATE.

The committee informally rose; and, Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed, with amendment, the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota, in which the concurrence of the House of Representatives was requested.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. Mr. Chairman, I yield an hour, or so much thereof as the gentleman may need, to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Chairman, on the 16th of last December I introduced in this House a bill providing for a banking and currency commission, to consist of nine members to be appointed by the President, two to be residents of Eastern States, two of the Middle Western States, two of the Southern States, two of the remaining States of the Union, and one from the Republic at large. The bill provides that these commissioners shall have public hearings of not less than three days each in the cities of New York, Chicago, St. Louis, Denver, Fort Worth, New Orleans, and Atlanta, and such other places and under such rules and regulations as the commission may provide.

The bill also provides that they shall cause to be filed with the Clerk of this House, not later than the 1st of December of each year, a stenographic report of these hearings, and also their recommendations as to the revision of our banking and currency laws with reference to devising such a system as, in their judgment, is best calculated to meet the needs of our country.

I wish, as briefly as I can, to discuss to-day the reasons which actuated me in introducing that bill and which impel me now to earnestly press its adoption. In the first place, to touch the banking and currency question under present conditions is a serious undertaking, not one to be entered into hastily or unadvisedly.

The best estimates of the total wealth of this country run all the way from one hundred to one hundred and fifty billions of dollars; our annual foreign and domestic commerce exceeds twenty-six billions of dollars; the banking power of this country is seventeen billions of dollars as against twenty-seven billions of dollars for all the rest of the world; the capital invested in banks in this country to-day, including surplus and undivided profits, is something over two billions and a half of dollars, and the book deposits in these banks is in the neighborhood of fourteen billions of dollars. The clearings of the different clearing houses in the cities of the United States, as shown by the last report of the Secretary of the Treasury of the United States, were during the last fiscal year, in round numbers, one hundred and fifty-four billions of dollars. These figures stagger the human intellect. And all of these great interests rest upon a money system of about three billions of dollars, which, in fact and in turn, rests upon gold aggregating about one billion and five hundred millions of dollars. Those who think about this question must recognize the danger of either contracting or inflating the currency of the country, and it is rather difficult to tell, dependent upon conditions, which is the more dangerous. My own opinion is that inflation is more dangerous to the whole people in the long run than contraction. This situation is intensified by the fact that perhaps no great subject before the American people involves as much ignorance as banking and currency. I undertake to confess my own ignorance of the subject, and if any of my colleagues are not ready to plead guilty to the charge I believe I will be able to prove their guilt in a cross-examination of twenty-five minutes. The people at large do not know themselves what they want in the way of banking and currency legislation. Nor does Congress know what it wants, nor do the bankers themselves know what they want. The average banker knows nothing of banking and currency as a system. He has only paid attention to existing law sufficiently to acquire knowledge of how to operate the business and keep out of the penitentiary, and make money under his banking authorization.

The prevalent idea that banking and currency as a system is generally and thoroughly understood by the bankers of the country has no foundation in fact, as they will frankly admit when you talk to them about the subject. The reason of this is obvious. We have had great agitation, politically and otherwise, in the press and on the stump about such things as coinage, silver, gold, the tariff, colonialism, and all of that, but we never have had since the civil war or the inauguration of our present banking system any widespread discussion of banking and currency as a system. We have had the Industrial Commission, we have had the Monetary Commission and the Tariff Commission, and widespread research and information poured out to the people, but no such advantage with reference to our banking and currency laws. Not only that, but this is an era of intense and divided political activity. Perhaps never in the history of this country since the civil war has there been in all parties so radical and so intense a difference upon various subjects of legislation as now.

The great party now in charge of this Government is in the struggle of its history to determine whether it shall be a reactionary or a progressive or a stand-pat medium party. Whether it shall become a Roosevelt-Taft Republican party, a Foraker-Fairbanks Republican party, or whether it shall become a Cannon-Knox medium party no man can tell, even in the Republican party itself. These differences, now rapidly disappearing, to a degree have existed among the Democratic organization. Now, what does all this have to do, you say, with this question? It has this much to do with it: No man of sense and patriotism will contend that the banking and currency system of this country ought to be dragged into the domain of partisan politics. There is no reason for it, there is no sense in it, and there is infinite injury in it to the whole people of this country. I came to Congress a very intense partisan Democrat. My own judgment is I am a better Democrat than when I came here; but I know I am far less of a partisan than when I came. And I have a firm, settled policy in my own mind to keep this question out of the domain of partisan politics, and I think if we do that the solution will be the better for the country. [Applause.] Unless some such plan as I suggest is adopted on this great subject, the one remaining great subject of so wide interest to all our 80,000,000 people, and which touches all the great progressive industries of this country, will be thrown into the vortex of Presidential, Senatorial, and Congressional politics, which will obstruct the wise solution of the questions involved in this discussion. That is a reason, in my judgment, why all men should unite in the adoption of some such plan as I propose. I send to the Clerk's desk, and ask to have read, an editorial from the Houston Post of February 1, a leading partisan Democratic paper in the State of Texas, which as a State perhaps is more interested in the emergency currency, which would affect the moving of our crops to the extent of from $200,000,000 to $300,000,000 a year, than any other State in the Union, and yet this paper is willing for nonpartisan purposes to take this position.

Please read, Mr. Clerk.

The Clerk read as follows:

MR. BURGESS'S CURRENCY COMMISSION BILL.

Representative BURGESS made an eloquent plea the other day before the House Committee on Banking and Currency in advocacy of his bill providing for the appointment of a currency commission. It is Mr. BURGESS's belief that the currency problem should be taken from the domain of party politics and that as a first step toward its solution a commission of nine men should be appointed to investigate the

great monetary systems of the world and formulate some plan that will best serve the interests of the country.

Mr. BURGESS told the committee that neither the bankers, Congress, nor the people knew enough of the currency question to justify the adoption of any plan now offered. While this is rather a strong declaration, it is undoubtedly true. The greatest divergence of opinion respecting the currency is found among the bankers. Not one Congressman in a dozen pretends to know anything about it and few of the people ever enjoy an opportunity to study its abstrusities. Under present conditions Congress will not adopt any plan whatever, not because the bills presented are without merit, but because Members are not sure that the proposed changes will improve the present currency system.

The people are likewise uncertain. They distrust the measures formulated by bankers, because they fear that the banks will be given even greater advantages than they now enjoy.

In this diversity of sentiment the prospects for relief are remote. Ultimate reform is possible only when a system is devised by men in whose wisdom and unselfishness the people and the financiers have confidence. A bill formulated by a partisan majority will never command the confidence of the country. Therefore it is essential to eliminate partisanship and create a commission that will devote the necessary time to the investigation of the problem. Otherwise, it is improbable that Congress will ever do anything in the premises.

The appointment of such a commission as Mr. BURGESS advocates will be a long step forward in the direction of reform. Its nonpartisan character, assuming that the members would be men of ability, would allay the suspicions which Congressmen and the people usually entertain toward all currency measures, and the final report would be such a presentation of all the questions involved that Congress and the country could understand them.

The very certainty that both parties will hesitate to accept any measure offered by a partisan committee makes it advisable to first lift the question above the plane of party politics. When that is done substantial progress toward currency reform can be made.

Mr. BURGESS. Mr. Chairman, under such a condition, the pressure is enormous to make the Senator or the Representative adjust his views of banking and currency to the local political conditions which confront him. It is useless to deny that but few men in public life are brave enough, big enough, to determine a course and unflinchingly pursue it uninfluenced by political conditions which involve their continuity in office. To assert this is to say what all of us know and feel, is to confess the truth, which is that Congress needs courage vastly more than it needs capacity. If my plan could be adopted, this great subject of vital concern to 80,000,000 of people who possess more than one hundred billions of wealth, and whose annual foreign and domestic commerce exceeds $26,000,000,000, could be lifted out of the turmoil of partisan politics and the whole body of the people be led into a discussion of the situation, and out of such educational process a wise, nonpartisan, nonsectional, and business revision of our banking and currency laws be effected.

I attach much importance to the provision of my bill which makes it mandatory to have at least three days' public hearings in the various centrally located cities of the Republic. Banking, like every other business, takes color from its environments. The customs and the products of the people vary in different sections, the great mining interests, the great wheat interests, the great corn and cotton interests, the great cattle interests, the great investment interests of the East, each have their various lines of banking. Each of these various sections, to a greater or less extent, has a local press which reaches the majority of the people of those different sections. By having these hearings in accordance with this provision, thoughtful men in every section will have their interest awakened, their knowledge increased, and the tendency will be inevitably for all honest thinkers to urge some good plan best adapted to all the varying needs and conditions of trade throughout this wonderful country. It may be, Mr. Chairman, that such a commission might not recommend to Congress a banking and currency bill that would be passed by the body, but I venture to say that much of the existing ignorance and differences and political by-plays would disappear, and that the country and Congress would much more easily and with much more confidence enact a measure than is possible here and now, and it is of very great importance that any comprehensive revision of our banking and currency laws should be adequately discussed and, at least by those engaged in the business, be generally accepted in advance of its actual operation, so that confidence so absolutely essential to its success may not be shaken and the system at the beginning rendered ineffective.

Mr. Chairman, already we hear in this end and at the other end of this Capitol mutterings about majority and minority bills. They have already pending in the other side of this Capitol a so-called "majority bill" and a so-called "minority substitute;" and if the committee of the House ever brings in anything except some such measure as I propose, I predict we will have a repetition of this miserable situation at this end. What confidence will the American business men and the American people have in a mere political scramble over office by making use of a great business question?

Mr. OLLIE M. JAMES. Will the gentleman allow me to ask him a question?

Mr. BURGESS. Certainly.

Mr. OLLIE M. JAMES. You propose to appoint a commission; now, will you point to the successful operation of any commission in the history of the Government?

Mr. BURGESS. I believe no commission was ever appointed by Congress to collect information that was not worth infinitely more than it cost, and if it was not, the trouble grew out of the fact that people were not willing to study their reports. I think the Industrial Commission and its report had a profound influence in this county; I think the Monetary Commission and its report had a profound influence in this country; and I think the Tariff Commission and its report had a pronounced influence in this country; but the trouble was just what I am trying to avoid now. There were party differences about the questions with which they dealt, and men lined up with party regardless of what was said in the reports.

You wait until we have the Waterways Commission report, and see what a profound effect that will have for the general good of this country, in my judgment. I do not contend that this Commission's report would be followed by legislation exactly in accord with the recommendations made by it; but I do contend that growing out of it and the education of the masses of the people, under the methods prescribed in my bill, we will be infinitely more apt to have a successful measure, which will be accepted by the whole people than by any bipartisan legislation we may secure now.

Mr. OLLIE M. JAMES. Will the gentleman permit an interruption?

Mr. BURGESS. Yes.

Mr. OLLIE M. JAMES. You admit, however, that no recommendation made by the Commission was incorporated into law. Now, a commission is constituted only of men at last. Would not partisanship creep as much into a commission, and would not individual interests, corporate interests, and every class of interests creep into the Commission more easily even than into the membership of this House?

Mr. BURGESS. I do not think so, for this reason: They will be appointed under my bill as the representatives of great sections, to speak for the interests of their sections, and they will not be candidates for reelection at the hands of their constituents, which is the trouble now about this question, in a partisan way. We may as well confess the truth. All of us are more or less inclined to hold our ears to the ground and to preserve that telephonic, sympathetic connection which will promote continuity in office, and that is demonstrated now by the different views and positions that men take on both sides of this question.

But another proposition: Is it not wise, before legislation occurs, to arouse public thought and legislate in accord with an intelligent public demand? What kind of a Government is this? Do we own the people or do the people own us? Do we represent the people? Is it not wise, and especially so with a banking and currency question, so much dependent upon a wide public confidence—is it not infinitely wiser that before we act in a matter like this we discuss the situation broadly with the people and bring into cooperation and harmony, as much as possible, all the various channels of public thought? This will be done under the terms of my bill.

Banking is a colorable business. It takes on form and character largely from the locality and the products and the people with whom the business deals. There are mining banks, lumber banks, sugar banks, rice banks, stock banks, cotton banks, cattle banks, and so on through the great interests of this country. Under this bill public hearings would be held in all the great centers, all the great cities of the country, and the local press which is issued in each section would teem with the hearings and the views of these different representative citizens as to what they thought should be done. The trouble often about hearings is that only the few who have money to pay their way and their hotel bills come to the hearings. We ought to go to the people with these hearings and let the people read in the local press what their representatives think about it, and out of the concensus of discussion and public thought all over the country it is certain, in my judgment, that we will ultimately get wiser legislation for all time to come than we will by any jumped-up legislation that you can whip through this House by any political power on one side or the other or a combination of both.

But there is another reason, potent in the exposition of the strength of the previous reasons, and that is, that the number, nature, and variety of the causes of our present condition preclude any present remedial action. *It is my deliberate judgment that no analysis of the causes of our present condition which approaches accuracy suggests even the possibility of any present remedial legislation.*

Now, let us look into the causes of this so-called panic, and we

will find here the same magnificent disagreement on diagnosis among the Senatorial and Congressional doctors that we find on remedies, when we look at the various bills that have been introduced. One very distinguished Republican, whose views I do not indorse on most public questions, but whose splendid ability and whose dauntless courage challenge every man's admiration, Senator FORAKER of Ohio, says that this panic was produced by a Roosevelt raid on railroads. He is bold and independent about it. He speaks of the billions of dollars involved in these great properties, of arousing public sentiment everywhere to war on them, national and State, of tying up and depressing their securities, of affecting the whole great transportation business of the country, producing this panic. Now, I am one of those who cheerfully voted for the control of the railroads. I believe it is Democratic legislation, and I would not stop in its support because our distinguished friend in the White House became Democratic on that subject and took our three national platforms and recommended their adoption in a Republican House.

Nor do I fall out with my distinguished Republican friends because they suddenly became Democratic in their desire to serve the people in this matter, but frankness forces me to admit that there is a measure of truth in Senator FORAKER'S contention. It was unavoidably true that the attempt to regulate railroads in their rates was to affect the price of their securities, and especially those that had been boosted to a speculative value and those held in Europe. But that does not concern me, however, because if the legislation was just, and I believe it was, it ought to have been enacted, no matter if the effect was unavoidably to hurt the owners of property that had been mismanaged.

But I think that was not a very great cause operating in this panic, as a matter of fact. Of itself it would not have amounted to a ripple on the great financial shore. Two other distinguished Republicans have put that issue more broadly. Ex-Governor Frank Black, who, by the way, nominated President Roosevelt at the last Republican national convention, has recently said, in effect, that this panic was produced by the "man on the barrel;" and Chancellor Day, another distinguished gentleman, has likewise said, in substance, that this panic was the legitimate result of the Roosevelt raid on prosperity and attack on anybody that had any capital or that was trying to do any business.

I do not think myself there is so much in that. I am sure there is nothing in it in so far as President Roosevelt has been Democratic in his policy. I am not so sure but what there is something in it in some policies he has advocated which are un-Democratic, un-Republican, and un-American.

President Roosevelt has advocated the control by the Federal Government of all corporations engaged in interstate business. Seventy-five per cent of the business in this country is done by corporations in interstate business. Doubtless it was true that the holders of these great securities, as great and greater, authorities say, than the total securities of all the railroads in the United States, became alarmed; they feared that Roosevelt's success in regulating the railroads might be speedily followed by his success with Federal regulation of all corporations doing interstate business. That doubtless had the effect to depress the industrial securities and to cooperate for the depression of the railroad securities and to some extent in precipitating the panic. If so, no Democrat can be held responsible, for that policy was never written in the Democratic platform and, in my judgment, never will be. I do not care to discuss it further than to say that it is centralization "gone to seed."

Not only that, but President Roosevelt has recommended a graduated income tax. The Democratic party has declared for an income tax. It did pass such a law. The Democratic party is now for an income tax, but I hope it never will be foolish enough to declare for a graduated income tax, which is an unjust, unfair, un-Democratic, and un-American as a graduated ad valorem State tax on land would be. It means an increase of burden upon every man who has ability enough to increase his income. It violates all Democratic taxation principles and is confiscatory.

Not only that, but Mr. Roosevelt has recommended a Federal inheritance tax. That has never been declared for in any national Democratic platform, and I trust it never will be; not because the tax is not a fair one, but because it is a matter that ought to be handled alone by the States. It rests on such distinct grounds as pertain, in my judgment, alone to the powers of the States with reference to the holding and final distribution of property and the protection of property rights. An inheritance tax, if one is enacted following the logical situation, ought only to be by State enactment. The Federal Government has nothing to do with property and its descent and distribution, and has no business to go into that subject to derive Federal revenue from it.

The late President McKinley was rapidly producing an era of good feeling between the sections and among the classes, and undoubtedly was generally popular, and especially so among the capitalistic classes. The late Senator Marcus A. Hanna was still stronger with these classes, and was as close to the President as any man living. The fact that immediately after the death of President McKinley President Roosevelt proclaimed his purpose to follow in the footsteps of his illustrious predecessor predisposed this class toward President Roosevelt. The fact that President Roosevelt began soon thereafter to proceed upon utterly distinct and new lines, which were not approved by these classes, tended gradually to bring them into antagonism with him, and his success before the people and in Congress produced more and more alarm and disquiet in the centers of industry and finance, which has grown intense down to date. I am not discussing the wisdom of his course; I am stating the fact as tending to produce a condition, cooperative with other matters, which tended to precipitate the panic and to make it worse when it came. Again, it is a mistake to assume that all Republicans believe in the extension of Federal powers at the expense of the powers of the States, and large capital becomes easily suspicious along this line. It is my judgment, whatever else may be said of President Roosevelt, that he is, of all the Presidents in the history of the Republic, the centralizationist of our history, and that by word, act, and deed he has done more to magnify the Presidential office unduly and to extend the Federal power than any President the country has ever had, and hence is, in fact, further from fundamental democracy than any President the country has had.

Well, I shall not get more partisan than that. I wish simply to mention briefly those things which in my judgment have mingled with the real causes of this panic, and let the blame fall where it may, I shall be true to myself and my subject as I see it. Another man says that the bulk of this panic was caused by Wall street speculation. There is much in this in my judgment, but I am not willing to lay all the blame on the back of Wall street. I do not think all the speculators and all the gamblers in the country live in the city of New York. There are perhaps more of them there, and they are bigger ones and worse ones in power and effect, but I see no difference in principle in speculation in Texas and speculation in New York. Another one says it was the hoarding of money on the part of the people. I think there is less in that than in anything I have heard assigned as a cause for the panic. *That was an incident to the condition, not a cause.* If the causes had not operated, there would have been no hoarding, and there you are. Another one says it was holding crops for market in the South and West. I live there, and I love those people down there, but I am not going to be a demagogue about it. Frankly, I think that had some slight effect in the matter, because to withhold the crops from market beyond the normal period of marketing had the effect to lessen the draft in our favor on European gold and to tighten the demand locally among us for money, and that had some effect in the general relation of things—not a very great one in my judgment, nor do I think it is one that ought to be condemned; for if a man owns anything that is the product of his brain or body or both, he has a right to hold it if he can until he gets what he thinks it is worth before he turns it loose.

Another one says that the cause was individual, municipal, State, and national extravagance. I think there is something in that. I think the individuals in this country, the municipalities, the States, and the Federal Government have been going at a terrific pace in expenditure for the last ten years. I think it is time to slow down all along the line, but I think that was rather an incident than a cause of the condition which really produced this panic. Another one says it was governmental favoritism by the Republican party. I would like, if I could, to avoid any partisan reference in this matter, but candor to my subject and fairness to myself compels me to say I think there is much in that. I think the centralization policy of the tariff, that the policy of centralizing wealth by favoritism generally, tends always to aid the production of a panic and to make it worse when the conditions produce it. Undoubtedly the administration of the Government itself by the Republican party has contributed much to the production of this panic and to its magnitude as well. I call to mind the fact that you have administered the Government so as to tax wealth out of the pockets of the people and to accumulate in the Treasury a surplus of about $250,000,000, thus contracting yourself the circulation of the money and then pursuing the policy of loaning this out for nothing, in the aid of Wall street mainly. And this method being known, it tended to sustain a speculative period,

and therefore to make the crash worse when it came. The Government ought to be economically administered, so as to make the revenues and the expenditures closely tally, since the taxes are taken up generally, and hence annually the circulation contracted. I wish just here to specifically condemn, no matter what Administration follows it, the practice of accumulating a big surplus in the Treasury, as well as that of loaning it out without interest, and of course, since we are human as well as partisan, to our bank favorites. I think it is true that for a series of years wealth has been taxed out of the pockets of the masses and into the pockets of the classes and that class legislation has given the classes the power to concentrate wealth in a large degree. These classes are massed about the great financial centers, and cooperate with, and in many cases are, stock gamblers, and hence when trouble comes it comes swiftly and with more deadly effect than it would if the wealth of the people had been evenly distributed under wise and beneficent laws, such as I hope to see enacted when the Democratic party comes into power. [Applause on the Democratic side.]

But it is my candid judgment that not any of these causes, nor all of them combined, would have produced this panic except for other things. I believe two things were mainly responsible for the present panic. Before I name them and elucidate that, I want to size it up in a breath, in a homely sort of way, when I say that for ten or eleven years this country has been on a protracted prosperity "spree," and it has got to "sober up." That is the whole story. All these other causes were more or less cooperative, but minor causes. The major causes were these two things. Let us look back a little. Fifteen years ago we were a debtor country; nearly all of our securities were held abroad. If you wanted to build a railroad you had to finance it in Europe, and if you wanted to go into any great industrial undertaking you had largely to do the same thing, and mortgages of foreign loan companies were plastered all over the soil from Maine to Texas. Two things began to happen, and they happened rapidly and continuously. First, our exports began to run up in excess over our imports. Beginning in 1896 down to date the balance of trade in our favor has been in round numbers four billions of dollars. The American wheat raiser, the American cotton raiser—for cotton is still king and will remain so for an hundred years—the cattle producers, got out their products into the markets of Europe more and more, year by year. Those were the three main articles that make up this great balance of trade, as reports from bureaus of your own Departments will show. What was the effect of that? It rapidly changed us from a debtor to a creditor nation, brought increased capacity to buy everywhere, opened up more farms and more ranches, and that stimulated all the avenues of trade, increased the foreign trade, operated to produce prosperity in the natural, God-given way it must be produced, for I want to say to you that I have contempt for the idea of producing permanent and universal prosperity by law. I believe that prosperity is a hybrid; that it is a product of the blessing of God in soil and season and the industry and intelligence of mankind combined. [Applause.] That is what makes America great. Cooperating with that there were sudden discoveries of gold and cheaper processes of mining, and there began to pour in a flood of money. That increase went into our circulation. We have added in ten years more than a billion dollars to our money in this country, every dollar good, every dollar equal in purchasing as well as debt-paying power with every other dollar.

That process has been going on annually. The last fiscal year we added in gold alone the amount of $125,000,000 to the circulation of our country, an increase of more than $75 per capita, based upon the increase in the population. To give the figures accurately from this last report of the Comptroller of the Currency, we had in 1896 a gold circulation of $8. We have now a gold circulation of $17. What did this all mean? Why, it meant an era of rising prices everywhere. Why? Because it is an eternal, immutable truth that value is the creature of relation. When you measure in dollars that are good it is an axiom that as you increase the dollars you increase the relation and increase the price. There is no escape from it. We have had an era of rising prices. Everything has been going up—stocks, bonds, lands; everything from goats to goobers have been going up for ten years in this country. What is the result of that? Why, every man who had any sense went plunging. He felt that it was a period in which he could get rich quick. He could afford to buy anything if he got it at a fair value now, and that next year it was a cinch it would be worth more; and we went on investing all the money we could get hold of and strained our credit to the limit. Confidence was universal, the country was prosperous, every man's credit was better than he ever knew it to be in all his life before, and all men everywhere rushed into business indiscriminately, looking to the womb of futurity to wring out profits for him. The bears went permanently into winter quarters; the bull was rampart everywhere—in the stock market, in the produce market, in the grain market, in the cotton market, in the real-estate market, in the vegetable market; everywhere the bull was getting in his work, and our Republican friends, with all the political tricks they were capable of and led by the matchless business-vote catcher, Marcus A. Hanna, began whooping this thing for all it was worth. They were going out on every stump, and they were preaching "prosperity follows the flag of Republican victory." [Applause on the Democratic side.]

"No calamity can afflict the American people so long as the Government is in the hands of the Republicans." You took advantage of a calamity under the last Democratic Administration, which was more attributable to Harrison's Administration, or the conditions, rather, which existed under Harrison's Administration, than to the conditions under Cleveland, and you went out into the country and you said, "Why, you did this and that; just look what has happened;" and you got a great many cotton raisers to believe that somehow there was kind of a relation between 5-cent cotton and the party in power at Washington. You corrupted the current of public thought; you preached the utterly foolish doctrine that legislation and administrative policies can produce and preserve universal and permanent prosperity. [Applause on the Democratic side.] And at a time when every mother's son of you who claimed that could not but admit to yourselves that you fooled the people and yourselves, too. [Applause on the Democratic side.] There was nothing in it; there never was anything in it, and if people expect to be permantely and universally prosperous they must recognize the fundamental truth that all relations of life are interdependent, and that upon the cooperation of honor, genius, industry, and economy, all combined, working upon the natural great resources of our country, depends really the prosperity and the success of the American people. I often have sat here in my seat and thought of two years ago, when my bright and smiling friend, the genial gentleman from Indiana [Mr. LANDIS], and the courtly little gentleman from Pennsylvania [Mr. DALZELL], and the rugged, vigorous intellect from Iowa [Mr. HEPBURN] preached to this House the doctrine that the Republican party had produced prosperity in this country, and that all that imperiled it was the possible success of the Democratic party. My friend, Mr. LANDIS, said that you would find all over Indiana signposts everywhere, "All kinds of work for all kinds of men;" and I wondered whether the signs had been taken down lately or not. [Applause on the Democratic side.]

You gentlemen have corrupted, as I said a while ago, the channels of public thought by preaching this kind of paternalistic idea that government is the "daddy" of all the people and flings out its blessings in bunches all around.

Quit it! Let us be honest in the face of this great national crisis. We are willing to help you by standing by the truth now as we stood by it then. We will not charge you with having been wholly responsible for this panic. We will tell the real causes. Now, you have got an opportunity to get straight and get back on the road to truth and right. [Applause on the Democratic side.] It is time to make a confession. Under all these conditions the whole people became drunk with the wine of prosperity. They inflated values and credits far beyond actual relations, to which they must in fact conform, if the financial and industrial health of the country is to be perfect. Thoughtful men began to realize that we were floating on the dangerous sea of inflation; stocks and bonds, the first things, perhaps, to respond to such a condition, began to waver in upward tendency, and then to come down; then the bears came out of their winter quarters and proceeded in every artful way, by every device of which they are masters, to further depress the prices by intensifying the scare which existed; the bull banks and the bear banks were drawn into the struggle, as their interests and connections prompted; alarm grew apace, banking antagonisms intensified, the fright wandered into the homes of the depositors, the demand for money suddenly became general and clamorous, Wall street ran to the Treasury—its favorite resort when it wants something for nothing—and got what it could, but it was not enough; and then, in self-defense, Wall street enacted a law of its own and bulwarked itself behind it, and refused to pay out except under a daily limit of an insignificant amount, and then the sober-up process was on everywhere, and the panic was an accomplished fact.

Well, naturally the question suggests itself: What do you want done? Nothing! That is plain English. You tell me that you can legislate values and credits in this country? You tell me that you can legislate public confidence into values and

credits, which is but another form of stating the same proposition? You tell me that to inflate the currency would benefit this situation? Not on your life! That would only make it worse. You might just as well talk, and with just as much reason, of legislating a drunken man sober as to legislatively cure this condition. It has got to work itself out. There has got to be a readjustment of values and credits. There has got to be a wider recognition of what honest and conservative banking means, and the bankers are learning a sore lesson in these days. They are learning that this speculation with deposits, and this plunging into various side issues with their bank and involving its capital, will not do. There is no other way to face this situation. There is no use in playing demagogue about it. I am tired to death of this constant cry when anything happens in the country, from an earthquake to a failure of the peanut crop, to run to Congress and the legislatures in order to do something for the people. We have got "American dementia," not on the question of love, but we have got it on the question of law. The Republican party is largely responsible for it. It is time to tell the American people the truth. It is time to say frankly that this condition is beyond legislative present relief. You ask me whether I am in favor of issuing more money, and I tell you no. We are pouring $100,000,000 of gold now into circulation annually. We have now more money per capita than any nation in the world except France, and we have more gold per capita than France has. We do not need it.

The last report of the Comptroller of the Currency says, page 2:

From the latest and most reliable data obtained by the Director of the Mint it is estimated that at the close of the calendar year 1906 the stock of money of the world was $14,281,100,000, divided as follows: Gold, $6,888,900,000; silver (full and limited tender), $3,260,200,000; uncovered paper currency, $4,132,000,000. Eighty-two per cent of the gold—that is, $5,588,900,000—was held by eight countries of the globe, and in amounts in the order named: United States, $1,593,300,000; Germany, $1,030,300,000; Russia, $939,400,000; France, $926,400,000; United Kingdom, $486,700,000; Austria-Hungary, $306,400,000; Italy, $215,500,000, and Spain, $90,900,000. Over 56 per cent of the stock of silver, namely, $1,834,900,000, is held by the same countries, the United States leading with $698,700,000, followed by France with $411,100,000; Germany, $219,700,000; Spain, $173,700,000; United Kingdom, $116,800,000; Austria-Hungary, $105,300,000; Russia, $77,900,000, and Italy, $31,700,000. Forty per cent of the stock of uncovered paper currency was also held by these countries, the United States again leading with $610,800,000, France being second on the list with $269,200,000, followed by Germany with $267,100,000; Italy, $150,600,000; Austria-Hungary, $119,300,000; United Kingdom, $116,800,000, and Spain, $97,100,000. Outside of the countries named India has the largest stock of gold, namely, $337,300,000, followed by Argentina with $102,700,000. The stock of gold in Japan is $80,100,000. The latter country reports silver to the amount of $48,200,000 and uncovered paper currency, $96,900,000. Exclusive of the United States, the largest stock of silver is in India, namely, $603,800,000. The circulation of Colombia, with the exception of $100,000 in gold, is in uncovered paper currency, stated at $1,000,000,000. The per capita of gold, $23.57, and of all money, $40.88, is the greatest in France, followed by the United States, with a per capita of gold of $18.66 and a per capita of all money of $33.99. Germany is third in the list, with a gold per capita of $17 and an aggregate per capita of all circulation of $25.03. The details of the Mint report relate to 47 countries, and include information as to the monetary standard, monetary unit, and population of each country.

An on pages 330 and 331 he gives a table showing per capita circulation, by countries, as follows:

Monetary systems and approximate stocks of money, in the aggregate and per capita, in the principal countries of the world, December 31, 1906.

Country.	Monetary standard.	Monetary unit.	Population.	Stock of gold.			Stock of silver.			Uncovered paper.	Per capita.			
				In banks and public treasuries.	In circulation.	Total.	Full tender.	Limited tender.	Total.		Gold.	Silver.	Paper.	Total.
			Thousands.	*Thousands.*	*Thousands.*	*Thousands.*	*Thousands.*	*Thousands.*	*Thousands.*	*Thousands.*				
United States	Gold	Dollar	85,400	a$1,081,500	$511,800	$1,593,300	$571,300	$127,400	$698,700	$610,800	$18.66	$8.18	$7.15	$33.99
Austria-Hungary	do	Crown	49,400	b 229,500	b 76,900	b 306,400	(c)	b 105,300	b 105,300	b 119,300	6.20	2.13	2.41	10.74
Belgium	do	Franc	7,200	b 20,200	d 10,900	b d 31,100	d 15,000	d 9,700	d 24,700	d 125,800	4.32	3.43	17.47	25.22
British Empire:														
Australasia	do	Pound sterling	4,800	b 110,400	b 14,600	b 125,000	(c)	b 10,000	b 10,000	(c)	26.04	2.08	.....	28.12
Canada	do	Dollar	5,800	b 62,400	(c)	b 62,400	(c)	b 6,700	b 6,700	b 72,500	10.76	1.15	12.50	24.41
United Kingdom	do	Pound sterling	44,100	b 196,400	b 290,300	b 486,700	(c)	b 116,800	b 116,800	b 116,800	11.03	2.65	2.65	16.33
India	do	Pound sterling and rupee.	295,200	e 18,900	d 318,400	e,d 337,300	b 603,800	(c)	b 603,800	b 38,900	1.14	2.05	.13	3.32
South Africa	do	Pound sterling	7,700	b 46,400	b 15,000	b 61,400	(c)	b 20,000	b 20,000	(c)	7.97	2.60	.....	10.57
Straits Settlements.f	Silver	Dollar	5,400	b 600	(c)	b 600	b 42,000	b 7,000	b 49,000	b 22,200	.11	9.07	4.11	13.29
Bulgaria	Gold	Lev	4,000	b 7,200	(c)	b 7,200	b 1,000	b 2,200	b 3,200	b 2,900	1.80	.80	.73	3.33
Cuba	do	Peseta	1,600	b 38,200	(c)	b 38,200	(c)	d 5,000	d 5,000	(c)	23.88	3.12	.....	27.00
Denmark	do	Crown	2,600	b 22,600	(c)	b 22,600	(c)	b 6,100	b 6,100	b 10,700	8.69	2.35	4.11	15.15
Egypt	do	Piaster	11,200	d 7,300	d 132,700	d 140,000	(c)	b 15,000	b 15,000	(c)	12.50	1.34	.....	13.84
Finland	do	Markkaa	2,800	g 5,100	(c)	g 5,100	(c)	g 400	g 400	g 12,700	1.82	.14	4.54	6.50
France	do	Franc	39,300	b 520,100	b 406,300	b 926,400	b 347,400	b 63,700	b 411,100	b 269,200	23.57	10.46	6.85	40.88
Germany	do	Mark	60,600	b 145,700	b 884,600	b1,030,300	(c)	b 219,700	b 219,700	b 267,100	17.00	3.62	4.41	25.03
Greece	do	Drachma	2,400	b 5,400	b 200	b 5,600	b 100	(c)	b 100	b 42,600	2.33	.04	17.75	20.12
Haiti	do	Gourde	1,400	b 1,000	(c)	b 1,000	b 1,000	b 1,500	b 2,500	b 7,600	.71	1.79	5.43	7.93
Italy	do	Lira	33,700	b 215,500	(c)	b 215,500	b 28,300	b 3,400	b 31,700	b 150,600	6.39	.94	4.47	11.80
Japan	do	Yen	51,700	b 73,300	b 6,800	b 80,100	(c)	b 48,200	b 48,200	b 96,900	1.55	.93	1.87	4.35
Mexico	do	Peso	13,600	d 8,600	d 31,400	d 40,000	b 52,800	b 4,000	b 56,800	b 51,200	2.94	4.18	3.76	10.88
Netherlands	do	Florin	5,600	b 26,700	b 19,200	b 45,900	b 48,000	b 4,600	b 52,600	b 57,800	8.20	9.39	10.32	27.91
Norway	do	Crown	2,300	b 8,300	(c)	b 8,300	(c)	b 3,100	b 3,100	b 7,000	3.61	1.35	3.04	8.00
Portugal	do	Milreis	5,400	b 5,500	b 3,100	b 8,600	(c)	b 33,400	b 33,400	b 61,200	1.59	6.19	11.33	19.11
Roumania	do	Leu	6,600	b 20,700	(c)	b 20,700	(c)	b 600	b 600	b 27,600	3.14	.09	4.18	7.41
Russia	do	Ruble	143,400	b k 609,000	b 330,400	b 939,400	(c)	b 77,900	b 77,900	(c)	6.55	.54	.....	7.09
Servia	do	Dinar	2,700	b 300	b 1,900	b 2,200	(c)	b 3,200	b 3,200	b 1,500	.81	1.19	.55	2.55
Siam	do	Tical	6,100	(c)	(c)	(c)	b 44,500	(c)	b 44,500	b 1,100	.....	7.29	.18	7.47
South American States:														
Argentina	do	Peso	5,700	b 90,000	b 12,700	b 102,700	(c)	(c)	(c)	b 293,300	18.02	.....	51.45	69.47
Bolivia	Silver	Boliviana	1,800	b 400	(c)	400	b 3,800	(c)	b 3,800	(c)	.22	2.11	.....	2.33
Brazil	Gold	Milreis	16,000	i 21,200	(c)	i 21,200	(c)	b 100	b 100	b 363,000	1.33	.06	22.63	24.02
Chile	do	Peso	3,200	b 2,000	(c)	b 2,000	(c)	b 6,700	b 6,700	b 42,300	.63	2.09	13.22	15.94
Colombia	do	Dollar	4,500	b 100	(c)	b 100	(c)	(c)	(c)	b1,000,000	.02	.....	222.22	222.24
Ecuador	do	Sucre	1,300	b 1,800	b 1,900	b 3,700	(c)	b 1,400	b 1,400	b 1,900	2.85	1.07	1.46	5.38
Guiana:														
British	do	Pound sterling	300	b 100	(c)	b 100	(c)	b 100	b 100	b 600	.33	.33	2.00	2.66
Dutch	do	Florin	100	b 200	(c)	b 200	(c)	b 200	b 200	b 200	2.00	2.00	2.00	6.00
French	do	Franc	100	(c)	(c)	(c)	(c)	(c)	(c)	b 600	.....	.....	6.00	6.00
Paraguay	do	Peso	700	b 100	(c)	b 100	(c)	(c)	(c)	b 35,000	.14	.....	50.00	50.14
Peru	do	Sol	4,600	b 2,900	b 3,900	b 6,800	(c)	b 2,400	b 2,400	(c)	1.48	.....	.52	2.00
Uruguay	do	Peso	1,000	b 15,500	(c)	b 15,500	(c)	b 4,300	b 4,300	b 1,700	15.50	4.30	1.70	21.50
Venezuela	do	Bolivar	2,600	b 300	(c)	b 300	(c)	b 700	b 700	(c)	.11	.27	.....	.38
Spain	do	Peseta	18,800	b 90,900	(c)	b 90,900	(c)	b 173,700	b 173,700	b 97,100	4.84	9.24	5.16	19.24
Sweden	do	Crown	5,300	b 19,400	b 3,200	b 22,600	(c)	b 7,700	b 7,700	b 34,800	4.26	1.45	6.57	12.28
Switzerland	do	Franc	3,300	b 21,200	b 7,800	b 29,000	(c)	b 11,600	b 11,600	b 24,600	8.79	3.51	7.45	19.75
Turkey	do	Piaster	24,000	d 10,000	d 40,000	d 50,000	d 30,000	d 10,000	d 40,000	(c)	2.07	1.66	.....	3.73
Central American States	Silver h	Peso	4,700	b 2,000	(c)	b 2,000	(c)	b 7,400	b 7,400	b 62,900	.43	1.57	13.38	15.38
China	do	Tael	330,100	(c)	(c)	(c)	d 350,000	(c)	d 350,000	(c)	.....	1.06	.....	1.06
Total			1,330,100	3,764,900	3,124,000	6,888,900	2,139,000	1,121,200	3,260,200	4,132,000	5.18	2.45	3.10	10.73

a In United States Treasury and national banks.
b Official information furnished through United States representatives.
c No information.
d Estimate, Bureau of the Mint.
e The figures for the total stock of gold in India are for the net imports since 1893-94 plus the production of the country. The amount in the government treasury is from official advice. The net imports of gold since 1835-36, when the records begin, amount to $841,407,489, and the production recorded to $115,030,200. The tide of gold and silver has been flowing into India for centuries.
f Includes Straits Settlements, the Malay States, and Jehore.
g L'Economiste European, January 1, 1906.
h Except Costa Rica and British Honduras—gold-standard countries.
i Le Marche Financier, 1907.
k These figures may include some gold credits in foreign banks.
NOTE.—The value of the monetary stock of the silver-standard countries has been changed to conform to the decline in silver values. The monetary stock of Mexico and other countries where the Mexican dollar circulates is given in Mexican dollars at bullion value.

From these facts it seems clear, when we consider the further fact that we are adding more than a hundred millions in gold to our circulation annually, that we do not, at this time, need any permanent addition to our money volume. What we need is a wide recognition of the necessity for sobering up as quickly as possible and getting busy about it. That is all. Now, do you think anything ought to be done hereafter? Yes; I think so. That is one of the reasons why I am pressing my banking and currency bill. I think it may be possible to devise some safe and wise emergency currency system which will lessen the force and effect of these recurrent periods of inflation when they come, as come they will. You need not be in a hurry about it, however. It may be ten years before another one comes. The Presidential election will be over to a dead moral certainty before another one comes. You need not worry about that. I think this one will last until after the Presidential election. I hope it will not last any longer. But I can tell you more easily what I do not want and why I do not want it, than I can tell you what I do want and why I do want it. I have somewhat decided views as to some things that are pending, that I do not want, and I desire to mention them and tell why I do not want them. One of the first of these is the Fowler bill. Now, it may be possible in a series of future years that some such plan as this distinguished and able man proposes may finally be arrived at.

But I will tell you now if he expects the American Congress and the American people to adopt a bill so radical in all of its provisions, changing all existing systems from top to bottom, he is absolutely hugging a delusion to his bosom. The interests are too vast. The public tension is too suspicious and acute. The situation is such that if we ever come to any such system as he proposes, it must be through a series of years by careful steps, each tested by the light of experience. The main and serious objection to his bill is that it is too sweeping, too drastic, too infinite, too great in its effects, to be considered for a moment.

Then, there is the Aldrich bill. I need not discuss it in detail, because I presume all of the Members are thoroughly familiar with its provisions. It proposes, in brief, to issue $500,000,000 of currency upon the security of State, municipal, and railroad bonds. I do not care to discuss the railroad feature, because you could cut that out and I would be against it as I was before. I am not going to be led into the bushes on that.

I am opposed to any sort or any form of such bond currency. It will not do, for several reasons. In the first place these State and county bonds inevitably drift into the hands of a few owners of large capital, and that sort of emergency currency must simply mean a bondholders' currency. It puts in the hands of a few men the power to contract or inflate our currency at will. This will do no good to the money centers, it will do no good to the agricultural and mining sections, but do infinite hurt in fright and scare and uncertainty and unrest all the time to the whole country. It is no advantage to the country. You say that it will increase the price of those State and municipal bonds. Doubtless that is true.

But that only makes a bad matter worse for two reasons. In the first place it is bad enough for the Federal Government to have a banking system based on boosting its national bonds. To have another class of currency, called emergency currency, based on boosting the bonds of the States and municipalities is a governmental procedure which I can not at all indorse.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, by authority of the gentleman from Georgia [Mr. LIVINGSTON] I yield to the gentleman twenty minutes.

Mr. BURGESS. Thanks; I will try to get through in that time.

Not only that, these securities and bonds can not be held by the banks in the South and West, because of the low rate of interest; and if you pass a bill for this currency system, which you admit would lower the rate of interest on such bonds, you will make it impossible for the banks in the South and West, in the great developing sections, the great crop-moving sections, the sections where they are really interested in an emergency currency, to have any advantage at all out of such currency. The banks out in those sections that can loan their money at 8 and 9 and 10 per cent will not invest in bonds that are bearing 2, 3, and 4 per cent. They can not afford it; and when the pinch comes they will have no money to buy the bonds and will have to hie themselves away to the financial centers to get the money; and they will be in a worse condition than they were before. Any man who favors that kind of a policy had better change his domicile to the East, for he will be put out of office by an outraged people.

Another proposition is greenbacks. I thought that had been settled. I thought that never again would we have a proposition to issue irredeemable paper money, and I am not going to seriously discuss it now, further than to say that I believe, and I have always believed, in an intrinsic-value dollar and paper money redeemable in such coin, and every dollar coined and issued shall be the equal of every other dollar in purchasing as well as in debt-paying power. I shall support no system of coinage or currency which does not conform to these principles.

Another much-advocated plan is presented in various forms or guaranteeing the deposits of the banks. I shall not support any such scheme as that. I wish to give reasons as briefly as I can why I will not support any proposition, whether directive or permissive, guaranteeing deposits in national banks. In either case the principle is identical, for there is no difference between a father who directs his boy to do a foolish thing and the father who permits the boy knowingly to do a foolish thing. He indorses it and is responsible for the principle.

This is the first objection I have to this, that it is socialistic in its tendency if not in effect. Why? Under that plan you would throw in hodgepodge capacity and character with incompetency and rascality and lay a tax on all to protect the negligent depositors and the incompetent and rascally banks at the expense of the wise and conservative bankers and the careful depositors. Not only that. There is a worse thing involved in it than that.

It is the inalienable right of every individual in this country to get all the premium that character and capacity gives him in any business in which he seeks to engage, and if he goes into the banking business he is a candidate for deposits. The essence of socialism is to equalize by law capacity and character and opportunity; to make all men equal in property and privilege and happiness. It's a dream of the impossible. To admit the possibility of its accomplishment is a confession of ignorance of that true nature and condition of mankind upon which is grounded all religion and all wise government. "Equal rights to all men and special privileges to none" is an immutable truth. An open, fair field for competitive struggle is the thing. The banker is no exception.

He has his character and his capacity as well as his capital as an inducement to invite these deposits, and by this sort of plan you say to the conservative banker, "Your character and capacity are worth nothing to you in your struggle for deposits. We take that advantage away from you and minimize it and equalize it with the other banker who is incompetent, without character or capacity, and you can not get deposits by reason of that any more than he can." It is a wrong governmental principle. It is a step toward socialism, toward the destruction of the value of character and capacity in the practical operation of the banking business. It is a blow at competitive struggle.

That leads me to the next objection, which is as bad, and that is that it is bad business policy, as bad as the governmental policy. The Book says, "The fear of the Lord is the beginning of wisdom," and I believe the fear of the depositor is the beginning of wise, conservative banking. It is no answer to say to me, as I have many friends say, "Why, the average depositor does not know anything about the condition of the bank." Maybe so, but he may know. The banker knows he may know. The knowledge that he may know has the same effect on the banker as if he actually knew. Not only that, but many of these national banks are one-man affairs. Directors are dummies; the controlling stock is actually owned by one man. He dictates it and controls it in the hollow of his hand, and almost invariably in such a case he uses the bank as an adjunct to other and speculative enterprises outside. Now, if you remove this check and pile up deposits in his bank, you will only increase his venturesomeness, his power to do evil, by the use of the deposits in the bank and these speculative outside ventures.

But you say that the banker would not make an investment or a loan under the guaranty system that he would not make under the present system. Well, you do not know men as I do. Men are often nicely balanced in their judgment, good men and conservative men, as to whether they will make a certain investment or not, and the wavering balance is tipped against the investment when the depositor is out on the end of it. Take away that balance, and he will make the investment, he will take the risk, and in the case of the rascal and the incompetent it is a cinch that he will do it. That is not all. It is impracticable anyhow under the conditions that obtain. Let me read to you from the report of the Treasurer, just issued. On page 419 you will find this:

The percentage of capital of national banks to capital of all banks in 1906 was 50.23; deposits, 32.12. For the present year the percentage of capital is 49.66 and of deposits 31.66. During the period from 1902 to 1907 the percentage of capital of banks other than national to

the capital of all banks has increased from 47.06 to 50.44 per cent and the percentage of individual deposits in such banks from 67.7 to 68.34.

From that it is clear that of individual deposits in the country, 68 per cent are in banks other than national banks. Now, we have no authority to deal with any banks except national banks. If you pass a guaranty law of any sort, permissive or directive, if these gentlemen are right when they say that such a law would bring the hoarders up with their cash, then it must be more certain that those who have their deposits in banks where they may lose would rush to take them into banks where they could not lose, and an era of bank panic and bank collection and debt collection would be precipitated that would involve 68 per cent of all the depositors of the country and half of all the bank capital of the country.

"Oh," but you say, "we will put the operation of the law off so far that these can all cooperate with the system that we enact." Yes; but how will they cooperate? They could not organize under a national-bank charter, because they could not get bonds enough to do it, and they could not cooperate otherwise, because forty-six States would have to act on this matter through their legislatures and change their systems and adjust themselves to it; and even if they could, the fear that they could not or that they would not would operate in the meantime to make men get into all kinds of financial troubles about their deposits, their business, and their capital.

That is not all of this miserable policy, which is like all socialistic schemes, fair to look at and bitter to taste. Suppose we inaugurated the system; suppose all of the banks cooperated, the State banks, the national banks, and the private banks all come under it and everybody's deposits are secured. What then? At once there is set up a competitive struggle among the bankers for deposits. One pays 2 per cent, another pays 3 per cent, another pays 4 per cent, another pays 5 per cent, and it is a cinch that the more competent, conservative, and wise the banker is the lower rate of interest he would pay. So this miserable plan stands revealed in its last analysis as a scheme to induce men to wild and speculative banking, a plan necessarily leading to wild and speculative banking. A banker who is willing to take the risk runs the rate of interest up, gets more deposits, and plunges into speculative enterprises, trusting to recoup himself for the high rate of interest.

Mr. HILL of Connecticut. Let me suggest another thing to the gentleman. The only margin of safety is the double liability of the stockholder, which can not be loaned, and under the guaranty system a $25,000 bank would be as liable to receive a million dollars of deposits as a million-dollar bank would.

Mr. BURGESS. I thank the gentleman from Connecticut for his suggestion. There are a number of other reasons that would suggest themselves, but I think these reasons which I have given are sufficient and will, if you accept them, settle that controversy and eliminate that issue.

Now, what else? Frankly, I am uncertain, and I think everybody else is that I have talked with, whether we should have a central Government bank with branch banks or whether we should have the German plan grafted on to our plan, as suggested by the bankers' association, or whether we shall change the whole system suggested by the gentleman from New Jersey [Mr. FOWLER]. I will tell you what I think it is best to do, and that is have a banking and currency commission thrash it out and try to do what is wise and right. We are at a time where we can get the whole public aroused, where we can arouse all the patriotism and the best sense of the country, and get a plan that will work splendidly for years.

You know, and I know, and all of us know, that our present banking system is nothing but a piece of crazy patchwork, born of the necessities of war times and patched at ever since, from then to now, and if anything is done here this Congress it will be only another patch put on this system. We can have a comprehensive revision of our banking and currency laws and perhaps some adaptation that will permit a safe and sound emergency currency that will work automatically, will meet these fluctuating periods in crop movements, and will lessen the effect of panics of inflation and contraction periods in the future. I hope such a system can be devised.

It is rather my opinion that such a commission as that for which my bill provides, operating as directed in the bill, would lead public thought to this conclusion; they would devise and recommend in detail some such general plan as that proposed by the bankers' association, which, as I understand it, is an effort to take the principle of the German system and graft it upon our present national banking system. I am frank to concede my attachment to the theory that all the money coined and issued should be coined and issued by the Government. But theories are only valuable as they are practicable and workable theories. If the Government is to issue an emergency currency, unless under some such plan as the Aldrich plan, it must go into the banking business, with a central bank and branch banks, so that money, when issued, can be loaned to the people and can be taken out of circulation when the need passes. I am not willing for the Government to go into the banking business. It is likely true that but for the partisan character of our Government the German plan as a whole would work well here, or the French plan as a whole would work well here; but I do not believe that any central bank, with or without branch banks, would work well in a country so intense in its politics and so divided in its interests as ours. Now, if we are not going to do either of these things, namely, issue a bond-secured emergency currency or go into the banking business with the Government, what other plan has anybody to suggest, save some such plan as that proposed by the bankers' association? It may be that recommendations of bankers are looked on by the people a good deal like the Prohibitionists would view resolutions of the brewers' association. But if this plan was thoroughly thrashed out before the country, and the men who are in banks, as well as those who are not, strove earnestly together to develop the best possible system for an emergency currency, it is my opinion they will be forced to some such plan as this. Under that plan all good security would receive equal governmental consideration. If an emergency currency could be issued by national banks in addition to their present bond issues, based properly upon their reserve and capital, properly limited in amount and with proper rates of interest, under such a system cotton and wheat sections, mining and cattle sections, would have equal opportunity for such emergency currency as their needs demanded, nor would Wall street be any worse off. It looks to me as if the national banking system were here to stay and that it is useless to talk about getting rid of it for years to come.

And it is a debatable question, to say the least of it, whether it would be wise to get rid of it at all, save by the gradual process of paying off the national bonds. They would be the best existing medium through which to issue an emergency currency, and I see no reason why such a plan can not be devised which would be "safe and sane." I am of opinion also that changes in the system should be made, such as changing the reserve features so as to give greater security to the depositors and stability and independence to the banks and more strict supervision of them in the interest of the public.

In conclusion, I thank my colleagues for their earnest attention. [Applause.]

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill H. R. 16882, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

INTERSTATE TRANSFER RAILWAY COMPANY.

The Speaker laid before the House the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota, with Senate amendments thereto.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

COTTON TAX.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter relating to the cotton tax.

The SPEAKER. The gentleman from Florida asks unanimous consent to print in the RECORD a letter relating to the cotton tax. Is there objection?

There was no objection.

The letter is as follows:

MEMPHIS, TENN., *February 7, 1908.*

HON. FRANK CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. CLARK: I have read with very great pleasure your exhaustive speech on the cotton tax, which I find in the CONGRESSIONAL RECORD of 29th January.

For years I have lived with the memory of the cotton tax, and your speech has given me such satisfaction that I feel that a long-absent friend has returned to gladden my old age.

You will recognize in my signature the case of Farrington *v.* Saunders, and will understand the very great interest I have felt for about forty years in this matter. Mr. Robertson Tapp, who has been dead many years, was the father of my wife, and the cotton tax was a never-ending subject of conversation around our family circle.

I paid the tax to the collector in Memphis and shipped the cotton to Liverpool. We conferred with such eminent lawyers as Judge Curtis, Judge Sharkey, Phillips, Pike, Tapp, William M. Evarts, and others, and they all expressed great faith in the outcome of our case—certainly on its merits.

A few years ago, before Mr. Evarts's death, when we were considering presenting a bill before Congress, I wrote to inquire if he would go before a committee of the House and present our case, and he readily consented to do so, and wrote me that he had conferred with Judge Curtis, who agreed with him that the tax was unconstitutional. I have his letter somewhere with my papers. I don't think Mr. Evarts filed a written argument; only made an oral one.

I have written from time to time to various distinguished men on this subject, such as Senator CLAY, JOHN SHARP WILLIAMS, and others, who fully concur with you about this tax.

I feel much gratified that the Honorable Grosvenor should have the independence to express himself as he did in his letter to you. I saw in the daily press an account of your speech. I will thank you to send me several copies for myself and friends. I will add that after reading what you said to Congress, that my faith in recovery has been renewed. It may be delayed, but, like the French spoliation claim, it must meet with justice. I was a merchant during the years 1862–1868 and represent many claims for this tax.

Very respectfully, WM. M. FARRINGTON,
526 Beale Avenue.

EXTENSION OF REMARKS.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks I made on Monday last respecting a bill to establish a Federal court at Jackson, Ky.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3426. An act to establish a fish-cultural station in the State of Oklahoma—to the Committee on the Merchant Marine and Fisheries.

S. 4455. An act to establish a fish-hatching and fish-culture station in the State of Tennessee—to the Committee on the Merchant Marine and Fisheries.

S. 3433. An act to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine-fishery interests of that region—to the Committee on the Merchant Marine and Fisheries.

S. 1407. An act to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war—to the Committee on the Public Lands.

S. 3351. An act to establish a marine biological station on the Gulf coast of the State of Florida—to the Committee on the Merchant Marine and Fisheries.

S. 4740. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 1699. An act for the relief of Thomas C. Chappell—to the Committee on Claims.

S. 3528. An act for the relief of Durham W. Stevens—to the Committee on Claims.

S. 3526. An act to amend section 876 of the Revised Statutes—to the Committee on the Judiciary.

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois—to the Committee on Claims.

S. 4066. An act authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs—to the Committee on Ways and Means.

S. 2483. An act to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Moutara Reef, California—to the Committee on Interstate and Foreign Commerce.

S. 4734. An act to provide for the transfer of a certain fund from "depredations upon public lands" to the credit of the White Earth bands of Chippewa Indians in Minnesota—to the Committee on Indian Affairs.

S. 4639. An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912—to the Select Committee on Industrial Arts and Expositions.

S. 2027. An act for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased—to the Committee on Claims.

S. 3941. An act to amend section 4 of an act entitled "An act to prevent unlawful occupancy of the public lands," approved February 25, 1885—to the Committee on the Public Lands.

S. 4548. An act to provide for the sale of timber on allotted and unallotted land, and for other purposes—to the Committee on Indian Affairs.

S. 2669. An act providing for the acceptance of a donation of land situated at the Palisades, in the State of New Jersey—to the Committee on Military Affairs.

S. 4103. An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians"—to the Committee on Indian Affairs.

S. 651. An act for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts—to the Committee on Claims.

S. 439. An act granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery—to the Committee on the Public Lands.

S. 208. An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment—to the Committee on Indian Affairs.

S. 1893. An act granting an honorable discharge to Peter Fleming—to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7694. An act to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Philadelphia, Pa.

DAM ACROSS CAHABA RIVER, ALABAMA.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala.

Be it enacted, etc., That the Cahaba Power Company, a corporation organized under the laws of Alabama, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Cahaba River at Centerville, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, by reason of a misprint an amendment is necessary. I move to strike out the word "Cahaba," in line 3, and to insert the word "Centerville."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "Cahaba," in line 3, and insert the word "Centerville."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint, submitting an estimate of appropriation for doors for the vault of the mint at San Francisco—to the Committee on Appropriations and ordered to be printed.

A letter from the Postmaster-General, transmitting a statement in relation to the claim of the Philadelphia Supply Company, of Washington, D. C.—to the Committee on Claims and ordered to be printed.

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize repairs to the vessels of the Navy—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a copy of a letter from the Quartermaster-General, a recom-

mendation as to appropriation for transportation of the Army and its supplies—to the Committee on Military Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. N. Rhodes, administrator of estate of Lewellen Rhodes, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for officers and employees of the Isthmian Canal Commission—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," reported the same without amendment, accompanied by a report (No. 888), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2495) restoring certain tracts of public land in the State of Minnesota to the public domain, reported the same without amendment, accompanied by a report (No. 891), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYES, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 16652) to amend section 11 of an act entitled "An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, reported the same with amendment, accompanied by a report (No. 893), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1215) granting an increase of pension to Phoebe A. Barteaux, reported the same with amendments, accompanied by a report (No. 796), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1508) granting an increase of pension to William M. Jordan, reported the same with amendment, accompanied by a report (No. 797), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2955) granting an increase of pension to James C. Booth, reported the same with amendments, accompanied by a report (No. 798), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2961) granting an increase of pension to Hazzard P. Gavitt, reported the same with amendment, accompanied by a report (No. 799), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2999) granting a pension to George P. Matteson, reported the same with amendments, accompanied by a report (No. 800), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3164) granting an increase of pension to Osiah Attison, reported the same with amendments, accompanied by a report (No. 801), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3229) granting an increase of pension to William McCue, reported the same with amendments, accompanied by a report (No. 802), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3232) granting an increase of pension to John Foster, late of Company F, One hundred and eighty-second Regiment New York Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 803), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3243) granting an increase of pension to Charles D. Copeland, reported the same with amendments, accompanied by a report (No. 804), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3244) granting an increase of pension to Ebenezer L. Briggs, reported the same with amendments, accompanied by a report (No. 805), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3510) granting an increase of pension to Henry McCall, reported the same with amendment, accompanied by a report (No. 806), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3641) granting an increase of pension to John N. Dickerson, reported the same with amendment, accompanied by a report (No. 807), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4103) granting an increase of pension to David M. Myers, reported the same with amendment, accompanied by a report (No. 808), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4128) granting an increase of pension to Isaac W. Corgill, reported the same with amendment, accompanied by a report (No. 809), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 4149) granting an increase of pension to John W. Armstrong, reported the same with amendments, accompanied by a report (No. 810), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4170) granting an increase of pension to Barnhardt Herber, reported the same with amendments, accompanied by a report (No. 811), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4290) granting an increase of pension to Howard F. Hess, reported the same with amendment, accompanied by a report (No. 812), which said bill and report were refered to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4416) granting an increase of pension to John H. Wells, reported the same with amendment, accompanied by a report (No. 813), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4651) granting an increase of pension to Cornelia H. Keyes, reported the same with amendments, accompanied by a report (No. 814), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4678) granting an increase of pension to D. L. Arwine, reported the same with amendments, accompanied by a report (No. 815), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4758) granting an increase of pension to Edwin P. Gurney, reported the same with amendment, accompanied by a report (No. 816), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5382) granting an increase of pension to John Bowen, reported the same without amendment, accompanied by a report (No. 817), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 5803) granting an increase of pension to Daniel Harter, reported the same with amendment, accompanied by a report (No. 818), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6035) granting an increase of pension to Charles R. Fox, reported the same with amendment, accompanied by a report (No. 819), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6070) granting an increase of pension to W. F. Moyer, reported the same with amendments, accompanied by a report (No. 820), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6505) granting an increase of pension to John N. Kundert, reported the same with amendment, accompanied by a report (No. 821), which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6538) granting an increase of pension to Patrick Grady, reported the same with amendment, accompanied by a report (No. 822), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6647) granting an increase of pension to Elizabeth T. McCoy, reported the same with amendments, accompanied by a report (No. 823), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6688) granting an increase of pension to Isaac Steeley, reported the same with amendments, accompanied by a report (No. 824), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6819) granting an increase of pension to Andrew Clark, reported the same with amendments, accompanied by a report (No. 825), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6876) granting a pension to Carrie A. Chaplin, reported the same with amendments, accompanied by a report (No. 826), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7450) granting an increase of pension to Eugene Lattin, reported the same with amendment, accompanied by a report (No. 827), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8061) granting an increase of pension to Archibald Huston, reported the same with amendment, accompanied by a report (No. 828), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8222) granting an increase of pension to Robert Simpson, reported the same with amendment, accompanied by a report (No. 829), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8427) granting an increase of pension to John Gaffney, reported the same with amendments, accompanied by a report (No. 830), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8548) granting an increase of pension to Joseph T. Walker, reported the same without amendment, accompanied by a report (No. 831), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9331) granting an increase of pension to Francis H. Britton, reported the same with amendment, accompanied by a report (No. 832), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9390) granting an increase of pension to Nancy Woodruff, reported the same with amendment, accompanied by a report (No. 833), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred to bill of the House (H. R. 9695) granting an increase of pension to Albert C. Lee, reported the same with amendments, accompanied by a report (No. 834), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9824) granting an increase of pension to William Hines, reported the same without amendment, accompanied by a report (No. 835), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9983) granting an increase of pension to James Burke, reported the same with amendment, accompanied by a report (No. 836), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10855) granting an increase of pension to Frances A. Payne, reported the same with amendments, accompanied by a report (No. 837), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10954) granting an increase of pension to Russell Arnold, reported the same without amendment, accompanied by a report (No. 838), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11102) granting an increase of pension to Charles Wells, reported the same with amendment, accompanied by a report (No. 839), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11250) granting a pension to Louis P. Sothoron, reported the same with amendments, accompanied by a report (No. 840), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11522) granting an increase of pension to John Sonia, reported the same with amendments, accompanied by a report (No. 841), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11679) granting an increase of pension to Celina C. Fleming, reported the same with amendment, accompanied by a report (No. 842), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11891) granting an increase of pension to Albert W. Munger, reported the same with amendments, accompanied by a report (No. 843), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12081) granting an increase of pension to William H. H. Kellogg, reported the same with amendments, accompanied by a report (No. 844), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12234) granting an increase of pension to Martin V. Monroe, reported the same with amendment, accompanied by a report (No. 845), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12252) granting an increase of pension to William B. Swisher, reported the same with amendments, accompanied by a report (No. 846), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12395) granting an increase of pension to Andrew H. Clutter, reported the same without amendment, accompanied by a report (No. 847), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12491) granting an increase of pension to Griffith T. Murphy, reported the same with amendments, accompanied by a report (No. 848), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12534) granting an increase of pension to Harvey Fowler, reported the same with amendment, accompanied by a report (No. 849), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12719) granting an increase of pension to Henry H. Searl, reported the

same with amendment, accompanied by a report (No. 850), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12735) granting an increase of pension to William H. Stump, reported the same with amendment, accompanied by a report (No. 851), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12766) granting an increase of pension to Francis M. Woodruff, reported the same with amendments, accompanied by a report (No. 852), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12809) granting an increase of pension to Carlton Cross, reported the same with amendment, accompanied by a report (No. 853), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12849) granting an increase of pension to Benjamin R. Hardman, reported the same with amendments, accompanied by a report (No. 854), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12950) granting an increase of pension to Hylas S. Moore, reported the same with amendment, accompanied by a report (No. 855), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12992) granting an increase of pension to Thomas Coughlan, reported the same with amendments, accompanied by a report (No. 856), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13175) granting an increase of pension to David Miller, reported the same with amendment, accompaned by a report (No. 857), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13190) granting an increase of pension to John Loughmiller, reported the same with amendments, accompanied by a report (No. 858), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13226) granting an increase of pension to Charles S. Derland, reported the same with amendment, accompanied by a report (No. 859), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13713) granting an increase of pension to Anton Geiser, reported the same with amendment, accompanied by a report (No. 860), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13889) granting an increase of pension to Martha Foster, reported the same with amendments, accompanied by a report (No. 861), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13916) granting an increase of pension to Charles R. Bockins, reported the same without amendment, accompanied by a report (No. 862), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14199) granting an increase of pension to George Walton, reported the same without amendment, accompanied by a report (No. 863), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14226) granting an increase of pension to George W. Child, reported the same with amendments, accompanied by a report (No. 864), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14232) granting an increase of pension to Reuben R. Pitman, reported the same without amendment, accompanied by a report (No. 865), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14363) granting an increase of pension to Frank Schader, reported the same with amendment, accompanied by a report (No. 866), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14606) granting an increase of pension to Francis L. Smith, reported the same with amendment, accompanied by a report (No. 867), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14798) granting an increase of pension to Peter C. Parker, reported the same with amendment, accompanied by a report (No. 868), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14958) granting an increase of pension to John L. Bennett, reported the same without amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14969) granting an increase of pension to Abraham H. Tompkins, reported the same without amendment, accompanied by a report (No. 870), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15037) granting an increase of pension to Albert Falcon, reported the same with amendment, accompanied by a report (No. 871), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15063) granting an increase of pension to Alex Mattison, reported the same with amendments, accompanied by a report (No. 872), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15071) granting an increase of pension to James M. Reed, reported the same without amendment, accompanied by a report (No. 873), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15280) granting an increase of pension to Ezra Taylor, reported the same without amendment, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15429) granting an increase of pension to W. R. Moore, reported the same with amendments, accompanied by a report (No. 875), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15475) granting an increase of pension to Fannie T. Shipley, reported the same with amendment, accompanied by a report (No. 876), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15688) granting a pension to Martha A. Elliott, reported the same without amendment, accompanied by a report (No. 877), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15927) granting an increase of pension to William McGovern, reported the same with amendments, accompanied by a report (No. 878), which said bill and report were referred to the Private Caldar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16016) granting an increase of pension to Martin L. Bruce, reported the same with amendment, accompanied by a report (No. 879), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16194) granting a pension to William F. Paris, reported the same with amendments, accompanied by a report (No. 880), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16237) granting an increase of pension to Amanda Bonnell, reported the same with amendment, accompanied by a report (No. 881), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16308) granting an increase of pension to Daniel C. Foster, reported the same without amendment, accompanied by a report (No. 882), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 57) granting a pension to Alvah Moulton, reported the same without amendment, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 638) granting a pension to Emily Ayres, reported the same without amendment, accompanied by a report (No. 884), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 920) granting an increase of pension to Martha A. Kenny, reported the same without amendment, accompanied by a report (No. 885), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1171) granting a pension to Mary A. Sands, reported the same without amendment, accompanied by a report (No. 886), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2420) granting an increase of pension to Margaret K. Hern, reported the same without amendment, accompanied by a report (No. 887), which said bill and report were referred to the Private Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 720) to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby, reported the same without amendment, accompanied by a report (No. 890), which said bill and report were referred to the Private Calendar.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1666) for the relief of Stene Engeberg, reported the same without amendment, accompanied by a report (No. 892), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 3303) granting a pension to Louisa J. Avey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8408) granting a pension to Mary M. Daniels—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12533) granting an increase of pension to Charles A. Lyon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14368) granting a pension to Sterling A. Galt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14622) granting a pension to Clara D. Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15473) granting an increase of pension to Mary A. L. Hawk—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16626) authorizing and empowering rural mail carriers to certify pension vouchers for pensioners who reside upon the routes of said carriers, respectively, and for other purposes—Committee on Invalid Pensions discharged, and referred to the Committee on the Post-Office and Post-Roads.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURLEIGH: A bill (H. R. 16957) of the purchase of a site and the erection of a public building thereon in the city of Gardiner, Me.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 16958) increasing the limit of cost for the erection of United States post-office building at Chippewa Falls, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 16959) to equalize and fix the pay of professors of mathematics, naval constructors, and civil engineers in the Navy—to the Committee on Expenditures in the Navy Department.

By Mr. FRENCH: A bill (H. R. 16960) to provide for a duty on mica and to encourage the mica industry in the United States—to the Committee on Ways and Means.

By Mr. FERRIS: A bill (H. R. 16961) for the distribution of the funds of the Five Civilized Tribes—to the Committee on Indian Affairs.

Also, a bill (H. R. 16962) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. MACON: A bill (H. R. 16963) to declare that part of Cache River running through Woodruff County, Ark., nonnavigable for purposes of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Arizona: A bill (H. R. 16964) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, Yuma County, Territory of Arizona—to the Committee on the Territories.

By Mr. FLOOD: A bill (H. R. 16965) to repair a portion of the roadway to the national cemetery at Staunton, Va., and to keep said portion of said road in repair—to the Committee on Military Affairs.

Also, a bill (H. R. 16966) for the relief of the tobacco growers—to the Committee on Ways and Means.

Also, a bill (H. R. 16967) to provide for the free importation of saws, and for other purposes—to the Committee on Ways and Means.

By Mr. ALEXANDER of New York: A bill (H. R. 16968) to amend section 86 of an act to provide a government for the Territory of Hawaii—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: A bill (H. R. 16969) authorizing the leasing of Indian lands on the Uncompahgre and Uintah Reservations in Utah—to the Committee on Indian Affairs.

By Mr. O'CONNELL: A bill (H. R. 16970) for the erection of a torpedo station for the use of the United States Navy near the mouth of the Neponset River, in the city of Quincy, Mass.—to the Committee on Naval Affairs.

By Mr. GOULDEN: A bill (H. R. 16971) providing for a superintendent of buildings and supplies on the board of education for the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BRADLEY: A bill (H. R. 16972) for acquiring a national forest preserve in the Highlands of the Hudson—to the Committee on Agriculture.

By Mr. HAMILTON of Iowa: A bill (H. R. 16973) to place lumber on the free list—to the Committee on Ways and Means.

Also, a bill (H. R. 16974) to provide for the free importation of wire fencing, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 16975) to place petroleum, crude or refined, or the products of petroleum, crude or refined, on the free list—to the Committee on Ways and Means.

By Mr. SAUNDERS: A bill (H. R. 16976) to distribute the surplus in the Treasury of the United States among the several States and Territories and the District of Columbia for the purpose of improving the post roads therein—to the Committee on Ways and Means.

By Mr. OLCOTT: A bill (H. R. 16977) for free lectures—to the Committee on the District of Columbia.

Also, a bill (H. R. 16978) to amend the act making appropriations to provide for the expenses of the government of the District of Columbia—to the Committee on the District of Columbia.

By Mr. LARRINAGA: A bill (H. R. 16979) to amend an act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico," and for other purposes—to the Committee on Insular Affairs.

By Mr. ALEXANDER of New York: A bill (H. R. 16980) to ratify a certain lease with the Seneca Nation of Indians—to the Committee on Indian Affairs.

By Mr. MADISON: A bill (H. R. 16981) amending section 20 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: A bill (H. R. 16982) to repeal the law providing for a duty on crude petroleum and its products—to the Committee on Ways and Means.

By Mr. CARY: A bill (H. R. 16983) to fix requirements governing the receipt, delivery, and preservation of telegraph messages—to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: A bill (H. R. 16984) regulating interstate and foreign commerce in spirituous, vinous, and malt liquors, and intoxicating liquors of all kinds—to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 16985) to regulate interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

By Mr. BELL of Georgia: A bill (H. R. 16986) to establish a fish hatchery and fish station in the Ninth Congressional District of Georgia—to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULDEN: A bill (H. R. 16987) amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BELL of Georgia: A bill (H. R. 16988) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and for other purposes—to the Committee on Agriculture.

By Mr. BINGHAM: A bill (H. R. 16989) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON: Memorial from the legislature of Oklahoma relative to segregation of lands in Oklahoma for timber and game purposes—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOYD: A bill (H. R. 16990) granting an increase of pension to John Dineen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16991) granting an increase of pension to Patrick Delaney—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16992) granting an increase of pension to Rosanna A. Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 16993) granting a pension to Sarah R. Lewis—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 16994) granting an increase of pension to Isaac H. Pinkerton—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16995) granting a pension to Sarah E. Wilkin—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 16996) to place Louis Weber, a first-class musician, late of the Marine Corps, on the retired list—to the Committee on Naval Affairs.

Also, a bill (H. R. 16997) for the relief of the heirs of Jerry Hughes, deceased—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 16998) granting an increase of pension to Charles Edward Putnam—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 16999) for the relief of D. M. Rowland—to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 17000) to provide for the removal of restrictions of alienation on the homestead of James R. Oliver, an intermarried Choctaw citizen—to the Committee on Indian Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 17001) granting an increase of pension to George M. Lally—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 17002) to remove the charge of desertion from the military record of John T. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 17003) to remove the charge of desertion from the naval record of Patrick J. Skelly—to the Committee on Naval Affairs.

By Mr. FOCHT: A bill (H. R. 17004) granting an increase of pension to David M. Wiswander—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho—to the Committee on Indian Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 17006) for the relief of the estate of David F. Kennel—to the Committee on War Claims.

By Mr. GILLETT: A bill (H. R. 17007) in behalf of Oscar J. Bigelow—to the Committee on Military Affairs.

By Mr. GOEBEL: A bill (H. R. 17008) granting an increase of pension to Charles H. Messinger—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 17009) authorizing the Court of Claims to investigate and report the facts on the claims of Emmetta Humphreys, administratrix of Gen. John Sevier and of John Sevier, jr.—to the Committee on Private Land Claims.

By Mr. HILL of Connecticut: A bill (H. R. 17010) granting a pension to Marion C. Turrill—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17011) granting an increase of pension to Napoleon McDowell—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 17012) granting an increase of pension to William K. Griffith—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 17013) granting an increase of pension to T. Fleming Lent—to the Committee on Invalid Pensions.

Also, a bill (H R. 17014) granting an increase of pension to Henry A. Sampson—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 17015) to amend the record of the War Department—to the Committee on Military Affairs.

By Mr. LILLEY: A bill (H. R. 17016) granting an increase of pension to Byron Bradford—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 17017) granting an increase of pension to Newell Jones—to the Committee on Pensions.

Also, a bill (H. R. 17018) granting an increase of pension to Granville C. Poor—to the Committee on Pensions.

Also, a bill (H. R. 17019) granting an increase of pension to Joseph Lapham—to the Committee on Pensions.

Also, a bill (H. R. 17020) granting an increase of pension to Ansel G. Marston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17021) granting a pension to Daniel Liner—to the Committee on Pensions.

Also, a bill (H. R. 17022) to refund certain excess charges, and so forth—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 17023) granting a pension to Mary E. Myers—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 17024) for the relief of John Hannah, alias John Hunter—to the Committee on Military Affairs.

Also, a bill (H. R. 17025) granting an increase of pension to Henry T. Howell—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 17026) for the relief of Samuel L. Barnhart—to the Committee on Claims.

By Mr. MOORE of Texas: A bill (H. R. 17027) granting an increase of pension to George W. Duncan—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 17028) granting a pension to Delos W. Story—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 17029) granting a pension to Mary J. Taylor—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 17030) for the relief of Anne H. Rainey and heirs of William S. Rainey—to the Committee on War Claims.

Also, a bill (H. R. 17031) granting a pension to David Hubert—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 17032) granting a pension to Jesse W. Huffman—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17033) granting a pension to Jesse T. Atchison—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 17034) for the relief of the heirs of John H. Smith, deceased—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 17035) granting a pension to Kate Arkebauer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Philip S. Fletcher—to the Committee on Invalid Pensions.

Also, a petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petitions of St. John Electrotypers' Union and the St. Louis Mailers' Union, for removal of duty on wood pulp, white paper, etc.—to the Committee on Ways and Means.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of National Supreme Lodge Jednota Taborita and Bohemian-Slavonic Benevolent Society, C. S. P. S., against all prohibition bills—to the Committee on the Judiciary.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. BATES: Petition of D. R. Reynolds, favoring the Kittredge copyright bill (S. 2900)—to the Committee on Patents.

Also, petition of Local Union No. 77, International Typographical Union, of Erie, Pa., for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Erie Chamber of Commerce, favoring H. R. 534, relative to agricultural and mechanic art schools—to the Committee on Agriculture.

Also, petition of G. A. Fleugel, of Erie, Pa., for amendment of the copyright law in the interest of musical composers—to the Committee on Patents.

Also, petition of board of education of Erie, Pa., for appropriation for agricultural high schools—to the Committee on Agriculture.

Also, petition of W. F. Davidson, for forest reservations in White Mountains and southern Applachian Mountains—to the Committee on Agriculture.

Also, petition of Board of Trade of Erie, Pa., favoring civil-service rules for employees for taking next census—to the Committee on the Census.

Also, petition of Jacob E. Swap, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BURNETT: Paper to accompany bill for relief of H. V. Kilpatrick—to the Committee on War Claims.

By Mr. BUTLER: Petition of Woman's Christian Temperance Union of Spring City, Pa., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. CALDER: Petition of South Brooklyn Board of Trade, favoring construction of battle ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Petition of many citizens of Florida, for appropriation to open the St. Johns River to navigation from Lake Harney to Lake Poinsett—to the Committee on Rivers and Harbors.

By Mr. COOK of Pennsylvania: Petition of National German-American Alliance, against any bill changing immigration laws until investigation commission has reported—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. DAVENPORT: Paper to accompany bill for relief of John W. Richardson—to the Committee on Pensions.

Also, paper to accompany bill for relief of John Bowser—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of National German-American Alliance, against any change of immigration laws until investigation by commission is completed—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of New York State League, against any amendment of immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of the Deutsche Verein of La Crosse, Wis., against any liquor prohibition legislation—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: Petition of citizens of Kent, Oreg., for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Local Union No. 58, International Typographical Union, of Portland, Oreg., for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. FOCHT: Paper to accompany bill for relief of Henry Lamp—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of V. R. Anderson and other merchants of Rockford, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of David F. Kennel—to the Committee on War Claims.

By Mr. GARDNER of Massachusetts: Petitions of Proctor Brothers, editors of Gloucester Daily Times, and Charles A. King, editor of Beverly Citizen, against order issued by Postmaster-General of December 4, 1907, directing postmasters to refuse acceptance of copies of publications mailed to subscribers more than one year in arrears, except at the transient second-class postage rate of 1 cent for each 4 ounces thereof—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Local Union No. 892, International Brotherhood of Carpenters and Joiners, of Dedham; also, Grand Council of United Brotherhood of Carpenters and Joiners of Massachusetts; Local Union No. 259, International Brotherhood of Electrical Workers, of Salem; Local Union No. 1351, United Brotherhood of Carpenters and Joiners, of Fitchburg; Local Union No. 293, United Brotherhood of Painters, Decorators, and Paperhangers of America; Local Union No. 1105, United Brotherhood of Carpenters and Joiners, of Springfield; Berkshire District Council, United Brotherhood of Carpenters and Joiners, of Pittsfield, all in the State of Massachusetts, favoring submission to voters of an amendment to the Constitution of the United States striking out the word "male" from the Constitution—to the Committee on the Judiciary.

By Mr. GOEBEL: Petition of John Campbell Post, No. 204, of Cincinnati, Ohio, for passage of Sherwood bill (H. R. 7625)—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of J. H. Nowbray, of Bronx Borough, New York City, protesting against amending copyright law—to the Committee on Patents.

By Mr. GRANGER: Petition of town council of Westerly, R. I., for bill to promote efficiency of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Citizens' Business Association of Newport, R. I., favoring the fortifications bill or such part thereof as may apply to the defenses of Narragansett Bay—to the Committee on Military Affairs.

By Mr. GRONNA: Petition of Local Union No. 148, of the International Brotherhood of Bookbinders, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Andrew Vatne and 60 other citizens of Coopertown, N. Dak., for the Hepburn original-package bill—to the Committee on the Judiciary

By Mr. HAMILL: Petition of Local Union No. 94, printers of Bayonne, N. J., for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of typographical unions of San Francisco and San Jose, Cal., for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of General George G. Meade Post, No. 48, Grand Army of the Republic, of San Francisco, Cal., for pension for civil-war veterans of $40 per month—to the Committee on Invalid Pensions.

Also, petition of citizens of San Francisco, asking that right of naturalization be not extended and that oriental laborers be excluded from this country—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of Napoleon McDowell—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Petition of Spokane Chamber of Commerce, for amendment of H. R. 7597 (Crumpacker bill), relative to census employees, in accordance with civil-service laws—to the Committee on the Census.

By Mr. KALANIANAOLE: Documents and records to accompany H. R. 12123—to the Committee on Military Affairs.

By Mr. KNAPP: Paper to accompany bill for relief of Charles W. Murdock—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of David E. Taturn—to the Committee on War Claims.

Also, paper to accompany bill for relief of John Tittle—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of East Corinth (Me.) Woman's Christian Temperance Union, for legislation to prevent circulation of intoxicating liquor advertisements—to the Committee on the Judiciary.

By Mr. McMILLAN: Papers to accompany bills for relief of Henry T. Howell and John Hannah—to the Committee on Invalid Pensions.

By Mr. MALBY: Paper to accompany bill for relief of Samuel L. Barnhart—to the Committee on Claims.

By Mr. NORRIS: Petition of third-class postmasters of Third Congressional District, Nebraska, for increase in allowance for clerk hire in third-class offices from $500 to $1,300—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PADGETT: Papers to accompany bills for relief of estate of A. K. Stewart, estate of John M. Winstead, Alexander Bennett, William W. Small, Lemuel Long, estate of Mrs. Z. R. Tacker, estate of A. B. Rozell, estate of John F. Redmond, and estate of J. R. Jeter—to the Committee on War Claims.

Also, papers to accompany bills for relief of S. E. Witherspoon and A. Truett—to the Committee on War Claims.

By Mr. PRINCE: Petition of Local Union No. 342, International Typographical Union, for repealing duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RANDELL of Texas. Petition of citizens of Burleson, Greenville, Montague, and Nocona, all in the State of Texas, for H. R. 10507, to exterminate the green bug—to the Committee on Agriculture.

By Mr. RIORDAN: Petition of National German-American Alliance, against any change in immigration laws until investigation of commissioners is made—to the Committee on Immigration and Naturalization.

By Mr. ROTHERMEL: Petition of citizens of Pennsylvania, for S. 3152, for additional protection for the dairy interests—to the Committee on Agriculture.

By Mr. SABATH: Petition of National German-American Alliance, against any law changing immigration laws until Commissioner's report is submitted—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Local Union No. 58, Utica Printing Pressmen and Assistants, of Utica, N. Y., for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of Denton County Farmers' Union, for legislation to prevent gambling in futures in cotton and other farm products—to the Committee on Agriculture.

By Mr. SULZER: Petition of mass meeting of the Poles, against Polish expropriation bill of the Legislatures of Prussia—to the Committee on Foreign Affairs.

Also, petition of National German-American Alliance, for repeal of the so-called "canteen law"—to the Committee on Military Affairs.

Also, petition of George William Harris, Cornell University library, against certain provisions in S. 2900 and H. R. 11794 against free importation by libraries of copies of foreign publications—to the Committee on Ways and Means.

Also, petition of William Speers, for amendment to copyright bill favorable to musical composers—to the Committee on Patents.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *February 13, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TRADE CONDITIONS IN AUSTRALASIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Harry R. Burrill on trade conditions of Australasia, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Methodist Episcopal Church South, of Bellefonte, Ala., *v.* United States;

In the cause of the trustees of the Downing Methodist Episcopal Church South, of Oak Hall, Va., *v.* United States;

In the cause of the trustees of the Christian Church of Franklin, Tenn., *v.* United States;

In the cause of the trustees of St. Mark's German Reformed Church, of Gettysburg, Pa., *v.* United States;

In the cause of the trustees of the Christian Church of Union City, Tenn., *v.* United States;

In the cause of the trustees of the Cumberland Presbyterian Church of Charleston, Tenn., *v.* United States;

In the cause of Albert V. Conway, trustee, *v.* United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Deep Creek, Va., *v.* United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Mexico, Mo., *v.* United States;

In the cause of Hannah Nally, executrix of William A. Nally, deceased, *v.* United States; and

In the cause of the trustees of the Baptist Church of Harrodsburg, Ky., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

The message also announced that the House had passed the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry organizations of St. Paul, Minn.; Bellows Falls, Vt.; Richmond, Va.; Savannah, Ga.; Wheeling, W. Va.; Washington, D. C.; Brighton, Colo.; Cullman, Ala.; and Mobile, Ala., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Merchant Tailors' National Protective Association of America, of New York City, N. Y., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Ohio Personal Liberty League, of Cincinnati, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Elma, Wash., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of the Woman's Club of Ithaca, N. Y., praying for the enactment of legislation to establish laboratories under State, Federal, and city governments for a scientific study of the conditions of criminal paupers, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 135, International Typographical Union, of Oneonta, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the National German-American Alliance, of Philadelphia, Pa., remonstrating against any change being made in the present immigration law, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Ballston Spa, Brooklyn, Canisteo, Chatham, Jamestown, Lowville, Niagara Falls, Olean, Rome, Schenectady, and Seneca Falls, all in the State of New York, remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproduction, which were referred to the Committee on Patents.

Mr. WARNER presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation providing for the inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented petitions of sundry citizens of Ashland, Hinsdale, Keene, and Peterboro, all in the State of New Hampshire; of sundry citizens of Washington, D. C.; Urbana, Ill.; Crescent, Cal., and La Grange and Buffalo, in the State of New York, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of sundry volunteer officers of the civil war of Mendota, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. TALIAFERRO presented a petition of Clardy Chapel, Local Union No. 107, Farmers' Educational and Cooperative

Union, of Jasper, Fla., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of Local Union No. 1, Musicians' Protective Association, of Cincinnati; of Local Union No. 111, Musicians' Protective Association, of Canton; of Local Union No. 160, Musicians' Protective Association, of Springfield; and of Local Union No. 118, Musicians' Protective Association, of Warren, all in the State of Ohio, praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which were referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 5, of Columbus; of Local Union No. 3, of Cincinnati; and of Local Union No. 53, of Cleveland, all of the International Typographical Union, in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. ELKINS presented a paper to accompany the bill (S. 3559) granting a pension to Adam Radabough, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3554) granting a pension to John W. Smith, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3568) for the relief of the estate of George W. Bromley, deceased, which was referred to the Committee on Claims.

He also presented sundry affidavits in support of the bill (S. 1718) granting an increase of pension to William Haines, which were referred to the Committee on Pensions.

Mr. ELKINS presented a memorial of the Chamber of Commerce of Stockton, Cal., remonstrating against the adoption of a certain amendment to the present interstate-commerce law relating to the transportation of passengers with respect to distances, which was referred to the Committee on Interstate Commerce.

Mr. MARTIN presented a petition of sundry volunteer officers of the civil war, of Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. McENERY presented a petition of sundry citizens of Minden, La., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a petition of Local Union No. 267, Musicians' Protective Association, of Rutland, Vt., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

Mr. HOPKINS presented memorials of sundry organizations of Chicago, Moline, Freeport, Kankakee, Mount Olive, Rockford, Rock Island, Decatur, and Springfield, all in the State of Illinois, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. LONG presented an affidavit to accompany the bill (S. 4509) granting a pension to Edwin B. Rall, which was referred to the Committee on Pensions.

Mr. PENROSE presented a petition of Rear-Admiral Henry F. Picking Garrison, No. 4, Army and Navy Union, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and the Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

Mr. BURKETT presented a petition of Shilo Post, No. 124, Grand Army of the Republic, Department of Nebraska, of Loup City, Nebr., praying for the enactment of legislation granting a pension of $1 a day to all veterans of the civil war, which was referred to the Committee on Pensions.

He also presented a petition of sundry third-class postmasters of the Third Congressional District of Nebraska, praying that an appropriation of $2,000,000 be made for clerk hire in third-class post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. TILLMAN. Mr. President, I present a petition which relates to the Aldrich bill, and which, having read it myself, I think will shed some light on certain phases of the financial situation to such a degree that I feel willing to ask that it be read from the desk.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

To the Senate and House of Representatives of the United States:

GENTLEMEN: Exercising the right of petition given by the Constitution to each citizen, the undersigned respectfully petitions and earnestly protests against the passage of the currency legislation known as the "Aldrich bill," because it would be against public welfare.

Such a law would start agitation that might take from national banks the right under which they now profitably issue and loan to the people nearly $700,000,000 of bank-note currency, and perhaps jeopardize the gold standard itself. Will such banks grasp for more and possibly lose what they already have?

Bank-note currency is not a legal tender; its acceptance as money can not be compelled. Few know this. Prominent lawyers, business men, and even several Members of Congress disputed this fact until shown the law. The people generally are deceived by the Government's indorsement into believing it to be real money. It looks like money, but it is not. Anyone can refuse to accept it. Then actual money, gold or Treasury notes, must be found and tendered. This demand at last moment may work great loss and wrong. Do we want $500,000,000 more currency that is not lawful money?

Many claim that the Constitution vests in Congress the exclusive power to issue money; that it should not be delegated to banks for private profit; that all bills and coin which the people will consider money should be real money, a legal tender, and issued by the Government; that this need not be fiat or greenback, but paper money redeemable in gold, issued by the Government direct to any bank or individual depositing the proper bond securities and paying the currency tax; that issuing this currency, as now, to national banks, and by them to borrowing producers, adds nothing to its value, but it imposes extra burden and cost on the people for the profit of banks monopolizing the same. Therefore, that this $700,000,000 bank-note currency should be called in and replaced by a legal-tender bond-secured Government currency, real money, redeemable in gold. Some even advocate abolishing the gold standard. They fear danger in having so many billions of bonds and debts payable only in gold while so large a proportion of the total currency is merely bank notes, the acceptance of which can not be required. Especially so when it is known that the associated individual wealth of a half dozen powerful gamesters of Wall street is large enough to purchase and individually own and lock up every dollar of gold coin in the United States and demand any price therefor from those who must have the actual gold to pay the vast quantities of maturing bonds. It is not necessary for me to now express a personal opinion on these widely prevailing views.

Unwise currency legislation will react. It will defeat the party responsible for it, for the people this year are in no mood to overlook the wrong of the enactment of any law believed to be for the express benefit of Wall street. And there are strong indications that one of the chief designs of the hidden and crafty promoters of this legislation is to make it the clever means for discrediting the party in power and the Administration in the national campaign of 1908, that the hands on the dial of progress may be turned back seven years and incorporated lawlessness escape the penalty for its premeditated and lawyer-planned crimes.

It is believed that Wall street gladly will swap the Presidency for the rich fruits and dangerous powers contained in the Aldrich bill, for this would also satisfy their well-known spirit of revenge, and block all progressive legislation between a Democratic Administration and Republican Congress.

For years a cry has been raised for an elastic currency. One that would automatically expand and contract with the volume of business. This seemed reasonable. We all approved. Of course the natural law of supply and demand should govern. It was plausable. The entire country began to keep step with this music. Then a panic came. It appeared—"providentially"—just before this session of Congress, when it was planned to seek currency legislation. It was cleverly declared by the promoters that the panic was due to lack of elastic currency to move crops and to serve as buffer to take up the shock of panics. They did not explain why the country has got on so well for a dozen years without panic or change in the currency laws. Many believe the panic was caused by such promoters to pinch the country into hurrying Congress to hastily pass the currency legislation they desire, to punish the Administration for enforcing the laws without fear or favor, to advance interest rates, and to reduce wages of labor and prices of securities and property for their lawless purposes and profit.

The failure of the Knickerbocker Trust Company precipitated the runs on banks and panic. Sudden refusal by one Wall street bank further to clear for that trust company, and wild exploitation of that fact in the newspapers wrecked the trust company. The powerful master of Wall street, who is said to dominate that bank, sat in the gallery of the United States Senate and nodded approval as the distinguished author of the Aldrich bill spoke in advocacy of the measure.

One of the most prominent officials of one of Wall street's large financial institutions recently stated to your petitioner that the reason for an elastic currency was so that money would not get over-plenty after crop-moving time, for this might tempt bankers to compete for loans and lead to reduction of the interest rate. Thus Congress is asked to make money scarce by law so as to remove competition and create money monopoly to enable those who traffic in money for interest profits to force the borrowing producers of the country to pay a higher price for the money they must have to carry on industry and business. This is Wall street's real motive for elasticity.

But the actual bills now have appeared in Congress. One is called "Aldrich bill;" the other is for a privately owned central Government bank. Neither is for an elastic currency. Each seeks a contraction currency. Both wish to take from the Government and put into private hands the dangerous power to contract and expand the public currency suddenly in large volume. This would enable them to manipulate at will the prices of listed securities, property, and labor by simply making money scarce or plenty. They could then create panics to terrorize country banks and force them to call loans and hoard money for safety, destroying general credit and wrecking industry. Do the 12,000 bankers of the country desire to be always at the mercy of so few men?

At the recent meeting in New York of the National Civic Federation, Mr. Seligman, speaking for the large number of Wall street bankers present, flatly refused to consent to the amendment to their currency resolution offered by your petitioner. This amendment provided simply that the power to contract and expand the public currency should remain in the Government and not be put in private hands. This was a public admission that Wall street seeks to take this dangerous power from the Government and put it in banks controlled by them. The Aldrich bill does this most effectively. It would be an unconstitutional delegation of a legislative function.

For years Congress refused to repeal the provision prohibiting national banks contracting the bank-note currency over $3,000,000 a month. March 4, 1907, this was raised to $9,000,000. This was too dangerous a power to be left at the option of the banks. They might contract rapidly to raise interest rates and force down prices.

The biggest "joker" in the Aldrich bill is the fact that this restriction is wiped out entirely. It makes it possible suddenly to contract and destroy the entire $700,000,000 bank-note currency, and also the $500,000,000 emergency currency, or a total of $1,200,000,000 of currency used by the people as money. Sudden contraction of but $50,000,000 available money by bank depositors recently caused fearful panic and alarmed the whole country. What would happen to the country when the strangling contraction of more than a billion dollars, about half the available money supply of the United States, the active and convenient half, was begun?

But the consent of the Secretary of the Treasury must be had, it is said. The language of the bill on this point is doubtful. But even if he must consent, are 85,000,000 of people going to risk their all not alone on the honesty but on the judgment of one man, a mere appointed official not responsible to the people? Without intending personal allusion, it is proper to show that most Treasury officials leave the public service and its humble salaries to secure and enjoy positions with Wall street banks paying $25,000 to $50,000 salary. They could not do this if their conduct in public office should displease such interests.

The only way to make this emergency currency elastic more than in name is to have the Government issue it direct to national, State, or savings banks, trust companies, corporations, and individuals, to all who deposit the required bonds as security and pay the high tax. Then supply and demand would control, and it would be impossible for interest rates ever to go above, say, 8 per cent anywhere. The volume then would automatically expand at crop time and contract afterwards. But the Aldrich bill grants to the national banks alone the absolute monopoly of the entire half billion dollars of emergency currency. Other monopolies are made crimes by law. The Government on its own initiative can not issue one dollar of emergency currency. Not even in response to a general public sentiment or wide business distress. It must wait for national banks to first act. These will not do so except when actually menaced by runs. So it is in no sense an elastic currency for general benefit, such as the country was educated to expect.

Ordinary country banks would not profit at all. Only the big Wall street banks are situated to borrow this emergency currency from the Government at 6 per cent and loan it to the gamblers of the stock exchange at 10 per cent to 200 per cent. The few big operators now the masters of Wall street dominate the big banks, trust, and insurance companies, railroads and other industries. Their individual fortunes aggregate over a billion of dollars. They control institutions with $4,000,000,000 more of loanable assets. They dominate enterprises with outstanding securities exceeding twenty thousand millions of dollars. These few men comprise the huge pools which artificially sustain and manipulate all large issues of securities, putting the quotation prices up and down at will and for their private profit. Their identity and transactions are hidden by the stock exchange. This makes them more daring, reckless, and merciless. Every man who buys even one share of listed stock or one bond, whether on margin speculation or for investment, is blindly playing directly against this vast Gibraltar of financial strength, this crafty, crooked, and soulless power. Ultimate loss is as certain as death to those who continue to dabble in Wall street.

These lawless and relentless masters of Wall street are trying hard to promote the legislation found in the Aldrich bill. They will be the principal beneficiaries. It will give them a strangle hold on the money supply. It will vastly increase their dangerous powers. It will enable them to cause panic at will. It will multiply their political power. By controlling the Secretary of the Treasury they will dominate every bank in the land, and build for themselves the greatest political machine in all governmental history. Nothing could dislodge it.

If this syndicate ever finds the load too heavy even for its giant resources when it happens to be buying heavily to advance prices at a time when natural conditions otherwise would lower them, this emergency currency will come in handy. They will have their banks take an armful of these securities to the Treasury of the Republic and exchange them for real money, which the syndicate will borrow and plunge into the fierce and frenzied gamble. This will enable them to win against the public where otherwise they might have lost, for they get the Government's money at 6 per cent, while the public must pay, perhaps, 50 to 200 per cent on call loans borrowed on the open stock exchange. And they also get the money practically in unlimited quantities and pay it back only when they get ready, instead of when called, for the Government never can call in the emergency currency. It will be a dangerous curse to everybody else.

Enhancing the price of municipal bonds by designating them to secure currency will be for the benefit of the public, as with Government bonds. But it is quite a different thing gratuitously to put an immediate extra profit of more than $1,000,000,000 into the pockets of the private owners of railroad bonds by thus legislatively enhancing the quotation prices thereof, especially so when it will go to Wall street. The Aldrich bill requires the Secretary of the Treasury to keep posted on the prices of such bonds. As they are subject to possible violent manipulation daily, the only way he can do this is to follow the custom of the brokers and big banks of New York and install in the Treasury Department—and perhaps in the White House—the usual Wall street ticker, that from 10 to 3 each day the officers of the Republic may read the gamblers' tape and quickly call for more margins or sell out the collateral on the Stock Exchange, as is customary in the great American game, to avoid loss.

It is significant that the combined capital and surplus of the three big Wall street banks said to be dominated by Morgan, Rockefeller, and Ryan—the City National, First National, and National Bank of Commerce—exceeds $100,000,000, or an amount equal to the combined capital stock of 1,000 country banks with $100,000 capital each. These three banks could take out, and also contract, over $50,000,000 of emergency currency. They can at the same time also issue and contract $50,000,000 of ordinary bank-note currency. This reveals the vast power of these banks and what they are after. So, independent of the other 12,000 banks of the country, the wishes of 85,000,000 people or of their responsible Government, or of the interests or welfare of the Republic, the Aldrich bill proposes deliberately to make it possible for three banks, said to be dominated by three men, to manipulate more than $100,000,000 of the public currency of the United States for their personal profit and advantage. And these are the principal bank factors in that great paradise of gamblers.

I have it on the word of prominent members of the Stock Exchange that more than 90 per cent of all deals are purely gambling transactions; that Wall street's gambling business exceeds $30,000,000,000 annually, four times the value of all crops of the entire United States; that this could all be stopped without harm to the useful and legitimate business of Wall street; that investment would be safer and quotations no longer would fluctuate violently, but would be steady and represent actual values. Besides losing their capital up as margins, the victims are also charged by the brokers over $200,000,000 a year as commissions and "interest" for the privilege of being fleeced in the most colossal, crooked, dangerous, and merciless gambling institution of all human history. This includes the several million dollars stamp taxes which the State of New York collects from charges made on each gambling transaction as its price for the law immunity and habitation which it grants to this institution to prey upon and despoil its citizens and those of the entire country. And this gambling does not benefit the country one dollar, but curses and ruins countless thousands.

Bidding up interest rates on call loans to 10, 30, 60, 100, and even 200 per cent is the great magnet used to entice the deposit savings of the entire country away from local industry and business, and plunge them headlong into the vortex of the great gambling business of Wall street. This deranges the currency supply, interferes with legitimate business, burdening the same with ruinous and usurious interest charges, causes panics, and endangers credit and confidence constantly, paralyzing enterprise and prosperity.

Margin gambling and usurious rates on call loans should be stopped by law. New York State can do this. It is believed that Congress can also make them unlawful. It can prohibit national banks charging over 6 per cent on time or call loans. These banks then would induce the States to pass the same law as to State banks and individuals. It would seem that Congress has ample constitutional power to make unlawful margin gambling in the stocks of corporations transporting or engaged in interstate commerce. These two things done, there would be no serious currency problems to solve. And frequent and sudden panics no longer would occur. The lawless and dangerous power of Wall street would be broken, and without harm to its useful and legitimate business.

Wall street calls all banks but its own, country banks. These can live and prosper independently of Wall street banks and much safer. To a large extent the outside banks have been made the willing or unwilling tools and victims of Wall street. Now they are suspected by many of being in secret alliance with and profiting from that great gambling game. These banks are expected to bring local pressure upon Congressmen. Parties now in Washington are assuming to speak for all these banks in advocacy of the Wall street currency measures. The people believe these measures selfish, unpatriotic, and dangerous, and that their chief advocates outside of Congress have sinister motives.

Where do these banks stand? If not openly against it, they will be considered for it. Can they afford to endanger public confidence in their banks by having them considered an annex of Wall street's gambling institutions? If they do, when the fight it will bring on shall take from them perhaps a hundred times what they may hope to obtain in benefit from these schemes, they can not complain. They must know something of the present temper of the public mind. It will become more aroused as the fight goes on between the lawless powers of Wall street and the Government and people of the United States in the great struggle for the industrial, financial, and political conquest of the greatest Republic of all history.

Although this is signed by me alone, I know it represents the views of very many others. Therefore your petitioner earnestly urges the defeat of the Aldrich bill.

Very respectfully, yours, ALFRED O. CROZIER.

WILMINGTON, DEL., *February 11, 1908.*

UNELASTIC CURRENCY.

Mr. FLINT. I present a paper prepared by George v. L. Meyer on the subject of our unelastic currency. I move that it be printed as a Senate document and referred to the Committee on Finance.

The motion was agreed to.

CONDITION OF INDIANS IN ALASKA.

Mr. TELLER. I desire to have printed as a document a paper sent to me, which consists of the charge of the judge in Alaska to the grand jury, the report of the grand jury, and the report of a surgeon in the Army as to the condition of the Indians of that section of the country. I do not care to put the paper in the RECORD, but I do think it ought to be published as a document and referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 3639) to amend the homestead laws as to unappropriated and unreserved lands in the State of Montana, reported it with amendments and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the County of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 2668) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservaton, reported adversely thereon and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 4567) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters, reported it with amendments and submitted a report thereon.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 650) to extend the special-leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools, reported it without amendment and submitted a report thereon.

Mr. FOSTER, from the Committee on Military Affairs, to whom was referred the bill (S. 2261) to correct the military record of David Chrisman, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3202) to authorize patents to Santee Indians, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2711) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, reported adversely thereon and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 1543) to authorize the entry of arid and semiarid public lands, reported it with amendments.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment and submited reports thereon:

A bill (S. 520) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.; and

A bill (S. 5085) authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 2948) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz., reported it with amendments and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 654) to increase the efficiency of the veterinary service of the Army, reported it without amendment and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, reported it without amendment and submitted a report thereon.

LIGHT-SHIP AT ST. JOHNS RIVER, FLORIDA.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3342) to construct and place a light-ship opposite the entrance of St. Johns River, Florida, to report it favorably with an amendment, and I submit a report thereon.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That there be constructed, equipped, and outfitted complete for service a self-propelling light vessel with a fog signal, to be placed on its station opposite the entrance of the St. Johns River, Florida, under the direction of the Secretary of Commerce and Labor and the Light-House Board, and that the sum of $125,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated therefor out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Light-House Board is authorized to employ temporarily at Washington, not exceeding three draftsmen, to be paid at current rates, to prepare plans for the light vessel provided herein, and to be paid from the appropriation therefor; such employment to terminate on or before the date on which the plans or alterations therein for this light vessel are finally completed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER DAMS.

Mr. NEWLANDS (from the Committee on Commerce). I report back favorably with an amendment the bill (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain two dams across the Savannah River above the city of Augusta, in the State of Georgia, and I submit a report thereon.

Mr. CLAY. That is a bill of vast importance to my constituents, and I ask for its immediate consideration.

The Secretary read the bill and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to insert as a new section, to be section 3, the following:

SEC. 3. That the act entitled "An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia," approved February 27, 1907, be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River above the city of Augusta, in the State of Georgia."

MILITARY MANEUVERING GROUNDS IN WYOMING.

Mr. CLARK of Wyoming. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5155) authorizing the exchange of lands for the enlargement of maneuvering grounds, to report it favorably with an amendment, and I submit a report thereon. I call the attention of my colleague to the bill.

Mr. WARREN. The bill is of a local nature and a very short one. I ask unanimous consent for its immediate consideration.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the "Crow Creek National Forest," he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry.

The amendment was to add at the end of the bill the words "within the State of Wyoming."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF MEDICAL COLLEGE OF ALABAMA, ETC.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the claims of the Medical College of Alabama, at Mobile, Ala. (S. 2902), and the Baptist Church of Bowling Green, Ky. (S. 3171), and Christ Protestant Episcopal Church, of Bowling Green, Ky. (S. 5093), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act," and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Library;

A bill (S. 5295) for the erection of a monument to the memory of Gen. William Campbell; and

A bill (S. 5296) for the erection of a memorial pillar in honor of Col. Burgess Ball, of Virginia.

Mr. McLAURIN introduced the following bills, which were

severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5297) for the relief of the administrator of Haller Nutt, deceased; and

A bill (S. 5298) for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi.

Mr. GALLINGER introduced a bill (S. 5299) authorizing the extension of New York avenue from its present eastern terminus, near Fourth street NE., to the Bladensburg road, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5300) granting an increase of pension to John H. Folks;

A bill (S. 5301) granting an increase of pension to Elijah H. Bartlett (with an accompanying paper); and

A bill (S. 5302) granting an increase of pension to George W. Webb.

Mr. FULTON introduced a bill (S. 5303) to provide for the payment of the claims of the Roman Catholic Church in the Philippine Islands, which was read twice by its title and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5304) for the relief of Clarence D. Houck, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. ANKENY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5305) granting an increase of pension to Isaac H. Long (with the accompanying papers); and

A bill (S. 5306) granting increase of pensions to survivors of the Indian wars, under the acts of July 27, 1892, and June 27, 1902.

Mr. LA FOLLETTE introduced a bill (S. 5307) relating to the liability of common carriers to their employees, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5308) for the relief of William P. Clements; and

A bill (S. 5309) for the relief of the estate of R. M. McClelland, deceased.

Mr. LONG (by request) introduced a bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5311) to purchase certain property adjacent to the National Military Home, Kansas, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DICK introduced a bill (S. 5312) to readjust pay of soldiers during the civil war on gold basis, which was read twice by its title and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5313) granting an increase of pension to Cassius C. Wertz;

A bill (S. 5314) granting an increase of pension to Samuel D. Knight (with accompanying paper);

A bill (S. 5315) granting a pension to Thomas F. Hebb (with accompanying paper);

A bill (S. 5316) granting an increase of pension to Minnie B. Jeffries (with accompanying papers);

A bill (S. 5317) granting an increase of pension to John T. Hudson;

A bill (S. 5318) granting an increase of pension to John H. Everitt (with accompanying papers);

A bill (S. 5319) granting an increase of pension to Lehaven Long;

A bill (S. 5320) granting an increase of pension to Charles Kane (with accompanying papers);

A bill (S. 5321) granting a pension to Sampson Snyder;

A bill (S. 5322) granting a pension to John M. Collins; and

A bill (S. 5323) granting a pension to George Houteholder.

He also introduced a bill (S. 5324) for the relief of the Presbyterian Church at Bunker Hill, W. Va., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5325) authorizing certain extensions to be made in the lines of the Capital Railway Company in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 5326) granting an increase of pension to Sarah Searle, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 5327) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WARNER introduced a bill (S. 5328) for the relief of the heirs of John M. Fleming, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes, which was read twice by its title and referred to the Committee on Territories.

Mr. CLAPP introduced a bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. MARTIN submitted two amendments intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. McLAURIN submitted an amendment intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which, with the accompanying findings of the Court of Claims, was referred to the Committee on Claims and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (H. R. 15372) known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. DICK submitted an amendment relative to the office of the chief clerk, Bureau of Yards and Docks, Navy Department, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

IMPROVEMENT OF MISSOURI RIVER, KANSAS.

Mr. CURTIS submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized and directed to submit an estimate to Congress as to the cost of improvements and works necessary to restore the Missouri River to its proper channel at the city of Atchison, in the State of Kansas.

HOUSE BILL REFERRED.

The bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Indian Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington; and

An act (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. CULBERSON. I submit two amendments intended to be proposed to what is known as the "banking bill," S. 3023. They are quite short, and I would be glad to have them read.

The VICE-PRESIDENT. The proposed amendments will be read by the Secretary.

The SECRETARY. On page 10, line 3, after "SEC. 8," insert:

That from and after November 1, 1908, every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve in other national banks are hereby repealed.

On page 10, line 12, after the word "depositaries," insert the following provisio:

Provided, That whenever public money is deposited in national banks said banks shall pay to the United States interest on such deposits, to be collected by the Secretary of the Treasury, as follows: For the months of August, September, October, and November of each year at the rate of 2 per cent per annum; for the months of December, January, February, and March of each year at the rate of 4 per cent per annum, and for the months of April, May, June, and July of each year at the rate of 6 per cent per annum.

The VICE-PRESIDENT. The proposed amendments will be printed and lie on the table.

Mr. RAYNER. Mr. President, I desire to make a statement to the Senate. It will be brief.

I want to read a few lines of a colloquy that took place yesterday during the discussion of the financial bill. I am reading from page 1962 of the RECORD:

Mr. CULBERSON. Mr. President, while I have the floor, and it not being quite 2 o'clock, as reference has been made to the bill which I introduced some time ago and which is now pending before the Committee on Finance, with reference to reserves, I desire to state why I introduced the bill, which is as follows:

"*Be it enacted, etc.*, That from and after the passage of this act every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve with other national banks, and all laws and parts of laws otherwise in conflict herewith, are hereby repealed."

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. CULBERSON. Certainly.

Mr. TALIAFERRO. I submit to the Senator from Texas that not one dollar of that reserve could be legally used.

Mr. CULBERSON. I do not so understand the law. Of course I may be mistaken, but the purpose was to keep that money in the banks to meet emergencies. If it was not to meet an emergency, what was it to be kept there for?

Mr. CLAPP. Will the Senator from Texas pardon an interruption?

Mr. CULBERSON. Yes.

Mr. CLAPP. It seems to me—certainly my understanding is—that if a bank in the country had a reserve in its vault it could not have used a dollar of that reserve without violating the law. If the Senator is right, it is of the utmost importance certainly that we should understand at this point in the discussion which is the correct view. I appeal to the Senator from Rhode Island.

Mr. CULBERSON. Does the Senator mean that that is absolutely necessary?

Mr. CLAPP. Certainly not absolutely necessary.

Mr. ALDRICH. The law undoubtedly requires that the reserve shall be maintained, and if the bank fails to maintain it, the Comptroller can take possession of the bank.

Mr. CULBERSON. That is not my understanding as to deposits. Of course I may be mistaken about it, but I was saying that the purpose in the bill I have introduced was to keep on hand a reserve in the banks in the interior for the purpose of meeting extraordinary runs which may be made upon the banks by depositors.

What is the one hundred and fifty million gold reserve in the Treasury vaults for? It is true that the Secretary of the Treasury is required to keep that amount of gold in the Treasury, but when a gold obligation is presented to him he is required to pay it.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. CULBERSON. Yes.

Mr. TELLER. I call the Senator's attention to the fact that this is for a specific purpose.

Mr. CULBERSON. Certainly; I understand that.

Mr. TELLER. And it is not subject to the control of the Treasury except for the redemption of greenbacks.

Mr. CULBERSON. I understand that, Mr. President, but I was only illustrating the object of a reserve. It is to meet an extraordinary occasion that may arise. The idea of the bank reserve is that all the country banks should keep on hand in cash 15 per cent of their deposits, as it would in all probability meet any demand which might be made upon them by their depositors.

Mr. HEYBURN. If the Senator will permit me——

Mr. CULBERSON. Certainly.

Mr. HEYBURN. I think that the banking law fully bears out his statement that the reserve may be used temporarily for purposes of meeting unexpected conditions arising in the bank. I refer to the national banking act as it is issued by the Comptroller of the Currency during this year, page 24, section 95. It provides that where the reserve is found unexpectedly decreased below the amount fixed by law the Comptroller may give notice and require it to be made good within thirty days. That contemplates that it may be brought down by extraordinary circumstances.

Mr. President, this involves a very plain proposition, and I think everyone understands that it ought to be made perfectly plain in the RECORD. So far as I am concerned, of course I understand what "the reserve" means; but during the debate yesterday I answered a question the Senator from Florida [Mr. TALIAFERRO] addressed to me without fully hearing the question, because I thought he had reference to the line of deposits in the country banks. When the Senator from Florida asked me whether the reserves could be used to move the crops and I answered him "yes," I did not hear the question. I thought, as I have stated, that he had reference to the line of deposits. After arguing for an hour that the reserves could not be used for any other purpose except the purposes to which they were dedicated by law, I could hardly admit that reserves could be loaned out to the people who were procuring discounts in the banks.

What I want to do is this: I want to have this colloquy in the RECORD, and with it I desire to have printed the provisions of the banking law, kindly furnished to me by the senior Senator from Idaho [Mr. HEYBURN], from section 92, on page 24 of the national banking laws, to section 105, inclusive. This includes all the provisions in reference to the reserves, so that we all may know exactly for what purpose the reserves may be used.

The VICE-PRESIDENT. Without objection, the request of the Senator from Maryland for permission to print in the RECORD the matter referred to by him is granted.

The matter referred to is as follows:

92. LAWS GOVERNING CERTAIN ASSOCIATIONS. (SEC. 5157.) The provisions of chapters two, three, and four [three, five, and seven of this edition] of this title, which are expressed without restrictive words, as applying to "national banking association," or to "associations," apply to all associations organized to carry on the business of banking under any act of Congress.

93. PLACE OF BUSINESS. (SEC. 5190.) The usual business of each national banking association shall be transacted at an office or banking house located in the place specified in its organization certificate.

94. RESERVE CITIES AND RESERVE REQUIREMENTS. (SEC. 5191.) Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburg, St. Louis, San Francisco, and Washington shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its deposits in all respects; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its deposits in all respects. (See paragraphs 104 and 105.)

95. RESERVE NOT MAINTAINED. (SEC. 5191.) Whenever the lawful money of any association in any of the cities named shall be below the amount of twenty-five per centum of its deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion between the aggregate amount of its deposits and its lawful money of the United States has been restored. And the Comptroller of the Currency may notify any association, whose lawful-money reserve shall be below the amount above required to be kept on hand, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section fifty-two hundred and thirty-four.

96. RESERVE AGENTS' BALANCES COUNTED AS RESERVE. (SEC. 5192.) Three-fifths of the reserve of fifteen per centum required by the preceding section to be kept may consist of balances due to an association from associations approved by the Comptroller of the Currency, organized under the act of June three, eighteen hundred and sixty-four, or under this title, and doing business in the cities of Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburg, Richmond, St. Louis, San Francisco, and Washington.

97. CLEARING-HOUSE CERTIFICATES COUNTED AS RESERVE.—Clearing-house certificates, representing specie or lawful money specially deposited for that purpose, of any clearing-house association shall also be deemed to be lawful money in the possession of any association belonging to such clearing house, holding and owning such certificate, within the preceding section.

98. REDEMPTION FUND COUNTED AS RESERVE.—Sec. 3 of the act of June 20, 1874, provides that the five per cent redemption fund, which shall at all times be kept on deposit with the Treasurer of the United States, shall be counted as a part of the lawful reserve.

99. UNITED STATES NOTE CERTIFICATES COUNTED AS RESERVE. (SEC. 5193.) The Secretary of the Treasury may receive United States notes on deposit, without interest, from any national banking association, in sums of not less than ten thousand dollars, and issue certificates therefor in such form as he may prescribe, in denominations of not less than five thousand dollars, and payable on demand in United States notes at the place where the deposits were made. The notes so deposited shall not be counted as part of the lawful-money reserve of the association; but the certificates issued therefor may be counted as part of its lawful-money reserve, and may be accepted in the settlement of clearing-house balances at the places where the deposits therefor were made. (Repealed March 14, 1900.)

100. REDEMPTION OF SUCH CERTIFICATES. (SEC. 5194.) The power conferred on the Secretary of the Treasury by the preceding section shall not be exercised so as to create any expansion or contraction of the currency; and United States notes for which certificates are issued under that section, or other United States notes of like amount, shall be held as special deposits in the Treasury and used only for redemption of such certificates.

101. UNITED STATES GOLD CERTIFICATES COUNTED AS RESERVE.—Sec. 12 of the act of July 12, 1882, provides that the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums of not less than twenty dollars, and to issue certificates therefor in denominations of not less than twenty dollars each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing house in which such certificates shall not be receivable in the settlement of clearing-house balances: *Provided*, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treas-

ury reserved for the redemption of United States notes falls below one hundred millions of dollars; and the provisions of section fifty-two hundred and seven of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

102. RESERVE REQUIREMENTS FOR GOLD BANKS. (SEC. 5186.) Every association organized for the purpose of issuing notes payable in gold shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation, in gold or silver coin of the United States, and shall receive at par in the payment of debts the gold notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this title: *Provided*, That, in applying the same to associations organized for issuing gold notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States; and the circulation of such association shall not be within the limitation of circulation mentioned in this title.

103. RESERVE DEPOSIT IN CENTRAL RESERVE CITY. (SEC. 5195.) Each association organized in any of the cities named in section fifty-one hundred and ninety-one may keep one-half of its lawful-money reserve in cash deposits in the city of New York. But the foregoing provision shall not apply to associations organized and located in the city of San Francisco for the purpose of issuing notes payable in gold. This section shall not relieve any association from its liability to redeem its circulating notes at its own counter at par in lawful money on demand.

104. ADDITIONAL RESERVE CITIES.—Sec. 1 of the act of March 3, 1887, as amended by the act of March 3, 1903, provides that whenever three-fourths in number of the national banks located in any city of the United States having a population of twenty-five thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand in lawful money of the United States an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes.

105. ADDITIONAL CENTRAL RESERVE CITIES.—Sec. 2 of the act of March 3, 1887, provides that whenever three-fourths in number of the national banks located in any city of the United States having a population of two hundred thousand people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section fifty-one hundred and ninety-five of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand in lawful money of the United States twenty-five per centum of its deposits, as provided in section fifty-one hundred and ninety-one of the Revised Statutes.

Mr. RAYNER. Before proceeding further I want to give the Senator from Rhode Island [Mr. ALDRICH] a statement made by the Comptroller of the Currency in reference to these reserves. Here is what the Comptroller says:

It will thus be seen that the country bank keeps but 6 per cent on hand in cash, and of the country bank's reserve deposits the city banks keep but 1.4 per cent on hand in cash. There is therefore but 7.4 per cent of cash, or $740,625, kept unloaned anywhere against this deposit of $10,000,000 in the country banks. Of this but $140,625 is outside the country bank's own vaults. If, therefore, there is a reduction in the deposits of the country banks of $150,000 out of $10,000,000, or only 1½ per cent, it calls for more cash or reserve money than has been kept on hand for the whole $10,000,000 in the reserve banks.

Is it any wonder, then, that the demand in the fall for about $200,000,000 in currency for crop moving always makes a disturbance and that when this demand was accompanied by withdrawal of deposits and a curtailment of credits, caused by uneasiness and distrust, that the banks were forced in self-defense to partially suspend payments, adopt clearing-house certificates, and various other expedients to furnish currency to meet such an emergency?

I have not the slightest idea in the world that this money could be loaned out for the purpose of discounting the paper of the bank's customers. My idea about this reserve is this—and if I am making a mistake, I shall be very glad to be corrected—the reserve is held as a reserve to secure the line of deposits; but I believe that in case of an emergency the reserves have been used to pay the depositors. If I am wrong about that, I will submit to the experience of the Senator from Rhode Island upon that question.

I believe that in the case of an emergency the reserve can be used to pay depositors. If the depositor then chooses to use the reserve to move the crops, that is for him to say. Of course the reserve could not be used for the purpose of discounting notes to move the crops; but I have always been of the opinion and am now—and I am fortified in the opinion by several of the most experienced bankers—that in the case of an emergency the reserves have been used for the purpose of paying the depositors.

Mr. ALDRICH. Mr. President, the reserve can undoubtedly be used in the case of an emergency to meet any demand obligation of the bank. That is what reserves are for; they are for nothing else; but the law requires that, if so used, they shall be immediately replaced; that a certain percentage shall be maintained, and that, in the absence of such percentage being maintained, the Comptroller of the Currency can, if the reserve is not restored in thirty days, throw the bank into the hands of a receiver.

Mr. RAYNER. That is under the thirty days' limitation.

Mr. ALDRICH. Under the thirty days' limitation.

Mr. RAYNER. Then, I submit that the Senator from Minnesota must have been wrong and the Senator from Texas must have been right when the Senator from Minnesota said yesterday:

It seems to me—certainly my understanding is—that if a bank in the country had a reserve in its vault it could not have used a dollar of that reserve without violating the law.

Mr. CLAPP. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Certainly.

Mr. CLAPP. I want to say now that as the law reads, not as it may be interpreted by a Comptroller of the Currency, if all of the reserve is in the bank's vault, it can not be used without violating the law, assuming, of course, that it is down to the point of that reserve when it dips into the reserve.

Mr. RAYNER. It can not be used for any purpose at all?

Mr. CLAPP. For any purpose without violating the law requiring that reserve. It is true that, recognizing that the law will be perhaps ignored in a great emergency, the law does provide that, if this reserve is disturbed, it must be made good within thirty days. If it is left to the banker to say when and for what he will proceed to use that reserve, then I say that there is no warrant for the assertion that the banker can use that reserve for one purpose without violating the law, but can not use it for another purpose without violating the law. The law makes no such distinction. Exigencies may warrant——

Mr. RAYNER. Then, the Senator from Minnesota does not agree with the Senator from Rhode Island that in case of emergency the reserve may be used to pay depositors?

Mr. CLAPP. Absolutely.

Mr. RAYNER. You do not agree with him?

Mr. CLAPP. I do agree with him.

Mr. RAYNER. You do agree with him?

Mr. CLAPP. Certainly; on that proposition.

Mr. RAYNER. Then, what does the Senator do with section 5191 of the national banking act, which provides that, if the reserve is not maintained, in thirty days the Comptroller may take possession of the bank?

Mr. CLAPP. I say that, while the law contemplates the reserve shall be kept, if in stress of emergency, the banker does exceed his lawful authority in the use of the reserve, he must make it good within thirty days. I know of no better expression, perhaps, than to use the expression that the Comptroller may for a time and under certain conditions, of which he, perhaps, is alone to judge, be blind to a violation of the law. That is one reason why I do not believe in this legal reserve. I am just old-fashioned enough to believe that laws should be made to be obeyed, and that a law should not be made with the idea that any officer of the Government may, at his own pleasure, wink at a violation of it.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Certainly.

Mr. BAILEY. I thought the Senator had concluded.

Mr. RAYNER. I have not concluded, but I yield to the Senator.

Mr. BAILEY. I think it is rather unfortunate that the Senator from Maryland and the Senator from Rhode Island each use the word "emergency" in connection with the right of a bank to pay the depositors, although the payment may reduce the amount of its reserve below 15 per cent of its deposits. Perhaps it may be said that an emergency has arisen in the case of that particular bank when it finds itself called upon by its depositors for more money than will leave intact its 15 per cent reserve; but it can not be supposed for a moment that the law contemplated that the bank would be authorized to suspend cash payment as long as it had cash in its vaults. All that means, and all that it was intended to mean is simply this, that when the reserve of a bank has been reduced to 15 per cent of its deposits, that bank must suspend the discounting of paper and the negotiation of loans; but it is still left free to discharge its obligations to each depositor as that depositor applies. The law, very properly recognizing that depositors may take from the bank enough to reduce its reserve below 15 per cent, requires that when a bank's reserve has been so reduced it must be repaired within thirty days. That is the whole of what it means. It is not merely the right of a bank to use its reserve in an emergency. It is the right and the duty of a bank to use that reserve whenever a depositor calls for his balance or any part of it, even though it falls below 15 per cent of the deposits.

Mr. TALIAFERRO. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Texas yield to the Senator from Florida?

Mr. BAILEY. Certainly.

Mr. TALIAFERRO. The Senator from Texas, Mr. President, I take it, will admit that the law requires the banks to hold 15 per cent of their deposits as a reserve. Now, will the Senator from Texas point to any affirmative authority of law that authorizes a bank to reduce its reserve below the legal limit?

Mr. BAILEY. No; Mr. President, but that is not necessary in view of the express obligation upon the bank to pay every depositor as he calls for his money. You must construe the duty of the bank under the law not only to itself, but to its depositors, and surely, whenever a bank suspends cash payment its depositors would have the right to call upon the Comptroller to put it into the hands of an examiner.

These two duties can be performed without any conflict. The bank can meet and discharge its obligations to the depositor by paying cash when the depositor calls for it, and when the bank, in meeting that obligation to the depositor, has paid out cash until its reserve falls below 15 per cent of its deposits, it then becomes the duty of the bank to repair that reserve by calling in from the people who owe it the loans which it has extended to its customers.

I should dislike very much to see it announced in the Senate and accepted by the country that whenever a banker had paid his depositors until he had but 15 per cent of the deposits left he could look a man in the face and say, "Under the law of the United States I am not permitted to pay you your money. You must wait until I have collected from those who owe me, and then, when I have more than 15 per cent, I will pay you."

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. When I finish this sentence. I think all the law intended to do was to say to the banker, "When you have reached the 15 per cent limit you have no option or discretion as to discounting paper or making further loans." I think that is all the law intended.

Mr. RAYNER. Mr. President, I have no objection to this interruption, but these speeches are not my speech.

Mr. BAILEY. The Senator from Maryland can very well afford to allow this interruption to appear as part of his speech, because it would be a very grave mistake for it to be generally asserted and accepted here that a banker is under a higher obligation to maintain his reserve than to pay his depositors.

Mr. RAYNER. I was not referring to the Senator from Texas. I was referring to the speech the Senator from Minnesota wants to make.

Mr. BAILEY. Mr. President, I have said all I desire to say, and I will say to the Senator from Maryland that we are only responsible for what we say ourselves—but I was not willing to remain in my seat and hear it stated and accepted that the bank need not pay its depositors when its reserve had fallen below 15 per cent. I merely wanted to express my own opinion that the provision of law is intended to limit the right of the bank to discount paper, but not to pay depositors.

Mr. CLAPP. Mr. President, I had supposed the Senator from Maryland had concluded, or I would not have made so long a statement as I did, and I will not unduly prolong it now; but at the proper time I shall trespass upon the patience of the Senate to discuss this very proposition of the reserves. At this time I merely want to call the attention of the Senator from Maryland to what the Senator from Florida drew as an inference, and what I drew as an inference, and, I am inclined to think, what other Senators drew as an inference, from his speech yesterday with reference to the question of bank reserves. He was discussing this question, and, referring to the fact that part of the reserves were retained in the country banks and part of them went to the city banks, and then, on page 1959, near the close of the debate, he used this language:

> You talk to me about moving the crops. Where is the $200,000,000 to come from to move the crops? The country banks have only 6 per cent of their reserve.

He did not say in that connection that if they had 15 per cent reserve they could have used it for moving the crops. That is very true; but in making the inquiry, "Where is the money to move the crops to come from?" he makes the further suggestion that "the country banks have only got 6 per cent of their reserve." I submit that, using the expression that they only had 6 per cent of their reserve in connection with the very inquiry as to where the $200,000,000 was to come from, left us at liberty to draw the deduction that he did hold that this reserve could be used if the entire 15 per cent was there for moving the crops. If he did not mean that, I certainly am glad of the explanation, for that was the deduction I drew.

Mr. RAYNER. I want to say to the Senator from Minnesota that not only I did not mean it, but I could not have meant it, and his construction of my language is wrong. If the Senator will read the whole sentence he will see that I was referring to the money conditions of the country. I just brought in the amount of the reserves of the country banks with it. I was arguing, and am arguing now, that the bank reserve must be dedicated to the purpose defined by law. I had been arguing for half an hour that the reserve must be dedicated to the purpose that the law provides. The object that I had in view was to change the next section. Three-fifths of the reserve, or the 15 per cent required by the preceding section to be kept, may consist of "balances due to the association from associations approved by the Comptroller of the Currency."

That section was the text of my argument yesterday, and I answered the question of the Senator from Florida as I did because I thought he had reference to the deposits and not the reserves. I desire to be perfectly understood upon this question, because there can not be any controversy about it. I agree with every word the Senator from Texas [Mr. BAILEY] has said, but I do not agree with what the Senator from Minnesota [Mr. CLAPP] has said. I believe, however, that the reserves are for a certain purpose, and they can not be used for any other purpose under the law, but I want the sections I have indicated set out in the RECORD so that all of us can understand exactly what the reserves are for, as the law is very plain upon the subject.

Mr. ALDRICH. Will the Senator from Maryland permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. RAYNER. Certainly.

Mr. ALDRICH. As the Senator from Maryland asked me a question, and the answer which I gave does not seem to be satisfactory to my friend, the Senator from Texas, I would like to make a statement of my own position and understanding about this matter.

The whole theory of the national banking act is that the bank should have its resources in such a condition at all times that it should be able to respond to all demands for payment of any of its demand obligations without infringing upon its reserve; in other words, an amount equal to 15 per cent of the deposits is set apart as a reserve, and it is contemplated that all the ordinary business of the bank could be conducted without touching that reserve, and that any infringement upon that reserve to the extent to which it is depleted is in a sense a violation of the law. That the bank should meet its demand obligations in the case of emergency by using that reserve is unquestionable, but when the condition of the bank otherwise does not permit it to meet its demand obligations by the ordinary method it may encroach upon the reserve. The theory, however, is that the bank should be at all times in condition to meet its demands without infringing upon the reserve, and the law says plainly that when the time comes when that reserve is infringed upon no additional loans shall be made. The bank then has no right to make any further loans, and if it refuses or declines or is unable to maintain that reserve, or to restore it within thirty days, then a receiver is to be appointed and the bank be taken possession of. So that, while there is no question but that the reserves are put there to be used in case of emergency or of unusual circumstances, they are not put there to be used in the ordinary business of the banks and can not be used unless there is an emergency.

Mr. BAILEY. Mr. President, the only difference between the Senator from Rhode Island [Mr. ALDRICH] and myself is that he persists in using the words "in an emergency." I insist that the reserve is there to meet, not a demand arising out of an emergency, but a demand that arises in the ordinary and daily course of business. In other words, the law wisely recognizes that it is apt to happen that depositors, one in seven, from day to day and from time to time, may call for their deposits, and it is not safe banking for any bank to allow its available cash to run below the relation of 1 to 7. The very purpose of the reserve is——

Mr. HOPKINS. Mr. President, may I ask the Senator a question there?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. Recognizing now, as all bankers do, the principle which the Senator has just stated, is it not true that the word "emergency" is the right word to use there, because it is an emergency in that bank? If the rule which the Senator has announced has been violated, and they have reached a

point where, in order to meet the demands of the depositors, they have to go into the reserve that is set aside in the bank, is not that an emergency?

Mr. BAILEY. Not at all, Mr. President. There are very few banks that generally keep more than the law requires. It is not profitable banking to do so. The usual and ordinary practice is for a bank to loan down close to the red line, and then, if somebody comes for a loan, the banker very properly says, "under the law I am unable to accommodate you, because I am not above my reserve limit." No matter how gilt-edged a note may be offered for negotiation, the bank is bound to decline it, and if it chooses to give its customers any explanation, all accept that as a sufficient reason for refusing them a loan. But never can it happen that a bank can excuse itself for refusing to pay a depositor by saying, "I have reached the reserve limit." He does not need to wait for an emergency, unless, indeed, it be that an emergency in the case of that particular bank is reached when its reserve falls below 15 per cent. If the term "emergency" could be used in that sense, then I have no objection to it; but really it is without meaning, because the ordinary and usual business of a bank is to keep its reserve at only about the limit which the law requires.

Mr. FLINT. Mr. President——

Mr. BAILEY. One moment, and then I shall be glad to yield to the Senator from California.

The very law which requires the reserve to be repaired within thirty days when once it is impaired is itself a permission by implication to impair. I do not construe that as a permission to impair the reserve by discounting paper or making loans. I construe that simply as a recognition in the law that under the law the bank may in some cases fall below its reserve in order to meet the daily demand of its depositors. I repeat that I would regard it as unfortunate for the country and the people generally to have it announced that a banker could only trench upon his reserve to pay his depositors in an extraordinary crisis or in an emergency. The very purpose of that reserve is not to hold it in idleness, but it is to have it there to meet the demands which may come from the depositors any day. We are now trying in the bill under consideration to provide for an emergency; but surely the Senator from Rhode Island does not mean that the emergency which he describes with reference to the reserve is the same kind of an emergency which he is trying to meet and prevent by this bill.

Mr. ALDRICH. Does the Senator from Texas intimate that there is anybody here who claims that a bank should not use its reserve to pay its demand obligations whenever the occasion requires?

Mr. BAILEY. No; but they couple that demand with a qualification that it can only be done in an emergency, and I contend that that qualification has no place either as a matter of law or as a matter of practice.

Now I will be glad to yield to the Senator from California.

Mr. FLINT. Mr. President, I desire to ask the Senator from Texas whether, as a matter of fact, the clearing houses of our country do not in their rules provide that the banks shall keep at least 25 per cent of this money in reserve, and whether it is not a rule of banking generally throughout the country that whenever the reserve reaches a point below 25 per cent it is nearing the danger point? As a matter of fact, is it not an emergency when the bank's reserve reaches a point below 15 per cent? Is not that such an emergency as is contemplated in this bill, which would entitle the bank immediately to call for currency under this so-called "Aldrich bill?"

Mr. BAILEY. Mr. President, that might not follow, and I want to say that it has happened an almost unlimited number of times that banks have reached the positive limit of their reserves without themselves considering or being considered by their customers to be in any great difficulty or in any great emergency. It is not an uncommon thing in the city of New York for the bank statement to show the reserves below the legal requirement.

Mr. ALDRICH. Mr. President——

Mr. RAYNER. I thought I had the floor.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. ALDRICH. Will not the Senator from Texas agree with me that, when the bank statement shows that the reserve is below the legal limit, that is a danger signal?

Mr. BAILEY. If the Senator from Maryland—and I really supposed he had resumed his seat——

Mr. RAYNER. I want to fortify the Senator's statement, if he will permit me to do so—I have no desire to make a speech, but I want to fortify the Senator's statement by citing the fact which was constantly published in the papers during the panic that some of the New York banks were below their reserve. I am informed on this floor now by a Senator who is the president of a bank and knows more about practical banking perhaps than a number of us put together that the banks do not wait for an emergency, but are using their reserves for the purpose of paying depositors. Neither the Senator from Rhode Island nor the Senator from California can give us an example where a bank has ever been put into the hands of a receiver for temporarily using a small portion of its reserves in order to pay its depositors. If there is such a case I should like to hear of it. It was published every day in the papers that the New York banks were below the reserve. Why did not a receiver take possession of them under this section of the national bank law?

Mr. BAILEY. I want to say to the Senator from Rhode Island——

Mr. HOPKINS. Will the Senator allow me for just a moment?

The VICE-PRESIDENT. The Senator from Texas has the floor. Does he yield to the Senator from Illinois?

Mr. BAILEY. The Senator from Illinois will permit me to conclude the sentence.

Mr. HOPKINS. The Senator from Maryland questioned whether a bank was ever put into the hands of a receiver for allowing its reserve to go below 15 per cent. I undertake to say that there can not be an instance found since national banks were inaugurated where the reserve has continued for thirty days below the legal limit. The deposits that are made from day to day put the reserve back to the legal limit.

The Senator from Texas says that to pay the depositor a bank may go below the reserve. In my judgment that is an emergency with that particular bank, and is permissible under the law, but if that bank permitted the reserve to remain below the legal limit for thirty days it would come within the limitation prescribed by the statute here, and the Comptroller would take charge of it if he enforced the law.

Mr. RAYNER. Let me ask the Senator from Illinois a question. The New York banks were below their reserves for sixty days. Did the Comptroller of the Treasury appoint receivers for any of those banks? That fact was published in the daily papers.

Mr. HOPKINS. There is not a record showing that they were below the legal limit for thirty days.

Mr. RAYNER. The papers published every day for sixty days the statement that they were below the limit.

Mr. HOPKINS. I am not responsible, nor is the Senator from Maryland responsible for what the papers publish, but I undertake to say that no national bank has ever remained below the reserve for thirty days continually.

Mr. TALIAFERRO. I wish to say, in reply to the suggestion of the Senator from Maryland, that no case can be cited where a bank has ever been put into the hands of a receiver because of the depletion of its reserve——

Mr. RAYNER. I did not say that.

Mr. TALIAFERRO. What did you say?

Mr. RAYNER. I said they have used the reserve to pay depositors without waiting for an emergency; that the Comptroller of the Currency does not always put a bank in the hands of a receiver if it uses its reserve to pay depositors.

Mr. TALIAFERRO. I understood the Senator from Maryland to challenge the Senator from Rhode Island to cite an instance where a bank had been put into the hands of a receiver for falling below the legal reserve. I challenge the Senator from Maryland to cite an instance where a bank has been put into the hands of a receiver which has not fallen below the legal reserve.

Mr. RAYNER. That is illogical. If a bank is put in the hands of a receiver, the chances are largely that it has fallen below its legal reserve. But I say that it has not been put there always upon that ground. There are plenty of other grounds. What does the Senator say to the financial reports published day after day that the New York banks, during the late crisis, were below their legal reserve?

Mr. TALIAFERRO. I have nothing to say as to the manner in which the Comptroller of the Currency discharges his duty under the law. I am speaking now to the question of reserves as suggested by the Senator from Maryland, and when he extended that challenge I merely wanted to extend one to him in return.

Mr. RAYNER. You ought to have accepted the challenge without extending another challenge.

Mr. TALIAFERRO. The challenge was not addressed to me, Mr. President. If it had been, I should perhaps have treated

it with the same silence that the Senator from Rhode Island did. But it is a fact that, however these banks are managed, when they go into the hands of a receiver it is because the reserve has been exhausted, for when the reserve is there of course the bank does business.

Mr. BAILEY. Mr. President, this illustrates perfectly what I have been contending for. The Senator from Maryland [Mr. RAYNER] declares that no bank has been put into the hands of a receiver for paying out money below its reserve. The Senator from Florida [Mr. TALIAFERRO] says—and I think he is most probably accurate in that—that no bank was ever put into the hands of a receiver until and unless it had fallen below its legal reserve. Now, that only illustrates that a bank may fall below its reserve without being in an emergency, while other banks in an emergency repeatedly do fall below their legal reserve. To my mind it illustrates the danger of leaving this statement to stand, that a bank can use its reserve only to pay its depositors "in an emergency."

Now, to return to the statement of the Senator from Rhode Island that a serious deficiency in a reserve, or rather, to repeat his statement accurately first, I will grant you that to fall below the reserve may be a danger signal. To seriously fall below it is certainly a sign of distress. If a bank or a number of associated banks should be barely below the reserve, I should feel no apprehension about the state of the country, and I should not expect any serious financial crisis. But if that same bank or those same associated banks were to suffer an enormous diminution of their lawful and proper reserve, I would think that not only the banks themselves were involved, but that the country was to suffer from the same cause.

If the Senator means an emergency which only relates to the bank and he is willing to say that whenever any bank has paid out its cash to its reserve line it is in an emergency, I will not quarrel about that description of a bank's condition, although I still maintain that many a bank in this country heretofore and many a bank in this country hereafter, perfectly solvent and without a question about its ability to pay, has paid and will pay below the reserve limit, and then, if it is conducted according to law, it will immediately take steps to repair that reserve by receiving deposits or making collections and making no loans until the reserve has been restored.

Mr. President, I beg the pardon of the Senate for having detained it in this perhaps unnecessary colloquy, and I beg the pardon of the Senator from Maryland. I did not, when I took the floor, intend to take him off of it. I only rose to make a correction, which ought to have occupied only two minutes.

Mr. HEYBURN. Mr. President, I should like to call attention to the fact that the use of the word "reserve" implies additional power in any sense in which it is used. It is a word of reservation; of a reserve force. We speak of the reserve force of an individual. Is the individual not to draw on that reserve force when his ordinary or usable force is expended? Is an army not to call to the line of battle its reserves when the army is pressed? Are the banks of the United States not to call upon their financial reserves when their ordinary credit is pressed? The lawmaker recognized that in the very language of this section a reserve is something which is held back for use under certain contingencies, either expressed, understood, or implied. If you will take the word in any sense where it is analyzed and applied you will find that is its scope and meaning. Had the legislators intended otherwise they would have said that no bank shall pay out or deplete its fund of currency below a certain percentage. But on the face of the statute the prohibition in the case of reserves is expressed in these words, and I read from section 95, on page 24:

> Whenever the lawful money of any other association shall be below 15 per cent of its deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion between the aggregate amount of its deposits and its lawful money of the United States has been restored.

That is a complete statement of a legal proposition in itself. It stands alone. They shall not do those things when the reserves are below 25 or 15 per cent of the money in the bank. The law does not say, either directly or by implication, that they shall not pay their depositors when the reserve falls below 15 or 25 per cent, but it does imply in the next paragraph of this section that that is just what they are to use the reserve for—to enable them to perform the ordinary obligation which they are under when they take the money of a depositor into their keeping.

It is the depositors' money, not the bank's, and the bank may use the reserve at any time for the payment of its depositors, provided that it shall not even for that purpose maintain a less reserve than that required to be kept by law. It could not be written plainer in the statute in any elaboration which might be attempted. That is not only the law, but the practice of banks. As has been said by the Senator from Texas, there is no obligation upon the part of the banks not to deplete their cash on hand below 15 or 25 per cent by the payment of their depositors. It was the intention of the law that such should be the case. As I said, the reserves may be called into action just as the reserve corps of an army may be called into action in time of need. The reserve in the vaults of a bank may be called into action for a limited purpose. The statute in this prohibition eliminates every other function of banking except that of paying depositors. It says they shall not do those usual things that are done for profit, and they shall not divide any profits while their reserves are below the legal requirement, but they are not prohibited from meeting the obligation of returning to the depositor the money which he has entrusted to them, without interest, for safe-keeping.

The amendment I offered on the 9th day of January, which is on the table, is intended to cover that contingency, requiring the banks to keep actual reserves instead of fictitious reserves. Of what value is it in the case of a run upon a bank in Iowa that has three-fifths of its reserves in a bank in New York City? The bank in New York City is not prohibited from using the three-fifths of the reserve which the Iowa bank has on deposit with it. So far as the depositors of the Iowa bank are concerned, the New York bank has given no security to the Iowa depositors. Do you mean to say that the bank in Iowa is required to keep 15 per cent of its individual deposits on hand as a reserve, and then by a subsequent unwise provision in the law is allowed to take three-fifths of the 15 per cent and deposit it with another reserve bank in New York, and that the depositors of the Iowa bank were intended to be left uncovered to the extent of the three-fifths? Is the depositor in the bank in Iowa to be left first unprotected to the extent of three-fifths of the reserve held for his protection that has been sent to a distant money market, and then unprotected by the actual reserve which is held in the vaults of the bank in Iowa so that it is at no time available to him or to make good the obligations of the bank?

For what purpose is the reserve intended to be held? For whose benefit? If it can not be used to pay the depositors, it can only be for the benefit of the stockholders in the bank. Does the law intend to protect the stockholders in the bank to the exclusion of the depositors in the bank? The stockholders of a bank pay in their money on the stock they purchase for the purpose of entitling them to do business with other people's money without paying them interest for it. They are entitled to the last consideration, not the first. The depositor, who is the real owner of the money, is entitled to the first consideration, and the law intended that the depositor should have it.

So, giving the right interpretation to the word "reserve," then, of course, the reserve held by the bank belongs at all times to the depositors; and the law never intended, if it had a right to do it, to abrogate the contract that is made between the depositor and the bank when the depositor places his money in the bank. The law can not and never intended to say that under any circumstances, so long as the doors of the banks are open and there is a dollar of deposits in its vaults, the man who has deposited his money there is not entitled to go there and get it to the very last dollar of cash held by the bank, because he is the owner of every dollar, so far as the question is between himself and the bank, of any money that may be in its vaults. The whole controversy seems to have arisen out of an incomplete understanding or consideration of the nature, character, and purpose of the reserves of lawful money held by the banks.

Mr. ELKINS. Mr. President, I am not a banker, but my understanding of this question is that when the reserves were created it was for a wise purpose, and that when a bank reached the limits of its reserves it was admonished that beyond that it could not make loans and must then and there stop loaning. But the law recognizes that it is perfectly legal and proper and just, and it is the practice of the banks, so long as they have any money, to pay their depositors, no matter if they exhaust the reserve, and if at the end of thirty days, after notice from the Comptroller, the reserve is not made good, the bank is taken in charge and put into the hands of a receiver. That seems to me to be the law of the case. During the recent crisis in New York a great banker, one of the heads of the greatest bank in the United States, was called upon and admonished that his reserve was down to 10 per cent. He said, "Yes; that is all right. What is the reserve for? As long as this bank has any money it will pay it out to its depositors and pay its debts."

Mr. CULBERSON. Mr. President, my position with refer-

ence to this matter appears clearly, I think, in the excerpt from the RECORD of yesterday's proceedings which was read by the Senator from Maryland [Mr. RAYNER] preceding his remarks. Some portion of the remarks submitted yesterday on this particular point does not appear, however, in the RECORD, but if it did appear it would make even clearer my position with reference to the matter. I beg the indulgence of the Senate therefore to state it again briefly.

It is, Mr. President, as I said yesterday, the object and purpose of a bank reserve to meet such demands on the bank as might be made by its depositors. All of its deposits as a rule are demand obligations of the bank which must, if the law is followed, be met promptly by the payment of money over the counter. The amount of 15 per cent was probably named in the statute because in the course of banking and in the experience of bankers it was considered that that amount would in all probability meet any occasion which might arise to pay out an unusual sum to depositors. The obligation of a bank to pay its depositors is not affirmatively stated in the law, it is true, but it arises from the very relationship of a bank to its depositors. There is an implied obligation which the law raises when this relationship is created that the bank shall pay its deposits which are subject to demand promptly and immediately in money.

Something has been said—and this law has been read—which implies that there are other contingencies in which the reserve may be trenched upon. But I do not believe any Senator has pointed out specifically the case in which that may occur. So, Mr. President, I will read:

> Whenever the lawful money of any other association shall be below 15 per cent of its deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise—

And this is the exception—

> otherwise than by discounting or purchasing bills of exchange payable at sight.

In other words, Mr. President, here is an express provision of law authorizing the banks to trench upon the reserve for the purpose of discounting or purchasing bills of exchange payable at sight. In the first place, therefore, there is an implied authority arising out of the very relationship between banks and their depositors, as well as from the nature of the reserve and the purpose of its creation, for trenching upon the reserve for the payment of deposits, and in the next place there is a specific authorization of the statute for trenching upon the reserve in discounting or purchasing bills of exchange payable at sight.

I beg the indulgence of the Senate a moment to go further and say that this provision of the law respecting the reserve was intended to protect depositors, and while there is a suggestion here and there that this law ought to be repealed, or rather remain as at present modified, I submit to those gentlemen that when the banks, so far as the country banks are concerned, are authorized to loan 85 per cent of the money belonging to their depositors, they ought not to complain if they are required to keep 15 per cent of their deposits in the banks ready to meet depositors, if they should demand their money. That is the question for the Senate to determine when it comes to that matter—whether there shall not be put into the law some provision to further protect the depositors at least to the extent of 15 per cent of their deposits in country banks and 25 per cent in other banks.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. I understand the Senator from Texas to contend that the bank ought always to meet demand obligations, and that the law which requires it to do it is really superior to a law which requires it to keep a reserve, and that it is the highest obligation of a bank at all times. That, I believe, is the contention of every Senator on this floor. I think I have heard no dissent from that statement, and all this discussion upon terms, as to whether an emergency exists or whether an unusual condition exists, is entirely aside from the real question before the Senate. Nobody denies the obligation of a bank to pay its demand obligations. Nobody has questioned that. And if it is necessary to use the reesrve, it can be used. But that does not touch the question of the wisdom of requiring the banks—and that is what I understand the Senator from Texas is now contending for—to keep a reserve which can be used, and will be used, under unusual conditions.

Mr. CULBERSON. I do not know that I go to the extent that the Senator from Rhode Island does. The law says that the country banks shall keep in the banks, as a reserve, 15 per cent of their deposits, and I believe that the primary purpose of that law is to protect depositors.

Mr. ALDRICH. Unquestionably.

Mr. CULBERSON. I believe that this amount of money ought to be reserved in the banks because, among other things, it will tend to give confidence to depositors and enable the banks to meet any probable demand by them. I think the banks ought not to complain; I think they ought not to ask to be relieved from the necessity of setting apart 15 per cent and 25 per cent, and that they be permitted to loan it to New York banks and banks in other central reserve cities, congesting the money of the country in the centers, when the banks are already loaning 85 per cent and 75 per cent of their deposits, in so far as those deposits are represented in actual cash.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

The message also announced that the House had passed a bill (H. R. 16051) to authorize the Centreville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., in which it requested the concurrence of the Senate.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendment of the Senate numbered 11 and agree to the same with an amendment, as follows:

After the word "Treasury," at the end of said amendment, insert the following:

"Whenever any defendant in the case herein described makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

"All witnesses subpœnaed and appearing for the Government and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual, reasonable expense of travel incurred in coming from and returning to their places of residence, which said actual expense shall be sworn to and shall be subject to the inspection, revision, and approval of the court, and shall be in lieu of mileage now authorized by law to witnesses on other cases; and the tender of a sum sufficient to cover such actual expenses and the per diem fees shall be as effective for all purposes as the tender of mileage and per diem now allowed by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26 and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: "To pay balance due the Atlanta Machine Works, of Atlanta, Ga., $428.02," and the Senate agree to the same.

W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

GOVERNMENT CONTROL OF WIRELESS TELEGRAPHY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I have received the following letter from the Secretary of the Navy:

February 12, 1908.

SIR: The Navy Department has the honor to invite the attention of the Executive to the necessity for the enactment of legislation whereby the representatives of the Government may have such control of wireless telegraphy as will insure noninterference with official messages.

The Navy Department has, by order of the President, the control of the Government coast stations, but unofficial messages sent by these stations or by public vessels may be interfered with by other wireless stations operated either by commercial companies, with a legitimate object, or by irresponsible persons with malicious intent.

Frequent occasions have arisen to illustrate the possible consequences of wireless interference. On one occasion an important message to the President of the United States while embarked on a naval vessel was interfered with and held up for a considerable time by the workings of a commercial wireless station; and instances have occurred wherein the naval stations at Newport, Washington, and San Francisco have at different times been interfered with by persons operating with no serious object.

The recent international wireless-telegraph convention at Berlin, to which the United States was a party, deals only with "wireless telegraph stations open to public service between the coast and vessels at sea," and therefore does not take cognizance of stations operated by private individuals for other than public service. It may be noted, however, that article 8 of the convention requires that: "The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless telegraph stations."

In view of the foregoing, the Navy Department recommends that such legislation be enacted as will insure freedom of official messages from interference. To accomplish this the law should make it a punishable offense:

(a) To originate or transmit a false message purporting to be official;

(b) To break in and interfere with any wireless station while it is transmitting an official message;

(c) To refuse to cease or fail to cease sending a private wireless message when called upon to do so by an operator having an official message to be sent.

It will be noted that the enactment of law of the nature proposed would never seriously interfere with the legitimate working of commercial wireless installations. The restrictions suggested are intended to apply particularly to times of peace. During war, it is contemplated that much more extensive prohibitions would be exercised, to be put into effect in the absence of legislation by Executive proclamation as a belligerent right.

I am, sir, with great respect,

V. H. METCALF, *Secretary.*

I cordially indorse all that is above stated and recommend the passage of such legislation as will accomplish the desired end.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1908.*

TECHNOLOGY BRANCH IN GEOLOGICAL SURVEY.

Mr. CLAPP. I ask that the Calendar of General Orders be proceeded with.

Mr. KEAN. Yes; let us have the Calendar, under Rule VIII.

The VICE-PRESIDENT. The Secretary will state the first bill on the Calendar.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business on the Calendar.

Mr. KEAN. Let the joint resolution go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from New Jersey.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," was announced as next in order.

Mr. KEAN. Let that go over.

The VICE-PRESIDENT. The bill will also go over without prejudice.

RAILROAD CONNECTION WITH UNITED STATES NAVY-YARD.

The bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States Navy-Yard, in the city of Washington, D. C., was announced as next in order.

Mr. KEAN. Let that go over also.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

REMOVAL OF CAUSES FROM STATE COURTS.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

Mr. KEAN. Let this also go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

CAPTAIN IN THE PHILIPPINE SCOUTS.

The bill (S. 652) to create the office of captain in the Philippine Scouts was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD THROUGH THREE TREE POINT MILITARY RESERVATION.

The bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, was announced as next in order.

Mr. KEAN. The Senator from Washington [Mr. PILES] I believe wishes to be present when this bill is considered. I have no objection to it, but let it go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

MATERIAL FOR PANAMA CANAL.

The joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal was announced as next in order.

Mr. FRYE. Let the joint resolution go over without prejudice.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from Maine.

MINNESOTA AND ONTARIO BRIDGE COMPANY.

The bill (S. 3778) for the relief of the Minnesota and Ontario Bridge Company was considered as in Committee of the Whole. It directs the Secretary of the Interior to cancel proceedings instituted by the Commissioner of the General Land Office for the recovery of the sum of $6,276, alleged to be due the United States by the Minnesota and Ontario Bridge Company on account of timber used in the construction of the Minnesota and Ontario Bridge across Rainy River at Baudette, in the State of Minnesota, the Minnesota and Ontario Bridge Company having been five years previously to the institution of the proceedings a bona fide and innocent purchaser of the timber from parties then doing business at Baudette, Minn., but whose whereabouts are now unknown. And it relieves the Minnesota and Ontario Bridge Company of any obligation to pay to the United States Government the amount hereinbefore set forth.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS OF CHEYENNE AND ARAPAHO AGENCY.

The bill (S. 4541) to authorize the sale of 640 acres of the lands of the Cheyenne and Arapaho Agency and the Arapaho School, Oklahoma, and the use of the proceeds thereof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOWER BRULÉ SIOUX INDIANS.

The bill (S. 4889) authorizing the Secretary of the Interior to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians the sum of $50,000, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBPORT OF ALBURG, VT.

The bill (H. R. 12420) to extend immediate transportation privileges to the subport of Alburg, in the customs collection

district of Vermont, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF CHICKASABOGUE CREEK, ALABAMA.

The next business on the Calendar was the following concurrent resolution, reported by Mr. CLARKE of Arkansas from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor.

SURVEY OF BAYOU LE BATRE, ALABAMA.

The next business on the Calendar was the following concurrent resolution, reported by Mr. CLARKE of Arkansas from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view to deepening the same, and to submit estimates therefor.

SURVEY OF BEAUFORT HARBOR, NORTH CAROLINA.

The next business on the Calendar was the following concurrent resolution, reported by Mr. SIMMONS from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8 feet depth from the channel at the bulkhead in the Newport River to the town of Beaufort and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor.

SURVEY OF BOGUE SOUND, NORTH CAROLINA.

The next business on the Calendar was the following concurrent resolution reported by Mr. SIMMONS from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound, on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound 100 feet in width and of a depth of 5, 8, and 10 feet at low water.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The bill (S. 389) for the relief of the Compañía de los Ferrocarriles de Puerto Rico was considered as in Committee of the Whole. It proposes to give jurisdiction to the Court of Claims (notwithstanding any statutory bar of limitations) over the claims of the Compañía de los Ferrocarriles de Puerto Rico, with power to find the facts and to enter judgment against the United States for the reasonable value of the services performed by that company in the island of Porto Rico for transporting the municipal police and guardia civille between the 12th day of August, 1898, and the 31st day of August, 1902, and for the difference between the amount allowed for transporting the troops, munitions of war, supplies, and the like, and the reasonable value of the services for the same period, together with the expense of repair and maintenance of telegraph lines of the Signal Corps, all of the services having been performed during the military occupation of said island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOWN OF HARTSHORNE, OKLA.

The bill (S. 4289) for the relief of the people of Hartshorne, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line 6, after the word "Oklahoma," to strike out the remainder of the bill in the following words:

In manner provided by the act of Congress approved June 28, 1898, and as amended by the acts approved May 31, 1900, and July 1, 1902: *Provided*, That all persons who have made payments on lots heretofore appraised by former town-site commissions, in case of reduction in appraisement by commission herein provided for, shall be reimbursed in amounts equal to the reduction from town-site funds belonging to the Choctaw and Chickasaw nations, under rules and regulations of the Secretary of the Interior.

And in lieu thereof to insert:

As of the date of the original appraisement made by the town-site commission; that payment already made on lots therein shall be credited on the basis of the reappraisement; that there shall be reimbursed to lot owners from the town-site funds of the Choctaw and Chickasaw nations any amounts paid by them in excess of the new appraisement, and that the first installment on the purchase price or of the balance remaining unpaid shall be due thirty days after the service of notice of reappraisement, but in all other respects the existing laws relating to the sale of town lots and issue of patents therefor in the Choctaw and Chickasaw nations shall remain in full force and effect.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to make, and shall cause to be made, within sixty days from the passage of this act, a reappraisement of the town of Hartshorne, Okla., as of the date of the original appraisement made by the town-site commission, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA.

The bill (S. 4922) providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 1, line 5, after the word "section," to strike out the words "twenty-one hundred and eighty-three" and insert "twenty-three hundred and eighty-one"; and on page 2, line 4, after the word "proceeds," to insert "after deducting the expenses necessary to carry out the provisions of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to plat and sell in accordance with section 2381 of the Revised Statutes of the United States the following-described tract of land, to wit: The south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma: *Provided*, That the Secretary of the Interior shall reserve from said tract of land, when surveyed, one block for public park and two blocks for public school purposes, and shall cause to be erected two suitable school buildings out of the proceeds arising from said sale, the remainder of proceeds, after deducting the expenses necessary to carry out the provisions of this act, to be converted into and become a part of the fund belonging to the Comanche, Kiowa, and Apache tribes of Indians: *Provided further*, That said sale shall be made as soon as practicable after the approval of this act

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUNDS FROM TOWN LOTS IN OKLAHOMA.

The bill (S. 2893) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla., was announced as next in order.

Mr. GORE. I move that the bill be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

KIOWA-COMANCHE, AND APACHE LANDS.

The bill (S. 2892) to provide for the repayment of deposits by bidders of Kiowa-Comanche and Apache ceded lands was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

FREE TRANSPORTATION OF RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2982.

Mr. HEYBURN. The Senator from Minnesota [Mr. CLAPP] desires to have action upon Senate bill 4260, which, I am assured, will incur no debate. I therefore ask unanimous consent temporarily to lay aside the unfinished business, to be resumed immediately after the consideration of that bill.

The VICE-PRESIDENT. The unfinished business will be temporarily laid aside at the request of the Senator from Idaho.

Mr. CLAPP. I ask unanimous consent for the consideration of the bill (S. 4260) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Interstate Commerce with amendments.

Mr. HEYBURN. I should like the Senator in charge of the bill to state what class or what individuals are permitted to travel on passes or to receive them who are not already permitted to do so under existing law.

Mr. CLAPP. While the bill recites the former exceptions, the only difference between the pending bill and the present law is that so far as employees of railroads are concerned it includes superannuated, disabled, and furloughed employees. It also allows the railroads in the various parts of the country, where there is a general demand in some sections in the summer months and in the winter months in some other sections, to transport the men back and forth without charge. We have limited it and kept it right down germane to the one proposition of the employees of railroads.

Mr. OVERMAN. Is the change in regard to employees of railroads the only change?

Mr. CLAPP. It is the only change.

Mr. KEAN. That is the only change.

The VICE-PRESIDENT. The amendments reported from the Committee on Interstate Commerce will be stated.

The first amendment was, on page 2, line 1, after the word "amended," to strike out the following:

By inserting after the proviso in said paragraph the following:

": *Provided further*, That the term 'employees' as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become crippled or infirm in the service of any such common carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term 'families' as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier, and also the remains of such person."

So as to read:

That paragraph 4 of section 1 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, be amended so that said paragraph as so amended will read as follows:

"No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such homes; to necessary caretakers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons."

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "become," to strike out "crippled" and insert "disabled;" after the word "carrier," in line 21, to insert "and the remains of a person killed in the employment of a carrier," and on page 4, line 3, after the word "carrier," to strike out "and also the remains of such person," so as to read:

Provided, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *Provided further*, That the term "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and any amendment thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF LAPENE & FERRE.

Mr. HEYBURN. The Senator from Louisiana [Mr. McENERY] desires to have a bill passed. I yield to him for that purpose.

Mr. McENERY. I ask for the present consideration of the bill (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the legal representatives of Jules Lapene, late of New Orleans, La., deceased, and the legal representatives of Auguste Ferre, late of Pau, France, deceased, formerly partners in trade engaged in a general mercantile business in said city of New Orleans and State of Louisiana, under the firm name of Lapene & Ferre, to bring suit in the Court of Claims against the Government of the United States for the net proceeds of the sale, by the agents of the United States, of 179 bales of cotton, now in the Treasury of the United States, claimed to be the property of the firm of Lapene & Ferre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I now call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. Section 198a was amended and then passed over. Does the Senator from Idaho desire to take up that section?

Mr. HEYBURN. An amendment was suggested by the Senator from New Jersey [Mr. KEAN.] I do not know whether he intends to press the amendment or not. I would appeal to him that the amendment seems to the committee hardly necessary. It is a question as to shooting at the horse of a mail carrier. The Senator proposed to insert "any other instrument of carriage."

Mr. KEAN. I do not insist on the amendment. I withdraw the amendment.

The VICE-PRESIDENT. The Senator from New Jersey withdraws the amendment.

Mr. HEYBURN. I see the Senator from Georgia is in the Chamber.

Mr. BACON. I am very sorry the Senator does not see some one else besides myself.

Mr. FRYE. It is not necessary to have anybody else.

Mr. HEYBURN. I would direct the attention of the Senate to the fact that the instruction given, when the bill was first read, that the existing law should be retained, has been complied with in the reprint. The reprint is a consolidation of the existing law.

Mr. BACON. Preserving the features which were formerly eliminated and which were reinserted in the reconstructed paragraphs.

Mr. HEYBURN. Yes; they are preserved; so that section 198 may be adopted and section 198a may be eliminated.

Mr. BACON. That eliminates 198a?

Mr. HEYBURN. Yes; it eliminates 198a.

The VICE-PRESIDENT. That was the amendment proposed by the Senator from Idaho, and it was agreed to. The Senator from Idaho moves that the vote by which the amendment was agreed to be reconsidered. Without objection, it is so ordered.

Mr. HEYBURN. I want to be sure that we exactly understand the situation. The amendment was proposed and agreed to when the bill was read originally. It only remained to formulate the amendment, which consisted of recurring to existing law. Now, that was adopted; the RECORD shows it. It really remained to bring the existing law into the bill as reported in lieu of the section as it was originally printed in the bill, and the reprint to stand.

The VICE-PRESIDENT. At what point in the original bill does section 198a appear?

Mr. HEYBURN. It agrees with the amendment that was adopted. It is simply the formulation of an amendment which was adopted.

Now, Mr. President, I should like to inquire of the Senator from Georgia——

The VICE-PRESIDENT. In order that there may be no misunderstanding about it, the Chair would ask the Senator from Idaho whether the amendment 198a, agreed to yesterday, is to stay in the bill or go out.

Mr. HEYBURN. No; it is to go out.

The VICE-PRESIDENT. It is so ordered.

Mr. HEYBURN. And 198 in the print is the section as amended.

Now, Mr. President, I would inquire of the Senator from Georgia whether he desires to insist upon any further objection to section 185, the status of which seems to be in some uncertainty. That was the section with reference to the carrying of mail relating to the cargo. No amendment was proposed and the section was just allowed to be passed over. I would inquire

whether the Senator from Georgia desires to consider it further or to offer an amendment to section 185. I repeat, the status of it seems to be in some uncertainty.

The VICE-PRESIDENT. The Chair will recur to section 198. He is of opinion that there is some misunderstanding about it on the part of the Senator from Idaho. The bill reported to the Senate on January 7, 1908, is the text of the bill that is being amended. Section 198, on page 24 of sections of the bill passed over to be taken up for further consideration, is not the same identically with section 198 in the bill reported by the committee. If the Senator wishes to adopt section 198 among the sections passed over, it will, in the opinion of the Chair, be necessary to offer it as an amendment to the original text.

Mr. HEYBURN. I will offer as an amendment to section 198, as passed over, section 198 as contained in the reprint.

The VICE-PRESIDENT. That is correct. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 198, on page 102, and to insert as section 198 the following:

SEC. 198. Whoever shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be imprisoned not less than five years nor more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, he shall be imprisoned for life.

The amendment was agreed to.

Mr. HEYBURN. I now move to insert after section 198, as just adopted, section 198a, which I send to the desk.

The VICE-PRESIDENT. The Senator from Idaho moves an amendment, which will be stated.

The SECRETARY. At the end of the amendment just agreed to it is proposed to insert the following:

SEC. 198a. Whoever shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with a dangerous weapon, and shall not effect such robbery, shall be imprisoned not less than two nor more than ten years.

Mr. HEYBURN. Mr. President, I now desire to recur to section 185, and to ask the Senator from Georgia if he desires further consideration of that section? The section, I will say, was informally passed over.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I will say to the Senator from Georgia that we spent a good deal of time yesterday in considering this section and I presumed had arrived at a conclusion mutually satisfactory; and, unless the Senator from Georgia has some amendment to propose, I should like the RECORD to show that the section is agreed to.

Mr. BACON. Mr. President, I am not willing that the section shall be adopted in its present shape. I said to the Senator yesterday that, if he insisted upon it, I should have to ask the Senate to determine between us in regard to that matter. My only purpose in making that statement is that I think the section as it now stands will certainly work manifest injustice to all carriers unless it is disregarded.

The colleague of the Senator on yesterday read an opinion from one of the Attorneys-General construing this law in such a way that there would be no injustice done. That construction was, in my opinion, based upon an utter disregard of the language of the law as it is now written. I said to the Senator from Idaho that I would be perfectly content if this section was so recast that it would in fact express what the opinion of the Attorney-General said he thought it did express; in other words, I simply wish that the section shall be put in the shape that the Attorney-General construes it now to be in.

The language of the statute as it is now found in the books and as it is proposed to be reenacted in this revision expressly limits the right of the common carrier. I use the words "railroad company," though of course I think it refers to any other kind of common carriers. The statute expressly limits the railroad company—using that term as representative of all common carriers—in the sending of any letter or packet, to letters or packets which shall relate to the business of the particular train upon which that packet or letter is sent, or to some article which is being carried by that particular train. The opinion of the Attorney-General, quoting one of the regulations of the Post-Office Department, expands that to mean practically anything which relates to the business of the company. The opinion of the Attorney-General goes on to say that Congress, in the enactment of the law, intended to exclude the business of others, but did not have reference to the business of the railroads. I am stating substantially, I think, and with reasonable accuracy, what was said by the Attorney-General in construing this section. I said yesterday, and I repeat, that it is impossible that this language can properly be construed to mean any such thing, it being expressly limited, as I said before, to the train upon which the letter or packet is carried, or to some certain business of that train, or to some article carried on that train. That language is too explicit, too definite, too exact to make it possibly mean any other business of the railroad company. I am not desirous that the railroads should have any advantage in this matter to the extent suggested by the Senator on yesterday, or that they should be allowed privileges not allowed to other people, or that they should have any of their letter mail carried free. Therefore I am perfectly content, not that it should go to the extent suggested by the Attorney-General of including all their own business and only excluding the business of others, but that it should be limited to their current daily business in the operation and maintenance of their road or of other common carriers with interests similar to theirs.

While I do not entirely go to the extent of favoring the amendment offered yesterday by the Senator from Colorado [Mr. TELLER], proposing to insert the words "for compensation," I would still be content with that, though it may be a little too broad, because it would enable the carriers not only to send all of their own communications, but those of anybody else, if they chose to take it free. I think there is an objection to that, but not as much objection as there is to the present words of the law, because I do not think that that would be very much availed of by the railroad companies.

But I shall ask, Mr. President, that the provision be so amended that the railroad companies shall have the right to do that which it is an absolute necessity they shall do—a necessity so great that the Post-Office Department in issuing the order has construed the language of the law to mean exactly the opposite of what it says, and so great that a former Attorney-General of the United States, great lawyer as he is, recognizing the necessity, has construed the words into a meaning that can not possibly be defended. I am only asking that the law be put in such shape as the Attorney-General has construed it to mean.

Mr. HEYBURN. Mr. President, the law exists now as the committee have reported it, and if you just drop it out of consideration in connection with this code it would leave the railroad companies where they now stand.

Mr. BACON. Yes; that is true.

Mr. HEYBURN. Mr. President, I submit to the Senator from Georgia the proposition that no amendment to this law has been submitted for consideration covering the objections of the Senator. So the committee is rather helpless.

Mr. BACON. On the contrary, if the Senator will pardon me for an interruption, there is pending here an amendment offered yesterday by the Senator from Colorado [Mr. TELLER].

Mr. HEYBURN. I understood that amendment was not pressed; but it does not affect the question suggested by the Senator from Georgia. I presume that, unless some amendment is offered, this section will have to be dealt with as it stands, it being existing law.

The VICE-PRESIDENT. The Chair will state for the information of the Senator from Idaho [Mr. HEYBURN] that the amendment proposed by the Senator from Colorado [Mr. TELLER] is pending.

Mr. HEYBURN. I am ready to consider that amendment, but the Senator from Colorado seems not to be in the Chamber at the moment, and I think we had better pass the section over. But unless some amendment is proposed to it, it will be necessary either to drop it out of the code or else let the existing law stand.

Mr. FULTON. Mr. President——

Mr. BACON. If the Senator from Oregon will pardon me a moment, I will state that I have not proposed any amendment because I gathered the impression from what occurred yesterday in a conversation I had with the Senator from Utah [Mr. SUTHERLAND] that possibly an amendment would be proposed by those representing the committee after the matter has been discussed as it has been.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. FULTON. I do not wish unduly to interrupt the Senator from Idaho, but I wish to request that the amendment offered by the Senator from Colorado [Mr. TELLER] may be stated.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 96, line 12, after the word "carry," it is proposed to insert "for compensation," so that if amended it will read:

Or *conveyance of any kind* which regularly perform trips at stated periods on any post route, or from any city, town, or place to any

other city, town, or place between which the mail is regularly carried, and which shall carry for compensation, otherwise than in the mail, any letters or packets, etc.

Mr. FULTON. It seems to me, Mr. President, that that is probably a little too broad. It would allow a company to engage in business that would be unnecessary for it to engage in the conduct of its own particular business or business relating to the railway line.

I suggest to the Senator from Georgia [Mr. BACON], who brought the question up, that if in line 12, after the word "vessel," there were inserted the words "or to the management or conduct thereof," and in line 14, after the word "vehicle," there were inserted the words "or to the management or conduct of such railway, stagecoach, or other vehicle," I think that would cover the objection of the Senator. Am I taking too much of the time of the Senator from Idaho?

Mr. HEYBURN. Certainly not.

Mr. FULTON. I think that would cover the objection raised by the Senator from Georgia to the section, but I am free to state that I do not agree with the construction which the Senator from Georgia places on that section. I believe the construction given by the Attorney-General is substantially correct, because I think, taking the section as a whole, it is quite apparent that it was not the purpose of the law to interfere with a company in sending communications directly down its line in regard to the management of the railway or the stagecoach line. Very manifestly, I think, the purpose was to prevent it from carrying mail unless it related to the cargo. Now, matters pertaining to the disposition of the cargo would be sent probably, not by the railway managers or the owners of the steamboats, but by the shipper. It permits that such mail as that may be carried by the railway line or the stagecoach. I think it is quite clear that it was not designed to prevent the railway line, the stagecoach line, or the steamboat line from sending directions as to the conduct or management of its business along with its employees. However, it seems to me there can be no objection to inserting some words there that would make that clear, and I suggest the insertion of the words I have named to make it clear.

Mr. BACON. Mr. President, I have the greatest respect and confidence in the good judgment of my friend from Oregon, and I should like to resume my law studies a little with him to see if he can tell me how he can construe the language I am about to read to mean that the railroad company could carry any message or any writing—for instance, a letter—which related to anything else than to those things which are specified in this proposed statute, and those words are these:

Which shall carry, otherwise than in the mail, any letters or packets—

Now comes the exception—

except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

How those words can be construed to include the right to send any letter except a letter which relates to some part of the cargo on that particular train or to some article carried at the same time I am unable to see. That is the explicit language. There is the restriction in as plain words as language can make it.

Mr. FULTON. Mr. President, I, of course, will not undertake to so explain my views as to convince the Senator from Georgia. He has his views, and I do not undertake to say that he may not be correct; but my contention is—and to me it is reasonably clear—that the purpose of this section was to prevent them carrying mail matter. In order to ascertain the meaning and purpose of a law, you have to take into consideration the subject with which it is dealing. In this instance it is dealing with mailable matter, and it says:

And which shall carry, otherwise than in the mail, any letters or packages, except such as relate to some part of the cargo.

Mr. BACON. Read that part of it to which you are coming. Read the exception carefully.

Mr. FULTON. I will read it again:

And which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel.

Manifestly, "such as relate to some part of the cargo of such steamboat or other vessel" refers to matter that would be sent by the shipper. The steamboat company would not be sending that sort of matter. Manifestly, it would be sent by other parties, and therefore reference is had merely to matter sent by other parties.

I do not think that a direction sent by a railroad company to an employee several stations beyond as to the conduct of its business or what should be done when a train reached there would be considered a letter within the meaning of the postal laws, because that is a mere message or order sent to its employee. It may be sent in writing or not. Within the contemplation of the subject in mind it is not a letter; but taking a letter from some other person or taking a message or direction from some other parties and carrying it would be practically carrying the mail. When the section makes an exception to some direction in regard to the cargo, I say that manifestly has reference to some direction sent by the shipper. I do not think it was ever intended to preclude a railroad line or a steamboat line from sending directions to its employees along down the line for the management and conduct of its own particular business.

Mr. SUTHERLAND. Mr. President, if an amendment is in order, I move to amend this section. I have not before me the same copy of the bill which the Secretary has, but after the word "vessel," in the eighth line of the print I have of the section, I move to insert the words "or to the current business of the carrier;" so that it will read:

Except such as relate to some part of the cargo of such steamboat or other vessel, or to the current business of the carrier, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, etc.

Mr. TELLER. It seems to me that that covers the complaint that we have been making, and I withdraw my amendment.

Mr. BACON. I am content with that. I suggested that amendment to the Senator from Utah yesterday, but it was not accepted at that time.

Mr. SUTHERLAND. Just one word. I move that amendment because I think that it puts in express language precisely what the section means as it stands without it. I entirely agree with what the Senator from Oregon [Mr. FULTON] has said with reference to that. I think the opinion of the Attorney-General, to which I called attention yesterday, gives the correct construction to this section. The section is dealing with the carrying of mail for others. It is not dealing with the question of the carrying of the mail of the carrier itself. The language to which the Senator referred, namely, "except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time," can very well have reference to mail matter intended for others, but having reference to the cargo or having reference to some other article carried by the same carrier——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SUTHERLAND. Yes.

Mr. FULTON. I ask the Senator from Utah if he thinks there is any danger that those words would be construed as extending beyond the business and management and conduct of the steamboat or railway line? It is proposed to add "or to the current business of the carrier." I do not know but that would restrict a letter being carried pertaining to some other business than the management of or the conduct of the line.

Mr. SUTHERLAND. I do not think the amendment would be susceptible of that construction. It certainly is not my intention that it should be. I think it should be clear under the law that the carrier should not have the right to carry mail intended for others, but only its own mail. To that extent I think the law should permit the carrier to go.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 96, in line 14, after the word "vessel," it is proposed to insert the words "or to the current business of the carrier."

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read the next section passed over, as follows:

SEC. 204. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or *other* mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master *or other person having charge or control* of such vessel when arriving and be taken from the United States post-office when departing and the postage justly chargeable by *law* paid thereon; and for refusing or failing to do so, or for conveying such letters *or other mailable matter*, or any letters or *other mailable matter*, intended to be conveyed in any vessel of such foreign country over or across the United States or any portion thereof, the party offending shall be *fined* not more than $1,000.

Mr. BACON. Mr. President, I do not recall by whose suggestion that section was passed over.

Mr. HEYBURN. I have not at any time known why this sec-

tion was passed over. It contains no new legislation. It is made up of other statutes. The only change from existing law is its being adapted to conditions that have arisen since the original law was enacted, which is obvious on its face. The words in italics—"or other person having charge or control"—indicate the change. It is intended to avoid technicalities that have been raised by certain persons who are really chargeable with the offense committed and who have escaped because they were not within an enumerated class. The reason for making it sufficiently broad to include all persons who are responsible is obvious.

Mr. BACON. I want to say to the Senator that I am raising no objection to the section. My impression is, though, that the section was passed over at the suggestion of some member of the Post-Office Committee.

The VICE-PRESIDENT. The Chair would suggest for the information of the Senator from Georgia that it was not passed over at the request of any Senator. It does not appear by the notes of the Secretary as having been passed over.

Mr. HEYBURN. Mr. President, on the margin of the copy of the bill which I use I have noted that the section was passed over at the request of the Senator from Georgia [Mr. BACON]. That is the marginal note.

Mr. BACON. I think the Senator is mistaken about that.

Mr. HEYBURN. I may be mistaken.

Mr. BACON. It may have been passed over at the request of my colleague [Mr. CLAY], who is on the Post-Office Committee.

The VICE-PRESIDENT. The Secretary has no record of it.

Mr. HEYBURN. Then let it be adopted without further consideration.

Mr. BORAH. Mr. President, I ask that we return to section 115, as I presume it is desired to take up the deferred sections as rapidly as they can be considered.

The VICE-PRESIDENT. The junior Senator from Idaho asks that section 115 may be now considered. The section will be read.

The Secretary read the section, as follows:

SEC. 115. [Whoever, being *elected* a Senator, Member *of* or Delegate *to Congress, or a Resident Commissioner from any Territory of the United States, shall,* after his election *and either before or after he has qualified,* and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than $10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.]

Mr. BORAH. Mr. President, I desire to withdraw the amendment which I submitted to that section yesterday and to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Idaho withdraws the amendment to the section which is before the Senate, and proposes an amendment which will be stated.

The SECRETARY. After the word "any," in line 24, on page 57, it is proposed to insert the words "court in any civil cause;" so as to read:

SEC. 115. [Whoever, being *elected* a Senator, Member *of* or Delegate *to Congress, or a Resident Commissioner from any Territory of the United States, shall,* after his election *and either before or after he has qualified,* and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any court in any civil cause, department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, etc.

The VICE-PRESIDENT. Without objection——

Mr. McLAURIN. Mr. President, there is objection.

Mr. TELLER. I should like to know what section it is.

The VICE-PRESIDENT. Section 115, line 24, page 57.

Mr. TELLER. There is no such line in the copy of the bill I have before me.

The VICE-PRESIDENT. The Senator from Colorado does not have before him the text of the bill which is before the Senate.

Mr. TELLER. This is the last print.

The VICE-PRESIDENT. The last print is not before the Senate. The text which is before the Senate is the bill proper.

Mr. TELLER. We want a vote on the amendment. It can not pass nem. con.

Mr. HEYBURN. It is after the word "any," in line 9 of the reprint, I will say to the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. HEYBURN. I assumed that the Senator from Idaho was going to make some remarks in regard to the amendment. I certainly do not intend that it shall be adopted without some discussion.

Mr. BORAH. I have no desire to discuss the proposition. I simply wish to submit it to a vote of the Senate.

Mr. HEYBURN. Mr. President, the question involved in this amendment was discussed yesterday. It is the same question; only it is presented in a different form. I should like very much to make some progress with the bill. We have spent some hours over the question whether railroad companies should carry communications between employees with or without postage, and have not made very much progress. We discussed this question pretty well yesterday. I do not know that any Senator has anything further to say, nor do I know that he has not, and I think probably the amendment had better go over for the day and see if we can make some progress with the bill. There are not enough Senators in the Chamber to attempt to vote upon it, and it might defeat the purpose of the consideration of the bill to-day.

The VICE-PRESIDENT. Without objection, the section will be passed over.

Mr. BURKETT. I was watching section 185, and just as the Clerk got to it some one called me to the rear of the Chamber, and it was acted upon. I did not notice it. I should like to have the amendment put in section 185 read.

The VICE-PRESIDENT. The Secretary will read, as requested.

The SECRETARY. On page 96, line 14, section 185, after the words "other vessel," insert "or to the current business of the carrier."

Mr. TELLER. I think we ought to be furnished with the print that the Clerk reads from.

Mr. HEYBURN. There are plenty of them.

Mr. TELLER. I have a print here, the last one made, I understand. I can not follow it either by the sections or the pages. I want to know exactly what the Clerk is reading from.

The VICE-PRESIDENT. The Secretary is reading from the text of the bill. Evidently the Senator from Colorado has a different print.

Mr. TELLER. There are three or four prints here.

Mr. HEYBURN. The Senator is confusing the report of the committee with the bill. There is only one print of the bill. The report of the committee as originally printed has been reprinted, omitting the sections disposed of, but the bill has been printed but once.

Mr. TELLER. Then we ought to have it according to the report of the committee.

Mr. HEYBURN. It is being read from the bill. The report of the committee is merely for the convenience of Senators.

Mr. TELLER. Will the Clerk tell us where we are? I think I have the proper print now.

The VICE-PRESIDENT. The amendment which was reported by the Secretary at the request of the Senator from Nebraska is in line 14, page 96, of the bill.

Mr. BURKETT. I do not have a copy of the bill, but I think it is in line 12 of the print which the Senator from Colorado has.

The VICE-PRESIDENT. The Chair will suggest that if Senators follow the reprint of sections passed over, the lines and pages do not correspond with the text of the bill, and there will be a great deal of confusion. The Secretary has before him only the text of the bill reported by the committee and not the reprint of the sections taken out, passed over, and reprinted.

Mr. HEYBURN. I would suggest to Senators that a page can furnish them with a copy of the bill in a moment. There are a number of them here.

Mr. TELLER. I have a copy of the bill. I want to find out what the amendment is.

Mr. FULTON. The Clerk read the amendment a moment ago in these words, "or to the current business of the carrier." I did not understand the Senator from Utah in offering the amendment to suggest the word "or." I think it simply is after the comma to insert the words "to the current business of the carrier."

Mr. SUTHERLAND. That is correct.

Mr. BURKETT. Mr. President, I understand an amendment has been made to this section. I was sitting here watching it and was called to the rear of the Chamber at the moment when it was acted upon. It seems to me in that amendment we have

opened up a pretty big proposition, and I should like to have it go over. If it is agreeable to the Senator in charge of the bill to have it go over until the next time we take up the bill, I should be glad to have that done. Or else I want an opportunity when the bill comes into the Senate to interpose some objections to the amendment, if the conditions are as I think they are. I do not wish to make a motion to reconsider if the Senator would rather handle it by unanimous consent in some other way.

I fear we open up there a competition for a good deal of business, for, as I understand the amendment, it opens up all the business of a railroad company without any let or hindrance. I think that is more than a railroad company or anybody else ever contended for. I should like to interpose at some time an objection to it, and I should like to have a little opportunity to look it up and see just what the conditions are now. If the Senator wants to pass it over, very well. If he does not, I will move to reconsider.

Mr. HEYBURN. I shall in a moment ask that it be passed over. It has been adopted. Of course, it is open to recurrence. But it is most unfortunate that the consideration of a section of the existing law, as that section is, which has been in operation for twenty-seven years, or thereabouts, which has been construed by the administrative department of the Government, should take up almost one entire day, to the end that the railroad company is exempted from paying duty on its letters as others are required to pay. I think we have probably spent enough time over that section now to justify us in laying it aside, hoping that a little quiet, careful study within the seclusion of their chambers will enable Senators to see that this amendment will simply extend what is already construed to be practically a frank to the railroad companies to the extent of thousands and thousands of dollars, which privilege they ought never to have had.

Mr. BURKETT. Mr. President——

Mr. TELLER. It is not a frank, because the company does not put the communications in the mail.

Mr. HEYBURN. It carries them in the cars.

Mr. TELLER. They are not carried in the mail. They are carried by their employees from one point to another, just exactly as the merchant who has three stories sends from one story to another his orders in writing by his employees.

Mr. HEYBURN. I hope the matter will go over for the day. I think I see the scope of it.

Mr. BURKETT. I will say, since the Senator from Idaho has so much feeling in the matter, that if this section has been construed satisfactorily to him for so long, I do not see any necessity for having any amendment made to the law. The very fact that this is chucked in here indicates that there is some method behind it, and anybody with as much observation as a member of the Senate ought to have has observed in times past that there is a reason why these particular words are proposed.

Now, so far as I am concerned, I propose to find out what the ruling of the Department is, and I propose to find out what it includes. I know, as every Senator does, that the railroad companies are to-day paying postage on a vast amount of their business. If this amendment is put in, it will not only include traffic mail—messages with reference to their traffic—but it will include all of their mail between one law officer of a railroad company and another, a privilege for which they have never contended, as I understand.

I think the law was made for two purposes. In the first place, the Government did not want any competitors. It did not want any concern—a stage coach or a mail carrier or a railroad company—competing with it in the same kind of business. The fact that a railroad company or a stage-coach line or a letter carrier makes a contract to carry the mail constitutes no reason why it should have its mail transported free, any more than anybody else who has a contract with the Government should have a similar privilege. Of course I know Senators may say that the roads themselves do the hauling, and the Government does not. That is true, and yet there are equities that the Government has in this fact: By the contract it makes the equipment is furnished, and there is the special car that is supplied, and, certainly, those facilities are brought about by the contract that the Government makes. There are limits beyond which, it seems to me, the railroad ought not to go or expect to go, and, as I understand, does not go now, with the use of these trains without paying postage rates.

Mr. HEYBURN. The Senator from Nebraska seems to be under the impression that I have favored this amendment. I have been speaking against it and opposing it. The decision which he expresses a desire to hear read has been read and reread and discussed in this Chamber by several Senators during the consideration of this section. I have opposed the amendment for the reasons stated by the Senator, and it is not now in the bill because of any acquiescence on my part that the section should go in.

Mr. TELLER. The suggestion of the Senator from Nebraska that there is something back of this section comes at a very bad time and with little grace when the Senator who made the fight on this is out of the Chamber. If the construction that has been put upon the law is correct, the law is not changed in the slightest degree by the amendment. This has been the custom of railroad companies for many years to my certain knowledge. The Attorney-General has said that that was the meaning of the law, as read here the other day. Perhaps there is not any necessity for an amendment of this provision, and I am certain that no railroad company has given it the slightest attention or cares a continental one way or the other whether it is amended or not. They are doing this, and they have been doing it to my certain knowledge for fifty years. I had in my younger days some connection with those matters. I know that current business is sent not by mail, but by the hands of a messenger. That is always the case and always will be the case, I have no doubt. The Senator who has been discussing this, more particularly upon a point of law, is now present, and therefore I shall say nothing more about it.

Mr. FULTON. Mr. President, I think the Senator from Nebraska, in employing the language he did, unintentionally did an injustice to those who have consented to this amendment and to the Senator who offered the amendment, the Senator from Utah. I do not think the Senator from Nebraska intended to do so, but he spoke of this amendment as having been chucked in here for some purpose, and, from the language he used, the inference was, for some ulterior, hidden, or secret purpose. I think it is due to the Senator from Utah to say that the way the discussion arose was on a suggestion of the Senator from Georgia, that if a relief train were to be sent down the line—I think that is what the Senator suggested—the railroad company could not, under this law, literally construed, send along a letter of instructions as to the conduct of the train. Others thought differently. But because some were so strongly of the opinion that the correct construction of the section would lead to such a result, the Senator from Utah offered the amendment, which was accepted, and which does nothing more than simply make the section plainly express what the Attorney-General has held it meant and has been the law.

Mr. SUTHERLAND obtained the floor.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I was not in the Chamber, having for the moment been called out, and I do not know what the particular language was, except what I have heard quoted by the Senator from Colorado and the Senator from Oregon, and I want to say that so far as I am concerned I am not at all disturbed by it. I do not think anybody will consider that I had any ulterior motive in the matter.

Mr. SUTHERLAND. Mr. President, I do not quite understand what the Senator from Nebraska meant by intimating that there was some purpose behind an amendment of this character other than appeared upon the face of it. If he had been in the Chamber listening to the debate, which has occupied perhaps two hours of the time of the Senate, he would have heard that I have contended all the way through that the amendment was not necessary at all. So far as I am concerned, I do not care two straws whether it goes into the bill or out of it. I think the law means the same whether the amendment is in it or not.

I called attention to a decision of the Attorney-General to the effect that that was the meaning of the law and contended that an amendment was not necessary. Other Senators in the Chamber seemed to think it was necessary. An intermediate discussion seemed to be in progress, and in order to put an end to it and to make the law read as I think it means, I offered the amendment. I had no other purpose at all in offering it.

Mr. BURKETT. Mr. President, it seems that almost everyone who has arisen to speak on this amendment does not believe in the amendment, and yet Senators seem to take some offense at something I may have said. I do not know and I can not recall (and I have to no purpose inquired of those sitting about me) that I have said anything reflecting or which in any possible way could be construed to reflect upon anybody's motives. I certainly had no intention of reflecting upon the motives of anyone here. But the very fact that this is in the section indicates that in somebody's mind there is a need of some sort for it. That is what I intended to say, and I think those are about the words I used.

Mr. FLINT. I should like to ask the Senator from Nebraska whether he was present yesterday and listened to the debate or has read in the RECORD the debate of yesterday?

Mr. BURKETT. I was present and heard almost all of it, I will say to the Senator from California.

Mr. FLINT. Then I do not understand how the Senator could have the idea he has that it was chucked into this bill.

Mr. BURKETT. It seems to be in there. I do not know whether it was chucked in or how it got in. It is in just the same.

As I was saying when the Senator rose, if I have said anything that in any way reflects upon the motive of any Senator upon the floor, I certainly withdraw it, because I am not one of those who reflect on people's motives. When you put in that clause there, which reads "to the current business of the carrier," you throw the thing wide open, and the Post-Office never has thrown the thing wide open, and the railroads themselves have never thrown it wide open in their construction of it. If you put that amendment in there, in my opinion, a railroad official can write a letter to anybody on the current business of the railroad and transport it free. I do not believe it is the intention of Congress, I do not believe it is the intention of the Senator who introduced the amendment, that it should be carried to that extreme. I suspect it was his idea largely, as the law has been construed by the Department and as the railroads have done, that messages and letters that pertain to the immediate traffic management of the railroad should be sent along the line by the messengers who go along. But I do not believe it was ever intended by the Senator who introduced the amendment that all the correspondence which a railroad official or employee anywhere has with another official or employee or with an outside party should be carried free. It simply means that so far as the railroads are concerned—and they do a vast mail business—they can build up a mail service entirely outside the Government postal service. I do not believe that was the intention of the Senator who introduced the amendment, and it certainly has never been the intention or the construction of the Department, and it never has been the intention and construction of the railroad companies themselves.

I listened to the debate. I kept out of it. I did not expect the amendment would go through, I will say. Just as it was voted on I was sitting on one of the settees in the rear of the Chamber, and that is why I brought up the matter later on. I have no objection to making the section conform to the rulings of the Department, but it seems to me the rulings of the Department are broad enough. If it is construed that broadly, I can not see why we should put some new words in the section that will call for a new interpretation and undoubtedly be a broader interpretation than has ever been put on the section.

The VICE-PRESIDENT. The Secretary will read the next passed over section.

The Secretary read as follows:

SEC. 207. Whoever, being a postmaster *or other person employed in any branch of the postal service,* shall make, *or assist in making, or cause to be made,* a false return, *statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post-Office Department to be kept in respect of the business or operations of any post-office, or other branch of the postal service,* for the purpose of fraudulently increasing his compensation *or the compensation of the postmaster or any employee in a post-office; or whoever, being a postmaster or other person employed in any post-office or station thereof, shall induce, or attempt to induce, for the purpose of increasing the emoluments or compensation of his office, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post-office,* shall be fined not more than $500 or imprisoned not more than *two* years, or both.

SEC. 218. [*All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier; but the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property. Whoever shall knowingly deposit or cause to be deposited for mailing or deliver, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.*]

Mr. CLAY. Mr. President, this is a section which I do not believe should be adopted. I do not think the change ought to be made. Let us take the law as it now stands:

Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, handbills, posters, unsealed circulars, prospectuses, books, book manuscripts, proof sheets, corrected proof sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding 12 ounces in weight, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail bag or the person of any one engaged in the postal service. All liquids—

This is the provision I desire to call attention to—

All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails.

Mr. President, under the provision of existing law the Postmaster-General has held that liquors could not be placed in boxes and sent by mail. That has been a regulation of the Department in carrying out this provision of the law for a number of years.

The Postmaster-General will be required, as it is proposed to change the law, to carry through the mails beer, whisky, liquids of any kind from one State to another. Take my State. The legislature of my State has enacted a prohibition law. Take Tennessee, and then you can take other States which have not adopted prohibition laws. The whisky houses in those States can pack their whisky in boxes and send it through the mails, as you propose to change the law. If you leave the law as it was, that can not be done. It would be a violation of the law. I believe we ought to assist the States in carrying out their laws. I believe that instead of making it compulsory upon the Postmaster-General to deliver mail matter of that kind, we ought to make a penal law and enforce it, so as not to allow liquors to be shipped from a wet to a dry State. I can not imagine why this change was made.

I will ask the Senator in charge of the bill whether the change was made by the committee or by the revisers?

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly.

Mr. HEYBURN. The act of March 3, 1879, divided mailable matter into four classes. This was accomplished by dividing third-class matter into two classes, the third and fourth, and fourth-class matter was therein defined to be, just as provided in the section, "all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service."

This act has been amended from time to time so as to exclude certain enumerated articles. In the judgment of the committee the prohibition contained in existing law is just as strongly contained in this proposed form of legislation.

Personally, I am in entire sympathy with the purpose which the Senator has in view of excluding liquor from the mails, and if the section as reported does not accomplish that purpose, I will accede to any amendment which will leave no doubt about it.

Mr. CLAY. It certainly does not accomplish it, I will say to the Senator, because the old law expressly provides that liquids or liquors shall not be considered mailable matter. You could not, to save your life, under existing law, without violating it, pack a bottle of liquor and ship it through the mails. But surely if this change is made there is no question but that you can do it.

I do not believe the Senator answered my question. I asked him whether this change had been made by the committee or whether the revisors appointed by Congress to revise these statutes made it.

Mr. HEYBURN. I will have to look that up.

Mr. CLAY. Mr. President, I do not charge any member of the committee with any such knowledge—I am incapable of doing it—but it has been charged that the liquor interest of this country is back of this legislation. It is a fact which I know to be true that wholesale liquor houses outside of my State and adjoining my State are lined up on this change in order to enhance their business.

I maintain the proposition that when a State by a majority of its people adopts prohibition it is the duty of Congress to

come to its assistance and to prevent in every way possible the shipment of whisky from a wet to a dry State. But when you allow the mails to be used for any such purpose, it can not be detected, and in every mail you will find bottles of liquor being shipped by wholesale houses from wet to dry States, and prohibition will be an absolute failure under such conditions in any of our States.

I sincerely hope, Mr. President, that the committee will not insist upon this change.

The old law provides, as I have just read, that all liquids of every nature and kind, poisons, and glass, and explosive materials, and obscene books, shall be excluded from the mails. There is nothing in this new provision that excludes liquids of any class or kind.

I know that the Post-Office has opposed this legislation. The Post-Office Department, to its honor and to its credit, has enforced the existing laws for a number of years; and now because the Post-Office Department has enforced the existing laws we are here saying to the Department, "We will leave you no discretion; you shall mail it from one State to another."

Mr. HEYBURN. I am now prepared to answer the question which the Senator asked.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. I yield to the Senator.

Mr. CURTIS. I wish to suggest that if the Senator from Idaho or the committee intends to insist on this change in the section, I desire to offer an amendment in line 6, after the word "explode," as follows:

And all liquids and glass and all obscene books.

That will virtually restore the old section. I agree with the Senator from Georgia that if this section is not amended people living outside the prohibition States will use the mails to transport liquor from wet States into dry States. I insist upon an amendment that will shut the liquors out of the mails.

Mr. McLAURIN. Mr. President, I suggest, if I can get the attention of the Senator in charge of the bill, that an amendment such as this will obviate all the trouble apprehended by the Senator from Georgia and the Senator from Kansas. After the word "poison," in the first line, insert the words "and spirituous, vinous, and malt liquors;" and then after the word "property," in line 12, on page 116, insert the words "except spirituous, vinous, and malt liquors." That will accomplish everything that is desired by the Senator from Georgia and by the Senator from Kansas, and will do no harm to this section.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. The Secretary will first report the amendments proposed. Did the Senator from Kansas propose an amendment?

Mr. CURTIS. I proposed an amendment in line 6 of the reprint.

The VICE-PRESIDENT. The Secretary will first report the amendment proposed by the Senator from Kansas. The Chair would suggest that the Senator state his amendment to the text of the bill.

The SECRETARY. On page 115, line 25, after the words "or explode," insert the words "and all liquids and glass and all obscene books."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. SUTHERLAND. Mr. President, I have no objection whatever to the amendment suggested by the Senator from Kansas, but I think that the latter part of his amendment, with reference to obscene literature, is covered by other provisions of law, and therefore it would not be necessary here.

Mr. CURTIS. I am perfectly willing to leave that part out. I did not notice that it had been covered.

Mr. SUTHERLAND. It is covered, as I recall, fully.

Mr. CURTIS. Then I ask to leave out the words "obscene books."

The VICE-PRESIDENT. The Senator from Kansas modifies his amendment, as follows:

The SECRETARY. After the word "explode," in line 25, page 115, insert the words "and all liquids and glass."

Mr. CLAY. I would be glad to have that part of the section read as it is proposed to be amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

And infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all liquids and glass, and all disease germs or scabs," etc.

Mr. HEYBURN. I call the attention of the Senator from Kansas to the scope of the words "and glass." Glass is a term that would apply to any kind of glass fixtures or ornaments, and they are continually going through the mails. If it means liquids in glass that might be different, but you do not want to exclude everything made of glass from the mails of the United States.

Mr. CURTIS. Glass as used in the existing law.

Mr. TELLER. Mr. President, we on this side of the Chamber would like to have the benefit of the discussion, but we are not getting it. It is an important question.

The VICE-PRESIDENT. The Senate will be in order.

Mr. TELLER. The trouble is that the Senator from Idaho faces the other way and does not speak very loud, and we do not hear a word he says. He has a good voice, and I wish he would raise it a little so that we may hear him.

Mr. HEYBURN. My suggestion directed to the amendment proposed by the Senator from Kansas was that to use the term "and glass" after enumerating certain articles would perhaps be far beyond the scope of his intention in proposing the amendment, because when you are enumerating articles to be excluded from the mails and among them enumerate "glass" after the word "and" it would have a very far-reaching effect, and exclude everything that was made of glass.

Mr. GALLINGER. That is precisely the present law.

Mr. HEYBURN. It may be the present law and it may not be well drawn.

Mr. GALLINGER. It has worked pretty well.

Mr. HEYBURN. But the Senator is seeking to exclude by this provision the transmission of liquids or liquor by mail.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly; I am speaking in the time of the Senator from Kansas and by his permission.

Mr. CURTIS. I wish to say that all I desire by the amendment is to exclude intoxicating liquors from the mails, and used the word "glass" in the amendment offered because the word "glass" appears in the original section.

Mr. CLAY. Will the Senator permit me to ask him in what line he proposes to have the amendment inserted?

Mr. CURTIS. In line 6, after the word "explode."

The VICE-PRESIDENT. The proposed amendment is on line 25, page 115, of the bill.

Mr. CLAY. It ought to come in on line 6, after the word "explode."

Mr. CURTIS. That is where I have offered it, but in the other print it is line 25.

Mr. CLAY. I suggest to the Senator to let it come after the word "poison," in line 1, the first line of the section. That probably would be better. It would then read "all kinds of poison and liquids."

Mr. HEYBURN. "Intoxicating liquids."

Mr. CLAY. I would not say intoxicating liquids, because now under the rule you can not even send medicines that are liquid by mail.

Mr. CURTIS. I am perfectly willing that the amendment shall say, intoxicating liquors, and that it be added after the word "poison," or any place else, so that it is put in this section.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly.

Mr. CARTER. I think it is clearly improper to permit liquids to enjoy the privileges of the mail——

Mr. CLAY. I agree with the Senator.

Mr. CARTER. Regardless of the question whether they are intoxicating or not. The section provides that no matter shall be mailable which in its nature may be injurious to or calculated to damage other matter in the mail. It is known that the mail is carried in sacks, and that the sacks now provided are much lighter than formerly, inasmuch as we are now using canvas sacks almost exclusively, whereas heavy leather sacks were formerly used.

It is well known, likewise, that these sacks are thrown from passing trains to the platform and that they are loaded upon sleighs, dog sleds, stagecoaches, and carried on horseback in all parts of the country, and that they must be filled with a character of material which will admit of pretty rough treatment at times. The permission to send a bottle of water in the mails imperils every particle of mail in the sack in which that bottle of water is carried. I think the existing law, which prohibits the transmission of liquids in the mails, but shows a proper regard for the preservation and safety of the mail.

I certainly hope the Senator from Kansas will not accept the

amendment "intoxicating" preceding the words "liquids" or "liquor."

Mr. HEYBURN and Mr. TELLER addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly; I yield to both Senators.

Mr. TELLER. I should like to have the chairman of the committee tell us what the objection is to section 3878, the existing law, and why there was any necessity for a change, and a very material change, too.

Mr. HEYBURN. In my personal judgment there was no necessity whatever for changing existing law, and, if I may be permitted to intrude upon the time of the Senator from Georgia to that extent, I will state the conditions under which this legislation is proposed.

The commission appointed many years ago to revise and codify the laws reported section 8852, which is in the possession of every Senator in the volumes such as I have before me, because I saw them on all the desks at the opening of the Congress. They reported the section substantially as the committee have adopted it in this bill. They were of the opinion that under the rules which have been long in force in the Department the words excluding anything from the mails which would—

in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter—

would exclude anything that was liable to break, spill, and injure or damage the contents of a mail bag.

I personally do not think that it was necessary to adopt language that might by a strained construction be held to be sufficient when it was so easy to leave the law as it has existed for some years and which named the articles specifically.

I am not personally advised as to the fact, but I have been formally advised that these sections pertaining to the Post-Office Department and certain other Departments were submitted by the Commission to the officials of the Department as to whether or not they were sufficiently comprehensive to meet the necessities of the occasion. That was done long before I had anything to do with the consideration of this question; I am advised that it was the habit of the Commission to do so. The Commission was composed not of Members of Congress alone, but of laymen—at least a portion of it—appointed by the President and confirmed by the Senate, and they did this work some years ago. I know of no objection whatever to inserting the specific words that would preclude this class of articles from the mail which ought never to have been the subject of transmission in the United States mail.

In answer to the inquiry made by the Senator from Georgia before I had procured a copy of the Commission's report, I say to him that the committee of the two Houses of Congress, one of which has reported this bill to the Senate, simply took their work in regard to this section from the work of the Commission. They were not a unit as to the wisdom of making a change in the existing law. I am quite sure that no member of the committee will strenuously oppose the adoption of the existing law in lieu of this section.

Mr. CLAY. I will say to the Senator in all candor that that ought to conclude this matter. If the committee is willing to restore the old law, it certainly would be agreeable, I believe, to the Senate to restore it. I do not know the minds of the Senate, but I have yet heard no objection to the restoration of the law.

Mr. HEYBURN. I should like the Senator to understand I do not say the members of the committee would be willing to restore the existing law, because the best evidence that they were not in favor of reporting the existing law is the fact that they did not do it; but I am speaking only for myself as a member of the committee.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly; I yield to the Senator from Montana.

Mr. CARTER. The suggestion that the law be left as it now exists I think is a very apt suggestion. In the first place, I think it is a bad practice to indulge in amendments of an existing law under which constructions are well understood and extensively made, unless such amendment is called for by some apparent necessity.

The particular section proposed as a substitute for section 3878 of the Revised Statutes is not open only to the objections heretofore made, but I think a very potent and substantial objection is found in the lodgment by the new section of a most dangerous discretion in the Postmaster-General to include or exclude any of these prohibited articles whenever he may think necessary or proper.

Mr. President, this is and ought to be, to the most liberal extent, a government by and under fixed laws. There is no part of the Federal Government more productive of complaint or injustice than that which is administered under rules and regulations created and administered by executive officers. We know something of that in connection with other phases of the law. Where the citizen can have his rights clearly specified by the law, he may protect them, and he may with safety take a rational construction of the law as he finds it. But where rules and regulations are being made, modified, and rescinded from time to time, the citizen is at no time very clearly apprised of the exact state of the law on any particular subject.

This section or proposed amendment first proceeds to state the character of articles and in some cases to specify the articles which may not be carried in the United States mails. After the specification it will be observed that, in line 13, page 30, these words appear:

But the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property.

Mr. CLAY. Right there, with the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Most assuredly. I am speaking in the Senator's time.

Mr. CLAY. That is all right. I do not understand from that qualification that the Postmaster-General would have any discretion in preventing the transmission of liquids. In other words, he has a discretion as to the preparation and packing of certain articles mentioned, but this section intends that there shall be conveyed through the mails all things not prohibited in the section, and consequently I believe that under the new section, if it was adopted, the Postmaster-General could not use any discretion to prevent the transportation of liquids through the mails. But I agree with the Senator, that we ourselves ought to say, by express law, what shall be transmitted through the mails and not leave it to the regulations of a Department. We leave too many things to the regulations of the Departments.

Mr. CARTER. Mr. President, this language lodges not only discretion, but apparently fixes a mandatory duty upon the Postmaster-General to nullify the law by admitting articles into the mails if they are so packed as not to furnish outwardly or of their own force dangerous or injurious elements to life or property.

The Senator from Georgia, the Senator from Kansas, and other Senators here are very anxious that the laws of their States prohibiting the importation and use of liquor or the sale of liquor in the State should not be nullified by a section in the postal laws of the country. If we insert the word "liquid" in this section, as proposed in the amendment, and leave the qualification which compels the Postmaster-General to permit the liquid to go through if properly packed, you may just as well not have any legislation at all on the subject.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. CARTER. Certainly.

Mr. PILES. I will ask the Senator from Montana what is the objection now to substituting the original section for this proposed amendment, and let it go at that—that is, the law as it exists to-day?

Mr. CARTER. I am not aware of any objection to the existing law, and I am perplexed to know why the proposition occurred to the Commission, to which the Senator from Idaho has referred, to substitute this section for one well understood, long in operation, and generally satisfactory, I believe.

Mr. PILES. Then, I suggest to the Senator from Montana, that he propose, as a substitute for the pending section, the existing law.

Mr. CARTER. I move that the Senate disagree to the proposed amendment known as "section 218."

Mr. CLAY. I had the floor, but I am always willing to give up the floor at any time. The only object and purpose I had in speaking was to restore the old law, and I do not want to speak a minute——

Mr. CARTER. I withdraw my motion, Mr. President.

Mr. CLAY. I do not want to talk at any time unless I can accomplish something; but I desire to ask, is it not true that this new section is offered as a substitute for the old law? Is not that what the Commission did? If we vote down the new section as reported by the committee, does not that restore the old law?

Mr. CARTER. The committee propose to amend the existing law. If that amendment fails, the law remains in operation.

Mr. CLAY. Mr. President, I will say that I agree with the Senator from Montana [Mr. CARTER]. I belive if you restore the first part of this law, which provides that liquids shall not be mailable matter, and leave the other provision as to packing, etc., to the Postmaster-General, then the Postmaster-General can exercise his discretion in such a way that liquors may continue to be shipped from a wet State to a dry State.

Mr. TELLER. We should substitute the old law for this.

Mr. CLAY. I am willing to vote on the proposition now, Mr. President.

Mr. CARTER. I will then change the form of my amendment, and move to strike out section 218 of the bill and insert in lieu thereof section 3878 of the Revised Statutes.

Mr. HEYBURN. That is, the provisions of the section.

Mr. CARTER. The provisions of section 3878 of the Revised Statutes, together with the sections following on page 31 of the print I hold in my hand.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 115 of the bill it is proposed to strike out all of section 218 and to substitute in lieu thereof section 3878 of the existing law.

Mr. CARTER. Together with the remaining matter found on page 31, which I presume is necessary in order to complete the section.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to insert a new section, to be section 218, as follows:

SEC. 218. Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, hand bills, posters, unsealed circulars, prospectuses, books, book manuscripts, proof sheets, corrected proof sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding 12 ounces in weight, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail bag or the person of anyone engaged in the postal service. All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails. All matter of the third class, excepting books and other printed matter, book manuscripts, proof sheets, and corrected proof sheets, packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed 12 ounces in weight, and packages of seeds, cuttings, bulbs, roots, and scions shall not exceed 4 pounds in weight; and all matter of the third class shall be subject to examination and to rates of postage as hereinafter provided. Samples of metals, ores, and mineralogical specimens shall not exceed 12 ounces in weight, and shall be subject to examination and to rates of postage as hereinafter provided. Mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of anyone engaged in the postal service, and is not above the weight provided by law.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Montana [Mr. CARTER] to the fact that section 3878 and section 20 of the supplement are not penal provisions at all, while section 218 is a penal section. I have no objection whatever to the purpose which the Senator from Montana has in view, but if those sections are to be substituted then there should be some penal provision added. The Senator will observe that, beginning in line 25 of the committee report, on page 242, the section proceeds:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, * * * shall be fined not more than $1,000, or imprisoned not more than two years, or both.

So that if we are to have a penalty attached to the violation of this provision of existing law, we shall have to write it in in addition to what the Senator proposed to substitute.

Mr. CARTER. I will offer an amendment, Mr. President, in the course of a few moments.

Mr. TELLER. Is there any penalty attached in the general law?

Mr. SUTHERLAND. No; the penalty is new. There is no penalty in the existing law.

Mr. CLAY. Is there not a general penalty provided by the postal laws?

Mr. SUTHERLAND. I do not know.

Mr. CLAY. Since I have been in the Senate I have known of one case to arise where a package had been sent through the mails, and I have it in mind now, where a constituent of mine was fined $25 by the Post-Office Department, and he appealed to me to try to get the amount of the fine refunded to him. While I am not sure of it, I think there is a general statute imposing a maximum and a minimum penalty.

Mr. SUTHERLAND. That is not my recollection, Mr. President. My recollection is that wherever a penalty is imposed it is attached to the particular section.

Mr. TELLER. No; I think the Senator is mistaken as to that. There is a penalty in the postal laws somewhere, I am confident, although I can not point it out at this moment. At all events, the committee can find whether that is a fact and report accordingly.

Mr. SUTHERLAND. Even if that be so, Mr. President, the purpose of this revision is to bring into this code, in a comprehensive way, all of the penal provisions in the law, and it seems to me that the most scientific way of proceeding is to attach a specific penalty to each section of the penal code.

Mr. TELLER. I should like to suggest to the Senator that if we adopt the amendment of the Senator from Montana—and I hope we shall—that we can adopt the penalty provided in the existing law.

Mr. CARTER. I offer an amendment, which I send to the desk, which I think will perfect the section.

Mr. SUTHERLAND. To that I have no objection, and I have no objection to the purpose which the Senator has in view.

The VICE-PRESIDENT. The Senator from Montana modifies his amendment by the addition of the language which will be read.

The SECRETARY. At the end of the amendment it is proposed to add the following words:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER], which has just been read.

Mr. TELLER. I understand the amendment offered by the Senator from Montana is the existing law with the penalty attached which is proposed by the pending bill.

Mr. CLAY. That is right.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next section which was passed over will be read.

The Secretary read section 225, on page 121, as follows:

SEC. 225. *Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, misstate, or conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than $500 or imprisoned not more than one year, or both.*

Mr. BACON. Mr. President, I should like to follow the reading of the sections of this bill and at the same time to examine the corresponding sections of the present law. I should like to have the Senators in charge of the bill indicate what are the proposed changes in the law.

Mr. HEYBURN. Mr. President, the section is new, but the principle is not new. It is merely an extension of the principle of the existing law to a new condition of affairs. There has been a change with reference to the subject-matter of this offense. I will just read the notes which I have made in regard to it.

SEC. 225. The act of February 27, 1897 (2 Supp., 564), and of March 3, 1903 (32 Stat. L., 1174), authorize the Postmaster-General to indemnify a person for the loss of a package of registered mail matter in an amount not exceeding its value and in no case to exceed $100. The Postmaster-General has fixed $25 as the maximum amount which will be allowed for the loss of any registered matter.

This section is aimed to punish any person for presenting any false claim for the loss of registered matter, and also to punish any person for making any false claim for any matter received at the division of dead letters. There is no law punishing such acts.

There is no law punishing this class of claims at the division of dead letters.

Mr. MCLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I think there are two words in line 15 of this section that ought to go out; that is, the words "or conceal." I think it would be pretty severe penalty to impose upon any person who happened to know any fact in reference to a claim of this kind, who was entirely disconnected from it, and who did not make it known, to be punished by a fine of $500 or a year in the penitentiary. It is all right, I think, to put a pretty heavy penalty upon the man who knowingly and willfully misrepresents or misstates any fact——

Mr. HEYBURN. I think, Mr. President, if the Senator will permit me to interrupt him, the word "conceal" there applies to a party making an affidavit or a sworn statement in regard to his rights; in other words, if he were to conceal the fact that he had already been compensated for the loss and I think the Senator will find that the subsequent language qualifies that word. It does not refer to an outside party. It refers to a party making a sworn statement.

Mr. McLAURIN. But this language is broad enough to take in an outside party, and I do not think it ought to go upon the statute book. I do not think there ought to be any such doubt upon the language used as to make it necessary to be construed by the courts. It can be made very clear. I think that the man who makes a misrepresentation or a misstatement is guilty of a very gross offense, but I do not think the man who has nothing to do with it, though he conceals something that he knows, ought to be punished. This language would include a case of that kind, and it might result in a man who did know about it and who did conceal the fact, but who was not interested in it one way or the other, being indicted and put to a great deal of trouble and expense.

The very fact that a man is indicted in court is a great punishment to him. It does not make any difference how perfectly innocent he may be, if he is indicted he has to go to the expense of defending himself before the court. Not only that; but the disgrace that it entails upon the man who is indicted is something that will follow him always afterwards, although he may be entirely innocent. When you indict a man for an offense, though after a while he may be acquitted, it is an easy matter to start on its errand a statement that he has been indicted, and tardy justice and tardy truth may never overtake the charge that has gone abroad that he has been indicted for a felony. Frequently, when a man is acquitted, it is very easy for some person to say that he was acquitted on a technicality. So I think that this language is broad enough, as the Senator must see, to include a person who has no connection with a claim, who does not urge the claim, but who happens to know some facts about it and does not go and make them known. "Conceal"—that is a word that may be construed to include a man who merely keeps silent.

Mr. HEYBURN. Mr. President, it seems to me that if the Senator will read back to the beginning of the sentence, he will see that it says "whoever for the purpose of obtaining or aiding to obtain the payment, conceals," etc.

Mr. McLAURIN. No, sir; I do not so understand it.

Mr. HEYBURN. That is the way it is written.

Mr. McLAURIN. I do not so read the language. It says:

Or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition—

There is a semicolon—

or whoever shall knowingly and willfully misrepresent, misstate, or conceal any material fact or circumstance in respect of any such claim, etc.

That takes in not only the man who for the purpose of "obtaining or aiding * * * shall make or use, or cause to be made or used, any false statement, certificate," etc., but any man, even though he has no connection with it, who shall conceal, etc. If the construction for which the Senator from Idaho contends is to be given, there is no necessity for the clause following the semicolon on line 13, because all that is said with that view after the word "or" is said before. I do not think those words ought to be here, and I move to strike out the words "or conceal." I shall insist upon that motion.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. On page 121, at the end of line 14, it is proposed to strike out the comma and at the beginning of line 15 the words "or conceal," so as to read:

Or whoever shall knowingly and willfully misrepresent, misstate any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than $500 or imprisoned not more than one year, or both.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The Secretary read the next section passed over, as follows:

SEC. 234. [Whoever shall knowingly ship, send, or forward any of the articles mentioned in the section last *preceding*, or shall transport the same by any mode of conveyance upon land or water between any of the places specified in that section, unless such articles be securely inclosed, deposited, or packed *in conformity with regulations to be prescribed by the Secretary of Commerce and Labor*, shall be fined not more than $5,000 *or imprisoned not more than one year, or both.*]

Mr. SUTHERLAND. Mr. President, it will be observed that section 233, which immediately precedes this section, makes it a penal offense for any person to transport any of the explosive materials which are enumerated on board any vessel or vehicle whatever employed in conveying passengers by land or water, and so on. Section 234 provides:

Whoever shall knowingly ship, send, or forward any of the articles mentioned in this section last preceding, * * * unless such articles be securely inclosed, deposited, or packed in conformity with regulations to be prescribed by the Secretary of Commerce and Labor—

Shall be guilty of a penal offense and punishable. It has occurred to me that perhaps the purpose of that law would be made clearer if we added a proviso to it as follows:

Provided, That nothing in this section shall be construed to authorize the conveyance of any such article upon any vessel or vehicle employed in conveying passengers by land or water in violation of the preceding section.

The preceding section, it is true, forbids the carrying of such articles on any vessel employed in carrying passengers, but the language of section 234 is general enough to include it. In order that there may be no doubt about it, I move that amendment.

Mr. KEAN. May I ask the Senator from Utah if that is the section in regard to explosives?

Mr. SUTHERLAND. Yes.

Mr. KEAN. The Committee on Interstate Commerce, Mr. President, has pending before it a bill covering this matter, which I think will probably be reported in a few days. It establishes the rules and regulations, and does not confine the rules and regulations to such as may be established by any Department whatever. It makes fixed rules and regulations for the transportation of such articles. I should be glad, therefore, to have this section passed over for the present.

Mr. SUTHERLAND. I suggest to the Senator from New Jersey that the amendment I propose would not interfere with his purpose.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Utah.

The SECRETARY. It is proposed to add at the end of section 234 the following proviso:

Provided, That nothing in this section shall be construed to authorize the conveyance of any such article upon any vessel or vehicle employed in conveying passengers by land or water in violation of the preceding section.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. BACON. Mr. President, I ask the Senator in charge of the bill if he will not now consent to lay it aside. We have reached the end of a chapter, and it seems to me to be a good place to suspend our labors.

Mr. HEYBURN. I should like to make a suggestion in connection with this section before laying the bill aside. It will take but a moment. I think we had better not leave this section unfinished.

Mr. BACON. I beg the Senator's pardon; I thought it was finished.

Mr. HEYBURN. In view of the fact that the Committee on Interstate Commerce is proposing to amend the existing law, which is specific with reference to the manner of packing, I am going to propose an amendment to the section to strike out, in lines 4 and 5 on page 126, the words "in conformity with regulations to be prescribed by the Secretary of Commerce and Labor" and insert in lieu thereof the words "as provided by law," because the law does specifically provide the manner of packing. I move that amendment.

Mr. BACON. Does the Senator desire by that to exclude any additional regulations on the part of the Secretary of Commerce and Labor?

Mr. HEYBURN. I do; because Congress has heretofore declined to leave it to such rules and regulations, and in existing law the method is prescribed. The matter is now before the Committee on Interstate Commerce to consider as to whether the present law is sufficient or whether it will be amended. In either event, we have a specific law that is available to everybody at all times and is permanent in its character. It is very much better that that should be the criterion than that changing rules and regulations should govern.

Mr. BACON. I did not make the suggestion with a view to opposing in any manner the amendment offered by the Sen-

ator. I simply desired information. It had occurred to me that possibly in a matter of this importance it might be desirable that, in addition to law and not in conflict with, but in furtherance of it, the Secretary might, in some instances, be profitably clothed with power to make such regulations as developments might prove the necessity for; but I yield to the Senator's judgment in the matter and have no motion to make in regard to it.

Mr. HEYBURN. I think in a case of this kind, dealing with deadly explosives transmitted through the Post-Office Department, there should be such a fixed and settled law that every person might know its terms, and that it ought not to be left to the varying changes of rules and regulations. That has been evidently the judgment of Congress in the past, and it is evidently their judgment now, inasmuch as they are considering—not prescribing that somebody else may make rules and regulations—but considering a change in the fixed provisions of law governing that question.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 126, line 4, after the word "packed," it is proposed to strike out "in conformity with regulations to be prescribed by the Secretary of Commerce and Labor" and insert "as provided by law."

Mr. SUTHERLAND. Mr. President, it does not seem to me that that amendment will accomplish what the Senator from Idaho desires to accomplish, because the provisions of law with reference to the packing of these articles are contained in the very section for which section 234 is a substitute, and that section is repealed. So if we pass the pending section in the form suggested, we will have no existing provision of law on that subject. It seems to me that what ought to be done, if that is the desire of the Senate, is to substitute section 5355 of the Revised Statutes for section 234 of the pending bill, because it is section 5355 which prescribes the way in which these articles shall be packed, and that section will be repealed by the adoption of section 234, leaving no provision of law on the subject at all. If the motion is proper, I move as a substitute for the amendment of the Senator from Idaho [Mr. HEYBURN] that section 234 be amended by substituting therefor the matter contained in section 5355 of the Revised Statutes.

The VICE-PRESIDENT. Does the Senator propose to strike out all of the section and insert a new section in lieu of it?

Mr. SUTHERLAND. Yes.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On pages 125 and 126 it is proposed to strike out all of section 234 and insert in lieu thereof the following:

> Every person who knowingly ships, sends, or forwards any quantity of the articles mentioned in section 5353, or who transports the same by any mode of conveyance upon land or water, between any of the places specified in that section——

Mr. SUTHERLAND. The words "in that section" should be changed to read "in the preceding section."

The Secretary resumed and continued the reading of the amendment, as follows:

> In the preceding section, unless such articles be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of paris, or other nonexplosive material when saturated with such oil, and separated from all other substances, and the outside of the package be marked, printed, or labeled in a conspicuous manner with the words "nitroglycerine; dangerous," shall be punished by a fine of not less than $1,000 nor more than $5,000; one-half to the use of the informer.

Mr. SUTHERLAND. Strike out "one-half to the use of the informer," and add the proviso which I offered to section 234.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw his amendment?

Mr. HEYBURN. I withdraw my amendment and accept the amendment offered by the Senator from Utah.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. BACON. I hope the Senator from Idaho will consent that we may lay the bill aside, as we have reached the end of a chapter.

Mr. HEYBURN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

SECOND-CLASS MAIL MATTER.

Mr. BACON. Mr. President, in consequence of a number of letters which I have received relative to an order issued by the Post-Office Department, known as "Order 907," amending the regulations pertaining to second-class matter, I addressed a letter to the Third Assistant Postmaster-General asking his reasons for it and some information as to the operation of it, particularly as to that part of the order which concerns the renewal of subscriptions to newspapers, there being a very great interest all through the country in regard to the matter. The purpose of the order was to prevent abuses with respect to second-class mail matter.

I have received from the Third Assistant Postmaster-General a very clear statement in regard to the whole matter, discussing all the provisions of the order, the reasons for it, and pointing out in what way there will not be the anticipated hardship that was suggested, not only to me, but to many other Senators and Representatives, as the result of this order.

I now hold that letter of the Third Assistant Postmaster-General in my hand, to which there are appended many exhibits in the way of discussions by publishing houses and newspaper publishers, and so forth, giving their views as to the way in which the law will operate, and some other exhibits of the same kind, together with an address delivered by the Third Assistant Postmaster-General upon that subject before a company of publishers, as I understand.

For the convenience of Senators and also of Representatives—I presume they will be glad to avail themselves of it—I ask that this letter, with the accompanying exhibits, may be printed as a document. The matter is so voluminous in its scope that it is impossible for Senators and Representatives to respond, with a proper degree of particularity, to the inquiries which are made in regard thereto. If put in print, we can very easily handle it to the satisfaction of all.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent that the paper presented by him may be printed as a document.

Mr. BACON. I am not sufficiently familiar, right at this moment, to know how many copies that order will justify, but my friend the Senator from New Jersey [Mr. KEAN] can doubtless tell us. I think a great many more than the usual number are going to be required.

Mr. KEAN. The Senator can ask for additional copies after he gets the document printed in the first place.

Mr. BACON. Yes.

Mr. KEAN. After it is printed in the first place he can ask for an additional number of copies.

The VICE-PRESIDENT. The Chair understands that it will embrace about 1,100 copies.

Mr. BACON. As suggested by the Senator from New Jersey, the request for the additional number had better be postponed until the original print has been made, and then a request will be made for additional copies.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Georgia? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 14, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1908.

POSTMASTERS.

ALABAMA.

James I. Abercrombie to be postmaster at Columbiana, Shelby County, Ala. Office became Presidential April 1, 1907.

Noah S. Daniel to be postmaster at Dora, Walker County, Ala. Office became Presidential April 1, 1907.

G. Cullen Dean to be postmaster at Evergreen, Conecuh County, Ala., in place of Sanford B. Strout. Incumbent's commission expired March 21, 1906.

Jethro D. Dennis to be postmaster at Marion, Perry County, Ala., in place of Jethro D. Dennis. Incumbent's commission expired December 7, 1907.

Albert W. Ellyson to be postmaster at Citronelle, Mobile County, Ala., in place of Albert W. Ellyson. Incumbent's commission expired March 3, 1907.

Emily R. Lawrence to be postmaster at Livingston, Sumter County, Ala., in place of Emily R. Lawrence. Incumbent's commission expires March 16, 1908.

Joseph D. McCleskey to be postmaster at Boaz, Marshall County, Ala. Office became Presidential October 1, 1906.

Marcus T. McGriff to be postmaster at Columbia, Houston County, Ala. Office became Presidential January 1, 1907.

Spencer J. McMorris to be postmaster at Wetumpka, Elmore County, Ala., in place of Spencer J. McMorris. Incumbent's commission expired February 18, 1907.

James W. McNeill to be postmaster at Luverne, Crenshaw County, Ala. Office became Presidential January 1, 1907.

Florence E. Spears to be postmaster at Pell City, Etowah County, Ala. Office became Presidential October 1, 1907.

James V. Walls to be postmaster at Guntersville, Marshall County, Ala. Office became Presidential January 1, 1908.

Newton L. Wilson to be postmaster at Blocton, Bibb County, Ala., in place of Newton L. Wilson. Incumbent's commission expired June 19, 1906.

ARKANSAS.

Dan S. Collins to be postmaster at Foreman, Little River County, Ark. Office became Presidential January 1, 1908.

James L. McKamey to be postmaster at Imboden, Lawrence County, Ark. Office became Presidential January 1, 1908.

William T. Moore to be postmaster at Leslie, Searcy County, Ark. Office became Presidential January 1, 1908.

Nannie H. Savage to be postmaster at Monticello, Drew County, Ark., in place of Nannie H. Savage. Incumbent's commission expired December 16, 1907.

Mattie C. De Vaughan to be postmaster at Waldo, Columbia County, Ark. Office became Presidential January 1, 1908.

J. E. Woodson to be postmaster at Hope, Hempstead County, Ark., in place of James R. Gibson. Incumbent's commission expires February 23, 1908.

FLORIDA.

George B. Patterson to be postmaster at Key West, Monroe County, Fla., in place of George B. Patterson. Incumbent's commission expires March 2, 1908.

GEORGIA.

William T. Johnson to be postmaster at Collegepark, Fulton County, Ga. Office became Presidential January 1, 1908.

INDIANA.

Joseph S. Smith to be postmaster at North Vernon, Jennings County, Ind., in place of Joseph S. Smith. Incumbent's commission expired December 12, 1905.

KANSAS.

Roberta H. McBlain to be postmaster at Fort Riley, Geary County, Kans., in place of Roberta H. McBlain. Incumbent's commission expired November 11, 1907.

KENTUCKY.

Samuel L. Gatrell to be postmaster at Midway, Woodford County, Ky., in place of Samuel L. Gatrell. Incumbent's commission expired April 10, 1906.

James P. Hutcheson to be postmaster at Owenton, Owen County, Ky., in place of James P. Hutcheson. Incumbent's commission expired February 12, 1907.

MAINE.

Lorenzo B. Hill to be postmaster at National Soldiers' Home (late Togus), Kennebec County, Me., in place of Lorenzo B. Hill, to change name of office.

MASSACHUSETTS.

Charles A. Haskell to be postmaster at Newton Center, Middlesex County, Mass., in place of George H. Morgan, deceased.

MINNESOTA.

Iver M. Kalnes to be postmaster at Starbuck, Pope County, Minn., in place of Bennie H. Holte, resigned.

MISSOURI.

Charles L. Gray to be postmaster at Carterville, Jasper County, Mo., in place of Charles L. Gray. Incumbent's commission expired January 14, 1908.

William F. Walkenhorst to be postmaster at Concordia, Lafayette County, Mo. Office became Presidential January 1, 1908.

NEW YORK.

U. G. Sprague to be postmaster at Prince Bay, Richmond County, N. Y., in place of Charles O. Sprague. Incumbent's commission expired February 11, 1908.

NORTH CAROLINA.

John P. Overman to be postmaster at Elizabeth City, Pasquotank County, N. C., in place of Isaac M. Meekins. Incumbent's commission expired February 3, 1907.

A. H. Paddison to be postmaster at Burgaw, Pender County, N. C., in place of Robert M. Croom, deceased.

Thomas C. Smith to be postmaster at Rutherfordton, Rutherford County, N. C., in place of William J. McDaniel. Incumbent's commission expired February 5, 1908.

NORTH DAKOTA.

Charles C. Hill to be postmaster at Richardton, Stark County, N. Dak. Office became Presidential January 1, 1908. (Postmaster removed.)

PENNSYLVANIA.

Albert Secor to be postmaster at Sheffield, Warren County, Pa., in place of Albert Secor. Incumbent's commission expired January 26, 1907.

SOUTH CAROLINA.

William H. Brunson to be postmaster at Edgefield, Edgefield County, S. C., in place of William H. Brunson. Incumbent's commission expired March 13, 1907.

Julia M. Merrick to be postmaster at Walhalla, Oconee County, S. C., in place of Julia M. Merrick. Incumbent's commission expires March 16, 1908.

Joseph P. Murphy to be postmaster at Bamberg, Bamberg County, S. C., in place of Joseph P. Murphy. Incumbent's commission expired March 13, 1907.

TEXAS.

Fred W. Laux to be postmaster at Flatonia, Fayette County, Tex., in place of Julius Laux, resigned.

WISCONSIN.

Anna M. Merrill to be postmaster at Merrillan, Jackson County, Wis. Office became Presidential January 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1908.

SURVEYOR OF CUSTOMS.

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa.

REGISTER OF THE LAND OFFICE.

William Miller, of Minnewaukon, N. Dak., to be register of the land office at Devils Lake, N. Dak.

PROMOTIONS IN THE NAVY.

To be ensigns.

Hiram L. Irwin,
William R. Furlong,
Gerald Howze,
William O. Spears,
Ernest Durr,
John H. Newton, jr.,
Anthony J. James,
William E. Eberle,
Wilhelm L. Friedell,
Walter E. Reno,
John J. London,
Ross S. Culp,
William Baggaley,
Halford R. Greenlee,
John F. Atkinson,
Virgil Baker,
Henry A. Orr,
Alexander S. Wadsworth, jr.,
Benjamin H. Steele,
Kenneth Whiting,
Charles M. Austin, and
John E. Pond.

To be assistant paymasters.

Benjamin H. Brooke,
Thomas J. Bright,
Emory D. Stanley,
Lewis W. L. Jennings,
Brantz Mayer,
Swinton L. Bethea,
Edward R. Wilson,
William G. Neill,
Harry E. Collins,
John H. Gunnell,
Emmett H. Tebeau,
Charles E. Parsons,
William J. Hine,
Kenneth C. McIntosh,
Francis J. Daly,
Roland W. Schumann,
Franklin P. Williams,
Leon N. Wertenbaker,
John J. Luchsinger, jr.,
Eugene H. Douglass,
Robert K. Van Mater,

William S. Zane, and
James C. Hilton.

To be assistant naval constructors.

Ross P. Schlaback,
George S. Radford,
James L. Ackerson,
Donald R. Battles,
Richard D. Gatewood,
Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher, jr.,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, jr.,
Emory S. Land,
James Reed, jr.,
Edwin G. Kintner,
Alexander H. Van Keuren,
Paul H. Fretz, and
Roy W. Ryden.

Ensign Julius C. Townsend to be a lieutenant (junior grade) in the Navy from the 2d day of May, 1907.

Lieut. (Junior Grade) Julius C. Townsend to be a lieutenant in the Navy from the 2d day of May, 1907.

Asst. Surg. Harry F. Hull to be a passed assistant surgeon in the Navy from the 12th day of April, 1907.

Asst. Surg. Lewis H. Wheeler to be a passed assistant surgeon in the Navy from the 22d day of April, 1907.

APPOINTMENTS IN THE NAVY.

Charles L. Moran, a citizen of Massachusetts, and Arthur C. Stanley, a citizen of Wisconsin, to be assistant surgeons in the Navy from the 10th day of February, 1908.

POSTMASTERS.

CALIFORNIA.

Enos F. Floyd to be postmaster at San Andreas, Calaveras County, Cal.

Albert L. Paulsen to be postmaster at Weaverville, Trinity County, Cal.

Robert M. Richardson to be postmaster at Sacramento, Sacramento County, Cal.

John W. Wood to be postmaster at Pasadena, Los Angeles County, Cal.

OKLAHOMA.

John W. Rickett to be postmaster at Perkins, Payne County, Okla.

WASHINGTON.

Judson J. Merriman to be postmaster at Lind, Adams County, Wash.

John F. Spangle to be postmaster at Cheney, Spokane County, Wash.

George Vetter to be postmaster at Sunnyside, Yakima County, Wash.

WISCONSIN.

Lewis P. Perry to be postmaster at Gillett, Oconto County, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 13, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT ON URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the urgent deficiency bill and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the urgent deficiency bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5: That the Senate recede from its amendment numbered 5.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11 and agree to the same with an amendment, as follows:

After the word "Treasury," at the end of said amendment, insert the following:

"Whenever any defendant in the case herein described makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

"All witnesses subpœnaed and appearing for the Government and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual, reasonable expenses of travel incurred in coming from and returning to their places of residence which said actual expenses shall be sworn to and shall be subject to the inspection, revision, and approval of the court and shall be in lieu of mileage now authorized by law to witnesses in other cases; and the tender of a sum sufficient to cover such actual expenses and the per diem fees shall be as effective for all purposes as the tender of mileage and per diem now allowed by law."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: "To pay balance due the Atlanta Machine Works, of Atlanta, Georgia, four hundred and twenty-eight dollars and two cents," and the Senate agree to the same.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill H. R. 14766, making appropriation to supply urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

On amendment numbered 5: Strikes out the appropriation of $1,875 proposed by the Senate for payment to J. H. Bankhead as a member of the Inland Waterways Commission.

On amendment numbered 11: Inserts the provision proposed by the Senate relating to the Hyde, Dimon, Benson, and Schneider case, and adds a further provision authorizing the payment of witnesses on the part of the defense under certain conditions and in the discretion of the court, and also providing that all witnesses in the case, both for the Government and the defense, shall receive, in addition to their per diem fees, only actual traveling expenses instead of mileage, as provided by law in other cases.

On amendment numbered 26: Provides for the payment of $428.02 as a balance due the Atlanta Machine Works, of Atlanta, Ga., instead of that sum of money claimed as interest on the principal of a judgment rendered in their behalf by the United States court at Atlanta, Ga.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report, and I will yield two minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, since the discussion in the House on day before yesterday, I have visited the Department of Justice and ascertained from the Attorney-General that the reason why this case was brought in the District of Columbia instead of in California was that the offense with which the defendants are charged was outlawed in the State of California before the Department or any officers of the Government had discovered the frauds constituting the crime; so that the defendants could not be tried in California, and the only place where the indict-

ments could be brought or the venue could be laid was here. As the committee has agreed upon an amendment which I think removes the possibility of our being a party to a proceeding which might work irreparable injustice to somebody, I do not desire, under the circumstances, further to object to the House receding from its position.

Mr. TAWNEY. Mr. Speaker, I want to say a word in explanation of the provision in regard to the Hyde-Benson case. On investigation the conferees on the part of the House ascertained that since 1846 it has been the policy of the Government where the defendants in criminal actions made a showing to the court as to the witnesses they desired and to their being necessary, and that they were unable to provide for their attendance, the court in its discretion is permitted to authorize the subpœnaing of their witnesses residing within 100 miles of the place of trial. The reason for that policy is much stronger in this case, when you consider that the witnesses in this case will have to be brought here, some 3,000 miles. We also ascertained that under the law witnesses on behalf of the Government as well as the defense would be entitled to 5 cents per mile for travel, in addition to their per diem. That, in the judgment of the conferees, is a great deal more than is necessary to defray the actual traveling expenses. In fact, it has been said that some of the relatives of some of the witnesses are preparing to visit the East, claiming that they can do so on the mileage and witness fees of those subpœnaed. The paragraph in the report which I will read explains very fully the exact provision for the pay of the witness in this case, whether appearing for the Government or the defendants.

Whenever any defendant in the case herein described makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

All witnesses subpœnaed and appearing for the Government, and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual, reasonable expenses of travel incurred in coming from and returning to their places of residence, which said actual expenses shall be sworn to and shall be subject to the inspection, revision, and approval of the court and shall be in lieu of mileage now authorized by law to witnesses in other cases; and the tender of a sum sufficient to cover such actual expenses and the per diem fees shall be as effective for by law.

So, for that reason, Mr. Speaker, we have modified the law in regard to fees and traveling expenses as to the Government's witnesses, as well as the defendants' witnesses in this case, providing for their actual traveling expenses, to be sworn to, and to be modified or revised and approved by the court. In that way, I think, the expense of the trial, if it is had here, will be very materially reduced.

Mr. WANGER. Mr. Speaker, will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. WANGER. If it is a good and necessary thing to modify the allowance for witnesses in this case, would it not be an equally commendable action to revise the law generally in that particular?

Mr. TAWNEY. I think so; but that is a question that should be addressed to the Committee on the Judiciary of the House.

Mr. LIVINGSTON. Mr. Speaker——

Mr. TAWNEY. I yield to my colleague on the committee [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, while I indorse the sentiment of the conferees, I think this House ought to emphasize the fact that we disapprove of bringing cases from the Pacific coast to this city when it can possibly be avoided. The witnesses for both parties and the assistant United States attorneys must all come here. And this is an enormous and an unnecessary expense. The crimes were committed there, and they should be tried there in order to save expense. That is not all. There is a constitutional right of the defendants in criminal suits, a right that ought to be regarded by this House, that they should be tried where the crimes are committed. The House ought to emphasize its disapproval of that course whenever possible.

Mr. TAWNEY. I yield two minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I wish to say that the remarks just made by the distinguished gentleman from Georgia [Mr. LIVINGSTON] we all concur in, except that he assumes that where parties live they commit the crime.

Mr. LIVINGSTON. No; I did not say that.

Mr. KEIFER. He said we ought to protest against bringing people from the Pacific coast here for trial. We have always done that. The Constitution prohibits that. The laws of the country prohibit that. If the people from the Pacific coast come to the District of Columbia and commit a crime, they will have to come here and answer for it.

I want to ask the chairman [Mr. TAWNEY] one question, and that is, whether in the last amendment agreed to, No. 26, the amendment is so drawn in connection with the bill that the receipt of the $428.02 shall be accepted in full of the balance due the Atlanta Machine Works?

Mr. TAWNEY. I understand the gentleman is now satisfied.

Mr. KEIFER. Is the provision such that if this House accepted that it will be satisfactory?

Mr. TAWNEY. Yes.

Mr. JOHNSON of South Carolina. I want to ask the gentleman from Minnesota [Mr. TAWNEY] about the allowance of interest on the judgment.

Mr. TAWNEY. We do not provide for payment of any interest on the judgment. We provide for the payment of the balance due on the judgment.

Mr. JOHNSON of South Carolina. But that balance is interest, is it not?

Mr. TAWNEY. It is claimed as interest, but this provision does not recognize it as interest, and it can never be used as a precedent hereafter.

Mr. JOHNSON of South Carolina. The Government does not allow interest, does it?

Mr. TAWNEY. No.

Mr. MANN. Except in this case.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PROTECTION OF GAME IN ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The bill H. R. 14789 is upon the Union Calendar, and unanimous consent is asked to discharge that committee from the consideration of the bill and that it be considered in the House at this time. The Clerk will report the bill.

[The bill was read at length.]

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. I noticed in the latter part of the reading of the bill that any officer of the United States is authorized to arrest any person having a skin, etc., of game taken in Alaska, anywhere in the United States. I would ask the gentleman if I am right, if the interpretation is as broad as that, and if such drastic legislation is necessary in order to protect the game in Alaska?

Mr. HUMPHREY of Washington. I will say to the gentleman that it does provide that "any marshal, deputy marshal, or warden in or out of Alaska may arrest without warrant any person found violating any of the provisions of this act, or of any regulations herein provided." And that is the law now. That is simply a reenactment of the present law.

Mr. PAYNE. What changes are there in this law?

Mr. HUMPHREY of Washington. The changes in this law from the present law are these: That under present conditions the Secretary of Agriculture has control of the game laws in Alaska. This bill provides for a license system and places it under the control of the governor.

Mr. LIVINGSTON. Why should it not be under the control of the governor of Alaska?

Mr. HUMPHREY of Washington. It does place it under the control of the governor.

Mr. LIVINGSTON. Then what has the Secretary of Agriculture to do with it, anyhow?

Mr. HUMPHREY of Washington. The Secretary of Agriculture, under this bill, has nothing to do with it; but he has under the present law. The object of this bill is to charge a license, and the proceeds of that license will go in a game fund, to be used for game protection, and placed under the control of the governor of Alaska.

Mr. LIVINGSTON. Is it true that if a man had a deerskin that came from Alaska, he could be arrested in the District of Columbia? Is that true?

Mr. HUMPHREY of Washington. Well, I would not want to say that. I can read what it does. The object of the provision in the law, as I understand it and as it is to-day, is this: That it provides that any marshal or deputy marshal or warden may arrest, without warrant, any person found violating any of the provisions of this act, whether it be in Alaska or in California.

Mr. LIVINGSTON. If he affirms that it came from Alaska, why I could be arrested in the District without having to go back there to be tried.

Mr. PAYNE. That would not have to be affirmed. It would only have to be charged that it came from Alaska. All that he has got to do is to affirm that it came from Alaska.

Mr. SULZER. That law ought to be amended.

Mr. PAYNE. This seems to be a splendid opportunity to change that drastic provision.

Mr. LIVINGSTON. It seems to me we might strike that clause out.

Mr. MANN. Will the gentleman yield to me?

Mr. CRUMPACKER rose.

Mr. HUMPHREY of Washington. I can not yield to all gentlemen at once.

Mr. CRUMPACKER. I want to make a suggestion about the rules and regulations proposed. The law authorizes the Secretary of Agriculture to make certain rules and regulations, and that is the law now. Does not the provision say that any person who violates any provision of the law, any regulation made by the governor or the Secretary of Agriculture, shall be guilty of a crime? This law as it now is puts it in the hands of the Secretary of Agriculture, and I infer and understand from its reading that the law prohibits the killing of game during certain seasons and authorizes the Secretary of Agriculture, under certain rules and regulations, to permit the killing during those seasons for certain purposes. If that be true, I think the rules and regulations are all right. But if it permits the Secretary of Agriculture to make rules and regulations in addition to the provisions of this law and then undertakes to make those a basis of crime, then I think it is wrong. What does it do in that respect?

Mr. HUMPHREY of Washington. I will say to the gentleman that this bill very much restricts it in that respect over the present law. It says he shall make rules and regulations, under the provisions of this bill, to this effect only: That he shall prescribe different times for the killing of the game. This vests the control of the season in him. They discovered that the caribou were about to be exterminated on the Kenai Peninsula, and the only way of restricting them was to prescribe a period of two years, while in the other the period is of five years. It was found necessary to leave that much discretion in the hands of the Secretary.

Mr. CRUMPACKER. I agree that it is necessary to vest great discretion, and it would be convenient in an administrative officer of the Government, and it would be impracticable to meet all these phases in a bill enacted by Congress, but the question of convenience is not one to be considered as much. It is largely a question of power and administration. I have always opposed the authorizing of Department officials to make regulations that furnish the basis of a criminal prosecution. I believe the protection of the liberty of the people of the United States is of as much importance as the protection of game in Alaska, and probably a little more. But I understand now, as I said a moment ago, the power of the Secretary of Agriculture is to make rules and regulations as within the prohibited period fixed by the law, and the Secretary may prescribe that game may be killed within the prohibited period in some districts. Then it is a proper thing to do.

Mr. HUMPHREY of Washington. No; he can not.

Mr. TAWNEY. Mr. Speaker, if the gentleman will permit me, I understand from a hasty reading of the bill that it authorizes a permanent indefinite appropriation. Before I can consent to the creation of any more permanent indefinite appropriations, I want to know what they are, and for the present I will object.

Mr. HUMPHREY of Washington. I hope the gentleman will withhold his objection. This does not carry any appropriation.

Mr. TAWNEY. It does appropriate, for fees, a permanent indefinite appropriation.

The SPEAKER. The gentleman from Minnesota objects.

COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Post-Office Department is hereby authorized to send for persons and papers in any examination within its jurisdiction.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16493) limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof, with two minor amendments to correct errors in printing.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the right to make entry of desert lands under the provisions of the act approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of surveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area 320 acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said acts of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any incorporation or association shall be authorized or recognized.

SEC. 3. That any entrymen under the above acts who shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements, and provisions of said acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish proof as required by said acts of the completion of said work.

With the following amendments:

Page 1, line 12, strike out "surveyed" and insert "unsurveyed."

Page 2, line 15, strike out "incorporations" and insert "corporations."

Mr. FITZGERALD. Mr. Speaker, reserving the right to object——

Mr. PAYNE. I want to reserve the right to object to this.

Mr. MONDELL. Mr. Speaker, if the House will allow me about five minutes, and give me their attention, I think I can explain this bill fully.

The SPEAKER. The gentleman asks unanimous consent to make a statement for five minutes. Is there objection?

There was no objection.

Mr. LIVINGSTON. I want to ask the gentleman if this bill has the approval of a committee of the House?

Mr. MONDELL. Mr. Speaker, this bill contemplates certain restrictions of the desert-land law, which were originally suggested by the General Land Office, and which have been carefully considered by the Committee on the Public Lands and unanimously indorsed by that committee.

Mr. LIVINGSTON. Has it been indorsed by the Commissioner of the General Land Office?

Mr. MONDELL. The proposed changes have the approval of the Commissioner of the General Land Office and the Secretary of the Interior.

The provisions of the first two sections of the bill were embraced in a bill passed at the last session of Congress and discussed on the floor at length and approved by the House; so that the only new matter contained in the bill is the provision in the third section, under which the Commissioner of the General Land Office may, in his discretion, upon a proper showing on the part of the entryman of inability to complete his irrigating work within the three years allowed by law, grant an extension such as may be necessary, not exceeding three years, in which to complete the work necessary to the irrigation and the reclamation of the lands.

This legislation is important and necessary. The land officials have on various occasions called attention to the difficulty of administering the desert-land law and do justice and equity, owing to the fact that under the law the entryman should complete his work within three years, and if reclamation is not completed within four years from the date of entry his title is extinguished.

It often occurs, and more frequently now than in former times, that owing to the very great expense of reclamation, the distance that water must be brought for the reclamation of land, the rough territory over which ditches are carried, the broken character of much of the land irrigated, it is utterly impossible for the ordinary entryman, by the exercise of the utmost diligence, to complete the reclamation of his land within the period provided by law.

In numerous instances our committee has been appealed to to pass special bills to extend the period, and the House has passed upon a number of bills of that character. In a late

Congress a bill extending for three years the period in behalf of certain entrymen in southern Colorado was passed.

Mr. BONYNGE. In California.

Mr. MONDELL. The gentleman is correct. We also passed a bill a short time before that with reference to Colorado. The gentleman from Colorado [Mr. BONYNGE] is fully informed on this subject, having given it much attention, and this provision of the bill is substantially a bill introduced by him. To sum up, Mr. Speaker, the first two sections contain proper restrictions on desert entry, restrictions indorsed by the Department and which our committee has unanimously reported twice, the House having passed such a bill in the last Congress. The third section provides for the necessary extension of time upon proper showing in order that the entryman may not lose his land because of his inability to complete the irrigation in the brief period allowed by law.

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. HARDWICK. Does this bill involve any extension of the irrigation system?

Mr. MONDELL. No extension. It simply provides that where the entryman is on the land under the present law, and in a given case he is unable to complete the irrigation within the three years provided by law, the Commissioner may, upon a proper showing, give him a reasonable period in which to complete the work.

Mr. HARDWICK. The reason that I asked the question is that in a recent case, Kansas against Colorado, 206 United States, the Supreme Court——

Mr. MONDELL. This can not possibly affect that question, because it does not provide for any irrigation that is not already provided for by law.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. PAYNE. This bill relates exclusively to the desert lands and to irrigation and reclamation of those lands. I would like to know if this subject has ever been referred to the Committee on Irrigation and Reclamation?

Mr. MONDELL. Under the rules of the House, bills of this character have always been referred to the Committee on the Public Lands. There has never been any exception to that rule, and under the rules this bill could have gone nowhere except to the Public Lands Committee, for it deals entirely with the passing of title under certain conditions and does not, like the national irrigation law, deal with the manner in which the land shall be irrigated. So the bill could have gone to no other committee. It was before our committee in two Congresses, and the first provisions were passed by the House without objection in the last Congress.

Mr. PAYNE. If I recollect the rule, all bills relating to the irrigation of public lands go to that committee. I think that committee would have jurisdiction of the bill, and it might have been referred to that committee. Perhaps the Committee on the Public Lands also has jurisdiction.

Mr. SULZER. I would like to ask the gentleman a question.

Mr. MONDELL. I will gladly yield to the gentleman from New York.

Mr. SULZER. I understand the bill has the approval of the Commissioner of the General Land Office?

Mr. MONDELL. More than that, Mr. Speaker; two provisions of the bill have been recommended or suggested by the President's Public Land Commission, by the Commissioners, and by the Secretary and indorsed by the House. The last provision has been indorsed and recommended by the present Commissioner, the present Secretary, and approved by the committee.

Mr. REEDER. Does the gentleman say that the bill has received the unanimous report of the Committee on the Public Lands?

Mr. MONDELL. Yes; and we have gone over it very carefully.

Mr. REEDER. I want to say, in regard to the suggestion by the gentleman from New York [Mr. PAYNE], that I believe there is a mistake in referring this class of bills to the Committee on the Public Lands, because I think the whole object of the bill is irrigation.

Mr. MANN. This bill has nothing to do with irrigation.

Mr. REEDER. It has all to do with it.

Mr. BONYNGE. It has nothing to do with the Government project of irrigation, but only to the irrigation by individuals.

Mr. REEDER. All matters pertaining to irrigation should be referred to the Committee on Irrigation and Reclamation of Arid Lands. I realize that this is not the time to make this point; and inasmuch as it has the unanimous approval of the Committee on the Public Lands, I have no doubt that it is all right.

Mr. MONDELL. Under the rules, all bills relating "to the lands of the United States" go to the Committee on the Public Lands. This is such a bill, and it clearly belongs to our committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

CITY OF WOODWARD, OKLA.

Mr. FULTON. Mr. Chairman, I ask for the present consideration of the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes, which I send to the desk and ask to have read.

The SPEAKER. This bill seems to be upon the Private Calendar.

Mr. FULTON. Well, it has been favorably reported by the committee.

Mr. MANN. Oh, we can not take up bills on the Private Calendar by unanimous consent.

Mr. FULTON. It should not be on the Private Calendar, as I understand it.

The SPEAKER. The Chair will state to the gentleman from Oklahoma that in the last two Congresses, and so far in this Congress, the Chair has not submitted requests for unanimous consent to consider bills on the Private Calendar. That is the method the Chair takes of objecting. The Chair will not take the time to explain to the gentleman why, but Members generally understand the position of the Chair.

Mr. FULTON. I had no idea that it was on the Private Calendar and I do not think it belongs there.

The SPEAKER. It seems to be on the Private Calendar.

Mr. LIVINGSTON. Mr. Speaker, I call for the regular order.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16882, the legislative, executive, and judicial appropriation bill. Pending that, Mr. Speaker, I desire to ask the gentleman from Georgia as to what disposition of time he wishes, conceding that we go on in general debate the remainder of the day.

Mr. LIVINGSTON. I desire to have two hours and thirty minutes.

Mr. BINGHAM. The remainder of the time to be given to this side. Then do I understand that we can close general debate to-day?

Mr. LIVINGSTON. If the gentleman gives me that time, that is satisfactory.

Mr. BINGHAM. Then, Mr. Speaker, I ask unanimous consent that general debate close to-day, two hours and a half of that time to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the balance by myself.

The SPEAKER. Pending the motion of the gentleman from Pennsylvania, the gentleman asks unanimous consent that general debate close to-day, two hours and a half of that time to be in the control of the gentleman from Georgia. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LAWRENCE in the chair.

Mr. BINGHAM. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT] such time as he may wish.

Mr. GILLETT. Mr. Chairman, Members of Congress and the public generally were greatly interested in the recent decision of the Supreme Court which held that the law regulating the liability of interstate railroads to their employees, passed by the last Congress, was unconstitutional. The popular impression produced by the decision, so far as I have been able to

estimate it, is that the power of Congress over interstate commerce has been unexpectedly and undesirably limited and that this class of legislation has received a serious setback. I think this impression is quite unwarranted and comes from a superficial view of the decision, and that really the opinions delivered by the judges strengthen the power of Congress over interstate commerce. The law was held unconstitutional because in its terms it extends to employees engaged in purely State commerce. Whether this was the intent of the persons who drew the bill I do not know. They may have thought it wise to draw it as comprehensive as possible, as that would be the only way of ascertaining to what extent Congress could go, but I think few Members of this House supposed it applied to purely State commerce, or thought such an application was constitutional.

The judges of the Supreme Court differed in their interpretation of the law, the majority holding that it did in terms cover State commerce and the minority holding that it did not; but all the judges agreed that Congress had not the power to legislate over employees engaged in purely State commerce, so that question is settled, and settled I believe in accord with the general sentiment and expectation of the bar, of Congress, and of the people.

But while the court has thus decided that this particular statute was unconstitutional, its decision has established one principle which ought to give the friends of this class of legislation ample compensation for their disappointment. That is the principle that the relation of employees to the railroads, of master to servant, as lawyers call it, is within the jurisdiction of Congress under the interstate-commerce clause of the Constitution, whenever the servant is engaged in interstate business. This principle has been much disputed and until this decision has been in doubt, but now six judges unite in confirming the doctrine and the other three simply decline to express an opinion, so that a strong majority, if not the full court, indorse it. This is of great value, for of course this principle is vital to the law, and to have it officially established is solace for a little delay.

Mr. LITTLEFIELD. Mr. Chairman, I would suggest to the gentleman from Massachusetts as to whether or not the proposition to which he now refers is not more or less in the nature of a dictum. The real issue is the constitutionality of the act, and the court held it unconstitutional on other grounds, so that in a sense this proposition may be more or less dictum.

Mr. GILLETT. It is a dictum, I admit, because it was not necessarily involved in the decision, but it is a dictum upon which six of the judges agree. It was not a dictum as far as the four minority judges are concerned, for the doctrine was a necessary foundation of their argument, and two of the majority judges expressly declare their acquiescence in the doctrine, and the three other judges expressly reserve their opinion. In other words, they apparently are in doubt, so that we may fairly say, I think, that six of the judges of the court are committed to it and the other three are doubtful.

Mr. LITTLEFIELD. That proposition applies to all the employees of the Government.

Mr. GILLETT. It does, of course.

Mr. LITTLEFIELD. Whether in manufacturing or otherwise employed.

Mr. GILLETT. That would apply to all.

It will now be simple to amend the law in conformity with this decision—to make it in terms apply exclusively to interstate commerce, and thus to accomplish all that most of its friends expected. In drafting this new law care should be exercised that it does not again exceed our constitutional limits, that it should conform to the decision of the Supreme Court, and, in my opinion, there are other modifications which could be introduced to the improvement of the bill.

But my main purpose in speaking to-day was not to discuss the recent decision of the court, but to take advantage of the present interest in the subject to impress upon the House that there are other bills upon this subject quite as deserving as this one. Railroad employees are already protected by legislation of the individual States, and this only gives them a law somewhat more favorable than most of them had before, and which is uniform throughout the country.

But there is a class of men who have no remedy at all and who not only get no advantage from the ameliorating statutes which a sense of justice has forced upon nearly all of the States, but who can not even appeal to the old common law, with its antiquated master and servant doctrine, and who constitute, I believe, the only force of workingmen in the country who have absolutely no redress for any injury which may happen to them in the course of their employment. I refer to the thousands of men who are employed by the United States in its numerous manufacturing establishments.

These men as yet have not been touched at all by the liberal spirit of the modern statutes. They still have no right to recover damages, even if their injuries resulted solely from the negligence of their employer or from defects in the buildings or machinery. No matter how blameless they were, no matter how culpable the employer, they must bear the loss alone and have no appeal to any law, no redress in any court.

Before we enact law giving still more protection to the railroad employes, who already are much protected, would it not be fair and reasonable and right to do something for these men who have no protection at all? My attention was drawn to this subject years ago, because there is located in the city where I live a Government armory employing between one and two thousand men, nearly all skilled mechanics, and a large portion of them using machinery. Accidents frequently happen to them, but, no matter how they may be caused, they have no redress in law. It is an anachronism that such a state of affairs should exist.

The President has, in several messages, called attention to it, and in his last message discusses it at length. The first executive suggestion of it so far as I am aware was in the report of Hon. W. H. Moody in 1902, when he was Secretary of the Navy, directing the attention of Congress to the need of such action for the navy-yards. But long before there had been any Presidential suggestion I had, in the Fifty-sixth Congress, introduced practically the same bill which I advocate to-day, and had pressed it upon the Judiciary Committee and have urged it in every Congress since. Last year the subcommittee reported it favorably, and I hope this year it will become a law. It is modeled on our Massachusetts statute, and is much more conservative and moderate than the railroad law enacted last year. But I have no prejudice in favor of my own bill. I am willing it should be amended or liberalized or narrowed as much as may be thought wise. What I want is that some action shall be taken, that these men shall have some legal rights. That there is need of it, you can not doubt. Cases which demand it are occurring constantly.

There is now in the hospital at Springfield a young man with a bullet wound in his leg received while he was working at his bench in the armory. In the room below they were testing rifles. The ceiling was not sufficiently armored and a shot glancing upward from the target went through the floor and stopped in this workman's leg. He was guilty of no negligence, was in the performance of his duty, and in any other shop would have had a clear case of damages against his employer. But because he was working for the United States Government he is remediless and can exact no compensation.

I think that the Government ought to abandon this exemption from doing justice which the law now gives it, that when it becomes a manufacturer it ought not at the same time to assert the privileges of a sovereign and claim that it is above the law, and that before it says to railroad corporations, "You shall be more liberal to your employees," it ought at least to have conscience enough to give to its own employees what every railroad employee already enjoys.

If it extracts the beam from its own eye, it may be able to see more clearly the motes in other eyes, and so I think honor, consistency, justice, and the spirit of the age all demand that we give at once to this large body of deserving citizens at the very least the same rights that every other class of citizens already enjoys under the law.

Mr. SMITH of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. GILLETT. Certainly.

Mr. SMITH of Missouri. You have stated that a bill of this character has been before Congress for a number of years and at one time was reported favorably by the Committee on the Judiciary. Will you please tell the country why this bill has not been passed that you are talking about now?

Mr. GILLETT. Mr. Chairman, I wish I knew myself just why it has not been passed. I suppose the main reason is there were not enough persons affected by it and interested in it. Like a great many other just and meritorious bills, it never has been able to get the time of Congress, and the purpose of my now addressing the committee is that it may get the attention of Congress. [Applause.] I am glad to see the gentleman thinks it is unreasonable that it has not been already passed.

Mr. STERLING. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. STERLING. I understand that the gentleman has introduced a bill at this session relating to this question?

Mr. GILLETT. Yes.

Mr. STERLING. Giving the right of action to these employees?

Mr. GILLETT. Yes.

Mr. STERLING. I would like to know if the gentleman's

attention was called to a bill introduced a few days ago by myself not giving a right of action to the employees, but giving a compensation where the injury occurred not through negligence of the employee, fixing the minimum amount of compensation, the amount allowed to be determined by the Secretary of Commerce and Labor; have you seen that bill?

Mr. GILLETT. I have not seen that bill, and I have no pride in authorship in my own bill to prevent my supporting any other which aims to accomplish the same result and right this wrong.

Mr. STERLING. I asked the gentleman if he has ever considered the question along this line, and I wanted to know what his views are in reference to such a bill.

Mr. GILLETT. I have not heard of such a proposition. All I want, Mr. Chairman, is a remedy, and if the gentleman's bill affords that and the House prefers it, I am perfectly willing to unite upon that. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14786) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8-feet depth from the channel at the bulkhead in the Newport River to the town of Beaufort and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor.

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor.

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view to deepening the same, and to submit estimates therefor.

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring); That the Secretary of War be, and he is hereby, authorized and directed to cause a survey contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound, in the west of Sandy Point Shoals, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound 100 feet in width and of a depth of 5, 8, and 10 feet at low water.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. Mr. Chairman, I now yield one hour to the gentleman from Missouri [Mr. CLARK].

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for one hour. [Loud applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Chairman, within the last few days we have been edified by a series of somewhat remarkable speeches, evidencing a high order of ability in our membership, on which I most heartily congratulate the country, for no man more rejoices in the honor and glory of this House than I do. These speeches have been devoted chiefly to a discussion of the President's message and of the President himself. Views widely divergent as the poles have been freely expressed as to the merits and demerits of this extraordinary man, one of the most extraordinary in American history. [Applause.] In this case, as in most others, the line of safety, fairness, and justice is found in medias res. In my county there was a lawyer who so frequently urged courts and juries to take "a reasonable view" that his saying passed into a proverb. That is exactly what should be done touching the President; but that is precisely what has not been done as a rule. He is such a belligerent personage that his slightest word is a challenge to mortal combat, and he can not express an opinion on any question under heaven, even on a subject so prosaic and threadbare as the prospective state of the weather, without precipitating a row, his extreme admirers declaring that there never has been such a weather prophet on earth since Adam and Eve were driven with flaming swords from Paradise, and his extreme enemies vociferating that he knows no more about the weather than does the ground hog. [Laughter and applause.]

Upon this issue there would be joined a battle royal, full of sound and fury, signifying nothing. Colonel Roosevelt laughs to scorn the words of the great Cardinal:

> Love thyself last; cherish those hearts that hate thee;
> Still in thy right hand carry gentle peace
> To silence envious tongues.

On the contrary, he acts on the theory of the bellicose Irishman who said: "When you see a head, hit it." [Laughter and applause.] He has whacked so many heads that divers reactionary leaders are in the political hospital for repairs. [Applause on the Democratic side.]

Still others of them perambulate the earth with poultices and plasters adorning their craniums. [Laughter.] His whole public life has been one long succession of spectacular fights. No man was ever more viciously assailed by men of his own party, and none was ever, while still in the flesh, so lavishly lauded by some of the opposing party. But the truth is that this extraordinary man has waxed stronger and stronger by waging battle. Even defeat has made him a larger and more commanding figure. Never in his militant career was he more savagely abused or more extravagantly praised than at the present juncture.

So, amid the swirl of things, the deluge of words, the shoutings of the captains, the beating of tom-toms, the groans of crippled and wounded Republicans, the furious yells of friend and foe, one who is the personal friend of Theodore Roosevelt, the man; who is the opponent of Theodore Roosevelt, the politician or the statesman, as the case may be; and who desires to take a "reasonable view" of the saying and doings of Theodore Roosevelt, the Chief Magistrate of a mighty people, perhaps has little chance to be heard in this Babel of voices. But I will have my say, and here it is: Personally I like him. He has treated me well and I have tried to treat him well. After the manner of strong men he has pronounced virtues and glaring faults of character. I have never abused him. I have never grown hysterical in admiration of him. When he is right, I support him cordially. When he is wrong, I fight him tooth and nail. This line of conduct I have pursued steadfastly in the past, and I shall adhere to it without shadow of turning even unto the end. It seems to me that that is the way in which he would desire to be treated. He must entertain ineffable contempt for the invertebrate sycophants who grovel before him on all occasions, and who, no matter what he says or what he does, throw high their sweaty caps in air, shouting: "Io! Triumphe! Io! Triumphe!"

It is said that "a king can have no friends," and it seems that a President of the United States—any President—is in the same unhappy situation. It is claimed that Colonel Roosevelt is better than his party—this he could easily be without running any imminent risk of being translated, after the fashion of Elijah, in a chariot of fire by reason of his goodness. [Applause on the Democratic side.] But whatever his virtues, whatever his faults, whatever else he may be, he is not a Democrat [applause on the Democratic side]; for democracy means the least amount of government the people can get along with consistent with the fullest enjoyment of their rights to life, liberty, and the pursuit of happiness [applause on the Democratic side], while republicanism means the greatest amount of government that the people will stand [applause on the Democratic side], and he of all men is the apostle of the maximum quantity of government. [Applause on the Democratic side.] Occasionally, very much to the delight of Democrats and the utter confusion of Republicans, he appropriates or absorbs, borrows or seizes, a Democratic idea and from his high coign of vantage advocates it with tremendous force; for he obeys to the letter at least one Scriptural injunction: "What soever thy hand findeth to do, do it with thy might;" and it is the heavy hand of Theodore Roosevelt or his "big stick" which has driven so many Republicans pellmell into the Cave of Adullam, where there is weeping and wailing and gnashing of teeth and much profane swearing. [Applause on the Democratic side.]

So far as he has advocated Democratic ideas, so far as he has mauled wicked Republicans with his mailed fist or has thumped them with his big stick, he deserves the unstinted

praise and gratitude of all lovers of our country. [Applause on the Democratic side.]

Twice in this speech I have applied to him the word "extraordinary," which seems to me the adjective best fitting his character and his endowments. Whether he is a great man I do not know. You, Mr. Chairman, do not know. Nobody knows. There is an old saying, "Count no man happy till he is dead." It is a wise and sane rule to acclaim no man great until he is in his grave. We have not the perspective necessary to fix his status in history, and it is sheer folly to attempt it. Lord Bacon, the most philosophic of mankind, with clear vision and deep pathos, expressed the same idea in his last will and testament, when he said: "For my name and memory, I leave it to men's charitable speeches, and to foreign nations, and to the next age." His proud confidence was not misplaced, for his fame has augmented from the day of his death down to the present hour.

Individually, I wish the President well in the White House till March 4, 1909, when I hope he will quit it forever. I congratulate him from the bottom of my heart on turning a deaf ear to those unwise or selfish friends who have endeavored to persuade him to violate the wholesome precedents of one hundred and eleven years, for no President will ever be elected to a third term until the Republic is on its last legs. After he leaves that historic mansion, the goal of so many ambitious hearts, the tomb of so many ardent hopes, I wish him happiness, prosperity, and length of days.

We can all be honest even if we can not be great, and if you Republican bigwigs were perfectly candid, you would confess that you are not nearly so much enamored of the President as you appear to be. You grow red in the face, thereby inviting vertigo or apoplexy in exalting him to the skies; for he is still the dispenser in chief of pie, and a Republican statesman bereft of pie is a spectacle to make the angels weep. When I see you trying to apotheosize him by mere lip service, it seems to me, "The lady doth protest too much."

When a lad I had a classmate who pronounced the Latin word "vulgus," which means "the common people," "voolgoose." By reason of some peculiarity in his vocal apparatus it sounded like "bullgoose." So the boys fell into the habit, as a joke, of pronouncing it "bullgoose." It is the "common people" among the Republicans, the "vulgus" of the Romans, the "bullgoose" of the college boys, that constitute Theodore Roosevelt's shield and buckler among the Republicans. No man has a livelier comprehension of that fact than Republican Representatives.

I have heard that in the last campaign sundry Republican Representatives sought and obtained from the President certificates of good character to help them pull through. [Laughter and applause on the Democratic side.] We all know that when the Republican managers came to the conclusion that the result was doubtful, he wrote that famous letter to "My dear Mr. Watson" which was used as a blanket certificate of good character for all Republican Members of Congress except the unfortunate Mr. Wadsworth. [Laughter on the Democratic side.] But even his epistle to Mr. Watson could not prevent the Republican majority in the House from falling from 114 to 55. When "Uncle Joe" read the returns he must have been in the frame of mind of Pyrrhus, King of Epirus, when surveying a hard-won field, he exclaimed: "Another such victory and we are undone." [Applause on the Democratic side.] A self-evident truth; and even the ready-letter-writer in the White House will not be able to write enough letters between now and the first Tuesday after the first Monday in November next to return another Republican majority to this House. [Applause on the Democratic side.]

Everybody knows that the tide is running strong against you, and any district that is held by a Republican here by less than 3,000 plurality is more liable to go Democratic than Republican, and, God be praised, there are forty-four such districts. [Laughter and applause on the Democratic side.] Every Republican holding his seat by less than 2,000 is "our meat" in November. [Laughter and applause.] There are thirty-seven of them, and we only need twenty-eight to organize the next House. [Renewed applause on the Democratic side.]

In addition to these there are fifteen or twenty other districts in which for various reasons we have an equal chance to win.

The other day the gentleman from Michigan [Mr. TOWNSEND] said: "To the Administration of Theodore Roosevelt the student of the future will point as the period when the people came into possession of their own." The gentleman was mistaken. The exact date to which the student of the future will point as that of the coming of the people into their own will be March 4, 1909, when a Democrat will be inaugurated President at the east front of the Capitol, backed by such a Democratic majority in this House as will induce even a Republican Senate to enact into law the people's will. For eleven years we have been out of power, but we have it on high authority that—

> Sweet are the uses of adversity,
> Which, like the toad, ugly and venomous,
> Wears yet a precious jewel in his head—

in this case the precious jewel of Democratic victory.

The Democrats are getting together everywhere, and the Republican party presents to the astounded gaze of men the appearance of a "dissolving view." [Laughter and applause.] You will be extremely lucky if you get out of Chicago without nominating two Republican tickets instead of one. [Laughter on the Democratic side.]

I am not going to venture upon any discussion of the financial question. There never have been but two men in the world that knew all about it. My friend from Connecticut [Mr. HILL] is one of them, and unfortunately the other is dead. [Laughter and applause.] But my friend from Texas [Mr. BURGESS] who made a wonderfully strong speech yesterday, knows a good deal about the financial question, though he modestly disclaimed it. No man that heard him did more to praise him by his action, by his grimaces, by his smiles and nods, than did Mr. HILL of Connecticut; and "praise from Sir Hubert Stanley is praise indeed."

First and last in this debate a great deal has been said about the existing panic. There has been much loud asservation to the effect that the President had no hand in producing it. After all is said that can be said, one fact stands out in bold relief, and that is that it is a Republican panic. [Loud applause on the Democratic side.] The self-constituted defenders of the President declare vehemently that Harriman and his crowd did it. Harriman and his crowd retort angrily that the President and his crowd did it. But no difference which one of the two crowds did it, it is "a Republican panic." [Loud applause on the Democratic side.]; for, let it never be forgotten that Harriman and his crowd are Republicans, as well as the President and his crowd. It does not become "an innocent bystander" to undertake to decide which are the ideal Republicans. [Laughter.] One thing we do know, however, and that is that Mr. Harriman was a delegate to the last national Republican convention which nominated Colonel Roosevelt by a unanimous vote and that he has been a liberal contributor to Republican campaign funds. [Applause on the Democratic side.]

Two or three years ago he was "My dear Harriman." [Laughter.] Now he is another sort of Harriman with a big, big D. [Laughter.] But whatever else he was, or is, he is a Republican of high degree. I am not certain that it is any particular business of mine to pick the Republican nominees for President. Perhaps, however, I may be permitted to suggest that the ideal Republican for Persident would be Edward H. Harriman [laughter and applause on the Democratic side], and if you fill out the Republican ticket with that other eminent Republican, John D. Rockefeller, the ticket will be very strong in Wall street. It will have one advantage. They can furnish their own barrel, and then the Republican rooters instead of singing "rally 'round the flag, boys," can sing "rally 'round the barrel, boys." [Laughter and applause on the Democratic side.] No doubt after Rockefeller pays that $29,000,000 fine, if he ever does, that Judge Kenesaw Mountain Landis imposed on him, he will still have oil enough left to grease up the machine. [Laughter.] There would be another advantage in the Harriman and Rockefeller Republican Presidential ticket, and that is, there would be no necessity for them to plunder the great life insurance companies, thereby robbing the widows and orphans of the land of the provision made for them by kind husbands and loving fathers.

There is an old saying that "chickens come home to roost." For eleven years the Democrats have been stripped of every shred of power. In 1893 there was a panic under the McKinley high-tariff bill while a Democrat sat in the White House. Every mother's son of you in the House, in the public press, and upon the stump vociferated volubly and repeatedly that it was a Democratic panic. Now, no man can deny that this panic has come after eleven years of Republican rule, under a Republican Administration, and by your own logic you can not deny that it is a Republican panic. [Applause on the Democratic side.] You are estopped from so doing, and you might as well walk up and take your medicine. It is bitter as gall, but you will have to swallow it.

The gentleman from Iowa [Mr. HEPBURN] in his speech the other day tried to minimize the panic, and intimated that it is not much of a panic, anyway. I read somewhere once that about the thirtieth day of the flood a stiff-necked antediluvian, sitting in the limbs of a tall tree on the top of a high mountain, as Noah floated past in the ark, shook the water out of his hair and remarked: "This is not much of a shower, after all."

[Laughter.] The gentleman from Iowa must be some blood kin to that cheerful antediluvian. [Laughter.]

I wish it were true that it is not much of a panic. I have not much property, but it has cost me already about one-fourth of what I had. I wish it were true, as he says, that it is not much of a panic; but it is not true, for another distinguished Iowa statesman, ex-governor and ex-Secretary of the Treasury, Leslie M. Shaw, who is a Republican Presidential possibility, in a speech that he made not long ago, used this remarkable language:

Banks must have been sound, or widespread ruin would have marked the stringency of 1907, which is generally conceded to have been the severest the world has ever witnessed.

That is certainly a sweeping statement:

The stringency of 1907, which is generally conceded to have been the severest the world has ever witnessed.

Mr. Shaw might have truthfully added that it is a Republican panic, and gives the lie direct to the Republican platform declaration of 1904, that "a Republican tariff is always followed by business prosperity and a Democratic tariff by business adversity." [Applause on the Democratic side.]

That fake is thoroughly exploded—"gone where the woodbine twineth," dead as the men who lived before the flood. It helped you amazingly in 1904. No sane man will believe it any more forever—

All the king's horses and all the king's men
Can't put Humpty Dumpty together again.

[Laughter.]

But the gentleman from Iowa [Mr. HEPBURN], in a vain endeavor to shift the burden of this panic, said that as long as we went on in the way we have been going we would always have periodical panics, and I believe that my distinguished friend from Connecticut [Mr. HILL] the other day indorsed that idea. But why in the name of heaven did not you Republicans say that in 1893 and in the fifteen years that followed? [Applause on the Democratic side.]. That philosophy of the gentleman from Iowa comes too late. It is a kind of deathbed repentance. I will read you another sentence or two:

Mr. President, the financial crisis from which the country has just emerged, which culminated in a serious panic in October, was the most acute and destructive in its immediate consequences of any that has occurred in the history of the country. Nothing but the heroic measures taken by the representatives of the great business and financial interests of the country, acting in cooperation with the Secretary of the Treasury, prevented a total collapse of private credit and a disastrous destruction of all values. It is impossible to conceive, much less to measure, the losses which would have resulted from such a calamity. The country was saved by the narrowest possible margin from an overwhelming catastrophe whose blighting effect would have been felt in every household.

Who do you suppose said that? Mr. ALDRICH, the father of the Aldrich currency bill, in the Senate of the United States. Oh, yes; it is easy to see now what we tried to make you admit in 1893 and afterwards, that panics do come, and that they come periodically, but you denied it then, and you will not be permitted to plead it now in mitigation. There is a sentence in a very old book, "He that taketh the sword shall perish by the sword," and that is the predicament you are in this day. [Applause on the Democratic side.]

You all indorse Cortelyou's great remedy for this panic. What was Cortelyou's remedy? The President sent him a letter of congratulation. It is a cold day when he does not send a letter to somebody, somewhere, about something. If he does not finally turn up with a bad case of pen paralysis, I miss my guess. [Laughter.] What was Cortelyou's plan? To issue a new batch of bonds in a time of profound peace, the identical thing for which you Republicans have pilloried a Democratic President for fifteen years. To this complexion has it come at last, that Republican morality, the morality of the great God-and-morality party, in the year of grace 1908, is this: If a Democratic President does a thing, it is wrong. If a Republican President does the same thing, it is right. [Applause on the Democratic side.]

That, too, when an irresistible moral wave is sweeping over the country from sea to sea. But, for fear somebody thinks I have overdrawn the size of this panic, I will read you a short excerpt from the speech of Governor Leslie M. Shaw, made night before last in Michigan:

Over 300,000 freight cars standing empty on the track; 8,000 locomotives out of commission; one-quarter of the population of several large cities idle, and, for the first time in a Republican Administration, free soup houses.

[Laughter and applause on the Democratic side.]

Republican soup houses! [Laughter.] And yet the distinguished gentleman from Iowa [Mr. HEPBURN], with banks breaking on every hand; with railroads, mills, factories, stores, and mines throwing men out of employment by the thousands; with laborers fleeing from the country by the tens of thousands for Europe; with suicides multiplying on every hand; with governmental revenues constantly dwindling; with Republican soup houses springing up in great cities like mushrooms in a damp cellar, asks us to disbelieve the evidence of our own senses and say that the panic does not amount to much anyway.

Alexander Pope, one of the chief literary ornaments of Queen Anne's reign, which has been styled "the golden age of English literature," the friend of Swift, Addison, and Bolingbroke, a poet that is not read now nearly as much as he ought to be, in his Universal Prayer says:

That mercy I to others show,
That mercy show to me.

My Republican brethren, that is precisely what we are going to do to you. [Laughter and applause on the Democratic side.] You might as well get ready for it. [Laughter.] You shall be held accountable for this panic, not only in this year, but through all the years that are to come. [Applause on the Democratic side.]

For fifteen long years you have lambasted us without mercy for the panic of 1893, which you accused us of producing. Now, we will lambast you without mercy for the panic of 1907, which you can not deny occurred in the eleventh year of the absolute supremacy of the Republican party. "Sweet is revenge!" And we will have our revenge on you now and in all future time. You can write that upon the tablets of your memory. You can not escape punishment any more than you can escape death itself.

It must be confessed, however, that if the gentleman from Iowa [Mr. HEPBURN] fell down in his effort to minimize the Republican panic, he succeeded marvelously well in his threat to run his roller over those who oppose the President's recommendations, and to disfigure them. He got quick returns on that threat. While of course he does not aspire to infringe the Rooseveltian patent on "the big stick," Colonel HEPBURN wields a heavy bludgeon of his own and is not too tender about cudgeling recalcitrant Republicans with it. It will be remembered that the gentleman from Mississippi [Mr. WILLIAMS] in commenting on Colonel HEPBURN's threat, pointed out to him that in order to make good he must run his roller over the gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. SHERMAN], and Mr. Speaker CANNON. That is quite a large contract, but Colonel HEPBURN has already accomplished part of his stunt by bringing into line the gentleman from New York [Mr. PAYNE], chairman of the Committee on Ways and Means and ex officio floor leader of the majority.

Lord Byron, a great poet and a fine judge of poetry, pronounces Wolfe's "Burial of Sir John Moore" to be the finest ballad in our language. One of the most striking stanzas in that ballad begins with the famous line, "But half of our heavy task was done." It may not be considered impertinent if I, in the spirit of friendship, remind the gentleman from Iowa that only one-fourth of his heavy task is done and seek to encourage him in the laudable duty he has set himself. Whenever he gets ready to run his roller over the gentleman from Pennsylvania and "Uncle Joe" and to disfigure them, I assure him, if he will give an advance notice, that he will have a huge audience, breathless with expectation and delirious with delight. [Laughter and applause.] There will be something doing on that occasion, and no mistake. Not since the Earl of Peterboro scaled the walls of Barcelona has a "stunt" so ambitious been essayed. [Laughter.]

Colonel HEPBURN has already earned the sobriquet of "Defender of the White House faith" by the valorous manner in which he defended the President from the lofty panegyric pronounced upon him by the brilliant orator from New York [Mr. COCKRAN]. He will prove himself somewhat of a crusader, if, single-handed, he undertakes to run his roller over the gentleman from Pennsylvania [Mr. DALZELL] and Mr. Speaker CANNON and to disfigure them. If he succeeds, he will win unfading laurels and will deserve to snatch from Marshal Ney the title of "Bravest of the brave," bestowed in a moment of affection and gratitude by Napoleon. From his arduous and extrahazardous undertaking, I wish the gentleman from Iowa a safe deliverance.

Cæsar divides all Gaul into three parts. The speech of the gentleman from New York [Mr. PAYNE] is susceptible of the same treatment: One-third, delivered in tones that would make old Stentor turn green with envy, might be most appropriately marked "Public;" one-third, spoken in voice so low that only Republican Members could hear and with gestures suggestive of the Reverend Doctor Chadband's "Bless you, my children!" should be labeled "Private;" one-third, uttered in a whisper, apparently for the sole benefit and spiritual instruction of the gentleman from Pennsylvania [Mr. DALZELL] may be denominated "confidential." If there is any person about

this Capitol who is in sore need of abundant spiritual instruction as to the new Republican evangel of tariff revision, it is the gentleman from Pennsylvania [Mr. DALZELL].

He is a fixed star of portentous magnitude in the constellation of the stand-patters. He is the stand-pat sheaf to which all other stand-pat sheaves do obeisance, even as Joseph saw things happen in his dream. He is to all other stand-patters what Aaron's rod was to the rods of the magicians. A verbatim copy of his thoughts while our Republican brother from Wisconsin [Mr. KÜSTERMANN] was delivering his great tariff-reform speech would make what Horace Greeley denominated "mighty interesting reading," and what Professor Squeers, of Dotheboys Hall, would have characterized as "richness." The gentleman from New York [Mr. PAYNE], having seen the light himself, does well to agonize with the gentleman from Pennsylvania [Mr. DALZELL], for it is written:

Joy shall be in heaven over one sinner that repenteth more than over ninety and nine just persons that need no repentance.

But he will be the last to yield—the last to repent. I imagine I see him now, all the rest of them deserting him, standing like James Fitzjames did in his duel with Roderick Dhu, and proclaiming—

Come one, come all! this rock shall fly
From its firm base as soon as I.

Yes, he needs the spiritual consolation and instruction by the gentleman from New York [Mr. PAYNE]. Should the gentleman from Pennsylvania [Mr. DALZELL], who is jealous of his mental integrity, ever arise in his place on this floor and unequivocally declare that he is earnestly in favor of general tariff revision downward, the angelic choir should break forth in full chorus:

Sound the loud timbrel, o'er land and o'er sea,
DALZELL is converted, the country is free!

[Prolonged laughter and applause.]

I wish to heaven that I could live till he does that. Then I would take away from Methuselah the honor of being the oldest man that ever lived. Methusaleh would have to tarry several centuries at Jericho cultivating his beard in order to even enter the ring for old men. Hitherto and for some nineteen hundred years the conversion of Saul of Tarsus, as he journeyed from Jerusalem down to Damascus, has been taken and accepted as the ne plus ultra of the sudden and the unexpected; but the historian of our times will record the fact with iron pen upon his glowing page that the sudden and abrupt conversion of stand-patters to tariff revision in 1908 is the most astounding phenomenon of the phenomenal age in which we live.

I beg to suggest, however, that the gentleman from New York [Mr. PAYNE] and other converts are somewhat enigmatical in the use of terms in making "the good confession." The gentleman from New York said inter alia: "I do not mind saying to-day that they (that is, the Republicans) will declare for a revision of the tariff," which remark was received with considerable applause on the Republican side. I submit, Mr. Chairman, that "revision of the tariff" and "tariff revision" are equivocal terms, and may mean revision up or revision down. So far as I know, no Republican member of the present Ways and Means Committee, except the scholarly gentleman from Massachusetts [Mr. MCCALL], has ever declared in favor of revising the tariff downward. He carries his nerve with him and has the courage of his convictions. But the gentleman from Iowa [Mr. HULL], who is an acknowledged expert on all military affairs, and who could give pointers in the art of war to Alexander, Hannibal, Cæsar, or Napoleon, but who is decidedly inexpert in economic questions, let the cat out of the bag not long since by declaring that the Republicans would revise the tariff up or down, as they pleased. No doubt the Republicans are preparing for another stupendous confidence game on the people by declaring in their next platform for "tariff revision," without indicating whether the revision is to be up or down. They won in 1896 by a juggle on the financial question. Their solemn pledge to promote an international agreement for the free coinage of silver roped in enough silver Republicans to land William McKinley in the White House. Now they are meditating a juggle on the revision of the tariff as a companion piece to their successful juggle as to coinage.

No doubt we shall have another scientific case of paltering with the people in a double sense—of keeping the word of promise to the ear and breaking it to the hope.

That there are many Republicans—perhaps a third of all Republicans—honestly in favor of revising the tariff downward is beyond all question. If they are seduced by the equivocal promise of tariff revision, and, adhering to the regular Republican organization, enable it to win at the polls, only to find later on that the meaning placed upon the words "tariff revision" by a Republican Congress and a Republican President is "revision up," they will find their situation accurately described in verses 43, 44, and 45 of the Gospel according to St. Matthew, which runs in this wise:

When the unclean spirit is gone out of a man, he walketh through dry places, seeking rest, and findeth none.

Then he saith, I will return into my house from which I came out; and when he is come, he findeth it empty, swept, and garnished.

Then goeth he, and taketh with himself seven other spirits more wicked than himself, and they enter in and dwell there; and the last state of that man is worse than the first. Even so shall it be also unto this wicked generation.

Mr. KEIFER. What chapter?

Mr. CLARK of Missouri. The 12th chapter. You never would find it if I did not tell you where it is. [Prolonged laughter.]

The gentleman from New York also declares in favor of a "maximum and minimum tariff," a term as equivocal as is "tariff revision" or "revision of the tariff." Why did he not vouchsafe to us what his maximum and minimum are to be? Is he in favor of the plan proposed by the gentleman from Mississippi [Mr. WILLIAMS] to make the minimum 80 per cent of the Dingley rates? Or is he in favor of the proposition of Mr. MCCLEARY of Minnesota, to make the Dingley rates the minimum and the maximum the blue vault of heaven? If the latter we would be repeating the condemned performance of jumping out of the frying pan into the fire. The gentleman from New York is a learned man and can be precise, when he chooses, in the use of words. I submit in all candor that because in both his propositions touching the tariff he used equivocal terms, one may fairly conclude that there is a large-sized Senegambian concealed in the wood pile, a mammoth rodent in the meal tub.

The gentleman's position seems to be this: Tariff revision and a maximum and minimum tariff should be brought about. The Republicans have had absolute control of all branches of the Government for eleven years and have left undone in this regard that which they ought to have done; but, if the people will only overlook past omissions and give them a new lease of power, they will revise the tariff either up or down and establish a maximum and minimum tariff with the Dingley rates for either the maximum or minimum, he isn't exactly certain which; and American voters are asked to go to the polls and buy these two tariff pigs in a poke.

The gentleman from New York [Mr. PAYNE] was hardly fair in his treatment of certain bills introduced by the gentleman from Mississippi [Mr. WILLIAMS]. He seemed to think that the gentleman from Mississippi did not know that "white print paper" is a more comprehensive term than "white paper," which is preposterous, for whatever the gentleman from New York may think of the political opinions of the gentleman from Mississippi, he must admit that the latter is possessed of much erudition and is widely read not only in political literature, but in general literature—facts of which this House is proud. Writing "white paper" for "white print paper" was a slip of the pen—merely that, and nothing more. But suppose that the gentleman from Mississippi had actually proposed to put all "white paper" on the free list or to cut down the tariff thereon, what then? He would have been simply pushing a good thing a little further. The effort the gentleman put forth to make merry as to that small item shows to what sore straits the Republican floor leader is reduced in a tariff debate with the gentleman from Mississippi.

The gentleman from New York seems to be flatly opposed to removing the tariff on wood pulp and white print paper. He was kindly furnished by the gentleman from Pennsylvania [Mr. DALZELL] with a letter from the Census Bureau showing that prices for white print paper are getting lower instead of higher. We should not forget that a certain Commissioner of Labor, Hon. Carroll D. Wright, now president of a New England college, two or three years ago, to help the Republican campaign along, prepared lengthy tables of figures to show that the cost of living was lower then than in the years immediately preceding, when every housewife knew by sad experience that it was much higher. No doubt this year some Republican statistician will prove that times were better since September last than ever before in the entire history of the human race, thereby once more illustrating the proposition that while figures will not lie, liars will figure.

The gentleman from New York appears to think that the publishers of the land do not know what is the matter with themselves.

I have not time to-day to go into an argument about removing the tariff on wood pulp and print paper. I may do so at some future day; but one thing is certain, either the publishers of the land are a lot of consummate liars—which I do not believe—or the price of news paper has gone up and is higher than it

ought to be, for with almost unanimous voice, without regard to politics, they declare that the price is cruelly high and demand that wood pulp and news paper be put upon the free list. Republican papers have it in their power to drive Republicans here into giving them relief or to drive the Republicans out of Congress; and if they do not do the one thing or the other, they should forever hold their peace, for every Democrat here stands ready to vote for their relief. The gentleman from Mississippi [Mr. WILLIAMS] properly characterized the tariff on wood pulp and news paper and on art as a tax on intelligence, which should therefore be removed.

The gentleman from New York was muddled as to the bill of the gentleman from Mississippi [Mr. WILLIAMS] to cut the tariff when above 100 per cent down to 100 per cent. He talked exclusively about tobacco and alcohol, on which there is a large internal-revenue tax. The history of that transaction is that in the Commitee on Ways and Means Mr. WILLIAMS amended his bill so that where there was an internal-revenue tax on any article the tariff should be left high enough to compensate for the internal-revenue tax, even though the tariff on that article should be more than 100 per cent. As amended, it was voted down in committee, all the Democrats voting for it and all the Republicans voting against it. I have here a long list of articles on which the tariff is more than 100 per cent, in some cases much more. At some convenient season I will go into that matter in extenso.

Just one more thought about the tariff, and then I am through with that to-day. Some time during the session I will take a day off and make a sure-enough tariff speech.

Not long since my distinguished friend from Maine [Mr. LITTLEFIELD], in a running-fire debate with the gentleman from Kentucky [Mr. SHERLEY] about ship subsidies, wanted to know if it was not true that our shipping shrank more under free-trade legislation than under protective legislation. I take it that was a slip of the tongue. The gentleman from Maine is a great figure in this House. He understands the use of the English language, too, and he knows, none better, that there never has been a time that this country was under free-trade legislation under the Constitution, except a few days between Washington's inauguration and the enactment of the first tariff law. I submit that a man with the standing of the gentleman from Maine, one who speaks like the centurion of the Bible, with authority, and "saith to this one 'go,' and he goeth, and to another 'come,' and he cometh," has no right to use words in such a reckless manner as that. It may do for some obscure and ignorant brother, but will not do for the distinguished gentleman from Maine. [Laughter.]

The gentleman from New York twitted us with not having passed any legislation in the last forty years. I have very little money; that thing which he suggests has bothered me a long time; but I will give the gentleman a thousand dollars if he will tell me how a minority can outvote a majority in any legislative body on earth. [Laughter.] That is the problem we have all been working on here for years.

Republicans in this House will not be permitted to create the false impression that Republicans throughout the country are a unit in indorsing either the President's message or the President's conduct in his support of Mr. Secretary Taft in his White House aspirations. On the eastern border of Missouri is St. Louis, the great "City of the Iron Crown." There is published the Globe-Democrat, the Republican organ for eastern Missouri, southern Illinois, and adjoining territory. On February 1, closing a long and unfriendly editorial on the message, the Globe-Democrat says:

The general judgment with regard to this special message can hardly fail to be that it is ill-timed and ill-tempered. Nobody questions the President's motives or purposes, but, unfortunately, his methods are now and then such as to invite criticism from his friends and give comfort to his enemies.

That is the deliberate editorial judgment of the Globe-Democrat, the greatest Republican paper in the Mississippi Valley.

February 3 there appeared in the Globe-Democrat an editorial "squib" in these words:

There is a widespread belief that the world is steadily growing better and that business confidence, if it must be disturbed, should not be attacked in a fiery spirit.

The man must be dull indeed who does not see that that is an unfriendly charge against the President.

In the same column we find this paragraph, which needs a diagram to explain it:

"Go softly and carry a big stick" is a phrase that has attracted much attention. The advice contained in the first two words should not be slighted.

It seems to mean that the President is traveling at too rapid a gait and should use the soft pedal hereafter in making music for Republicans to dance to.

The Globe-Democrat is represented in this city by two bright young men who, it may be reasonably assumed, are in full sympathy with the policies of that paper. On February 1 they sent a telegram to the Globe-Democrat which was printed with great black headlines in these words:

Message was prop to Taft, is opinion—Roosevelt's document only for partisan purpose, Republicans believe—Congress to ignore it—Telegrams from various points congratulate President—More messages expected.

The full text of the telegram is as follows:

WASHINGTON, *February 1, 1908.*

A strange and significant phase of present political conditions is found in the fact that no Republican of prominence in Congress has come forward with the declaration that President Roosevelt's special message of yesterday was written for any other than a partisan or personal purpose.

No credit is given to the President by his party's legislative leaders for motives aside from those of a political nature. While opinion continued to vary as to the circumstances which impelled Mr. Roosevelt to pen this most remarkable document, there seems to be general unanimity in the view that its object was to produce a marked effect upon the deliberations of the forthcoming national convention of the Republican party.

PLAN TO STRENGTHEN TAFT.

Yesterday the most common interpretation of the message among Senators and Representatives was that it revived the chance that the President would be renominated.

How that suggestion must cause the iron to enter the souls of certain ambitious Republican statesmen who pant for a residence in the White House even as the hart panteth for the water brooks!

The dispatch continues:

To-day there is not such general adherence to this idea. Having had twenty-four hours to think over Mr. Roosevelt's resentful production, and perhaps to have obtained a tip from the proper quarter, Republican Congressmen were inclined this afternoon and this evening to the opinion that the message was intended to strengthen Secretary Taft's candidacy and that it is bound to have that or the contrary effect of injuring him greatly.

However coldly the message was received by Republicans in Congress, hundreds of people away from Washington liked it so well that they sent telegrams of congratulation to the President. These helped to dry any dampener that may have been put on Mr. Roosevelt's spirits by his failure to awaken enthusiasm among his party's legislators, and he found additional cause of gratification in the kind words poured into his ears to-day by statesmen who found that duty demanded they call at the White House.

BOMBARDMENT MAY CONTINUE.

Some of the Republicans in Congress, particularly in the House, are much concerned over a suspicion that, unless Congress undertakes to enact some of the measures suggested in the President's special message, Mr. Roosevelt will bombard the Capitol with more messages of the same character in an attempt to arouse the people and bring from them a demand that the President's suggestion be adopted. Nothing has appeared, however, to justify any belief that Mr. Roosevelt has any such intention in view, or that there is warrant for a rumor that if Congress adjourns without putting more of the Roosevelt policies into the form of law, he will call an extra session.

The Congress leaders have determined upon a legislative programme which embraces very little work. Financial legislation is probable, and there is reason to believe that the employers' liability law, recently declared unconstitutional, will be reenacted in terms that will pass the scrutiny of the Supreme Court. The President, in his special message, urged that the law be reenacted, but it did not need his urging to make Congress take notice of this measure. Beyond these special features, not much legislative work outside of the necessary appropriation bills is contemplated, and in spite of the rumors that Mr. Roosevelt will insist that his views be placed on the statute books the Congress leaders are not giving any consideration to the question of abandoning their plan for an early adjournment.

So much for the Globe-Democrat.

On the western border of Missouri is Kansas City, in which is published the Journal, the Republican organ of western Missouri, Kansas, Oklahoma, and eastern Nebraska. In a recent issue it contained this racy editorial paragraph, which I cheerfully commend to all concerned:

The crack of the Administration whip has drowned all other sounds in Missouri, and the deadly menace of the "big stick" has overhung every Republican politician who has an office or who hopes to get one. Postmasters, district attorneys, marshals, revenue collectors, post-office inspectors, bank examiners, railway mail clerks, porters, keepers of cuspidors, and deputies of every kind and description in the Federal service, not to mention State committeemen, county committeemen, Congressional committeemen, and other more or less distinguished outs who hope to get a slice of Federal pie when it is cut next year, have joined in the Federal, if not national, anthem, "I'm a Taft man—beat me to it if you can," or words to that effect, chorally expressed.

I submit to a candid world that that is rather rough on a President who is a great civil-service reformer—on paper. I submit, furthermore, that if any Democrat in the land had written and published that, some limber-legged cuckoo would denounce him as a slanderer, and the President himself would have promptly clapped the offender into the Ananias Club; but the Kansas City Journal is a thoroughgoing Republican organ, and is in a fine position to talk back.

In St. Louis there is published the Times, an independent daily paper, with wide circulation, owned principally by Republicans of high degree. Recently it contained this editorial:

AFTER THREE DAYS.

Practically every carefully edited newspaper of prominence in the United States has sounded a note of regret in connection with the President's message. There seems to be no dissent from the proposition

that Mr. Roosevelt's utterance was intemperate and unnecessary. Even the strongly partisan Republican papers have commented severely on the language employed in the latest utterance from the White House.

There is agreement on the point that the President has injured the cause of Secretary Taft. Certain of the President's supporters have reached the hasty conclusion that Mr. Roosevelt has decided to force his own renomination; but anyone who has read his various letters and statements on the subject can not with seriousness entertain such an idea.

It would appear that Mr. Roosevelt, acting in angry haste, has impulsively voiced his sentiments. In doing so he has hurt his cause and that of Mr. Taft. He has not injured the country, a fact proved by the indifference of business and its failure to respond in any way to the tirade officially sent to Congress last Friday.

These excerpts from Missouri press are straws showing how the President's message and the President's conduct are regarded by the faithful in that magnificent Commonwealth.

February 6, seven days after the event, the Washington correspondent of the Philadelphia Inquirer, a thick-and-thin Republican organ, edited with great ability, sent his paper the following illuminating dispatch:

CONGRESS LIKELY TO ADJOURN EARLY DESPITE MESSAGE—ROOSEVELT'S RECOMMENDATIONS WILL PROBABLY BE IGNORED—WILL NOT BE DRIVEN BY THE BIG STICK.

INQUIRER BUREAU, POST BUILDING,
Washington, D. C., February 5, 1908.

An extremely early adjournment of Congress is now the talk about the Capitol. Gossip about the House corridors and cloakrooms is that the adjournment of the session will be some time between the middle of April and May 1. This would be an unusually early date for the close of a long session of Congress, but the leaders are anxious not to remain here a day longer than necessary.

Members of Congress want to be home to get ready for elections, for one thing; and, besides, this thing of trying to legislate calmly under the shadow of the big stick is disconcerting, and leads to nervousness. Since the President's message was sent to Congress there has been a great deal of talk that the Senate and House would hasten to enact the legislation the President is urging. It does not appear likely the House and Senate Republican leaders will, to any great extent, upset the plans they made at the outset of the session. These plans comprehended the passage of the appropriation bills, with a very limited number of general bills of importance, and with most of the President's recommendations fallen by the wayside.

BIG STICK NOT EFFECTIVE.

It does not seem likely the House and Senate leaders will permit themselves to be driven by the White House and clubbed into passing legislation to which they are hostile. This does not comport with the methods of men who practically control the course of things at the Capitol. The fact that an extremely early adjournment is being talked of is the best possible indication that the leaders are not calculating seriously on going into most of the subjects the President wants legislation upon. For instance, if Congress contemplated careful legislation for Federal control of corporations or Federal supervision of the issues of railroad securities, it is certain that the session would be prolonged until at least early in June. It would take weeks to dispose of matters of this kind in both Houses. It is to be recalled, too, that the currency question has yet to be threshed out in both Houses, and that a number of weeks will be taken up with this.

The seventh column of the editorial page of the Washington Post, independent, is usually devoted to interviews with distinguished visitors to the finest capital in the world. That column is an interesting feature of an interesting paper. We all read it to see if our names are written there and to try and discover what public sentiment is, for of all places Washington is the poorest view point of the political field. Here molehills are magnified into mountains and mountains are minified into molehills. Consequently those who desire to really know what is going on in the country at large read carefully and ponder prayerfully the interviews with visitors fresh from contact with the great body of the people.

Recently Hon. John C. Houk, from Knoxville, Tenn., with whom many of us served in Congress, whose father before him served many years, was in Washington, and he unbosomed himself to a Post correspondent. In the aforementioned column, on the 7th day of February, appeared an interview with him in words and figures as follows, to wit:

John C. Houk, Republican, of Tennessee, who served the Knoxville district in the Fifty-second and Fifty-third Congresses and who has frequently been a member of the State legislature, is at the Raleigh for a few days. He is the original Roosevelt man in Tennessee, and did some important work for the President. He still supports the President, and is friendly to Secretary Taft, but last night, in talking Tennessee politics, he said it was time somebody told the War Secretary how matters stood.

"The Republican party, especially in the South, will never be worth anything unless it is built upon something besides Federal offices," said Mr. Houk. "We would to-day have a Republican State administration in Tennessee but for patronage.

"By impudent interference with the rights of others and infraction of law for many years, a cabal of Federal officeholders in Tennessee has disgraced national Republican administrations; and I believe I conservatively state the case when I say that to-day there are more violations of the civil-service laws and of the spirit of civil-service reform by Federal officeholders in the South, and certainly in Tennessee, than at any time during the past generation. Conditions are worse than under Grant's Administration, when, of course, the civil-service act of 1883, and amendment thereto, were not in existence.

"When a campaign is on, inspectors or special agents are sent to the South to intimidate officeholders. In 1896 there were 196 inspectors or special agents, whose annual compensation was $1,300,000. In 1907 there were 3,000 inspectors or special agents, drawing $9,000,000 annually.

"These agents slip down among us with the muck rake in one hand for the citizen complaining of the violation of law on the part of the officeholder and a brush full of whitewash in the other hand for the offending officeholders. I speak as the friend of the present Administration, and I believe if the President knew conditions in the South he would correct them.

"We understand in Tennessee that a high public official at Washington, who never lived in Tennessee, has for months been laying wires to drive the 150,000 Republicans in my State into submitting practically to the selection of delegates to the national convention by the Federal officeholders. We shall not submit to such dictation, and that high functionary should be dismissed from the Administration.

"If Federal officeholders in Tennessee had obeyed the law, Judge Taft would have got the vote of that State in the convention without the least trouble; but now it seems that these officeholders are certain to cause double delegations from my State."

I could fill 100 pages of the CONGRESSIONAL RECORD with such Republican clippings; but to do so would be wasteful and ridiculous excess, as most of you have read scores of similar tenor. It will be observed that I have quoted none of the bitter diatribes against the President, such as have appeared in the New York Sun and certain other Republican papers. I have quoted a few Republican papers which criticise and oppose him with some approximation to moderation and which may be taken and accepted as representing Republican opinion.

Here, however, is an extract from an Administration paper—the Boston Transcript—which is such a perfect gem of literature that it deserves a place in the CONGRESSIONAL RECORD, which my excellent friend from Alabama [Mr. CLAYTON] characterizes as "the greatest daily published in the wide, wide world." Recently a staff correspondent of the Transcript illumined its columns with this exquisite paragraph:

The President is not using Federal patronage in any vulgar, commercial sense, or anything of the kind. He remains the high-minded man we have always known him to be. But he is using his influence as Theodore Roosevelt, persistently and mightily, for the nomination of William H. Taft, and this same Theodore Roosevelt happens to be the President of the United States, and so at the head of the greatest army of appointive officers that exists under the light of the sun. The stronger the Rooseveltite in the Cabinet or elsewhere in the public service, the greater his enthusiasm for Taft. All along the line, from the wood choppers in Government reservations to the Cabinet ministers whose political future is staked in the Roosevelt line, present and prospective, the Roosevelt men are for Taft.

These Republican criticisms and grumbings are not mere empty words and frothy mouthings. They are being transmuted into action—action hostile to the President, meant to defeat his heart's desire of bequeathing his Presidential mantle to Mr. Secretary Taft—for every gale that sweeps from the South and North and East and West brings to our ears the clash of resounding arms among the Republican factions, and to Democratic ears it is sweeter music than any symphony that Beethoven ever produced. Three hundred contesting delegates is the estimate of the newspapers. Florida Republican factionists answer Ohio factionists; Missouri Republican factionists answer to New York factionists, and from ocean to ocean among Republican factionists it is war to the knife and the knife to the hilt. More power to their arms is my sincere and fervent prayer! As they stick and thrust and cut each other, Democrats cheer them on by impartially shouting: "Go it, husband! Go it, bear!"

The gentleman from New York [Mr. PAYNE] and the gentleman from Iowa [Mr. HEPBURN] both took a fall out of Thomas Jefferson. [Laughter.] It amuses them and does not do Thomas Jefferson any harm. [Laughter and applause on the Democratic side.] I wish to suggest to those two worthy statesmen that they read a little speech that Senator George Frisbie Hoar made about Thomas Jefferson. One sentence is, "He comes down to us with the Declaration of Independence in one hand the Louisiana Purchase in the other." [Applause on the Democratic side.] Nobler eulogy no man hath, and the statesmen of the present day can not damage him by assailing his memory. The gentleman from New York gets history all mixed up about Jefferson. He said that Hamilton made this a nation and that Jefferson denounced the Constitution as a mere rope of sand. Why, bless your souls, the two favorite expressions that Alexander Hamilton always used about the Constitution of the United States were, "a mere rope of sand," and "a weak and worthless fabric." They were not Jefferson's expressions at all. As late as February 27, 1802—a little more than two years before his tragic death at Weehawken—on which bloody field James Parton says that both Burr and Hamilton fell—Hamilton said in a letter to Gouverneur Morris:

Mine is an odd destiny. Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself; and, contrary to all my anticipations of its fate, as you know, from the very beginning, I am still laboring to prop the frail and worthless fabric. Yet I have the murmur of its friends no less than the curses of its foes for my reward. What can I do better than withdraw from the scene? Every day proves to me more and more that this American world was not made for me.

There you have it. "A weak and worthless fabric." "What is writ is writ," and the gentleman from New York [Mr. PAYNE] shall not be permitted at this late day to make a nunc

pro tunc entry for his illustrious client. Hamilton and Morris were bosom cronies. Morris was one of his most faithful friends in life and his most eloquent eulogist in death.

This letter was the honest outpouring of a sore and wounded heart to a friendly ear, and no doubt expresses Hamilton's sincere opinion of the Constitution after it had been in operation thirteen years and when almost everybody else recognized it as a glorious success.

I call particular attention to the last sentence in that extract, "Every day proves to me more and more that the American world was not made for me." There spoke the real Hamilton, without hedging and without disguise. There never was a moment in his life when he did not distrust man's capacity for self-government and did not dread "the reign of the common people." [Applause on the Democratic side.] On the other hand, Thomas Jefferson believed in the common people [applause]; loved them with all the intensity of his great heart; wrought nobly for them, and they have repaid his love in Scripture measure—heaped up, pressed down, and running over.

In the speech of the gentleman from New York [Mr. PAYNE] occurs this amazing sentence. If Isaac Disraeli, father of the brilliant Benjamin, Earl of Beaconsfield, had ever fixed his eyes on this sentence he would have clapped it into his Curiosities of Literature. The gentleman from New York [Mr. PAYNE] is a learned man. He can use the English language with accuracy when he so desires. I want you to listen to this sentence now with critical ear:

But Alexander Hamilton, perhaps at a dinner at which Mr. Jefferson was present—

At a dinner, mark you—

incorporated into the Constitution and into the laws—

Mark you, at a dinner—

that the debts which the States incurred for bringing liberty and victory to the Federal arms should be assumed by the Federal Government—that the National Government should be responsible for the national defense—and thereby wrote into the Constitution and the laws—

At a dinner, mark you—

the fact that we are a nation—

which wonderful sentence was received with applause on the Republican side.

Lest we forget, I once more remind you that the gentleman from New York [Mr. PAYNE] thinks that Alexander Hamilton, "solitary and alone"—to use Col. Thomas Hart Benton's pleonastic phrase on a memorable occasion—amended the Constitution and laws in a most important manner at a dinner! If he could accomplish all that at a dinner, what, in Heaven's name, would he have done if he had also worked at it at breakfast and at supper? [Laughter.] But the truth is that there is not a word in the Constitution, whether it was put there at dinner or any other time, about the assumption of the State's Revolutionary debts by the Federal Government. It is a matter of statute. That is all there is to that.

Some of these days, with the consent of the House, I intend to make an entire speech here about Alexander Hamilton and Thomas Jefferson, as a duty to the living and to the dead. [Applause on the Democratic side.] For the present I will content myself with this statement as to that pair of Titans.

The conspiracy, for it is nothing less, and the chief proponent of it is Hon. Elihu Root, Secretary of State, to pose Alexander Hamilton as "the father of the Constitution," is one of the most preposterous and impudent fakes in history. [Applause on the Democratic side.] I know how it will work. It is the New England school of book writers that does it. [Applause on the Democratic side.] Somebody hints it and then somebody declares it, and the next you know it is clapped into the schoolbooks. That title, "the father of the Constitution," belongs of right to James Madison, the great Virginian. [Applause on the Democratic side.] These latter-day Hamiltonians are endeavoring to filch from James Madison the glory of being "the father of the Constitution," just as Americus Vespucius filched from the great Genoese navigator the glory of fixing his name on a newly discovered world. The facts of history are plain. James Madison went to the Constitutional Convention with a plan of a constitution in his pocket.

It was submitted to the Virginia delegation, with George Washington at its head. They agreed to it and presented it as "the Virginia plan." Hamilton had a plan and somebody else had a plan, and the convention rejected Hamilton's plan, they also rejected the third plan, and they adopted Madison's plan in all of its essential features, and he has been acclaimed "the father of the Constitution" until quite recently.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. Mr. Chairman, I yield twenty minutes more, or such time as the gentleman desires in which to complete his speech.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for twenty minutes.

Mr. CLARK of Missouri. I thank the gentleman from Georgia [Mr. LIVINGSTON] and the House, and I will not abuse the privilege. If the spirits of the illustrious dead take any interest in the affairs of this mundane sphere, Alexander Hamilton's spirit must be in a state of perpetual hilarity on account of the antics of his disciples to make him "the father of the Constitution," a document which he always denounced as "a mere rope of sand" and "a weak and worthless fabric."

I have never been enamored of Hamilton's political theories, but candor compels the statement that he did yeoman service with his pen in the Federalist and with his tongue in the convention of New York to have the Constitution adopted. This mighty man needs no borrowed glory to make him one of the colossal figures in our history, for time and distance have only magnified his proportions, as they have also those of his immortal antagonist, Thomas Jefferson, who overthrew and destroyed the party which Hamilton had created. They were antagonists in their lives; they are antagonists in history; antagonists even in their graves.

It is said that the test of the pudding is chewing the string. [Laughter.] The test of sincerity here as to who is more in favor of any good laws which the President has suggested in his various messages is to be found much more in vote than in word. That is the genuine test of sincerity here. The gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. SHERMAN], the gentleman from Iowa [Mr. HEPBURN], together with the gentleman from Minnesota [Mr. TAWNEY], are the real leaders on the Republican side of this House, under the general supervision of the Speaker. [Laughter and applause on the Democratic side.]

They are the ruling elders. They constitute the "big five" on the Republican side of this House. These five men, by being able to catch the Speaker's eye at any time, can force any measure through this House that they want. In thirteen years' service I have never seen the Republican machine thoroughly upset and run over in this House except on one occasion, and that was when the gentleman from Minnesota [Mr. TAWNEY] broke away from the Republican majority and led that flying wedge of Republican insurgents down this aisle, when the Democrats, with the gallantry of the French at Fontenoy, stood aside and let them go through the tellers first. [Laughter.] That was a great day; but the gentleman from Minnesota is now "back on the reservation." [Laughter.] I think that that day's bolt was the performance which more than all else led him finally to the chairmanship of the Committee on Appropriations. [Laughter.] He is one of the "big five," and all of them, as I have said, enjoy peculiar facilities in catching the Speaker's eye. [Laughter.] When one of that "big five" arises in his place and says, "Mr. Speaker," the Speaker does not fire back at him that crushing interrogatory, "For what purpose does the gentleman rise?" [laughter] for the all-sufficient reason that he knows in advance for what purpose the gentleman rises. [Renewed laughter.]

If, in an unexpected emergency, he does not know precisely what any one of the "big five" is up to, he has sufficient confidence in his sagacity and in his fidelity to the machine to take it for granted that whatever is proposed is for the good of the Republican order. [Laughter and applause on the Democratic side.] Consequently recognition is granted immediately and ungrudgingly.

I suggest, if you gentlemen want to prove your sincerity, I will tell you exactly how to do it now in about two minutes. Let one of the "big five" arise in his place and ask unanimous consent for the immediate consideration of a new employers' liability bill. [Loud applause on the Democratic side.]

Every Democrat will gladly give his consent, and in thirty minutes by the town clock the bill will be passed, carrying gladness to the heart of every wage-earner betwixt the two oceans. [Applause on the Democratic side.]

Mr. SHERMAN. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes; certainly.

Mr. SHERMAN. I noticed, the other day, that the gentleman's authority to speak for his party was questioned by one gentleman from New Jersey. Has the gentleman canvassed his party so thoroughly now that he knows that he is speaking for the entire party?

Mr. CLARK of Missouri. I will tell you how that is: A few of the boys are off the reservation, but they are coming in very rapidly, one by one, as sure as you are living. I am sorry you interrupted me in such an interesting place. [Laughter.] Let

the gentleman from New York [Mr. SHERMAN], one of the "big five," and the slickest one of the five at that [prolonged laughter], let him ask unanimous consent for the immediate consideration of a bill limiting the Federal courts in issuing injunctions—such as the Clayton bill, for instance—and it will go through like it was greased, as far as the Democrats are concerned. [Applause on the Democratic side.]

Let still another of the "big five" ask unanimous consent for the immediate consideration of a bill providing for jury trials in contempt cases by construction, such as the Henry bill, and, so far as we are concerned, we will give you not only consent to consider it, but every Democratic vote to pass it. [Applause.]

Let still another of the "big five" ask unanimous consent for the immediate consideration of a bill providing for the publication of campaign contributions and the names of campaign contributors, such as the Rucker bill, or the Cockran bill, and we on this side will hail it with rapture and pass it with a whoop. [Applause on the Democratic side.]

Let the biggest of the "big five," the gentleman from New York [Mr. PAYNE], arise in his place and ask unanimous consent for the immediate consideration of a bill to put wood pulp and print paper on the free list, such as a dozen of us have introduced, and no Democrat will object. [Applause on the Democratic side.] On the contrary, we will be happy to record every Democratic vote in its favor, and the publishers of the land, with one accord, will rise up and call us blessed. That's an easy and certain test of sincerity. How do you Republican statesmen like that programme?

All five of these bills can be passed in one day, provided the "big five" can induce barely twenty-eight Republicans to vote for them; for twenty-eight Republicans, with the solid Democratic vote, constitute a majority of this House; and surely there are twenty-eight righteous men in this Republican Sodom. [Laughter and applause on the Democratic side.]

My Republican brethren, you have the power and you should have the disposition to enact into law such bills as I have named. You can not shirk or shift the responsibility for you have the machinery in your hands. Adjourn without such legislation, and yours will be the condemnation.

On the morning of far-famed Trafalgar, Nelson signaled his fleet: "This day England expects every man to do his duty." When the sun set on that stupendous day the Union Jack waved in triumph over a crimson ocean, and Horatio Nelson's name was written at the very top of the scanty list of the world's great sea kings.

My Democratic brothers, a greater battle than Trafalgar is here, involving more and vaster interests, fraught with more far-reaching and more momentous consequences. In the impending conflict I summon every Democrat in all this broad land to service under the Democratic banner and for Democratic principles; principles which were enunciated by the immortal Jefferson, which were upheld by the heroic Jackson, and which are as dear to the hearts of the people to-day as they were a century ago. Fighting under that banner and for those principles we won fourteen Presidential elections out of thirty. We can win again and again upon them, until we drive the Republicans from every place of power, thereby restoring the Government to the wise, sane, wholesome, patriotic principles of the fathers—a consummation devoutly to be wished. [Prolonged applause.]

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and, the Speaker having resumed the chair, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 11, 1908:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement;

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes so as to change the name of the Fairfield collection district; and

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BINGHAM. I yield one hour to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, after the witty, humorous, and literary address to which we have just listened, so delightful to all of us, whether we agree with the views advanced or not, it is like unto a descent to Avernus for anyone to have the temerity to address this House upon a dry subject calculated to empty the House before he has proceeded far upon his way. Yet perhaps I am justified to a certain extent in doing this, because the gentleman from Missouri [Mr. CLARK] has himself in the course of his address twice alluded to the subject upon which I propose to speak this afternoon. He called the attention of the committee to the remark of the gentleman from New York [Mr. PAYNE] in referring to the tariff upon wood pulp and paper, and then almost at the close of his address he brought up an illustration of how eagerly this House would vote, without dragging the slow hours along, for the immediate passage of a bill, if one of the "big five" would introduce it, which would place wood pulp upon the free list. I believe the remarks of the gentleman were that there were some twelve bills of that character now pending before this body, and that the matter is exciting more or less interest is undoubted. Yet, strange as it may appear, although this matter has, in my judgment, excited more interest and comment during the past year than any other article upon the tariff schedule, we have up to this time failed, as far as I can learn by reading the comments in the newspapers or by the addresses on this floor, to ascertain one single reason why it should be done. No facts, no data have been given. It seems to have been assumed as a self-evident proposition. Therefore, inasmuch as I myself, as trustee of an estate and a director in one of the large pulp companies of this country, have a certain personal interest in the matter, it seems to me my duty to exploit the subject.

It is well known that during the last few months the American Publishers' Association and the Editorial Association have been in Washington and have laid their grievances before the President of the United States. They demanded, as our Democratic friends are demanding, that the tariff on pulp should be removed. They expected, from intimations that they had heard, that the President would favor that proposition. Much to their astonishment, when his annual message was read before this Congress when it first convened, instead of recommending what they had demanded, he recommended something entirely different, and a measure, which I shall endeavor to show before I finish my remarks, is more drastic than the law as it now exists, because his recommendation was that the duty should be taken off wood pulp, but there should be entered into an agreement with the Dominion of Canada that there should be no export duties placed upon pulp logs by the Canadian Parliament, a proposition going much further than the existing law, as I shall proceed to show. In the last gubernatorial campaign in Massachusetts the Democratic candidate for governor formulated his own platform. That platform was made up of four planks—free hides, free coal, free wood pulp, and free timber. He said it was a referendum to the electors of Massachusetts, that they, by electing him on that platform which he himself had formulated, would demonstrate to the country that not only was Massachusetts eager for tariff revision, but that they were eager for tariff revision along the lines he had laid down. I read every speech of that candidate as it appeared in the metropolitan journals of Boston, and I assert to you honestly and squarely that I never saw one single reason advanced in any speeches which that candidate made why the duty should be removed upon wood pulp. He seemed either to assume, as everybody else who has discussed this question seems to have assumed, that it was a self-evident proposition, or else if they did look into the matter they were confronted with such insuperable objections that they did not dare advance the argument before the people.

Now, in order that this may properly be understood it is necessary that I should in a sort of academic way state how paper is made. This may seem to be a matter of supererogation, and yet you can not understand the paper business and the pulp business unless you know how paper and pulp are made. Pulp is made out of the fiber of wood. There is nothing in paper, except coloring matter, but wood. There is nothing but wood in the paper which I hold before you. This paper reduced to fiber by a mechanical process in placed in an immense tank of water, and then the fiber is taken off by a paper machine, on a cloth which revolves about rollers until it comes out a sheet, and to come out a sheet, which is absolutely indispensable, it is necessary that the fiber should be matted together, should hold together. The only wood thus far found, even under the inventive genius of the American people, whose fiber is sufficiently long and strong and of the proper color to mat together and make news paper, is spruce. You can make paper out of cottonwood and hemlock and pine. You can make it out of cornstalks, but you can not make it so that it will sell, because

under the present machinery and processes by which paper is made you have got to have a long, strong, tenacious fiber, and the only wood that is known which produces that fiber is spruce wood. Now, in making news paper the sap is not taken out of the fiber. Therefore, when that fiber is matted together it has all the moisture in it. If you should take a newspaper like the Washington Post or any other paper issued in this city to-day and take your pen and ink and write upon it, you would find that the ink spreads; and that is because the sap in the fiber is still there. The result of this is, the sap being in the fiber of the news paper, there is always more or less moisture, so that you can not write on it, so that you can easily tear it apart. It seems to be rotten, but that rottenness is only apparent, it is simply the ease of separation by reason of the sap being in the fiber that you can tear it apart. Therefore, it is absolutely indispensable that you get a fiber that will hold together because the sap is in it, and the only fiber that can be found to be used among the mills of the Northern States is spruce.

Mr. GAINES of Tennessee. Where is that spruce found?

Mr. TIRRELL. I am coming to that. Spruce wood is found in Maine, New Hampshire, a little in Vermont, in New York, in Michigan, Wisconsin, Minnesota, and considerable quantities in West Virginia. There is still a very large supply in the State of Maine. There is a considerable quantity in New Hampshire, but inasmuch as it is proposed at a no distant day to make a forest reservation in the northern part of New Hampshire, and as that reservation will take out 600,000 acres, there will not be spruce enough left to run the great mill at Berlin in that State without getting pulp and logs from Canada.

Mr. GAINES of Tennessee. How large are the trees, and how long does it take them to grow?

Mr. TIRRELL. The trees that they grind up are, on an average, about 5 to 8 or 9 inches in diameter.

Mr. GAINES of Tennessee. How old is a tree of that size?

Mr. TIRRELL. I can not say, but spruce is a fairly rapid grower. I should think it would take about forty years to get a good-sized growth of spruce. Perhaps the gentleman from Maine can tell you.

Mr. LITTLEFIELD. I think the gentleman is a little extreme, I should say between thirty and forty years; but of course that depends a good deal upon what you call the average growth—on the diameter of the tree.

Mr. DRISCOLL. Will the gentleman from Massachusetts yield?

Mr. TIRRELL. Certainly.

Mr. DRISCOLL. I have heard the statement made many times as to how large a space of territory in the way of acres of ordinary spruce timber is required to issue one of the Sunday editions of the large papers like the New York American. The gentleman from Massachusetts is always accurate, and I wish he would state, if he knows, in regard to that.

Mr. TIRRELL. I can not say. I have seen the same statement that the gentleman has seen, that it took a territory of 10 or 12 acres.

Mr. DRISCOLL. Does the gentleman think that is possible?

Mr. TIRRELL. I do not. I have never seen it figured out.

Mr. GAINES of Tennessee. Can the gentleman tell us how long it will be before we have no spruce to use at the rate that we are now cutting it?

Mr. TIRRELL. I am coming to that, and I will try to give the gentleman information on that point.

Mr. LITTLEFIELD. Let me ask the gentleman a question. Is the gentleman advised as to the relative draft upon the forests of the country for the pulp and paper industry as compared with all other timber and lumber products?

Mr. TIRRELL. About 5 per cent is used for pulp.

Mr. LITTLEFIELD. I think the gentleman is in excess of the actual draft. The present draft of the pulp and paper industry, as compared with the total consumption—and that includes lumber, timber, firewood, fences, etc.—is only 1.78 per cent. Those are the figures given to me by the Forestry Bureau.

Mr. TIRRELL. I took my statement from the newspapers.

Mr. LITTLEFIELD. I have taken mine directly from the Bureau of Forestry.

Mr. GAINES of Tennessee. Before the gentleman concludes his remarks, I wish he would explain about what is known as the "paper trust," and what the result has been in the litigation of the Federal Government against it?

Mr. TIRRELL. The gentleman refers to the General Paper Company which is located in the western part of the country along the line of the Mississippi River. I am not conversant with that matter, although I have among my papers here a list of all the companies that were involved in that trust. That trust was organized from these companies forming the General Paper Company, which did all their selling—an illegal transaction broken up by the Government. As to the particulars of that I am unable to state.

Mr. GAINES of Tennessee. The gentleman said it was broken up by the Government. I hope it has been broken up, but my information is that there was entered a consent decree enjoining it, and that it is now disobeying it, and hence the recommendation of the President.

Mr. TIRRELL. I was speaking about the subject of spruce in New York. More than one-half of the news paper of this country is made in the State of New York, and I will say to the gentleman, in addition, that the increase in the manufacture of paper has been so wonderful, indeed marvelous, in this country since 1870 that the United States is now making more paper—almost as much paper as the rest of the civilized world.

Mr. DRISCOLL. Print paper?

Mr. TIRRELL. Yes. In New York the State has prohibited the cutting of timber of any kind for twenty years over a territory covering 4,000 square miles. There are 3,588,803 acres of available spruce timber lands in New York. But the Adirondack Park reservation contains 2,807,760 acres of this, leaving 781,760 acres only for pulp supplies. Now, when we get to Michigan, Wisconsin, and Minnesota, we find there that spruce wood has become very largely denuded, and they are absolutely obliged to run their paper mills in those States by receiving their supply of paper from the Province of Quebec. They have been very wasteful, apparently, in the natural supply in their own country, but whether wasteful or not, those great mills are now dependent upon a foreign country to keep the mills going. I speak of these things in order to come to the most important, and really the only important, consideration in connection with the tariff on wood pulp. There were 2,800,000 cords of spruce wood from the United States used last year in making pulp.

There was obtained from Canada 736,000 cords, according to the official returns, but according to the estimates made in Canada, from 800,000 to 1,000,000 cords of pulp logs were exported to this country, necessary to keep our mills going; and the importance of maintaining our hold in order to secure wood to manufacture paper from was so great that paper manufacturers, than whom there are no more alert, far-sighted, and prophetic business men in the country, early saw that in order to conserve the spruce supply of the United States, not destroying small timber, but only cutting it out as it ought to be done, so that the forest would replace itself, they must have supplies from the other side of the border on which to draw, not wholly, but only partly, so that they could properly cut down the spruce on the timber lands which they own, located in the United States, to supply the necessary deficiencies from the timber exports from the Province of Quebec. The importance of the tariff, therefore, in regard to the maintenance of this great industry in our country—and there are 108 paper and pulp mills in the State of New York alone, and New York is dependent to run these mills upon the spruce which they receive from the Dominion of Canada, and will become more and more so as the years pass by—in order to maintain those mills, to keep those mills going, it was not necessary to have a little picayune tariff of 15 per cent. That does not amount to anything; that is only one-third of the average tariff rates of the Dingley bill. There is not a paper mill in the United States but what could successfully maintain its competition with the Canadian mills if that little tariff of 15 per cent was the only consideration. Our paper sells higher and is better than any paper made on the other side of the line. We get better prices for it in England and on the Continent than they can get for Canadian paper, because it is better made and of higher quality, and the paper manufacturers of the United States, if that was the only thing connected with the tariff, would come in here and request with all celerity and, as the eloquent gentleman from Missouri said, let any of these bills engineered by the "big five" go into immediate enactment.

The little joker, as the gentleman from Wisconsin said the other day about the Standard Oil tariff, the little joker to the tariff of 15 per cent, is what is needed and what has preserved this industry in our country. I commend the wisdom of those who framed the Dingley Act, who saw with prophetic vision what the future was likely to be in regard to this industry, not in raising the tariff upon pulp, which they did not do because the tariff there is the same under the Wilson law, and the tariff upon paper and pulp has been in existence ever since the organization of the Government, as appears by statement which I herewith submit for consideration:

Act of July 4, 1789, all paper, 7½ per cent.
Act of August 10, 1790, printing paper, 10 per cent.
Act of May 22, 1824, printing paper, 10 cents per pound.
Act of August 30, 1842, printing paper, 10 cents per pound.

Act of July 30, 1846, printing paper, 30 per cent ad valorem.
Act of March 3, 1863, printing paper, 20 per cent ad valorem.
Act of March 3, 1883, printing paper, sized, 20 per cent ad valorem.
Act of March 3, 1883, printing paper, unsized, 15 per cent ad valorem.
Act of October 1, 1890 (McKinley), printing paper, sized, 20 per cent ad valorem.
Act of October 1, 1890 (McKinley), printing paper, unsized, 15 per cent ad valorem.
Act of August 27, 1894 (Wilson), printing paper, sized, 15 per cent ad valorem.
Act of July 24, 1897 (Dingley), printing paper, value not over 2 cents, three-tenths cent per pound = 15 per cent = $6 per ton.
Act of July 24, 1897 (Dingley), printing paper, value not over 2½ cents, four-tenths cent per pound.

Indeed, under some tariff acts, in the early part of the last century, the tariff was 10 cents per pound.

Mr. GAINES of Tennessee. What is it now?

Mr. TIRRELL. Reduced to an ad valorem basis, which is the only way by which a person can understand it, it is 15 per cent on the price of the article; and it has never been any lower in the whole history of the country than it is to-day, at least not enough to take any account of. But they attached this provision to that tariff so that in case Canada should impose an export duty upon logs, by what is known as a "countervailing duty" our Government could impose an equal duty upon any pulp or paper if they attempted to import or sell it in this country. That, gentlemen, as I now shall endeavor to show, has been the sole salvation of the paper mills of New York, and, if continued, will be the salvation of the paper mills of the country in the years to come. In Canada, if anywhere in the world, is the inexhaustible supply. In Ontario alone the pulp area is 80,000 square miles, or approximately 51,000,000 acres, to say nothing of greater areas still in Quebec, Labrador, and the great Northwest.

Mr. BONYNGE. Is there any tariff on the spruce wood?

Mr. TIRRELL. No.

Mr. GAINES of Tennessee. How would the export tax affect the value of the log on this side?

Mr. TIRRELL. Logs are admitted free. There is no export duty. I will now proceed and inform the gentlemen and the House what the condition is that is confronting us in regard to this great industry. And, gentlemen, right upon that point I want to give you a few figures as to the extent of it. The gentleman from Maine [Mr. LITTLEFIELD] told me a few minutes ago that one-third of all the capital in that great State which was invested in manufacturing enterprises was invested in the paper and pulp industry. The product of the pulp and paper mills of this country amounts to over $200,000,000. There are $300,000,000 of invested capital, and $32,000,000 yearly paid in wages.

Mr. LITTLEFIELD. Mr. Chairman, on that question of the cost of Canadian wood as compared with domestic wood, I submit for the consideration of the gentleman from Massachusetts [Mr. TIRRELL] that the Canadian wood to-day, when it is purchased in the Canadas and imported to the United States and into the State of Maine, costs at the mill from $1 to $2 a cord more than the domestic would cost without any tariff. And within the last ten days there has been a resolution brought up in the Canadian Parliament for the establishment of an export duty on pulp wood, so that it would add $1 or $2.

Mr. DRISCOLL. Is that because it is better wood?

Mr. LITTLEFIELD. It is simply because the people in Maine are using up their domestic supply quite rapidly, and they want to preserve it, and under existing conditions they are able to pay this export price in order to save their own wood that is now growing in the forests.

Mr. DRISCOLL. Is it true that there are any of them so philanthropic that they will pay a dollar or two more a cord for the wood than they would for the Maine wood?

Mr. LITTLEFIELD. It is not a question of philanthropy. About 22 per cent of the consumption of the Maine mills comes from the Canadas. They buy it and pay that extra price for the purpose of conserving their own supply.

Mr. TIRRELL. Now, I was upon this point. Under our Constitution there can be no export duties imposed, and your cotton and wheat and corn go out free, but it is not so in the Dominion of Canada. Under their system of procedure and laws they can not only impose export duties, but they can really prohibit their raw material from going out of the country. I wish to show you just exactly what they are doing and how they feel upon this matter, and the danger to American industries. The largest manufacturer of paper and pulp in Canada is William Van Horne. Most of you, and I presume all of you, have heard of him. He is one of the captains of industry in Canada and one of the great men of the Dominion. He is the president of the largest pulp and paper mill in Canada. He can manufacture 52,000 tons of paper a year, and Canada only uses 27,000 tons. The surplus he is sending to England and Australia, and some of it to this country. Now, I want you to know exactly what Mr. William Van Horne has to say in regard to the policy which should be enforced as to the exportation of pulp wood to this country. He says:

Let us cut off the supply of pulp wood from the American mills. Then in six months you will find American capitalists erecting paper mills in Canada.

I am going to give you a few quotations. I have a large number of them, but I will not weary you too long by this one line of thought in connection with this matter.

W. H. Rowley, a prominent Canadian, on December 5 last, before the Canadian Manufacturing Association, said:

The imposition of a substantial export duty on pulp wood would make Canada the world's mistress in this industry.

E. N. Lewis, a member of Parliament, gave notice on the 20th day of January of this year to the Canadian Parliament, as follows:

That in the opinion of this House such an export duty should be placed on pulp wood that will induce its manufacture into paper in this country, and thus save to the labor of Canada the $6,000,000 now lost.

Last month there was also a delegation, headed by a representative of the Toronto Globe, who came to Ottawa and were lobbying in the Parliament there to have either a prohibitive or export duty placed on logs. It is currently reported that to bribe the newspapers of Canada these men, the representatives of the pulp and paper manufacturers of the Dominion, agreed to enter into a contract for a long term of years with newspaper publishers, if the press will favor this movement, at a far less price than paper is selling for at the present time.

It shows the persistent determination of the pulp and paper manufacturers of the Dominion to obtain an absolute monopoly of this business.

J. D. Holland, of the St. Jerome Paper Company and the Northern Mills Company, of Canada, is at Ottawa most of the time lobbying in this matter. F. Howard Wilson, of the St. Jerome Paper Company, favors a prohibitive duty on pulp wood to secure the establishment of American mills in Canada. Adelard Turgeon, minister of lands and forests in Canada, says:

It would be a great boon for the public domain if the federal government put an export duty on pulp wood.

A. G. Eagin, who buys pulp wood for export, says:

If Canadians would go into the pulp and paper business on a large scale, the situation would be altered.

If they did, it would be bad for the Americans. It would mean that Canada would eventually control all the trade in pulp wood, pulp, and paper. James Beveridge, of the Mirianinchi Pulp and Paper Company, says he would favor a prohibitive duty if he could be assurred it would not result in a tariff war. Francis J. Conway, the surveyor-general of New Brunswick, expresses the same opinion. W. H. Rowley, of the E. B. Eddy Company, says:

What is the sense of sending our wood to build up a foreign country and furnish it with weapons to fight Canada in the commercial world? Canada for the Canadians means something.

Now, I am not going to take up your time by further quotations. I have only given a sufficient number, it seems to me, to demonstrate to the reasonable satisfaction of the gentlemen who are present here that there is a systematic, persistent, determined effort being made by Canadians and by the leading newspapers of the Dominion—by almost every person interested in the business—to either have Canada prohibit the exportation of pulp logs or else place such a duty upon the exportation thereof as to make it impossible for Americans to continue the manufacture on either side of the line. In order to meet such a condition as that and not have this great industry destroyed, there are only one or two things which stare them in the face. The principal thing is that they are fearful that if they impose an export duty on pulp logs, or prohibit them, we will levy a retaliatory or countervailing duty which will operate as disastrously against them as the prohibition of the exportation of pulp logs would operate against us.

Mr. GAINES of Tennessee. Will the gentleman tell me why American manufacturers or American capital goes over into Canada to manufacture? Why do they not stay at home?

Mr. TIRRELL. I would say to the gentleman from Tennessee that they do not. They are not going to Canada to manufacture pulp paper. It is not necessary at present, and they do not go there.

Mr. GAINES of Tennessee. I understood you to say that American capitalists go there to engage in the manufacture of paper?

Mr. TIRRELL. You misunderstood me entirely. I said that if logs were prohibited from entering this country or such an export duty was placed upon them that they could not be used here, then the American manufacturers ultimately would

have to go to Canada to carry on business there, because there would be no raw material to work on here—not an amount to keep these mills going. I do not mean but what there would be some manufacturing in Maine and very little in the West, but not enough to meet the demands, and it would amount to nothing in the long run.

Mr. COOPER of Pennsylvania. Can the gentleman tell me what proportion of the pulp wood is imported from Canada?

Mr. TIRRELL. About one-third at the present time.

Mr. COOPER of Pennsylvania. How much capital is there invested in this business in the United States?

Mr. TIRRELL. I understood the gentleman from Maine to say that in his State alone there was about $40,000,000 invested.

Mr. COOPER of Pennsylvania. About how many people are there engaged in the manufacture of the pulp?

Mr. TIRRELL. Tens of thousands, but I could not tell you. The amount of wages alone paid for pulp and wood amounted to $32,000,000, and when you also add the labor which is involved in getting out the pulp wood, it will amount to $40,000,000, and perhaps more than that.

Mr. COOPER of Pennsylvania. It has been charged through the press of the country that the manufacture of paper was largely in the hands of a trust, and for that reason the general public had been held up, and the price of paper has increased therefrom to all the people throughout the United States. I would be glad to know what the gentleman has to say in answer to this charge.

Mr. TIRRELL. I am coming to that, and I think I may as well take that up now.

Mr. COOPER of Pennsylvania. Another question, which the gentleman can answer in the same connection. There is no prohibition placed, or no export duty on manufactured paper in Canada; or is it only on pulp wood?

Mr. TIRRELL. The proposition now is to have an export duty on pulp wood. They do not want us to have free pulp; and their avowed purpose is to force American capital into Canada to make paper and pulp there, and discontinue as far as possible its manufacture here.

Mr. COOPER of Pennsylvania. But nothing on the manufacturers' product?

Mr. TIRRELL. Of course not; they want our market, and if they can stop our manufacturing they can send their pulp over here for us to buy, if we want to keep our paper mills going.

Mr. COOPER of Pennsylvania. Does not the one offset the other? When they undertake to put their price up, will not that enable our people to manufacture here and get into the market in competition?

Mr. TIRRELL. The trouble is there is not raw material here sufficient to keep the mills going.

Mr. COOPER of Pennsylvania. Is not that also a further reason why we should conserve our own timber for other purposes?

Mr. TIRRELL. We certainly should, and I want to say to the gentleman that the pulp and paper companies of this country own over 12,000 square miles of timber land in Canada. They have provided for the future. Not only that, but they have thousands of square miles in New Brunswick.

Mr. COOPER of Pennsylvania. Would this prohibitive export duty operate against the property that these gentlemen now own in Canada?

Mr. TIRRELL. Why, certainly.

Mr. COOPER of Pennsylvania. They would have no right to export their own property?

Mr. TIRRELL. Certainly not, when the control of the ownership is in another country. I have not time to go into all these matters, but the situation in Canada is that there are immense tracts of Crown land. There are 104,000,000 acres of timber land in Canada, and a very large portion of this is what is known as Crown land. Now, these Crown lands are leased, and the leases expire within about two years. It is doubtful if any action will be taken until those leases expire, so far as the Crown lands are concerned, because those who have leased them did so under the implied agreement that they could sell the timber on them under the laws as they then existed.

Mr. COOPER of Pennsylvania. And remove the timber at their pleasure?

Mr. TIRRELL. Mr. Chairman, this is too large a subject for me to cover in the time which I have under my control, and I do not desire to be diverted further from my argument. I want to take up this matter of the paper tariff and some other things connected with the subject which I think are of very great importance.

I was very much surprised to listen to the remarks of the gentleman from Indiana [Mr. ADAIR] the other day in reference to a "vicious paper trust." I asked him what company he had reference to, and he told me it was the International Paper Company. The territory, so far as the sale of paper is concerned, is practically divided, east of the Mississippi River, into two sections. There is a General Paper Company that controls the western part, and then there is the International Paper Company and independent companies that control the eastern part. It is true there is more or less selling back and forth, the eastern companies selling some in the West and the western companies selling some in the East, but not very much. Some draw the inference from that fact that there is an agreement between the two sections of country. As a matter of fact, if gentlemen are conversant with business in the northern part of the country, they must know that wood pulp and paper are very heavy articles to transport, and the freight rates are enormous. Pulp is sold to be delivered, and when you add to the price of the paper the cost of transportation, and take it a thousand miles away, you have increased the price so much that the East can not compete with the West and the West can not compete with the East.

It is just the same as it is in regard to all other lines of business where the transportation charges are heavy. Why, gentlemen, ten years ago a gentleman who was one of the leading boot and shoe jobbers in the city of Boston—I may as well tell you his name; he was my own brother—had been very successful and accumulated a competence in that business. He came to me, and he said, "Charles, I am going out of this business." He was in the western boot and shoe jobbing business, and one of the largest houses in the city of Boston. I said to him, "Why, you surprise me." He said: "Yes; I have figured this thing as carefully as I could, have kept awake nights over it, and I can not figure it out in any other way but that I must lose $10,000 a year as long as I keep in this business. We can not compete with the western jobber in Chicago, St. Louis, Cincinnati, and other large western cities." He went out of business, and he saved his fortune.

He was the first one to do it. There were nineteen others in that business, with great warehouses and stores, in the city of Boston ten years ago, and I want to assure you, gentlemen, on my honor, for I know it as a fact, that every one of those western boot and shoe jobbing houses have either failed or gone out of business since that time because they could not compete with the cost of transportation and additional expenses with the western jobber.

That is all the answer I have got to make to that portion of the gentleman's address. He spoke about a vicious paper and pulp trust here in the East, and I have had the curiosity to look that matter up and propose to submit to you a few observations.

If there is a trust, and I understand a trust in this connection means a combination of individuals, companies, or corporations so organized into one that it is able to control the product, and is such a monopoly that it can raise at will the price. If there is any such monopoly in the paper and pulp business, or in any other business, I trust that all the laws enacted on the statute book and all the power of the Government will be exerted to break up that trust. I am opposed to successful wrongdoing in business or even in the private operations of the individual anywhere and everywhere.

If there is such a trust as that which is controlling the product and can raise the price of the output at will, the gentleman is correct, and the power of Congress, if necessary, should be evoked. I had the curiosity to look into this matter to determine that question, and I have sent for and have in my hand the last annual report of the International Paper Company of New York. I find in their statement of earnings, after paying the interest on their bonds and 6 per cent on the preferred stock, they have only a surplus, in a corporation capitalized at over $50,000,000, of $279,214.48.

Mr. HARDWICK. Will the gentleman yield?

Mr. TIRRELL. Yes.

Mr. HARDWICK. What are the amounts of their stock and bonds; what is the capitalization?

Mr. TIRRELL. The capitalization of the company is, of preferred stock, twenty-two million and some odd dollars; common stock, $17,000,000.

Mr. LIVINGSTON. Is that an overcapitalization, or is it a fair representation of the property that they have got?

Mr. TIRRELL. It would take me fifteen minutes to answer that question. I am perfectly familiar with it. If the gentleman from Pennsylvania will extend my time, I will stand here and answer it.

Mr. HARDWICK. Will the gentleman put in the RECORD the details of the organization of the International Paper Company?

Mr. TIRRELL. I want to say that if the International Paper Company made as good a bargain when it organized its companies in 1898, making it out of twenty-four constituent companies, as they did out of one plant that I was trustee of, a large plant in Maine, they are the shrewdest and worthiest and best investors the world has ever known. As to the organization of the company the gentleman will see it would require an investigation for which now time and opportunity are not afforded.

Mr. HARDWICK. Well, the gentleman is familiar with the facts; let me ask him one more question.

Mr. TIRRELL. I can not permit it, much as I would desire to do so. I have so much to cover I must not be switched off.

Mr. HARDWICK. It is on that very point as to the organization of the International Paper Company.

Mr. LIVINGSTON. I hope the gentleman from Massachusetts will take the pains to answer my question in the RECORD when he prints his speech. I want to know if his company is overcapitalized?

Mr. TIRRELL. Do not call it my company. [Laughter.]

Mr. LIVINGSTON. Well, the company the gentleman is speaking about.

Mr. TIRRELL. I want to say here now that it would be impossible to duplicate the plant of the International Paper Company for any such sum of money, in my judgment, as is represented by their capitalization, but it is another question whether there was not originally what you might call overcapitalization in bonuses and in stock when it was organized. I want to say to the gentleman that outside of the first year, when they had a sort of half monopoly—as I will explain directly—they have never paid one dollar on the common stock.

Mr. HARDWICK. How much on the preferred stock?

Mr. TIRRELL. They never have paid over 6 per cent, and not only that, but I should add also that its preferred stock for years has not sold up to 90 per cent on the dollar, and only once at about that price. The average price I should estimate at about 71 per cent on the dollar. During the panic it sold as low as 54 per cent. It is now about 60 per cent. If it is a trust, it does not present any allurement to the speculative mind; rather, I should infer, it was having rather a hard time to keep up with the procession.

Mr. GAINES of Tennessee. How much of the trade of the country does it control? That is what I want to get at.

Mr. TIRRELL. I must get on in a regular way, but I think I will answer all of these questions.

Mr. GARNER. Is there any other paper concerned in selling paper in the East?

Mr. TIRRELL. I will tell you all about it.

Mr. GAINES of Tennessee. Will the gentleman please tell how much of the trade that concern controls? I don't care how much water it has in it.

Mr. TIRRELL. I will answer that question now. The trade controlled by the International Paper Company, of New York, the first year of their existence, in 1898–99, was 60 per cent of the newspapers of this country; but mills have so multiplied and competition has been so fierce and the plants have been so extended that that percentage has gone down and down and down until now they are manufacturing only 40 per cent of the paper of the whole country and only 50 per cent of the news paper manufactured east of the Mississippi.

Mr. DRISCOLL. What proportion do they control in New York State, for instance?

Mr. TIRRELL. I must get on with my remarks.

The CHAIRMAN. The gentleman declines to yield.

Mr. TIRRELL. Open up some new subject and I will try to answer the questions.

Mr. DRISCOLL. I think that is pertinent to this question.

Mr. TIRRELL. I will speak of that.

Mr. SMITH of California. I would like to propose a question, and the gentleman may answer it now or in the course of his remarks later——

The CHAIRMAN. Will the gentleman yield?

Mr. TIRRELL. Where is the gentleman from Pennsylvania [Mr. BINGHAM]? I want to know first whether I will get my time extended. I have only fifteen minutes left.

The CHAIRMAN. The gentleman declines to yield.

Mr. TIRRELL. Who ever heard of a monopoly that never could pay 1 per cent on more than half of its stock, only 6 per cent on its preferred stock, sell only 40 per cent of news paper, and have surplus earnings in excess of all expenditures, including dividends, of $279,214.48 only in one year on a capitalization of over $50,000,000? Why, it is perfectly ridiculous, and answers itself. Then, again, to show that there is no monopoly in the paper business, I want to call the attention of the committee to the fact that there are eighteen independent paper and pulp mills of large size making news paper in the eastern part of this country, in New York, Maine, New Hampshire, and Massachusetts. I herewith give a list of them, with their daily capacity:

	Tons.
NEW YORK.	
St. Regis Paper Company	130
Taggart's Paper Company	30
French, Pruyn & Co.	60
Gould Paper Company	35
Malone Paper Company	25
Cliff Paper Company	40
Pette Bone Cataract Paper Company	30
High Falls Paper Company	30
Remington, Martin Company	60
Norwood Paper Company	30
Raymondville Paper Company	70
Scroon River Pulp and Paper Company	20
NEW HAMPSHIRE.	
Berlin Mills Company	215
MAINE.	
Great Northern Paper Company	450
Bowdoin Paper Manufacturing Company	35
Pejepscot Paper Company	75
Lisbon Falls Paper Company	50
St. Croix Paper Company	80
Total	1,465

These are all large competitors of the International Paper Company.

They are in direct competition with the International Paper Company. Competition is of the fiercest character. It is so fierce that I want to assure you gentlemen that there are only a few paper companies that have made any profit so that they have been able to declare any dividends during the last ten years. At times they have sold—and often in the past—paper for less than it cost to keep the mills going on account of the overproduction of paper in this country. I can give some illustrations that have come under my own observation. The greatest metropolitan journal in Boston is undoubtedly the Boston Globe. Their Sunday circulation is 311,000 copies, and they usually have an edition of forty to sixty pages. Their daily edition is in the same proportion. I go by their place of business week days when in Boston, because in that city is my place of business. I notice at their printing establishment that every day about half past 4 their paper arrives. Prior to about a year ago the International Paper Company had their label on the paper, but about a year ago the label on the paper was the St. Croix Paper Company, of Maine, an independent paper company that manufactures about 80 tons a day. The next most prosperous journal—in fact, the one, it is said, that makes the most money in Boston—is the Boston Transcript. Unless they have changed within the last year or two they have bought of independent paper companies. I have not inquired as to the other papers there. Go to the city of New York—the gentleman has referred to New York—and inquire about the New York World, the Times, or the Herald, and other journals, and you will find that they have more or less bought of these independent companies. The truth of the matter is that about the 1st of January, when the paper contracts are made in this country, the figures are sent in and contracts for the coming year made. The Great Northern Paper Company, of Maine, manufactures about 500 tons of paper a day. The Berlin Company, of New Hampshire, manufactures about 300 tons a day. All of these companies want to sell their products, and they make immense quantities of it. There are 1,300 tons of news paper made every day by these independent companies, as against about 1,000 tons made by the International. The International Company must meet them in competition, and the contracts are changing all the time, and they have to figure down to the very lowest possible amount.

Mr. GLASS. May I ask the gentleman a question?

Mr. TIRRELL. No; I can not answer any question just now. They have to figure down to the very lowest possible margin. I wrote to the International Paper Company. I wanted to see what they would say about these profits. I will read you a portion of the letter I received in reply. I think all of this will be interesting, as coming from headquarters.

Mr. GAINES of Tennessee. May I ask what headquarters?

Mr. TIRRELL. The International Paper Company.

Mr. GLASS. Will the gentleman allow an interruption?

Mr. TIRRELL. No; I will not.

Mr. SABATH. The gentleman is a newspaper man.

Mr. TIRRELL (reading)—

Leaving out other lines than the manufacture of news paper, I can say that with possibly two or three brief periods of a few months in my experience of twenty-two years I have never known news manufacture, as a whole, to show more than a meager return upon the capital invested. There have been mills here and there which have made handsome profits, but, on the whole, this branch of the industry has

been subject to unbridled competition, which has been at times so fierce as to drive many mills to the wall and really threaten ruin to all.

The tremendous growth of the business has to a large extent been due to an effort on the part of individual manufacturers to save themselves by manufacturing on a larger scale. If only one manufacturer resorted to this expedient it might be all right, but when the majority do it it simply aggravates the trouble and leads to overproduction. This has been an almost chronic condition—viz, overproduction—so that in the effort to sell prices have been cut and the margin of profit practically wiped out.

Newspapers have taken advantage of the low prices to put more and more paper into their issues, and have become so spread out in this way, and so used to the price continually going down, that when the price halts or has an upward tendency they cry out that it is due to a monopoly.

Any industry ought to be entitled to a fair profit on the capital invested in it as a whole, as plants vary in efficiency according to their age and location. This means that mills representing average efficiency should make a fair return. It may be said of the International Paper Company that at the time of its formation it at least represented average efficiency, if not more than that, and the expenditure of money since has unquestionably made our plants, as a whole, better than the average plant engaged in the same line of manufacture.

You are perfectly safe in asserting that the news paper manufacturing industry is, and has been for years, run upon a most slender margin of profit. The very latest and best mills have scarcely been able to earn more than bare interest on their investment.

This brings me to the consideration of another matter suggested by the gentleman from Indiana [Mr. ADAIR] namely, that this alleged trust of paper companies should be smashed to pieces, because it had raised the price of paper to an extortionate degree. Well, if that is so, of course no one could come to anything but the same conclusion. I desire, however, to show you that there is no great industry in this country where, in proportion to the rise of prices in other commodities, there has been so small advance made as by the pulp-paper makers of the United States.

Mr. GAINES of Tennessee. Will the gentleman tell us how many companies are in this International Paper Company?

Mr. TIRRELL. Twenty-four.

Mr. GLASS. Will the gentleman tell me whether a newspaper publisher can not get a rate from any of these so-called "independent" companies of the country?

Mr. TIRRELL. That statement has been absolutely denied time and time again——

Mr. GLASS. Now, I am a newspaper publisher and I assert here you can not get a rate from an independent company.

Mr. TIRRELL. I know the gentleman is entirely mistaken in his position, I do not care whether he publishes a paper or not.

Mr. GLASS. I publish two, and I avow here I can not get a quotation from a so-called "independent" mill in this country.

Mr. TIRRELL. I decline any further to yield to discuss the question. Now, I want to say that this matter was called to the attention of the committee the other day by the gentleman from New York, but he did not call attention to the significance of the figures themselves. I find them appearing in his speech, and I desire, therefore, simply to refer to them to illustrate the point I am now endeavoring to make. In the first place, I wish to say that newspapers are a great deal cheaper now than before 1893.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman may have ten minutes additional, so as to enable him to answer some questions.

The CHAIRMAN. The Chair will state the time is in control of the gentleman from Georgia and the gentleman from Pennsylvania.

Mr. BINGHAM. How much more time would the gentleman desire?

Mr. TIRRELL. About fifteen minutes.

Mr. LIVINGSTON. I must confess I can not yield any time.

Mr. BINGHAM. I yielded to the gentleman two and a half hours to-day.

Mr. LIVINGSTON. But I have promised all of that time away.

Mr. BINGHAM. I yield to the gentleman fifteen minutes additional time.

Mr. TIRRELL. Now, I want to call your attention to the quotations on paper from time to time. Remember, gentlemen, that during all this period prices have been rising; then I propose to give you the figures as to the additional cost of pulp and paper; then I propose to show that the rise in the cost of manufacturing pulp and paper has more than doubled, and in many cases triple the rise in the price of paper itself. You will notice that practically the price of paper has remained the same for the past ten years prior to the last year. That appears from these quotations. In 1892 it was $3 per hundred pounds; in 1893, $3 per hundred; in 1894 and 1895, $3 per hundred; in 1896, $2.50 per hundred; in 1900, $2.50 per hundred; in 1901 it fell to $2.40 per hundred, and prices and everything else rising all the time. In 1902 it was $2.25 per hundred; in 1903, $2.50; in 1904 it fell again to $2.40; in 1905 it fell again to $2.30; in 1906 it fell to $1.90; in 1907, $2; and in 1908 selling for $2.50. In other words, if we take as a fair average the price of paper at $2 during this period—it will not vary much from that—and then you put 50 cents on that, the present price, you have a raise of 25 per cent, have you not, on the price of paper during the last ten years, during this prosperous period?

What has it cost the pulp and paper makers during this time, and how have prices risen on them; and I ask you as fair-minded men whether they are not only justified in making this raise, but whether they have not been the closest figurers for the interest of the public that you ever heard of among the manufacturers of this country?

In the first place, as to the rise in wages. I sent to the president of the mill in which I am interested and asked him to write me in regard to that matter, and he answered as follows. This mill, you should understand, makes book paper, but the same general conditions are applicable:

First. The price of pulp wood since I have been connected with this company has increased from $4.75 to $7.50 per cord piled in our yards. The cause of this rise has been from an extra charge for stumpage on the part of timber owners and the largely increased cost in labor, especially that class of labor required in driving down our river.

Second. The increase in labor cost at our mill and in our yards has been about 40 per cent (common laborers, from $1.15 to $1.65 per day).

Third. The price of soda fiber is lower now than it was for many years, up to the "panic of '93," when it declined in price, until it finally was sold as low as $1.80 per 100 pounds, delivered at our customers' mills. The present price so delivered is $2.40 per 100 pounds, or an increase of a little over 30 per cent from the lowest point reached during the hard times of 1893 to 1897.

And the same must be true of all paper mills, because they are all connected in these matters, and one must charge as much as the other as a rule. I wish to add here another extract from this letter, not directly applicable to what we are discussing, but collaterally of great importance:

While the sale of pulp for export has increased largely in the last five years (the amount before that period being very small indeed), yet practically no sales are made for shipment abroad until after the *home market is fully supplied*. These sales dispose of the *surplus only*, which accumulates because there is no other way to keep down the *cost* to a *reasonable point*, without running the mills *night* and *day every working day in the year*. This reduces the *cost of soda fiber* to the *domestic customer* as well as to the foreign buyer, and it is also a fact that the price at which soda fiber is sold in this country for export makes it *cost* the *foreign mill* owner *much more* than it does the *owner of our domestic mills*.

After sales are fairly well established in any foreign port, a reasonable profit is made by the American manufacturer; and to-day, so far as soda fiber is concerned (I can not answer for sulphite), we consider our *foreign sales* the *best part of our business*.

I want you to bear these things in mind. There is an increase in labor cost between 30 and 40 per cent, which is one-third of all that is paid out in the mill itself, and two-thirds, if you reckon all the labor that goes into paper, going back to the forest where the timber is cut.

What else have they done for the wage-earners in these pulp and paper mills? They have not only increased their wages during this period 40 per cent, but they have cut down the hours of labor 8 per cent more. That is not all. In 1906, a little over a year ago, the pulp and paper mills of this country got together and said that they would adopt a three-tour shift. Paper mills, you understand, must run day and night. They can not be idle a moment, because only by so running can you cut down the manufactured cost and sell the article for what it is selling to-day. They said, "We will put on three shifts of men instead of two." They formerly worked them twelve hours a day. They now work them eight hours a day in the paper mills of this country. If you figure that up you will find the labor cost has thereby been increased 62½ per cent more. In other words, you have got, adding on the increase that they have actually made, without reckoning the decrease in the hours of labor (8 per cent), and taking the whole thing together, an increase in labor—that is, in the labor cost to the manufacturer—of over 75 per cent.

Mr. SABATH. How do you figure that?

Mr. TIRRELL. I can not stop to do it.

Mr. GLASS. Who is paying that?

Mr. TIRRELL. I decline to yield. The gentleman will have my speech in the RECORD, and he will have the privilege of studying it and writing over the country for information.

Mr. GLASS. I have all the information I want, but the gentleman will not let me ventilate it.

Mr. TIRRELL. I have spoken about the labor in pulp and paper mills, but a more important consideration than that is the price of wood. When I first became familiar with the business you could buy all the spruce wood you wanted for $4.50 a cord. It now costs, the wood cut in the United States, $7.50 a cord and upward, and that price has increased since 1893. Therefore you have in the cost of the raw material itself an increase of from 60 to 70 per cent. It is almost double,

and in some of the New York mills it is double. I would like to ask any fair-minded gentleman if you are going to increase the labor cost in mills to the manufacturer, where one-third of all that goes into that mill is labor, 75 per cent; if you are going to increase the cost of the raw material, as it has been increased in this country during this period of time to almost double—on a most conservative basis 75 per cent—and also take into consideration that everything else connected with a paper mill has had the same increase in cost that all other manufacturing establishments have had; then I want you mathematicians to sit down and figure up the labor cost, the wood cost, and the additional cost which is put into manufacturing paper in our pulp and paper mills, and as honest and fair-minded men say whether or not it has not more than doubled up the cost to the pulp and paper manufacturer, while the cost of his paper, which has been selling under the fierce competition of this country, has only increased 25 per cent from the lowest average price.

Mr. BURLESON. They want to give you cheaper wood.

Mr. BONYNGE. The wood comes in free now.

Mr. TIRRELL. I think, Mr. Speaker, I have given all the facts which I desire, unless some time is granted, and I can answer questions of gentlemen on the floor.

The sum and substance and gist of the whole matter is this: Our pulp and paper manufacturers are manufacturing at the lowest possible price consistent with existence and a meager profit. They are selling in open competition with the markets of the United States, a competition as fierce as exists in any interest in this country. They are manufacturing better paper than is made anywhere else in the civilized world, and they can continue to furnish paper at less cost and beat the world in doing it, provided they are protected as they have been protected by the Congress of the United States in all the years of its history from the beginning of the Government, not by the imposition of a trivial tariff of 15 per cent, which in itself does not amount to anything, but in the retaliatory or countervailing duty attached to the paper or pulp schedules or some other commodity to protect this industry in our country and prevent cutting off the importation free of the raw material.

If there are gentlemen on this floor who wish to see that industry wiped out, who wish to throw out of employment tens of thousands of American wage-earners and have them walking and moaning on the streets; if they wish to see the smoke and fires extinguished in the 108 mills now in the State of New York and the mills of the West and the industry hampered so that it no longer becomes a factor in the commercial development of the country, then it is only necessary to take the ground which has been assumed by some gentlemen upon the other side, without, I think, regard to facts or evidence to pass these bills to wipe out the tariff on pulp and paper and give to Canada the power to pass prohibitive export laws and close the mills of the United States. I, for one, believe protection to this gigantic and important industry is as necessary as to sow the great prairies of the West with wheat. And I can not see, from my investigation, any other conclusion than when this matter comes up in future Congresses for investigation and determination, the important question will be not of tariff on the articles, but its protection on the lines that I have indicated. [Loud applause on the Republican side.]

Mr. LIVINGSTON. I now yield forty minutes to the gentleman from Illinois [Mr. RAINEY]. [Loud applause on the Democratic side.]

Mr. RAINEY. Mr. Chairman, in my efforts to entertain my friends on the other side of the House this afternoon, I want to take as my next text a little bill of four or five lines, which I have introduced, and which is pending now before the Ways and Means Committee. I send it to the Clerk's desk and ask that it be read.

The Clerk read as follows:

A bill (H. R. 16862) to place petroleum, crude or refined, and the products of petroleum, crude or refined, on the free list.

Be it enacted, etc., That petroleum, crude or refined, and the products of petroleum, crude or refined, of whatever kind or wherever produced, when imported into the United States shall be exempt from duty.

Mr. RAINEY. Mr. Chairman, I propose to vary this afternoon the usual order of things. I am not going to attack the Standard Oil. The popular thing at the present time is to make bitter attacks on the Standard Oil, when you can not think of anything else to do. When in doubt, make a speech against the Standard Oil or send some vitriolic message down from the White House against that corporation.

I hold here in my hand the President's message of January 31, 1908. It makes a little pamphlet of eighty-one pages; two-thirds of it at least is taken up with an attack on the Standard Oil. The most of the message and the best portion of it is contained in the appendix, which was not written by the President at all. His secretaries, with remarkable industry, have gone through all the leading metropolitan papers and other papers also and have succeeded in finding all the articles that in any way criticised the judge who assessed a fine recently against the Standard Oil, and all those articles are incorporated here in this message. The effort made by the President is to prove that he is engaged in a most terrific warfare on the Standard Oil, and that the metropolitan press is against him and is criticising the judge who made that decision. My experience is that the people are not finding much fault with the $29,000,000 fine recently assessed against the Standard Oil Company, and the President will be unable, even in a message as long as this, to create the impression that there is much of a fight on at the present time between the Administration and the Standard Oil Company. [Applause on the Democratic side.] As a matter of fact the Standard Oil has not paid the fine of $29,000,000 recently assessed against it, and there has been no effort made to collect it. Like the revision of the tariff, the collection of the fine has been postponed until after the election. [Laughter and applause on the Democratic side.]

When the elections are held the Republican leaders hope, and the Standard Oil managers hope, that the revision of the tariff and the collection of the fine will both be in the hands of the friends of the protective tariff, and in the hands of the friends of Standard Oil. [Applause on the Democratic side.]

What we need from the White House at the present time is less attention to the creation of a large Ananias Club and more suggestions of real value. The ear-splitting detonations from the White House for the last two or three years do not seem to have had much effect. The projectiles fired from that quarter are not of the armor-piercing variety. The trusts are all doing business at the present time at the old stand. Not one of them has quit. No prosecutions are being started. The condition of the trust-busting industry is similar to the condition the friends of ship subsidies would have us believe our shipping industry is in. They say that the keel of no ship is being laid at the present time in an American shipyard. It is equally true that the foundations for no trust-busting suits are being laid at the present time in the Department of Justice.

I started over a year ago in the trust-busting business myself. I spent two or three months collecting evidence against the watch trust. I wore out two pairs of shoes making trips from my hotel to the Department of Justice. I called the attention of the Department of Justice to certain facts. I produced the names and addresses of witnesses. I produced the evidence. I went so far as to prepare a brief as to the law. I submitted it all, but the prosecution of the watch trust, like the revision of the tariff and the collection of the twenty-nine million dollar fine, have all been postponed beyond the election. [Applause on the Democratic side.]

Now, I am not going to abuse the Standard Oil, neither am I going to abuse my friends on the other side of this House. I want to talk this afternoon simply about the romance of oil, and incidentally the connection of the Republican party therewith.

Oil is produced in only a few places in the world. They produce some oil in Japan. They have produced it there from remote antiquity. They produce some oil in Roumania. They have produced it there for over a thousand years. They produce some oil in Austria-Hungary. They produce oil in small quantities in the Dutch East Indies, and they produce oil in the United States. But the great oil fields of the world are the Russian oil fields. The other fields, except those within the boundaries of the United States, do not amount to much and do not produce any considerable amount of the world's supply.

The Russian fields are the oldest, but until recently, and about the year 1896, they were not taken seriously. These fields were known in the days of Alexander the Great, and for over a thousand years oil was transported from the valleys of the Caucasus in buckets and tubs on mules and camels down the long desert trade routes to light the palaces and harems of oriental potentates. Some of the ancient cities around the Mediterranean were lighted with oil transported in this primitive way from the oil fields of Russia. The Russian oil field was known to oriental peoples for a thousand years as "the place of the eternal fires." The fire worshipers came there from far-away India. Their temples are still standing. Only twenty-five years ago the last of the Parsee priests, who presided in the temples of the fire worshipers, disappeared from that locality. But oil transported in buckets on mules and camels, Parsee priests, ancient temples, and fire worshipers

did not offer much competition for the Standard Oil, and did not attract much attention from that corporation to the Russian field.

But about the year 1896 the world commenced to find out about the Russian oil fields. For two thousand years that section, where the East and the West meet, had been deluged in blood. It was not an attractive field for the investment of capital. Geologists said that oil could only be found there at a comparatively shallow level—not deeper than 700 feet. But in the early nineties an English company, operating in a fertile valley of the Caucasus with modern drilling machines, penetrated the rocks to a depth of 1,500 feet, and the result was a great, gushing fountain of oil. They continued drilling in other directions and in other valleys, and everywhere there were produced great, gushing fountains of oil. There were 400 oil wells in operation in 1891, and in 1892 there were 900 wells in operation. Now there are over 2,000 wells in operation. But in 1892, when the Standard Oil was about to seriously consider the Russian fields, an outbreak of cholera occurred there and drove the workers away. Three years later, in 1895, they commenced slowly to come back and to go to work again, and the Russian Government commenced to build a railroad through the mountain ranges into the valleys of the Caucasus.

In 1896 they completed their pipe lines to the sea. At that time it was known in England and Germany that the great oil fields of the world were the Russian fields. The thing that frightened the Standard Oil Company the most was the fact that in the early part of 1896 fifteen or twenty modest-looking Russian gentlemen came to this country and, on foot, commenced to travel along the pipe lines of the Standard Oil Company, examining their pumping stations, getting from them ideas as to how the oil business ought to be conducted. The Standard Oil Company commenced to realize early in the year 1896 that if it was to retain its supremacy in the oil markets of the world it must protect itself at home from possible importations from the Russian fields. Like all great trusts which have become oppressive in their character, when threatened with real competition they rushed to the Republican party. [Applause on the Democratic side.] And the Republican party opened wide its arms and took this odorous trust to its bosom.

At this time the Standard Oil had entered upon its world-conquering career. Its pipe lines extending across mountain ranges had reached the sea. Great iron tank ships owned by the Standard Oil were plowing the ocean highways of the world, carrying its products to all quarters of the globe. It was in control of the home markets, and it had commenced to reach out for the markets of the world. In order to be successful in its foreign career it was absolutely necessary to keep out competition at home; therefore it applied to the Republican party. The real crisis in the history of the Standard Oil occurred in 1896; it was safely passed when the Republicans carried the elections. They kept their contract and enacted the Dingley law. The Standard Oil, the old-line insurance companies, and their allied interests bought you with sixteen million dollars, and you delivered the goods.

In 1897 and in 1898 the Trans-Caucasian pipe line broke down, and for two or three years the exportation of oil from the Russian fields fell off to a marked degree. The Standard Oil seized this opportunity to more firmly intrench itself in foreign countries.

Then followed the labor troubles in the Baku fields, and finally that great region was again drenched in the blood of contending factions; again different races and different religions clashed in that part of the world as they have been clashing there for a thousand years, and British and German capital fled from that region. Oil derricks were destroyed, and refineries were razed to the ground. But a new era has within the last twelve months opened up for the Russian fields. The workers are returning, the iron hand of Russian discipline has fallen heavily in that quarter, and the Russian Government agrees to maintain order there. German and English capital, at the invitation of the Government, is flowing back into that section. The Russian oil fields are again becoming important as a source of supply. The time has come, if you really want to furnish competition for the Standard Oil trust, to pass the bill I have introduced, strike out this proviso, and let the oil from Russia come in. You do not have the courage to do it—you dare not do it. The other protected industries do not love the Standard Oil, but every man who enjoys the benefit of protection is willing to be sheared himself if he may have the delightful privilege of shearing everyone else. You are obliged to maintain the Dingley tariff intact—every comma and every period in it. You dare not do that which the people almost universally demand. You are owned now, as you always have been and always will be, by great corporations and the criminal trusts.

In 1896 there was a national campaign in progress. An honest man, backed by an honest party, was making a fight for a larger circulating medium and was making the old fight for the rights of the people. It became necessary to defeat him. You made the fight for the Standard Oil and the old-line insurance companies. You took the $16,000,000 they gave you, debauched the electorate and won, and you kept your word.

When the Dingley law was framed you took care of the Standard Oil. You provided that for all time, or as long as the Dingley law remained on the statute book, Standard Oil should be protected from all competition from the Russian fields.

Section 626 of the tariff act of 1897 places upon the free list at least fifty-six kinds of oil, and I do not know how many more. It places on the free list all spermaceti and all other fish oils of the American fisheries. If I knew how many fish oils there were I would know exactly how many oils are placed on the free list by the Dingley law. There are at least fifty-six, and to that number is to be added the number of fish oils manufactured. Orange oil is placed on the free list; olive oil is placed on the free list. Notwithstanding your alleged anxiety to protect the shipping industry from foreign competition, you placed upon the free list spermaceti, whale, and all other fish oils; and the man who goes out to sea on an expedition to bring back to this country the material out of which to make these kinds of oils, goes out knowing that the Republican party is not protecting him at all. Finally, and last of all in this list, you put on the free list petroleum, crude or refined, and then add to it this proviso, which applies not to the other oils, but only to petroleum, crude or refined, or its products:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such case be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. I will.

Mr. CAMPBELL. I take it from the examination the gentleman has made into the oil industry of the country that he has extended his inquiries into the protection the Democratic party gave to the Standard Oil Company in the Wilson bill.

Mr. RAINEY. Yes.

Mr. CAMPBELL. I will read——

Mr. RAINEY. I object to the gentleman's reading; I can read it if I want to. I will come to that.

Mr. CAMPBELL. It is exactly the same language that the gentleman read from the Dingley law.

Mr. RAINEY. Is it? I will let the gentleman read it.

Mr. CAMPBELL. Section 5 of the Wilson law says:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall be levied, paid, and collected on said crude petroleum or its products so imported 40 per cent ad valorem.

Mr. RAINEY. Yes, a very different thing from the Dingley Act. [Applause on the Democratic side.] It is not the same thing at all.

Mr. CAMPBELL. It is different in that it imposes a higher duty.

Mr. RAINEY. It is not the same thing at all, and I take issue with the gentleman from Kansas when he says that it imposes a higher duty; he shows that he has not been a student of the question of petroleum. [Applause on the Democratic side.]

The law of 1897 imposes as much duty on importations from Russia as is imposed in Russia upon importations from the United States, and I want to show now, in answer to the gentleman, how much duty is imposed in Russia on oil that might be brought there from the United States.

I have here a letter from the Treasury Department, with certain exhibits attached, on this question, which is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 31, 1908.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: Replying to your letter of the 25th instant, requesting certain information regarding the rate and amount of duties chargeable on petroleum and petroleum products imported into the United States from foreign countries, I inclose herewith copies of Department's rulings of January 3, 1906 (T. D. 26961), and those of March 2, 1906 (T. D. 27170), in answer to your inquiries Nos. 1 and 4. I desire to state that the authority for the assessment of duties on petroleum and petroleum products is found in the closing proviso to paragraph 626 of the free list of the act of July 24, 1897. As the remaining inquiries of your letter have reference specially to statistical matters

regarding the importation of petroleum and petroleum products, your letter has been referred to the Secretary of Commerce and Labor with a request that a reply be forwarded to you as to those inquiries.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

(T. D. 27170.)

Paraffin—Countervailing duty.

Under the proviso to paragraph 626, tariff act of 1897, the duty on paraffin manufactured in Germany from crude petroleum produced in Russia is at the rate of duty imposed by Russia on paraffin imported into that country from the United States.

TREASURY DEPARTMENT, *March 2, 1906.*

SIR: Your attention is invited to the decision of the United States circuit court of appeals, second circuit, of January 10, 1906 (T. D. 27025), wherein it is held that your decision was correct in assessing countervailing duty upon certain paraffin, manufactured in Germany from crude petroleum produced in Russia, at the rate imposed by Germany on paraffin imported into Germany from the United States.

The merchandise the subject of this suit was entered and the duties liquidated at the German rate on paraffin before the Department's decision of July 12, 1904 (T. D. 25457), was promulgated, wherein it was held that products manufactured in one country from crude petroleum produced in another country should be assessed with duty at the rate imposed by the country of origin of the crude petroleum upon similar products imported into that country from the United States, and not at the rate levied upon crude petroleum imported into such country from the United States.

As neither the Board of United States General Appraisers, the United States circuit court, nor the United States circuit court of appeals had before it for consideration the correctness of the Department's construction of the proviso to paragraph 626, you are hereby instructed to follow T. D. 25457 to the end that a judicial determination of the Department's construction may be had.

Respectfully,
(1495*l*.)

JAMES B. REYNOLDS,
Assistant Secretary.

COLLECTOR OF CUSTOMS, *New York.*

CUSTOMS.

(T. D. 26961.)

Duty on petroleum and petroleum products.

Rates of duty imposed by Russia on petroleum and products of petroleum imported from the United States.

TREASURY DEPARTMENT, *January 3, 1906.*

SIR: Referring to Department's circular No. 113 of November 20, 1905, I have to advise you that the Secretary of State transmits, under date of the 29th ultimo, information received from the American ambassador to Russia from which it appears that the rates of duty imposed by that country on petroleum and products of petroleum imported from the United States are as follows:

"Black crude naphtha and all unpurified naphtha, 30 copecks per pood.

"Liquid products from the distillation of naphtha (kerosene, photolene, paraffin oil, grease, naphtha ether, gasoline, ligroin, benzine, etc.), 1 ruble 80 copecks per pood.

"Paraffin, 3 rubles 31½ copecks per pood gross weight.

"Vaseline (other than refined), same.

"Candles, of all sorts, 5 rubles 4 copecks per pood."

Respectfully,
(1495*l*.)

JAMES B. REYNOLDS,
Asistant Secretary.

COLLECTOR OF CUSTOMS, *New York.*

Upon refined petroleum imported from Russia, according to the statement I have just read, there must be collected a tariff duty of 1 ruble 80 copecks per pood, because that is the duty levied in Russia upon oils imported from the United States or from anywhere else to Russia—1 ruble 80 copecks per pood. The Treasury Department has never had occasion to figure out just exactly what this means, because none of it has ever been brought here. The law operates so as to absolutely exclude petroleum. One ruble contains 100 copecks, and 1 ruble is worth in our money about 51 cents. A pood is a Russian measure of weight and amounts to 36 pounds avoirdupois. If the gentleman will take the trouble to figure out the specific gravity of petroleum, as I have done, he will find that 6.11 gallons of crude oil at 61° Fahrenheit make 36 pounds avoirdupois, or a Russian pood. If the oil is refined it is a little lighter, but in round numbers 6 gallons of oil make a Russian pood. Therefore Russia imposes upon oils imported from the United States a tariff of at least 15 cents a gallon, perhaps a little more. Then, under the Dingley law, and under this proviso of such great advantage to the Standard Oil Company, if any oil were brought into this country from the only other oil region in the world worth speaking of, it would be taxed when it came to our ports at least 15 cents a gallon. Now, is there not a difference between 15 cents a gallon and 40 per cent ad valorem? Fifteen cents a gallon is just about three times as much or a little more than three times as much as 40 per cent ad valorem. [Applause on the Democratic side.]

But I am not surprised to hear somebody on the other side defend the Standard Oil Company. No matter how nefarious a trust is, no matter how it is denounced, no matter how great a lawbreaker it is, you can always find some man on that side of the House ready to rise in his seat and defend it. [Applause on the Democratic side.] In Russia they have two things which serve to demonstrate the fact that they are just emerging from barbarism—an infamous prison system and the protective tariff. [Applause on the Democratic side.] God grant that the fight going on there now—the moral upheaval and the movement for freedom—may soon release that country from both these curses. [Applause on the Democratic side.]

There is an honest and capable man at the head of the Bureau of Corporations, and he has very recently prepared this report which I have here on the petroleum industry—a book of something over 900 pages—a report not prepared in the interest of the advocates of the protective tariff. Herbert Knox Smith has given the facts in this book, and he shows in tables he has prepared the enormous price differences the Standard makes in this country, as compared with the prices it makes abroad. I am not going to read these figures, nor even to print them in my speech, but I want to read some of the conclusions Commissioner Smith reaches from the tables he has so carefully prepared, and I read now from page 427 of this publication:

The policy of the Standard Oil Company in charging much higher prices to the domestic than in the foreign trade is an injustice and an injury to the American consumer, which is not compensated for by any material advantage to American producers of crude oil or to American labor.

Now, some man get up on the other side and defend the Standard Oil when I am through. [Applause on the Democratic side.]

It is not so much the low prices in foreign markets as the exorbitant prices in the domestic market which require condemnation.

And I want to say now that the tables printed in this book show that the Standard Oil makes a difference of 5 or 6 cents a gallon on an average right along between its home price and its New York export price for oil. In this country during the recent years when the products of the Standard Oil refineries were constantly going up the same products 3,000 miles away on the continent of Europe were continually going down.

It is probable that prices in some of the foreign markets during part of the time from 1903 to 1905 were absolutely unprofitable. This furnishes, however, no excuse for the great advance in domestic prices. American consumers of petroleum might, for the sake of securing and retaining markets for the products of American industry, be willing to pay prices high enough to enable the Standard temporarily to sell oil abroad at cost, or even a little below cost, and yet make a moderate profit on its combined sales in both foreign and the domestic markets.

American consumers ought not, however, to be expected to pay prices so exorbitant that when the Standard sells half of its products abroad for little or no profit, or even with a loss, its aggregate profits on domestic and foreign sales combined amount to 60 per cent a year on its capital stock, as was true in 1904 and 1905. (See Chap. XIII, Table 152.)

[Applause on the Democratic side.]

Some difference between the domestic and foreign prices might be tolerated, but such enormous differences as have existed, taken in conjunction with the excessive profits of the Standard, are clearly indefensible. If the object of the Standard had been merely to create a market for American products, it could have considerably increased the consumption in the United States by reducing prices to a reasonable level.

Now, I ask permission to insert in my speech at this point four or five other excerpts about as long as this from the comments of Commissioner Smith on the Standard Oil industry, without reading them now.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears no objection.

Mr. RAINEY. The excerpts are as follows:

CHAPTER IX.—GENERAL CRITICISM OF EXPORT POLICY OF STANDARD OIL COMPANY.

SECTION 1.—INTRODUCTION.

It has been shown in the preceding chapter that the Standard Oil Company has, especially during 1904 and 1905, sold illuminating and lubricating oils abroad for very much less than the domestic prices. Before a final criticism may be made as to the Standard's export policy, it is, however, desirable to consider in addition to the prices certain conditions which have affected the foreign and domestic trade, respectively. The Standard Oil Company and its apologists have very frequently pointed to the enormous export business of the Standard as an evidence of the benefit of the concern to the country in furnishing an outlet for the products of American oil wells and American labor. It is often argued that the expansion of the export trade, or even the retention of it in the face of competition from foreign oils, necessitates at times the sale of products abroad at lower prices than in the United States. Apart from the question whether it is to the economic advantage of the people of the United States that domestic consumers should pay excessive prices for oil products in order to permit an increase or to prevent a decrease in the exportation of such products, there are certain considerations which show that the Standard Oil Company in its export policy has been actuated not by a desire to promote the interests of American crude-oil producers or of American labor, but solely by a desire to maintain and increase its control of the oil trade.

* * * * * * *

In 1902 began distinctly that disparity in movement between domestic and foreign prices which became so conspicuous in 1903. The domestic production increased somewhat over 1901, and this, together with a considerable decline in exports, increased the amount remaining for domestic consumption very considerably. The foreign production increased moderately, but the exports from the four principal foreign producing countries were less in 1902 than in 1901, and the total exports from these countries and the United States combined decreased more than 4 per cent. Notwithstanding this increase in the available domestic supply and decrease in the available foreign supply,

the domestic price advanced and prices in export markets declined. Though the price changes were comparatively small, they appear to have been abnormal.

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SECTION 6.—GENERAL CONCLUSIONS AS TO STANDARD'S FOREIGN POLICY.

The preceding analysis of the price policy of the Standard Oil Company in the export trade during recent years, as compared with its price policy in the domestic trade, shows two conspicuous facts. In the first place, while the prices of illuminating oil in the principal foreign markets have for years been relatively lower than the prices in the United States, this disparity became especially conspicuous during the years 1903, 1904, and 1905. During those years the domestic prices stood at a much higher level than for many years before, while prices in the principal foreign markets, particularly in 1904 and 1905, were sharply reduced, with the result that the average price in leading foreign markets, like the United Kingdom, Germany, and the Orient, stood at times from 2 to 3 cents below the average price in the United States, transportation costs, difference in quality of oil, etc., being taken into account.

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The real reason for the entrance of the Standard into these foreign fields is its desire to get its products as cheaply as possible and its desire to maintain its dominant position. If the Standard can get supplies of petroleum products at various points throughout the world, it can save in transportation charges. Moreover, if the Standard could acquire a dominant position in the production or the refining of petroleum in those foreign countries which are now or are destined to become the principal exporters, aside from the United States, its control of the oil trade of the world would be more effectively assured. The Standard's one object is, evidently, to increase its control of the oil trade, regardless of its effects on the demand for products of American oil wells and American labor. Foreign governments, however, are well aware of the monopolistic tendencies of the Standard. In the Dutch East Indies and Burma the governmental authorities have prevented the Standard from getting a foothold, while in Roumania they have adopted measures to keep it from effecting a monopoly of production or of transportation of crude oil.

* * * * * * *

The practice of selling American products abroad at lower prices than in the domestic market is sometimes defended as a temporary expedient when there is a falling off in the home consumption. Under these conditions the practice may enable the manufacturer to keep his works in operation at full capacity, preventing hardship to his employees and derangement of the industry generally. Such a temporary exportation at low prices, however, is entirely different from the situation in the petroleum business, where from the beginning of the industry there has been an enormous export trade. American illuminating oil is indispensable to foreign consumers Moreover, the marked reduction of prices abroad during 1903 to 1905 was not attributable to any decline of consumption in the United States.

Again, the practice of selling products abroad for lower prices than are charged at home is sometimes defended by the argument that the increase in the total volume of business which is thus made possible reduces the cost of manufacture per unit so greatly that the domestic price, though higher than the foreign price, may yet be lower than would be possible in the absence of the export trade. This argument, again, has no application to the petroleum industry. Particularly from 1903 to 1905 the excess in the domestic price of illuminating oil, as compared with the prices in the leading foreign markets, was much greater than the entire cost of pipe-line transportation and refining. It is obvious, therefore, that, whatever small reduction in the cost of operation may have been attributable to the existence of a large foreign trade, the domestic consumer got no advantage from that reduction in cost.

* * * * * * *

The substantial monopoly which the Standard possesses in most parts of the United States, and the immense profits which it derives therefrom, largely furnish the sinews of war for conflicts in foreign countries. In the long run it is true that the Standard practically makes the people of the United States very largely bear the cost of its policy of domination in the world's markets.

The Treasury Department by its rulings can be depended upon always to add something to the stringency of the Dingley law. The proviso to which I have called attention has been construed so as to prevent the importation of the products of petroleum into this country from other countries, provided the crude petroleum originally came from Russia. Some time ago they attempted to import the products of crude petroleum from England to the United States, but the Treasury Department rushed to the protection of the Standard Oil and prevented it. The ruling of the Treasury Department, to which I have called attention, shows that it is impossible to import into this country from Germany paraffin, vaseline for manufacturing purposes, or candles made from crude petroleum which originated in Russia. The products so sought to be brought to this country are manufactured by citizens of Germany and belong to citizens of Germany, but Germany does not produce the raw material used in the manufacture of these products. Germany depends upon Russia for that, and Russia has a protective tariff affecting petroleum, as I have stated. Why further protect the Standard Oil and make possible these tremendous dividends by rearing a tariff wall under this proviso in the Dingley law against the products of petroleum that may come from Germany? Of course there is no demand for crude petroleum. The ordinary consumer has no use for the raw material, he simply wants the manufactured product; and under this law and under a Republican Administration the Treasury Department throws its protecting arm about the Standard Oil and says to Germany, "We will not permit you to interfere with this infant industry of ours."

The way to fight the Standard Oil is not to issue messages from the White House against it. [Applause on the Democratic side.] That is a bluff, as these messages usually are. I learned early in life how to conduct a Fourth of July celebration and entertain your audience. You must keep always a rocket exploding in the air; they will never notice the falling sticks. [Applause on the Democratic side.] That is the policy pursued in the White House at the present time. [Applause on the Democratic side.] Every day some new rockets explode in the air and until now the people have not commenced to notice the falling sticks. [Applause on the Democratic side.] If the President really has a grievance against the Standard Oil Company, if he really thinks it ought not to collect every year and divide profits amounting to 60 per cent on its capital stock, he can furnish some sort of competition for the Standard Oil and cut down its profits by simply sending a message here advising the Congress to put petroleum and its products on the free list. [Applause on the Democratic side.]

But you can not do it and keep your contract—the contract you made in 1896 when they were pouring their money, they and their friends, into the coffers of the Republican party until you had accumulated a corruption fund of $16,000,000. [Applause on the Democratic side.] That promise is not yet barred by the statute of limitations. [Applause on the Democratic side.] Whenever you make a contract with a particularly objectionable and nefarious trust—one which is universally admitted to be such—you invariably keep it. You dare not now pass this bill or any bill like it.

You are starting out in this campaign to make of it a campaign of bluff—simply that and nothing more. [Applause on the Democratic side.] The Republican party proposes always to do a good many things after the election. If the returns show that they have a majority again in both Houses and have the Executive, then they say: "Our policies have been approved by the people; there is nothing else for us to do." [Applause on the Democratic side.] At the present time a new method has been devised by the Republican party to still further postpone the revision of the tariff, and they are beginning to announce themselves as being in favor of a tariff commission, the commission to be composed of experts and selected by the Republican managers, if they can carry the election this fall. The Republican idea of a tariff expert is a man who is either in favor of maintaining schedules just as they are or revising them upward. [Applause on the Democratic side.]

Any man who advocates a different theory than this would not be a tariff expert, according to the Republican standard. He would be a visionary dreamer—unsafe and unsound. [Applause on the Democratic side.] And so, if they succeed in carrying the election again this fall, they are commencing to promise that they will give us an expert tariff commission to consider the tariff question, and they hope in this way to fool the people again.

We have been able to withstand three great defeats, and at the present time the Democratic party presents a united front to the enemy. You could not withstand three great defeats. You have not been able to stand three victories. [Applause on the Democratic side.] To-day your party is divided as it never has been before in its history. Why, you do not know who you are for for President [applause on the Democratic side] not a single man on the Republican side of this House. If there is anybody there who does know who he is for he is wise enough to keep still and say nothing about it. Occasionally you find a man from Illinois who says he is for the Speaker, and it is the wisest thing in the world to do that. If you are from Illinois, you can say to all the other candidates and their friends "We have got a candidate in our own State and therefore we have to be for him. If we did not have a candidate there, then we might be able to help you out."

You can find a few men from Indiana who will say they are for an Indiana candidate, but a great mass of candidates is accumulating, and troubles are in store for the Republican party. Already from the direction of Florida is approaching a dark cloud. [Applause on the Democratic side.] Down there we are told that ten or a dozen officeholders in the State of Florida got together and held a convention and all the negroes—and the negroes are the Republican party of the Southern States—got together and held another convention, and there are going to be contesting delegations from the State of Florida.

And you will probably square the matter, as you usually do, and keep solid with the negro vote in the North by admitting both delegations, with half a vote each. The other day in the State of Ohio you had snap primaries in order to get the State for Mr. Taft. About 10 per cent of the Republicans went to the polls and voted, and the others stood aside in sullen silence. They propose to hold another convention, and there will be contesting delegations from the State of Ohio. Are you going

to admit them with half a vote each? Already anti-Taft delegates are being selected in the State of Missouri, and your troubles have only started. You have not enough courage on that side to say you are for the Speaker, because that means the end of White House dinners this winter for all of you. [Applause on the Democratic side.]

And you have not enough courage to say that you are for Taft, because that might interfere with your committee assignments, and so you remain quiet over there, without any backbone at all, and simply stand for nothing except the jobs you hold at the present time. [Applause on the Democratic side.] There is only one man in the Republican party who is spoken of as a candidate who really represents anything, and he represents money and the negroes, and that is Senator FORAKER. There would not be much of a Republican party in this country if it were not for the contributions from the trusts and it were not for the negro vote. There are 32,000 negroes of voting age in the State of New York; there are 19,000 negroes of voting age in the State of Indiana; there are 32,000 of them in Ohio; there are 29,000 of them in Illinois, and I might go through all these other Northern States that at times are considered doubtful. They would rarely be Republican States if it was not for the negro vote. You must take care of the negro vote, and you can not do it when you turn down FORAKER. If you do turn him down, if you do not nominate him—and he is the only man that is making a real fight for anything except the nomination—it will be necessary for you to buy every negro north of the Mason and Dixon line in order to get them to vote the Republican ticket. The President is drying up your sources of income from the trusts, and you may be without the money to do it. The Republican party making a campaign without money and without negroes would present a pitiful spectacle in this country. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. I ask for ten minutes more.

Mr. LIVINGSTON. I will have to take the time from somebody else. But I will risk it and give the gentleman ten minutes anyway.

Mr. RAINEY. The Democratic party is the white man's party in this country—in the North as well as in the South. [Applause on the Democratic side.] We have been able to make it a white man's party in the past, and we do not care how long it remains a white man's party.

We have been having a period of prosperity for twelve years, and for longer than that, in this country. For twelve years the sun has been shining when it ought to shine and the rain has been falling when it ought to fall, and men have been toiling on the farms of the West and in the workshops of the East and have been producing wealth as they never produced wealth before. This has not been a period of overproduction either, because until the last few months they did not have enough railroad cars in this country to move the crops from our Western farms and take back to the West the products of the East. Only last winter, so far were we from a period of overproduction, they did not have cars enough to carry coal to the men in the Northwest and their families who were freezing to death.

But all at once, after twelve years of this kind of prosperity, when the Republican party is still in power, intrenched as it never was before in its history, the wheels of commerce stopped. All at once from every direction there came the crash of failing banks. To-day in the streets of our large cities men are begging for work, women are begging for bread, and children are starving. When periods of depression have occurred before you charged them always to the party in power. Does the argument hold good now? [Applause on the Democratic side.] You have educated the people for twelve years to believe that prosperity depended upon one thing, and upon one thing alone, and that was the retention of the Republican party in power; and they have taken you at your word and have rolled up tremendous majorities in order to be prosperous and happy and in order to enjoy the plenty you promised them. What excuse are you going to make now? You charged us in 1896 with standing for a dollar that was worth only 50 cents. And yet a few days ago there was circulating in the country millions and millions of dollars' worth of certificates having back of them nothing but the fiat of a bank. I do not know how many of these certificates are still in circulation.

We made the fight for more money in 1896. You carried the election, but we won the fight. In 1896 we had a circulating medium of about $21 per capita; and now, with a population many millions larger, with a population of 87,000,000, according to the last statement issued by the Treasury Department we have a circulating medium of $35 per capita; and so thoroughly did we convert you to our idea in 1896 that to-day you are clamoring for millions and millions of dollars more. [Applause on the Democratic side.] We made the fight in 1896, the old fight, for the people. We followed it in later campaigns with a fight for free men in the islands of the seas. To-day we turn from the fight for free men in the islands of the seas and commence the fight for free men at home [renewed applause on the Democratic side]; and whenever there is no great party in this country willing to take up that fight and to continue it, then will "government of the people by the people and for the people" fade from the earth. [Applause.] We stand to-day by our guns, as we always have, training them upon the enemy, facing the direction from which the greatest danger comes. We are getting ready to make, in the approaching campaign, the old fight against special privilege, and to continue the old battle for the rights of the common people. We await the result with confidence. Now, I yield back my time, if I have any left. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Massachusetts [Mr. TIRRELL] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. Mr. Chairman, how much time have I got?

The CHAIRMAN. The gentleman from Georgia has twenty-seven minutes remaining.

Mr. LIVINGSTON. I yield twenty minutes to the gentleman from Minnesota.

Mr. HAMMOND. Mr. Chairman, eighteen months have passed since duly chosen delegates to certain State conventions, Democratic and Republican, upon deliberation, declared in their platforms that the then and now existing tariff schedules ought to be revised and that their revision should be effected at once.

When these declarations were made the delegates to the conventions and the people who sent them knew that the first session of the Sixtieth Congress would begin on the first Monday of December, 1907. They knew also that in the following year there would be a Presidential election, but their knowledge of these things did not deter them from making such pronouncements. It may be assumed, then, that the people of the States, where such conventions were held and such declarations made, were of the opinion that the needs of the country demanded a readjustment of the tariff rates, and that such readjustment was of greater importance to the country as a whole than any possible effect it might have upon the political situation; that it was better that the welfare of the nation should be promoted, even at the cost of introducing an element of uncertainty into the political contest, than that the people of the country should suffer unfair and unequal burdens in order to prevent new questions arising on the eve of a Presidential campaign.

Before this Congress assembled it was quite generally reported through the newspapers that the tariff law would not be revised or modified during the long term. Evidently some one, or some body of persons, assumed the power to determine what should be done and what should not be done by Congress, and it begins to appear that the assumption was justified.

The Members of this body, chosen by the electors of their respective districts and delegated to represent those districts in matters of legislation, desiring to serve those whose interests they do represent, have introduced bills in great number looking toward the revision of various schedules of the tariff law. Presumably these bills have been introduced in good faith and in response to the instructions of many of the voters of the country who send representatives to this House. In a country like this, boasting of its free government and of the rights of all its citizens and of the equal opportunities afforded to all, it might be expected that some of these bills would be advanced far enough to engage the attention and secure the consideration of all the Members of the House, and after a proper investigation and reasonable debate be passed or be rejected, as to all the Members of the Congress seemed most advisable. And yet it is an open secret, or perhaps no secret at all, that these bills affecting tariff schedules are not to come before the membership of this House, either for passage or even for debate. Congress itself has not determined this matter. The bar interposed is found neither in the Constitution nor in statute law, but some one has assumed the right to decide upon the advisability of these measures and to determine whether or not the Members of Congress may pass upon them. [Loud applause on the Democratic side.]

In his message of last December President Roosevelt said:

There should be no tariff on any forest product grown in this country; and, in especial, there should be no tariff on wood pulp; due notice

of the change being of course given to those engaged in the business so as to enable them to adjust themselves to the new conditions. The repeal of the duty on wood pulp should, if possible, be accompanied by an agreement with Canada that there shall be no export duty on Canadian pulp wood.

A committee of the National Editorial Association, representing some ten thousand daily and weekly newspapers of the United States, petitioned Congress to remove the duty on wood pulp, printing paper, and material entering into the manufacture of printing paper. The Government Forester, after an extensive tour of inspection, declared that "in twenty years the timber supply in the United States on Government reserves and private holdings, at the present rate of cutting, will be exhausted, although it is possible that the growth of that period might extend the arrival of the famine another five years."

It is estimated that the forest area of the United States is from 500,000,000 acres to 700,000,000 acres, and about one-fifth of this area is made up of Government reservations.

The annual growth of our forests does not exceed the amount of wood used for lumber alone, and the annual consumption of wood is probably three times the annual growth.

It is claimed, and no doubt it is true, that an area as large as the State of Rhode Island is devastated every year by the paper manufacturers.

In view of these facts, is there any good reason why legislation looking to the removal of the duty on wood pulp and on print paper ought not to be considered now? Is not the power that can deny to Congress the right to legislate upon these matters too great a power to be exercised by any one man or by a coterie of limited number?

These are important facts and these demands are earnest demands. They deserve a better answer than that given upon this floor not long since by a distinguished member of the Ways and Means Committee, who said, in substance, that these duties should not be removed without deliberation and a full examination of all matters connected with them, and then, laughingly, brushed the whole subject aside by calling attention to one bill for the removal of these duties in which, through an error of a stenographer, "white" paper was written instead of "print" paper. [Applause.]

No one has asked that these duties be removed without opportunity for full deliberation and a careful consideration of all questions connected with their removal, but Congress has been asked to deliberate upon these things, to examine them, and to decide whether or not these tariffs should be maintained for the benefit of the International Paper Company and the Association of Western Paper Makers, recently known as the "General Paper Company" and prosecuted by the Federal Government and compelled to disband.

On January 7 of this year the market price of the grade of paper used by the Minneapolis Tribune was $52 a ton. Until recently that grade of paper was purchased by the Tribune for $38 a ton. It consumes approximately 6,000 tons of paper per year. At $38 a ton its print-paper expense approximated $228,000 annually, while at the rate of $52 a ton it will be $312,000 a year, an increase of $84,000 a year. But that is not the end of the story. The publishers were unofficially notified of a probable still further increase of $10 a ton during the current year.

Of course this great increase is not directly due to the imposition of the tariff tax, which is, I believe, 30 cents per hundred, or $6 a ton. The paper trust and the paper association know how to take advantage of a tariff rate as well as the other trusts and monopolies. If a foreign competitor is attracted to the markets of this country by the high prices obtained from purchasers, and establishes agencies, offices, and all the necessary adjuncts of a permanent trade, at no inconsiderable expense, the price of print paper will go down. With $6 a ton advantage over the foreign paper maker, our manufacturers, who make their paper with just as little expense, can sell at a profit of $5 a ton, and force the outsider, who pays $6 to enter the market, to sell at a loss of $1 a ton in order to meet their price. No wonder the territory is not invaded, but left to the control of the overcapitalized companies exploiting it and fattening on the high prices paid by the purchasers of print paper.

Yet the tariff must be let alone. This condition must continue. It is almost an offense to criticise it. This year there will be a Presidential election. Then will follow the short term of Congress. No time for revision. Then, unless an extra session be called, another election—a Congressional election—will be approaching, and the reasons for postponing tariff revision now may, with equal force, be urged then. [Applause.]

In the Indianapolis News, under date of January 6, appeared the following:

Speaker Cannon will not consent that a bill for a straight repeal of the duty on ground-wood pulp and on print paper shall come out of his Committee on Ways and Means; and all the stand-patters hold up their hands in holy horror at the thought of "precipitating a tariff debate in the Senate" by handing to that body such legislation by the House. If there is any hope at all it is along the line of legislation removing the duty on print paper only.

Recently the gentleman from Wisconsin [Mr. KÜSTERMANN] told us how the Standard Oil Company obtained protection under the provisions of the Dingley-Aldrich law. Approximately one-half of the world's production of petroleum comes from the United States; nearly an equal amount is produced in Russia, and a comparatively small amount by all the other countries in the world. Eliminate the Russian competition and all outside competition worth mentioning is eliminated.

Russia imposes a duty upon petroleum, and because of that fact petroleum coming to this country from Russia is subject to a tariff tax under this clause of the law:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

But the edict has gone forth that the tariff must be let alone. You may censure the Standard Oil Company as much as you please; condemn it because it suffers no competitor to thrive within this broad domain; prosecute it in the Federal courts; denounce it from the public platforms, but when it comes to a removal of the tariff tax behind which it shields itself from competition, and by aid of which it maintains the monopoly of which you complain, then the powers that be, beaming with patriotism and consumed with love of the plain people cry, "Hands off."

It will not do to disturb any tariff schedule prior to a Presidential election. [Applause.]

For good and sufficient reasons there has been no attempt to disturb this particular provision since the enactment of the tariff law a decade ago.

The gentleman from Wisconsin might have gone further in his investigations. He might have pointed out that bituminous coal imported into this country is subject to a tariff tax of 67 cents a ton, that anthracite coal apparently is admitted free of duty. He might have found another clause in the law very like the petroleum provision that attracted his attention and which he termed a "little joker."

Paragraph 415 of Schedule "N" reads as follows:

Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel.

No doubt there is anthracite coal which is nearly pure carbon, but I fancy very little anthracite coal mined out of the United States, which, by any likelihood, may be imported into the United States contains more than 92 per cent of fixed carbon.

But it is an unnecessary and useless labor to investigate too curiously, for has it not been settled that Congress shall not legislate upon the tariff at this session?

Prices of lumber have been abnormally high, and the builders in the farming communities and in the cities have deplored the increased cost of building material. They are told that a tariff of $2 on a thousand feet of lumber does not affect the price at all; that purchasers of lumber in Canada and elsewhere have to pay just as much for it as purchasers in this country pay; that the imposition of this tax has no effect whatsoever upon prices, and that it does not enable the owners of the lumber supply to charge any more than they would charge if the tax were removed.

Why, then, retain it? If the high price of lumber is due to a great demand and a limited supply, and competitors from abroad can not and will not bring lumber here and sell it for less than the market prices of to-day, and if the tax does not enable the owners of lumber to obtain more for it by keeping out this foreign competition, then let the tariff be removed. If its removal will lessen the price, surely a long-suffering people ought to be relieved of an unjust burden. If it will not affect the price because the demand exceeds the supply, then its retention can not be of any benefit to the lumbermen. It appears that this tariff tax is either unjust or useless, and in either case it should be cut out.

In the Twelfth Annual Report of the Forestry Commissioner of Minnesota this statement is found:

I have been at pains to ascertain how much lumber the average farmer in Minnesota who opens up a farm of 160 acres would require for the construction of his farm buildings, including his dwelling, barn, and other necessary buildings, such as shelter for his implements, and find that it would be 30,000 feet, board measure. Also that the average cost of such lumber at present is $30 per 1,000 feet, amounting in all to $900. Now, this is the amount and value at present prices of the lumber required by the average farmer.

In calling attention to these particular commodities, it is not intended to attempt a complete statement of all the reasons for the removal of the tariff duties upon them, but very briefly

to present what may be termed a "prima facie case." If there are reasons, and good reasons, why the duty on print paper and wood pulp, and the duty on coal, and the duty on petroleum, and the duty on lumber should be retained, then, undoubtedly, this Congress, after hearing those reasons and being convinced by them, would not remove such duties. On the other hand, if, in justice, they should be removed, then they would be stricken from the statute.

These questions are important enough to receive consideration. They affect the property of millions of Americans whose representatives are here, and they have the right to say to us, "Devote yourselves to these things and report your conclusions to us. Do not evade the responsibilities that rest upon you. Let the issues be fairly met. Let a record be made."

At the next election not only will a President be chosen, but Representatives to the Sixty-first Congress will be selected, and the people have a right to know whether the candidates seeking their votes favor a removal of unjust tariff rates or their maintenance. [Loud applause on the Democratic side.]

It is said that there is insufficient time to take up the tariff law and examine all its schedules. There is time to take up the tariff duties on articles and things like those to which reference has been made, and many other classes of goods manufactured in this country and controlled by trusts and combinations seeking to monopolize the trade. The protective laws were first enacted for the purpose of building up competitive markets here at home at that time without domestic manufactures. Our home market then was at the mercy of foreign manufacturers who could ship their merchandise here and in fixing their charges take advantage of the lack of domestic competition. It was believed that by means of tariff taxes manufacturers here would be encouraged to produce American-made goods and put them in the American markets and there compete with goods coming from over the seas. The protective tariff was not designed to serve as a shelter for trusts and a shield for monopolies. The beneficiaries of these laws enacted to aid them have in many cases taken advantage of them to crush competition. They have used the weapon so generously provided by the American people against that very people.

The representatives of the people have higher duties to perform than to play politics and to plan for the future of political parties. The foremost leaders of both the great parties stand for the people and against the interests and systems and combinations and associations and corporations that have been plundering them. Patriotic men may, at this time, be less mindful of political campaigns and partisan advantages and more concerned with the efforts of a people to rid themselves of the burdens imposed on them by overfed trusts and monopolies.

Is not there time for the consideration of those tariff schedules that affect commodities that monopolistic concerns trade in? The Dingley bill, which its friends have denominated a magnificent piece of tariff legislation, was completed in less than four months.

The President in his message, to which reference has been made, referring to a general revision of the tariff law rather than a change of particular items, says:

> The subject can not with wisdom be dealt with in the year preceding a Presidential election, because, as a matter of fact, experience has conclusively shown that at such a time it is impossible to get men to treat it from the standpoint of the public good.

This is rather a severe arraignment. Is it possible that this Congress can not take up the tariff schedules at this time and treat them from the standpoint of the public good? [Applause.] If it be so, then the electors of this country ought to send men here who at any time can take up important questions—questions that ought to be solved at once—and treat them from the standpoint of the public good. There must be some men in this country who can do it, and if the present course of nonaction is continued in a very few years they are quite likely to be commissioned to do it in place of the men who can not at certain times treat these questions from the standpoint of the public weal. [Renewed applause.]

Necessary tariff legislation ought not to be postponed.

A large number of gentlemen who claim to be protectionists, but who think that tariff laws should be divorced from politics, came here to urge the appointment of a tariff commission. They seemed to know where it was necessary to go in order to learn whether or not Congress would listen to their petition. Members of this House learned through the newspapers that no tariff commission would be established.

How great the power this unseen autocratic body exercises! Conventions make their appeals, Congressmen introduce their bills, ten thousand newspaper publishers humbly petition, a phalanx of stalwart protectionists urge their plan, and millions of the American people protest against unjust and excessive taxes, but all to no avail. The controlling bureau, the autocratic coterie, is unmoved. The ukase goes forth. There shall be none of it."

But the people are thinking all this time, and they are thinking hard. [Loud applause on the Democratic side.]

Mr. LIVINGSTON. I yield the remainder of my time to the gentleman from New York.

Mr. GOULDEN. I yield to the gentleman from Arizona.

Mr. SMITH of Arizona. Mr. Chairman, I appreciate the great favor of the gentleman, and shall not worry the patience of the House nor consume much of its time. I here present the petition for your consideration. It explains itself.

Mr. Chairman, in general debate alone on the great supply bills or others that must be considered in the Committee of the Whole on the state of the Union can any Member appropriately take the floor for any remarks on a question not germane to the matter in hand? In my long service here, the older Members all know that I have never taken the floor except to appeal for a right denied the people who sent me here or to oppose some injury threatened them. My reward for this course has been found in the attention you have invariably given me. You all remember the intense parliamentary battle fought out on this floor and in the Senate—a fight, the intensity of which has not been reached or touched since the historic conflict over the change of the rules led by the lamented Thomas B. Reed on his election to the Speakership of this great body.

That victory against joint statehood was won, and if I were called on now to pass from life to the dust that waits all life I would desire most to be treasured in the hearts of those whose confidence has sent and kept me here by reason of my course in preventing, as far as my energy, industry, and intelligence could, the unholy, unnatural, unjust, iniquitous union of two great western empires—Arizona and New Mexico—as one State of the Federal Union; but I did not take the floor to discuss that question, but what I have thus far said has been by way of introduction to this House of a remarkable as well as a most touching and pathetic petition just received by me from the county in which I live. It is signed by men, every one of whom is over 70 years of age, and nearly every one of whom blesses me with his confidence and friendship. Ordinarily I content myself, as you all do, in presenting a petition to Congress to merely present it and have it referred to the appropriate committee of this House, and that is usually the last of it. I must in this case digress from my usual rule, for those who have spoken in this petition have the right to be heard here.

The petition is as follows:

To the President and Congress of the United States:

We, the undersigned, citizens and residents of the county of Pima, Territory of Arizona, and each of us qualified electors of said county, most respectfully petition the President and Congress that the Territory of Arizona shall be admitted as a State of the American Union. Our especial reason for petitioning as aforesaid at this time is that each and all of us are over the age of 70 years, and our opportunities for voting for a President of the United States are passing with our added years. We are desirous of exercising the great privilege of voting once more for a President of the United States.

We believe that the Territory of Arizona, on account of the worth, enterprise, and public spirit of her citizens, is entitled to admission as a State, and we hope to impress upon the President and Congress of the United States the duty of making such admission not only as a matter of right to the entire citizens of the Territory, but we feel that the great pleasure which will be afforded to us by the opportunity to vote at the next Presidential election should afford a pleasure to the President and Congress to receive our recommendation in this, our appeal, and we trust that our petition will receive a general and just recognition by the President and the Congress of the United States, and your petitioners will ever pray.

Dated, Tucson, Ariz., December 9, 1907.

Signed by— WILLIAM HERRING (and 47 others).

This petition is signed by more than fifty of these grand old men, who, while you were surrounded with all the comforts of life, indulging in the luxurious ease of an advanced civilization, were building an empire at a cost of labor and hardship, trial and danger which you are unable even to imagine, building with a fortitude that ignored pain and privation, with a courage that saw, but feared not, danger.

And what reward have you given them for this work? Indians despoiled the homes of some of these men, and many others like them who have passed, pray God, to a reward which their country ignored. These men and those who have gone made civilization possible on the face of the forbidding desert—tunnelled the mountains, and poured into the lavishing arteries of trade the pure rich stream of golden blood that saved the life of the country more than once in its recent history. Such men as these, who speak through me to you, paved the way, after blazing the trail for that great number of younger man, who, inspired by their example, have made the West the most generous, the bravest, the truest, the most patriotic, and unselfishly loyal manhood that graces to-day the broad domain over which our banner floats. Yet, I repeat, what have you done for them?

You have prevented early settlers from the just recovery of claims for Indian depredations; you have sent a horde of strangers to fill their offices; you have turned a deaf ear to their every cry for justice, and yet they love their country and their flag, and would willingly surrender their few remaining days to the call in her defense. It staggers your belief, but it is true. What do they ask? They make no boast. Western settlers were not swashbucklers. They ask statehood for the country they made; they ask, like men, for the right of representation—representation to which they are entitled, by every requirement that Congress has ever demanded of any other people in all its history. Treat them as you may, the people by whom their age is surrounded will reverence, love, and cherish them, and, let us hope, that in this they may find some compensation for the violated promises of Congress; for its present refusal to grant their declining years the justice their labor deserves. [Loud applause.]

Mr. GOULDEN. Mr. Chairman, the legislative, executive, and judicial appropriation bill contains some astounding propositions. While realizing fully the difficulties that the committee must meet in a matter of this kind, it seems incredible that certain recommendations are made and others that should have been made omitted. It is the duty of that committee to act in a businesslike way, free from anything that might influence them in arriving at a just and proper conclusion. However, it would appear that the members of that hard-working and trying committee, some of whom would certainly fall under the unfortunate ban of having lived long and useful lives, would not be guilty of agreeing to the following item found on page 166, section 3, of the bill, which reads as follows:

The appropriations herein made for the officers and clerks and persons employed in the public service shall not be available for compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by demotion or removal of such person from the public service.

If enacted into law, it will add undue strength to the powers now vested in chiefs of rooms and divisions, enabling them to easily make room for friends and favorites. It will undoubtedly bring about the removal of hundreds of deserving men and women whose only fault is that they have grown old in the service. In most cases of removal or demotion poverty will stare them in the face. In my judgment it is wrong, and in its present shape should not become a law. As I recall it, a somewhat similar proposition was in the bill last year, but went out on a point of order made by the gentleman from Ohio [Mr. KEIFER], himself a living refutation of the charge of incapacity on account of years.

The same may be said of the distinguished gentleman having charge of the measure, namely, Mr. BINGHAM, the father of the House, and the Member from Georgia, Mr. LIVINGSTON, the able ranking member of the minority members of the committee. None of these distinguished gentlemen and statesmen, though up in years, deserve to be Oslerized or relegated to the walks of private life. [Applause.] I am personally acquainted with many employees of the Government who have passed the three score period of life, who might be classed by a young and frivolous upstart in charge of a room or a division with being incapacitated, and thus be either dismissed or degraded by being demoted. I have in mind a woman 80 years of age, the widow of a gallant officer who lost his life on the battlefield of the civil war, who rarely misses a day and is competent to perform the duties of the position she so ably fills. I will cite one more of the many similar cases with which I am familiar. The law clerk of one of the auditing divisions of the Treasury, who has been there for forty years, and a regular encyclopedia of legal knowledge, who lost an arm in fighting the battles for his country's flag, a gallant officer of our brave volunteers, the admiration of the world, and though nearly 70, is a zealous and loyal official of the Government, whose head might, in the near future, be in danger should this proposition pass. This party receives the salary of $2,000 a year, which, in my judgment, is less than one-half of what similar services and ability would command in any of our large cities. Now, these are fair examples of the condition of things in the various Departments. If the Congress believes that these old and faithful servants of the Government should give away to younger persons, a pension or retirement fund should be provided for them. Fifteen years ago, as a member of the board of education of the city of New York, I found many teachers and principals in the schools who had been teaching for forty years or more, but unable to retire on account of poverty. As is well known, the exactions of teaching and maintaining discipline is a most trying profession. Something had to be done, so a retirement bill was passed by the board of education and approved by the State legislature, giving those incapacitated and who have seen thirty or more years of service a pension of one-half their salary, not to exceed $1,000 yearly. This has since been raised to $1,500 a year. Within a few years, quite a number of old teachers, mostly voluntarily, took advantage of this law, and relieved the splendid system of public education so ably presided over for twenty-three years by that prince of educators, Hon. John Jasper. The retirement of the teachers has been found to be a great benefit to the cause of education and a blessing to those who had given their lives to the noble work.

Let Congress be as humane and patriotic as the great Democratic city of New York, and then incorporate such a law on the nation's statute books. Until that is done, feeling men, men with humane, sympathetic hearts will not agree to thrust hundreds of good, zealous men and women, who have grown old in the service of the Government, on the cold charity of the world. [Applause.] This bill provides for a few increases, very properly, in my judgment. The character, ability, and intelligence required in the State, Army and Navy, the Interior, Post-Office, Commerce and Labor, and other Departments is of so high an order that $6,000 is not too much. I regret that the committee did not recommend a larger increase. It has been my privilege to come in contact, officially, with most of these gentlemen, and I am glad to be able to say that they are all men of exceptionally superior attainments, men of high character, and always gentlemanly in the discharge of their arduous duties. While this meets my hearty approval, I have an indictment to bring against the great Committee on Appropriations. Why did they overlook the thousands of others who are justly entitled to an increase in compensation? It is generally admitted, I think, that the cost of living, food, rent, etc., has advanced 25 per cent in the last five years, making it extremely difficult for Government employees to make both ends meet. In my judgment the committee will do well to heed the recommendations made to the President recently by the Special Committee on Grades and Salaries. This committee, without any interest in the matter, recommends that an increase of 7.7 per cent more than is estimated for the next fiscal year be paid all Government employees. The committee should take this matter up and do justice to the most deserving class of men and women who have no superiors for zeal and devotion to duty anywhere in the country.

The great municipalities of the country are paying higher salaries, having made substantial increases in the last five years. Let justice be done the 15,000 or more employees of the Government, either by materially increasing the salaries, or in lieu of that, provide a pension for those who have grown old in the service. [Applause.]

I ask unanimous consent to include in my remarks an article from the Washington Times of February 12:

OLD CLERKS MUST QUIT, SAYS BILL—MEASURE APPROPRIATING SALARIES ORDERS RETIREMENT—DEPARTMENT HEADS IN HUMOR TO ENFORCE PROPOSED LAW—ASSISTANT SECRETARIES GIVEN INCREASES BY SAME BILL.

Without warning, the long-feared blow has been prepared for the Government clerks of Washington by the House Committee on Appropriations.

In the legislative, executive, and judicial bill reported to the House by the committee providing for the payment of the salaries of all Government employees in Washington it is specified that aged and superannuated employees shall be demoted or dismissed without pension or compensation.

The language in which the provision is couched is emphatic and mandatory, compelling compliance, and not leaving the enforcement of it to the discretion of heads of departments.

It reads as follows:

"The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced, either by the demotion or removal of such person from the public service."

For the last three years there has been constant agitation before the Committee on Appropriations for the retirement of superannuated clerks on a pension or without pension. The committee has heard, in various ways and at various times, many plans advanced for dealing with the question of how to make the Government service economical by removing from it aged employees. There has been much discussion of a civil pension list, and various bills for such an arrangement have been introduced.

MAY BRING POVERTY TO THOUSANDS.

This year the committee has discarded all idea of pensions and has struck at the root of the matter by inserting the brief paragraph that will bring anxiety and, in many cases, poverty to thousands of the inhabitants of the national capital.

An argument for this action by the committee was advanced by Secretary of the Interior Garfield, when he was before the subcommittee in discussing the appropriations relating to his Department. Mr. Garfield told in graphic language of the good results he had obtained from dismissing and demoting employees when there was the slightest complaint against their efficiency. He said he had saved much money to the Government, and had secured better results from his policy of dismissal and demotion.

This struck the committee as a good line of action, and the paragraph for general demotions and dismissals followed.

WILL ENFORCE LAW TO LETTER.

That the heads of departments will not be allowed to let the administration of the law be hampered by mercy and leniency is the general opinion at the Capitol to-day. The language of the statute allows them no such privilege, and, if they fail to enforce it, they will be called to account for it in the next session of Congress.

Such a provision has been put in the bill because the committee believes it will result in economy to the Government. If this economy can not be shown at the end of twelve months, the Committee on Appropriations will want to know the reason why.

One argument used against the new provision is that it will add strength to the powers already wielded by petty chiefs of rooms and divisions, and will give them opportunity to obtain in easy manner the demotion or dismissal of any clerks whom they dislike or against whom they are in any way prejudiced.

If it is finally voted into the bill, it is possible that an amendment will be offered to create a special board to determine the efficiency or superannuation of clerks. The objection is now made that the terms of the provision give the chiefs a latitude that allows them to strike anyone without mercy and according to their whims.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16882), the legislative appropriation bill, and had come to no resolution thereon.

GOVERNMENT CONTROL OF WIRELESS TELEGRAPHY.

The Speaker laid before the House the following message from the President of the United States, which was read, ordered to be printed, and referred to the Committee on the Judiciary:

To the Senate and House of Representatives:

I have received the following letter from the Secretary of the Navy:

FEBRUARY 12, 1908.

SIR: The Navy Department has the honor to invite the attention of the Executive to the necessity for the enactment of legislation whereby the representatives of the Government may have such control of wireless telegraphy as will insure noninterference with official messages.

The Navy Department has, by order of the President, the control of the Government coast stations, but unofficial messages sent by these stations or by public vessels may be interfered with by other wireless stations operated either by commercial companies with a legitimate object or by irresponsible persons with malicious intent.

Frequent occasions have arisen to illustrate the possible consequences of wireless interference; on one occasion an important message to the President of the United States, while embarked on a naval vessel, was interfered with and held up for a considerable time by the workings of a commercial wireless station; and instances have occurred wherein the naval stations at Newport, Washington, and San Francisco have at different times been interfered with by persons operating with no serious object.

The recent international wireless telegraph convention at Berlin, to which the United States was a party, deals only with "wireless telegraph stations open to public service between the coast and vessels at sea," and, therefore, does not take cognizance of stations operated by private individuals for other than public service. It may be noted, however, that article 8 of the convention requires that: "The working of the wireless telegraph stations shall be organized, as far as possible, in such manner as not to disturb the service of other wireless telegraph stations."

In view of the foregoing, the Navy Department recommends that such legislation be enacted as will insure freedom of official messages from interference. To accomplish this the law should make it a punishable offense:

(a) To originate or transmit a false message purporting to be official;

(b) To break in and interfere with any wireless station while it is transmitting an official message;

(c) To refuse to cease or fail to cease sending a private wireless message when called upon to do so by an operator having an official message to be sent.

It will be noted that the enactment of law of the nature proposed would never seriously interfere with the legitimate working of commercial wireless installations. The restrictions suggested are intended to apply particularly to times of peace. During war it is contemplated that much more extensive prohibitions would be exercised, to be put into effect in the absence of legislation by Executive proclamation as a belligerent right.

I am, sir, with great respect,

V. H. METCALF, *Secretary.*

I cordially indorse all that is above stated, and recommend the passage of such legislation as will accomplish the desired end.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1908.*

SENATE CONCURRENT RESOLUTIONS AND BILL REFERRED.

Under clause 2, Rule XXIV, the following resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8 feet depth from the channel at the bulkhead in the Newport River to the town of Beaufort, and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view of deepening the same, and to submit estimates therefor—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same to the main channel of Bogue Sound, on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound, 100 feet in width and of a depth of 5, 8, and 10 feet at low water—

to the Committee on Rivers and Harbors.

Also:

S. 4024. An act for the relief of John H. Hamiter—to the Committee on War Claims.

EXPENDITURES BY THE DEPARTMENT OF STATE.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, in response to the resolution of the House of Representatives of January 20, 1908, calling for information concerning expenditures by the Department of State.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1908.*

RESURVEY OF CERTAIN LANDS, NEBRASKA.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13577) for a resurvey of certain public lands in the State of Nebraska.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township 25 north, range 15; township 33 north, range 16; township 33 north, range 16; township 26 north, range 31; township 34 north, range 32, and township 24 north, range 46, all west of the sixth principal meridian, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers asking for a resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated: *Provided,* That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of said lands so occupied: *Provided further,* That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

With the following amendment:

In lines 5 and 6, after the word "fifteen," strike out the words township 33 north, range 16; township 33 north, range 16."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask how much land is included in this resurvey?

Mr. KINKAID. Four townships.

Mr. PAYNE. What is the reason for it?

Mr. KINKAID. Mr. Speaker, these resurveys are necessary because no corners can be found and homestead entrymen can not ascertain where they should place their improvements, especially their houses and barns and other improvements of a permanent character. It is, I maintain, an obligation of the Government to so restore these now obliterated surveys which were properly made in the first instance and improve others which were imperfectly made as to enable homestead entrymen to readily identify the numbers of the land which they may choose for their homes and homesteads. The condition is such at this time that great confusion exists and much inconvenience experienced on account of the lack of evidences of surveys to properly advise home seekers, settlers, and even surveyors. Most of these lands were surveyed nearly forty years ago and, while the surveys in some instances were evidently imperfect, in other instances, however perfect they may have been, they have become wholly obliterated by prairie fires and other causes, so that the home seeker is as helpless in identifying the numbers of the land he would take as a homestead as if no survey had ever been made. I repeat, the Government owes it to the homesteader to start him out with a good survey.

Mr. PAYNE. I think it is all right so far, but I notice something in the law about releasing contracts already made.

Mr. KINKAID. No, there is no contract about it. What you have in mind has reference to a former practice of the Department of the Interior of requiring all settlers to be affected by a resurvey to enter into a contract to be bound by such resurvey, and the provision referred to in this bill merely excuses the making of such a contract. Besides, there never was any law providing for such a contract or such a survey or resurvey made pursuant thereto, and the reference to such a practice in this bill is a legal superfluity.

Mr. MANN. It releases them from a petition signed by everybody.

Mr. KINKAID. It releases them from a practice that grew up in the Interior Department, but there was no statute requiring it.

Mr. PAYNE. There is, then, something in it about releasing from an agreement.

Mr. MANN. No; it does not require them to make any form of an agreement?

Mr. KINKAID. They are released from making any agreement.

Mr. WILLIAMS. I would like to ask the gentleman, reserving the right to object, if this is the unanimous report of the committee

Mr. KINKAID. It is.

Mr. WILLIAMS. What committee

Mr. KINKAID. The Committee on the Public Lands.

Mr. WILLIAMS. No objection was made to it in committee?

Mr. KINKAID. No; and it was referred to the Secretary of the Interior and report made thereon.

Mr. WILLIAMS. Recommended by the Secretary of the Interior?

Mr. KINKAID. Yes, virtually; for no objection was made.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KINKAID, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. LAFEAN, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Robert Thomas Doyle (H. R. 25201), Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent Harry R. Burrill on trade conditions in Australia—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of the Treasury, recommending legislation in relation to bonds of certain internal-revenue officers—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Hatchee River, Tennessee—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pensacola Bay, Florida—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of N. C. Fears, administrator of estate of W. S. Fears, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of M. F. Collier, administrator of estate of August Heberlein, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for surveying and marking boundaries for Yellowstone Park—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891 (26 Stat., 796), applicable to the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the resolution of the House (H. Res. 228) requesting the Attorney-General to furnish the House with copies of reports made by Mary Grace Quackenbos, on labor conditions of the country, reported the same without amendment, accompanied by a report (No. 894), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16956) to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind., reported the same with amendments, accompanied by a report (No. 897), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands, reported the same without amendment, accompanied by a report (No. 895), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STERLING: A bill (H. R. 17036) relating to liability of common carriers to their employees—to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 17037) to establish a fish-hatching and fish station in the State of Oklahoma at Mangum, Greer County—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS of Georgia: A bill (H. R. 17038) providing that clerk hire allowed to Members of the House of Representatives be paid directly to clerk or clerks instead of to the Members—to the Committee on Accounts.

By Mr. GREENE: A bill (H. R. 17039) increasing the pensions of nurses in certain cases—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17040) to amend an act approved June 4, 1906, authorizing the use of the waters of Coosa River at Lock No. 4, in Alabama—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 17041) to provide for the erection of a public building at Shenandoah, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. McLACHLAN: A bill (H. R. 17042) providing for the purchase of a site and the erection of a public building thereon at Pasadena, in the State of California—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 17043) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people on the Western Hemisphere—to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17044) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: A bill (H. R. 17045) to repeal import duties on antitoxin and diphtheria serum—to the Committee on Ways and Means.

Also, a bill (H. R. 17046) to amend an act entitled "An act to provide revenue for the Government and to encourage

the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

Also, a bill (H. R. 17047) to appropriate $150,000 for the prosecution and extension of the work of the Office of Public Roads in the Department of Agriculture—to the Committee on Agriculture.

Also, a bill (H. R. 17048) to appropriate $500,000 for the prosecution and extension of the work of the Bureau of Soil Surveys in the Department of Agriculture—to the Committee on Agriculture.

Also, a bill (H. R. 17049) to repeal the duty on coal—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 17050) to amend section 18 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes—to the Committee on the Judiciary.

By Mr. WATSON: A bill (H. R. 17051) to supplement an act entitled "An act to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous train brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, and March 2, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: A bill (H. R. 17052) providing for the erection of a public building in the town of Lexington, Va.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 17053) to authorize the drainage of certain lands in the State of Minnesota—to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 17054) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho—to the Committee on Indian Affairs.

By Mr. ANDREWS: A bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. McCALL: Joint resolution (H. J. Res. 136) relative to gaps in the published records of United States history—to the Committee on the Library.

By Mr. SULZER: Joint resolution (H. J. Res. 137) proposing an amendment to the Constitution providing for the election of Senators of the United States by direct vote of the people—to the Committee on Election of President, etc.

By Mr. MILLER: Resolution (H. Res. 236) for the payment of an assistant clerk to the Committee on Claims—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry—to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 17057) granting an increase of pension to Caroline King—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 17058) granting a pension to Julia A. Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list, with the rank and pay of one grade above that actually held by them at the time of retirement—to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 17060) granting a pension to Mollie Smith—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17061) granting an increase of pension to Michael W. Cahill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17062) granting an increase of pension to John Salmon—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 17063) granting an increase of pension to Thomas J. Buttrum—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17064) for the relief of the heirs of Aaron W. Da Costa, deceased—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17065) granting an increase of pension to Leander Buttermore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17066) granting a pension to Clark Collins, jr.—to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 17067) granting an increase of pension to Asher Deitz—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 17068) granting an increase of pension to Judson M. Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17069) granting an increase of pension to Anson Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17070) granting an increase of pension to Nicholas Shults—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 17071) granting an increase of pension to George Champlin—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 17072) for the relief of Sarah E. Terrill—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 17073) granting an increase of pension to Thomas J. Perkins—to the Committee on Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 17074) granting an increase of pension to Robert Magill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17075) granting a pension to Charles C. Meckel—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 17076) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 17077) granting a pension to Joseph M. Pence—to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 17078) granting an increase of pension to Thomas McClure—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 17079) to authorize the payment of the claim of Jacob Rice Lewis, for services as a teamster in the Utah expedition—to the Committee on Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 17080) granting an increase of pension to Enoch L. Waugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17081) granting an increase of pension to Silas Simms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17082) for the relief of J. H. Willis—to the Committee on War Claims.

Also, a bill (H. R. 17083) granting a pension to Harriett A. Glasscock—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17084) for the relief of John Gentry—to the Committee on Military Affairs.

Also, a bill (H. R. 17085) for the relief of Newton Hodge—to the Committee on Claims.

Also, a bill (H. R. 17086) granting a pension to Nancy E. Clark—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 17087) granting a pension to Darius Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17088) granting an increase of pension to John G. Grant—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17089) granting an increase of pension to Greenville Tackitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17090) granting a pension to William Caldwell—to the Committee on Pensions.

Also, a bill (H. R. 17091) granting an increase of pension to Alfred Picklesiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17092) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17093) granting an increase of pension to Andrew J. Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17094) granting an increase of pension to Wesley Hager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17095) granting a pension to George W. Brown—to the Committee on Pensions.

Also, a bill (H. R. 17096) granting a pension to Matilda Kinser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17097) granting a pension to Christopher Alonzo De Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17098) granting a pension to John W. Puckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17099) granting a pension to Milley Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17100) granting a pension to Absalom Hobbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17101) for the relief of J. C. Creed, of Winchester, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 17102) for the relief of George H. Witten—to the Committee on War Claims.

Also, a bill (H. R. 17103) for the relief of the legal representatives of James M. Bullock—to the Committee on War Claims.

Also, a bill (H. R. 17104) to correct the military record of Sylvester B. Miller—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 17105) providing for the presentation of a medal of honor to John J. Moran—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 17106) granting an increase of pension to Catherine Frederick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17107) granting an increase of pension to Charles H. Stockbridge—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 17108) to reinstate in the United States Navy on the retired list Henry Worthing Robie, of Portsmouth, Va.—to the Committee on Naval Affairs.

By Mr. MONDELL: A bill (H. R. 17109) granting an increase of pension to William P. Ray—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 17110) to authorize the cancellation of trust patents in certain cases—to the Committee on Indian Affairs.

By Mr. RHINOCK: A bill (H. R. 17111) granting a pension to Caroline Siebenthaler—to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 17112) granting an increase of pension to George D. Steele—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 17113) granting a pension to John J. James—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 17114) for the relief of J. M. Johnston—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 17115) for the relief of Joseph W. McCall—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 17116) for the relief of S. R. Hurley—to the Committee on Claims.

By Mr. STANLEY: A bill (H. R. 17117) granting an increase of pension to Charles B. Eades—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 17118) granting an increase of pension to Joseph M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17119) granting an increase of pension to Sanson W. Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17120) granting a pension to Cornelius Gandy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17121) granting a pension to Martin M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17122) for the relief of William D. Graham—to the Committee on War Claims.

Also, a bill (H. R. 17123) granting an increase of pension to George W. Chidester—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17124) granting an increase of pension to Mary T. Jennings—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 17125) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 17126) granting an increase of pension to Isaac M. Sheaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17127) granting an increase of pension to James B. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17128) granting an increase of pension to George Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17129) granting an increase of pension to Joseph B. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17130) granting a pension to Harrison Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17131) granting a pension to Edmond Castalor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17132) granting a pension to Ann M. Rothermel—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 17133) to donate certain lands in Baldwin County, Ala., for educational purposes—to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 17134) for the relief of William S. Rote—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 17135) granting an increase of pension to Benjamin A. Anderton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Glass Bottle Blowers' Association, of Alton, Ill., against S. 2926, relating to regulation of commerce in certain cases—to the Committee on the Judiciary.

Also, petition of Commercial Telegraphers' Union of America, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Daniel Baker, of Baltimore, Md., for legislation to regulate interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of National Academy of Science of Washington, D. C., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Dering Coal Company, of Chicago, for a bureau of mines—to the Committee on Mines and Mining.

Also, petition of East Asiatic Society, of Boston, Mass., favoring joint resolution No. 90, concerning consular establishments in China, Japan, and Korea—to the Committee on Foreign Affairs.

Also, petition of Southwestern Lumbermen's Association, of Kansas City, Mo., for legislation to authorize a census of standing timber—to the Committee on the Census.

Also, petition of Cronomer Valley Grange, of New York, for a national preserve in Highlands of the Hudson—to the Committee on Military Affairs.

Also, petition of Baptist Young People's Union of Ohio, for legislation to regulate interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, memorial of legislature of Illinois, and petition of G. W. Robinson, of Garner, Iowa, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Minnesota Retail Hardware Association, praying for complete revision of tariff laws on iron and steel; also revision of bankruptcy law and removal of duty on lumber and logs—to the Committee on Ways and Means.

Also, memorial of National German-American Alliance, in favor of additional forest reserves—to the Committee on Agriculture.

Also, memorial of American National Live Stock Association, for the creation of a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, memorial of National Academy of Science, in favor of forest reserves—to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of State of New York, asking purchase of lands and erection of buildings for consular establishments—to the Committee on Foreign Affairs.

Also, memorial of legislature of Illinois, favoring pensions for surviving ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of heirs of John Campbell—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Caleb A. Lewis, against order of Postmaster-General of December 4, 1907, denying the right of a publisher to extend credit for subscriptions to patrons of his publication—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of American Institute of Electrical Engineers, for forest reservations for timber supply—to the Committee on Agriculture.

By Mr. CALDER: Petition of Citizens' Association of Bay Ridge and Fort Hamilton, for building battle ships in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of Ada W. Smith and Margaretha Loether—to the Committee on Invalid Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of John Salmon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Michael W. Cahill—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of the Brooklyn League Temple Bar, for H. R. 4375 and H. R. 4377, providing pensions for widows and children of Doctor Lazear and Major Carroll—to the Committee on Pensions.

Also, petition of South Bend National Bank, favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of National Funeral Directors' Association, against burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Otto Wicke, for H. R. 14639—to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Petitions of Brotherhood of Sulphite and Paper Mill Workers of Luzerne and Corinth, N. Y., for the retention of duty on wood pulp and white paper—to the Committee on Ways and Means.

Also, petition of D. Eaton, Gloversville, N. Y., against amendment of copyright law—to the Committee on Patents.

By Mr. FITZGERALD: Petition of National German-American Alliance, against any immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of Minnesota Retail Hardware Merchants' Association, for legislation for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. FLOYD: Paper to accompany bill for relief of Daniel Phillips—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Illinois State Horticultural Society, for a parcels-post law and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARNER: Papers to accompany H. R. 3891, for public building in Corpus Christi, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: Petitions of Lyon Post, No. 8, of Oakland, Lincoln Post, No. 1, of San Francisco, and Admiral D. D. Porter Post, No. 169, of Oakland, Grand Army of the Republic, all of the State of California, for H. R. 220—to the Committee on the Judiciary.

By Mr. GRAFF: Petition of Union School District, No. 77, Tazewell County, Ill., for restoration to the coins of the motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. HAMMOND: Petition of H. W. Harslet et al., against H. R. 13477—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. H. Harslet et al., of Butterfield, Minn., against the passage of House bill 13477—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Oakland Lodge, No. 284, International Association of Machinists, for building war ships in United States navy-yards—to the Committee on Naval Affairs.

By Mr. HEPBURN: Petition of H. E. Bunker and G. W. Tracler et al. Citizens of Exline, Iowa, for legislation to enable the States to control shipments of intoxicating liquors upon their arrival within the borders of the State—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Brig. Gen. Hy. S. Merrill—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Reno Post, No. 84, Grand Army of the Republic, of Lakewood, N. J., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of J. C. Wade—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Wilford Drummond (H. R. 16557) and Adeline Summerville (H. R. 16691)—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petitions of Commercial Club of Perry, Iowa, and Iowa State Traveling Men's Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of W. H. Langdon, Fulton N. Y., against amendment of the proposed copyright law—to the Committee on Patents.

By Mr. LAFEAN: Petition of Straban Grange, New Oxford, Pa., asking passage of S. 3152, providing for additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of Straban Grange, No. 1334, New Oxford, Pa., for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. LIVINGSTON: Petition of Local Union No. 10, International Printing Pressmen and Assistants' Union of North America, for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. MAYNARD: Paper to accompany bill for relief of Henry Worthing Robie—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of legal voters of Fifth Congressional District, Edison, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of Appomattox Post, Grand Army of the Republic, Minneapolis, Minn., for the Sherwood pension bill—to the Committee on Pensions.

By Mr. OVERSTREET: Petition of Oran Perry, for H. R. 14783, promoting efficiency of the militia—to the Committee on Militia.

Also, petition of Fred Miller et al., citizens of Indianapolis, against any constitutional amendemnt or treaty provision to extend right of naturalization and for an effectual exclusion law against Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Petition of Trades and Labor Assembly, of Kenton and Campbell counties, Ky., for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. SHERMAN: Petition of J. M. Breamy and T. C. Butts, of Rome, N. Y., and F. E. Abbott, of Little Falls, N. Y., against amendment of proposed copyright law—to the Committee on Patents.

By Mr. SMITH of Arizona: Petition of old men residents of Arizona, asking for statehood—to the Committee on the Territories.

By Mr. STEPHENS of Texas: Petition of Typographical Union No. 531, of Gainesville, Tex., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

By Mr. STURGISS: Paper to accompany bill for relief of George W. Chidester—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the German Publishers' Agency, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Commercial Telegraphers' Union, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Cassidy, post commander of Devine Post, No. 148, Grand Army of the Republic, Department of New York, for H. R. 12067, to remove charge of desertion against sailors and marines who joined the service during the civil war—to the Committee on Naval Affairs.

Also, petition of E. Nattes, for amendment of copyright bill so as to protect musical composers—to the Committee on Patents.

Also, petition of citizens of the United States, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of B. J. Healy and others, for construction of United States vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. TOWNSEND: Petition of Beers Post, No. 140, Tecumseh, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of Michigan Association of Free Will Baptists, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petitions of citizens of Blissfield and Adrian, Mich., for restoration of the motto, "In God we trust"—to the Comtee on Coinage, Weights, and Measures.

By Mr. WOOD: Paper to accompany bill for relief of John W. Morris—to the Committee on Invalid Pensions.

Also, petitions of Edward C. Schmidt and H. M. Brinckerhoff, for H. R. 11562, for repayment of collateral inheritance tax to Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

By Mr. WATSON: Paper to accompany bill for relief of Isaac M. Sheaffer—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: Petition of Frank Livermore and 18 others, of Lycoming County; F. O. Steel and 57 others, residents of Tioga County, and J. C. Colgrove and 34 others, of Potter County, all of the State of Pennsylvania, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

SENATE.

FRIDAY, *February 14, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

STOCK OWNERSHIP OF INTERSTATE-COMMERCE CORPORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting in response to a resolution of the 13th ultimo statements relative to corporations engaged in interstate commerce owning any capital stock of other corporations transporting passengers and freight, etc., which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.